PUBLIC HEARING

HORNBY ISLAND LOCAL TRUST COMMITTEE

September 1, 2026
Hornby Island Community Hall, 4305 Central Road, Hornby Island

PROPOSED BYLAW NO. 176
(Hornby Island Official Community Plan Bylaw No. 149, 2014, Amendment No. 1, 2024)
AND
PROPOSED BYLAW NO. 177
(Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024)

MAJOR PROJECT: HORNBY ISLAND OFFICIAL COMMUNITY PLAN AND LAND USE BYLAW REVIEW

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9.4	2022-06-24	R MCMURTRIE
9.5	2022-07-04	J GARTON
9.6	2022-07-04	J GELLARD
9.7	2022-07-047	R DENOMME
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9.9	2022-07-17	J FORD & G ROBERTS
9.10	2022-07-18	MJ RADFORD
9.11	2022-07-20	MJ & D ANDERSEN
9.12	2022-07-26	K YOUNG
9.13	2022-08-07	EA MILLS
9.14	2022-08-18	D WARDLE
9.15	2022-08-22	A GRAHAM
9.16	2022-08-22	J ZAMLUK
9.17	2022-08-24	A FEARMAN
9.18	2022-08-24	HISTRA
9.19	2022-08-24	J ZAMLUK
9.20	2022-09-05	I RAUDZINS
9.21	2022-09-06	B WEISS
9.22	2022-09-06	J BRYSON
9.23	2022-09-06	L MARTIN
9.24	2022-09-23	D ELLIS TO HICEEC
9.25	2022-10-06	J LAWRENCE
9.26	2022-10-08	A HUDSON
9.27	202210-08	D TUELE
9.28	2022-10-08	P LUI
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9.30	2022-10-11	J OVITSLAND
9.31	2022-10-13	E MILLS – MALONEY
9.32	2022-11-01	T KRELL
9.33	2023-01-02	T STINSON

9.34	2023-01-19	HISTRA
9.35	2023-02-03	T LAW
9.36	2023-02-27	K ROSS
9.37	2023-02-28	J BANKS
9.38	2023-02-28	K ROSS
9.39	2023-02-28	K ROSS LANDLORDS
9.40	2023-02-28	M BURROWS P MALONEY
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9.44	2023-03-02	S CHEZENKO
9.45	2023-03-02	W BURTON RESPONSE HISTRA
9.46	2023-03-03	W BURTON
9.47	2023-03-04	A LEWIS
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9.49	2023-03-07	J KENNEDY
9.50	2023-03-08	C WALLACE
9.51	2023-03-08	K ELDER
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9.59	2023-04-22	M MCEVOY
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9.61	2023-05-19	T LAW
9.62	2023-06-26	T LAW
9.63	2023-07-25	T LAW
9.64	2023-08-15	T LAW
9.65	2023-08-27	T LAW
9.66	2023-08-29	W BURTON
9.67	2023-09-27	S SMALL
9.68	2023-11-10	HISTRA
9.69	203-11-14	J BANKS
9.70	2023-11-17	B STREICHER
9.71	2023-11-17	E PIERSON
9.72	2023-11-23	K ROSS
9.73	2023-11-24	J BANKS
9.74	2023-11-26	I BULLEN AND E MACISAAC

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9.75	2023-11-28	J BANKS
9.76	203-11-28	P DREW
9.77	2023-11-28	T KUHLMANN
9.78	2023-11-29	E EPPICH
9.79	2023-11-30	T TOUWSLAGER
9.80	2023-12-01	D ELLIS AND K WILKINSON
9.81	2023-12-01	D WHITE AND D BARRON
9.82	2023-12-01	K AGAR – NEWMAN
9.83	2023-12-01	STOBBART
9.84	2023-12-01	L – A MARSHALL
9.85	2023-12-02	E MILLS
9.86	2023-12-02	E MILLS
9.87	2023-12-02	G SAYER
9.88	2023-12-02	HISTRA
9.89	2023-12-03	D GUTSTEIN
9.90	2023-12-03	D SHEPPARD
9.91	2023-12-03	N HARRISON AND P BUITENHUIS
9.92	2023-12-04	A THERRIEN
9.93	2023-12-04	H AND D ABREDER
9.94	2023-12-04	L BURCH
9.95	2023-12-04	L GORAL
9.96	2023-12-04	R DENOMME
9.97	2023-12-04	R GOLDSMITH
9.98	2023-12-05	A GRAHAM
9.99	2023-12-05	A WARDLE
9.100	2023-12-05	D BURCH
9.101	2023-12-05	D HAY AND R SYDNEYSMITH
9.102	2023-12-05	HISTRA
9.103	2023-12-05	HISTRA
9.104	2023-12-05	J GALLINGER AND K BELL
9.105	2023-12-05	J HUMPHREY
9. 106	2023-12-05	P ORR
9. 107	2023-12-05	J BRYSON
9. 108	2023-12-05	K ROSS
9. 109	2023-12-06	E BAXTER
9. 110	2023-12-07	J KENNEDY
9.111	2023-12-07	P LUI
9.112	2023-12-10	S MORRISETTE
9.113	2023-12-11	N ADAMS
9.114	2024-02-01	D DAVIDSON
9.115	2024-02-02	K DENWINETZ

9.116	2024-03-18	D ELLIS
9.117	2024-03-19	H TOUWSLAGER
9.118	2024-03-19	HISTRA
9.119	2024-03-20	E MILLS
9.120	2024-3-20	K ROSS
9.121	2024-03-20	T AND A MURPHY
9.122	2024-03-20	T KRELL
9.123	2024-03-21	DUNCAN AND DENEEN
9.124	2024-03-21	E BAXTER AND K DUBOIS
9.125	2024-03-22	C AITCHISON
9.126	2024-03-22	I BULLEN AND E MACISAAC
9.127	2024-03-22	S DAVIDSON
9.128	2024-03-26	T LAW
9.129	2024-04-02	T LAW
9.130	2024-04-05	L BROWN
9.131	2024-04-11	H TOUWSLAGER
9.132	2024-04-12	T KRELL
9.133	2024-04-22	D NELSON
9.134	2024-04-22	J KENNEDY
9.135	2024-04-25	HISTRA
9.136	2024-04-25	HISTRA
9.137	2024-04-26	D ELLIS
9.138	2024-08-06	A THERRIEN
9.139	2024-08-07	HISTRA
9.140	2024-08-07	K ROSS
9.141	2024-11-05	S WARWICK
9.142	2024-12-30	HICEEC
9.144	2025-01-23	HISTRA
9.145	2025-02-17	W BURTON
9.146	2025-03-05	HICEEC
9.147	2025-03-18	DEVETTE
9.148	2025-03-18	BROWN
9.149	2025-03-19	HUMPHREY
9.150	2025-03-20	BURCH
9.151	2025-03-20	DENHOMME
9.152	2025-03-20	HISTRA
9.153	2025-03-20	LUI
9.154	2025-03-20	SYDNEY SMITH
9.155	2025-03-20	TAL
9.156	2025-03-20	THURBIDE
9.157	2025-03-20	TOUWSLAGER

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9.158	2025-03-20	W BURTON
9.159	2025-03-21	K AGAR-NEWMAN AND M FINNIS
9.160	2025-03-31	WILKENSEN
9.161	2025-04-01	SHEPPARD
9.162	2025-04-02	INGREY
9.163	2025-04-02	KUHLMANN
9.164	2025-04-03	ANDERSEN
9.165	2025-04-17	LAW
9.166	2025-04-18	BLOCH
9.167	2025-04-20	KLINKHAMELS
9.168	2025-04-20	MOHR
9.169	2025-04-20	T MOHR
9.170	2025-04-21	MOHR
9.171	2025-04-25	VAN HELVOIRT
9.172	2025-04-29	HICEEC
9.173	2025-04-30	GRAYSON
9.174	2025-05-04	KENNEDY
9.175	2025-05-05	ELLIS
9.176	2025-05-06	PATTEN AND ELLIOTT
9.177	2025-05-07	LAW
9.178	2025-08-08	ONORAH
9.179	2025-05-09	MADSEN
9.180	2025-05-09	STOTTS
9.181	2025-05-12	HICEEC
9.182	2025-05-12	T LAW
9.183	2025-05-12	WESTAWAY AND FROST
9.184	2025-05-13	DENHOMME
9.185	2025-05-13	HISTRA
9.186	2025-05-13	TOUWSLAGER
9.187	2025-05-15	LAW
9.188	2025-08-15	HISTRA
9.189	2025-08-15	V PAGNIER
9.190	2025-08-21	A LEWIS (HISTRA)
9.191	2026-01-08	HORNBY STVR LETTER
9.192	2026-01-26	HESKETH
9.193	2026-01-26	L EARLE
9.194	2026-02-04	B STREICHER
9.195	2026-02-10	L BROWN
9.196	2026-02-13	HISTRA
9.197	2026-02-15	P SHEPPARD
9.198	2026-02-22	D WHITE

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9.199	2026-03-02	L BROWN
9.200	2026-03-03	E BAXTER AND K DUBOIS
9.201	2026-03-03	I BULLEN AND E MACISAAC
9.202	2026-03-10	A DONE
9.203	2026-03-10	B STREICHER
9.204	2026-03-10	K AGAR-NEWMAN
9.205	2026-03-*10	M ANDERSON
9.206	2026-03-11	E EPPICH
9.207	2026-03-11	E MILLS
9.208	2026-03-11	L THURBIDE
9.209	2026-03-12	J HESKETEH
9.210	2026-03-12	J REID
9.211	2026-03-12	K HESKETH
9.212	2026-03-12	L MARSHALL
9.213	2026-03-13	HISTRA
9.214	2026-03-13	P LUI
9.215	2026-03-13	P ORR
9.216	2026-03-15	K YOUNG
9.217	2026-03-15	M FENGER
9.218	2026-03-15	M REMPEL
9.219	2026-03-15	P DEVETTE
9.220	2026-03-16	R DENHOMME
9.221	2026-03-16	M CHEN
9.222	2026-03-16	M GRAHAM
9.223	2026-03-16	S AND D DONNECKE
9.224	2026-03-17	A BANDONI
9.225	2026-03-17	B CORNER
9.226	2026-03-17	D AND L BIRCH
9.227	2026-03-17	K AND K STOBBART
9.228	2026-03-17	S AND C AITCHISON
9.229	2026-03-18	A THERRIEN
9.230	2026-03-18	C ELLISON
9.231	2026-03-18	HICEEC
9.232	2026-03-18	E FEDDER
9.233	2026-03-19	E BAXTER
9.234	2026-03-19	T KRELL
9.235	2026-03-20	D MASON
9.236	2026-03-20	HICEEC
9.237	2026-06-01	T LAW
9.238	2026-06-22	K ROSS
9.239	2026-06-23	HIRRA

9.240	2026-06-24	A LAW
9.241	2026-06--25	HISTRA

10. PUBLIC HEARING SUBMISSIONS

11. COMMUNITY CONSULTATION

ITEM	DATE	TITLE
11.1	2022-10-06	HORNBY COMMUNITY ENGAGEMENT PRESENTATION
11.2	2023-03-30	FINAL OCP REVIEW ENGAGEMENT REPORT
11.3	2022-05-06	APC HOUSING AND STVR RECOMMENDATIONS
11.4	2022-05-06	APC HOUSING AND STVR RECOMMENDATIONS DOCS REFERENCED
11.5		APC INDEIGENOUS LANGUAGE RECOMMENDATIONS
11.6	2021-05-28	HORNBY APC MEETING MINUTES
11.7	2021-06-30	HORNBY APC MEETING MINUTES
11.8	2021-07-23	HORNBY APC MEETING MINUTES
11.9	2021-09-24	HORNBY APC MEETING MINUTES
11.10	2021-10-29	HORNBY APC MEETING MINUTES
11.11	2021-11-26	HORNBY APC MEETING MINUTES
11.12	2022-01-14	HORNBY APC MEETING MINUTES
11.13	2022-01-28	HORNBY APC MEETING MINUTES
11.14	2022-02-11	HORNBY APC MEETING MINUTES
11.15	2022-02-25	HORNBY APC MEETING MINUTES
11.16	2022-03-18	HORNBY APC MEETING MINUTES
11.17	2022-03-29	HORNBY APC MEETING MINUTES
11.18	2022-06-22	HORNBY APC MEETING MINUTES
11.19	2024-11-29	HORNBY APC RATIONALE

12. OTHER INFORMATION

ITEM	DATE	TITLE
12.1	2011-12-13	RAR STREAM IDENTIFICATION MIMULUS CONSULTING
12.2	2014-01-21	HORNBY ISLAND RAR STREAM IDENTIFICATION BEAULAH CREEK AND THREE UN-NAMED WATERSHEDS MADRONE ENVIRONMENTAL SERVICES

12.3	2025-02-07	SUITABLE LAND ANALYSIS PRESENTATION
12.4	2025-03-21	SUITABLE LAND ANALYSIS MAP

CHAIRPERSONS OPENING STATEMENT

The following is an example of an opening statement to be made by the Chairperson of the Local Trust Committee at the beginning of the Public Hearing.

"This Public Hearing is being convened pursuant to Section 465 of the Local Government Act in order to consider:

PROPOSED BYLAW NO. 321
(Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2025)
AND
PROPOSED BYLAW NO. 322
(Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2025)

All persons who believe that their interest in property is affected by the proposed bylaw(s) will be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaw(s). Those wishing to speak should commence their presentation by clearly stating their name.

Members of the Local Trust Committee may, if they wish, ask questions of you following your presentation; however, the main function of the Local Trust Committee members is to listen to the views of the public. It is not the function of Committee members to debate the merits of the proposed bylaw(s) with individual citizens.

Everyone will be given a reasonable opportunity to be heard and none should feel discouraged from presenting their views.

In considering the proposed bylaw(s), the Local Trust Committee has received documents which may influence its decision. Those documents are available for review during this hearing, as available on our website and indicated in the Public Hearing notice.

Any person who wishes to present a written submission to the Local Trust Committee may do so, and all written submissions are available for review during this hearing. Written submissions must be received by the Local Trust Committee before the close of the hearing.

Your final opportunity to comment on the proposed bylaw(s) is during this hearing, as members of the Local Trust Committee may not receive further submissions, nor discuss the proposed bylaw with the public after the close of the hearing.

After this Public Hearing has concluded, the Local Trust Committee may, without further notice, make whatever decision it deems proper with respect to the bylaw(s) that are the subject of the hearing."

Print Date: August 21, 2026

Bylaw: HO-176

Trust Area: Hornby Island Local Trust Committee
Type: Official Community Plan Bylaw
Bylaw No.: HO-176
Application No.:
Trust Initiated: No

Proofread By:

Clerk: Yes
Planner: Yes
Technical Staff: Yes

First Reading Date: 09-Aug-2024
Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 09-Aug-2024

Resolutions:

Resolution Waiving Public Hearing: No
Resolution Authorizing Public Hearing: Yes
Resolution to Proceed no Further Date:

Secretary Signature Block:

Secretary's Signature: Mourao, Nadine
Date: 21-Aug-2026
File complete and ready for Public review: Yes

Public Hearings:

Location: Hornby Island Community Hall
Proofread By: Mourao, Nadine

Legal Paper: Hornby Tribune
Notice Published to Website: 12-Aug-2026
First Publish Date: 26-Aug-2026
Second Publish Date:

Alternate Paper:
First Publish Date:
Second Publish Date:

Mailout Date:
Delivery Notices:
Date Public Hearing Held: 01-Sep-2026
Second Reading Date: 16-May-2025
Third Reading Date:

Print Date: August 21, 2026

Bylaw: HO-177

Trust Area: Hornby Island Local Trust Committee
Type: Land Use Bylaw
Bylaw No.: HO-177
Application No.:
Trust Initiated: No

Proofread By:

Clerk: Yes
Planner: Yes
Technical Staff: Yes

First Reading Date: 09-Aug-2024
Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 09-Aug-2024

Resolutions:

Resolution Waiving Public Hearing: No
Resolution Authorizing Public Hearing: Yes
Resolution to Proceed no Further Date:

Secretary Signature Block:

Secretary's Signature: Mourao, Nadine
Date: 21-Aug-2026
File complete and ready for Public review: Yes

Public Hearings:

Location: Hornby Island Community Hall
Proofread By: Mourao, Nadine

Legal Paper: Hornby Tribune
Notice Published to Website: 12-Aug-2026
First Publish Date: 26-Aug-2026
Second Publish Date:

Alternate Paper:
First Publish Date:
Second Publish Date:

Mailout Date:
Delivery Notices:
Date Public Hearing Held: 01-Sep-2026
Second Reading Date: 20-Mar-2026
Third Reading Date:

Hornby Island Local Trust Committee
PUBLIC HEARING NOTICE
Proposed Bylaw Nos. 176 (OCP) and 177 (LUB)
Major Project: Hornby Island Official Community Plan and Land Use Bylaw Review

The Hornby Island Local Trust Committee invites the public to attend a Public Hearing beginning at **12:00 noon, Tuesday, September 1, 2026, to be held at Hornby Island Community Hall, 4305 Central Road, Hornby, BC,** to hear your views regarding **Proposed Bylaw Nos. 176 and 177**.

- **11:45 AM – Community Information Meeting** will be held prior to the Public Hearing for the public to review the purpose of the bylaws and to allow an opportunity for technical questions prior to the start of the hearing.
- **12:00 PM – Public Hearing** to allow the public to share views with the Local Trust Committee such as support for the bylaws as presented; support for changes to the proposed bylaws or not in support of the bylaws.

What are Bylaw Nos. 176 and 177 about?

Proposed Bylaw No. 176 would amend the Hornby Island Official Community Plan by introducing:

- A new requirement for a Temporary Use Permit for vacation home rental use;
- New policies supporting housing diversity;
- A new policy supporting housing in the ALR consistent with ALC regulations.

Proposed Bylaw No. 177 would amend the Hornby Island Land Use Bylaw by:

- Amending the definition of 'structure' to exclude cisterns;
- Amending the definition of 'vacation home rental use' to specify guests less than 30 days;
- Amending the PU(a) site specific zone to include community housing;
- Introducing new Temporary Use Permit guidelines for vacation home rental use.

How Do I Get More Information?

Copies of the proposed bylaws, the Public Hearing Binder and other information is available **online** from August 21, 2026 to September 1, 2026 here: https://islandstrust.bc.ca/island-planning/hornby/projects/ and at the Islands Trust Northern Office, 700 North Road, Gabriola, BC V0R 1X3 from 8:30 a.m. to 4:00 p.m., Tuesday – Thursday excluding statutory holidays.

Enquiries?

Contact the Islands Trust Northern Office, by **email:** northinfo@islandstrust.bc.ca, or **phone:** 250-247-2063.

Written submissions?

Written submissions will be accepted until 4:30 p.m., August 31, 2026 to: Islands Trust, 700 North Road, Gabriola Island, BC, V0R 1X3 or **email**: **northphsub@islandstrust.bc.ca**

Written submissions made in response to this notice will be available for public review. Written submissions received after the deadline will be considered late and will not be accepted by the Local Trust Committee. However, comments can still be made until the close of the public hearing in the following ways:

- Speaking during the public hearing (either yourself or by someone present on your behalf).
- Hand-delivering your written comments to the Public Hearing Secretary at the meeting.

NO WRITTEN OR ORAL REPRESENTATIONS WILL BE RECEIVED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE, OR ITS MEMBERS, AFTER THE CONCLUSION OF THE PUBLIC HEARING.

Nadine Mourao,
Deputy Secretary

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 176

A BYLAW TO AMEND HORNBY ISLAND OFFICIAL COMMUNITY PLAN, 2014

The Hornby Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Hornby Island Local Trust Area under the *Islands Trust Act,* enacts as follows:

1. This bylaw may be cited for all purposes as "Hornby Island Official Community Plan Bylaw No. 149, 2014, Amendment No. 1, 2024".

2. Hornby Island Local Trust Committee Bylaw No. 149, cited as "Hornby Island Official Community Plan, 2014," is amended as per Schedule "1" and "2" attached to and forming part of this bylaw.

READ A FIRST TIME THIS	9TH	DAY OF	AUGUST	, 2024
READ A SECOND TIME THIS	16th	DAY OF	MAY	, 2025
PUBLIC HEARING HELD THIS	-	DAY OF	-	, 202x
READ A THIRD TIME THIS	-	DAY OF	-	, 202x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	-	DAY OF	-	, 202x
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS				
	-	DAY OF	-	, 202x
ADOPTED THIS	-	DAY OF	-	, 202x

_____ _____

Chair **Secretary**

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 176
Schedule "1"

1. **Schedule "A"** of Hornby Island Official Community Plan, 2014 is amended as follows:

1.1 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.1 Residential – General, Objectives** (1) is deleted and replaced with:

"(1) to ensure that a variety of housing and housing tenure options are supported by this Plan."

1.2 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential,** article **6.3.1 Residential – General, Policies**, is amended by adding the following new policy after 6.3.1.3 "6.3.1.4 Vacation Home Rental use is permitted through the issuance of a valid Temporary Use Permit."

1.3 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Objectives,** be amended by adding a new objective after (4) which reads: "(5) to support multi-dwelling residential rental tenure development in the Large Lot Residential zone, through rezoning applications."

1.4 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Policies** 6.3.3.6 is amended by deleting the words "and vacation home rentals".

1.5 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Policies** is amended by adding a new policy 6.3.3.10 that reads "6.3.3.10 Rezoning applications are encouraged for multi-dwelling developments restricted to residential rental tenure and which ensure affordability is maintained in perpetuity."

1.6 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.4 Agriculture**, article **6.4.1 Agriculture, Policies,** 6.4.1.4 be deleted in its entirety and replaced with "6.4.1.4 On lots 4.0 hectares or larger in the Agricultural Land Reserve, regulations should permit one principal dwelling and one secondary suite within the principal dwelling as well as one additional secondary dwelling limited in floor area and consistent with the Agricultural Land Commission regulations."

1.7 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.2 Visitor Accommodations and Tourism, Policies,** 6.5.2.5 a) is amended by removing the words ", guest houses or vacation home rentals".

1.8 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.2 Visitor Accommodations and Tourism, Policies,** 6.5.2.5 b) is deleted in its entirety and replaced with "6.5.2.5 b) On land in the Agricultural Land Reserve, vacation home rentals approved by a temporary

use permit and agri-tourism accommodation in accordance with Agriculture Land Commission policy and regulations, if zoning allows such a use."

1.9 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.2 Visitor Accommodations and Tourism, Policies,** Policy 6.5.2.5 is amended by adding a new item c) that reads: "c) Vacation home rental use may be approved through the issuance of a Temporary Use Permit and subject to guidelines contained within the Land Use Bylaw."

1.10 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.3 Vacation Home Rental,** is deleted in its entirety and subsequent subsections renumbered accordingly.

1.11 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.5 Home Occupations, Background,** paragraph 2 is amended by removing the words "and vacation home rental of a primary residence is addressed in article 6.5.3 Vacation Home Rental".

1.12 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.5 Home Occupations, Policies,** Policy 6.5.5.7 is deleted in its entirety and subsequent policies renumbered accordingly.

1.13 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.10 Temporary Use Permits, Objectives**, Objective (9) is deleted in its entirety and replaced with "(9) to allow vacation home rental use as per Policy 6.5.2.5 c)".

1.14 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.10 Temporary Use Permits, Guidelines**, 6.10.1 through 6.10.10 are deleted and replaced with the following text: "The guidelines for this subsection are found in the Hornby Island Land Use Bylaw."

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 177

A BYLAW TO AMEND HORNBY ISLAND LAND USE BYLAW, 2014

The Hornby Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Hornby Island Local Trust Area under the *Islands Trust Act,* enacts as follows:

1. This bylaw may be cited for all purposes as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024".

2. Hornby Island Local Trust Committee Bylaw No. 150, cited as "Hornby Island Land Use Bylaw, 2014," is amended as per Schedule "1" attached to and forming part of this bylaw.

READ A FIRST TIME THIS	9TH	DAY OF	AUGUST	, 2024
READ A SECOND TIME THIS	26TH	DAY OF	JUNE	, 2026
PUBLIC HEARING HELD THIS	-	DAY OF	-	, 202x
READ A THIRD TIME THIS	-	DAY OF	-	, 202x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	-	DAY OF	-	, 202x
ADOPTED THIS	-	DAY OF	-	, 202x

_____ _____

Chair **Secretary**

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 177
Schedule "1"

1. **Schedule "A"** of Hornby Island Land Use Bylaw, 2014 is amended as follows:

1.1 **PART 1, INTERPRETATION,** Section **1.1 Definitions,** the definition of **structure** is amended by adding the words ", and water storage cisterns." After "related appurtenances".

1.2 **PART 1, INTERPRETATION,** Section **1.1 Definitions,** and the definition of **vacation home rental use** be deleted and replaced with:

"vacation home rental use means the use of a residential dwelling unit for the temporary accommodation of paying guests for a period of less than 30 consecutive days, where: (a) an owner or tenant of the lot on which the dwelling unit is located is ordinarily a resident in the dwelling and the vacation home rental use is occurring during a temporary absence of that owner or tenant; or (b) the owner or tenant is residing in another lawful dwelling on the same lot while the vacation home rental is occurring; or (c) the owner of the lot resides seasonally in the dwelling unit and the vacation home rental use is occurring during the absence of that owner; and includes such a use of a dwelling unit the residential use of which is a lawfully nonconforming use under Section 528 of the Local Government Act, unless such residential use is discontinued for a continuous period of six months."

1.3 **PART 3, GENERAL REGULATIONS,** Section **3.7 Vacation Home Rental Uses** be deleted and subsequent sections are re-numbered accordingly.

1.4 **PART 8, ZONE REGULATIONS**, Section **8.1 Residential 1- Small Lot (R1) Zone (Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot)**, Subsection **(1) (d)** is deleted.

1.5 **PART 8, ZONE REGULATIONS**, Section **8.2 Residential 2- Large Lot (R2) Zone**, Subsection **(1) (h)** is deleted.

1.6 **PART 8, ZONE REGULATIONS**, Section **8.4 Residential 4- Forest (R4) Zone**, Subsection **(1) (g)** is deleted.

1.7 **PART 8, ZONE REGULATIONS**, Section **8.5 Agriculture 1 (A1) Zone**, Subsection **(1) (f)** is deleted.

1.8 **PART 8, ZONE REGULATIONS**, Section **8.21 Public Use (PU) Zone**, Subsection **(9) table** is amended by adding a new site specific regulation after "(d) Recycling depot" that reads "(e) Community housing, to a maximum density of 10 units per hectare and 24 live/work units per lot."

1.9 **PART 10, TEMPORARY USE PERMIT AREAS,** Section **10.1 Temporary Use Permits,** text is amended by adding the following sentence at the end of the paragraph "All Temporary Use Permit Objectives are listed in the Hornby Island Official Community Plan."

1.10 **PART 10, TEMPORARY USE PERMIT AREAS,** Section **10.2 Objectives** is deleted and subsequent section renumbered accordingly.

1.11 **PART 10, TEMPORARY USE PERMIT AREAS**, Section **10.3 Guidelines,** Subsection **(10)** is deleted and replaced with the following:

"When considering the issuance of a Temporary Use Permit for a vacation home rental, the following additional guidelines apply:

(a) The cumulative impacts of vacation home rentals on both the neighbourhood and the island as a whole shall be considered. Applications may be refused where the concentration or cumulative effect of vacation home rentals would result in unacceptable land use impacts, including but not limited to impacts on residential character, traffic, or housing availability.

(b) Applicants for a Temporary Use Permit should provide:

i) Confirmation from an authorized person that the wastewater management system serving the vacation rental has been inspected within the previous six (6) months and complies with the Sewerage System Regulation, or confirmation identifying what upgrades or construction would be required for the system to achieve compliance. Where alternative wastewater systems (such as composting or waterless toilets) are proposed, documentation must demonstrate that the system complies with applicable regulations or has been designed and assessed by a qualified professional.

ii) Where the vacation rental is served by a water system supplying more than one dwelling, a copy of a valid operating permit issued under the Drinking Water Protection Regulation, if applicable.

iii) Confirmation from a qualified professional, within the previous six (6) months, that the groundwater or rainwater supply serving the vacation rental meets, or can be made to meet through specified treatment or management measures, the Guidelines for Canadian Drinking Water Quality for microbial and chemical quality.

iv) Where groundwater is the whole or partial water supply serving the vacation rental, confirmation from a qualified professional that the quantity of groundwater available to serve the vacation rental is sufficient for the intended use.

v) Where rainwater is the whole or partial water supply serving the vacation rental, documentation of the rainwater collection system and quantity of the storage is sufficient for the intended use.

(c) a condition of the Temporary Use Permit should require the permit holder to post information for guests about awareness and sensitivity to the significant First Nations cultural heritage and archaeological sites on the island;

(d) a condition of the Temporary Use Permit should prohibit recreational vehicles or camping;

(e) a condition of the Temporary Use Permit should allow vacation home rental use only between May 1 – September 30;

(f) a condition of the Temporary Use Permit should allow no more than 2 beds per bedroom and no more than three bedrooms to be used for dwellings on lots less than 1.0 hectare in size; or more than four bedrooms if the lot has an area of 1.0 hectare or more.

(g) a condition of the Temporary Use Permit should restrict occupancy during any period of seven consecutive days to only one guest or guest party;

(h) a condition of the Temporary Use Permit should limit occupancy and signage on the property;

(i) a condition of the Temporary Use Permit should require specific information to be posted to guests regarding the location of property lines by way of a map, any applicable noise bylaws, measures to address water conservation, fire safety, storage and management of garbage, septic system care and control of pets (if pets are permitted) as stated in the Temporary Use Permit or as determined by the owner or manager to effectively manage the site; and

(j) any other requirements the Local Trust Committee may consider appropriate."

BYLAW REFERRAL FORM

700 North Road
Gabriola Island BC V0R 1X3
Ph: (250) 247-2063
Fax: (250) 247-7514
northinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Hornby Island Local Trust Area **Bylaw No.:** 176 (OCP) and 177 (LUB) **Date:** August 12, 2024

You are requested to comment on the attached Bylaws for potential effect on your Nation/Agency's interests. We would appreciate your response within 90 days, by November 22, 2024. If you require support in reviewing this referral, our project planner is available to schedule a virtual meeting at your earliest convenience. Please contact our office directly with any questions. A Public Hearing to consider the Bylaws is anticipated prior to March 31, 2025.

APPLICANTS NAME / ADDRESS:

Hornby Island Local Trust Committee

PURPOSE OF BYLAW:

Phase 1 2024/2025 includes targeted amendments to Hornby Island Official Community Plan (OCP) and Land Use Bylaw (LUB) to:
- permit secondary suites in residential zones where adequate septic and groundwater is available;
- regulate vacation rentals in dwelling units through Temporary Use Permit and updated guidelines;
- exempt cisterns from setback regulations; and
- permit chickens for personal use while prohibiting roosters in residential zones.

GENERAL LOCATION:

Island wide

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:	ALR STATUS:	OFFICIAL COMMUNITY PLAN DESIGNATION:
n/a	n/a	n/a

OTHER INFORMATION:

The Hornby Island Local Trust Committee gave First Reading to proposed Bylaw No. 176 (OCP) and No. 177 (LUB) on August 9, 2024. These two bylaws are the FIRST set of amendments in this targeted project to update the OCP and LUB.

First Nations engagement is currently underway to inform the 2025/26 drafting of a SECOND set of OCP/LUB amendments specific to First Nations references in the OCP while addressing First Nations interests and concerns with updated policies and regulations. These will be referred to you separately and in the next fiscal year.

A copy of the most recent staff report, project charter and the proposed bylaws are included in this referral for background information. All relevant background information, including staff reports and public correspondence received is posted to the Hornby Island Projects webpage: https://islandstrust.bc.ca/island-planning/hornby/projects/

Please direct any communications regarding this referral to Nadine Mourao at 250-247-2206, or by email to nmourao@islandstrust.bc.ca.

Please fill out the Response Summary on the back of this form. If your Nation or Agency's interests are "*Unaffected*", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

Nadine Mourao

(Your Signature)

Your Name: Nadine Mourao

Your Title: Legislative Clerk / Deputy Secretary

This referral has been sent to the following First Nations and agencies:

First Nations
K'omoks First Nation
Cowichan Tribes (Tsu'uubaa-asatx and Cowichan Lake First Nations)
Qualicum Indian Band
Halalt First Nation
Lyackson First Nation
Nanwakolas Council
Penelakut Tribe
Stz'uminus First Nation

Federal Agencies
N/A

Provincial Agencies
N/A

Regional Agencies
Comox Valley Regional District

Tla'amin First Nation
Snuneymuxw First Nation
We Wai Kai Nation
We Wai Kum Nation
Tlowitsis First Nation
Da'naxda'xw/Awaetlala First Nation
Mamalilikuulla First Nation

Island Health

Adjacent Local Trust Committees and Municipalities
Denman Island Local Trust Committee

Non-Agency Referrals
School District No. 71
Hornby Island Advisory Planning Commission

BYLAW REFERRAL FORM
RESPONSE SUMMARY

☐ **Approval Recommended for Reason(s) Outlined Below**

☐ **Approval Recommended Subject to Condition(s) Outlined Below**

☐ **Interests Unaffected by Bylaw**

☐ **Approval Not Recommended Due to Reason(s) Outlined Below**

Additional Comments:

Hornby Island Trust Area	176 (OCP) and 177 (LUB)
(Island)	(Bylaw Number(s))
(Your Signature)	(Print Your Name, Your Title)
(Date)	(First Nation/Agency)

Referrals Report Summary

Referrals: Bylaw HO-176&177

Agency	Sent	Received
Comox Valley Regional District *Referrals Coordinator*	14-Aug-2024	
Da'naxda'xw/Awaetlala First Nations *Robert Duncan, Administrator* No comment or concern.	14-Aug-2024	15-Aug-2024
Denman Island Local Trust Committee Interests Unaffected by Bylaw.	14-Aug-2024	
Halalt First Nation *Referrals Coordinator*	14-Aug-2024	
Hornby Island Advisory Planning Commission 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.	14-Aug-2024	16-Dec-2024

Referrals Report Summary

• 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: o 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. o 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. o 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. o 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.		
K'omoks First Nation *Lia Tarle, Archaeologist & Repatriation Coordinator* **09-Dec-2024:** Thank you for this. Please consider this our interim response to environmental land use referrals (noting that we do have capacity to respond to archaeology referrals, via Raini): KFN is currently at capacity for environmental referrals and cannot meaningfully engage at this time. Please note that even if KFN does not respond to a referral within a given deadline, we may choose to address the issues of Aboriginal rights and/or title infringement and compensation through the treaty process, the courts, or other dispute resolution processes. We also reserve the right to raise objections if any cultural use, archaeological sites, or environmental impacts are identified when work is carried out or if we discover impacts on our rights or interest that we had not foreseen.	13-Aug-2024 24-Mar-2025	09-Dec-2024 14-Mar-2025

Referrals Report Summary

Regarding Hornby Proposed Bylaw Nos. 176 and 177 and Denman Propose Bylaw Nos. 248 and 249, the K'omoks First Nation have been advised by Islands Trust Planning staff that data from a Denman and Hornby Island suitable land analysis study will be available in early 2025, which may inform our response to the proposed amendments. KFN may be able to respond to the request for a referral response after reviewing the results of the suitable land analysis. **14-Mar-2025:** The KFN established a new environmental referrals team in February 2025 and we were presented with the Islands Trust's Suitable Land Analysis on March 5, 2025. We have identified gaps in knowledge regarding the environmental impacts of the proposed amendments, meaning that KFN cannot at this time make informed decisions about the impacts of the proposed changes on the Nation's rights and interests. As such, we request that the LTC defer consideration of advancing the proposed bylaws until July 2025 to allow KFN the time needed to complete an environmental review, including environmental knowledge holder engagement. If the Islands Trust / Local Trust Committee's Suitable Land Analysis will be used to guide decision-making regarding suitable use of lands on Hornby and Denman Islands, we would also like the analysis to include culturally sensitive areas, archaeological sites, and areas of high archaeological potential.		
Lyackson First Nation *Referrals Coordinator*	14-Aug-2024	
Mamalilikuulla First Nation *Referrals Coordinator*	14-Aug-2024	
Nanwoakolas Council *Referrals Coordinator*	14-Aug-2024	
Penelakut Tribe *Referrals Coordinator*	14-Aug-2024	
Qualicum First Nation *Referrals Coordinator*	14-Aug-2024	
School District No. 71 *Referrals Coordinator*	14-Aug-2024	
Snuneymuxw First Nation	14-Aug-2024	

Referrals Report Summary

Referrals Coordinator		
Stz'uminus First Nation *Referrals Coordinator*	14-Aug-2024	
Tla'amin First Nation *Rachael Sydenham* Thank you for your submission. This application is for an area outside of Tla'amin Nation's core territory. As such, we will defer to the directly affected Nation(s) and support their decision making.	14-Aug-2024	03-Aug-2024
Tlowitsis First Nation *Referrals Coordinator*	14-Aug-2024	
Tsu'uubaa-asatx First Nation *Monty Horton* The project area appears to fall within the Hul'q'umi'num Statement of Intent as submitted to the BC Treaty Commission process, but outside Ts'uubaa-asatx Nation's core title area. Ts'uubaa-asatx Nation would recognize this area as being in close proximity to other Hul'q'umi'num or Nuu-chah-nulth First Nation Tumuhw (lands). As such, I would categorize this as a Level 3 rights area for Ts'uubaa-asatx Nation. Level 3 identifies that Ts'uubaa-asatx Nation had harvesting, trade and Nation to Nation relations, but not necessarily sole title and governing authorities, which would be Ts'uubaa-asatx Nation's highest S.35 interests and would require high end of the Haida spectrum consultation. However, Level 3, is still considered to be a very high consultation matter as it represents our inter-community cultural activities and shared title and harvesting areas with our Hul'q'umi'num or Nuu-chah-nulth relatives. Despite this we would generally defer to the First Nation(s) whose traditional territory fronts this area, likely K'omoks First Nation. Should Ts'uubaa-asatx Nation identify greater interests in the future we retain the right to revise this assessment. However, at this time, we defer to any Nation(s) whose title and governing authorities are directly affected.	14-Aug-2024	21-Aug-2024
Vancouver Island Health Authority - Continued *Nancy Clements* Keeping of chickens on any sized lot: As (Hornby) Island is not subject to an animal control bylaw with the (Comox Valley Regional District), the Local Trust Committee should establish more clear zoning regulations for the keeping of hens that protects public and animal health. The maximum number of hens permitted on a lot should be explicitly stated in the Land Use Bylaw and follow best management guidelines established	14-Aug-2024	07-Mar-2025

by similar size rural communities such as Revelstoke, which permits a maximum of 6 hens per lot. Typically, the six chicken limit is applied in urban sized lots so that number is manageable on the smaller sized lots. The limited number is also in place to ensure that they don't become a nuisance to neighbouring properties. Another consideration is Section 8 of the Health Hazzard Regulation which states "no well within 30 meters of probable source of contamination", which is at the discretion of the Environmental Health Officer as to what sources of contamination could be considered a "health hazards". Typically, when it comes to farm animals the focus in on the storage of waste/manure or where the animals are housed in regards to the 30 meter setback to a well. Temporary Use Permits for vacation rentals: o Sewerage: ▯ Owners of properties using sewerage system must ensure that all construction of all sewerage systems meets the requirements of the Sewerage System Regulation (SSR). An owner would be required to obtain the services of an Authorized Person (AP), as per the SSR, to determine if construction is required on the existing sewerage system. ▯ The SSR has a maximum Daily Design Flow (DDF) of 22, 700 L/Day. o Water: ▯ Owners of water supplies serving more than one single-family residence (see definition below) are required to obtain an operating permit as a water supplier under the Drinking Water Protection Act (DWPA). Landlords are required to provide potable water to tenants as per Health Hazards Regulations (HHR). Minimum lot sizing considerations for proposed densification: • Island Health refers to the Subdivision Standard as a tool for consideration around densification. This could be applied for the addition of additional dwelling units on a property to ensure that the site condition is adequate to support the increase water demand and waste water flows as well as the potential impacts on neighbouring properties. There is no recommended minimum lot sizing for community/strata systems utilizing common property. • There are significant ongoing concerns about the periods of drought and secondary impacts which for several of the gulf islands include seawater intrusion due to lower water tables and higher levels of demand. We encourage conversations with the Ministry of Water Land and Resource Stewardship to consider identifying areas/aquifers of higher risk for seawater intrusion and creating lower residential density bylaws		

to protect the aquifer from the intrusion and to protect the existing users of that water source as there are fewer alternative sources of water for many of the islands. Density of the PUa Zone allowing Community Housing: The LTC does not stipulate a residential density in the proposed PUa zone changes. Island Health requires compliance with the Sewerage System Regulation (up do Daily Design Flow (DDF) of 22, 700 L/Day) and the Drinking Water Protection Act and Drinking Water Protection Regulation. Attached Secondary Suites: Island Health encourages the Local Trust Committee to define 'attached' so that suite must be located under the same roofline of the principal residence. Use of RVs as dwellings: Island Health notes that the current LUB allows the use of Recreational Vehicles as dwellings. Island Health encourages the Local Trust Committee to consider the human health implications of promoting RVs as a permanent dwelling option on any sized lot. Island Health is aware of the need for affordable housing, and this can take many different forms, but there are some concerns about encouraging the use of RV's for residential use. The addition of an RV must also consider any requirements there might be under the Sewerage System Regulation and/or the Drinking Water Protection Act. Excerpt from the BC Drinking Water Officers Guide page 10 speaking to what is considered a 'single family dwelling" under the DWPA https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/waterquality/how-drinking-water-is-protected-in-bc/drinking_water_officers_guide_-_consolidated.pdf The term "single-family residence" is not defined in the Act. It may be interpreted as any residence that constitutes a single structure where: • bedrooms are rented out and tenant(s) share common spaces with the owner; • the Residential Tenancy Act applies (see s. 5.3.1 of this Guide regarding applicability of the Health Hazards Regulation); • the structure contains a secondary suite in addition to the primary suite; • the residence is an owner-occupied bed and breakfast with up to three rooms for rent; or • the residence is rented out as a vacation home.		

Duplexes/multiplexes and residences with additional detached structures such as guest houses, mobile homes and labourer accommodations would fall outside the term “single-family residence.” Shared interest properties (e.g., owned by a cooperative, society, corporation or strata) and bed and breakfasts with four or more rooms for rent would also fall outside the definition of “single-family residence.” Community care facilities would fall outside the term “single-family residence” as well. However, this is subject to section 20 of the Community Care and Assisted Living Act, which states: (1) This section applies to a community care facility (a) for which a licence has been issued, (b) is being, or is to be, used (i) as a day care for no more than 8 persons in care, or (ii) as a residence for no more than 10 persons, not more than 6 of whom are persons in care (c) from which, in the event of a fire, persons in care can safely exit unaided or be removed by its staff, and (d) that complies with all enactments of British Columbia and the municipality where the community care facility is located that relate to fire and health respecting a single family dwelling house (2) A provision in an enactment of British Columbia, other than this Act, or of a municipality, does not apply to the community care facility described in subsection (1) if that provision would (a) limit the number of persons in care who may be accepted or accommodated at the community care facility (b) limit the types of care that may be provided to persons in care at the community care facility, or (c) apply to the community care facility only because (i) it is not being used as a single family dwelling house, or (ii) it operates as a community care facility, a charitable enterprise or a commercial venture		
Vancouver Island Health Authority - Continued *Mark Hall CPHI©, Drinking Water & Land Use Consultant, Environmental Public Health* We are responding to a public inquiry that referenced the proposed bylaw change to temp use permits for vacation rentals. https://islandstrust.bc.ca/document/hornby-ltc-regular-meeting-agenda-23/. I noticed on p.79 it refers to the “Canadian Drinking Water Protection Act” in regard to bacteria and chemical water quality. Just wondering if the intention might have been to reference the “Guidelines for Canadian Drinking Water Quality”(GCDWQ), which is what sets the standards for potable water quality in Canada. Potability requirements in the Drinking Water Protection Act (BC legislation) only apply to public water supply systems and wouldn’t be applicable to rental units that meet the definition of a single-family dwelling.		25-Apr-2025

Referrals Report Summary

In BC the requirement to provide potable water to tenants is from Section 7 of the Health Hazards Regulation. HHR Sec 7 does reference "potable water" as having the have the same definition as in the Drinking Water Protection Act, which could be what is referenced in the proposed wording…my concern is that the wording "*the water supply meets the Canadian Drinking Water Protection Act (DWPA) for microbial and chemical quality"* could be interpreted as them needing to meet all the requirements in the DWPA pertaining to potability (e.g. sampling frequency, treatment requirements, source approval from a health officer, etc.). Might I suggest providing some wording that requires the supplier to provide "potable water" as defined in BC's Drinking Water Protection Act and Regulation… or something along those lines? Or perhaps just make reference to meeting the standards within the GCDWQ? For additional context: - The potable standards for bacteria in drinking water are directly outlined in legislation (Drinking Water Protection Regulation Sec 2/Schedule A), whereas the chemical parameters are not. - Pertaining to chemical parameters required to provide proof of potable water; Sec 4 of the DWPA allows for the Minister to establish guidelines/directives that must be considered/followed by the Health Authority. In BC these directives are given in part through the Drinking Water Officer's Guide (DWOG), in which the BC Ministry of Health has adopted the Guidelines for Canadian Drinking Water Quality as the water quality objectives that B.C.'s water supply systems should strive to achieve when evaluating potability for chemical constituents. Since it would be too costly to test for all the parameters in the GCDWQ, the DWOG has provided a list of minimum chemical parameters to sample for to prove potability (see DWOG Part B Section 1 on p.124/125, includes lists for surface and groundwater sources). https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/waterquality/how-drinking-water-is-protected-in-bc/drinking_water_officers_guide_-_consolidated.pdf *Any result over the Maximum Acceptable Concentration (MAC) would cause the water to be non-potable (unless treated). Results over the Aesthetic Objective (AO) are for aesthetic purposes only and don't directly relate to potability.		

Referrals Report Summary

We Wai Kai Nation *Referrals Coordinator*	14-Aug-2024	
We Wai Kum Nation *Referrals Coordinator*	14-Aug-2024	

MEMORANDUM

DATE OF MEETING:	December 10, 2021
TO:	Hornby Island Local Trust Committee
FROM:	Heather Kauer, Regional Planning Manager Northern Team
SUBJECT:	Business Case for Hornby Island OCP Project

PURPOSE

The purpose of this memorandum is to provide a draft business case for LTC consideration for the proposed OCP / LUB project and report back on the November 10, 2021 Financial Planning Committee meeting.

At their November 6, 2021 regular business meeting, the Hornby Islands Local Trust Committee passed the following resolution:

> **HO-2021-065**
> **It was MOVED and SECONDED,**
> that the Hornby Island Local Trust Committee request staff to prepare a draft business case to assist the Hornby Island Advisory Planning Commission in its review of the Hornby Island Land Use Bylaw and Official Community Plan, that this business case include the use of a consultant for all or part of the work, and that staff forward the Business Case to the Islands Trust Financial Planning Committee for consideration of inclusion in the 2022/2023 Islands Trust budget.
>
> **CARRIED**

Staff have included the draft business case for the LTCs review as Attachment 1 of this memorandum.

Due to the timing of the Financial Planning Committee's review of next year's budget to make recommendations to Trust Council for their December meeting, this draft business case was included in the FPCs agenda package for their November 10, 2021 meeting. The FPC discussed whether or not to include the Hornby project in their recommendations to Trust Council to consider at their December, 2021 meeting. The FPC passed the following resolution:

> **FPC-2021-055**
> **It was MOVED and SECONDED,**
> that Financial Planning Committee recommend the Hornby OCP review be removed from the budget.
>
> **CARRIED**

If Trust Council accepts the FPC recommendation, staff would assume that an LTC project budget for an OCP update in next fiscal year would need to cost $5,000 or less. This budget amount would not be enough to hire a consultant to work on the OCP.

However, staff believes that updates to the OCP and LUB could be initiated in fiscal year 2022-23 if public engagement activities were kept to a minimum and the project was initiated at a time when staff time is freed up by completion of other projects. Based on staffing and project completion estimates for the northern region, staff estimate that the project could be initiated in the second quarter of 2022.

NEXT STEPS

Staff recommend that the LTC continue to work with the Regional Planning Manager in determining a feasible start date and at such time as indicated that staff are available for the work, that the LTC request staff develop a project charter.

Submitted By:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	November 26, 2021

ATTACHMENTS

1. Draft Business Case

Budget Funding Request
Short-Form Business Case

Completion of this form initiates a request to the management team for allocation of budget funds. The form is to be completed and submitted at the start of the decision making process. The business case forms part of the Annual Budget Process (refer to Islands Trust Council Budget Process Policy 6.3.i).

TO BE COMPLETED BY INITIATOR

Initiated by:
Heather Kauer
On behalf of the HO LTC

Business Area:
Hornby Island Local Trust Committee – LTC projects

Name of Request:

HO LTC – Hornby OCP amendment Review

2022/23 - $15,000

Budget Source (select all that apply):

- [x] **Specific Project Funding**
  - [x] Third Party Contractors
  - [ ] Staff Travel Expense
  - [ ] Staff Overtime Expense
  - [ ] New Staff Member
  - [ ] Computer Hardware/Software
- [ ] **Furniture & Equipment**
- [ ] **Computer Hardware/Software**
- [ ] **New Staff Resources** (see Staff Costing Tool)
  - [ ] **Permanent**
  - [ ] **Temporary**
    Temp Duration: _____
- [x] **Other – please describe:**
  A contracted Planner who would draft and process OCP bylaw amendments based on recommendations from the Hornby Island Advisory Planning Commission and take them through the legislated process.

Date initiated: December, 2021

Date required: April, 2022 -March 31, 2023

BACKGROUND:
On November 20, 2020, the Hornby Island Local Trust Committee passed the following resolution:

> that the Hornby Island Local Trust Committee add the item "Official Community Plan Review" to the Top Priorities Report as priority No. 1.

The discussion around this project included an explanation from staff that a project of this nature would be considered Major or Extraordinary in scope and would therefore not be resourced by Planning staff from the Northern office but would need to be assigned to the Regional Planning Team (RPT). Staff further explained that the process for assigning projects to the RPT and the criteria for the RPT to decide which projects to work on first had not been decided as of yet and likely would not be until the next Islands Trust term of office.
The Hornby LTC expressed a desire to have the amendments to the OCP and LUB be completed as soon as

possible and on March 26, 2021, the Hornby Island Local Trust Committee passed the following resolution:

> that the Hornby Island Local Trust Committee request that the Advisory Planning Commission provide recommendations for Official Community Plan and Land Use Bylaw amendments with topic areas of focus: First Nations, Short Term Vacation Rentals, Housing, and the Riparian Areas Development Permit Area.

The LTC is anticipating that the Hornby APC will be sending a recommendation for amendments to the LTC in early 2022. With the understanding that Islands Trust Planning staff may not be available to take up these recommendations to process as bylaw amendments in 2022, the LTC passed the following resolution on October 8, 2021:

> **HO-2021-065**
> **It was MOVED and SECONDED,**
> that the Hornby Island local Trust Committee request staff to prepare a draft business case to assist the Hornby Island Advisory Planning Commission in its review of the Hornby Island Land Use Bylaw and Official Community Plan, that this business case include the use of a consultant for all or part of the work, and that staff forward the Business Case to the Islands Trust Financial Planning Committee for consideration of inclusion in the 2022/2023 Islands Trust budget.
>
> **CARRIED**

PROBLEM STATEMENT/OBJECTIVES:

Regulations regarding short term vacation rentals on Hornby continue to be confusing to residents. The cost and availability of Housing on Hornby becomes more problematic over time, and the regulations adopted regarding Riparian Areas Development Permit Area are problematic because of conflicting technical information that was used to develop them. In addition, the LTC believes acknowledgement of First Nations within the OCP is not as robust as it should be. The LTC consider addressing all of these topics in the OCP and LUB an urgent matter. Given competing demands on staff time to do this work, the LTC believes that a consultant should be hired to complete this work in the short term.

PROJECTED RESULTS/DELIVERABLES:

Funding request (FY22/23)	**Target Duration**	**Cost**
Consultant Contract – Bylaw drafting and processing through legislated process including required public engagement.	Over the course of 2022	$12,000
Technology (mapping, data analysis, etc.) and administrative support for public engagement	Over the course of 2022	$ 1,000
Development of communication and educational info / Community Information Meeting(s) Public Hearing	Over the course of 2022	$ 2,000

ALTERNATIVES CONSIDERED:

Option 1:
Ask the Regional Planning Team to add this project to their work plan with the understanding that it likely would not be complete in the short term.

Option 2:
The Local Planning Team could work on minor amendments regarding each topic area one at a time.

Qualitative Analysis:
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.

RECOMMENDED DECISION:

That Trust Council approve $15,000 in fiscal 2022/23 to hire a consultant to process OCP and LUB bylaws as recommended by the Hornby Island Advisory Planning Commission.

PURCHASING PROCEDURE:

Hornby Island Local Trust Committee

Initiator: _____ Date _____

Director/CAO _____ Date _____

REVIEWED BY MANAGEMENT TEAM:	
Date received:	**Approved:** X☐ **YES** ☐ **NO**

Next steps:

- Hornby Island LTC to review the business case at their December 10, 2021 meeting

STAFF REPORT

File No.: 6500-20
HO OCP/LUB Review

DATE OF MEETING:	June 10, 2022
TO:	Hornby Island Local Trust Committee
FROM:	Heather Kauer, Regional Planning Manager Northern Team
SUBJECT:	Report subject: Hornby Island OCP Amendments Review Project Charter

RECOMMENDATION

1. **That the Hornby Island Local Trust Committee endorse the Hornby Island Official Community Plan Amendments Review Project Charter v.1.0, dated June 10, 2022.**

2. **That the Hornby Island Local Trust Committee add the following to the Projects List:**

    a. **Review of development that may impact within the steep slope and sensitive Gary Oak ecosystems between Central and Houston Roads; and**

    b. **A review of the aquifer classification system as described in the email letter from Sadie Chezenko dated December 19, 2021.**

REPORT SUMMARY

The purpose of this report is to provide options to the LTC regarding the processing of recommendations from the Hornby Island Advisory Planning Commission for OCP and LUB amendments and to recommend a project charter for endorsement by the LTC.

BACKGROUND

At their March 26, 2021 meeting, the LTC passed the following resolution:

> **HO-2021-033**
> **It was MOVED and SECONDED,**
>
> that the Hornby Island Local Trust Committee request that the Advisory Planning Commission provide recommendations for Official Community Plan and Land Use Bylaw amendments with topic areas of focus: First Nations, Short Term Vacation Rentals, Housing, and the Riparian Areas Development Permit Area.
>
> **CARRIED**

At their October 8, 2021 meeting, the LTC passed the following resolution:

> **HO-2021-065**
> **It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to prepare a draft business case to assist the Hornby Island Advisory Planning Commission in its review of the Hornby Island Land Use Bylaw and Official Community Plan, that this business case include the use of a consultant for all or part of the work, and that staff forward the Business Case to the Islands Trust Financial Planning Committee for consideration of inclusion in the 2022/2023 Islands Trust budget.

CARRIED

At their December, 2021 quarterly meeting, Trust Council reviewed the draft business case for the Hornby Island OCP project and approved-in-principle $15,000 for the project as described in the draft business case.

At their December 10, 2021 meeting, the LTC passed the following resolutions:

HO-2021-073
It was MOVED and SECONDED,
that the Hornby Island local Trust Committee requests staff to provide clarification on the roles of the consultant, Staff, and Local Trust Committee on the Hornby Island OCP review.

CARRIED

HO-2021-074
It was MOVED and SECONDED,
that the Hornby Island local Trust Committee endorse the business case for the OCP review.

CARRIED

At their February 18, 2022 meeting, the LTC passed the following resolutions:

HO-LTC-2022-015
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee add to the Top Priorities Project of the Comprehensive Official Community Plan Review: development that may impact within the steep slope and sensitive Gary Oak ecosystems between Central and Houston Roads.

CARRIED

HO-LTC-2022-017
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee add the aquifer classification system to the Top Priorities Project of the Official Community Plan Comprehensive Review as described in the email letter from Sadie Chezenko dated December 19, 2021.

CARRIED

At their March, 2022 meeting, Trust Council approved $15,000 for fiscal year 2022/23 for the Hornby Island OCP Amendments Review Project.

At their May 6, 2022 meeting, the LTC passed the following resolution:

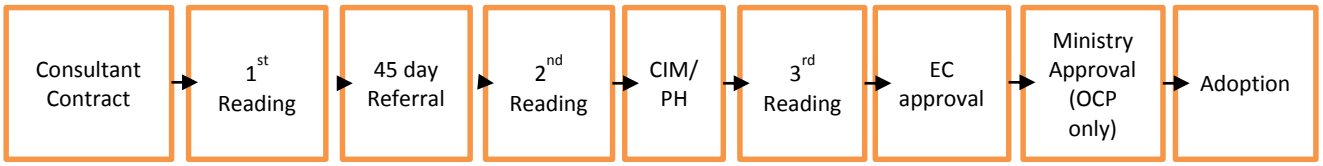
HO-LTC-2022-028
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee request staff to develop a Project Charter with a detailed work plan based on the Advisory Planning Commission recommendations.

CARRIED

ANALYSIS

The business case that was endorsed by the LTC (see Attachment 1) and formed the basis for Trust Council's decision to fund the OCP project was based on a few assumptions:

- Most of the $15,000 budget would go towards paying a consultant to draft and process bylaws with only those public engagement activities that are required by legislation or Trust Council policy;
- The scope of the project would consider amending the OCP and LUB based on recommendations by the APC regarding four limited and specific topics;
- Little to no Islands Trust staff time would be available in fiscal year 2022/23 to devote to this project;
- The process to amend the bylaws would include the legislatively required procedural steps as follows:



The business case *did not* include the following assumptions:

- That the scope of the OCP project would include:
  - a consideration of wetland categories; or
  - consideration of development that may impact within the steep slope and sensitive Gary Oak ecosystems between Central and Houston Roads;
- That the process would include a community workshop or any other public engagement activity beyond those required by legislation or policy.

Since the endorsement of the business case for this project, there has been significant turnover in staff at Islands Trust, which results in a situation where there is even less staff time available to contribute to this project in the current fiscal year than was estimated when the business case was drafted.

The project charter that staff is recommending assumes that a consultant would be hired to draft and process bylaws because this is consistent with the business case and the current staffing situation. At the LTCs last meeting, a Community Workshop was discussed as a possible procedural step to be taken prior to the drafting of bylaws. The project charter that staff is recommending includes an electronic community workshop as costs for consultant travel to the Island and overnight accommodation would impact the budget such that the consultant might not be available to facilitate a public hearing. If the LTC wanted the consultant to facilitate an in-person community workshop, staff believe this could be added to the scope of the project but it would have at least two challenging impacts:

1. It would take away budget that would otherwise go towards the consultant's time for drafting and processing bylaws;

2. It would extend the estimated timeline for the project.

$15,000 is estimated to be enough money to have a consultant draft bylaws and staff reports and attend LTC meetings to present these documents. A single, in-person community workshop facilitated by a consultant is estimated to cost approximately $5,000.

With these things in mind, staff's recommended project charter is based on the business case endorsed by the LTC and funded by Trust Council, as well as an analysis of staff time available for the project. Attachments 3 and 4 represent a breakdown of the estimated number of labour hours needed for the tasks involved in this project with an electronic workshop vs. an in-person workshop.

Options

The LTC has the option of revising the work plan to include one or more community workshops led by a consultant in fiscal year 2022/23. The result of this option would be a reduction in the amount of consultant hours available to draft and process bylaws. Reduced consultant hours for this work in this fiscal year would extend the estimated completion date of the project because it would result in:

a. Staff having to take up the drafting and processing of bylaws and staff reports and attending LTC meetings, when staff time is available, or
b. More money would need to be requested from next years' budget to continue the consultant's work.

Rationale for Recommendation

Staff are recommending that the scope of the OCP project include only those topics that were reviewed by the APC and that the budget be spent consistent with the business plan endorsed by the LTC and that informed the Trust Council decision to provide budget to the LTC for the project. The legislative requirements for public engagement provide multiple opportunities throughout the project for the public to provide comment and ask questions including each LTC meeting, APC meetings, the CIM and the Public Hearing. The public are also welcome to ask questions and make comments throughout the life of the project outside of meetings. Written comments will end up on the Islands Trust website and be forwarded to the LTC.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. **Add one or more Community Workshops to the scope of the project**

   The LTC may wish to add one or more Community Workshops to the project work plan. This would extend the estimated completion date of the project as it would require more work to be done on bylaw drafting by Islands Trust staff and availability of staff time is currently limited. A resolution could be as follows:

   "That the Hornby Island Local Trust Committee amend the draft Official Community Plan Amendments Review Project Charter v. 1.0 to include a Community Workshop prior to the drafting of bylaws."

2. **Ask for more information**

   Alternatively the LTC could ask staff to report back with more detailed information prior to finalizing the project scope.

NEXT STEPS

Subject to concurrence with the staff recommendations, staff would solicit expressions of interest from consultants.

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	June 1, 2022

ATTACHMENTS

1. Business Case
2. Recommended Project Charter / Work plan v. 1.0
3. Work Plan consistent with Business Case
4. Work Plan including one in-person Community Workshop

Budget Funding Request
Short-Form Business Case

Completion of this form initiates a request to the management team for allocation of budget funds. The form is to be completed and submitted at the start of the decision making process. The business case forms part of the Annual Budget Process (refer to Islands Trust Council Budget Process Policy 6.3.i).

TO BE COMPLETED BY INITIATOR

Initiated by:
Heather Kauer
On behalf of the HO LTC

Business Area:
Hornby Island Local Trust Committee – LTC projects

Name of Request:

HO LTC – Hornby OCP amendment Review

2022/23 - $15,000

Budget Source (select all that apply):

- [x] **Specific Project Funding**
  - [x] Third Party Contractors
  - [ ] Staff Travel Expense
  - [ ] Staff Overtime Expense
  - [ ] New Staff Member
  - [ ] Computer Hardware/Software
- [ ] **Furniture & Equipment**
- [ ] **Computer Hardware/Software**
- [ ] **New Staff Resources** (see Staff Costing Tool)
  - [ ] **Permanent**
  - [ ] **Temporary**
    Temp Duration: _____
- [x] **Other – please describe:**
  A contracted Planner who would draft and process OCP bylaw amendments based on recommendations from the Hornby Island Advisory Planning Commission and take them through the legislated process.

Date initiated: December, 2021

Date required: April, 2022 -March 31, 2023

BACKGROUND:
On November 20, 2020, the Hornby Island Local Trust Committee passed the following resolution:

> that the Hornby Island Local Trust Committee add the item "Official Community Plan Review" to the Top Priorities Report as priority No. 1.

The discussion around this project included an explanation from staff that a project of this nature would be considered Major or Extraordinary in scope and would therefore not be resourced by Planning staff from the Northern office but would need to be assigned to the Regional Planning Team (RPT). Staff further explained that the process for assigning projects to the RPT and the criteria for the RPT to decide which projects to work on first had not been decided as of yet and likely would not be until the next Islands Trust term of office.
The Hornby LTC expressed a desire to have the amendments to the OCP and LUB be completed as soon as

possible and on March 26, 2021, the Hornby Island Local Trust Committee passed the following resolution:

> that the Hornby Island Local Trust Committee request that the Advisory Planning Commission provide recommendations for Official Community Plan and Land Use Bylaw amendments with topic areas of focus: First Nations, Short Term Vacation Rentals, Housing, and the Riparian Areas Development Permit Area.

The LTC is anticipating that the Hornby APC will be sending a recommendation for amendments to the LTC in early 2022. With the understanding that Islands Trust Planning staff may not be available to take up these recommendations to process as bylaw amendments in 2022, the LTC passed the following resolution on October 8, 2021:

> **HO-2021-065**
> **It was MOVED and SECONDED,**
> that the Hornby Island local Trust Committee request staff to prepare a draft business case to assist the Hornby Island Advisory Planning Commission in its review of the Hornby Island Land Use Bylaw and Official Community Plan, that this business case include the use of a consultant for all or part of the work, and that staff forward the Business Case to the Islands Trust Financial Planning Committee for consideration of inclusion in the 2022/2023 Islands Trust budget.
>
> **CARRIED**

At their December, 2021 meeting, Trust Council passed the following resolution:

> That the $15,000 for the Hornby Island Official Community Plan Review be put back into the 2022/2023 draft budget.

On December 10, 2021, the LTC endorsed this business case with the following motion:

> **HO-2021-074**
> **It was MOVED and SECONDED,**
> that the Hornby Island local Trust Committee endorse the business case for the OCP review.
>
> **CARRIED**

PROBLEM STATEMENT/OBJECTIVES:

Regulations regarding short term vacation rentals on Hornby continue to be confusing to residents. The cost and availability of Housing on Hornby becomes more problematic over time, and the regulations adopted regarding Riparian Areas Development Permit Area are problematic because of conflicting technical information that was used to develop them. In addition, the LTC believes acknowledgement of First Nations within the OCP is not as robust as it should be. The LTC consider addressing all of these topics in the OCP and LUB an urgent matter. Given competing demands on staff time to do this work, the LTC believes that a consultant should be hired to complete this work in the short term.

PROJECTED RESULTS/DELIVERABLES:

Funding request (FY22/23)	Target Duration	Cost
Consultant Contract – Bylaw drafting and processing through legislated process including required public engagement.	Over the course of 2022	$12,000

Technology (mapping, data analysis, etc.) and administrative support for public engagement	Over the course of 2022	$ 1,000
Development of communication and educational info / Community Information Meeting(s) Public Hearing	Over the course of 2022	$ 2,000

Qualitative Analysis:

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.

RECOMMENDED DECISION:

That Trust Council approve $15,000 in fiscal 2022/23 to hire a consultant to process OCP and LUB bylaws as recommended by the Hornby Island Advisory Planning Commission.

PURCHASING PROCEDURE:

Hornby Island Local Trust Committee

Date

Initiator:

☐ ☐

Director/CAO

Date

REVIEWED BY MANAGEMENT TEAM:	
Date received:	**Approved: X YES NO**

Next steps:

- Hornby Island endorsed the draft business case that went to the December, 2021 Trust Council meeting without any recommended amendments.

Hornby OCP Amendments Review Project - **Charter** v 1.0

Hornby Island Local Trust Committee Date: June 10, 2022

Purpose: To review and update the Hornby Official Community Plan (OCP) and Land Use Bylaw (LUB) regulations with regards to housing, short term vacation rentals, First Nations acknowledgments, and riparian areas.

Background: The LTC identified a "Comprehensive OCP/LUB Review" as a top priority project and requested the Hornby Island Advisory Planning Commission to provide recommendations for OCP and LUB amendments related to four specific topics. The APC spent much of 2021 and early 2022 meeting and providing recommendations regarding amendments.

Objectives

- Amend the Hornby Island OCP and LUB by incorporating recommendations of the Hornby Island Advisory Planning Commission and public feedback on these recommendations

In Scope

- OCP and LUB amendments regarding:
  - Housing
  - STVRs
  - RAPR
  - First Nations
- Legislated Process + 1 Electronic Community Workshop

Out of Scope

- Topics beyond the four identified as in-scope;
- Public engagement beyond legislative requirements and one electronic community workshop

Deliverables

- One OCP Amendment Bylaw
- One LUB Amendment Bylaw

Workplan Overview

Deliverable/Milestone	Date
Project Charter Endorsed	June, 2022
Execute Consultant Contract	June / July, 2022
Consultant staff report: APC referral analysis and recommendations for bylaw amendments	Sept 9, 2022
First and Second Reading of bylaws and referral	Nov. 25, 2022
CIM/Public Hearing	Feb, 2023
3rd Reading of bylaws and forward to EC and Ministry	Apr / May, 2023
EC Approval	May/June, 2023
Ministry Approval	Sept / Oct, 2023
Adoption	Nov, 2023

Project Team

Heather Kauer, RPM	Project Sponsor / Consultant contract manager
Consultant	Project Manager
Legislative Clerk	Legislative Process / Bylaw Review
Administrative Office Assistant	Website postings; meeting notices
RPM Approval: *Heather Kauer, RPM* **Date: May 31, 2022**	**LTC Endorsement:** Resolution #:

Budget

Budget Sources:

Fiscal	Item	Cost
2022/23	Consultant Contract	$13,775
2022/23	CIM/Public Hearing	$850
	Total	$14,625

Business Case Work Plan

(Consultant Contract ends with CIM/Public Hearing)

Consultant Contract Development and Management

	Hrs	Labour	Project $
Contract Management	40	Planner Labour	
	30	Finance Staff Labour	
	70	**Subtotal**	

Bylaw Drafting and Processing

	Hrs	Consultant Labor / Travel	
Intro LTC Meeting	10	Review / Analyze APC recommendations for consistency with law and planning best practices	$1,500
	8	Draft staff report with recommendations to LTC for bylaw amendments	$1,200
	8	Travel to and attend LTC meeting to present staff report	$1,375
Zoom Community Workshop	8	Prep / Facilitate	$1,200
1st Reading Meeting	10	Draft Track Changes version of OCP and amendment bylaw	$1,500
	8	Travel to and attend LTC meeting to present 1st Reading report and recommend referrals	$1,375
2nd Reading Meeting	4	Manage Referral Responses	$600
	4	Draft staff report with recommendations to LTC for bylaw amendments based on referral comments	$600
	8	Travel to and attend LTC meeting to present 2nd Reading report and recommend referrals; recommend PH	$1,375
CIM/PH	6	Prep for CIM / public hearing	$900
	8	Travel to island, and present at CIM / public hearing	$1,375
	Hrs	**Admin Labour / Logistics**	
		PH Advertising / Printing	$850
	4	Logistics (venue rental / advertising)	
	10	Prep PH Binder	
	3	Post-meeting (post video to website)	
3rd Reading Meeting	**Hrs**	**Planner Labour / Travel**	
	4	Draft staff report with recommendations to LTC for bylaw amendments based on public hearing comments	
	8	Travel to and attend LTC meeting to present 3rd Reading report	
EC/Ministry	2	Draft RFD to EC	
Adoption / Publishing	10	Admin Labour	
	185	**Total**	**$12,650**

Business Case Work Plan

(Consultant Contract ends with CIM/Public Hearing)

Work Plan with Community Workshop

(Consultant contract ends with 1st Reading)

1. Community Workshop

Hrs	Consultant Labour / Travel	
6	Prep	$900
4	Travel	$775
	Overnight Accommodation	$300
4	Workshop	$600
8	Travel to and attend LTC meeting to present workshop report	$1,375
22	**Subtotal**	**$3,950**

Hrs	Planner Labour / Travel	
3	Prep	
4	Travel	$225
	Overnight Accommodation	$300
4	Workshop	
11	**Subtotal**	**$500**

Hrs	Admin Staff Labour	
4	Prep (Advertising, Web Posting, Book Venue)	
2	Post-meeting (post video to website)	
6	**Subtotal**	

Hrs	Minute Taker	
4	Attend Meeting	$ 300
2	Travel	$ 200
1	Post meeting editing and submittal of minutes	$ 75
7	**Subtotal**	**$ 350**

	Venue and Materials	
	Venue Rental	$50
	Advertising	$800
	Print-outs	$50
	Subtotal	**$900**

46	**Community Workshop Total**	**$5,700**

Work Plan with Community Workshop

(Consultant contract ends with 1st Reading)

2. Bylaw Drafting and Processing

Intro LTC Meeting	**Hrs**	**Consultant Labor / Travel**	
	10	Review / Analyze APC recommendations for consistency with law and planning best practices	$1,500
	8	Draft staff report with recommendations to LTC for bylaw amendments	$1,200
	8	Travel to and attend LTC meeting to present staff report	$1,375
1st Reading Meeting	10	Draft Track Changes version of OCP and amendment bylaw	$1,500
	8	Travel to and attend LTC meeting to present 1st Reading report and recommend referrals	$1,375
	80	**Consultant Subtotal**	**$12,650**
	Hrs	**Planner Labour/Travel**	
2nd Reading Meeting	4	Manage Referral Responses	
	4	Draft staff report with recommendations to LTC for bylaw amendments based on referral comments	
	8	Travel to and attend LTC meeting to present 2nd Reading report and recommend referrals; recommend PH	$200
CIM/PH	6	Prep for CIM / public hearing	
	8	Travel to island, and present at CIM / public hearing	$200
	Hrs	**Admin Labour / Logistics**	
		PH Advertising / Printing	$850
	4	Logistics (venue rental / advertising)	
	10	Prep PH Binder	
	3	Post-meeting (post video to website)	

3rd Reading Meeting	4	Draft staff report with recommendations to LTC for bylaw amendments based on public hearing comments	
	8	Travel to and attend LTC meeting to present 3rd Reading report	$200
EC/Ministry	2	Draft RFD to EC	
Adoption / Publishing	10	Admin Labour	
	71	**Staff-led portion of Bylaw Drafting and Processing Subtotal**	**$2,050**

Contract Management	40	Planner Labour	
	30	Finance Staff Labour	
	70	**Subtotal**	

185	**Total Project**	**$14,700**

STAFF REPORT

DATE OF MEETING:	January 20, 2023
TO:	Hornby Island Local Trust Committee
FROM:	Sonja Zupanec, Island Planner Northern Office
SUBJECT:	Status update on OCP/LUB Review Project

RECOMMENDATION

1. **That the Hornby Island Local Trust Committee request staff to work with the consultant to schedule and advertise a second electronic Community Information Meeting prior to February 28, 2023, to solicit public input on options to regulate Short Term Vacation Rentals.**

2. **That the Hornby Island Local Trust Committee request the members of the Advisory Planning Commission to meet with the project consultant by March 15, 2023 to review consultant recommendations on the OCP/LUB Review project and provide input on priority amendments to the OCP and LUB for LTC consideration.**

3. **That a summary report be prepared by the consultant and submitted to planning staff by March 30, 2023 to clearly identify specific policy and regulatory changes recommended to advance improvements to the Official Community Plan and Land Use Bylaw in the four topic areas included in the OCP/LUB review project.**

4. **That the Hornby Island Local Trust Committee request staff to prepare an update to the Hornby Island Official Community Plan and Land Use Bylaw Amendment Project Charter v. 2.0, dated September 9, 2022 to reflect the revised timeline and deliverables of the project.**

REPORT SUMMARY

The purpose of this report is to provide the Hornby Island Local Trust Committee (LTC) with a summary of work completed to date under contract for the Official Community Plan (OCP) and Land Use Bylaw (LUB) review project. Staff are seeking direction from the LTC on amendments to the project workplan in order to advance deliverables of the project prior to the end under the existing contract in March 2023.

BACKGROUND

The following resolutions related to this active LTC project were passed by the LTC in 2022:

> **HO-LTC-2022-055**
> **It was MOVED and SECONDED,**
> that the Hornby Island Local Trust Committee endorse the amended Hornby Island Official Community Plan amendment review Project Charter, including requesting $15,000 for consultants to draft bylaws.
> **CARRIED**

A planning consultant (Patricia Maloney) was retained under contract to undertake public engagement and draft bylaw language for the LTC in the 2022/2023 fiscal year.

> **HO-LTC-2022-057**
> **It was MOVED and SECONDED,**
> that the Hornby Island Local Trust Committee endorse the revised business case for the Hornby Island Official Community Plan Amendment Review Project and forward to the Financial Planning Committee for consideration in the 2023/2024 budget. **CARRIED**

The business plan to complete the OCP/LUB review project was forwarded to the Financial Planning Committee and will be considered by Trust Council for approval in March 2023. If approved, funds will be available to complete the OCP/LUB review project in the next fiscal.

> **HO-LTC-2022-058**
> **It was MOVED and SECONDED,**
> that the Hornby Island Local Trust Committee requests that the first consultation workshop be a Zoom meeting to be held in the evening before October 15, 2022. **CARRIED**

A public electronic community information meeting was held on October 6, 2022 covering all four topic areas of the OCP/LUB review. A second consultation session has not yet been scheduled pending LTC review of work done to date and direction on next steps.

Analysis:

The following are workplan deliverables of the Project Charter (Attachment 2). Staff have annotated the status of each deliverable:

Workplan Overview		
Deliverable/Milestone	**Date**	**Status as of January 12, 2023**
Project Charter Endorsed	June, 2022	**COMPLETED and revised September 2023 (Version 2)**
Execute Consultant Contract	August, 2022	**COMPLETED**
First Community Workshop	October, 2022	**COMPLETD**
Second Community Workshop	Winter, 2022/23	PENDING – part of contract deliverables to March 31, 2023
Consultant Report on Workshops and Recommendations for Bylaws	Spring, 2023	PENDING – part of contract deliverables to March 31, 2023
1st Reading of bylaws and referral	Spring, 2023	PENDING – next fiscal
2nd Reading of bylaws and schedule CIM and Public Hearing	Summer, 2023	PENDING – next fiscal
CIM/Public Hearing	Fall, 2023	PENDING – next fiscal
3rd Reading and forward to EC and Ministry	Winter, 2023/24	PENDING – next fiscal
Adoption	Spring, 2024	PENDING – next fiscal

The consultant has prepared a memorandum (Attachment 1) which outlines the work that has been completed to date and suggests alternatives to the project charter workplan and contract deliverables due to the contract budget being exceeded. The first consultation event which took place in October was not seen as successful by organizers or participants and as such it is recommended by the consultant and staff that revised approach to the project be considered at this time.

Staff concur with the following consultant's recommendations:

1. Consultant to facilitate a second electronic engagement session focusing specifically on the topic of short term vacation rentals as this topic requires additional engagement to determine possible next steps in amendments to the OCP or LUB.
2. Consultant to schedule and facilitate a meeting with the Advisory Planning Commission (APC) members to review the engagement responses and policy/regulatory options prepared to date and prioritize recommendations to the LTC for consideration of next steps.

Rationale for Recommendation:

Due to the timing of elections, LTC meeting schedules and the volume of public correspondence that the consultant has been responding to as part of the first engagement session, contract deliverables are unlikely to be achieved by the end of this fiscal. Staff recommend the focus in the project for the remainder of this fiscal be adjusted as per the recommendations on page 1 of this report.

ALTERNATIVES

If the LTC wishes to re-visit the project deliverables and engagement topics or methodology, the project contract should be terminated. The termination clause in the contract stipulates that Islands Trust will be required to pay for any services received to the date of notice. A resolution of the LTC would be required to formally cease work on this project. Suggested wording for a resolution is: *"That the Hornby Island Local Trust Committee give notice of termination of the Service Contract with Patricia Maloney effective January 20, 2023."*

NEXT STEPS

Staff can support the consultant to advertise a community information meeting specific to the topic of short term vacation rentals prior to the end of February. Staff will also assist in coordinating a meeting with members of the APC by March 15 and review consultant recommendations for presentation to the LTC by planning staff in the next fiscal.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	January 12, 2023

ATTACHMENTS

1. Memo from consultant Patricia Maloney, January 2023
2. Endorsed Project Charter v. 2.0 2022

Patricia A. Maloney, RPP, FCIP
3440 Hammond Bay Road,
Nanaimo, BC, V9T 1E6
250.585.6831 | 403.819.8196 | pattheplanner54@gmail.com

MEMORANDUM

Date: January 4, 2023

To: Rene Jamurat, Regional Planning Manager

CC: Sonja Zupanec, Sharon Horsburgh

Subject: Update and Recommendations for Hornby Island OCP Amendments

Following the October 6, 2022 virtual engagement session, I prepared a memo, submitted to Sonja Zupanec as Acting Regional Planning Manager, with our assessment of the four topics we were hired to review. The four topics were: Affordable Housing, Short-Term Vacation Rentals (STVR), First Nations and Riparian Areas (as per RFP-2023.006). It was determined by staff (direction from Heather Kauer) that the four topics would be presented in the same two-hour virtual meeting. We (the consultant) prepared the power point presentation, facilitated the engagement and prepared the summary memo.

The four topic areas are inter-related and it became evident during the two hour evening engagement session that it was not sufficient time to address the participant's concerns. Much time was spent on discussing STVR's as it is the most contentious issue which was exacerbated by mis-information and confusion amongst the public with regards to the land use regulations and issues associated with STVR and tourism generally.

Based on the consultant's review of the two previous creek studies, our review of provided reports and correspondence about the STVR issue, we have also prepared two recommendations for additional study and work to be completed:

1. Update the Riparian Area study (to consolidate the existing two studies, provide clarification on ditches and establish an island wide base map) to be completed by a qualified professional; and
2. Complete a full inventory of existing STVR and clearly identify those that are appropriately zoned and those that are not and determine a process for either enforcing non-compliant STVR's either through applying appropriate zoning or issuing Temporary Use Permits.

After the engagement session the consultant received dozens of follow up emails that required review and response. This was not in the original scope of work and took significant time to address. In addition, the Local Trustee contacted the consultant directly. Any suggestions or direction from the Trustee was provided to staff and not directly acted upon by the consultant.

Due to additional work and research completed by the consultant, the budget is currently 57.5% spent, leaving $5,725 remaining to complete this project.

After meeting with Sonja Zupanec and discussing the project, we have the following recommendations for future work:

1. Meet with the Advisory Planning Committee (APC) to review our draft recommendations (based on the October 24th memo);

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2. Facilitate a meeting between the Local Trust Committee (LTC) and the Komoks First Nation (KFN) (Patricia Maloney is currently working with the Nation and could be a third-party facilitator);
3. Complete an additional virtual engagement session to address **only** the Short Term Vacation Rentals (virtual will allow the non resident property owners to participate); and
4. Prepare and present final draft recommendations to the LTC.

The remaining budget would be sufficient to complete the first task (including preparation and presentation to the APC assuming a 2 hour meeting), and one more virtual engagement about Short Term Vacation Rentals (including prep and presentation and preparation of a summary of the meeting).

Consolidating all of the data, engagement and recommendations for a final LTC presentation and the Komoks facilitation would not be covered in the current budget due to the extra time spent on the responses to the community after the first engagement session.

We also have recommendations for the virtual engagement session. The October 6th session demonstrated that the conversation was dominated by several individuals. We propose to make a strong presentation, ensuring that the Hornby Island Short Term Rental Association's previous reports and recommendations have been heard, explain the legal aspects, address the options more clearly and ensure that individuals have a clear understanding of how to make comments in the chat that do not go to the whole group and will not be read aloud and how to limit the input from the HISTRA members to allow other people to speak. It's a delicate balance.

We believe that the Riparian Area issues primarily relate to the residents not wanting to follow or recognize the provincial authority. There is very little to recommend other than updating the Development Permit Area Regulations to be consistent with the Provinces Riparian Area Protection Regulations and enforcement.

Affordable housing is another topic that all jurisdictions struggle with. Hornby has a Housing Needs Study and an MCP thesis by a Vancouver Island University student and Hornby resident that addresses options for housing. It faces the same challenges as STVR – water and density.

We would be very happy to meet with you to discuss this project and our next steps. I will be attending (to listen) the LTC meeting on January 20th when Sonja presents the project update to the Trustees.

Hornby OCP Amendments Review Project - **Charter** v 2.0

Hornby Island Local Trust Committee | Endorsement Date: Sept. 9, 2022

Purpose: To review and update the Hornby Official Community Plan (OCP) and Land Use Bylaw (LUB) regulations with regards to housing, short term vacation rentals, First Nations acknowledgments, and riparian areas.

Background: The LTC identified a "Comprehensive OCP/LUB Review" as a top priority project and requested the Hornby Island Advisory Planning Commission to provide recommendations for OCP and LUB amendments related to four specific topics. The APC spent much of 2021 and early 2022 meeting and providing recommendations regarding amendments.

Objectives

- Amend the Hornby Island OCP and LUB by incorporating recommendations of the Hornby Island Advisory Planning Commission and public feedback on these recommendations

In Scope

- OCP and LUB amendments regarding:
  - Housing
  - STVRs
  - RAPR
  - First Nations
- Community Engagement + Leg. Process

Out of Scope

- Topics beyond the four identified as in-scope;
- Public engagement beyond legislative requirements and community workshops

Deliverables

- One OCP Amendment Bylaw
- One LUB Amendment Bylaw

Workplan Overview

Deliverable/Milestone	Date
Project Charter Endorsed	June, 2022
Execute Consultant Contract	August, 2022
First Community Workshop	October, 2022
Second Community Workshop	Winter, 2022/23
Consultant Report on Workshops and Recommendations for Bylaws	Spring, 2023
1st Reading of bylaws and referral	Spring, 2023
2nd Reading of bylaws and schedule CIM and Public Hearing	Summer, 2023
CIM/Public Hearing	Fall, 2023
3rd Reading and forward to EC and Ministry	Winter, 2023/24
Adoption	Spring, 2024

Project Team

Island Planner	Project Manager
Consultant	Workshop facilitation and drafting of bylaws
Legislative Clerk	Legislative Process / Bylaw Review
Administrative Office Assistant	Website postings; meeting notices
RPM Approval: *Heather Kauer, RPM* **Date: September 9, 2022**	**LTC Endorsement:** Resolution #: 10-Jun-22; 9-Sept-22

Budget

Budget Sources: TC Line Item Budget allocation

Fiscal	Item	Cost
2022/23	Consultant Contract	$13,450
2022/23	Workshop Venue Rental / advertising	$850
2022/23	Minute-Taker	$600
2023/24	Consultant Contract	$13,200
2023/24	CIM/Public Hearing	$1,800
	Total	$16,700

STAFF REPORT

DATE OF MEETING:	April 17, 2023
TO:	Hornby Island Local Trust Committee
FROM:	Sonja Zupanec, Island Planner Northern Office
SUBJECT:	OCP/LUB Review Project – LTC review of consultant's recommendations and direction for next steps

RECOMMENDATION

1. **That the Hornby Island Local Trust Committee endorse the revised Project Charter v. 2.1, dated April 17, 2023 to reflect the revised timeline and deliverables of the project.**

2. **That the Hornby Island Local Trust Committee request staff to prepare a draft bylaw to amend the Hornby Island Official Community Plan (*specify scope of preferred amendments based on consultant's report and/or community input*).**

3. **That the Hornby Island Local Trust Committee request staff to prepare a draft bylaw to amend the Hornby Island Land Use Bylaw (*specify scope of preferred amendments based on consultant's report and/or community input*).**

4. **That the Hornby Island Local Trust Committee request staff to engage with K'omoks First Nation on the Hornby Island OCP and LUB Review project scope of amendments and determine the level of capacity funding required from the 2023/24 fiscal year budget to support K'omoks input into the draft bylaws .**

REPORT SUMMARY

The purpose of this report is to provide the Hornby Island Local Trust Committee (LTC) with an updated draft Project Charter for the Official Community Plan (OCP) and Land Use Bylaw (LUB) review project and request specific direction from the LTC on amendments to the project workplan in order to advance deliverables of the project for this fiscal year 2023/24.

BACKGROUND

The following resolutions were passed by the LTC in January 2023:

> ***HO-LTC-2023-002 It was MOVED and SECONDED,***
> *that the Hornby Island Local Trust Committee request the members of the Advisory Planning Commission to meet with the project consultant by March 15, 2023 to review consultant recommendations on the OCP/LUB Review project and provide input on priority amendments to the OCP and LUB for LTC consideration. CARRIED*

The meeting was conducted and recommendations to the LTC have been provided by the consultant in the final report dated March 2023 (see April 17, 2023 agenda package).

> ***HO-LTC-2023-003 It was MOVED and SECONDED,***
> *that the Hornby Island Local Trust Committee request staff to work with the consultant to schedule and advertise a second electronic Community Information Meeting prior to February 28, 2023, but after the Advisory Planning Commission meeting, to solicit public input on options to regulate Short Term Vacation Rentals. CARRIED*

The second Community Information Meeting was held in February 2023 and public input received to date has been posted to the project website.

> ***HO-LTC-2023-004 It was MOVED and SECONDED,***
> *that a summary report be prepared by the consultant and submitted to planning staff by March 30, 2023 to clearly identify specific policy and regulatory changes recommended to advance improvements to the Official Community Plan and Land Use Bylaw in the four topic areas included in the review project. CARRIED*

A final report has been submitted to the LTC (see April 17, 2023 agenda package) and provides specific recommendations for amendments to the OCP and LUB for all four topic areas.

> ***HO-LTC-2023-005 It was MOVED and SECONDED,***
> *that the Hornby Island Local Trust Committee request staff to prepare an update to the Hornby Island Official Community Plan and Land Use Bylaw Amendment Project Charter v. 2.0, dated September 9, 2022 to reflect the revised timeline and deliverables of the project. CARRIED*

A revised draft project charter has been prepared (see Attachment 1) for LTC consideration of next steps.

Project Charter: Attachment 1 includes draft track changes to the version 2.0 of the project charter (endorsed September 2022) recommended by staff. Changes are necessary to better reflect the current timeline and potential deliverables of the project. The LTC is asked to review each section of the project charter to ensure it accurately reflects the LTC's intentions for the next phase of this project which includes bylaw drafting and legislative review.

First Nations Engagement: Once the LTC has confirmed the preferred policy and regulatory options it wishes to proceed with for draft bylaws, staff will engage K'omoks First Nation to determine their capacity to provide a review of the draft bylaws. An updated project budget will be prepared to reflect capacity funding earmarked for the Nation.

Advisory Planning Commission: The LTC should determine at which stage(s) the APC may be involved in reviewing the draft bylaws. Early referral prior to first reading is strongly recommended to ensure the LTC receives the APC's input prior to broader community consultation. The draft project charter workplan reflects an early referral opportunity.

Community Consultation: The LTC should specify the format and frequency of community consultation during the draft bylaw review stage. The draft project charter identifies a formal community information meeting

opportunity after first reading and again prior to a public hearing being held. The LTC should specify any additional opportunities it wishes to be reflected in the workplan and budget at this time.

Rationale for Recommendation:

Based on the extent of community and consultant recommendations received by the LTC to date, staff recommends the LTC provide clear direction to staff on the scope of policy and regulatory changes it wishes to incorporate into draft bylaws in order to advance this project and address the four identified topic areas of the OCP and LUB review.

ALTERNATIVES

1. **Amend the Project Charter:** If the LTC wishes to re-visit the project deliverables and engagement topics or methodology, the project charter will need substantial amendments. A resolution of the LTC would be required to request staff to prepare changes to the project charter for the LTC to consider. Suggested wording for a resolution is: *"That the Hornby Island Local Trust Committee request staff to amend the project charter by (specify new purpose, scope, objectives, in-scope and/or out of scope) for LTC review at the next business meeting."*
2. **Defer consideration of next steps to the May 5, 2023 regular business meeting.** If the LTC wishes to defer consideration of next steps to the next business meeting to allow for additional time for Trustees to consider the recommended options laid out in the consultant's report, suggested wording for a resolution is: *"That the Hornby Island Local Trust Committee request staff to bring back the OCP/LUB Review Project final report and draft project charter for consideration at the May 5, 2023 regular business meeting."*

NEXT STEPS

If the LTC is prepared to endorse the draft project charter (Attachment 1) and specify the preferred policy and regulatory changes it wishes to see in draft bylaws, staff can initiate engagement with K'omoks First Nation and prepare draft bylaws for LTC consideration of next steps.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	April 11, 2023
Concurred By:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	April 11, 2023

ATTACHMENTS

1. Draft Amendments to Project Charter

***Hornby OCP Amendments Review Project* - Charter** v 2.~~0~~1 DRAFT FOR LTC REVIEW APRIL 2023

Hornby Island Local Trust Committee Endorsement Date: ~~Sept. 9, 2022~~

Purpose: To review and update the Hornby Official Community Plan (OCP) and Land Use Bylaw (LUB) regulations with regards to housing, short term vacation rentals, First Nations acknowledgments, and riparian areas.

Background: The LTC identified a "Comprehensive OCP/LUB Review" as a top priority project and requested the Hornby Island Advisory Planning Commission to provide recommendations for OCP and LUB amendments related to four specific topics. The APC spent much of 2021 and early 2022 meeting and providing recommendations regarding amendments. A consultant was hired in 2022 and prepared a report of final recommendations for LTC consideration of next steps in the 2023/24 fiscal year.

Objectives	In Scope	Out of Scope	Deliverables
• Amend the Hornby Island OCP and LUB by incorporating recommendations of the Hornby Island Advisory Planning Commission; consultant's recommendations and public feedback ~~on these recommendations~~	○ OCP and LUB amendments regarding: • Housing (specify) • STVRs (specify) • RAPR (specify) • First Nations (specify) ○ Community Engagement + Leg. Process	• Topics beyond the four identified as in-scope; • Public engagement beyond legislative requirements and community workshops	• One OCP Amendment Bylaw • One LUB Amendment Bylaw

Workplan Overview

Deliverable/Milestone	Date
Project Charter Endorsed	June, 2022 COMPLETED
Execute Consultant Contract	August, 2022 COMPLTED
First Community Workshop	October, 2022 COMPLETED
Second Community Workshop	Winter, 2022/23 COMPLETED
Consultant Report on Workshops and Recommendations for Bylaws	Spring, 2023 COMPLETED
LTC consideration of consultant report options and selection of which options to proceed with for draft bylaws	April 2023
Staff to engage with K'omoks and prepare draft bylaws	Summer 2023
Draft Bylaws presented to LTC for consideration of First Reading or referral to APC for comment	September 8, 2023
1st Reading of bylaws and referral to First Nations, agencies, APC and community groups	~~Spring, 2023~~Winter 2023
Community Information Meeting following referral submissions	Winter 2024
2nd Reading of bylaws ~~and schedule CIM and Public Hearing~~	~~Summer, 2023~~Winter 2024
CIM/Public Hearing	~~Fall, 2023~~Spring 2024
3rd Reading and forward to EC and Ministry	~~Winter, 2023/~~Spring 2024
Adoption	Spring/Summer~~,~~ 2024

Project Team	
Island Planner	Project Manager/ bylaw drafting
~~*Consultant*~~	~~Workshop facilitation and drafting of bylaws~~
Legislative Clerk	Legislative Process / Bylaw Review
Administrative Office Assistant	Website postings; meeting notices
RPM Approval: *Heather Kauer, RPM* **Date: September 9, 2022** *Renée Jamurat, RPM* **Date: April 11, 2023**	**LTC Endorsement:** Resolution #: 10-Jun-22; 9-Sept-22

Budget		
Budget Sources: TC Line Item Budget allocation		
Fiscal	Item	Cost
2022/23	Consultant Contract	$13,450 SPENT
~~2022/23~~	~~Workshop Venue Rental / advertising~~	~~$850~~
2022/23	Minute-Taker	$600 SPENT
~~2023/24~~	~~Consultant Contract~~	~~$13,200~~
2023/24	K'omoks First Nation Engagement/Capacity Funding	PENDING
2023/24	Community Information Meeting after 1st reading	$1,000
2023/24	CIM/Public Hearing after second reading	$1,800
	Total	$ ~~16,700~~PENDING

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STAFF REPORT

DATE OF MEETING:	June 16, 2023
TO:	Hornby Island Local Trust Committee
FROM:	Sonja Zupanec, Island Planner Northern Office
SUBJECT:	OCP/LUB Review Project – Endorsement of Revised Project Charter

RECOMMENDATION

1. **That the Hornby Island Local Trust Committee endorse the revised Project Charter v. 2.1, dated June 16, 2023 to reflect the revised timeline and deliverables of the Official Community Plan and Land Use Bylaw Review project.**

REPORT SUMMARY

The purpose of this report is to provide the Hornby Island Local Trust Committee (LTC) with an updated draft Project Charter for the Official Community Plan (OCP) and Land Use Bylaw (LUB) review project based on LTC direction given at the May 5, 2023 regular business meeting.

The project charter is ready for endorsement and staff is seeking the following direction from the LTC in order to initiate the bylaw drafting phase of this project:

- Confirm that the project charter accurately reflects the LTC's intentions for the next phase of this project which includes bylaw drafting, legislative review and public consultation.
- Confirm which stage(s) the APC may be involved in reviewing the draft bylaws.
- Comment and confirm on the format and frequency of community consultation during the draft bylaw review stage, including any additional opportunities it wishes to be reflected in the workplan and budget at this time as it may impact the project completion by end of this fiscal.

BACKGROUND

The following resolutions were passed by the LTC in May 2023:

> ***HO-LTC-2023-020 It was MOVED and SECONDED,***
> *that the Hornby Island Local Trust Committee add Option 1 and 2 from Section 3.3 'Options for OCP Amendment' to the OCP/LUB Project Charter.* ***CARRIED***

The March 2023 "Hornby Island Official Community Plan Engagement Summary Report" prepared by Patricia Maloney Consulting recommended Options 1 and 2 in section 3.3 have been included in the project charter (Attachment 1).

HO-LTC-2023-021 It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee request Staff to place Options 3 to 8 under Section 3.3 'Options for OCP Amendments' on the Future Projects List. ***CARRIED***

These options have been included in the Future Projects List under 'First Nations'.

HO-LTC-2023-022 It was MOVED and SECONDED,
that Hornby Island Local Trust Committee include options 2 and 3 from the Consultant's Report Section 4.5.1; and include Advisory Planning Commission recommendations 1, 2 and 3 from their March 29, 2022 Report; and include proof of potable water, to the Project Charter. ***CARRIED***

Option 2 (allowing secondary/accessory dwelling units in all zones with limitations) has been included in the project charter. Option 3 (policy to support cooperative housing and purpose built rental housing) has also been included.

HO-LTC-2023-023 It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee include options 2, 3 and 5 from the Consultant's report Section 5.3.1 to the Project Charter. ***CARRIED***

The project charter has been updated to specifically prohibit future new vacation home rental use in all zones; explore a monitoring program and Temporary Use Permits for all new short term vacation rental uses.

HO-LTC-2023-024 It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee include in the Project Charter that all small lot residential zones be designated IA Heavily developed Aquifer. ***CARRIED***

The following has been included in the project charter:

Project Charter: Attachment 1 includes draft track changes to the version 2.0 of the project charter (endorsed September 2022) requested by the LTC. The LTC is asked to review each section of the project charter to ensure it accurately reflects the LTC's intentions for the next phase of this project which includes bylaw drafting, legislative review and public consultation.

First Nations Engagement: Staff have reached out to K'omoks First Nation to determine their capacity to provide a review of the draft bylaws. No confirmation from the Nation has been received at the time of report writing. An updated project budget will be prepared to reflect capacity funding earmarked for the Nation.

Advisory Planning Commission: The LTC should determine at which stage(s) the APC may be involved in reviewing the draft bylaws. Early referral prior to first reading is strongly recommended to ensure the LTC receives the APC's input prior to broader community consultation. The project charter workplan reflects an early referral opportunity.

Community Consultation: The LTC should specify the format and frequency of community consultation during the draft bylaw review stage. The draft project charter identifies a formal community information meeting opportunity after first reading and again prior to a public hearing being held. The LTC should specify any additional opportunities it wishes to be reflected in the workplan and budget at this time as it may impact the project completion by end of this fiscal.

Rationale for Recommendation: The project charter is ready for endorsement by the LTC so that staff can initiate the bylaw drafting phase of this project.

ALTERNATIVES

1. **Amend the Project Charter:** If the LTC wishes to re-visit the project deliverables and engagement topics or methodology, the project charter will need substantial amendments. A resolution of the LTC would be required to request staff to prepare changes to the project charter for the LTC to consider. Suggested wording for a resolution is: *"That the Hornby Island Local Trust Committee request staff to amend the project charter by (specify new purpose, scope, objectives, in-scope and/or out of scope) for LTC review at the next business meeting."*

NEXT STEPS

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	June 1, 2023
Concurred By:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	June 5, 2023

ATTACHMENTS

1. Project Charter v.2.1 June 2023

Hornby OCP and LUB Review Project - **Charter** v 2.1 (DRAFT FOR LTC REVIEW)

Hornby Island Local Trust Committee | Endorsement Date: *PENDING June 16, 2023*

Purpose: To review and update the Hornby Official Community Plan (OCP) policies and Land Use Bylaw (LUB) regulations to increase housing options, restrict short term vacation rentals in residential zones and update First Nations references in the OCP.

Background: The Local Trust Committee (LTC) prioritized a "Comprehensive OCP/LUB Review" project in 2021 and requested the Hornby Island Advisory Planning Commission to provide recommendations for OCP and LUB amendments related to four specific topics. The APC spent much of 2021 and early 2022 meeting and providing recommendations regarding amendments. A consultant was hired in 2022 and prepared a report of final recommendations for LTC consideration of next steps in the 2023/24 fiscal year. In May 2023 the LTC confirmed the scope and purpose of the project as updated policies and regulations related to secondary suites/dwellings, prohibiting new short term vacation rentals and updating First Nations references in the OCP.

Objectives

Amend the Hornby Island OCP and LUB by incorporating select recommendations of the Hornby Island Advisory Planning Commission; consultant's recommendations and public feedback to restrict short term vacation rentals; increase housing options and update First Nations references.

In Scope

-Draft OCP and LUB Bylaw amendments:

- Supporting cooperative and purpose built rental housing;
- Supporting rezoning applications for 'Large Lot Residential' parcels to multi-family development for residential rental tenure;
- Permitting secondary suites in all small lot zones within the principle dwelling where septic capacity allows and sufficient groundwater is available;
- Permitting secondary suites or attached secondary dwelling on lots over 2ha where septic capacity allows sufficient groundwater is available;
- Permitting secondary detached dwellings where individual well and septic are provided;
- Prohibiting new short term vacation rentals (STVRs) as an outright permitted use in residential zones
- Explore use of Temporary Use Permit of new STVRs; and
- Designating all small lots in the Galleon and Sandpiper area as within the heavily developed aquifer (IA).

-Updating OCP language, references to include First Nations.

- Add the Islands Trust Reconciliation declaration to the OCP.

-Develop a system to monitor the rate and use of STVRs.

Out of Scope

Public engagement beyond legislative requirements (one major community information meeting and one minor CIM immediately prior to the public hearing).

Deliverables

- One OCP Amendment Bylaw specific to First Nations references;
- One OCP amendment specific to housing and short term vacation rentals;
- One LUB Amendment Bylaw specific to housing and short term vacation rentals.
- Develop a vacation home rental monitoring program to monitor the rate and use of STVRs on the island.

Workplan Overview

Deliverable/Milestone	Date
Project Charter Endorsed - COMPLETED	*June, 2022*
Execute Consultant Contract - COMPLETED	*August, 2022*

First Community Workshop - COMPLETED	*October, 2022*
Second Community Workshop - COMPLETED	*Winter, 2022/23*
Consultant Report on Workshops and Recommendations for Bylaws - COMPLETED	*Spring, 2023*
LTC consideration of updated project charter/endorsement of project scope and objectives	June 2023
Staff to begin engagement with K'omoks; prepare three draft bylaws (2 OCP; 1 LUB)	Summer/Fall 2023
Draft Bylaws presented to LTC for consideration of First Reading or referral to APC for comment	Fall/Winter 2023
1st Reading of bylaws and referral to First Nations, agencies, APC and community groups	Winter 2023/2024
Community Information Meeting following referral submissions/2nd Reading of bylaws	Winter 2024
CIM/Public Hearing – END OF FISCAL	**March 2024**
3rd Reading and forward to EC and Ministry	Spring 2024
Adoption	Summer/Fall 2024

Project Team	
Island Planner	Project Manager/ bylaw drafting
Legislative Clerk	Legislative Process / Bylaw Review
RPM Approval: **Renee Jamurat, RPM** **June 2023**	**LTC Endorsement:** Resolution #: 10-Jun-22; 9-Sept-22; #xxx-2023 Jun 16

Budget		
Budget Sources: TC Line Item Budget allocation		
2022/23	Consultant Contract	$13,450 SPENT
2022/23	Minute-Taker	$600 SPENT
2023/24	K'omoks First Nation Engagement/Capacity Funding	PENDING
2023/24	Community Information Meeting after 1st reading	$1,000
2023/24	CIM/Public Hearing after second reading	$1,800
	Total up to	**$15,000**

MEMORANDUM

DATE OF MEETING:	September 8, 2023
TO:	Hornby Island Local Trust Committee
FROM:	Sonja Zupanec, Island Planner Northern Office
SUBJECT:	Official Community Plan and Land Use Bylaw Targeted Review Project – Status Update

The purpose of this memo is to provide the Hornby Island Local Trust Committee (LTC) with a status update for the Official Community Plan (OCP) and Land Use Bylaw (LUB) Targeted Review project.

BACKGROUND

The following resolutions were passed by the LTC in June 2023:

> ***HO-LTC-2023-029 It was MOVED and SECONDED,***
> *that the Hornby Island Local Trust Committee amend the Official Community Plan/ Land Use Bylaw Review Project Charter Version 2.1 by removing the words under the In Scope Section "explore use of" and replacing with the words "to require a."* ***CARRIED***
>
> ***HO-LTC-2023-030 It was MOVED and SECONDED,***
> *that the Hornby Island Local Trust Committee amend the Official Community Plan/ Land Use Bylaw Review Project Charter Version 2.1 by adding a fifth bullet in the Deliverables Section that reads: "Post Bylaw Adoption Community Information Materials."* ***CARRIED***
>
> ***HO-LTC-2023-031 It was MOVED and SECONDED,***
> *that the Hornby Island Local Trust Committee amend the Official Community Plan/ Land Use Bylaw Review Project Charter Version 2.1 by removing Bullet 5 from the In Scope Section; and by adding to Bullet 4 of the In Scope Section; so that Bullet 4 reads: "Permitting secondary suites or attached/detached secondary dwellings on lots over 2 HA where septic capacity allows and sufficient groundwater is available.* ***CARRIED***
>
> ***HO-LTC-2023-032 It was MOVED and SECONDED,***
> *that the Hornby Island Local Trust Committee endorse the revised Project Charter Version 2.1, dated June 16, 2023 to reflect the revised timeline and deliverables of the Official Community Plan and Land Use Bylaw Review project, as amended.* ***CARRIED***

The revised and updated project charter is posted to the project webpage.

First Nations Engagement: Staff have been working on a draft capacity funding agreement with the staff from the K'omoks First Nation to allow Nation staff to review the scope of potential amendments to the OCP and LUB. A regular schedule of staff to staff meetings is proposed between September 2023 and March 2024. The objective is for the Nation's staff to work with Islands Trust planning staff to draft and review policy and regulatory updates for LTC consideration this winter. The review is consistent with the terms outlined in the

Project Charter. At the time of report writing, the capacity funding agreement details with the Nation were being finalized.

Community Consultation: Once the LTC has received and considered the compilation of suggested amendments from K'omoks First Nation, staff recommend one electronic community information meeting with Hornby Island residents, Islands Trust staff and K'omoks First Nation staff to discuss the work completed to-date and highlight key policy and regulatory amendments being considered by the LTC. In the interim, any members of the public with questions or comments about the project are encouraged to contact the project planner directly.

NEXT STEPS

Staff will continue working with the K'omoks First Nation to review the Hornby Island OCP and LUB proposed amendments to First Nations references, housing options and regulating short term vacation rentals. Staff anticipate providing the LTC with specific details regarding the scope of possible amendments from K'omoks First Nation, at the next business meeting in November. Draft bylaws will be presented to the LTC for consideration this winter.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	August 22, 2023
Concurred By:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	August 22, 2023

STAFF REPORT

DATE OF MEETING:	August 9, 2024
TO:	Hornby Island Local Trust Committee
FROM:	Sonja Zupanec, Island Planner (Regional Planning Team) Northern Office
SUBJECT:	OCP/LUB Review Major Project – Draft Bylaw Nos. 176 (OCP) and 177 (LUB)

RECOMMENDATION

1. **That the Hornby Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 176, cited as "Hornby Island Official Community Plan Bylaw No. 149, 2014, Amendment No. 1, 2024", is not contrary to or at variance with the Islands Trust Policy Statement.**

2. **That the Hornby Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 177, cited as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024", is not contrary to or at variance with the Islands Trust Policy Statement.**

3. **That the Hornby Island Local Trust Committee Bylaw No. 176, cited as "Hornby Island Official Community Plan Bylaw No. 149, 2014, Amendment No. 1, 2024" be read a first time.**

4. **That the Hornby Island Local Trust Committee Bylaw No. 177, cited as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024" be read a first time.**

5. **That the Hornby Island Local Trust Committee request staff to refer Proposed Bylaw Nos. 176 (OCP) and 177 (LUB) to the following First Nations and Agencies for comment:**
   - **K'ómoks First Nation**
   - **Qualicum Indian Band**
   - **Cowichan Tribes**
   - **Halalt First Nation**
   - **Lyackson First Nation**
   - **Nanwakolas Council**
   - **Penelakut Tribe**
   - **Stz'uminus First Nation**
   - **Tla'amin First Nation**
   - **We Wai Kai Nation**
   - **We Wai Kum First Nation**
   - **Xwemalhkwu (Homalco) First Nation**
   - **Comox Valley Regional District**
   - **Island Health**
   - **Denman Island Local Trust Committee**
   - **School District #71 (Comox Valley)**
   - **Hornby Island Advisory Planning Commission**

REPORT SUMMARY

The purpose of this report is to present draft bylaws aimed at amending the Hornby Island Official Community Plan (OCP) and Land Use Bylaw (LUB) in accordance with the project charter endorsed in April 2024. Staff recommend the First Reading and referrals of both bylaws in order to advance this significant major project within the current fiscal year.

BACKGROUND

The following project related resolutions were passed by the Local Trust Committee (LTC) during the regular business meeting on April 26, 2024:

> ***HO-LTC-2024-010 It was MOVED and SECONDED,***
> *that the Hornby Island Local Trust Committee endorse the revised Project Charter v. 2.3, dated April 26, 2024 to reflect the revised in-scope topics, timeline, deliverables and budget of the Official Community Plan and Land Use Bylaw Review project.* ***CARRIED***

The updated project charter has been posted to the project webpage. All correspondence related to this major project is posted to the project webpage.

> ***HO-LTC-2024-011 It was MOVED and SECONDED,***
> *that the Hornby Island Local Trust Committee request staff to schedule a special meeting in July 2024 for the Local Trust Committee to review and consider the draft Official Community Plan and Land Use Bylaw amendments pertaining to housing and vacation rental regulations* ***CARRIED***

The special meeting scheduled for August 9, 2024.

Draft Bylaw No. 176 (OCP): The draft bylaw has been prepared based on the endorsed project charter objectives and in-scope deliverables. It has also been reviewed to ensure consistency with the Islands Trust Policy Statement (ITPS) checklist (Attachment 1). The LTC is asked to review each section of Draft Bylaw No. 176 (Attachment 2) to ensure it addresses the housing, secondary suite and vacation rental policies as intended. For convenience, staff have prepared a tracked changes version of the OCP to illustrate the scope of the proposed policy changes (Attachment 4). Staff recommend the First Reading of Draft Bylaw No. 176 as per recommendation #3 on page 1 of this report.

Draft Bylaw No. 177 (LUB): The draft bylaw has been reviewed to ensure consistency with the Islands Trust Policy Statement (ITPS) checklist (Attachment 1). The LTC is asked to review each section of Draft Bylaw No. 177 (Attachment 3) to ensure it addresses the secondary suite, vacation rental, keeping of chickens and cisterns in setback regulations as intended. For convenience, staff have prepared a tracked changes version of the LUB to illustrate the scope of the proposed policy changes (Attachment 5). Staff are recommending First Reading of Draft Bylaw No. 177 as per recommendation #4 on page 1 of this report.

Bylaw Referrals: A 90-day referral period is recommended for all First Nations and agencies listed in recommendation #5 on page 1 of this report. A summary of the referral comments will be presented at a future LTC business meeting to consider any necessary amendments, second reading, and the scheduling of a community information meeting (CIM) or Public Hearing.

Community Consultation: The project charter identifies **one** formal Community Information Meeting opportunity after First Reading and again prior to a Public Hearing being held.

Rationale for Recommendation: The draft bylaws are ready for consideration of First Reading and referrals to advance this phase of the major project.

ALTERNATIVES

1. **Amend the draft bylaws:** If the LTC wishes to amend the draft bylaws prior to consideration of First Reading, a resolution is required. Suggested wording is: *"That the Hornby Island Local Trust Committee Bylaw No. 17X, cited as "Hornby Island X Bylaw No. 149, 2014, Amendment No. 1, 2024" be amended by (specify amendments)."*
2. **Amend the Project Charter:** If the LTC wishes to not proceed with its current direction to regulate secondary suites, vacation rentals, keeping of chickens or cisterns in setbacks, the project charter will need amendments. A resolution of the LTC would be required to request staff to prepare changes to the project charter. Suggested wording for a resolution is: *"That the Hornby Island Local Trust Committee request staff to amend the project charter by (specify new purpose, scope, objectives, in-scope and/or out of scope)."*

NEXT STEPS

If the LTC concurs with the staff recommendation, planning staff will update the draft bylaws and commence with referrals. Referral comments will be presented to the LTC at a future meeting for consideration with any recommended amendments to the bylaws. The LTC can then consider a community information meeting, second reading and scheduling of a Public Hearing.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner (Regional Planning Team)	July 26, 2024
Concurred By:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	

ATTACHMENTS

1. Islands Trust Policy Statement Checklist (BL Nos 176 and 177)
2. Draft Bylaw No. 176 (OCP)
3. Draft Bylaw No. 177 (LUB)
4. Annotated OCP with tracked changes pertaining to draft bylaw 176
5. Annotated LUB with tracked changes pertaining to draft bylaw 177

ISLANDS TRUST POLICY STATEMENT
DIRECTIVES ONLY CHECKLIST

File No.: HO 6500-20
File Name: HO BL176 (OCP) and177 (LUB)

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

✓ if the bylaw is consistent with the policy from the Policy Statement, or
✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	**Ecosystems**
N/A	**3.1.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	**3.1.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	**3.1.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	**Forest Ecosystems**
N/A	**3.2.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	**Freshwater and Wetland Ecosystems and Riparian Zones**
N/A	**3.3.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	**Coastal and Marine Ecosystems**
N/A	**3.4.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	**3.4.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	**Agricultural Land**
N/A	**4.1.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	**4.1.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	**4.1.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	**NO.**	**DIRECTIVE POLICY**
N/A	**4.1.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	**4.1.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	**4.1.9**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	**Forests**
N/A	**4.2.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	**4.2.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	**4.2.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT	**NO.**	**DIRECTIVE POLICY**

	4.3	**Wildlife and Vegetation**
	4.4	**Freshwater Resources**
✓	**4.4.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure 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, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
✓	**4.4.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	**Coastal Areas and Marine Shorelands**
N/A	**4.5.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	**4.5.9**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	**4.5.10**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	**4.5.11**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	**Soils and Other Resources**
N/A	**4.6.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	**Aesthetic Qualities**
N/A	**5.1 3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	**Growth and Development**
N/A	**5.2.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	**5.2.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	**5.2.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	**5.2.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	**Transportation and Utilities**
N/A	**5.3.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	**5.3.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	**5.3.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	**5.3.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	**Disposal of Waste**
N/A	**5.4.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	**NO.**	**DIRECTIVE POLICY**

	5.5	**Recreation**
N/A	**5.5.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	**5.5.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	**5.5.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	**5.5.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	**5.5.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	**Cultural and Natural Heritage**
N/A	**5.6.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	**5.6.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	**Economic Opportunities**
N/A	**5.7.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	**Health and Well-being**
N/A	**5.8.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	***In compliance with Trust Policy***
	Not in compliance with Trust Policy for the following reasons:

DRAFT

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 176

A BYLAW TO AMEND HORNBY ISLAND OFFICIAL COMMUNITY PLAN, 2014

The Hornby Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Hornby Island Local Trust Area under the *Islands Trust Act,* enacts as follows:

1. This bylaw may be cited for all purposes as "Hornby Island Official Community Plan Bylaw No. 149, 2014, Amendment No. 1, 2024".

2. Hornby Island Local Trust Committee Bylaw No. 149, cited as "Hornby Island Official Community Plan, 2014," is amended as per Schedule "1" and "2" attached to and forming part of this bylaw.

READ A FIRST TIME THIS - DAY OF - , 202x

READ A SECOND TIME THIS - DAY OF - , 202x

PUBLIC HEARING HELD THIS - DAY OF - , 202x

READ A THIRD TIME THIS - DAY OF - , 202x

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

- DAY OF - , 202x

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS

- DAY OF - , 202x

ADOPTED THIS - DAY OF - , 202x

Chair **Secretary**

DRAFT

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 173
Schedule "1"

1. **Schedule "A"** of Hornby Island Official Community Plan, 2014 is amended as follows:

1.1 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.1 Residential – General, Objectives** (1) is deleted and replaced with:

"(1) to ensure that a variety of housing and housing tenure options are supported by this Plan."

1.2 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential,** article **6.3.1 Residential – General, Policies**, is amended by adding the following new policy after 6.3.1.3 "6.3.1.4 Vacation Home Rental use is permitted through the issuance of a valid Temporary Use Permit."

1.3 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential**, **Background** text, second paragraph is deleted and replaced with "The Anderson Drive/Whaling Station Bay aquifer areas are classified as the highest vulnerability in the province as 1A (heavily developed with high vulnerability). This is reflected in the area's water quality and quantity problems, including saltwater intrusion, sulphureus water and poor-yielding wells. In 202X the Local Trust Committee added the Galleon and Sandpiper neighbourhood areas to this aquifer classification."

1.4 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential**, **Objectives** (3) is deleted and replaced with "(3) to protect the water resource in the aquifers classified as heavily developed, highly vulnerable; and"

1.5 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential**, **Policies** 6.3.2.4 is deleted and replaced with "6.3.2.4 One principle dwelling and one secondary suite should be permitted on each lot."

1.6 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential**, **Additional Policies for small lots in the Anderson Drive/Whaling Station Bay area,** the title be amended to read "Additional Policies for small lots in the IA Heavily Developed, High Vulnerability Aquifer Areas"

1.7 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential**, **Additional Policies for small lots in the Anderson Drive/Whaling Station Bay area, Policy** 6.3.2.15 be deleted in its entirety and subsequent policies re-numbered accordingly.

1.8 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential**, **Additional Policies for small lots in**

the Anderson Drive/Whaling Station Bay area, Policy 6.3.2.16 be amended by deleting the words "and vacation home rentals".

1.9 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Objectives,** be amended by adding a new objective after (4) which reads: "(5) to support multi-dwelling residential rental tenure development in the Large Lot Residential zone, through rezoning applications."

1.10 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Policies** 6.3.3.4 is deleted in its entirety and replaced with "6.3.3.4 Only one principal dwelling unit and one secondary suite should be permitted on lots smaller than 2.0 hectares. A maximum of two dwelling units and two secondary suites should be permitted on lots 2.0 hectares or larger."

1.11 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Policies** 6.3.3.6 is amended by deleting the words "and vacation home rentals".

1.12 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Policies** is amended by adding a new policy 6.3.3.10 that reads "6.3.3.10 Rezoning applications are encouraged for multi-dwelling developments restricted to residential rental tenure and which ensure affordability is maintained in perpetuity."

1.13 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.4 Forest, Policies** 6.3.4.3 is deleted in its entirety and replaced with "6.3.4.3 Only one principal dwelling unit and one secondary suite should be permitted on lots smaller than 2.0 hectares. A maximum of two dwelling units and two secondary suites should be permitted on lots 2.0 hectares or larger."

1.14 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.5 Housing,** article **Rental Housing Policies,** 6.3.5.13 be deleted in its entirety and replaced with "6.3.5.13 A secondary suite, limited in size and contained within a permitted dwelling, should be permitted on lots smaller than 2.0 hectares. A secondary suite, limited in size by regulation and located either within, attached to or detached from a permitted dwelling should be permitted on lots 2.0 hectares or larger."

1.15 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.4 Agriculture**, article **6.4.1 Agriculture, Policies,** 6.4.1.4 be deleted in its entirety and replaced with "6.4.1.4 On lots 4.0 hectares or larger in the Agricultural Land Reserve, regulations should permit one principal dwelling and one secondary suite within the principal dwelling as well as one additional secondary dwelling limited in floor area and consistent with the Agricultural Land Commission regulations."

1.16 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.2 Visitor Accommodations and Tourism, Policies,** 6.5.2.5 a) is amended by removing the words ", guest houses or vacation home rentals".

1.17 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.2 Visitor Accommodations and Tourism, Policies,** 6.5.2.5 b) is deleted in its entirety and replaced with "6.5.2.5 b) On land in the Agricultural Land Reserve, vacation home rentals approved by a temporary use permit and agri-tourism accommodation in accordance with Agriculture Land Commission policy and regulations, if zoning allows such a use."

1.18 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.2 Visitor Accommodations and Tourism, Policies,** Policy 6.5.2.5 is amended by adding a new item c) that reads: "c) Vacation home rental use may be approved through the issuance of a Temporary Use Permit and subject to guidelines contained within the Official Community Plan."

1.19 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.3 Vacation Home Rental,** is deleted in its entirety and subsequent subsections renumbered accordingly.

1.20 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.5 Home Occupations, Background,** paragraph 2 is amended by removing the words "and vacation home rental of a primary residence is addressed in article 6.5.3 Vacation Home Rental".

1.21 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.5 Home Occupations, Policies,** Policy 6.5.5.7 is deleted in its entirety and subsequent policies renumbered accordingly.

1.22 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.10 Temporary Use Permits, Objectives**, Objective (9) is deleted in its entirety and replaced with "(9) to allow vacation home rental use as per Policy 6.5.2.5 c)".

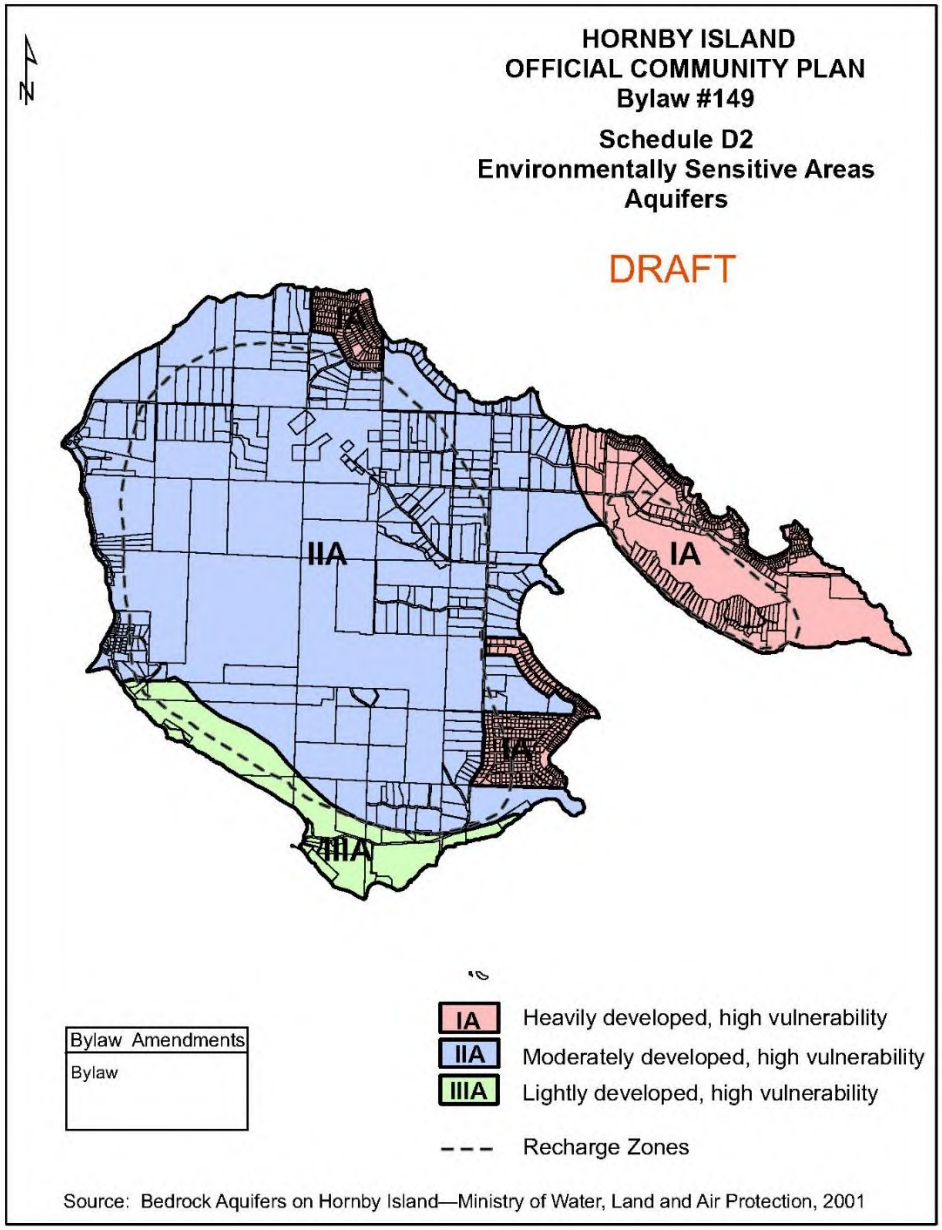
1.23 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.10 Temporary Use Permits, Guidelines**, 6.10.1 through 6.10.10 are deleted and replaced with the following text: "The guidelines for this subsection are found in the Hornby Island Land Use Bylaw."

DRAFT

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 173
Schedule "2"

1. Schedule "D2" – Environmentally Sensitive Areas Aquifers of the Hornby Island Official Community Plan, 2014 is amended by deleting Schedule D2 in its entirety and replacing with the map as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "2" of Bylaw No. 149 as are required to effect this change.

Plan No. 1



HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 177

A BYLAW TO AMEND HORNBY ISLAND LAND USE BYLAW, 2014

The Hornby Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Hornby Island Local Trust Area under the *Islands Trust Act,* enacts as follows:

1. This bylaw may be cited for all purposes as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024".

2. Hornby Island Local Trust Committee Bylaw No. 150, cited as "Hornby Island Land Use Bylaw, 2014," is amended as per Schedule "1" attached to and forming part of this bylaw.

READ A FIRST TIME THIS - DAY OF - , 202x

READ A SECOND TIME THIS - DAY OF - , 202x

PUBLIC HEARING HELD THIS - DAY OF - , 202x

READ A THIRD TIME THIS - DAY OF - , 202x

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

- DAY OF - , 202x

ADOPTED THIS - DAY OF - , 202x

_____ _____

Chair **Secretary**

DRAFT

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 177
Schedule "1"

1. **Schedule "A"** of Hornby Island Land Use Bylaw, 2014 is amended as follows:

1.1 **PART 1, INTERPRETATION,** Section **1.1 Definitions,** the definition of **structure** is amended by adding the words ", and water storage cisterns." After "related appurtenances".

1.2 **PART 1, INTERPRETATION,** Section **1.1 Definitions,** and the definition of **vacation home rental use** is deleted.

1.3 **PART 3, GENERAL REGULATIONS,** Section **3.7 Vacation Home Rental Uses** be deleted and subsequent sections are re-numbered accordingly.

1.4 **PART 3, GENERAL REGULATIONS,** Section **3.8 Secondary Suites,** Subsection **(1) (e)** is amended by replacing the words "the principle residential dwelling" with "a permitted residential dwelling".

1.5 **PART 3, GENERAL REGULATIONS,** Section **3.8 Secondary Suites,** Subsection **(1) (g)** is amended by replacing the word "principal" with "permitted residential".

1.6 **PART 3, GENERAL REGULATIONS,** Section **3.8 Secondary Suites,** a new subsection is inserted after **(2)** and before **(3)** with the following text:

"(3) Where a secondary suite is permitted in Part 8 of this Bylaw, an authorized qualified professional must state in writing to the Islands Trust that the potable water system to which the building accommodating the secondary suite is connected to, is capable of providing adequate quantity and quality of potable water."

and the subsequent subsection renumbered accordingly.

1.7 **PART 8, ZONE REGULATIONS**, Section **8.1 Residential 1- Small Lot (R1) Zone (Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot)**, Subsection **(1) (d)** is amending by replacing the words "vacation home rental use" with "secondary suite as per Section 3.8 of this bylaw."

1.8 **PART 8, ZONE REGULATIONS**, Section **8.1 Residential 1- Small Lot (R1) Zone (Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot)**, Subsection **(2) (a)** is deleted and replaced with "(a) a maximum of one residential dwelling unit with one secondary suite or one recreational vehicle used for a residential use per lot; and".

1.9 **PART 8, ZONE REGULATIONS**, Section **8.2 Residential 2- Large Lot (R2) Zone**, Subsection **(1) (c)** is amended by deleting the words "in a dwelling on lots 2.0 hectares or larger" and replacing with "as per Section 3.8 of this bylaw".

1.10 **PART 8, ZONE REGULATIONS**, Section **8.2 Residential 2- Large Lot (R2) Zone**, Subsection **(1) (h)** is deleted.

1.11 **PART 8, ZONE REGULATIONS**, Section **8.2 Residential 2- Large Lot (R2) Zone**, Subsection **(2) (a)** is amended by adding the words "and one secondary suite" after the word "unit".

1.12 **PART 8, ZONE REGULATIONS**, Section **8.2 Residential 2- Large Lot (R2) Zone**, Subsection **(2) (b)** is amended by adding the words "and two secondary suites" after the word "units".

1.13 **PART 8, ZONE REGULATIONS**, Section **8.4 Residential 4- Forest (R4) Zone**, Subsection **(1) (b)** is amending by replacing the words "in a dwelling on lots 2.0 hectares or larger" with "as per Section 3.8 of this bylaw."

1.14 **PART 8, ZONE REGULATIONS**, Section **8.4 Residential 4- Forest (R4) Zone**, Subsection **(1) (g)** is deleted.

1.15 **PART 8, ZONE REGULATIONS**, Section **8.4 Residential 4- Forest (R4) Zone**, Subsection **(2) (a)** is amending by adding the words "and one secondary suite" after the word "unit".

1.16 **PART 8, ZONE REGULATIONS**, Section **8.4 Residential 4- Forest (R4) Zone**, Subsection **(2) (b)** is amending by adding the words "and two secondary suites" after the word "units".

1.17 **PART 8, ZONE REGULATIONS**, Section **8.5 Agriculture 1 (A1) Zone**, Subsection **(1) (d)** is amended by replacing the words "in a dwelling on lots 2.0 hectares or larger" with "as per Section 3.8 of this bylaw."

1.18 **PART 8, ZONE REGULATIONS**, Section **8.5 Agriculture 1 (A1) Zone**, Subsection **(1) (f)** is deleted.

1.19 **PART 8, ZONE REGULATIONS**, Section **8.5 Agriculture 1 (A1) Zone**, Subsection **(2) (a)** is amended by adding the words "and one secondary suite" after the word "unit".

1.20 **PART 8, ZONE REGULATIONS**, Section **8.5 Agriculture 1 (A1) Zone**, Subsection **(2) (b)** is amended by adding the words "and two secondary suites" after the word "units".

1.21 **PART 8, ZONE REGULATIONS**, Section **8.6 Agriculture 2 –Agriculture/Residential (A2) Zone (*Shire Property)***, Subsection **(1) (b)** is amended by adding the words "as per Section 3.8 of this bylaw;" after "suite".

1.22 **PART 8, ZONE REGULATIONS**, Section **8.6 Agriculture 2 –Agriculture/Residential (A2) Zone (*Shire Property)***, Subsection **(2) (a)** is amended by adding the words "and one secondary suite per dwelling" after "units".

1.23 **PART 8, ZONE REGULATIONS**, Section **8.7 Agriculture 3 –Agriculture/Residential (A3) Zone (*Syzygy*)**, Subsection **(1) (d)** is amended by adding the words "as per Section 3.8 of this bylaw;" after "suite".

1.24 **PART 8, ZONE REGULATIONS**, Section **8.7 Agriculture 3 –Agriculture/Residential (A3) Zone (*Syzygy*)**, Subsection **(2) (a)** is amended by adding the words "and one secondary suite per dwelling" after "units".

1.25 **PART 8, ZONE REGULATIONS**, Section **8.8 Agriculture 4 –Agriculture/Residential (A4) Zone (*Downes Point Land Holdings Ltd.*)**, Subsection **(1) (b)** is amended by adding the words "as per Section 3.8 of this bylaw;" after "suite".

1.26 **PART 8, ZONE REGULATIONS**, Section **8.8 Agriculture 4 –Agriculture/Residential (A4) Zone (*Downes Point Land Holdings Ltd.*)**, Subsection **(2) (a)** is amended by adding the words "and one secondary suite per dwelling" after "units".

1.27 **PART 8, ZONE REGULATIONS**, Section **8.21 Public Use (PU) Zone**, Subsection **(9) table** is amended by adding a new site specific regulation after "(d) Recycling depot" that reads "(e) Community housing."

1.28 **PART 10, TEMPORARY USE PERMIT AREAS,** Section **10.1 Temporary Use Permits,** text is amended by adding the following sentence at the end of the paragraph "All Temporary Use Permit Objectives are listed in the Hornby Island Official Community Plan."

1.29 **PART 10, TEMPORARY USE PERMIT AREAS,** Section **10.2 Objectives** is deleted and subsequent section renumbered accordingly.

1.30 **PART 10, TEMPORARY USE PERMIT AREAS**, Section **10.3 Guidelines,** Subsection **(10)** is deleted and replaced with the following:

"When considering the issuance of a Temporary Use Permit for a vacation home rental, the following additional guidelines apply:

(a) the cumulative effects, both positive and negative, on the neighbourhood and island of all Temporary Use Permits issued for vacation home rentals shall be considered by the Local Trust Committee;

(b) applicants for a Temporary Use Permit should provide documentation from a qualified professional that:

i) the septic tank has been inspected in the last 6 months and is working and capable of supporting the proposed occupancy load for the vacation rental use; and

ii) there is sufficient quantity and quality of potable water to support the vacation rental use.

(c) a condition of the Temporary Use Permit should require the permit holder to post information for guests about awareness and sensitivity to the significant First Nations cultural heritage and archaeological sites on the island;

(d) a condition of the Temporary Use Permit should prohibit recreational vehicles or camping;

(e) a condition of the Temporary Use Permit should allow vacation rental use only between May 1 – September 30;

(f) a condition of the Temporary Use Permit should allow no more than 2 beds per bedroom and no more than three bedrooms to be used for dwellings on lots less than 1.0 hectare in size; or more than four bedrooms if the lot has an area of 1.0 hectare or more.

(g) a condition of the Temporary Use Permit should restrict occupancy during any period of seven consecutive days to only one guest or guest party;

(h) a condition of the Temporary Use Permit should limit occupancy and signage on the property;

(i) a condition of the Temporary Use Permit should require specific information to be posted to guests regarding the location of property lines by way of a map, any applicable noise bylaws, measures to address water conservation, fire safety, storage and management of garbage, septic system care and control of pets (if pets are permitted) as stated in the Temporary Use Permit or as determined by the owner or manager to effectively manage the site; and

(j) any other requirements the Local Trust Committee may consider appropriate.

DRAFT

HORNBY ISLAND

OFFICIAL COMMUNITY PLAN

BYLAW NO. 149, 2014

Commented [SZ1]: MARKED UP FOR REVIEW OF DRAFT BYLAW NO. 173 RELATED TO HOUSING AND VACATION RENTAL POLICIES

As amended by the
Hornby Island Local Trust Committee

Consolidated Version: June 6, 2022

This Bylaw is consolidated for convenience only
and is not to be construed as a
legal document.

For reference to original bylaw and amendments,
please contact:
Islands Trust - Northern Office, 700 North Road
Gabriola Island, BC V0R 1X3
(250) 247-2063

CONSOLIDATED BYLAW AMENDMENTS

This copy is consolidated for convenience only and includes the following **text amendments only:**

Bylaw Number	Amendment Number	Adoption Date
Bylaw No. 151	Amendment No. 1, 2015	June 10, 2016
Bylaw No. 161	Amendment No. 1, 2019	May 21, 2021
Bylaw No. 166	Amendment No. 1, 2021	May 6, 2022

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 149

A BYLAW TO ADOPT THE OFFICIAL COMMUNITY PLAN FOR THE HORNBY ISLAND LOCAL TRUST AREA

The Hornby Island Local Trust Committee, being the Local Trust Committee having jurisdiction on and in respect of the Hornby Island Local Trust Area pursuant to the Islands Trust Act,

AND WHEREAS the Hornby Island Local Trust Committee wishes to adopt an Official Community Plan,

The Hornby Island Local Trust Committee enacts as follows:

1. TITLE

   This Bylaw may be cited as the "Hornby Island Official Community Plan Bylaw No. 149, 2014".

2. APPLICATION

   This Bylaw applies to:
   Hornby Island,
   Toby Island,
   Flora Islet,
   Norris Rocks,
   and unnamed islets and the surface of water within 1000 metres of the natural boundary of the sea on Hornby and Toby Islands and Flora Islet, except where the boundary overlaps with that of Denman Island in which case, the jurisdiction of the Hornby Island Local Trust Committee extends to a line mid-channel between the two Islands as shown on Schedule B.

3. ORGANIZATION

   The following schedules attached to and forming part of this Bylaw, are adopted as "Hornby Island Official Community Plan Bylaw 149, 2014":

Schedule A:	Bylaw Text
Schedule B:	Land Use Designations Map
Schedule C:	Land Status and Road Designations Map
Schedule D1:	Environmentally Sensitive Areas (Sensitive Ecosystem Inventory) Map
Schedule D2:	Environmentally Sensitive Areas Map
Schedule E:	Development Permit Areas Map
Schedule F:	Hazardous Areas Map
Schedule G:	List of Community References

4. REPEAL

   "Hornby Island Official Community Plan Bylaw No. 104, 2002" is repealed upon adoption of this Bylaw.

READ A FIRST TIME THIS	25TH	DAY OF	APRIL	, 2014
PUBLIC HEARING HELD THIS	11TH	DAY OF	JULY	, 2014
SECOND PUBLIC HEARING HELD THIS	9TH	DAY OF	SEPTEMBER	, 2014
SECOND READING THIS	17TH	DAY OF	JULY	, 2015
READ A THIRD TIME THIS	14TH	DAY OF	AUGUST	, 2015
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	6TH	DAY OF	OCTOBER	, 2015
APPROVED BY THE MINISTRY OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT THIS				
	14TH	DAY OF	JANUARY	, 2016
ADOPTED THIS	27TH	DAY OF	JANUARY	, 2016

_____ _____

SECRETARY CHAIRPERSON

HORNBY ISLAND OFFICIAL COMMUNITY PLAN
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May/2021

SCHEDULE A
HORNBY ISLAND OFFICIAL COMMUNITY PLAN

SECTION I — BACKGROUND

1.1 Context and Interpretation

This Plan is an update to the Hornby Island Official Community Plan Bylaw No. 104, 2002 and has been assigned a new bylaw number to denote the update. An update, in contrast to a review of the plan, focuses on updates to legislative references and clarification of the text where previous use of objectives or policies have identified lack of clarity. A review was undertaken of Section VI – Objectives and Policies for Sustainable Land Use with a focus on housing and the economy and amendments are incorporated into this Plan. Other areas of review included new objectives and policy on wind energy and amendments to land use designations on some properties.

The Plan update distinguishes between "Policies" and "Advocacy Policies". "Policies" are those that are within the authority of the Hornby Island Local Trust Committee to implement. Community goals and objectives included in this Bylaw that address matters that are outside the jurisdiction of the Hornby Island Local Trust Committee are considered "advocacy policies". These advocacy policies encourage others to take actions that the Local Trust Committee believes would contribute to the goals and objectives of the Plan. This Bylaw cannot and does not represent a commitment from other agencies or persons to act according to community goals, objectives or policies.

Properties are noted with a land use designation on Schedule B attached to this Plan. Each designation is referenced in the text of this Plan with stated objectives and policies. In addition there are sections of the text of this Plan that apply to all properties on Hornby Island. If a property has more than one land use designation as defined on Schedule B of this Plan, then the objectives and policies applicable to each designation shall apply to that property.

The term "Information Note" is used periodically within the Plan. An information note is not part of the official community plan bylaw. An information note is added to the published bylaw document after adoption of the bylaw to assist in the understanding and interpretation of the Plan.

1.2 Purpose

The purpose of this Official Community Plan bylaw is to further the object of the *Islands Trust Act* through long-range land use policies for the Hornby Island Local Trust Area. This Bylaw provides a statement of local government goals, objectives and policies. It is intended to provide policy guidance for the Hornby Island Local Trust Committee and the public regarding the existing and proposed land use and development in the Local Trust Area.

1.3 Islands Trust Authority

The *Islands Trust Act* gives the Islands Trust, via its Local Trust Committees, essentially the same land use planning authority as a regional district board under the *Local Government Act*. Bylaws must be submitted to the Islands Trust Executive Committee for approval and must not be approved if they are contrary to or at variance with the Islands Trust Policy Statement. In the case of Official Community Plans, approval by the Ministry of Municipal Affairs and Housing is also required before adoption by the Local Trust Committee.

The Hornby Island Local Trust Committee is the Local Trust Committee with responsibility for land use planning and regulations within the Hornby Island Local Trust Area. This committee has three members; two locally elected trustees and a member of the Executive Committee appointed by the chairperson of the Islands Trust Council.

The purpose of the Trust Council, Executive Committee, and Local Trust Committees, is to carry 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 of the residents of the trust area and of the Province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of the province.

The legislated object defines the purpose of providing authority to the Islands Trust for land use regulation. The Islands Trust Policy Statement is a general statement of policies to carry out the object of the Trust. Local Trust Committees employ the available planning powers of the *Local Government Act* to preserve, protect, and effectively maintain the rural nature, health, natural environment and vitality of the Trust Area.

1.4 Historical Perspectives

Someone has said "a people without a history can have no vision". The people of Hornby Island are standing on history. It is to be found in the remnants of snake fences, and in the derelict orchards, in the blackened shell-flecked soil around the shores, and in the indigenous trees and shrubs from which the first people took their sustenance. It is to be found in the soil and in the sandstone and conglomerate sedimentary rocks, in the pebbles on the beaches, and in the basement rock on which the Island rests.

The rocks of Hornby Island are part of the island arc Wrangellia, which started its life as molten lava, three hundred and fifty million years ago, south of the equator. The arc, the result of one ocean plate meeting another and subducting, journeyed north on the back of the Pacific Plate, eroding gathering limestone. On reaching the latitude of present-day Mexico, about one hundred and seventy million years ago, another set of volcanic eruptions added more volcanic rock to the terrain.

From these two major geological events came the Island's basement rock, and later, 65 to 70 million years ago, most of the ingredients for the Island's sedimentary rock, the pebbles in the conglomerate and the eroded rock from the tumbling hillsides, came from the recycled substance of Wrangellia's earlier geological history. Also in the sediment are found fossils of sea creatures, and pieces of petrified wood dating from trees that grew at that time.

Continuing tectonic plate pressure first folded and then faulted the layers of sedimentary rock. The movement of glaciers and the rising and falling of seas in the interglacial periods, scoured the rock and then padded the dips and valleys with clay, sand, and glacial till. Some of the boulders and cobbles were brought from as far away as the Coast Range Mountains.

Ten thousand years ago, three thousand years after the last glacier retreated, the receding seas started slowly to reveal Hornby Island with much the same shape that it is today. Vegetation started to grow and by five thousand years ago people from Deep Bay were visiting the Island gathering the Island's bounty and fishing from its shores.

During the 1860's Hornby Island was virtually empty of people. It was the sight of the island on fire at the end of the decade that decided George Ford, one of the earliest recorded settlers, to move from the settlement in Comox to Hornby Island. Fires made clearing land easier. Other settlers followed. In 1870 a whaling company moved its base of operations to Hornby Island, but in less than two years it went into liquidation and one hundred acres at Whaling Station Bay with wharf, sheds and other buildings were auctioned off.

The early settlers were able to choose land which was sheltered, amply provided with water, and having deep fertile soil. By the turn of the century Hornby had become a fairly prosperous farming community, although many who came to farm found the sale of logs from the clearing of land more profitable than the farming itself.

Hornby Island, like all islands, promised a dream. The Island challenged, dared, and offered an escape. Not everyone who came succeeded and even those who did succeed, often found their children seeking dreams elsewhere. By 1960 most land had changed hands several times. Families had come and gone. Some orchards were derelict and many fields were overgrown. The 150 people on the Island were made up of fishermen, subsistence farmers, resort owners, their children and one or two retired intellectuals. Towards the end of the sixties developers discovered the Island and three farms were turned into small lot residential subdivisions.

To avoid more indiscriminate carving up of the Island, a policy restricting subdivision to a ten-acre minimum lot size was introduced in 1969 through a provincial cabinet Order-in-Council known as the "Ten-Acre Freeze", applying it to all of the

Gulf Islands. The decree permitted no further subdivision creating lots under 10-acres in size, with a maximum of two dwellings per parcel, and was to continue to apply until zoning and subdivision bylaws could be enacted by the local governments for each island. As well, in about 1972, using existing soil analysis mapping, the Province established the BC Agricultural Land Reserve (ALR), and its Commission known as the ALC, covering all the known useable farm and grazing land in BC to prevent further subdivision or development of the Province's remaining farmland, except through application to the ALC (this was estimated to include no more than 3% of the province's land mass). In 1973, the Comox-Strathcona Regional District responded to the call for land use regulation by assisting the Hornby community to develop and pass its first set of local land use and subdivision bylaws (Bylaw Nos. 137 and 139). This coincided with the arrival of the counter-culture people, and the Island flowered with artists, craftsmen and academics seeking a more meaningful life. In 1974 the Islands Trust was formed to preserve and protect the Gulf Islands, which include Hornby Island, against inappropriate use and development. In April 1977, the new Hornby Island Local Trust Committee, following lengthy discussion with Hornby residents, approved the first Official Community Plan for the Island.

Legislation does not ensure the spirit of a place. Hornby Island itself with its beauty, with its history deep into the past, its tranquility, its changing light and seasons, must be allowed to capture the hearts of those who dwell here. Hornby will endure although it has not always been an island and one day may not be again. It has traveled a long way and gone through many changes. It will be here long after the human population has gone. Every person who owns land holds it as a temporary tenant, in trust for future generations.

1.5 The Natural Setting

Terrestrial Ecosystems

Hornby Island is within an ecological region unique in Canada. The Coastal Douglas-fir (CDF) zone is one of the smallest biogeoclimatic zones in British Columbia, occurring only on the Gulf Islands, southeastern Vancouver Island and small portions of the Sunshine Coast and Fraser Delta. It is a region of exceptionally high biodiversity but also one that has been profoundly and adversely affected because of its accessibility for logging and suitability for settlement. Less than 1% of this ecosystem remains relatively undisturbed; 12% of provincial ecosystems are generally considered a minimal protection target to achieve ecological representation. Even if all the remaining remnants of old-growth forest can be preserved, areas of older second-growth forest must also be protected and allowed to recover to an old-growth state to ensure adequate representation of this forest type in the future.

The original Coastal Douglas-fir forests had a relatively open canopy dominated by gigantic Douglas-firs, which can live more than 750 years. About 100 species of other trees, shrubs, vines, herbs and mosses are indigenous to these forests.

On Hornby only about 104 hectares of relatively undisturbed stands of older forest have been identified. This is about 3.5% of the Island's area. However, there are also at least 572 hectares of older second-growth forest (19% of the Island). As these recovering forests reach about 80 years old, they start to develop a structure and composition that allows much of the natural biodiversity to become re-established. These areas can provide important connectivity, allowing the movement and dispersal of forest, plant and animal species. Within the Coastal Douglas-fir zone, Garry oak woodlands cover about 0.6% of the landscape. They often occur on south-facing slopes where summer moisture is low and shallow soils are common.

These open woodland ecosystems support a very high biodiversity of plants. Less than 5% of the historic Garry oak woodlands remain and many of these are seriously degraded. The woodlands provide habitat for a variety of birds, rare moths and butterflies and the Northern Alligator Lizards. This ecosystem includes 93 species at risk.

On Hornby, the Garry oak ecosystem is near the northern extremity of its range. There are about 16 hectares of woodlands, the principal sites being west of Helliwell Park and above the Ford Cove Hill. There are many other smaller stands of Garry oaks.

Terrestrial herbaceous ecosystems (natural grasslands rich in wildflowers) are found in rocky, exposed areas near the shoreline and above coastal bluffs. Hornby has about 24 hectares of these sensitive ecosystems. They contain many rare and uncommon plants—and also support other species, such as the endangered Taylor's Checkerspot Butterfly. However, they are very susceptible to disturbance and degradation because they occur in areas that attract residential development and recreation.

Indigenous human communities have been part of this area's ecosystems as they evolved through shifting climatic conditions since the last ice age. Settlement communities have brought change, not only through logging, development and recreational use but also by interrupting preexisting processes (such as periodic fire) and by introducing invasive non-native species that displace native vegetation. In the 1980s, the non-indigenous Virginia opossum was introduced to Hornby and is likely having a significant impact upon the preexisting ecology of the Island.

Fresh Water

Because Hornby Island has a self-contained hydrological system, fresh water is a critical element of its natural setting. Wetlands are extremely productive ecosystems, supporting a large number of species. They are also holding areas for fresh water which can incrementally recharge surface and groundwater systems during the dry season. Hornby, in common with most of the Gulf Islands, has few wetlands. Many of these have already been drained or damaged as a result of logging, agriculture, road-building and landscaping.

Three of the largest wetlands are on the "bench" above Lambert Channel, near Ford Cove and north of Helliwell Park. There are also significant wetlands in the upland Crown land. The only sizable lake on Hornby was in the Strachan Valley; it was established in the 1990's by beaver activity resulting in a significant increase in biodiversity in the area and a more consistent year-round flow in Ford Creek. The dam has now been abandoned and surface water is categorized as a wetland. Surface drainage is generally through many small seasonal creeks. Only Beulah Creek and Ford Creek (both draining the eastern escarpment of Mount Geoffrey) are fish-bearing. Riparian areas, along the margins of streams, lakes and marshes, are very important in providing habitat for a variety of species and maintaining the productivity of fish-bearing streams. Many of these areas have been affected by logging, road-building and settlement.

Groundwater on Hornby is found in open fractures or breaks within the sedimentary rocks underlying the entire island. These openings occupy less than 1% of the rock volume and allow the water to move from one part of the island to another. About 20% of Hornby's annual precipitation of approximately 1,174 mm, which occurs principally in the fall and winter, infiltrates the subsurface to replenish the groundwater supply.

This is the only source of groundwater recharge. This recharge generally takes place on the higher areas of the island and in stream beds. Outflow is to wetlands, creeks and the ocean. Groundwater is the major source of potable water on the island. In 1989 it was reported that in the main residential areas the demand has reached more than 80% of the available water. Since then, the summer population of the island has expanded to several thousand people. Excessive draw down of aquifers in coastal areas can lead to saltwater intrusion or replacement by contaminated run-off. Over-development, inappropriate land use practices, inadequate waste treatment and improperly constructed or abandoned wells can all have an impact on the quantity and/or quality of groundwater. Most water, used or unused, eventually reaches the ocean and any contamination can negatively affect marine life.

The Marine Environment

The waters around Hornby are part of an internationally recognized Important Bird Area (IBA), designated because the area supports globally significant numbers of waterbirds in winter. The waters also support a high diversity of marine life including a variety of sponges, anemones, sea stars, nudibranchs, crabs and fish. A unique feature of the marine ecology is the presence of six-gilled sharks, normally a deep-water dweller, at relatively shallow depths near Flora Islet.

The Hornby-Denman area is the site of the largest and most consistent herring spawn in British Columbia. This spawning is important to a variety of species, including Stellar and California sea lions (that spend the winter in these waters using rocks and islets to the south-east of Hornby as haul-outs), hundreds of bald eagles that congregate here each spring and the West Coast's largest concentration of Harlequin ducks.

Several species of groundfish are present, including quillback, copper, black, Puget Sound and yelloweye rockfish, lingcod, kelp greenling and cabezon. Rockfish and lingcod are now in serious decline throughout the Strait. There are areas of kelp-covered terrain and eel grass around Hornby that provide excellent habitat for juvenile rockfish. Salmon populations have declined significantly and whales, once fairly common, are now rarely seen.

Hornby has large inter-tidal areas which have a particularly rich ecology. The health of these areas is likely supported by the waters around Hornby being relatively pristine compared to other areas of the Strait, but the accessibility and development of Hornby's shoreline also make it vulnerable to disturbance.

Coastal areas of the island are important for the well-being of many species that are part of the marine ecosystem. Pelagic cormorants roost on rocky bluffs; bald eagles depend on large trees around the island for perching or nesting; herons require a suitable stand in which to establish a heronry; salmon spawn in Beulah Creek; river otters use much of the coastline; Harlequin ducks and other sea birds are susceptible to disturbance from on-shore activity. Pollution originating on land (including from septic seepage) can contaminate bivalve shellfish. Thus there is a strong connectivity between the terrestrial environment and the marine environment of Hornby.

The natural setting of Hornby Island is rich, varied and of provincial importance. Despite heavy impacts from human use over the past century or so, a significant representation of natural ecosystems remains intact, though at risk from development and recreation pressures. The island's year-round population seems to have stabilized but, if Hornby continues to be a popular location for tourists and seasonal residents, protecting these remaining ecosystems—and restoring those already degraded—will be a crucial challenge.

1.6 Socio-economics of Hornby Island

A permanent population of 958 persons in 2011 represents a population decrease of 10.8% since 2001. The population is generally aging with a median age of 58 years. The population is characterized by lower than average incomes and higher than average education. If trends continue, the challenges of ensuring housing affordability and safety, mobility and security will increase and efforts to provide for supportive services will be of concern.

The economy follows a seasonal cycle and is highly dependent on a population of visitors that is estimated to quadruple the island population in summer months. There are an estimated 100 businesses on Hornby Island, of which about 80% operate as home based businesses. Tourism is the major economic driver manifested in the range of accommodations, services, arts and crafts, performing arts and alternative health experiences that are available. There has been a long history of homeowners renting their homes to others for short periods of time (vacation home rentals) as a means of creating an income or to offset some home ownership costs. This activity has made a significant contribution to the island's economy. The construction industry, some public service positions and an increasing number of caregivers rounds out an integrated economy.

The *"Hornby Island Community Profile"* (March 2010) provides more detailed information.

1.7 Principles

The principles behind the development of this Plan are based on the mandate of the *Islands Trust Act*, "to preserve and protect, the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of the Province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia."

Based on that mandate, the objectives of the Hornby Island Official Community Plan are somewhat complex and focus on two main priorities. A first priority is to provide a balance between preservation of the natural environment and development associated with human settlement and economic activity. A second priority is to preserve the unique personality of the community while providing for its needs and those of its visitors in a manner and at a scale that does not overburden the limited resources of the Island or its residents.

This Plan helps ensure that decisions related to the use of land on Hornby Island will not be made on the basis of expediency but rather will be based on the features of the natural environment and their inherent capacity to support a particular use or development. In addition, this Plan helps ensure that any proposed change in land use will be evaluated in terms of its impact on the social environment of the whole Island and on the associated needs of future generations.

Hornby Island offers unusual scenic beauty, sandy beaches, interesting geologic formations, clean air, a gentle climate and a community that has a rural lifestyle. The relative isolation of the Island has contributed to the self-sufficient character of the community. However, the increasing urban density of the lower mainland and eastern Vancouver Island makes the

Island attractive to thousands of visitors whose demand for use of the Island threatens the very qualities that make the Island special.

It is recognized that human settlement on Hornby Island is constrained by the Island's size and its limited supply of fresh water. The fragility of its natural environment constitutes another less obvious and less widely understood constraint to development and use by visitors. Hornby Island offers many outstanding natural and historic features valued today by residents and visitors alike. If these features are to be enjoyed tomorrow, they must be protected today. It is only through community concern and understanding along with a sense of stewardship and responsibility that the Island will be effectively protected and preserved. This Plan presents a well-defined community consensus about what is valued and should be protected and it is hoped that the Plan will influence governing agencies to respect the policies of the Plan.

These general objectives express the basic values held by the people of Hornby Island:

(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.

From these general values, the Official Community Plan gives detailed objectives and policies to ensure that changes are suitable in the long term and have broad community support.

Since the original preparation of this Plan the Hornby community has also developed a collective vision titled the "*Ideal Hornby Island in the year 2020"* that is contained in the "*Hornby Island Community Profile"* (listed in Schedule G). This statement of vision transcends land use planning and encompasses the broader vision of a community that is invaluable as a reference as decisions are made. The community vision statements can provide a useful reference in amplifying the meaning behind the principles, objectives and policies of this Plan.

SECTION II — PRIMARY OBJECTIVES AND POLICIES

2.1 Broad Community Objectives

The following statement of general objectives express the values that are significant to the people of Hornby Island and together with the specific objectives listed in each topic area sets the direction to be followed when interpreting and implementing the policy statements.

To promote the conservation, preservation or restoration of:

a) areas of natural, scenic, historical, archaeological or scientific value,
b) watershed and groundwater recharge areas,
c) public land and parks,
d) areas of significant vegetation, the forests, the wildlife and their habitat,
e) land with agricultural potential,
f) shoreline, foreshore and the Island's surrounding marine ecosystem, and
g) water courses and riparian areas.

To ensure all human activities are carried out in a manner that is sensitive to the protection of fresh water resources and to the fragility and interaction of natural ecosystems, are compatible with activities of surrounding neighbours, and are in keeping with the rural scale of land use on the Island.

To minimize pollution of air and water.

To limit or reduce present and future stresses upon natural and community resources, particularly those generated by increasing seasonal uses.

To encourage a self-reliant rural community based on agriculture, low impact businesses and home occupations that are sustainable and non-polluting.

To ensure changes, growth and development are gradual and support the sustainability of the community.

To maintain the community's sense of unity and to promote a residential development pattern consistent with the rural character of the Island.

To encourage residents and visitors to take an active role in the preservation of natural and social values on the Island.

To encourage consultation with and participation of the public in local government decisions and in the management of Provincial resources by appropriate agencies.

To protect through sound long-range planning policies and strategies, the agricultural potential of lands, foreshore and intertidal areas, forested areas and groundwater recharge areas.

To support community awareness and participation in achieving lifestyles and buildings which ensure energy efficiency.

To encourage a relationship with First Nations with interests in Hornby and the surrounding waters.

To preserve the rural character of the Island.

2.2 Objectives and Policies for All Land Use

Background:

The importance of preserving the sensitive ecosystems of the Island and the need to protect the groundwater resource were recurrent themes during the public review of the Official Community Plan.

Sensitive Ecosystems and Biodiversity

Hornby Island is located within the Coastal Douglas-fir biogeoclimatic zone, which is a relatively rare zone within British Columbia, occupying only 0.25% of the province. Sensitive ecosystems are considered sensitive because of their rarity and their fragility to disturbance. The protection of sensitive ecosystems is important to maintain biodiversity. Hornby Island has 573.7 hectares of sensitive ecosystems covering 19.2% of the island. However, the island has the second highest percentage of land in the Trust Area (29%) converted to human use. Garry oak woodlands, herbaceous areas, mature forest stands, cliffs and wetlands provide habitat for a variety of plants and animals, including about a dozen species at risk.

The Islands Trust has used various types of ecosystem mapping for planning and conservation purposes since its inception. Early sources of information were compiled from various studies while more recent efforts focused on development of ecosystem mapping products. The most recent mapping included:

ITEM – Islands Trust Ecosystem Mapping – This mapping was captured from 2000 and 2002 digital orthophotos. There was no groundtruthing and ecosystem features were representative of a bird's eye view of the landscape.

SEI – Sensitive Ecosystem Inventory – This was a joint initiative between the Federal and Provincial Governments to map rare and fragile ecosystems. Information was derived from aerial photos produced in the early 1990s, supported by selective field checking. An audit, done in 2004 using 2002 orthophotos, outlined the loss of sensitive ecosystems that had occurred in the 10 year time span.

SEM – Hornby Island Sensitive Ecosystem Mapping, 2010 – This is the latest initiative and is based upon 2001 aerial photography and recent selective groundtruthing. It is similar to SEI mapping and is based upon Terrestrial Ecosystem Mapping (TEM). It identifies areas which are fragile and/or rare because of diversity of species they support. They are deemed sensitive as they are easily impacted by human activities. The inventory includes old forest, woodland, herbaceous, wetland, cliff and freshwater as sensitive ecosystems; mature forest as a rare ecosystem and young forest, seasonally flooded agricultural fields and non-sensitive areas as other mapped ecosystems. Mapping of mature forest ecosystems, freshwater and wet forest ecosystems and dry soil ecosystems has also been developed based upon the sensitive ecosystem mapping to facilitate analysis.

Other ecosystem resources are listed in Schedule G – List of Community References.

About 25% of Hornby Island is preserved by provincial and regional parks and another 9% is Crown land managed to protect groundwater recharge. The remaining 66% of the island is divided between Agricultural Land Reserve (28%), large lot residential (30%) and small lot residential, commercial activity and community service use (8%).

Achieving sustainable biodiversity throughout the island will require stewardship on the part of landowners based upon having knowledge of the ecosystems and understanding of their importance. Land use bylaw regulations and the establishment of Development Permit Areas can play a role in protecting key features.

Groundwater

Groundwater is the primary source of potable water supply on Hornby Island. Studies have identified the importance of protecting the groundwater supply, ensuring that catchment areas are protected to provide for effective groundwater recharge, that groundwater is not contaminated from development and that the rate and use of groundwater does not exceed the rate of replenishment both in localized areas of the island and for the island in general. Effective planning and land use management are identified as some of the most effective means to address groundwater management.

Over-riding Land Use Objectives:

The objectives that apply to all sections of this Plan are:

(1) to preserve the natural ecosystems and biodiversity of the Island, and

(2) to protect the groundwater resource.

Over-riding Land Use Policies:

Policies 2.2.1 and 2.2.2 apply to all sections of this Plan.

2.2.1 In order to preserve the natural ecosystems and biodiversity of the Island, the following should be addressed: a) wherever possible through zoning and land use regulations and where appropriate through Development Permit Areas; b) when considering applications for permits, rezoning and subdivision; and c) through information and advocacy directed to residents, property owners and agencies with jurisdiction on Hornby Island:

- i) protecting identified sensitive ecosystems and important habitat from the adverse effects of development;
- ii) conserving relatively undisturbed natural areas;
- iii) retaining areas of native vegetation on each property wherever possible, especially along lot lines;
- iv) managing undeveloped public land so as to maintain or restore natural biodiversity and ecological integrity;
- v) securing connectivity between natural areas whenever the opportunity arises;
- vi) sustaining the forested areas of the island through timber harvesting practices that retain tree cover and forest ecosystems; and
- vii) preventing the spread of invasive species.

2.2.2 In order to protect the groundwater resource of the Island, the following should be addressed: a) wherever possible through zoning and land use regulations and where appropriate through Development Permit Areas; b) when considering applications for permits, rezoning and subdivision; and c) through information and advocacy directed to residents, property owners and agencies with jurisdiction on Hornby Island:

- i) maintaining the recharge of the groundwater resource in identified recharge areas by restricting extensive logging, modification of natural drainage features, residential, commercial and industrial developments, extensive road development, excavation, quarrying and soil removal, ditching and drainage works;
- ii) maintaining the quality of the groundwater resource by preventing contamination from: sewage and grey water, concentrated animal feeding operations, intensive fertilizer or pesticide application, improper use or storage of toxic chemicals, improper waste disposal, such as burning and open dumps, inadequate protection of wells, inadequate sealing of abandoned wells, and over-pumping of groundwater in areas where salt-water intrusion is likely to occur;
- iii) maintaining the quantity of the groundwater resource by: limiting new development and land uses that will put an additional demand upon the groundwater resource in areas where availability is already a problem, using rainwater catchment and storage systems wherever possible in new and existing developments, establishing water conservation measures and practices; and
- iv) supporting the implementation of a groundwater protection plan, including innovative and remedial programs.

SECTION III — OBJECTIVES AND POLICIES FOR PROTECTION OF THE ENVIRONMENT

3.1 Environmental Stewardship

Background:

The Hornby Island Local Trust Committee recognizes the need to protect the environment and finite resources of an isolated and fragile ecosystem from polluting activities in surrounding areas as well as those taking place on the island. Additional pressures are placed on the local natural systems by the influx of visitors in the summer months.

Hornby Island residents are generally aware of the need for personal diligence in minimizing the impact of human activities on environmental systems. The community is always seeking ways to encourage visitors to the Island and senior levels of government with jurisdiction over resources on the Island to adopt the same commitment. There are currently no active mineral claims on the Island and any future development of metal or coal mines on the Island is inappropriate. The community encourages water conservation through water storage, catchment and water recycling.

Area:

All areas within the Hornby Island Local Trust Area are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to encourage senior governments to preserve and protect the environment;

(2) to inform residents and visitors of actions necessary to protect the island's ecosystems, freshwater resources, and preserve native biological diversity; and

(3) to ensure that permitted land uses do not threaten the sensitive environment of the Island and its native biological diversity.

Advocacy Policies:

3.1.1 A moratorium on oil and gas exploration in the Local Trust Area is supported.

3.1.2 The Ministry of Energy, Mines and Petroleum Resources is requested to establish a reserve on the entire Island against exploration for mineral or petroleum resources.

3.1.3 The Local Trust Committee should encourage measures to reduce the risk of pollution from transporting dangerous materials by air, sea or land on or near the Island.

3.1.4 The Ministry of Transportation and Infrastructure and utility corporations are requested to replace the application of pesticides and herbicides on road allowances or other transmission routes with non-polluting practices such as manual trimming.

3.1.5 The hydro-electric utility company is requested to consult with the Local Trust Committee on any field operations involving the application of chemicals (such as remedial woodpole treatment programs).

3.1.6 The Comox Valley Regional District is requested to consider affordable and effective measures that will address the problem of uncontrolled dogs on Hornby Island.

3.1.7 The Comox Valley Regional District is requested to continue to maintain and enforce the following:

a) an effective noise bylaw to address noise disturbance originating from sound systems, musical instruments, barking dogs and other sources;

b) an effective unsightly premises bylaw; and

c) the “dark skies” in rural areas lighting standards.

3.1.8 All government and non-government agencies and private businesses involved in providing services for the resident and visiting public are requested to provide adequate toilet facilities and waste recycling containers for their clients and to make information available on water conservation.

3.1.9 Tourism-related businesses, real estate agents and other organizations that provide information to visitors or potential owners of island property are requested to include information on the legislated "preserve and protect" mandate of the Islands Trust and the objectives and policies of the Official Community Plan to protect the island's ecosystems and freshwater supply and to preserve native biological diversity.

3.1.10 All owners and land users are encouraged to comply with the *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia* (2006) of the Ministry of Environment and with the regulations of the Vancouver Island Health Authority, and the orders and discretion of the Fire Marshall.

3.1.11 Efforts to control the spread of invasive exotic plant species (such as Scotch broom, holly, ivy, daphne and Himalayan blackberry) and to eradicate them from environmentally sensitive areas to enable their replacement with native species are encouraged and supported.

3.1.12 Programs to control the population of opossums are supported.

3.1.13 The use of toxic herbicides and pesticides and heavy applications of fertilizers on lawns and gardens is strongly discouraged.

3.1.14 The dissemination of information about the risks of introducing invasive non-native species and pathogenic organisms harmful to indigenous species resulting from bringing biological material (including soil, bark mulch and firewood) onto the Island is supported and efforts to increase sustainable island self-sufficiency with respect to the provision of firewood and other biological material are encouraged.

3.2 Environmentally Sensitive Areas

Background:

Hornby Island has a diverse and fragile ecology with many significant natural features. The climate and soil conditions combine to allow diverse wildflower colonies, bird habitats, and Garry oak groves. The naturally eroded sandstone and conglomerate bluffs along much of the shoreline provide habitat for birds, wildflowers and rare plant species.

The Sensitive Ecosystem Mapping (SEM) completed by the Islands Trust in 2010 provides the most complete and up to date inventory of information on terrestrial based ecosystems. This mapping together with an updated Islands Trust Regional Conservation Plan will assist the Local Trust Committee in its decision making and in the development of land use, subdivision and development permit regulations as such programs develop.

Copies of the Sensitive Ecosystem Mapping (SEM) and the Regional Conservation Plan are available on the Islands Trust website (www.islandstrust.bc.ca) and the SEM map will be readily available electronically and in hard copy for reference.

The Islands Trust Regional Conservation Plan identified the following Sensitive Ecosystems and their distribution on Hornby Island:

Sensitive Ecosystems (August, 2010)

Type of Sensitive Ecosystem	Area (ha)	Portion of Local Trust Area (%)
Cliff	26.6	0.9
Freshwater	1.2	<0.1
Herbaceous	47.5	1.6
Mature Forest	179.6	6.0
Old Forest	0	0
Riparian	0	0
Woodland	62.8	2.1
Wetland	256.1	8.6
TOTAL	**573.7**	**19.2**

Protected areas identified in the Regional Conservation Plan were listed as follows:

Protected Areas Distribution (November, 2010)

Type of Protected Area	Area (ha)	Portion of Local Trust Area (%)
Conservation Covenant (Conservancy held)	3.9	0.1
Ecological Reserve	0	0
Nature Reserve	0	0
Park – Municipal	0	0
Park – Community	6.7	0.2
Park – Provincial	333.9	11.2
Park – Regional	335.6	11.2
TOTAL	**680.1**	**22.7**

Other noted features identified in the Regional Conservation Plan include:

At Risk Species (September, 2010)

The B.C. Conservation Data Centre has recorded sightings of Coastal wood fern (blue listed), Western Screech-Owl, *kennicottii* subspecies (blue listed), Coast microseris (red listed), Propertius Duskywing (blue listed), White-top aster (blue listed), Macoun's meadow-foam (red listed), Nuttall's quillwort (blue listed), Fragrant popcorn flower (red listed), Peregrine Falcon, *anatum* subspecies (red listed), White-top aster (red listed) and Great Blue Heron, *fannini* subspecies (blue listed) in the Hornby Island Local Trust Area. There may be additional species at risk in the Hornby Island Local Trust Area that are not recorded with the B.C. Conservation Data Centre or whose locations are considered confidential information.

Forested Ecosystems (August, 2010)

The Hornby Island Local Trust Area is located in the Coastal Douglas-fir Zone. No Old Forest ecosystems were found in the 2008 Terrestrial Ecosystem Mapping (TEM) of the local trust area used for this report, however, 2001 TEM of Helliwell Provincial Park does indicate some small old growth patches. The mapping for Helliwell Park is currently being reviewed and will be updated accordingly. The breakdown of forests by age class is as follows (note: this includes woodland sensitive ecosystems, so percentages will vary from the sensitive ecosystems section above):

Forest Type	Area (ha)	Area (%)
Pole/Sapling Forest (<40 yrs.)	366.65	7.3
Young Forest (40-80 yrs.)	1506.72	29.8
Mature Forest (80-250 yrs.)	255.62	5.1

N.B. See note above regarding Old Forest (>250 yrs).

Marine Ecosystems (September, 2010)

Hornby Island Local Trust Area has two submerged provincial marine parks and two Rock Fish Conservation Areas in its local trust area waters.

Type of Marine Protection	Name of Area	Area (ha)
Provincial Park	Helliwell	2,736.6
	Tribune Bay	27.0
Rock Fish Conservation Area	Savoie Rocks – Maude Reef	174.4
	Ajax/Achilles Bank	1,622.5
TOTAL		**4,560.4**

Modified Ecosystems (August, 2010)

Type of Modification	Area (ha)	Portion of Local Trust Area (%)
Cultivated Field	287.6	9.6
Rural	421.7	14.1
Urban	51.0	1.7
Road	106.8	3.6
TOTAL	**867.1**	**29.0**

Threats to Ecosystems:

The threats to biodiversity found in the Islands Trust Area are described in the Islands Trust Conservancy Regional Conservation Plan. These threats are pertinent to the Hornby Island Local Trust Area. In particular, the Hornby Island Local Trust Area may be vulnerable to degradation of natural ecosystems from existing agricultural and residential lands if landowners are not sensitive to the impacts of their land use on the surrounding landscape. Education about ecologically friendly agricultural practices and residential land uses may be beneficial within this local trust area. Biological threats to the Garry oak ecosystem also include conifer encroachment. Local organizations should be consulted prior to initiating education programs to avoid duplication of efforts.

A Nature Conservancy of Canada Study of the Islands Trust Area, completed in 1995, classified about three quarters of the shoreline and associated beaches as containing moderate to high natural feature value for wildlife, marine and aesthetic features.

Other inventories, fieldwork carried out by biologists and local knowledge have identified the following habitat areas and features:

(1) Important Terrestrial Habitat:

- a) cormorant nesting area on the bluffs of Helliwell Park;
- b) heron rookery at Tralee Point and other current or potential heron nesting areas;
- c) eagle, osprey and peregrine falcon nesting locations;
- d) large older firs providing eagle habitat, particularly along the coastline and the inland bluffs;

e) old growth trees and large snags (providing habitat for a variety of species) throughout the Island;

f) wetlands and ponds throughout the island providing important habitat;

g) Beulah Creek (salmon habitat), its riparian corridor and feeder creeks;

h) Ford Creek (fish bearing), its riparian corridor and feeder creeks;

i) meadows in the south western part of Helliwell Park providing habitat for the only extant colony of Taylor's Checkerspot butterfly; and

j) buildings providing established habitat for Townsends big-eared bat.

(2) Important Marine Habitat:

a) shoreline near Saint John's Point/Whaling Station Bay and other areas where Harlequin ducks gather during their flightless phase;

b) saltwater marsh north of Texada Road providing valuable waterfowl habitat;

c) Norris Rocks and rocks near Flora Islet where sea lions haul out;

d) islets and rocks around the Island where sea birds nest or gather;

e) Whaling Station Bay and other bays around the Island providing waterfowl habitat;

f) the area of the underwater wall by Flora Islet providing habitat for many marine species and frequented by six-gilled sharks;

g) the area surrounding Norris Rocks and Heron Rocks providing habitat for juvenile rock fish and other species; and

h) areas of marine vegetation important for herring spawning.

Area:

All areas within the Hornby Island Local Trust Area are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to ensure maximum protection of areas with ecological, natural, aesthetic or heritage value;

(2) to ensure protection of sources of fresh water and groundwater recharge areas;

(3) to allow for public access to such areas only when there is no danger of damage to sensitive features or ecosystems; and

(4) to maintain native biodiversity and connectivity of the natural habitat areas.

Policies:

3.2.1 Notwithstanding policies contained elsewhere in this Plan where they apply to land identified here, this section takes precedence.

3.2.2 Where areas are designated as environmentally sensitive on Sensitive Ecosystem Maps or on Schedule D1, the sensitive area may be protected by covenants at time of rezoning, subdivision or other change in land status in favour of an appropriate third party such as the Islands Trust Conservancy, or other organizations with the capacity to hold and monitor effective conservation covenants.

3.2.3 In areas of water collection and aquifer recharge, natural drainage patterns should be retained, and any removal of forest cover or other physical changes should be conducted so as to preserve the ability of the ground to retain water to recharge the aquifers, and may be regulated by Development Permit.

3.2.4 Development should be prohibited or restricted in areas identified by a hydrogeological study as being vulnerable with respect to water catchment, recharge or storage functions.

3.2.5 Any development in areas with sensitive ecosystems or important habitat may be regulated by Development Permit to protect the identified features, including establishing buffer areas in accordance with Sensitive Ecosystem Inventory recommendations or Environmental Guidelines for Development.

3.2.6 Development along coastal areas adjacent to foreshore with significant marine values (such as shellfish resources or migratory bird habitat) may be regulated by Development Permit.

3.2.7 Fish-bearing streams, their riparian areas, tributary creeks and wetlands feeding them will be protected and enhanced in accordance with the Provincial *Fish Protection Act* through regulations and through supporting enhancement programs.

3.2.8 Connectivity of relatively undisturbed natural areas should be maintained wherever possible including between the shore and the interior forested uplands.

Advocacy Policies:

3.2.9 Where significant ecological, natural or historical areas or significant habitat areas are located on Crown land, the provincial Ministry(ies) responsible for conservation, parks and/or management of Crown lands are requested to secure these areas in protective reserves, parks or through transfer to the Islands Trust Conservancy, and to keep them in the public domain with access appropriate to the level of sensitivity.

3.2.10 Voluntary covenants or easements to protect natural features and the donation or sale of sensitive areas to a conservation land trust such as the Islands Trust Conservancy are encouraged.

3.2.11 Voluntary stewardship programs that provide information, support and recognition to landowners with respect to protecting natural areas on private land are encouraged.

3.2.12 Educational efforts to protect coastal rock formations and other natural features from disturbance are supported.

Policies relating to protection of the marine environment are included in Section 3.6 Marine Conservation.

3.3 Parks and Protected Areas

Background:

The natural features of the Island provide many opportunities for recreational use by members of the local community and visitors. A large area of Crown land and a system of traditional trails through private land have provided access to forest areas and scenic viewpoints. In addition, the public has access to three Provincial Parks and two Regional Nature Parks There are also four small community parks; four water accesses managed by the Comox Valley Regional District as neighbourhood parks; and, a number of other water accesses and unused road dedications under the jurisdiction of the Ministry of Transportation and Infrastructure that provide public open space and/or contribute to the trail system. The K'omoks Agreement in Principle, signed by the governments of Canada, British Columbia and K'omoks First Nation in March 2012, states that a new protected area (the present vacant Crown land on Mount Geoffrey) will be established on Hornby Island and named by K'omoks.

Hornby Island's Provincial and Regional Nature Parks provide recreational opportunities in the context of preserving ecological values. These parks are all located where there are high natural values and together contain a representative cross-section of the Island's ecological systems thereby offering valuable educational potential. Apart from Tribune Bay Outdoor Education Centre, none of the parks are developed for artificial use, reflecting a long-standing community interest in seeing minimal disturbance in these areas.

Hornby Island's Provincial Parks are Helliwell, established in 1966, Tribune Bay, established in 1978, and Mount Geoffrey Escarpment, established in 2004. There is evidence of traditional use of the Helliwell Park area by First Nations. All of the parks are designated 'Class A' parks under the *Park Act*. Helliwell Park contains a 69 hectare terrestrial component on the peninsula culminating in St. John's Point and a 2803 hectare marine component. Most of the terrestrial area is heavily forested; grasslands extend inland from the shore-line, which mostly consists of rocky bluffs.

The "*Sensitive Ecosystem Inventory: East Vancouver Island and Gulf Islands, 1993 - 1997*" records the following sensitive ecosystems within Helliwell Park: Terrestrial herbaceous, Woodland, Wetland, Older Forest, as well as areas of Second-Growth Forest with general biodiversity values. Flora Islet is almost entirely covered with a sensitive terrestrial herbaceous ecosystem. Threatened vascular plants (red and blue listed by the BC Conservation Data Centre) have been recorded within the Park. The cliffs provide important nesting habitat for cormorants. Norris Rocks and the rocks adjacent to Flora Islet are important haul-outs for large numbers of Stellar and California sea lions during the winter. A significant population of Harlequin ducks is present in the inshore areas.

The underwater component of Helliwell Park provides habitat for a rich variety of marine species. The main feature is the rock wall adjacent to Flora Islet near where six-gilled sharks are regularly observed at unusually shallow depths. The primary attractions of the terrestrial component of Helliwell Park are the spectacular bluffs topped by open meadow areas, the older forest (including particularly large examples of Douglas-fir and arbutus) and the opportunities to observe wildlife and flowers in bloom. The primary attractions of the marine component are recreational diving to view the rich underwater ecosystem, kayaking and traditional sports fishing areas. There are commercial fisheries in and/or immediately adjacent to the Park area.

The fragility of the Park's ecosystems together with its popularity for recreation poses challenging conservation and management problems. In 1999, a Conservation Stewardship Agreement was established between BC Parks and Conservancy Hornby Island to enable local involvement in practical and educational conservation measures. In 2000, BC Parks initiated the Helliwell Ecosystem-based Planning Project.

Tribune Bay Park covers 96 hectares, of which 23 hectares are foreshore of Big Tribune Bay. The Park's vegetation consists of about 70% second-growth forest and about 30% grassland resulting from former cultivation. The broad white sand beach, backed by the open meadow area, is the primary attraction of the Park. The Tribune Bay Outdoor Education Centre operates under a Park Use Permit in the north-east corner of the Park and provides educational programs to youth, mostly school groups. Infrastructure includes the old lodge, other buildings, a climbing wall and a high ropes course. A tennis court is also located in this area. A pilot constructed wetland providing alternative waste treatment has been established at the Centre.

The Mount Geoffrey Escarpment Park covers 187 hectares and offers both historic values associated with the Leaf House and the Ford Family farmstead, and together with the Mount Geoffrey Regional Nature Park, covers approximately 25% of the island containing coastal bluffs, forested benches, wetland, and rugged shoreline.

The Mount Geoffrey Regional Nature Park which is now 333 hectares in area was established by the Comox Valley Regional District on 303 hectares of what was formerly vacant Crown land. It includes the upper and western part of the Mount Geoffrey escarpment as well as lower land below and to the west of the escarpment. Within the Park are sensitive ecosystems - Older Forest (below the escarpment) and Sparsely Vegetated along the edge of the escarpment) - which have been identified in the "*Sensitive Ecosystem Inventory: East Vancouver Island and Gulf Islands, 1993 - 1997*". Most of the park's vegetation is second-growth forest. The escarpment of Mount Geoffrey is an important part of the Island's groundwater recharge area.

The main attractions of the Park are the spectacular viewing opportunities from the edge of the Mount Geoffrey escarpment, the well-developed trail systems for hiking and mountain-biking and the older (and moister) forest ecosystem below the escarpment. The Comox Valley Regional District has adopted a Management Plan, developed with much community involvement; management is carried out through a contract with the Hornby Island Residents' and Ratepayers' Association.

Small Regional Parks exist near Tralee Point, near the top of Mount Road, at the end of Arthurs Road and adjacent to Helliwell Park. There are about 30 water access parcels under the Ministry of Transportation and Infrastructure jurisdiction and six or more other unused road dedications that are or could be utilized as trails or retained as undeveloped green space.

Area:

All areas within the Hornby Island Local Trust Area are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to ensure that parks remain in an essentially natural state and that the biodiversity, sensitive ecosystems and wildlife habitat are preserved;

(2) to allow for recreational and educational opportunities for visitors and residents that are managed and monitored to ensure minimal environmental degradation and to fully protect fragile areas;

(3) to encourage a system of walking, bicycling and horseback trails, with minimal development, through forested areas, to and from parks and across and around the island; and

(4) to encourage community and neighbourhood involvement in the planning and stewardship of parks.

Policies:

3.3.1 At the time of subdivision and if park dedication is required under the *Local Government Act*, preference is generally for park dedication, not cash-in-lieu. This could take the form of trails, or parkland.

3.3.2 The following areas are suitable for acquisition, dedication, and preservation and are identified as candidates for parks or protected areas:

a) land that is shown on Schedule B as park, groundwater or ecological reserve (GW/EPA & GW/GP) for existing areas;

b) land that contributes to a community trail network that connects residential areas, commercial areas, the community hall and school area, parks, beaches and ferry terminals;

c) land that is designated as Environmentally Sensitive Areas, as shown on Schedule D1 or is environmentally sensitive as determined by more recent mapping of sensitive ecosystems;

d) land that provides access to the ocean;

e) land that provides low impact recreational opportunities for the community and visitors;

f) areas of undeveloped lands;

g) land contiguous with existing parks and protected or undeveloped areas, particularly where it may provide a buffer for an ecologically sensitive site;

h) designated water accesses as parkland; and

i) land that provides habitat connectivity.

3.3.3 The Local Trust Committee, when considering applications for zoning amendment or subdivision, should pursue any opportunities to secure protected areas, parkland or trails through dedication, easement, covenant or donation.

3.3.4 The subdivision, donation or sale of a parcel of land (or interest in land) for park, trail or conservation purposes may be considered a community amenity. Amenity Zoning and Density Transfer provisions may be established by the Local Trust Committee on a site specific basis and upon application.

3.3.5 Park and preservation uses should be permitted in all land use designations and may be zoned to specify the type of park or protected area.

3.3.6 Setbacks on properties adjacent to parks should be established by regulation to protect the visual amenity of parks.

3.3.7 Park land dedication, public accesses to and along foreshore and rights of ways should be maintained for public use, and remain free of encroachments.

3.3.8 The Local Trust Committee may consider amenity zoning of properties adjacent to existing parks to allow subdivision if the applicant is proposing an addition of part of the lot to the adjacent park.

Advocacy Policies:

3.3.9 Owners of properties on which there are established public trails and appropriate organizations are encouraged to work together to achieve the long term protection of the trails through covenants or other means.

3.3.10 The provincial Ministry(ies) responsible for parks is requested to:

a) maintain the natural values and not permit development, other than those required for public health and education in Helliwell and Tribune Bay Provincial Parks;

b) continue to regularly consult with the community's parks committee and/or the Local Trust Committee on matters relating to the management and infrastructure of the parks on Hornby in particular to address community, conservation, aesthetics and safety concerns;

c) involve the community in stewardship programs with respect to the parks;

d) prohibit camping uses in the parks except those associated with the Outdoor Education Centre at Tribune Bay Park; and

e) implement ecosystem-based management plans for Helliwell, Tribune Bay and Mount Geoffrey Escarpment Provincial Parks.

3.3.11 The Comox Valley Regional District is requested to:

a) continue to manage Mount Geoffrey Regional Nature Park as an undeveloped Park, for low-impact, nature-oriented uses, with only those minimal facilities necessary for public health and safety. The Master Plan for this Nature Park should continue to emphasize protection of ecosystems, retention of vegetation, and protection of fragile areas and existing water sources;

b) continue active community involvement in the planning, stewardship and management of parks and other undeveloped parcels under its jurisdiction on Hornby; and

c) investigate and report on options for acquiring tenure of the adjoining vacant Crown land including management of this parcel as an addition to either the existing provincial or regional park.

3.3.12 The Ministry of Transportation and Infrastructure is requested to:

a) work with the Local Trust Committee to develop a plan for all water accesses, unopened road allowances and other such properties under the Ministry's jurisdiction on Hornby Island;

b) support tenure by Comox Valley Regional District of those parcels that the community and the Comox Valley Regional District consider appropriate for management as parks;

c) establish a stewardship arrangement with an appropriate community organization, or organizations, to act as stewards for the remaining properties once a plan has been developed for them; and

d) maintain the unopened road allowances in their natural state, prevent unpermitted alienation by adjacent land owners and discourage overnight camping by means of signage.

3.3.13 Motorized vehicles should not be allowed outside designated parking areas in any park, or on unopened road allowances, except for park service vehicles and emergency vehicles.

3.3.14 The provincial Ministry(ies) responsible for parks is requested to work with the federal government and the Canadian Coast Guard to develop measures to ensure that motorized vessels are excluded from that part of Tribune Bay that is within the Provincial Park.

3.3.15 The provincial Ministry(ies) responsible for parks and the Department of Fisheries and Oceans Canada are requested to introduce regulations and other measures to fully protect marine species and habitat in the marine component of Helliwell Park.

3.3.16 Agencies with jurisdiction over parks are supported in restricting or controlling access to areas in parks where this is required for the protection or restoration of sensitive ecosystems and habitats.

3.3.17 Community organizations and land owners are encouraged to work together using available tools such as covenants and easements to secure and extend the existing network of trails according to the Parks and Trails plan.

3.3.18 Owners of land located adjacent to established parks are encouraged to dedicate land or to provide trail easements to add to the park amenity.

3.3.19 Where a park contains a public well, parks authorities are requested to grant an easement to the private well user(s) for their continued use and maintenance of the well.

3.4 Groundwater Protection-Sustainable Ecosystem Management Area (Mount Geoffrey Area)

Background:

This forested upland area at the centre of the Island has been identified by BC Environment as an important natural groundwater storage and catchment area providing groundwater recharge to wells in highly settled lowland areas. "*A Preliminary Groundwater Assessment of a Crown Land Parcel on Hornby Island*" (1994) carried out by BC Environment recommends that this land should be protected as a community watershed area to ensure preservation of the quantity and quality of groundwater on Hornby Island. In 1994, the Water Management Division established a Notation of Interest over this parcel to record its interest in the area due to its importance for protection of the groundwater resource.

"*The Final Report of the Hornby Island Groundwater Pilot Project*" (1994) recorded an inter-agency agreement that "the Crown land parcel be considered a watershed reserve" and stated that, "once more detail and definition of the groundwater catchment area becomes available, and a suitable legislative vehicle is found which can provide for protection of the land to ensure unchanged water quality and quantity, then another tenure can be considered by the community and agencies involved."

As immediate protection, the Water Management Division established a Notation of Interest (1994) over this parcel. A recommendation of the "*Water Stewardship and Wastewater Management on Hornby Island*" (2000), a report prepared by Royal Roads University, includes the recommendation to "pursue legal protection of the crown lands as a groundwater recharge area."

The forest cover has been subject to severe unnatural disturbance through logging and fire from the latter part of the 19th century until the mid-20th century. The forest (classified as Coastal Douglas-fir Moist Maritime) is now in various stages of recovery but contains scattered veteran Douglas-firs and cedars. The "*Hornby Island Sensitive Ecosystem Mapping*" (2010) records areas of "old forest" - forest ecosystems with an average age of 250 years or greater - and, "mature forest" - forest ecosystems with an average age of 80 years or greater - within this parcel. (Older Coastal Douglas-fir forests in the region now account for only 4% of the area they occupied 150 years ago).

A report by Triton Environmental Consultants entitled *"Ecological Inventory of Proposed Woodlot #0032" (1998)* commissioned by the Ministry of Environment states that, "old growth attributes (stand, structure, species composition, soil characteristics) should be enhanced or maintained as they have the potential to sustain representative features as stands develop." The report contains recommendations to protect or enhance wildlife and biodiversity and to manage recreational impacts and values. This preliminary survey indicates the need for a more thorough ecological inventory. Detailed accurate mapping by the Hornby Island Residents' and Ratepayers' Association and a preliminary ecological survey by Cascadia Resource Consultants (2000) constitutes a beginning of this work.

In coordination with Comox Valley Regional District and the Ministry of Forests and Range, the local community has instituted forest fighting and prevention programs. The large number of small, dead trees in some areas (fuel over-loading) has been identified as a significant fire risk.

The Island's two main water courses - Beulah Creek and Ford Creek, both fish-bearing streams - pass through this area. At one time, a beaver dam established a large wetland or lake in Strachan Valley; however the dam is now abandoned. The Strachan Valley area contains a number of small wetlands and seasonal and ephemeral streams.

The area has long been valued for its recreational attributes and was previously designated by map reserve for the Use, Recreation and Enjoyment of the Public. Former logging roads have been maintained as trails by residents and are well used by walkers, cyclists and equestrians - including for cross-island travel and access to the adjacent Mount Geoffrey Regional Nature Park.

A report prepared by an ad-hoc Committee of the Hornby Island Residents' and Ratepayers' Association, *"The Heart of Hornby Island—A Forest, a Watershed"* (2000) reports on the mapping project and explores in detail the tenure options available to the community. A report prepared by the Advisory Crown Lands Committee for the Local Trust Committee, "*The Heart of the Island*", submitted in July 2000, outlined historical, community and ecological issues and provided recommendations. A central theme of all of this work is the protection of the land under local control.

Area:

All areas identified as Groundwater Recharge/Environmental Protection Area (GW/EPA) on Schedule B (Map Designations) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to protect and enhance the groundwater recharge function of the area;

(2) to enable the continuing recovery, restoration and protection of the forest so that the natural structure, composition and biodiversity characteristic of a Coastal Douglas-fir forest ecosystem are re-established;

(3) to protect the forest from major disturbance by fire;

(4) to maintain the aesthetics/visual qualities of the forest;

(5) to encourage tenure arrangements that enable community control and stewardship of this area;

(6) to provide for low-impact recreation activities that are compatible with the first three objectives; and

(7) to ensure that any silvicultural activities or extraction of forest products are compatible with and subordinate to the first four objectives.

Policies:

3.4.1 This area should be conserved as a forested area and all planning should be undertaken with the perspective of a forest-based rather than a human-based time scale.

3.4.2 This area should not be subdivided except to create nature reserves or other land-holding arrangements for the protection of the natural environment.

3.4.3 No permanent buildings should be permitted on the land; other structures should be limited by regulation to those required in pursuit of the objectives of this subsection.

3.4.4 Sensitive ecosystems within this area should be fully protected. Transfer of this area to conservation or park is supported in order to protect the wetlands.

Advocacy Policies:

3.4.5 The use of fertilizers and pesticides and the storage and disposal of waste material, hazardous chemicals and other potential pollutants should be prohibited to protect the groundwater resource and natural ecology.

3.4.6 Excavation, quarrying, soil removal, road development, ditching and drainage works should be regulated to protect against alteration of natural surface drainage or groundwater catchment and storage functions and against impacts upon identified ecological values.

3.4.7 Studies that provide additional data on the groundwater catchment and flow system should be supported.

3.4.8 The provincial Ministry(ies) responsible for the protection, management and conservation of provincial lands and water is requested to consider acquisition of the Mount Geoffrey area identified by the GW/EPA designation on Schedule B for a provincial park or other type of protected area.

3.4.9 As a preferred alternative tenure option, the provincial Ministry(ies) responsible for the protection, management and conservation of provincial lands and water is requested to propose legislation that would enable the designation of this area as a community groundwater recharge area for the protection of the community's groundwater resource, to be managed through community stewardship with objectives and policies compatible with this Official Community Plan.

3.4.10 As an alternate tenure option, the Comox Valley Regional District is requested to investigate in consultation with the Local Trust Committee, the community and relevant First Nations, the appropriate options for obtaining tenure that would be compatible with the objectives and policies of this Official Community Plan.

3.4.11 The provincial Ministry(ies) responsible for managing provincial Crown land and natural resources is requested to only consider dispositions of this land or interests in this land that is compatible with the objectives and policies of this Official Community Plan.

3.4.12 The provincial Ministry(ies) responsible for managing provincial Crown land and natural resources is requested to only establish tenures that enable the implementation of the objectives and policies of this Official Community Plan.

3.5 Groundwater Protection/Gravel Pit Area

Background:

The area designated as Groundwater Protection/Gravel Pit (GW/GP) is under the jurisdiction of the Ministry of Transportation and Infrastructure as a gravel resource area.

Area:

All areas identified as Groundwater Protection/Gravel Pit (GW/GP) on Schedule B (Map Designations) are subject to the following objectives and policies.

Objective:

The objective of this subsection is to ensure that this area becomes included in the Groundwater Protection/Environmental Protection Area when no longer required by the Ministry for gravel.

Policies:

3.5.1 The sand and gravel deposits on the lands designated GW/GP in this Plan are deemed suitable to address the requirements of Section 473(1)(c) of the *Local Government Act*.

Advocacy Policies:

3.5.2 The Ministry of Transportation and Infrastructure is requested to use this land only for gravel extraction as required for the development and maintenance of roads on Hornby and to not allow its use for the storage of flammable material or potential pollutants.

3.5.3 The Ministry of Transportation and Infrastructure and other provincial Ministries responsible for managing provincial Crown land and natural resources are requested to support the transfer of any unused portion of the gravel pit parcel in Strachan Valley (and the whole of that parcel when it is no longer required for gravel extraction) for inclusion in the Groundwater Recharge/Environmental Protection Area land use designation.

3.6 Marine Conservation

Background:

The marine conservation area addressed by this Plan within the Hornby Island Local Trust Area extends up to 1000 metres from the natural boundary of the island. The coastline and offshore waters here are rich and varied. There are large expanses of sand beaches, gravel flats, underwater and exposed rocky reefs, sandstone shelves and deep water habitat where over 175 species of marine fauna have been recorded, including rare species. Of particular significance is the presence of six-gill sharks in relatively shallow depths, the annual herring spawn, and migrating salmon and killer whales.

Most of this area is contained within the marine component of Helliwell Park. It has also been proposed as a Marine Protected Area under the federal *Oceans Act*.

Sewage pollution, whether it originates from boats or from land can have negative impacts on water quality, even when releases are limited and seasonal. Dumping of materials or discharge of petroleum products and other chemicals can also contaminate the marine environment.

Area:

All areas identified as Marine Conservation (MC) on Schedule B (Map Designations) are subject to the following objectives and policies.

Objective:

The objective of this subsection is to ensure the continued viability of marine ecosystems and species.

Policies:

3.6.1 Areas along the coastline that provide nesting, feeding and resting for birds should be protected. This may be accomplished by sign-posting, significant building setbacks and required retention of vegetation.

3.6.2 Programs to reduce land-sourced pollution should be supported.

Advocacy Policies:

3.6.3 The Provincial and Federal governments are requested to develop existing and new programs, such as harvest refugia, which protect and enhance the populations of native marine species and ecosystems.

3.6.4 The provincial Ministry(ies) responsible for managing provincial Crown lands and the Department of Fisheries and Oceans Canada are requested to ensure that foreshore uses or developments that might deplete or disturb migratory wildfowl feeding areas, shellfish communities, fish nursery areas and herring spawning areas not be permitted.

3.6.5 The Department of Fisheries and Oceans Canada and the provincial Ministry(ies) responsible for the protection, management and conservation of provincial lands and water are requested to fully protect through conservation measures, including fisheries closures, any vulnerable species of marine fauna and flora and important habitats such as the area where six-gilled sharks come near the surface near Flora Islet and areas supporting juvenile rockfish or herring spawning.

3.6.6 The Department of Fisheries and Oceans Canada is requested to fully protect the marine component of Helliwell Provincial Park through conservation measures such as prohibiting the taking of marine life by diving, closures of fisheries as required and the establishment of a Marine Protected Area.

3.6.7 The Department of Fisheries and Oceans Canada is requested to regulate, police and monitor any harvesting of shellfish to ensure that wild stocks are sustainable.

3.6.8 The Department of Fisheries and Oceans Canada is requested to ensure that no activities should be permitted in the Hornby Island Local Trust Area that will degrade the sea bed.

3.6.9 The responsible provincial Ministry(ies) or the Department of Fisheries and Oceans Canada are requested to prohibit outfalls for sewage and grey water on Hornby Island.

3.6.10 Transport Canada is encouraged to require holding tanks for sewage and grey water in all commercial and recreational vessels.

3.6.11 The designation and enforcement of Tribune Bay as a no sewage discharge area under Federal Sewage Pollution Prevention Regulations is supported. The designation of additional areas where sewage discharge problems have been identified is also supported.

3.6.12 The Federal Ministries of Environment, Transport Canada, Fisheries and Oceans Canada, and Defense, and other relevant agencies are requested to prohibit the disposal of domestic, industrial or military waste or the discharge of waste from vessels (including cruise ships) into waters within or adjacent to the Hornby Island Local Trust Area.

3.7 Heritage Features

Background:

The community supports the concept of preservation of areas of unique or representative natural systems and of preserving heritage resources. Numerous petroglyphs have been found and documented on the sandstone benches along the shoreline of the Island. The origin and age of these picture symbols remains uncertain.

The Island was once used by First Nations, predominately from the east coast of Vancouver Island, as a summer camping area to collect and dry venison, berries, fish and shellfish for use in their villages throughout the winter. The Island may also have provided a source of cedar for building canoes. Fossils and middens are found in many locations. Archives have been established in the community and there has been interest in establishing a museum to include artifacts and fossils. New Horizons Society currently stores Hornby Archive's substantial acquisitions and is planning construction of a separate archives structure on its property.

Various road locations are also considered of heritage value either because of their historic use or by the nature and design of the roadway.

Area

The Hornby Island Trust Area and heritage road locations identified on Schedule C (Land Status and Road Designations) are subject to the following objectives and policies.

Objective:

The objective of this subsection is to protect the Island's heritage sites and resources, including heritage roads, and to promote the preservation and public availability of artifacts and historical records.

Policies:

3.7.1 All cemeteries should be considered community heritage sites and some mechanism of protecting them in perpetuity should be sought.

3.7.2 Development shall be located away from areas of archaeological sites unless authorized by a permit issued under the *Heritage Conservation Act*.

3.7.3 Development Permits should be required and guidelines developed once heritage areas are accurately identified and designated or otherwise protected.

Advocacy Policies

3.7.4 A program to identify buildings and sites of historical significance and outstanding or typical examples of local architecture is supported and where appropriate, the Comox Valley Regional District or the Province are requested to designate or otherwise protect and preserve these resources.

3.7.5 The Ministry of Tourism, Culture and the Arts is encouraged to assist in further identifying all archaeological sites on the Island and to ensure those sites are protected from disturbance under the provisions of Section 13 of the *Heritage Conservation Act*.

3.7.6 The Ministry of Transportation and Infrastructure and hydro-electric and telephone utility companies are requested to consult with the Islands Trust before undertaking any widening, clearing or installation of poles and lines along Central Road particularly that portion designated a heritage road.

3.7.7 The Ministry of Transportation and Infrastructure is requested, in addition to the already designated Ford Cove hill section of Central Road, to designate Savoie Road and Little Tribune Bay Road as heritage roads, as noted on Schedule C, in accordance with the Island Trust and the Ministry of Transportation and Infrastructure Agreement (1992 and as amended in 1996) and the existing 33 foot road allowance should be retained.

3.7.8 The establishment of covenants held by the Islands Trust Fund to protect heritage sites is supported.

3.7.9 The establishment of a local museum and/or archive involving appropriate societies is supported.

3.8 Hazard Areas

Background:

The *Local Government Act* enables local governments to regulate setbacks of structures and septic systems in hazard areas through Development Permit. A study of soil stability may be required before new construction commences. The safe location of a residence is the owner's responsibility and not that of the local government. Based on greater than 30% slope, possible hazards are shown on Schedule F (Hazardous Areas Map). The sandy areas of Tribune Bay and Whaling Station Bay are active erosion areas due to severe storms and high water. The bluffs of Mt. Geoffrey and along certain shoreline areas may be subject to sloughing.

Area

The Hornby Island Local Trust Area and areas noted specifically on Schedule F (Hazardous Areas Map) as slope > 30% and the "Mt. Geoffrey slump area" are subject to the following objectives and policies.

Objective:

The objective of this subsection is to control development in hazardous areas.

Policies:

3.8.1 Areas identified as hazardous to development including the slump area on the south-west side of Mount Geoffrey and other areas that may be particularly vulnerable to earthquake activity may be designated Development Permit Areas and added to Schedule E of this Plan.

3.8.2 The development and use of the upland and foreshore in Whaling Station Bay should be regulated to protect against loss of the sand in the area.

3.8.3 Subdivision and development under the face of Mt. Geoffrey bluff that may contribute to erosion because of removal of vegetation or changes in natural drainage patterns should be extremely limited and controlled by regulation.

3.8.4 The Local Trust Committee should consider ways to further refine the identification of Hazardous areas identified on Schedule F in cooperation with other relevant agencies.

Advocacy Policies:

3.8.5 The Ministry of Transportation and Infrastructure is encouraged to ensure there is no road construction along edges of the shoreline, the bench, or the Mt. Geoffrey escarpment.

SECTION IV—OBJECTIVES AND POLICIES FOR THE STEWARDSHIP OF RESOURCES

4.1 Farming

Background:

The early development of Hornby Island included agriculture as a primary occupation, supplying agricultural produce to Vancouver Island. At present, small scale farming operations primarily serve local needs with some specialty production. Seasonal water supply can be a challenge and the need to protect water resources is a concern.

Area:

The Hornby Island Local Trust Area is subject to the following objective and policies.

Objective:

The objective of this subsection is to encourage farming and local food production in ways that are compatible with the Island's environment.

Policies:

4.1.1 Co-operative farming and community gardens should be encouraged.

Advocacy Policies:

4.1.2 The development and implementation of a Hornby Island food and farm action plan is supported.

4.1.3 Sustainable and organic farming is supported, including efforts to ensure that water supplies used by farmers remain uncontaminated.

4.1.4 The Ministry of Agriculture is encouraged to maintain and promote sustainable agricultural and organic farming techniques and to discourage the use of toxic pesticides or other toxic chemicals and the inappropriate application of fertilizers.

4.1.5 The use of genetically engineered seeds or plants is strongly discouraged in order to protect the genetic integrity of food and crops and other plants growing on the Island.

4.1.6 The use of chemicals or farming methods that can result in the contamination of the soil, other organisms, groundwater or surface water is strongly discouraged.

4.1.7 Agriculture that utilizes rainwater for irrigation, practices water conservation and protects water quality is encouraged.

4.2 Forestry

Background:

Hornby Island was logged extensively up until the middle of the last century and most forested areas now consist of recovering second and third growth with some stands of old growth and scattered veteran trees. Most privately-owned forest is in relatively small holdings. The cost of transporting logs over two ferries to an off-island market (and conversely bringing wood products to the Island) can make the provision of wood products for on-island use a natural focus for forestry activity. Sustainable forest management has been described as "forest management regimes that maintain the productive and renewal capacities, as well as the genetic, species and ecological diversity of forest ecosystems."

Area:

All areas above the natural boundary of Hornby Island within the Hornby Island Local Trust Area are subject to the following objective and policies.

Objective:

The objective of this subsection is to ensure all forestry is carried out in a way that protects ecological values and sustains the resource.

Policies:

4.2.1 Logging on steep slopes such as those identified on Schedule F (Hazardous Areas Map) on private lands (not subject to the *Private Managed Forest Land Act*) should be strongly discouraged and regulated by the appropriate authority.

4.2.2 Cutting of forest land that leaves large openings is considered inappropriate except when agricultural land is being cleared in accordance with a plan for farming the land.

4.2.3 Industrial scale logging is considered inappropriate for Hornby Island.

4.2.4 Maintaining buffers on all forested lots is encouraged to minimize the impacts of blow down, drainage alteration and other negative impacts on adjacent lots and to maintain connectivity of forest ecosystems.

4.2.5 The Local Trust Committee should assist landowners in achieving the objectives of this section by making information available on forest stewardship and sustainable management.

Advocacy Policies:

4.2.6 The need for local firewood supplies is acknowledged and the careful management of firewood harvesting in order to improve the forest resource should be encouraged.

4.2.7 Low-impact sustainable forestry that maintains the essential forest cover and biodiversity values is supported.

4.2.8 Owners of forested land are encouraged to ensure that forestry activities do not significantly alter natural drainage patterns.

4.2.9 The provincial Ministry(ies) responsible for forest management is encouraged to consider the objectives and policies of this Official Community Plan and the policies of the Islands Trust Policy Statement in recognition of Hornby Island's location within the Island Trust Area and should be requested to:

a) promote management practices that ensure the protection of native biodiversity, valued environmental features and groundwater recharge areas; and

b) encourage management plans that involve the maintenance of continuous tree cover and that use native species in planting programs.

4.2.10 The extensive planting of non-native species for silviculture is strongly discouraged.

4.3 Mariculture

Background:

The relatively unpolluted water surrounding Hornby make it an attractive area for aquaculture. The alienation of areas for commercial operations can conflict with the interests of residents, the visiting public and boaters requiring anchorage. There is also concern about impacts upon the natural ecology of large-scale or intensive operations or of a large proportion of the foreshore used for mariculture. In 2009 the assessment rolls listed six aquaculture operations on the Island.

> **INFORMATION NOTE:** *Responsibility for the regulation and licensing of aquaculture in British Columbia is shared by a number of Provincial and Federal Agencies. The Local Trust Committee is committed to working cooperatively with other agencies to address situations where First Nations' interests in aquaculture may be affected.*

Area:

All areas below the natural boundary of Hornby Island within the Hornby Island Local Trust Area are subject to the following objective and policies.

Objectives:

The objectives of this subsection are:

(1) to ensure the negative impact of commercial mariculture uses on the upland owners is minimized;

(2) to ensure maximum protection of the foreshore and of the native life forms inhabiting it;

(3) to support low impact mariculture operations; and

(4) to ensure commercial use of marine resources does not pollute the foreshore and surrounding waters, nor preclude the use or enjoyment of the shoreline by the public or upland property owners.

Policies:

4.3.1 Fish farms such as finfish net pen aquaculture operations should not be permitted.

4.3.2 Intensive mariculture, nori farms and long-line oyster culture requiring floats, buildings and structures should not be permitted in front of residential neighbourhoods of Sandpiper, Whaling Station Bay and Galleon Beach.

4.3.3 All new mariculture sites, including bottom culture, should be subject to redesignation, rezoning and subsequent regulations.

4.3.4 The areas from Collishaw Point to Ford Cove has potentially suitable biophysical conditions and proposals for mariculture use may be considered by the Local Trust Committee upon application for rezoning.

4.3.5 Rezoning for mariculture should only be considered after there has been a review of the coastal area to identify significant and representative ecosystems, species, habitat and features, and the measures required to protect them such as processes required under the *Canadian Environmental Assessment Act* (CEAA).

4.3.6 Mariculture operations should be regulated to ensure that a 2 metre (7 ft.) leave space is retained for public enjoyment of the beaches.

Advocacy Policies:

4.3.7 The provincial Ministry(ies) responsible for managing provincial Crown land is requested to prohibit:

a) mariculture in areas fronting provincial parks, regional parks or nature reserves; and

b) tenure in areas which have been used traditionally as moorage for local vessels or for landing of sea planes.

4.3.8 The provincial Ministry(ies) responsible for managing provincial Crown land is requested to:

a) ensure that mariculture operations are restricted to below the 2 metre (7 ft.) tideline and that adequate space is retained between lease areas to ensure public access to the shoreline;

b) consider the policies contained in this subsection relating to the location of new lease areas whenever it is considering the renewal of existing lease areas; and

c) monitor the impact of mariculture on other marine resources.

4.3.9 The provincial Ministry(ies) responsible for managing provincial Crown land, the Ministry of Agriculture and the Department of Fisheries and Oceans Canada are requested to ensure that areas of natural occurrence of oysters and clams are available for public use and remain free of private or commercial leases.

4.3.10 The provincial Ministry(ies) responsible for managing provincial Crown land is requested to provide an assessment of potential environmental impacts, such as processes required under the *Canadian Environmental Assessment Act* (CEEA), prior to any proposal for additional mariculture tenures being considered by the Local Trust Committee.

4.3.11 The Ministry of Agriculture is requested to encourage development of new technology in shellfish production techniques that minimize use of structures.

4.4 Energy

Background:

The cost and environmental impact of using non-renewable energy resources has made increasing self-reliance in the supply and conservation of energy of particular interest to the Island community. Many homes rely on wood as a major source of energy. Wind energy is gaining recognition as a notable renewable energy source, and there is community interest in the responsible use of wind energy systems.

Residents of Hornby Island have long supported the phasing out of radioactive weapons and materials in the entire world and so declared the Island a nuclear free zone in 1985.

Area:

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to encourage the conservation of energy; and

(2) to encourage the use of renewable energy sources with low environmental impact and safety risk.

Policies:

4.4.1 The use of all forms of renewable energy sources, such as small scale wind turbines and solar panels appropriate to the rural environment for generation of power for onsite consumption with limited noise and visual impacts and safety risk, should be encouraged.

4.4.2 The development of renewable energy sources that allow for the sale of power to the Hydro grid and for individual site and local community use may be examined through zoning regulation, provided that such sources are reviewed to ensure there are no negative environmental impacts or increased safety risks.

Advocacy Policies:

4.4.3 The use of CSA certified low emission wood stoves should be encouraged.

4.4.4 Community initiatives to establish educational and informational programs on energy conservation on the Island including demonstration and experimental projects are supported.

4.4.5 The conservation of energy in buildings through adequate insulation and thermal glazing is supported.

4.4.6 Community transport, carpooling, ride sharing and the use of alternative fuel and non-motorized vehicles are encouraged.

4.5 Water

Background:

Surface water sources are managed by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Water Authorizations Branch, through the allocation of surface water rights under the *Water Sustainability Act*. Hornby Island has 43 surface water licenses issued for domestic, irrigation and storage uses. Groundwater is currently the primary source of water supply. Its availability and quality vary considerably around the Island and seasonal shortages are common. In some areas of the Island there is a high level of development in relation to aquifer productivity. There are reports of saltwater intrusion in some locations. Dry or abandoned wells on private property that were not properly sealed are conduits for introducing contaminants into the aquifer from surface water. Hornby Island's fractured bedrock aquifers exist under unconfined conditions which makes them highly vulnerable to contamination introduced at the land surface. Of particular concern is contamination from inadequate treatment of sewage and grey water and improper utilization, storage and disposal of chemicals used domestically or in trades, crafts, agriculture, industry and transportation. Where water supply is a problem, bottled water is purchased, water is obtained from other public or private wells or water is trucked for a fee from productive wells elsewhere on the Island. Household treatment of water also takes place. Irrigation can be a significant use of water in the summer with potential impacts upon availability during the low flow period.

Groundwater is a communal resource but it is not yet subject to management or regulation. In 1996, the Water Stewardship Project, sponsored by the Heron Rocks Friendship Centre Society, began to monitor creeks, ditches and beaches for fecal contamination levels, lobby for necessary changes and educate the public. In 1998, the Ministry of Environment and the Islands Trust established a Pilot Voluntary Groundwater Protection Pilot Project for Hornby Island which has been coordinated locally by an Advisory Committee. This project has compiled and reviewed existing and new information (including a Geochemistry Study and an Aquifer Classification) which is being used as a basis for developing a Groundwater Protection Strategy for the Island in consultation with other organizations and agencies, local experts and the community at large.

Groundwater is a limited and vulnerable resource that requires restrictions on land use and development. However, the water supply situation can be improved significantly by three measures that are being increasingly utilized: water conservation, water re-use and the direct catchment and storage of rainwater. Because groundwater concerns need to be taken into account in all land uses and development, Policy 2.2.2 applies to every section of the Plan. This section includes additional or more specific policies to protect the resource.

> **INFORMATION NOTE:** *All shared (commercial and public) wells, cisterns or water supply infrastructure must comply with the requirements of the BC Drinking Water Protection Act*.

Area:

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to encourage water conservation to ensure that existing users of the water supply do not deplete the supply;

(2) to ensure that new demand for water does not stress the groundwater resource;

(3) to ensure that activity pertaining to use of land does not lead to degradation of the current supply of fresh water;

(4) to enable more local involvement in the protection and management of groundwater;

(5) to encourage the use of effective alternative systems and technologies;

(6) to encourage the use of shared systems that provide water, store water and treat grey water; and

(7) to encourage protection of water in wells.

Policies:

4.5.1 The establishment of a community-based water resource protection/management committee is supported to provide a coordinated and proactive approach to the protection and careful use of the Island's water resources.

4.5.2 A Groundwater Protection Strategy, based upon available technical information, community and agency consultation, should be developed and implemented.

4.5.3 Development should be restricted in areas where groundwater limitations have been identified by a groundwater geochemistry study, aquifer classification, hydrological report or other technical information.

4.5.4 Watersheds, wetlands, lakes, water courses and riparian areas should be protected through Development Permit or regulation, including requirements for protective setbacks.

4.5.5 Sources of potable water should be protected through "water supply protection area" designation and covenants and/or regulations that restrict land uses to those that are compatible with protecting the water source.

4.5.6 Activities that would pollute fresh water or saltwater should be prohibited and land uses that may involve a potential for pollution should be regulated.

4.5.7 Alternative water source methods such as rainwater catchment, lined dugouts and well reservoirs should be used for large scale uses such as for filling swimming pools.

4.5.8 Enclosed cisterns and ponds for storage of rainwater to supplement water supply for individual or group household use and fire protection and irrigation are encouraged.

Advocacy Policies:

4.5.9 The Vancouver Island Health Authority shall be requested to ensure that drinking water sources and recreational water bodies are not contaminated by deleterious liquid discharges.

4.5.10 The provincial Ministry(ies) responsible for forest or natural resource management is requested to require that any tree cutting be carried out according to a management plan designed to fully protect the groundwater recharge function of the area based upon hydrological information and that draft management plans be referred to the Local Trust Committee for community review.

4.5.11 The Ministry of Transportation and Infrastructure is requested to review ditching practices with respect to maximizing groundwater recharge and retention and to work with the Local Trust Committee and the community to identify and carry out pilot projects involving alternative management of run-off in appropriate locations.

4.5.12 The Real Estate Board is requested to require from land owners disclosure of septic and well conditions and locations at the time of property transfer so that prospective buyers are informed of the water/septic situation.

4.5.13 Sellers of properties and their real estate agents are requested to disclose water and septic information to prospective buyers of property on the Island.

4.5.14 Any education program directed toward the conservation of Island water supplies, the re-use of water and the utilization of rainwater catchment and storage systems is supported.

4.5.15 The use of chemical fertilizers, pesticides, and herbicides by any agency or individual is strongly discouraged.

4.5.16 Property owners with wells on their property that are dry or contaminated (including by saltwater intrusion) are encouraged to back fill those wells.

SECTION V — OBJECTIVES AND POLICIES FOR A SUSTAINABLE INFRASTRUCTURE

This section reflects the concern that environmental considerations be applied to all settlement activities on the Island. The concept of sustainability is fundamental to decisions on the level and characteristics of services. The responsibility for regulating and monitoring the effect of providing services is commonly shared between government agencies and the Local Trust Committee. Issues addressed include transportation, water supply, waste disposal and energy.

5.1 Water Supply Systems

Background:

There is one Water Improvement District in the Whaling Station Bay area. There is informal or limited sharing of wells on a privately negotiated basis. It is recognized that the availability of groundwater varies considerably over the Island and residents of distressed areas may wish to consider forming local water districts. In addition, there are natural water flows that could be captured from artesian springs. Reports by F. Chwojka (1984) and W. S. Hodge (1993) suggested establishing community wells in inland areas.

> **INFORMATION NOTE:** *The Vancouver Island Health Authority (VIHA) will not monitor public water supplies for compliance with the BC Drinking Water Protection Act. Ensuring compliance with this Act is the responsibility of the water supplier with oversight by Island Health Authority.*

Area:

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to ensure the self-sufficiency of the Island with regard to a supply of freshwater;

(2) to ensure the maintenance of safe potable water sources for residents on the Island;

(3) to encourage the capture of rainwater for domestic use; and

(4) to encourage conservation and grey water treatment to allow for re-use and recycling of water.

Policies:

5.1.1 Piping of water from a source off-island should be prohibited.

5.1.2 Large-scale desalination plants should be prohibited. Small-scale desalination plants using technologies that do not involve the returning of concentrated brine to the environment and other negative impacts to the environment, natural coastal processes or marine or coastal habitat may be permitted and regulated.

5.1.3 The Local Trust Committee should encourage and support efforts to establish community-managed water sources that could be made available to water delivery operators under appropriate arrangements and which would be monitored by a publicly-accountable organization.

5.1.4 A well may be used for the extraction of groundwater for transportation off the lot from which it is extracted where permitted by zoning regulation or Temporary Use Permit.

Advocacy Policies:

5.1.5 The Vancouver Island Health Authority is requested to monitor water quality of community water systems and wells and to post the results on a regular basis for user's protection.

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

a) regulate the use of groundwater for community systems; and

b) identify and assess and then maintain and monitor on a regular basis community wells established at the time of subdivision.

5.1.7 The responsible provincial Ministries are requested to give consideration to:

a) identifying and reserving areas on Crown land that may be used as remedial sources of freshwater to supply existing residential uses only; and

b) establishing community wells in inland areas.

5.1.8 Small scale privately installed water systems and shared wells are encouraged, particularly for areas designated small lot residential.

5.1.9 Rainwater collection and storage are encouraged to provide domestic or commercial water supply for any new construction (and for incorporation into existing developments).

5.1.10 The provision of clean, safe public water supplies for the use of visitors is supported.

5.1.11 Dissemination of information on options for water conservation and recycling is supported.

5.1.12 The Comox Valley Regional District and other authorities are requested to work with the Local Trust Committee and the community to develop a strategic plan for providing a continuous safe supply of potable water for all residents of Hornby Island.

5.2 Water Supply Protection Areas

Background:

The Whaling Station Bay Improvement District owns and operates a water collection system that provides water to about 35 property owners in the Whaling Station Bay area. There are public wells (some of them now disused) located on public land at Grassy Point, Sollans Road, Anderson Drive (two) and Jerow Road. There is also a public well within Tribune Bay Provincial Park that is now capped.

Area:

All areas identified as a Water Supply Protection Area (WSPA) on Schedule B (Map Designations) are subject to the following objectives and policies.

Objective:

The objective of this subsection is to protect the Whaling Station Bay water collection system and other existing public wells as present or future sources of community water supply.

Policies:

5.2.1 Lot A, Section 9, Plan 19879, owned by Whaling Station Bay Improvement District is designated as a Water Supply Protection Area to ensure its protection as a site specific water supply zone and land uses on this lot should be restricted by regulation.

5.2.2 Land uses on properties within the catchment area of this water supply system may be restricted by regulation or covenant to protect the water resource on the basis of a professional hydrological study.

5.2.3 Land uses on or near parcels containing public wells should be regulated to ensure protection of the water source.

5.2.4 Where indicated by a professional hydrological study, land uses on adjacent properties may be restricted by regulations or covenant to protect the water source.

5.2.5 The establishment of additional public wells in appropriate inland locations should be considered; parcels containing new public wells should be added to this designation.

Advocacy Policies:

5.2.6 Public wells are subject to requirements of the *Water Sustainability Act* and other provincial legislation such as the *BC Drinking Water Protection Act* and regulations. Designated purveyors or other agencies responsible for such wells must comply with provincial regulations and should protect the well head, ensure regular maintenance and testing of the well, post the test results and monitor draw down and water availability, or enter into an agreement with a community organization to carry out this work.

5.2.7 Agencies with jurisdiction over land parcels containing wells are encouraged to seal wells that are no longer being used or maintained.

5.3 Sewage Treatment and Disposal

Background:

The terms "liquid waste or sewage" is usually used to refer to waste that comes from toilets (black water) and from sinks, baths, washing machines, dishwashers, etc. (grey water). In sewage systems these wastes are treated and disposed of together. Other systems, such as composting toilets, are designed to treat only human waste (fecal matter) and this requires separate treatment for grey water. Water is a precious resource and can often be recovered and recycled with appropriate treatment. To reflect this, the terms "fecal matter" and "grey water" are used in this plan rather than "liquid waste".

The disposal of sewage is governed by the Ministry of Health through the *Public Health Act* and Regulations and administered by the Vancouver Island Health Authority. The Ministry of Environment and Climate Change Strategy and the Ministry of Agriculture also have relevant regulatory authority.

Hornby Island has high density subdivisions (Whaling Station Bay, Sandpiper Beach, Galleon Beach and Shingle Spit areas) which are not serviced by community sewerage systems. Fecal matter and grey water must therefore be dealt with on each lot. A program of testing for fecal coliform in wells, ditches, creeks and beaches (carried out by the Water Stewardship Project in 1996 to 1999) indicates that there is a widespread lack of adequate treatment which is already causing contamination and could lead to serious health problems. There has never been an assessment made by the Vancouver Island Health Authority of the impact of all the sewage systems on the area as a whole.

Small lots, lack of adequate percable soil, heavy winter rains, water shortages in summer and many property owners being non-residents present challenges to the effectiveness of sewage systems. Other treatment systems for fecal matter such as composting toilets, may provide appropriate alternative solutions, but these require proper installation and operation and separate treatment for grey water. (Composting toilets are addressed through the *Environmental Management Act* and not under the sewage disposal regulations).

Area:

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objective:

The objective of this subsection is to ensure that sewage disposal does not lead to a health hazard through the pollution of groundwater, surface water, bathing beaches or shellfish harvesting areas.

Policies:

5.3.1 All owners should be alerted when applying for a Siting and Use Permit to the need for considering the location of sewage disposal fields including the treatment tank, whether that tank is a septic tank, package treatment plan or some other unit that pre-treats sewage effluent, before wells are drilled and buildings are constructed and to meet provincial requirements.

5.3.2 The feasibility of facilities to fully treat sewage or to complete the treatment of material from composting toilets may be investigated through a comprehensive planning process, such as a Liquid Waste Management Plan process. Potential sites should only be considered in appropriate locations away from residential areas and proposed operations must be in compliance with all applicable regulations.

Advocacy Policies:

5.3.3 The Vancouver Island Health Authority is encouraged to apply strict standards in monitoring waste treatment systems.

5.3.4 The Province and the Vancouver Island Health Authority are requested to:

a) encourage the use of technologies that improve treatment and/or enable it to take place with a smaller footprint on the land (e.g. the use of effluent filters, tank access risers, package treatment plants and sand filters);

b) encourage the use of approved alternate systems where these are appropriate to particular situations; and

c) ensure regulations are enforced to prevent inadequate treatment of waste from threatening the quality of groundwater.

5.3.5 The Federal Government departments with authority are requested to require the use of holding tanks for sewage on vessels docked or moored in the waters surrounding the Island.

5.3.6 Provincial Ministries are requested to support research, development and application of alternative waste treatment systems through community-based pilot projects.

5.3.7 Public sewerage and sewage treatment systems are considered a remedial measure in existing high-density residential areas.

5.3.8 Consideration should be given to securing appropriate land (vacant Crown land or vacant private lots) that may be used in future for neighbourhood full treatment systems in the small lot subdivisions.

5.3.9 The Land Title and Survey Authority, the Real Estate Board and local realtors are encouraged to require from land owners disclosure of septic and well conditions and locations before property transfer so that prospective buyers are informed of the water/septic situation.

5.3.10 Programs designed to educate the public on appropriate approvable methods and management of sewage and grey water disposal systems are encouraged.

5.3.11 Efforts to provide information to visitors that there are no pump-out facilities for recreational vehicles or boats on the Island are supported.

5.4 Recycling and Disposal of Solid Waste

Background:

Hornby Island has no outside garbage pick-up but there are recycling and garbage disposal services at the Recycling Depot funded by the Comox Valley Regional District through local property taxes. The Recycling Depot is situated within a groundwater recharge area upslope from one of the Island's major residential areas.

Hornby Island has been diverting recyclable and reusable material from landfill since 1978 and is presently diverting up to 70% of the solid waste generated on the Island. Diversion is attained through reuse of all possible materials through the Free Store, situated at the Recycling Depot, and through the collection of recyclable materials which are transported to markets on Vancouver Island and, in some cases, the Lower Mainland. The non-recyclable materials are transported to the regional landfill at Pigeon Lake near Cumberland on Vancouver Island. The Recycling Depot functions also as a rural garbage transfer station. The Depot is located on Crown land under a License of Occupation maintained by the Comox Valley Regional District. The Solid Waste Management Program is designated as a Public Service and Utility on Schedule B of the land use map.

Area:

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to encourage maximum diversion from landfill through reuse, recycling, and composting solid waste;

(2) to ensure that the collection, handling and storage of materials does not contaminate the environment; and

(3) to continue public education on waste diversion methods.

Policies:

5.4.1 The use of the waters around Hornby Island for the dumping of any waste, especially toxic waste, should be prohibited.

Advocacy Policies:

5.4.2 Continued recycling of solid wastes on the Island, including waste generated by the commercial sector, is supported.

5.4.3 The Recycling Depot and any site for storage or dumping of solid waste should continue to be managed so as to protect the environment in compliance with the Comox Valley Regional District Waste Management Plan through consultation with the responsible provincial Ministry(ies).

5.4.4 Any necessary burning of waste should comply with the strictest interpretation of the provincial Ministry standards designed to minimize air pollution.

5.4.5 Household hazardous wastes not suitable for reuse should be disposed of in accordance with policy established by the Comox Valley Regional District Waste Management Plan.

5.4.6 The Comox Valley Regional District and the responsible provincial Ministry(ies) are requested to regularly review the operations and location of the Recycling Depot to ensure that there are no adverse impacts upon the environment and, in particular, upon surface water and groundwater.

5.4.7 Waste materials generated off-Island should not be accepted at the present Recycling Depot on Hornby Island nor in any future alternate disposal facility on the Island.

5.4.8 Managers of waste materials are encouraged to apply the standards established in the Comox Valley Regional District Waste Management Plan.

5.4.9 The Comox Valley Regional District is requested to:

a) continue to monitor downhill wells for landfill leachate in accordance with provincial Ministry directives on the management of closed, capped landfilled sites;

b) to regularly review the operation of the Recycling Depot to identify and address any adverse impacts upon the environment (including upon surface water and groundwater) and to ensure that it complies with Provincial and the Comox Valley Regional District standards; and

c) continue to support the development of local markets for recycled materials.

5.4.10 Managers of petroleum products and other hazardous substances such as contained in machinery (including derelict vehicles) are requested to ensure that such materials do not enter and contaminate the ground and groundwater.

5.5 Public Utilities and Services

Background:

Highways maintenance is provided by a private contractor from a highways maintenance yard on Hornby Island. Hydro and telephone services are available on the Island. The Recycling Depot is a community-based service operated by the Hornby Island Residents' and Ratepayers' Association under contract with the Comox Valley Regional District.

The highways maintenance yard and Recycling Depot are situated within a groundwater recharge area inland from one of the Island's major residential areas.

Area:

All areas within the Hornby Island Local Trust Area, and in particular the areas designated Public Utilities and Services (PS) where noted, are subject to the following objectives and policies.

Objective:

The objective of this subsection is to provide for adequate utilities and services with regard for the Island's character and environment.

Policies:

5.5.1 Should an alternative site need to be found for the Recycling Depot in the future, any location should be considered and assessed in terms of environmental impact and site suitability for appropriate zoning in conjunction with the Comox Valley Regional District.

5.5.2 Locations for service depots such as for telephone or hydro may be considered upon application.

5.5.3 Transmission towers for community radio and/or to enable high-speed internet access for the community should be permitted in the Community Service Use area and on larger lots provided the towers are below the height for which Transport Canada requires navigation lights and should be regulated to protect the visual amenity of the residential neighbourhood.

Advocacy Policies:

5.5.4 All public service and utility installations on the Island should be for servicing Hornby Island only.

5.5.5 Industry Canada is encouraged to prohibit commercial microwave towers and satellite antennae on Hornby Island.

5.5.6 Federal and Provincial ministries and public and private corporations that provide public utilities and services are requested to ensure that measures are in place to ensure that the storage of materials and the maintenance of vehicles do not result in chemicals entering the ground that might contaminate the groundwater resource.

5.5.7 BC Hydro is requested to consult with the Local Trust Committee with respect to the installation of any new hydro services to minimize impacts in environmentally sensitive areas and scenic areas and is encouraged to consider installing lines underground where appropriate to preserve viewscapes.

5.5.8 The provision of high-speed internet access to facilitate educational and commercial opportunities for residents is supported.

5.6 Air Transport

Background:

The map Schedule B does not show air travel facilities, as only occasional use is anticipated in areas not dedicated solely to air travel, but does show roads and wharfage. Air travel to and from Hornby Island is limited to float planes which usually land near the only existing docks at Ford Cove and Shingle Spit. There are no established commercial air strips or airports. The Island is close to flight paths for air traffic landing and taking off at the Comox airbase and Courtenay air park which sometimes creates a noise nuisance from low-level over-flights.

Area:

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to minimize the disturbance of quiet enjoyment of property; and

(2) to ensure that potentially productive use of land is not alienated by air strips.

Policies:

5.6.1 Land-based airports, private or commercial airstrips, or heliports are not considered suitable or compatible with the rural lifestyle and agricultural potential of the Island and should not be permitted.

5.6.2 Emergency helicopter landing areas may be permitted at appropriate locations.

Advocacy Policies:

5.6.3 The landing and taking off of helicopters, ultralight aircraft, and other manned aircraft on the Island is strongly discouraged.

5.6.4 Transport Canada is requested to designate Hornby Island as a "noise sensitive area" and to issue an annual advisory to this effect to pilots and operators.

5.6.5 Transport Canada and the Federal Department of National Defense are requested to ensure flight paths and areas for military and civilian air traffic are directed away from the Island.

5.6.6 Operators of float planes are encouraged to land and take off adjacent to marine service areas and to avoid other areas around the Island, especially parks or public swimming beaches where there may be a potential impact upon wildlife or upon public safety and recreational activities.

5.7 Water Transport

Background:

Access to the Island is focused through two protected wharfage areas, the ferry dock and the Ford Cove government wharf. The Island has few safe anchorages and sheltered bays. The resort near the ferry terminal (Shingle Spit area) offers seasonal summer day-use wharfage. The Federal government in 2010 made substantial investments to improve the wharfage at Ford Cove. The wharf at Ford Cove is under Federal lease to the Ford Cove Harbour Authority and offers the only year-round protected wharfage. Limited summer anchorage is possible in several bays.

The regulation of sea transport falls generally under the authority of the Federal Government and the principal access is via BC Ferries Services Inc. Construction of private or commercial docks require approval of a lease from the Province. This Plan can therefore define only broad objectives for the management of all water access to the Island except that upland and water zoning regulations must also be satisfied before a private individual can proceed to install any structures for a private wharf or moorage.

Area:

All areas in the Hornby Island Local Trust Area, and in particular the areas designated Marine Transport (MT) where noted, are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to protect the limited sheltered bays for temporary anchorage;

(2) to provide boat access to the sea;

(3) to maintain a ferry service directed toward the needs of the local community;

(4) to promote adequate sewage, grey water and solid waste disposal for users of all marine facilities according to Provincial Health standards;

(5) to encourage measures to reduce the number of vehicles that travel on the ferry; and

(6) to support the continuing provision of wharfage at Ford Cove or at Shingle Spit.

Policies:

5.7.1 Private wharfs and/or breakwaters should be prohibited by regulation.

5.7.2 Expansion of wharfage at Ford Cove by the Ford Cove Harbour Authority may be supported provided negative environmental and visual impacts can be demonstrated to be minimal.

5.7.3 Expansion of moorage at Shingle Spit may be considered provided negative environmental and visual impacts can be demonstrated to be minimal.

5.7.4 Mariculture should not be permitted in Ford Cove or at Shingle Spit.

5.7.5 The existing Marine Transport (MT) points as shown on the land use map Schedule B should be maintained for current identified uses.

5.7.6 Public launching slips for canoes, kayaks, row boats and dinghies may be considered upon application to allow for safe and easy water access.

Advocacy Policies:

5.7.7 The Ford Cove Harbour Authority and the Department of Transportation are requested to continue to maintain and improve the wharfage at Ford Cove including provisions for parking, toilet facilities and the collection of recycling and garbage.

5.7.8 Safe methods of transporting dangerous materials around, to or on the Island should be required.

5.7.9 The responsible provincial Ministry(ies) and Department of Transportation are requested to establish boating speed restrictions within the Hornby Island Local Trust Area to ensure that public safety and environmental concerns are addressed.

5.7.10 BC Ferry Corporation and the Ministry of Transportation and Infrastructure are encouraged to:

a) achieve a level of service that follows rather than precedes community needs and that is established in consultation with community representatives;

b) encourage carpooling and non-automotive land transportation;

c) ensure that all vessels and associated upland facilities meet all provincial Ministry standards;

d) consult on a regular basis with a local advisory committee (or in the absence of such a committee, the Hornby Island Local Trust Committee) with respect to future planning for and any changes to ferry service between Hornby Island and Vancouver Island; and

e) consider the impact of the level and structure of tariffs upon the social and economic viability of the community.

5.7.11 All marine fuel services should meet all federal and provincial requirements.

5.8 Roads

Background:

Hornby's roads fall into four categories: main rural, minor rural, residential rural and heritage rural. The Island's principal artery (Shingle Spit Road/Central Road) is a "Main Rural" road from the Ferry Terminal to just beyond Strachan Road. The remaining section of Central Road to Ford Cove is "Minor Rural" and is designated as a "Heritage Road" requiring protection of its character, the views and the fine maples, Garry oaks and Douglas-firs along its length.

A second "Main Rural" road is St. John's Point Road from the Co-op crossroads to Whaling Station Bay. "Minor Rural Roads" connect through the residential areas: Sandpiper-Arthurs-Porpoise-Seawright, Sollans-Harwood-Gunpowder-Cowie-Carmichael and Anderson-Gurney. The remaining roads are "Residential Rural". Most roads are paved, the main exceptions being Sea Dollar, Strachan, Euston, Marleybone, Slade, Lea Smith, Little Tribune and Savoie. Savoie Road and Little Tribune Road are proposed "Heritage Road" designations.

There are no proposals for extending the road system. The former extension of Shingle Spit Road to Ford Cove was closed after a major slump and there is no longer a right-of-way along its route. The trail along "the Bench" is not considered a potential through route for a road because of the area's high environmental and scenic values.

An agreement between the Islands Trust and the Ministry of Transportation and Infrastructure has established an ongoing consultation process to deal with issues of construction and maintenance. This process also provides for negotiated agreements on the designation of Scenic/Heritage Roads and a Cycle Route Plan. A Cycle Route Plan allows for the adjustment of shoulder width standards when roads are upgraded.

Although most residents rely upon private motor vehicles to travel around the Island, there are a significant number of cyclists, pedestrians and equestrians, particularly in the summer when motor traffic is heavy. This poses safety concerns, as most sections of road do not have shoulders to accommodate these travelers. Paved cycle lanes have been added to Central Road between the Co-op crossroads and Seawright Road, a section which had been a priority safety concern. Through volunteer effort (and with support from the Ministry of Transportation and Infrastructure) paths for non-motorized traffic are being built parallel to roads on the right-of-way or on adjacent private land and along some unopened road allowances (see Section 3.3: Parks and Protected Areas where policies address the acquisition and establishment of trails).

Area:

All areas in the Hornby Island Local Trust Area and as referenced on Schedule C (Land Status and Road Designations) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to maintain the rural character of roads on the Island;

(2) to ensure safe, convenient transportation routes that do not encourage excessive speed;

(3) to encourage safe bicycle and pedestrian travel as an alternative to vehicle use; and

(4) to establish scenic/heritage road designations for unique and valued roadways and the appropriate consultative process when improvements are to be undertaken.

Policies:

5.8.1 Central Road is designated as the major road for Hornby Island and is classified as Main Rural.

5.8.2 The following should be designated as Cycle Routes: a) from the ferry terminal to the Outdoor Education Centre (Shingle Spit-Central-St. John's Point), and b) from the Co-op crossroads to Strachan Road (Central Road).

5.8.3 Shared accesses onto roads from private driveways should be encouraged and subdivision layouts should be designed to consolidate access points.

5.8.4 A linked network of trails for non-motorized vehicle travel, including cycle paths, should be established through Crown lands, Parks, highways dedications, and private-land by easements or agreements.

Advocacy Policies:

5.8.5 The Ministry of Transportation and Infrastructure is requested to implement and maintain the following road standards:

Main Rural:
Posted maximum speed: 60 km/hr, except consideration to be given to:

- 50 km/hr on Central Road between the junctions with Sollans Road and Seawright Road to enable the use of Neighbourhood Zero Emission Vehicles between the main residential neighbourhoods and the central commercial and institutional areas; and
- lower speed limits in busy congested areas such as adjacent to the entrance to Tribune Bay Outdoor Education Centre and at Whaling Station Bay.

Paved width: 6.7 metres (7.3 metres on a curve)

Shoulder width: 0.6 metres paved, with increase to 1.2 metres to provide for a paved bicycle lane on Central Road between the junctions with Sollans Road and Seawright Road and in other locations determined through community consultation.

Minor Rural:
Posted maximum speed: 40-50 km/hr
Paved width: 6.1 metres
Shoulder width: no paved shoulder unless on a cycle route

Residential Rural:
Posted maximum speed: 30-40 km/hr
Paved width: 5.5 metres
Shoulder width: no paved shoulder

Heritage Rural:
Posted maximum speed: 30-40 km/hr
Paved width: 5.5 metres
Shoulder width: no paved shoulder

5.8.6 The Ministry of Transportation and Infrastructure and BC Hydro are requested to:

a) ensure the road system follows natural contours of the land wherever possible;
b) continue the major road pattern as shown on the land use map, which does not connect across the bench under Mt. Geoffrey;
c) retain unused road dedications as greenways and, where appropriate, as pedestrian and bicycle trails for access to beaches, Crown land, parks and other trails and roads;
d) retain as much natural vegetation along the roadside as possible and especially to protect wildflowers, rare plants, dogwood, arbutus and Garry oak trees;
e) provide for safe travel of non-motorized traffic along Central Road and other busy sections of road (this should preferably take the form of paths adjacent to but separated from the existing roadway);
f) ensure signage along the roads is minimal and in keeping with a rural atmosphere;
g) consult with the Local Trust Committee on setting priorities for annual road work and ditching programs;
h) work with the Local Trust Committee to address public parking provisions in Community Service Use areas;
i) ensure that ditching of roads is carried out so as to reduce impact upon natural groundwater and surface water flow patterns;

j) work with the Local Trust Committee and community organizations to develop a trails and greenways plan and establish local stewardship arrangements for water accesses and unopened road allowances;

k) provide written referrals to the Local Trust Committee with respect to any proposed works on roads, right-of-ways, water accesses and unopened road allowances;

l) refer any disposition of road allowances to the Local Trust Committee;

m) provide adequate dust control on gravel roads and consider in consultation with the community paving heavily traveled sections such as the lower portion of Strachan Road; and

n) consider, in consultation with the community, traffic calming measures where these can address neighbourhood safety concerns.

5.8.7 The Ministry of Transportation and Infrastructure is requested to work with the community to address ways to improve safety in the area of high activity at the intersection of Sollans Road, and Central Road and the intersection of Central Road and Shields Road at the Hornby Co-op.

5.8.8 The Ministry of Transportation and Infrastructure is requested to ensure that road development does not compromise agricultural land or significant forest areas.

5.8.9 The Ministry of Transportation and Infrastructure is requested to ensure that waste material (particularly flammable material) is not allowed to accumulate in gravel pits and other land under its jurisdiction.

5.8.10 The Ministry of Transportation and Infrastructure is requested to make old gravel pits available for community uses when the gravel resource has been exhausted.

5.8.11 Programs to educate cyclists, motorists and pedestrians on road safety issues are supported.

5.8.12 The RCMP is encouraged to enforce highway regulations in order to help maintain the safety of the roads.

5.8.13 The Comox Valley Regional District is requested to maintain regular transit service to Buckley Bay from the Comox Valley and to expand the transit service across Denman to Hornby Island.

SECTION VI — OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE

6.1 Objectives and Policies for Development

Background:

One of the main functions of the Official Community Plan is to designate the patterns of future land uses. The designations are based on historic development patterns, physical features or constraints, other government agency comments and specific objectives defined by the community. Land is divided into various land use categories and shown on Schedule B, the land use map. Policies for each use are contained in this Section.

There are currently 1351 parcels in the Hornby Island Local Trust Area, including Park and Crown land. There are 30 parcels that could potentially be created, from 11 of the current parcels. The addition of these new parcels would result in a total of 1370 parcels on the Island and excludes the subdivision potential of Crown land, industrial and institutional parcels, and park land. Of these parcels, 80.7% of the land use is used for residential, 2.5% for farm, 1.3% for commercial, 0.6% for transportation, communications, and utilities and 2.4% for civic institutional and recreational purposes. The remaining 12.5% is composed of other designations, vacant land, and lots with outbuildings using BC Assessment Authority classifications for land use (Community Profile 2010).

A review of the current and proposed parcels located within the land use categories contained within this plan and the level of land development activities in those categories indicate that there remains a sufficient inventory of lands to allow for sustainable future land use needs over the next five years and beyond.

Area:

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this section are:

(1) to protect the physical environment and natural features;

(2) to ensure that all land uses are regulated equitably;

(3) to ensure all development of the land base is self-sufficient for services and does not impose or create load on surrounding land uses; and

(4) to consider the community benefit in any significant rezoning application.

Policies:

Policies in Section 6.1 apply to all sections of the Plan.

6.1.1 The maximum size of buildings and structures on all lots should be regulated.

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6.1.2 A minimum lot size should be established within the Land Use Bylaw regulations for a lot that may be subdivided pursuant to section 514 of the *Local Government Act* (subdivision to provide residence for a relative) so as to uphold the objectives of the applicable designation in this Plan.

6.1.3 All applications for subdivision considered by the Local Trust Committee should demonstrate that there is sufficient water supply and waste disposal capability for serving the property both at the time of application and at ultimate projected growth levels.

6.1.4 Increasing net residential density through rezoning should not be permitted in the Small Lot Residential designations of Sandpiper, Galleon Beach and Whaling Station Bay areas.

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.

6.1.6 The Local Trust Committee may consider proposals for covenants for the purposes of protecting the environment and specifically the groundwater resources, upon receipt of a rezoning, subdivision, or a temporary use permit application from the land owner. The covenant may contain restrictions on the use of the land in order to protect and enhance the groundwater recharge capabilities, to ensure that groundwater contamination is avoided, to address groundwater shortages, or to prevent further subdivision of the parcel. To ensure that any covenant is enforced, the covenant should be held by the Local Trust Committee (or the Trust Conservancy Board where appropriate) and should be monitored regularly.

6.1.7 Subject to provincial Ministry regulations, specified agricultural and horticultural activities should be permitted and should be regulated by bylaw to ensure that water resources are protected and that agricultural activities on non-agricultural land do not disturb the quiet of residential neighbourhoods. The provincial guidelines address the following: storage and use of agricultural waste, application and composting of agricultural waste, agricultural emissions, agricultural machinery noise, storage and use of wood waste, on-farm disposal of mortalities, feeding areas, access to water and use and storage of agricultural products.

6.1.8 Recommendations from the Ministry of Environment "*Stormwater Management Guidebook*" (2002) regarding the maintenance of pre-development infiltration and drainage regimes should be considered in the development of land use regulations.

6.1.9 Lot coverage should not exceed 15% on lots less than 1.0 hectare and 10% on lots greater than 1.0 hectare. Lot coverage for lots within the Agricultural Land Reserve should not exceed 20% with the additional 10% to be used only for structures required for agricultural production such as barns and greenhouses.

6.1.10 All development of property should include provision for appropriate off-road parking as specified in regulation.

6.1.11 A recreational vehicle, manufactured or mobile home, caravan, studio, boat or a travel trailer, if used as a residence, should be considered as a dwelling unit and be subject to density regulations.

6.1.12 In order to protect the natural environment and maintain neighbourhood viewscapes, screening and natural landscaping should be maintained on all parcels and along all lot lines in accordance with land use bylaw regulations.

6.1.13 Materials that could contaminate water resources should not be stored unless with proper provision for preventing contact of potential contaminants with the ground.

6.1.14 The storage of hazardous wastes or dangerous goods should not be permitted except when stored in accordance with provincial Ministry regulations. Safe storage of material used in conjunction with normal agricultural practices should be permitted on land within the Agricultural Land Reserve.

6.1.15 The protection of the Island from fire hazard should be considered when developing land use regulations.

6.1.16 Security lights and exterior lighting should be regulated so as not to intrude on surrounding properties and roads.

Advocacy Policies:

6.1.17 The Local Trust Committee encourages all land owners to identify areas (including significant features) on each property to be left undisturbed before proceeding with any site development.

6.1.18 The Local Trust Committee encourages all land owners to discuss proposed developments and other land use activities with neighbours at an early stage of planning.

6.1.19 The Local Trust Committee encourages land owners to work with the Islands Trust Conservancy to fully protect special features and both natural and cultural values as identified in the Islands Trust Conservancy Regional

Conservation Plan, 2018-2027. (The Islands Trust Conservancy, a conservation land trust established by the *Islands Trust Act*, can acquire land for nature reserves and hold conservation covenants on private land).

6.1.20 The Local Trust Committee encourages all land owners to address potential impacts upon groundwater and surface water before proceeding with any site development.

6.2 Community Service Use

Background:

An island community isolated by two ferries from any major centre requires a degree of self-sufficiency in the provision of public services.

The community is fortunate to have a large area of Crown land in the central part of the Island and most community services are located in this vicinity. School District #71 owns the land on which the Community School, "Room to Grow" and the Preschool are located. The Hornby Island Residents' and Ratepayers' Association owns the land on which the Community Hall, Union Bay Credit Union-Hornby Branch, Art Centre, the Teen Centre, the "Kitchen", and the RCMP office are located; the Fire Hall is on land owned by the Comox Valley Regional District; New Horizons Centre (including the Public Library), the Community Health Care Centre, including the new medical clinic and the Athletic Association facilities are all on leased Crown land.

The areas previously designated 'Light Industrial' land are now included in the 'Community Service Use' areas which could provide for future public institutions and community trades and services. The community will continue to work with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development to identify the best uses of this area. The land in this designation is in a groundwater recharge area upslope from a residential area and, therefore, requires careful development and use.

A 10 hectare portion of the land zoned 'Community Service Use' fronting on both Central Road and Sollans Road is under discussion as part of the land claims negotiation with the K'omoks First Nation.

Area:

The areas identified on Schedule B (Map Designations) as COM (Community Service Use) and other areas where noted in policy are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to ensure that the central community service lands are managed as an integrated unit for the benefit of the community as a whole;

(2) to protect the groundwater resource from degradation for purpose of water supply;

(3) to design development to accommodate anticipated traffic and parking needs;

(4) to encourage the clustering of public buildings in this area;

(5) to encourage the sharing of utilities such as parking, sewage and grey water systems, vehicle access, and water supply;

(6) to encourage the continued use of building styles, materials, landscaping and the retention of treed areas which are in keeping with the rural landscape;

(7) to ensure that there is ample sewage treatment and water supply for the anticipated uses;

(8) to use community resources efficiently and to allow for development of community facilities as needed;

(9) to ensure that the existing community use and service areas are maintained;

(10) to recognize the importance of keeping long-term residents of the Island within the community by enabling community housing; and

(11) to support community acquisition or lease of parcels of Crown lands in this area that may be required to provide public services.

Policies:

6.2.1 A Community Trades and Services Area, intended as an area where multiple businesses or other facilities for the creation of artisan products and the provision of services such as personal, business, food preparation, repair and professional services has been designated as Community Service Use Development Permit Area No. 2 as shown on Schedule E and will be regulated by Development Permit and land use bylaw regulations.

6.2.2 All land within the Community Service Use designation and Public Utilities and Services designation directly north of the GW/EPA designation on Schedule B is designated as part of Water Resource Protection Development Permit Area No. 3 for the purpose of protecting the groundwater resource on Schedule E. A Development Permit will be required for any new development that involves: significant water use, sewage and grey water treatment, alteration of the land or vegetation, or use of potential contaminants, including residential, commercial, industrial or trades and service developments, new recreational or service facilities such as a swimming pool or fire hall and road building.

6.2.3 Community facilities, such as schools and recreational facilities should continue to be clustered in the central area near the Community Hall.

6.2.4 Fire protection, clinic, ambulance and other public services should continue to be located centrally.

6.2.5 The Royal Canadian Mounted Police should continue to be located in a central location, and should be requested to provide a structure in character with other public buildings on the Island.

6.2.6 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.

6.2.7 Limited commercial activities such as a farmers' market for locally-produced foods and goods, community arts facility or a credit union, preferably operated under the jurisdiction of a community non-profit society, should be permitted on Community Service Use lands subject to adequate off-street parking being provided and should be addressed through land use bylaw regulations.

6.2.8 Member use services provided non-commercially, such as community kitchens, gardens, public showers and laundry facilities should be permitted.

6.2.9 Signage and lighting should be regulated by bylaw to ensure maintenance of the rural landscape.

6.2.10 All buildings should be finished in natural products such as wood, stucco, stone or brick or other materials that would fit in with the ambience of the community and neighbourhood; roofing materials that are appropriate for water catchment may be utilized.

6.2.11 Off-road signage and lighting should be regulated to provide a safe environment in keeping with the rural landscape.

6.2.12 The Crown land parcel containing the gravel pit on Central Road should be considered for a mix of community service uses should this land no longer be required for use by the Ministry of Transportation and Infrastructure or subject to a final Treaty agreement.

6.2.13 As much as possible, natural forest vegetation should be retained or re-established throughout this area.

Advocacy Policies:

6.2.14 Organizations involved in administering and using property in the area designated for "community service use" are encouraged to work together to develop a master plan for future facilities and uses in this area.

6.2.15 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;

c) retain this land in public community management; and

d) ensure public access to the Crown land is maintained.

6.2.16 The Ministry of Transportation and Infrastructure and other responsible provincial Ministries are requested to make available for public use any unused portion of the gravel pit parcel on Central Road (and the whole of the remaining parcel when this is no longer required for gravel extraction).

6.2.17 The provision of facilities for junior and senior high school students is supported.

6.2.18 School District #71 is encouraged to make all educational facilities available for use by the whole community.

6.2.19 Availability of facilities such as the school and hall for a variety of functions is encouraged.

6.2.20 The acquisition of land in this area by a community land trust, in the context of an overall master plan is supported.

6.2.21 Studies that provide additional data on the groundwater and catchment flow system in this area is supported.

6.3 Residential

6.3.1 Residential—General

Background:

The residential component of land use is of major significance. Most of the residential land use is located around the shoreline of the Island with the bulk of the interior, including most of the high ground, being in public ownership, mostly as parks.

Historically, the Island has had a rural character with predominately large acreages. The small lot subdivisions were created prior to the Islands Trust assuming planning authority for the Island and all potential areas for subdivision into that lot size are already subdivided. By 1990, approximately 60% of all residential parcels on the Island were 0.2 hectares or less. In 2009 more than 95% of the private dwellings are single-detached and 18% are rented.

Residential land uses are supported on lands designated in Schedule B as Small Lot Residential, Rural Residential, Forest, Community Housing and Land Co-operatives. Residential use is also authorized in policy for land designated as agricultural, commercial and community service use. Under existing bylaws some lots have some potential for subdivision. However, the subdivision of additional small lots is not endorsed in the Plan. Problems with the quantity and quality of water supply have been identified in the small lot areas where on-site sewage treatment and groundwater wells are present on most lots.

The BC Assessment Authority in 2009 identified 1,088 properties assessed for residential purposes. A total of 322 of the properties are also assessed as agriculture and likely also have a residential use whereas 134 properties are vacant land or only have outbuildings.

The 2011 census records 886 dwellings and a resident population of 958 persons. There are three major housing challenges facing the community in the next five years:

(1) a substantial proportion of the long-term resident population is now in the older age brackets; some may appreciate the availability of special housing in their senior years while others may wish to be supported while remaining in their own homes;

(2) property prices are out of scale with the incomes that can be derived on the Island, making it difficult for younger people to become established here; and

(3) the majority of properties are owned by non-residents and most of these are occupied and/or rented seasonally thereby limiting the availability of year-round rental accommodation.

Notwithstanding these challenges the location, amount, type and density of current residential lands, in conjunction with the designation of new lands for community housing and the addition of new policies enabling secondary suites and temporary housing, are deemed sufficient to meet anticipated housing needs over the next five years and beyond.

As a Local Trust Area designated under the *Islands Trust Act* this document has as its focus the preservation and protection of the Trust Area and is not premised on the unlimited accommodation of housing demands but rather places priority on the preservation and protection of the natural environment of the Local Trust Area.

Area:

The areas identified on Schedule B (Map Designations) as SR (Small Lot Residential), RR (Rural Residential), F (Forest), CH (Community Housing) and LC (Land Co-operatives) or any combination thereof are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to ensure that a variety of housing and housing tenure options are ~~available~~supported by this Plan;

(2) to ensure that the scale of residences and other buildings are appropriate to the Island and neighbourhood context;

(3) to recognize the importance of keeping long-term residents in the community; and

(4) to provide for community initiatives to address housing needs for the foreseeable future.

Policies:

Policies in Subsection 6.3.1 apply to all subsections of Section 6.3.

6.3.1.1 Setbacks of buildings, structures and uses should be regulated to ensure that the natural aesthetics and the environmental integrity of adjacent foreshore, creeks and ecologically sensitive sites are not adversely affected. (This Plan acknowledges that geographical constraints prevent significant setbacks from the foreshore between Shingle Spit and Phipps Point).

6.3.1.2 Setbacks and heights of buildings should be regulated to ensure that the environmental integrity and amenity of adjacent lots, public roads and public land are not adversely affected.

6.3.1.3 Screening around derelict vehicles and other stored materials should be required by regulation.

6.3.1.4 Vacation home rental use is permitted ~~through the issuance of~~ with a valid temporary use permit.

6.3.2 Small Lot Residential

Background:

Lots in this category are smaller than 0.8 hectares and generally range around 0.24 hectares in some subdivisions to 0.1 hectares in areas on the peninsula of the island. As these lots become increasingly developed and used, the already evident problems with sewage disposal and water supply could become more acute.

The Anderson Drive/Whaling Station Bay aquifer areas are classified as the highest vulnerability in the province as 1A (heavily developed with high vulnerability). This is reflected in the area's water quality and quantity problems, including saltwater intrusion, sulphuroeus water and poor-yielding wells. In 202X the Local Trust Committee added the Galleon and Sandpiper neighbourhood areas to this aquifer classification. ~~The peninsula at the north-east end of the island, which includes the Anderson Drive/Whaling Station Bay area, has a separate aquifer which has the highest vulnerability classification in the Province: 1A (highly developed with high vulnerability). This is reflected in the area's water quality and quantity problems, including saltwater intrusion, sulphurous water and poor-yielding wells~~.

Area:

The area identified on Schedule B (Map Designations) as SR (Small Lot Residential) is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to ensure that any construction on existing vacant lots can be supported by the land base and does not lead to health hazards or degradation of the environment;

(2) to minimize the negative impacts associated with small lot development;

(3) to protect the water resource in the aquifers classified as heavily developed, highly vulnerable; and~~to protect the water resource in the Whaling Station Bay/Anderson Drive aquifers classified as heavily developed, highly vulnerable; and~~

(4) to ensure that the land uses do not have an adverse effect upon the quality and quantity of water draw down from the Whaling Station Bay Improvement District water collection system nor upon other wells on adjacent properties.

Commented [SZ2]: x-reference Draft Bylaw No. 173 Item 1.1

Commented [SZ3]: x-reference Draft Bylaw No. 173 item 1.2

Commented [SZ4]: x-reference Draft Bylaw No. 173 item 1.3

Commented [SZ5]: x-reference Draft Bylaw No. 173 item 1.4

Policies:

6.3.2.1 The principal use should be residential with any accessory uses consistent with the residential character.

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6.3.2.2 For subdivision of properties in the Small Lot Residential (SR) 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.

6.3.2.3 Existing Small Lot Residential designations of Sandpiper, Galleon Beach and Whaling Station Bay/Anderson Drive, as shown on Schedule B, will not be expanded and no new small lots will be created except for the purposes of park dedication, neighborhood waste water treatment or to create ecological reserves.

6.3.2.4 One principle dwelling and one secondary suite should be permitted on each lot.~~One dwelling unit should be permitted on each lot.~~

Commented [SZ6]: x-reference Draft Bylaw No. 173 item 1.5

6.3.2.5 The keeping of animals should be limited and regulated to protect the quiet of the neighbourhood and the quality of the groundwater resources and the well-being of wildlife populations.

6.3.2.6 Additional development of the groundwater resource should be strongly discouraged.

6.3.2.7 The use of water catchment and storage systems for household and garden use should be encouraged.

6.3.2.8 The Local Trust Committee supports the regular monitoring of the groundwater resource in these areas and should consider further restrictions upon land use if there is a documented threat of contamination or if aquifers become classified as "highly developed".

6.3.2.9 Consolidation of small lots should be encouraged. To recognize the reduction in density and other impacts resulting from the consolidation of lots, the following should apply for any lot over 1.0 hectare that is the product of the consolidation of smaller lots: the maximum floor area of a residential dwelling or an accessory building may be permitted to be one and a half times the size permitted on standard lots in the small lot residential designation.

6.3.2.10 Bed and Breakfasts home occupations and vacation home rentals may be permitted providing the number of guests does not exceed the design capacity of the approved sewage treatment system and with the number of guests limited based on lot size.

6.3.2.11 Home occupations should be permitted but limited by regulation to those having little impact on the neighbourhood character and environmental qualities.

Additional Policies for small lots in the IA Heavily Developed, High Vulnerability Aquifer Areas~~Additional Policies for small lots in the Anderson Drive/Whaling Station Bay area~~:

Commented [SZ7]: x-reference Draft Bylaw No. 173 item 1.6

6.3.2.12 The provision for shared water supply systems and/or sewage and grey water treatment involving two or more lots is supported where appropriate to local situations and in accordance with the Vancouver Island Health Authority standards.

6.3.2.13 One lot, Lot 11, Section 9, Plan 25736, is adjacent to a water collection system that provides water to property owners in the Whaling Station Bay area. The following policies apply to Lot 11:

a) residential development should be restricted to the north-western half of the property;

b) the south-eastern part of the property, as identified in the hydrological report by Piteau Associates Engineering Ltd. (2002), should remain in an undisturbed state (except for measures such as ditching that are required to protect the water resource) and should be protected by a covenant or through transference to local government for protection purposes; and

c) before any development is permitted, an impact assessment report setting out a site drainage plan should be prepared and implemented in accordance with recommendations from the Piteau Associates Engineering Ltd. (2002) report.

6.3.2.14 Home occupations should be limited to those occupations that would result in no increase in sewage treatment requirements.

~~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.~~

6.3.2.1~~5~~6 The use of water catchment and storage systems should be particularly encouraged where Bed and Breakfast home occupations ~~and vacation home rentals~~ are taking place.

6.3.2.1~~6~~7 The Local Trust Committee should encourage and support initiatives to monitor and address impacts of concentrated development upon health, safety and the environment in this area.

Commented [SZ8]: All relevant TUP guidelines to be contained within TUP Section 6.10 of the OCP

Commented [SZ9]: x-reference Draft Bylaw No. 173 item 1.7

Commented [SZ10]: x-reference Draft Bylaw No. 173 item 1.8 All relevant TUP guidelines should be contained within Section 6.10

6.3.3 Rural Residential

Background:

The Rural Residential designations are intended to promote the retention of large parcels of land, while still providing an opportunity for cooperative land sharing. These rural residential areas are intended to maintain rural aesthetic appeal while permitting home occupation and minimizing the impacts on surrounding land parcels.

In the previous Plan the Rural Residential designation was further divided into a Large Lot Residential designation that was used to identify properties that could be subdivided if there were two long-standing homes built and the owners were owners in common prior to 1991, and a Large Lot Residential/Water Resource Protection Area on a 6.5 acre parcel where one additional lot could be created and it was so designated to recognize its role in community water supply.

The retention of large parcels is now considered a primary objective. Property owners had the opportunity to resolve joint ownership issues in the past and it is now considered appropriate that the primary objective be to retain the large lots. Some options may still be available to allow subdivision in those situations of lots owned as tenants in common.

Area:

The areas identified on Schedule B (Map Designations) as RR (Rural Residential) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to promote retention of large parcels of land and existing densities;

(2) to provide some limited opportunity for land sharing without encouraging subdivision;

(3) to enable some residents to resolve existing land sharing challenges; ~~and~~

(4) to allow for a wide diversity of home occupations subject to regulations which ensure maintenance of the rural residential character of the areas designated rural residential and to ensure minimal negative impact on neighbouring properties; and~~.~~

~~(4)~~(5) to support multi-dwelling residential rental tenure development in the Large Lot Residential zone, through rezoning applications.

Commented [SZ11]: x-reference Draft Bylaw No. 173 item 1.9

Policies:

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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.

6.3.3.2 Exceptions to Policy 6.3.3.1 may apply on the property described as Lot 10, Plan 48077 designated Large Lot Residential/Water Supply Protection Area in the previous plan, a minimum lot size of 0.4047 hectare (1 acre) with an average lot size of 1.0 hectare may be considered for subdivision.

6.3.3.3 The principal use in this category should be residential with any accessory uses consistent with the residential character.

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6.3.3.4 Only one principal dwelling unit and one secondary suite should be permitted on lots smaller than 2.0 hectares. A maximum of two dwelling units and two secondary suites should be permitted on lots 2.0 hectares or larger. ~~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.~~

Commented [SZ12]: x-reference Draft Bylaw No. 173 item 1.10

6.3.3.5 Home occupations may be permitted but should be limited to those having little impact on the rural residential character of the area and its environmental qualities.

6.3.3.6 Bed and Breakfasts ~~and vacation home rentals~~ should only be permitted if the number of guests does not exceed the design capacity of the sewage treatment system.

Commented [SZ13]: x-reference Draft Bylaw No. 173 item 1.11 – all TUP guidelines should be in section 6.10

6.3.3.7 Public access to the existing trail system should be secured wherever possible through dedication, covenant or easement.

6.3.3.8 New road development in association with subdivision in this designation is discouraged and the use of road allowances developed as public trails to provide vehicle access to lots created by subdivision in this designation is not supported.

6.3.3.9 The use of water catchment and storage systems should be particularly encouraged where Bed and Breakfast home occupations and vacation home rentals are taking place.

6.3.3.10 Rezoning applications are encouraged for multi-dwelling developments restricted to residential rental tenure and ~~which~~that ensure affordability is maintained in perpetuity.

Commented [SZ14]: x-reference Draft Bylaw No. 173 item 1.12

6.3.4 Forest

Background:

Land in this category has high scenic, aesthetic and ecological value and includes some of Hornby's highly visible elevated land. It is made up of important forested water catchment areas and areas of very steep slope (which are identified on Schedule F).

There are many long established and well-used trails enabling public enjoyment of the forest landscape and the scenic viewpoints on the escarpments. Potential for land slippage exists in the steeply sloping areas, evidenced by the closure of the shoreline road from Ford Cove to Shingle Spit due to persistent slides. Public access for recreation is of prime importance to the community. The uniqueness of these areas is intended to be preserved while allowing residential use. Because these areas are vital for water catchment, ground disturbance should be minimized and forest cover retained in order to protect the groundwater recharge function. The whole of the west side of Mt. Geoffrey, known as The Bench, is a slump area particularly vulnerable to earthquake activity.

Area:

The areas identified on Schedule B (Map Designations) as F (Forest) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are to:

(1) preserve scenic, aesthetic and ecological values;

(2) minimize ground disturbance and retain forest cover in order to protect water catchment areas;

(3) preserve traditional public trail access through forested areas especially to escarpment view points;

(4) promote retention of large parcels of land;

(5) provide some limited opportunity for land sharing without encouraging subdivision,

(6) maintain the visual quality of the residential neighbourhoods; and

(7) allow for a wide diversity of home occupations subject to regulations which ensure maintenance of the rural residential character of the areas designated Rural Residential and to ensure minimal negative impact on neighbouring properties.

Policies:

Policies in Section 6.1 and Subsection 6.3.1 apply to this subsection.

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6.3.4.1 For subdivision of properties in the Forest (F) designation, a minimum lot size and minimum average 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 and minimum average 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.

6.3.4.2 Residential use of land should be permitted in the Forest designation.

6.3.4.3 Only one principal dwelling unit and one secondary suite should be permitted on lots smaller than 2.0 hectares. A maximum of two dwelling units and two secondary suites should be permitted on lots 2.0 hectares or larger. ~~Only one dwelling unit should be permitted per parcel and two dwellings if the parcel is over 4.0 hectares.~~

Commented [SZ15]: x-reference Draft Bylaw No. 173 item 1.13

6.3.4.4 Setbacks of buildings and uses from cliff edges and retention of vegetation should be required to protect the slopes from erosion.

6.3.4.5 Home occupations may be permitted subject to land use bylaw regulations and should be limited to those types having a low impact on the natural forested character of the area or other environmental qualities.

6.3.4.6 Public access to the existing trail system should be secured wherever possible through dedication, covenant or easement.

6.3.5 Housing

Background:

A 2008 report entitled "*Housing Needs on Hornby and Denman Island"* prepared by Eberle Planning and Research notes that "the recent prolonged boom in vacation property sales has affected both islands with steadily rising house prices." In the last census period, median house prices on Hornby Island increased by 116% while incomes increased by only 7%. (An income of $60,000 is required to buy an average non-waterfront home. The median household income is $37,689). The number of rental units declined by 7% in this period and now only 18% of dwellings are rented compared with 30% for BC. The average Hornby renter has moved 12 times. While 90% of elders own their homes, almost half of these need repairs.

The report estimated that at least 97 Hornby households were in need of housing. The report recommended that: a) approximately 30 affordable housing units could address the needs of Hornby renter households in need who prefer ownership; b) ten elder housing units are required to meet anticipated need over the next 10 years; c) secondary suites/dwellings could address the housing requirements for the minimum 17 single-person renter households in need and renters without year-round accommodation; and, d) provision for emergency/temporary housing would help address housing shortages in the summer and housing crises in the winter. It also proposes support for renters, repair assistance for elder home-owners and home care for elders. The 2004 Hornby Island Advisory Housing Committee Report included

recommendations with respect to secondary units, temporary summer accommodation and the formation of a community land trust.

In recognition of the findings of the 2008 report, new lands have been designated for the development of community housing, and new policies which allow for both secondary suites and temporary housing have been included in this Plan to assist in addressing the identified housing needs.

There are two Hornby Island organizations with a housing focus: Hornby Island Elder Housing Society and the Islanders' Secure Land Association. Two properties are currently zoned for community housing.

For purposes of interpretation the following terms are used in this section:

"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.

"Rental Housing" is housing that is available by payment of rent for occupancy for a minimum of one month and can include any form of housing that is available for rent.

"Special Needs Housing" is housing to accommodate persons who may have special needs due to age, health, disability or other factors that may require special housing characteristics.

"Community Housing" is housing that is provided specifically by bylaw to address affordable or special needs housing requirements, including housing that is provided on land designated for community services use, but community housing does not include housing that may be provided as part of a land cooperative; as a secondary suite; as part of a mixed use development such as in association with a commercial land use or as a secondary dwelling on a property; even though such housing may contribute to the provision of housing that is affordable, available for rent or that accommodates the needs or persons with special needs. The Community Housing designation is intended to designate areas that are considered suitable for such housing.

Land Co-operatives involve co-operative ownership of some large parcels which have been viewed as consistent with the character of the community. The co-operative lifestyle on rural large parcels of land has required fewer roads, allowed sharing of resources, and made the acquisition of property more affordable for members. The Land Co-operative designation is intended to promote the retention of larger parcels and rural character, while still providing an opportunity for co-operative land sharing and the benefits it provides in terms of affordable housing. Land in this designation may be held by organizations such as community land trusts, co-operatives established under the *Cooperative Association Act* or under a corporate ownership structure owned by resident shareholders.

Area:

All areas with the CH (Community Housing) and LC (Land Cooperative) designations are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to provide for a range of housing opportunities including the creation of affordable, rental and special needs housing;

(2) to enable affordable, rental and special needs housing options that are compatible with the Island's environment and character;

(3) to provide for community initiatives to address the housing needs associated with age, disability, and/or moderate and low income through the provision of community housing;

(4) to provide opportunity for non-profit housing situations to meet the needs associated with age, disability, and/or moderate and low income; and

(5) to support land cooperatives with the intention of providing opportunity for common ownership through co-operative land tenure.

Community Housing Policies:

Policies in Section 6.1 and Subsection 6.3.1 apply to this subsection.

6.3.5.1 The principal use of lands designated for Community Housing (CH) should be affordable or special needs residential.

6.3.5.2 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.

6.3.5.3 A housing agreement may be required upon application for rezoning to Community Housing.

6.3.5.4 Criteria that should be addressed in the provision of community housing includes:

a) the form of tenure of the housing units;

b) the availability of the housing units to persons whose special needs are to be accommodated;

c) the administration and management of the housing units, including the manner in which the housing units may be made available to persons with special needs referred to in paragraph (b); and

d) rents and lease, sale or share prices that may be charged, and the rates at which these may be increased over time, as specified in an agreement or as determined in accordance with a formula specified in an agreement.

6.3.5.5 Community housing developments should be encouraged to be located where there is compatibility with existing and potential land use on neighbouring parcels.

6.3.5.6 Community housing developments should be of a scale and character that is compatible with the neighbourhood ambience and the natural environment.

6.3.5.7 Lot A, Section 11, Hornby Island, Nanaimo District, Plan VIP87054, designated (AG), may be used to provide affordable or special needs housing.

6.3.5.8 Universal access design principles should be incorporated into the built environment to support the provision of equitable access for all abilities.

Affordable Housing Policies:

6.3.5.9 Shared land ownership is recognized as one means of providing a more affordable ownership of land and may be supported in land use regulation in lieu of subdivision of land where supported by policy in Subsection 6.3.3 and Subsection 6.3.6 of this Plan.

6.3.5.10 A non-commercial campsite may be considered within areas designated to permit community service use as a means to provide temporary summer accommodation for summer workers, summer visitors and displaced residents who cannot otherwise find accommodation.

6.3.5.11 Housing should be permitted on land designated for community service use provided it is affordable housing or provides for persons with special needs.

Rental Housing Policies:

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.

6.3.5.13 A secondary suite, limited in size by regulation and contained within a permitted dwelling, should be permitted on lots smaller than 2.0 hectares. A secondary suite, limited in size by regulation and located either within or attached to a permitted dwelling should be permitted on lots 2.0 hectares or larger. ~~A secondary suite, limited in size and contained within a permitted dwelling, may be permitted on larger rural lots (in accordance with policies in Subsection 6.3.3 (Rural Residential) of this Plan), and despite Subsection 6.3.3, on lots 2.0 hectares or larger in order to provide rental opportunities provided the owner or residential tenant occupies the principle residence.~~

Commented [SZ16]: x-reference Draft Bylaw No. 173 item 1.14

6.3.5.14 A detached unit used to provide temporary accommodation for a relative or a caregiver or to provide temporary affordable rental accommodation under the *Residential Tenancy Act* may be permitted through a Temporary Use Permit (in accordance with guidelines specified in Section 6.10 – Temporary Use Permits).

INFORMATION NOTE: *The use of such a permit will only define the permitted use and the temporary nature of such use and cannot manage who man occupy the temporary accommodation.*

Advocacy Policies for Rental Housing:

6.3.5.15 Owners of land where a second dwelling is permitted are encouraged to provide the second dwelling as ongoing rental accommodation to increase the available rental housing supply unless the second dwelling is otherwise used or needed for use by the owner.

6.3.5.16 Written agreements under the *Residential Tenancy Act* are strongly encouraged for the rental of dwelling units.

Special Needs Housing (including housing for seniors) Policies:

6.3.5.17 Lot B, Section 10, Nanaimo District, Plan 18085, which is zoned for elder housing, may be considered for zoning amendments to increase the number of units and may be expanded through the acquisition of adjoining land.

6.3.5.18 A supported living facility, a hostel and other facility for providing emergency and/or temporary accommodation should be permitted on land zoned for community service use (in accordance with policies in Section 6.2 (Community Service Use) of this Plan).

6.3.5.19 The Local Trust Committee may explore opportunities for temporary accommodation for summer workers and/or displaced residents.

6.3.5.20 Parcels designated residential 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 special needs housing site specific rezoning. A development plan should be provided with any application for rezoning and shall include information regarding future development phases including projected densities, impacts on the land and neighbourhood including the provision of waste supply, waste disposal and retention of natural vegetation (see Section 7.3).

Advocacy Policies for Special Needs Housing:

6.3.5.21 Hornby Island residents are encouraged to provide and support home care and home repair assistance initiatives for seniors as a means of extending the opportunities for independent living.

6.3.5.22 Where appropriate to personal needs and preferences, Hornby Island residents are encouraged to make available in their homes opportunities for boarding and other joint living arrangements to expand the range of living opportunities for persons with special needs or who seek affordable housing.

Land Co-operative Policies:

6.3.5.23 Upon application, properties 4.0 hectares or greater may be considered for "land co-operative" rezoning supported by submission of an impact assessment plan (see Section 7.3).

6.3.5.24 Two properties have been designated as Land Co-operatives in this Plan. Subsequent land use bylaw regulations may be created to address historical situations where parcels are in common ownership with each member owning a share believing the share granted him/her the right to build a house.

6.3.5.25 The principal permitted uses in this designation should be residential and agricultural.

6.3.5.26 Home occupations subject to land use bylaw regulations may be permitted but should be limited to those having little impact on the area's character and environment.

6.4 Agriculture

6.4.1 Agriculture

Background:

The early development of Hornby Island included agriculture as a primary occupation. However, by 2009 the BC Assessment Authority listed 190 parcels with an agricultural assessment. Many of the largest holdings with good soil have now been subdivided or are vacant. Residential uses of agricultural land has increased pressure for subdivision. Small-scale farming operations serving primarily local needs are prevalent.

Policies in this section refer to the use of any land for agriculture and do not necessarily deal with issues of preserving land in the Agricultural Land Reserve. Subsection 6.4.2 of this Plan contains policies on the preservation of the Agricultural Land Reserve which is considered a natural resource of the Island. Land Use Bylaws in Agricultural areas have traditionally established a minimum subdivision potential of 16 hectares or greater unless otherwise noted.

Agriculture on Hornby has been declining and many prime agricultural regions have previously been subdivided or are not being actively farmed.

Area:

The areas identified on Schedule B (Map Designations) as AG (Agriculture) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to support continuing agricultural use of land and associated activities;

(2) to ensure that the use of land in the Agricultural designation does not compromise the capability of the land for future food production;

(3) to encourage retention of large parcels of land for agriculture; and

(4) to ensure agricultural practices do not cause contamination of the groundwater resource.

Policies:

Policies in Section 6.1 apply to this subsection.

BL166 JUN/22 6.4.1.1 For subdivision of properties in the Agriculture (AG) designation, a minimum lot size should be established within the Land Use Bylaw regulations.

6.4.1.2 The principal uses in this designation should be agriculture and residential.

BL166 JUN/22 6.4.1.3 Only one dwelling (which may contain a secondary suite) may be permitted on lots smaller than 4.0 hectares.

BL166 JUN/22 6.4.1.4 On lots 4.0 hectares or larger in the Agricultural Land Reserve, regulations should permit one principal dwelling and one secondary suite within the principal dwelling as well as one additional secondary dwelling limited in floor area and consistent with the Agricultural Land Commission regulations. ~~On lots 4.0 hectares or greater, the following should be permitted:~~

~~a) one dwelling with a secondary suite within the dwelling; or~~

~~b) two dwellings, with the second dwelling limited in size, and if the land is in the Agricultural Land Reserve the second dwelling should only be permitted if the second dwelling is necessary for farm use as determined by the Local Trust Committee in consultation with a Provincial Regional Agrologist and is otherwise consistent with the Agricultural Land Reserve related enactments; or if authorized as a non-farm use by the Agricultural Land Commission.~~

6.4.1.5 Home occupations which do not impinge upon the principal farm use and which will not cause any degradation of the land nor reduce its capability for agricultural production should be permitted, subject to bylaw regulations and should comply with Agricultural Land Commission regulations where applicable.

Commented [SZ17]: x-reference Draft Bylaw No. 173 item 1.15

6.4.1.6 All agricultural activities should be conducted in accordance with the Agriculture Waste Control Regulation, *Waste Management Act*, the *Farm Practices Protection (Right to Farm) Act* and the *Health Act* administered by the Vancouver Island Health Authority.

6.4.1.7 Commercial land-based aquaculture operations should be regulated by zoning. Before any application for a rezoning to allow upland aquaculture (using freshwater or saltwater ponds or tanks) are be considered, a site specific analysis of the potential impacts of water consumption, waste disposal, drainage or potential spills on the surrounding land and upon surface water and groundwater may be required (see Section 7.3).

Advocacy Policy:

6.4.1.8 The spreading of agricultural waste should be regulated such that water courses or groundwater resources are not contaminated.

6.4.2 Additional Policies for Land in the Agricultural Land Reserve

Background:

Agriculture is the traditional land-based economic activity of Hornby Island. There are about 824 hectares, 27% of the land base, in the Agricultural Land Reserve, and subject to the *Agricultural Land Commission Act*, which was intended to preserve land with agricultural potential to provide a secure source of food for the future residents of the Province. Farming is encouraged in parcels within the Reserve and non-farming use is regulated by the Commission.

There are 102 parcels on Hornby located within the Agricultural Land Reserve. The average area of these parcels is 7.2 hectares. This land is of high to medium capability for agriculture and is reserved for present or future production. Schedule C, the land status map, identifies land in the Agricultural Land Reserve and Schedule B, the land use designation map, shows land used primarily for agriculture; most Agricultural Land Reserve land falls in that category.

Area:

The areas identified on Schedule B (Map Designations) as AG (Agriculture) and lands within the Agricultural Land Reserve are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to retain land with potential for agriculture;

(2) to ensure that agricultural land in the land reserve is not degraded; and

(3) to enable accessory uses that are compatible with farming and the preservation of agricultural land.

Policies:

6.4.2.1 The retention of the Agricultural Land Reserve and the Agricultural Land Commission to protect against the loss of the potential for self-sufficiency in agricultural production in the Province of British Columbia is supported.

6.4.2.2 Land designated agricultural which is proposed for non-agricultural uses deemed to be in the public interest by both the Agricultural Land Commission and the Local Trust Committee may be considered for rezoning and for removal from the Agricultural Land Reserve, the latter being preferred if other land of comparable or better agricultural potential is being added to the Reserve.

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6.4.2.3 For subdivision of properties within the Agricultural Land Reserve, a minimum lot size should be established within the Land Use Bylaw regulations. A smaller minimum lot size than is established within the Land Use Bylaw may be considered for subdivision where a portion of a lot has been leased to another farm operation for at least the five previous consecutive years and such subdivision is approved by the Agricultural Land Commission.

6.4.2.4 To support existing agricultural operations, accessory uses should be permitted where such uses do not impinge on the principal farm use and will not degrade the land nor reduce its capability for agricultural production, provided such uses are authorized by the *Agricultural Land Commission Act*.

6.4.2.5 Temporary non-agricultural uses of existing buildings on agricultural land involving no impact upon the land itself or the principal farm use, may be considered upon application for a Temporary Use Permit which may include specific conditions to address impacts such as noise, parking, water supply and waste disposal.

6.4.2.6 Uses should be regulated in buffer areas on properties adjacent to land in the Agricultural Land Reserve to minimize any adverse impacts.

6.4.2.7 Soil removal, except for purposes of improving the agricultural soil resource on Agricultural Land Reserve lands subject to provisions of the *Agricultural Land Commission Act*, should not be permitted.

6.4.2.8 The processing and sale of farm products together with the retailing of some off-farm products as authorized by the Agricultural Land Commission should be permitted.

6.4.2.9 Farm Use as defined by the Agricultural Land Reserve Use Regulation is permitted within the Agricultural Land Reserve and may be regulated by land use bylaw.

6.4.2.10 Education and research facilities except schools under the *School Act*, should be permitted, provided that the buildings and structures necessary for education and research do not exceed 100 m^2 on any parcel.

Advocacy Policy:

6.4.2.11 The Ministry of Energy, Mines and Petroleum Resources is requested to ensure there is no extraction of gravel in areas designated agricultural.

6.5 Commercial and Home Occupations

Background:

Commercial use policies are classified into retail and personal service and visitor accommodation. In 2010 there were 14 properties zoned commercial on the Island. The two main classifications have very different criteria for location as defined in the objectives. Schedule B includes designations for three types of commercial land use: Retail and Personal Service (CS), Visitor Accommodation (VA) and Commercial General (CRG).

Home occupations also provide some opportunity for commercial activity and may involve the sale of products produced on site or provision of personal services. These uses are permitted in residential areas and so are not designated as a separate land use on Schedule B. Home occupations are permitted only if the residential character of the property is maintained and the product or service is produced by the resident. When a business retails products not produced on-site or at such a large scale that the impact on the property changes the residential character, then appropriate commercial zoning is required.

6.5.1 Retail and Personal Service

Background:

The three existing retail commercial areas on the Island (Co-op Corner, Shingle Spit, and Ford Cove as well as one limited commercial area {Syzygy}) are shown on the land use map, Schedule B. The Co-operative store, which has a large community membership, is located centrally on the Island near Tribune Bay. This is the busiest commercial area on the island and its services include groceries and hardware departments, post office, liquor outlet, gas bar and independent local merchants operating small-scale food and retail businesses. Ford Cove dock provides the only sheltered moorage on Hornby Island and historically this area has developed to provide marine-related services. It is accessed from land by a steep and narrow heritage road and the location imposes constraints, including for parking. Ford Cove store provides grocery and other retail services. The Shingle Spit commercial area is located at the ferry terminal and provides a restaurant, pub, liquor store and visitor accommodation units. A co-operative bakery operates at Syzygy on Central Road, with a number of associated small businesses including a popular pizza outlet.

Area:

The areas identified on Schedule B (Map Designations) as CS (Retail and Personal Service) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to support the existing pattern of one major and three lesser centres for general or limited commercial uses;

(2) to protect the environment from degradation and resources from depletion while providing opportunity for commercial activities;

(3) to protect the integrity of quiet residential and rural neighbourhoods;

(4) to prevent commercial strip development; and

(5) to ensure the scale, form and character of all commercial developments harmonize with the natural surroundings and the rural character of the Island.

Policies:

6.5.1.1 The commercial development at the intersection of Central Road and Shields Road as part of the Co-op property should be retained as the major commercial service centre for Hornby Island.

6.5.1.2 Existing smaller commercial service centres with accommodation facilities should be retained at Ford Cove and at Shingle Spit Road near the ferry terminal (currently known as the Hornby Island Resort property).

6.5.1.3 Limited expansion of commercial zoning to allow for small scale retail and personal service use with secondary residential use may be considered based upon the following criteria:

a) close proximity to the major commercial service centre for the Island to reduce travel requirements and greenhouse gas emissions or in locations as provided for in Policy 6.2.7 (Community Service Use) of this Plan;

b) protection of the rural character of the island and the area of proposed development;

c) minimization of impacts upon adjacent lands;

d) provision of a sustainable water supply, waste treatment and parking;

e) retention of trees and green space;

f) utilization of low-energy technologies; and

g) safe pedestrian and vehicle traffic patterns and promotion of pedestrian friendly and bicycle use facilities and other green initiatives where practical such as home delivery.

6.5.1.4 The degree of servicing, including roads and parking, the provision of open space, signage and the form and character of any new commercial development shall be regulated through Development Permit.

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6.5.1.5 For subdivision of properties in the Retail and Personal Service (CS) designation, a minimum lot size should be established within the Land Use Bylaw regulations.

6.5.1.6 The principal land use should be small-scale commercial business.

6.5.1.7 Residential use may be permitted as a use secondary to a commercial use.

6.5.1.8 Regulations for any commercially-zoned lot may provide for a mix of compatible uses to enable a clustering of services on land designated as commercial.

6.5.1.9 Ribbon or strip development is not supported.

6.5.1.10 Temporary Use Permits may be permitted for:

a) temporary use;

b) a period of evaluation of a new commercial venture (that does not involve significant new development) prior to application for rezoning;

c) uses for a period of time to enable impacts to be assessed before any further permitting of the use; or

d) seasonal activities.

6.5.1.11 Land may be rezoned to supply an off-site parking lot to a commercial use within 100 metres of the property containing the commercial use without an amendment to this Plan provided the zone does not permit structures or habitation of vehicles.

6.5.1.12 To encourage small scale commercial operations that comply with community health and safety regulations and Islands Trust objectives.

6.5.2 Visitor Accommodations and Tourism

Background:

Hornby Island has become widely known for its scenery, recreational opportunities, ambience, and locally created crafts and art. The Island's increasing popularity as a summer destination has made tourism both a key component of the local economy and a cause for concern because of its impacts. Island services, such as ferries, roads and the recycling depot, become heavily loaded in the summer. Fragile ecosystems are susceptible to degradation. The greatest demand for water is generated at the time of declining groundwater availability while the adequacy of existing systems to handle the volume of sewage and grey water is questionable. The large influx of people can be stressful to a small community and can present safety and law enforcement problems.

This creates the challenge of providing visitor accommodation in a manner and at a level that caters to visitors and provides much-needed employment while protecting the Island's environment, sustaining its resources and amenities and preserving the ambience and character of the community.

Unsupervised and unserviced camping is not considered desirable because of the impact on quiet residential or rural neighbourhoods, the risk of fire, and because public services are not readily available. The provision of such facilities as public washrooms and waste disposal sites could place a burden on the available water supply and thereby threaten the availability of those resources for use by the local community population. Currently, the Island is supplied with visitor accommodations in the form of five campgrounds, three resorts with rental cabins and a restaurant, and several Bed and Breakfasts. Short-term rental of residential units has been a long-standing means of providing visitor accommodation, but there is also concern about impacts, both in neighbourhoods and cumulatively. One existing property, Lot A, Section 13, Plan 38493, known as "Bradsdadslands", is designated rural residential but has a historical legal non-conforming use as a campground. The use would cease to be lawfully non-conforming if it is discontinued for more than 6 months during its regular seasonal use. As with any other property, legal and conforming campground use for this property could only be considered upon application for redesignation and rezoning.

The Whaling Station Bay/Anderson Drive area and other small lot areas have been identified as having groundwater supply problems due to density of development and vulnerability of the aquifer. Limiting occupancy for any visitor accommodations (e.g. Bed and Breakfasts) to levels of an average household size (four persons according to Statistics Canada) may help address such water supply issues.

Area:

The areas identified on Schedule B (Map Designations) as VA (Visitor Accommodation) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to provide an appropriate range of accommodation for visitors without incurring undue cost to the local taxpayers in providing basic facilities for visitors.

Policies:

6.5.2.1 Accommodation for visitors should be environmentally sensitive, small-scale and low density and may be dispersed around the Island. Convention centers or multi-room hotels should not be permitted.

6.5.2.2 "Destination resort" type development, designed to draw large numbers of tourists at one time, is considered inappropriate on Hornby Island and should not be permitted.

6.5.2.3 Applicants for visitor accommodation zoning should provide an impact assessment report, as defined in Subsection 7.3.1(f), to demonstrate that there is sufficient available water supply (including utilizing rainwater catchment and storage systems), effective and approved sewage and grey water treatment, waste disposal capability and adequate provision for parking to serve the business and clientele both at the time of application and at ultimate projected growth levels. A hydrological study may be required in situations where there is reason to be concerned about impacts upon the groundwater resource.

6.5.2.4 Campgrounds and other tourist facilities should be permitted only by rezoning. Only campgrounds without individual hook-up of power and water services are considered appropriate.

6.5.2.5 Visitor accommodation may be considered in the following situations if enabled by other policies of this Plan:

a) Small resorts, hostels, lodges, cabins and camping facilities~~, guest houses or vacation home rentals~~ on non-Agricultural Land Reserve land; and

b) On land in the Agricultural Land Reserve, vacation home rentals approved by a temporary use permit and agri-tourism accommodation in accordance with Agriculture Land Commission policy and regulations, if zoning allows such a use. ~~vacation home rentals and agri-tourism accommodation on Agricultural Land~~

Commented [SZ18]: x-reference Draft Bylaw No. 173 item 1.16

Commented [SZ19]: x-reference Draft Bylaw No. 173 item 1.17

~~Reserve land in accordance with Agricultural Land Reserve policy and regulations if zoning allows such a use.~~

c) Vacation home rental use may be approved through the issuance of a Temporary Use Permit and subject to guidelines contained within the Official Community Plan.

Commented [SZ20]: x-reference Draft Bylaw No. 173 item 1.18

6.5.2.6 Small-scale Bed and Breakfasts should be permitted as a home occupation and should be regulated to ensure that the residential character of the site is maintained and that there is sufficient provision for parking, water supply and approved waste disposal and minimal impact on adjacent properties.

6.5.2.7 Due to the limited availability of restaurants at certain times of the year, Bed and Breakfasts may be allowed to provide a full complement of meals to overnight guests only, subject to Vancouver Island Health Authority standards for water supply, food preparation and waste disposal.

Advocacy Policies:

6.5.2.8 Rainwater catchment and storage systems and water conservation are encouraged for all types of visitor accommodation.

6.5.2.9 New developments and promoted events are encouraged to focus upon year-round and off-season activity rather than upon attracting more visitors during the summer peak season.

6.5.2.10 A position of "welcome with information" to tourism use of the Island is encouraged as a means to inform visiting tourists about best practices when visiting the Island.

6.5.2.11 Information provided to visitors should emphasize the fragility of the environment, the limited resources (particularly the need to conserve water) and the appropriateness to the Island of low impact recreational activities.

6.5.2.12 Toilet facilities at beaches and the provision of safe fresh water from community wells is supported for the use of visitors to the Island.

6.5.2.13 The RCMP is requested to provide adequate policing on the Island particularly in the summer months to address issues of safety and public disturbance.

~~6.5.3 Vacation Home~~ Rental

Commented [SZ21]: x-reference Draft Bylaw No. 173 item 1.19
All relevant vacation home rental guidelines to be contained within section 6.10 of the OCP

~~Background:~~

~~Given the Island's increasing popularity as a summer destination, there has been increasing demand for visitor accommodation and a tradition has been established of some home owners renting their cottages or homes for short periods of time predominantly during the summer months.~~

~~Property owners benefit from the opportunity to raise funds whether to assist with property costs or as a means to augment income while retaining their residence for its primary residential use for most of the year. Visitors benefit from a range of accommodation options to experience the Island's environment and amenities. The community benefits from the economic inputs from these visitors.~~

~~Area:~~

~~The Hornby Island Local Trust Area is subject to the following objectives and policies.~~

~~Objectives:~~

~~The objectives of this subsection are:~~

~~(1) to allow vacation home rental use while ensuring that the residential use of property and its residential character are retained; and~~

~~(2) to address potential impacts of vacation home rentals.~~

~~Policies:~~

~~6.5.3.1 Where a dwelling is permitted on a parcel by the land use regulations, the rental of that dwelling as a vacation home rental should be permitted in the zoning regulations:~~

~~a) provided that the owner or tenant of the parcel is ordinarily resident on the property and the vacation home rental use is occurring during the temporary absence of the owner or tenant; or~~

~~b) where the owner or a residential tenant of the parcel resides seasonally in the dwelling and the vacation home rental use is occurring during the absence of the owner or tenant; or~~

~~c) where the owner or residential tenant is residing in another lawful dwelling on the property while the vacation home rental is occurring.~~

6.5.3.2 ~~Vacation home rental use should be subject to regulations which:~~

~~require a level of continuous occupancy that allows visitors to experience and develop an awareness of the local community and Hornby Island in general through a vacation experience;~~

~~limit the portion of year that a vacation home rental use may be in operation so as to ensure that the residential use of the property is retained;~~

~~limit the total number of bedrooms and beds which may be accommodated based on the area of the lot on which the dwelling is located so as to ensure that the scale of vacation home rental occupancy does not exceed what might otherwise be accommodated by normal residential use;~~

~~require adequate off-street parking spaces to limit vehicle crowding on public roadways;~~

~~ensure that the residential appearance and character of a property is not altered by the vacation home rental use; and~~

~~require that accommodation be within the permitted dwelling and prohibit camping or use of tents or recreational vehicles for vacation home rental use.~~

~~Owners of vacation home rentals, especially those located in the Whaling Station Bay/Anderson Drive area and other small lot areas, are strongly encouraged to minimize impacts upon groundwater resources by:~~

~~utilizing a rainwater catchment and storage system;~~

~~installing water-saving fixtures; and~~

~~providing information about water conservation practices to all guests.~~

~~Vacation home rentals that do not comply with limitations imposed by land use regulations may be considered upon application for Temporary Use Permit.~~

~~Owners of vacation home rentals are encouraged to form an association to establish bylaws or best practices that would be required of all members in good standing and to consider informing owners, visitors and other interested persons of Local Trust Committee regulations. Any such association is encouraged to augment such regulations with other requirements that would assist in resolution of any potential issues that may arise such as requiring on-island contact information of association members or managers who could respond in a timely manner to neighbourhood issues.~~

~~Owners of vacation home rentals are encouraged, in the absence of any association membership, to provide contact information to visitors and neighbours and to provide timely response to issues that may be presented to them in relation to the vacation home rental use.~~

~~The Local Trust Committee should monitor the rate of use of vacation home rental development and be satisfied that such use is not increasing the commercial use of the housing stock so as to effectively displace the ability to provide residential housing.~~

~~6.5.3.9 The Local Trust Committee should consider reviewing with the community the regulations for vacation home rentals in 2017.~~

6.5.~~4~~3 Commercial/Residential General

Background:

The Ford Cove area contains three properties that have historically been zoned for a broad range of commercial uses, ranging from retail to resort use. The properties are not generally used for these commercial purposes at the present time and the zoning reflects a historical circumstance. The current owners have secured the properties with the commercial

zoning, generally use their properties for residential purposes and may be reluctant to relinquish the commercial zoning unless it is done in a fair manner and is equitably applied to all affected landowners. The Local Trust Committee also faces the challenge of seeking to balance the needs of the larger community regarding commercial land use and that of the individual property owners and to also think of the needs of future generations.

Area:

The areas identified on Schedule B (Map Designations) as CRG (Commercial/Residential General) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to recognize the historical commercial zoning of this area; and

(2) to encourage residential land use for this area with limited or no commercial use in consultation with all of the affected land owners.

Policies:

6.5.4.1 Zoning regulations should allow for residential use and limited retail and personal service or visitor accommodation.

6.5.4.2 An increased density of residential development may be considered if other commercial land uses currently permitted by zoning are removed from the list of permitted uses in the zone applicable to this area or from a particular property that is subject to the rezoning application.

6.5.~~5~~ 4 Home Occupations

Background:

Home Occupations are allowed to various degrees in most designations that permit residential uses. A home occupation is a type of commercial activity involving limited services and the sale of products crafted in the home or upon a property. General retail sale of fabricated products produced off the Island is not considered a home occupation. The retail sales of materials used in a home occupation (such as lumber, fabric and potting clay) is considered part of the home occupation. Home occupations must be clearly secondary to residential use and the character of the property must remain residential in appearance. There has not been any distinction in the type of permitted home occupation based upon lot size in zoning regulations to date but policies have existed that provide guidance in the development of new home occupation regulations.

Another form of home occupation is provision of accommodation as a Bed and Breakfast home occupation or as a second dwelling vacation rental home occupation on lots with more than one legal dwelling. There has been a tradition of offering Bed and Breakfast accommodation or the rental of one's home for short periods of time (a week or two). The Bed and Breakfast use and rental of a second dwelling on a property is addressed as a home occupation ~~and vacation home rental of a primary residence is addressed in Subsection 6.5.3 (Vacation Home Rental)~~.

Commented [SZ22]: x-reference Draft Bylaw No. 173 item 1.20

In order to provide a range of possible activities that are compatible with the neighbourhood and environment, home occupations can be regulated differently on different sizes of lots or in different areas of the island. Furthermore as opportunities for affordable housing develop, opportunities for home occupations that are unique to the needs of such housing might be considered.

Area:

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to encourage small businesses to enhance the economy and self-reliance of the Island community;

(2) to allow opportunities for residents to carry out limited businesses on the property of their residence;

(3) to ensure that there is no degradation of the environment or depletion of natural resources; and

(4) to retain a rural and/or residential character in all neighbourhoods.

Policies:

6.5.5.1 Home Occupation means an occupation or profession conducted for gain by a full-time or part-time resident of the lot on which the dwelling is located. Home Occupation use should be clearly incidental to the use of the dwelling or parcel for residential purposes. The types of home occupation uses are:

a) Limited Home Occupations are home occupations that are conducted entirely within a dwelling. They should be allowed on properties of any size including properties less than 0.1 hectares;

b) Basic Home Occupations are home occupations that are conducted entirely within a dwelling or in a permitted accessory building, or outdoors on the property if the use is screened. They should be allowed on all properties 0.1 hectare or larger; and

c) Extended Home Occupations, which should be allowed on all properties 2.0 hectares or larger designated on Schedule B for residential use, should be conducted within the dwelling, a permitted accessory building or outdoors on the property if the use is screened.

The conditions of use specific to the types of home occupations listed about may be found in the Land Use Bylaw.

6.5.5.2 Home Occupations should be permitted as a secondary use to a permitted residential use and should be regulated by land use bylaw.

6.5.5.3 Any occupation involving significant use or production of toxic, odour causing or flammable materials and/or conducted at a scale or in a manner that may cause public or environmental health risks should not be permitted as a Home Occupation use.

6.5.5.4 Home Occupations should be regulated according to the nature of the enterprise and the potential impacts to the environment and surrounding properties such as water supply, waste disposal, noise, odours and visual impact.

6.5.5.5. Basic and Extended Home Occupation regulations should be designed as follows:

a) to protect groundwater catchment areas from pollutants;

b) to require screening that ensures that wide buffers of native vegetation are left along roads and property lines;

c) to ensure that no activity involving emission of toxic or irritant material should be permitted that does not conform to the Provincial regulations and guidelines;

d) to require that occupations that generate on-going noise (such as machine shops and woodworking shops) are conducted in fully enclosed and insulated buildings with sufficient setbacks from adjacent properties;

e) to require that operations that potentially create significant noise are restricted to larger lots with appropriate setbacks and/or buffering;

f) to address the size of buildings used for Home Occupations;

g) to ensure signage and lighting are compatible with the rural landscape; and

h) to exclude certain activities that may require a significant water supply, generate waste disposal, odour or noise or involve other potential environmental impacts.

6.5.5.6 Bed and Breakfasts operated within a dwelling should be permitted as a Home Occupation use and should be operated in accordance with land use bylaw regulations.

~~6.5.5.7 The rental of a second permitted residential dwelling unit for the temporary accommodation of paying guests while the first dwelling unit is occupied by the resident of the property should be permitted as an Extended Home Occupation.~~

6.5.5.7~~8~~ Coaching and teaching facilities with minimal environmental impact may be allowed as Extended Home Occupations and should be operated in accordance with land use bylaw regulations.

Commented [SZ23]: x-reference Draft Bylaw No. 173 item 1.21

All relevant vacation home rental guidelines should be contained within the TUP section 6.10

6.5.5.8~~9~~ Excluded activities may be considered following an application for a Temporary Use Permit which would carry certain conditions to address potential impacts.

6.5.5.9~~10~~ Limited Home Occupations may be permitted on lots zoned for community housing and Basic or Extended Home Occupations may be established by site specific zoning.

6.6 Recreational

6.6.1 Outdoor Recreation

Background:

Most of the outdoor recreation opportunities are provided by the natural features of Hornby Island: the coastal waters, shoreline areas and the forested interior accessed through a long-established system of traditional trails. The Island is endowed with a rich variety of recreation options—from kayaking, sailing or scuba diving off shore, hiking, biking or riding on Mount Geoffrey, strolling along the trails of Helliwell, to relaxing on Tribune Bay's beaches. In addition to the Provincial and Regional Parks and properties under Ministry of Transportation and Infrastructure jurisdiction noted in Subsection 3.3.12, the Community School playing field and the Joe King Park (Hornby Island Athletic Association) also provide opportunities for outdoor recreation.

In 2010 the Ministry of Transportation and Infrastructure divested beach access parks at Sandpiper, Hidden Beach, Grassy Point and Clamshell Place to the Comox Valley Regional District. The Hornby Island Residents' and Ratepayers' Association is under contract with the regional district to manage these beach access parks.

Area:

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to retain the traditional accesses to shoreline, beach areas, crown land, trails, parks, and viewpoints; and

(2) to ensure that outdoor activities are compatible with the natural environment and with the rural ambience of a small island.

Policies:

6.6.1.1 Present public accesses to the waterfront and Crown land, as shown on Schedule C, should be continued and maintained in a safe condition and additional accesses should be obtained, where possible, as park at time of subdivision, or rezoning.

6.6.1.2 No activities that would restrict public access to or across the beaches should be permitted.

6.6.1.3 Overnight parking or camping on public land or beaches should be discouraged for health and fire protection reasons.

6.6.1.4 Viewpoints and access to them should be protected in any way possible.

6.6.1.5 Outdoor recreation activities that pose a threat to the environment or to public enjoyment of public amenities should not be permitted.

Advocacy Policies:

6.6.1.6 The Ministry of Transportation and Infrastructure is requested to:

a) maintain and sign public accesses;

b) ensure that they are not used for camping, overnight parking or obstructed by adjacent land owners;

c) where required and formally requested by the community, construct and maintain safe steps made from natural materials such as stone and wood to access public beach areas;

d) prevent unauthorized encroachment upon or disturbance of these areas (such as structures, tree cutting, garbage dumping or obstruction of access); and

e) support local stewardship arrangements for the water accesses and allowances not in use for roads.

6.6.1.7 Motorized outdoor recreation activities on the land, on the water adjacent to the shoreline and in the air above or adjacent to the Island, are not considered appropriate and should be discouraged or restricted by bylaw where such restrictions can be enacted.

6.6.1.8 Organizers of outdoor recreation activities or events should ensure that these do not unduly interfere with the public access and enjoyment of the land and should provide adequate toilet facilities that comply with Provincial regulations.

6.6.1.9 Activities that have little or no impact upon the environment are considered preferable forms of outdoor recreation.

6.6.1.10 Initiatives to educate the public to prevent damage of natural features should be developed and supported.

6.6.1.11 The landing of seaplanes and helicopters in parks or public swimming areas should be discouraged.

6.6.2 Recreation Facilities

Background:

Because of the Island's distance from the nearest town, some residents of Hornby Island wish to have a range of recreational facilities of an appropriate scale provided on the Island. Residents are not able to use regional facilities without the additional cost of transportation and sometimes overnight accommodation off-Island. It is anticipated that if the year-round population grows, and as more people move to Hornby from urban areas, there will be an increased focus in the community upon providing additional recreational facilities. In particular, there has been continuing interest in establishing a public swimming pool. An increase in summer residents and visitors may generate requests for the provision of commercial recreational activities.

Area:

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to encourage appropriate use of natural recreational opportunities rather than develop significant artificial infrastructure;

(2) to minimize the impact of recreation facilities on the natural environment;

(3) to ensure that any recreational facility is of a scale appropriate to the rural nature and size of the Island;

(4) to ensure that any new facilities are broadly supported and do not place a heavy burden upon taxpayers; and

(5) to ensure that facilities, if located on Crown land or publicly funded, be accessible to all of the community.

Policies:

6.6.2.1 All recreation facilities should be so located and of such scale that they do not stress the fragile ecology and limited water resource.

6.6.2.2 All public facilities should be within the ability of the taxpayers to pay for such services and subject to public involvement in planning and implementation.

6.6.2.3 Planning for recreational facilities should ensure that they do not alienate existing public uses nor involve significant removal of natural vegetation and should allow for re-habilitation or re-establishment of native vegetation where this has been disturbed.

6.6.2.4 Public recreational facilities should be located in the area designated for community service use near the Community Hall and any exceptions should be subject to a rezoning.

6.6.2.5 Commercial recreational facilities are not currently supported in this Plan. Any applications for such facilities should be carefully evaluated to ensure that they do not:

a) require an excessive supply of water;

b) include a land use that is likely to put additional stress upon transportation systems, Island resources and local infrastructure;

c) have adverse impacts upon the ecosystem, groundwater recharge areas and riparian areas (for example through the use of pesticides and fertilizers); and

d) have an adverse impact upon the neighbourhood and adjacent properties (including public areas) or upon Island character.

6.6.2.6 Activities that are noisy, potentially dangerous, polluting, or incompatible with the natural landscape such as amusement parks, shooting ranges, water slides or go-cart tracks should not be permitted.

6.6.2.7 Destination gaming facilities such as casinos and commercial bingo halls should be prohibited.

Advocacy Policy:

6.6.2.8 Efforts to provide information that will encourage knowledgeable and minimal impact use of natural areas should be supported.

6.7 Marine

6.7.1 Foreshore

Background:

The foreshore zone is defined as the land located between the highest tide line and the lowest tide line. This is public land managed by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development. Although the Crown is not bound by local bylaws, any occupiers must comply with the bylaws. From time to time commercial operators acquire leases for part of the foreshore or other land covered by water for the cultivation of shellfish such as oysters. It is recognized that commercial oyster operators do not rely on naturally occurring stocks and by reserving areas between leases for use of the public, the commercial operators actually contribute to maintenance of the naturally occurring resource.

Area:

The areas of the Hornby Island Local Trust Area that are located between the highest tide line and the lowest tide line of the sea of Hornby Island, including areas designated MA (Mariculture), MT (Marine Transport) and MC (Marine Conservation) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to ensure any use of the foreshore and ocean does not result in damage to the natural systems;

(2) to minimize the impact of uses and users on upland owners;

(3) to ensure owners of property on the shoreline do not pollute the foreshore areas;

(4) to ensure public opportunity to use the foreshore areas;

(5) to protect the scenic values of the foreshore areas; and

(6) to prohibit further alienation of the foreshore for private or commercial use.

Policies:

6.7.1.1 Foreshore zoning should be designed to protect against disruption of natural beach systems and pollution of the foreshore zone.

6.7.1.2 Any marine industrial operation that would alter or damage the foreshore such as boat ways or log dumps should be prohibited by regulation.

6.7.1.3 The use of structures, pens, cages, or other apparatus on the foreshore for mariculture or aquaculture operations should be regulated through zoning.

6.7.1.4 Private and commercial wharves, docks and/or breakwaters should be prohibited by regulation except as permitted at Shingle Spit.

Advocacy Policies:

6.7.1.5 The provincial Ministry(ies) responsible for managing provincial Crown land and natural resources, and for management and conservation of provincial lands and water, are requested to:

a) ensure commercial leases fronting on residential areas are located to permit public access to the water at regular intervals, and to ensure public right-of-way along all beaches is preserved;

b) designate community beaches to permit community cultivation of oysters and clams for recreational harvesting only; and

c) encourage and protect marine life by opposing any filling or excavation of sand, gravel or any natural deposit on the foreshore.

6.7.1.6 The provincial Ministry(ies) responsible for managing provincial Crown land and natural resources is requested to refer any new shellfish lease applications or proposals for expansions of shellfish lease sites to the Local Trust Committee for consideration.

6.7.1.7 The provincial Ministry(ies) responsible for managing provincial Crown land and natural resources is requested to ensure that foreshore areas between leases and containing naturally occurring oyster populations be kept accessible for harvest by the general public.

6.7.2 Marine Conservation

Background:

The Hornby Island Local Trust Area extends out 1000 metres from the shoreline of Hornby except where it overlaps another jurisdiction such as Denman Island, when the boundary becomes a line mid-channel.

Area:

The areas of the Hornby Island Local Trust Area that are below the natural boundary of the sea of Hornby Island, including areas designated MA (Mariculture), MT (Marine Transport) and MC (Marine Conservation) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to ensure that coastal uses are compatible with protecting the environment and amenities; and

(2) to protect the right of the public to access over waterways.

Policies:

Policies in sections 3.8 (Hazard Lands) and 4.3 (Mariculture) apply to this subsection.

6.7.2.1 All uses of the waters within 1000 metres of the shoreline should be regulated by zoning.

6.7.2.2 Permanent anchoring of floating camps or houseboats and the residential use of any vessel moored or beached should not be permitted.

6.7.2.3 Temporary residential use of vessels should be permitted by regulation at the Ford Cove Marina provided there are adequate toilet facilities in place.

6.7.2.4 The Local Trust Committee should assist the Coast Guard in assessing effects of developments on rights protected by the *Navigable Waters Protection Act*.

6.8 Climate Change Adaptation and Mitigation

Background:

Although it is recognized climate change can occur as a result of naturally occurring phenomena, in the context of this Plan climate change refers to the impact of increasing concentrations of heat-trapping greenhouse gases in the atmosphere as the result of human activities — primarily the burning of fossil fuels and large-scale deforestation. A 2007 report from the Intergovernmental Panel on Climate Change states that between 1970 and 2004, greenhouse gas emissions have increased by 70%. According to this report, this dramatic rise in atmospheric greenhouse gas concentrations has in turn triggered an increase in the average temperatures of near-surface air and ocean water, with temperatures projected to rise 1.1° to 6.4° C over the next century. Although seemingly slight, these temperature changes will have dramatic and negative impact on ecological systems around the globe.

In response to concerns about human-induced climate change, the provincial government gave Royal Assent to Bill 27 [*Local Government (Green Communities) Statutes Amendment Act, 2008*] on May 29, 2008. Bill 27 amends the *Local Government Act* and other Provincial regulations to provide new tools for local governments. Most significantly, Bill 27 requires that all local governments include greenhouse gas emission reduction targets—and policies and actions to achieve those targets—in their Official Community Plans.

The following targets, objectives, policies and actions are the first step to ensuring that the reduction of greenhouse gas emissions specifically and the impact of climate change in general become part of the planning process for Hornby Island.

This part of the Plan contains objectives and policies relating to the reduction of greenhouse gas emissions and the broader topic of climate change adaptation and mitigation.

This Plan sets the following interim target:

> **TARGET:** *to reduce greenhouse gas emissions by 25% by 2020 and 80% by 2050 based on 2007 levels. Within the local trust area this reduction will be achieved by actions resulting from individual and community initiatives, the actions of other levels of government, technological changes, and changes to land use policies and regulations.*

Area:

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to give consideration to the impacts of climate change in all land use decisions;

(2) to support actions in land use, site planning, and construction that will result in the reduction of greenhouse gas emissions;

(3) to focus on those actions that can be taken locally to mitigate and adapt to global changes; and

(4) to protect the natural landscape and minimize the carbon footprint of residents and guests on Hornby Island.

Policies:

6.8.1 The Local Trust Committee should work with the community to regularly review greenhouse gas emission targets to ensure targets are locally based and have a capacity for being monitored.

6.8.2 The Local Trust Committee should consider the development of new criteria for assessing official community plan or zoning amendment applications from the perspective of climate change adaptation and mitigation.

6.8.3 This Plan strongly encourages the retention of forest cover except for the clearing of land for farming in the Agricultural Land Reserve. Trees on private property should be maintained where possible to sequester carbon and provide habitat, although it is understood that some clearing is necessary for growing food, to guard against forest fires and to create protected house sites.

6.8.4 The Local Trust Committee should consider any proposals for new development potential in the context of the overall development potential of the Island, and the global dynamics of climate change.

6.8.5 This Plan supports limitations on the size of buildings and opportunities for attached dwelling units and visitor accommodation units.

6.8.6 This Plan strongly encourages the incorporation of green building techniques and alternative energy systems (solar, wind, geothermal or water-based) into residential housing, whether it is new construction or renovations.

6.8.7 This Plan encourages the development and maintenance of safe multi-use trails and bike lanes to facilitate non-motorized forms of travel.

6.8.8 The Local Trust Committee should consider supporting the local provision of services that residents presently travel off-island to access.

Advocacy Policies:

6.8.9 This Plan encourages residents to participate in ride sharing and carpooling as simple but effective ways to reduce greenhouse gas emissions.

6.8.10 A number of climate change adaptation and mitigation actions are identified that can only be achieved through cooperation and initiatives resulting from individuals and the community, the actions of other levels of government, technological changes, and changes to land use policies and regulations. In order to foster such actions the Local Trust Committee should:

a) develop improved methods of determining and assessing the energy efficiency and climate change impacts of proposed development when it is processing land use applications. Application checklists should be revised to include climate change mitigation and adaptation criteria, such as energy efficiency, renewable energy and carbon sequestration impacts;

b) support opportunities for incentives to encourage “climate wise” actions, including water conservation, storm water retention, the use of alternative energy sources for home use, and the use of alternative transportation methods;

c) review land use regulations to provide for community gardens and community food processing and storage facilities in appropriate locations and encourage residents to pursue the establishment of such gardens and facilities;

d) encourage local food production and explore with the community options for creating a Farm Plan;

e) encourage residents, community groups, businesses and other entities to pursue alternative transportation options, such as a bus service or green bicycle program;

f) encourage the Province to reduce the maximum speed limit on Hornby Island to 50 km/hr and to consider measures that will enable and support the use of alternatively-powered vehicles;

g) encourage the Insurance Corporation of British Columbia to link insurance rates to the mileage actually driven in the previous year by means of a tamper proof odometer. This would also offer valuable information for the calculation of greenhouse gas emissions across British Columbia;

h) encourage BC Ferries and the Province to consider pricing strategies and services that will support car-pooling, the use of small energy-efficient vehicles and passenger travel on ferries;

i) encourage School District #71 to allow for the use of the school bus by residents of Hornby Island for traveling to and from the Island, should extra space be available on the bus;

j) encourage the Province to amend policies and legislation and allow rainwater collection as a source of potable water, and to require that all new development include systems for water catchment and treatment; and

k) work with Trust Council to develop a web based carbon neutral calculator to assist residents in calculating their personal and household greenhouse gas emissions.

6.9 Development Permit Areas

Background:

Section 489 of the *Local Government Act* provides that in areas designated as Development Permit Areas in an official community plan; land shall not be subdivided, and construction of, addition to or alteration of a building or structure shall not be commenced unless the owner first obtains a Development Permit. In some Development Permit Areas, Section 489 of the *Local Government Act* prohibits any alteration of land, and/or buildings or structures, without a Development Permit.

Development Permits may be issued by resolution of the Hornby Island Local Trust Committee for land in designated Development Permit Areas. Each designation must include a description of the special conditions or objectives that justify the designation and must specify guidelines on how the objectives will be fulfilled. Guidelines are listed in the Hornby Island Land Use Bylaw No. 150, 2014.

Development Permits for this purpose may vary or supplement bylaw regulations, include requirements and conditions or set standards and impose conditions respecting the sequence and timing of construction in accordance with the adopted guidelines contained in this Plan or the Land Use Bylaw that is applicable on Hornby Island.

Development Permits should be monitored by the Local Trust Committee on an annual review basis as resources and priorities allow.

6.9.1 Development Permits to Define the Form and Character of Commercial Development

The Commercial Development Permit Areas are designated to identify and apply objectives and guidelines for the form and character of the commercial development permitted on the parcels in this area.

Area:

The Commercial Centres (Retail and Visitor Accommodations) Development Permit Area is designated as the area shown on Schedule E.

Objective:

To ensure that the form and character of commercial development are compatible with the quiet rural atmosphere of the community and to encourage continuation of that trend and to maintain the island's rural atmosphere.

6.9.2 Development Permits for the Protection of the Natural Environment, its Ecosystems and Biological Diversity and for Promotion of Water Conservation

Development Permits for this purpose may vary or supplement bylaw regulations, include requirements and conditions or set standards and impose conditions respecting the sequence and timing of construction in accordance with the adopted guidelines contained in this Plan or the Land Use Bylaw that is applicable on Hornby Island.

6.9.2.1 DEVELOPMENT PERMIT AREA NO. 1: Water Supply Protection

Purpose:

The Water Supply Protection Development Permit Area is designated for the protection of the natural environment, its ecosystems and biological diversity and to establish objectives to promote water conservation.

Area:

DPA 1: Water Supply Protection Development Permit Area as shown on Schedule E.

Objective:

This area has a heavily developed, highly vulnerable aquifer. The objective of this Development Permit Area is to ensure that any development and land uses do not negatively impact the water resources in this area, or any nearby water supply sources.

6.9.2.2 DEVELOPMENT PERMIT AREA NO. 2: Community Service Use

Purpose:

The Community Service Use Development Permit Area is designated for the protection of the natural environment, its ecosystems and biological diversity and to establish objectives to promote water conservation.

Area:

DPA 2: Community Service Use Development Permit Area as shown on Schedule E.

Objective:

The Community Service Use Development Permit Area lies within a groundwater recharge area (identified in the *Groundwater Geochemistry Study on Hornby Island, B.C.* – Allen and Matsuo, SFU, 2001), which is upslope from one of the Island's main residential neighbourhoods. Developments within the Community Service Use area could involve institutional or community buildings and activities that could have a potential impact upon the water resource.

6.9.2.3 DEVELOPMENT PERMIT AREA NO. 3: Water Resource Protection

Purpose:

The Water Resource Protection Development Permit Area is designated for the protection of the natural environment, its ecosystems and biological diversity and to establish objectives to promote water conservation.

Area:

DPA 3: Water Resource Protection Development Permit Area as shown on Schedule E.

Objective:

This area has been identified as a being within an IIA Aquifer (moderately developed – high vulnerability) and within a potential groundwater recharge zone. The objective of this Development Permit Area is to protect groundwater resources, by maintaining the quantity and quality of groundwater in this area.

6.9.2.4 DEVELOPMENT PERMIT AREA NO. 4: Mt. Geoffrey Escarpment

Purpose:

The Mt. Geoffrey Escarpment Development Permit Area is designated for the protection of the natural environment, its ecosystems and biological diversity, to establish objectives to promote water conservation and for protection of development from hazardous conditions.

Area:

DPA 4: Mt. Geoffrey Escarpment Development Permit Area as shown on Schedule E.

Objective:

The Mt. Geoffrey escarpment area contains watershed, wetlands, areas of land slip, areas of high visibility and high scenic values. Any development could affect the water catchment capabilities and other natural values. The removal of tree cover could adversely affect all values and be hazardous for development in the area, as well as above and below the area.

6.9.3 DEVELOPMENT PERMIT AREA NO. 5: Form and Character of Community Housing

Area:

DPA 5: Form and Character of Community Housing Development Permit Area as shown on Schedule E. Property described as Lot 1, Section 11, Hornby Island, Nanaimo District, Plan VIP87990 (5040 Central Road).

Justification:

The intent of this development is to provide opportunities for ownership housing for community members for whom this would not otherwise be accessible. The build-out of this development is expected to occur in a series of phases. The designation of this property and the following guidelines are intended to ensure a consistent quality and form and character of development over the build-out period as well as provide the general community with an assurance as to the vision for the project.

Guidelines:

(1) Form and Character

a) All buildings and structures shall be architecturally coordinated and shall give consideration to the relationship between buildings and open areas, circulation systems, visual impact and design compatibility within the development.

b) The siting and location of all buildings and structures shall be in compliance with the drawings and schedules approved by the Hornby Island Local Trust Committee.

(2) Landscaping

a) All landscaping shall be required to be in general compliance with the landscaping provisions identified on any schedules approved by the Local Trust Committee.

(3) Construction Phase

a) All construction must be completed in accordance with an approved site/building plan and an erosion and sediment control plan.

b) Construction of the development shall take place during the working hours of 7:00 a.m. to 7:00 p.m.

(4) Outside storage

a) Centrally located recycling facilities shall be provided for the use of all residents within the development.

(5) Screening

a) The character of the development shall be enhanced by landscaping of substantial proportions incorporating existing native vegetation,

b) Buildings shall be sited to ensure that any adjacent residential structures have visual privacy, as well as protection from site illumination and noise. Security and other lighting shall not be placed so as to shine directly into adjacent residential structures or to reduce the separation effectiveness of any landscaped buffer.

c) All waste disposal bins shall be completely screened within a solid walled enclosure not less than 2 metres (6.6 feet) in height.

(6) Parking

a) The location and number of parking spaces for the use of the residents shall be provided on the site development plans for the approval of the Hornby Island Local Trust Committee and shall be in compliance with the provisions of the Hornby Island Land Use Bylaw.

b) Any visitor parking spaces should be clearly identified and provided within the development. Tree planting is encouraged in parking areas.

c) Any paved parking areas or roadways shall be included within the context of the required stormwater management plan.

d) Automobile parking areas may be covered with a select granular base approved by the Ministry of Transportation and Infrastructure and provide storm water controls by means of perimeter curtain drains.

(7) Stormwater

a) It is recognized that the clearing, grading and servicing of sites alters their natural hydrology patterns. In recognition of this fact; and the presence of Beulah Creek alongside the development; a stormwater management plan that strives to protect water quality, and to maintain post-development peak flows to those of pre-development flow patterns and volumes over the entire water season shall be required. This stormwater plan shall be prepared by a Professional Engineer and should make use of such devices as permeable surface treatments, wet or dry detention ponds, constructed wetlands or other devices as deemed suitable and consistent with best management practices. Stormwater runoff from storage areas shall be controlled to prevent contamination of watercourses.

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6.9.4 DEVELOPMENT PERMIT AREA NO. 6: Riparian Areas

Purpose:

This Development Permit Area (DPA) is established, pursuant to Section 488(1)(a) of the *Local Government Act,* for the protection of the natural environment, its ecosystems and biological diversity. Riparian areas are important because they include ecosystems that support a disproportionately high number of vascular plant, moss, amphibian and small mammal species for the area they occupy.

Area:

Development Permit Area No. 6 includes all land designated on Schedule E of this Plan as being within the Riparian Areas DPA. This DPA includes the following:

(1) Riparian assessment areas related to the watercourses, wetlands and lakes identified on Schedule E as "RAR applicable" streams, major wetlands, and lakes as the term "streams" is defined in the *Riparian Areas Regulation, BC Fish Protection Act,* which includes any of the following that provides fish habitat:

- a watercourse, whether it usually contains water or not;
- a pond, lake, river, creek or brook; and
- a ditch, spring or wetland that is connected by surface flow to something referred to in the two previous bullets;

and consisting of the surface of the water body and:

a) for a watercourse, a 30 metre strip on both sides of the stream measured from the high water mark;
b) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank;
c) for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank;
d) for a lake, wetland or other water body, 30 metres around the water body measured from the high water mark of the water body;

and Schedule E shall be so interpreted. The designation and delineation of Development Permit Area No. 6 consists of a digital record stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust.

INFORMATION NOTE: *Farming activities covered under the Farm Practices Protection (Right to Farm) Act are exempt from the requirements of DPA No. 6.*

Objectives:

The objectives of this Development Permit Area are as follows:

(1) To honour provincial designations of certain lands as for agricultural purposes;
(2) To protect the biological diversity and habitat values of riparian and aquatic ecosystems;
(3) To protect the natural environment necessary to conserve productive fish habitat, including both streams and the adjacent land and vegetation;
(4) To prevent the degradation of existing and future water supplies on Hornby Island;
(5) To minimize adverse impacts of land use practices on wildlife habitats and plant habitats in riparian areas;
(6) To prevent water pollution.

Development Approval Information

Development Permit Area No. 6 is designated as an area for which development approval information may be required as authorized by Section 485 of the *Local Government Act*. Development approval information in the form of a report from a qualified environmental professional (QEP) or another professional may be required due to the special conditions and objectives described above.

INFORMATION NOTE: *Development Permit Area Guidelines for Development Permit Area No. 6: Riparian are located in the Land Use Bylaw.*

6.10 Temporary Use Permits

Background:

Section 493 of the *Local Government Act* provides that temporary uses may be permitted in areas designated in the Official Community Plan. Upon application by a property owner the Local Trust Committee can issue a Temporary Use Permit through resolution. The permit can allow a use not permitted by the Land Use Bylaw, the conditions of use and the time period. Temporary Use Permits can be issued for a term up to three years and may be renewed one time only.

Objectives:

The objectives of this subsection are:

(1) to consider allowing a temporary event as per Policy 6.5.1.10;

(2) to allow for a period of evaluation of new commercial ventures that do not involve significant new development prior to an application for rezoning as per Policy 6.5.1.10;

(3) to allow particular uses for a period of time to enable impacts to be assessed before any further permitting of the use as per Policy 6.5.1.10;

(4) to consider allowing transport of groundwater off a lot where the water is extracted as per Policy 5.1.4;

(5) to consider allowing temporary seasonal or emergency accommodations as per policies 6.3.5.18 and 6.3.5.19;

(6) to consider allowing a temporary secondary suite or detached housing for a relative or caregiver of occupants of the residence as per Policy 6.3.5.14 in association with a housing agreement or by such other means as are available to encourage occupancy by a relative or caregiver;

(7) to consider allowing temporary nonagricultural uses on land within the Agricultural Land Reserve or on land used for agriculture where there is minimal negative impact upon the agricultural land values and where applicable approval has been received from the Agricultural Land Commission as per Policy 6.4.2.5;

(8) to allow light industrial home occupations that require a more rigorous permitting process than provided for under land use regulations for extended home occupations as per Policy 6.5.5.9; and

~~(9)~~ to allow vacation home rental use as per Policy 6.5.2.5 c) ~~to allow vacation home rental use that does not comply with limitations imposed by land use regulation pursuant to Policy 6.5.3.4.~~

Commented [SZ24]: x-reference Draft Bylaw No. 173 item 1.22

Guidelines:

The guidelines for this subsection are found in the Hornby Island Land Use Bylaw.

Commented [SZ25]: All guidelines to be moved to LUB for ease of future reviews.

~~6.10.1 Upon application, Temporary Use Permits may be considered for all parcels of land within the Hornby Island Local Trust Area, with the following exclusions:~~

~~a) properties less than one quarter of a hectare, except when the application is for vacation home rental use;~~

~~b) land designated as Park, as shown on Schedule B; and~~

~~c) a parcel identified as containing an environmentally sensitive area, as shown on Schedule D1 or D2, unless information is provided by the owner that establishes that the proposed land use does not negatively impact the environmentally sensitive features or is located outside of the sensitive area on the parcel.~~

~~6.10.2 Applications for Temporary Use Permits may be referred to the Advisory Planning Commission which may be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.~~

~~6.10.3 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.~~

~~6.10.4 A professional assessment of hydrological impacts may be required when the proposed use is within an identified groundwater recharge area or an aquifer classified as heavily developed as shown on Schedule B or D2 and if the proposed use involves more than minimal potential impacts upon the groundwater resource.~~

6.10.5 Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.

6.10.6 The general conditions for issuing a Temporary Use Permit are as follows:

a) adequate off-road parking should be provided;

b) there should be adequate provision for approved waste disposal before consideration is given by the Local Trust Committee;

c) commercial uses (other than very short-term uses or vacation home rentals) should be screened from adjacent residential uses;

d) industrial uses should be screened from adjacent properties and roads;

e) there should be adequate setbacks of the use to minimize impacts upon adjacent properties;

f) noise generation should be addressed to prevent disturbance of the neighbourhood and to ensure compliance with regional district regulations;

g) the use should be conducted so as to not risk contamination of the land, surface water or groundwater, including by making adequate provision for the safe storage of toxic materials;

h) water supply should be addressed so as to not create negative impacts upon existing common water sources;

i) other potential impacts upon the neighbourhood should be mitigated, including by limitations upon the hours of operation where appropriate;

j) the owner of the property may be required to provide a security to guarantee the performance of the terms of the permit and should be required to provide an undertaking to demolish or remove any building or structure and to restore the land to a condition specified in the permit, especially in circumstances where temporary housing is provided and such housing is no longer used for the temporary purposes; and

k) lands with good agricultural potential should not be compromised by any use permitted by a Temporary Use Permit.

6.10.7 Applicants for Temporary Use Permits should address the issues identified in these policies in their applications and are strongly encouraged to consult with neighbours about the proposed use prior to making application.

6.10.8 Light Industrial activities require specific consideration of impacts with respect to environmental protection, water use, waste generation, noise, odour, parking, or neighbourhood character, but may be allowed upon application for a Temporary Use Permit that contains specific conditions to address these impacts.

6.10.9 The Local Trust Committee should consider the climate change impacts of any proposed temporary use when reviewing Temporary Use Permit applications.

6.10.10 In consideration of applications for vacation home rentals the Local Trust Committee may consider the following:

a) the cumulative effects, both positive and negative, on the neighbourhood and island of all temporary use permits issued for vacation home rentals;

b) limitations on any signage that may be placed on the property;

c) a requirement for information to be posted that will inform guests regarding the location of property lines by way of a map, any applicable noise bylaws, measures to address water conservation, fire safety, storage and management of garbage, septic system care and control of pets (if pets are permitted) in accordance with standards applicable by bylaw, as stated in the permit or as determined by the owner or manager to effectively manage the site;

d) the proposed maximum number of occupants;

e) the proposed time periods that the dwelling will be available for rental or months of the year when the rental will occur; and

f) other requirements that the Local Trust Committee may consider appropriate.

SECTION VII—ADMINISTRATION

7.1 Interpretation

The final interpretation as to the location of boundaries on any map schedule shall be defined by:

a) Where boundaries coincide with lot lines, the boundaries are the lot lines.

b) Where a boundary is shown as following any highway, right-of-way or stream, the centre line of such highway, right-of-way or stream the centerline of that feature is the boundary.

c) Where land-based and water-based boundaries coincide, the common boundary shall be the natural boundary of the sea.

d) Where a boundary does not follow a legally defined line and no dimensions are shown by which the boundary could otherwise be located, the location of the boundary must be determined by scaling from the map schedule and in that case the boundary is the midpoint of the line delineating the boundary on the schedule.

7.2 Implementation

7.2.1 Section 478 of the *Local Government Act* specifies that:

"An official community plan does not commit or authorize a municipality, regional district (includes a Local Trust Committee pursuant to Section 27 of the *Islands Trust Act*) or improvement district to proceed with any project that is specified in the plan."

and

"All bylaws enacted or works undertaken by a council, board or greater board (includes a Local Trust Committee pursuant to Section 27 of the *Islands Trust Act*), or by the trustees of an improvement district, after the adoption of an official community plan, must be consistent with the relevant plan."

7.2.2 The Hornby Island Local Trust Committee may use available regulatory tools as defined in the *Local Government Act* to implement this Plan.

7.2.3 The following instruments may be used to implement this Plan: Development Permits, the Land Use Bylaw, Siting and Use Permits, Temporary Use Permits and covenants.

7.2.4 The Local Trust Committee may formally communicate with the Comox Valley Regional District, Ministries of the Provincial government, departments of the Federal government and any other agencies mentioned in this Plan to advocate the policies of this Plan.

7.2.5 The Local Trust Committee may use every opportunity to work co-operatively with other governments and non-government organizations, or through the Islands Trust Council, to support policies of this Plan.

7.2.6 The Local Trust Committee may actively promote the policies of this Plan to residents, businesses, community organizations, non-resident property owners and visitors.

7.2.7 To promote compliance with the instruments used to implement this Plan, the Local Trust Committee may, among other things:

a) make information available on policies, regulations and permit requirements to property owners and residents;

b) encourage real estate agents to inform prospective buyers about policies, regulations and permit requirements;

c) encourage building contractors to ensure that appropriate permits are in place before undertaking work on a property;

d) encourage voluntary compliance with regulations and support neighbourhood resolution of problems;

e) make property owners and residents aware of the bylaw investigation and enforcement process, including procedures for initiating investigation; and

f) consider adopting bylaw enforcement policies to establish priorities for enforcement resources.

7.3 Development Approval Information

7.3.1 The Hornby Island Local Trust Area is designated as an area under which development approval information may be required for the following purposes:

a) Development Permits as specified in Section 6.9 of this Plan in relation to the areas and objectives, and subject to the conditions, stated in that section;

b) Temporary Use Permits as specified in Section 6.10 of this Plan in relation to the area and objectives, and subject to the conditions, stated in that section;

c) The development of renewable energy sources (Subsection 4.4.2) that allow for the sale of power to the Hydro grid, to ensure that there are not environmental impacts or increased safety risks;

d) Rezoning applications for the purpose of obtaining consistent and comprehensive information on the impacts of changes to permitted siting, structures, use or density, to ensure achievement of the objectives stated in this Plan as they apply to the parcel proposed to be rezoned and the surrounding areas, vegetation, environment and infrastructure, including, without limitation, for the purposes of the policies stated in Subsection 6.5.2.3 of this Plan;

e) Commercial land-based aquaculture operations should be regulated by zoning. Before any application for a rezoning to allow upland aquaculture (using freshwater or saltwater ponds or tanks) are considered, a site specific analysis of the potential impacts of water consumption, waste disposal, drainage or potential spills on the surrounding land and upon surface water and groundwater may be required;

f) Upon application, properties 4.0 hectares or greater may be considered for a "land co-operative" or "community housing" rezoning supported by submission of an impact assessment plan 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 where possible. Approval from the Agricultural Land Commission will also be required if the property is within the ALR.

7.3.2 Trust Council may consider adoption of a development approval information bylaw pursuant to Section 484 of the *Local Government Act*.

7.4 Amendment Procedure

This Bylaw may be amended by the Hornby Island Local Trust Committee at its initiative or in response to an application. Individuals seeking amendment shall submit applications in the form provided for in the bylaws of the Local Trust Committee.

Where an application for amendment of this bylaw has been refused, no application for the same amendment should be considered within twelve months of the date of refusal, unless the Hornby Island Local Trust Committee waives this requirement.

7.5 Update and Revision

The Local Trustees, in consultation with the Advisory Planning Commission and the community, may initiate review of the Official Community Plan at any time. The bylaw should be updated on a periodic basis and when changes in legislation or other issues arise and should be reviewed in its entirety at least every ten years from the adoption date.

All amendments of the Official Community Plan shall comply with the mandate and policies of the Islands Trust, as well as with procedures specified in the *Local Government Act*, and be accompanied by public review and discussion.

Whenever the Islands Trust Policy Statement is amended by Islands Trust Council, the relevant sections of the Official Community Plan shall be reviewed and if necessary amended to ensure compliance.

7.6 Public Facilities

Any designation or policy for proposed public facilities on private lands including but not restricted to roads, parks, trails, parking facilities, and public and community facilities that are not available for acquisition through dedication, grants, or as an amenity through a zoning regulation and that are not subject to committed funds either through a capital expenditure plan or other budgeting process of the public agency responsible for the proposed facility, shall be deemed to be a community goal of this Bylaw.

Schedule G

List of Community References

1. *Amending Agreement to the Letter of Agreement between the Ministry of Transportation and Highways and the Islands Trust. Subject: Road Standards, Classification and the Consultative Process in the Islands Trust Area, Dec 1996.*
2. *An Ecosystem Approach to Groundwater Management in the Gulf Island—Henderson, 1997,* stated that, "there is a need for management of the groundwater resources to ensure a sustainable supply for the present and future on the islands."
3. *Bedrock Aquifers on Hornby Island—Ministry of Water, Land and Air Protection, 2001,* provides a classification of the aquifers on Hornby Island using a provincial classification system. The four aquifers on Hornby Island are all classified as having "high vulnerability" (the highest of three categories). The aquifer in the Whaling Station Bay peninsula east of Tribune Bay is classified as "highly developed" (the highest of three categories) while aquifers in the central and western part of the island are classified as "moderately developed." The aquifer in the southern part of the island (south of the Mount Geoffrey escarpment) is classified as "lightly developed" (the lowest category).
4. *Coastal Douglas Fir Ecosystems, Flynn—BC Ministry of Environment, Lands and Parks, 1999,* notes that only one half of one percent of the original Coastal Douglas-fir forest remains in a relatively undisturbed state. It suggests that, "even if efforts to protect all remaining old growth stands are successful, additional areas of older second-growth forest will have to be protected and allowed to recover to an old-growth state in order to ensure adequate representation of these forest types in future."
5. *Develop with Care: Environmental Guidelines for Urban and Rural Development in British Columbia, March 2006.* Ministry of Environment.
6. *"Ecological Inventory of Proposed Woodlot #0032" (1998)* – Environmental Consultants.
7. *Garry Oak Ecosystems, Erickson—BC Ministry of Environment, Lands and Parks, 1993,* states that Garry oak ecosystems, "have been identified as a hot spot of biological diversity", and reports that Garry oak vegetation types are being rated provincially as "endangered" or "threatened".
8. *Groundwater Conditions on Hornby Island, B.C. (Chwojka), 1989,* reported that groundwater demands in three areas of the Island were approaching 71 to 83 per cent of the annual replenishment.
9. *The Heart of Hornby Island—A Forest, a Watershed (2000),* Hornby Island Residents' and Ratepayers' Association.
10. *Hornby Island Community Profile*, March 2010.
11. *Hornby Island Domestic Well Monitoring Study, September 2010, Ministry of Environment, Water Stewardship Division, Vancouver Island Regional Operations Branch.*
12. *The Hornby Island Groundwater Pilot Project—Final Report, 1994,* noted that heavily developed neighbourhoods on the Island "experience limited availability of groundwater" and that there are "significant water quality concerns." It recommended that management of groundwater must "ensure that the rate and use of the groundwater resource does not exceed the rate of replenishment" and "ensure that human activity does not degrade the quality of the groundwater resource."
13. *Hornby Island Vacant Crown Land Profile*, July, 2004.
14. *Hornby Island Water Stewardship Project Report, 1996-1999,* reported that 20% of sampled wells tested positive for fecal coliform at a level that does not meet the standard for safe drinking water.
15. *Housing Needs on Hornby and Denman Island* prepared by Eberle Planning and Research, 2008.
16. *Letter of Agreement between the Ministry of Transportation and Highways (Moth) and the Islands Trust (It). Subject: Road Standards, Classification and Moth/It Consultative Process In The Islands Trust Area Dec 1992.*
17. *Nature Conservancy of Canada Inventory of the Trust Area, November 1975,* designed "to select area priorities for an anticipated program of preservation and protection by the Islands Trust who administered the Inventory and by the Nature Conservancy of Canada who funded the Inventory."
18. *A Preliminary Groundwater Assessment of a Crown Parcel on Hornby Island—BC Environment, 1994,* concluded that, "the upland recharge area including the subject Crown land is likely vulnerable to groundwater contamination" and provided examples of land use activities that should be restricted to sustain groundwater quantity and quality.

19. *A Preliminary Review of Groundwater Conditions on Hornby Island, B.C. (Chwojka), 1984,* stressed the importance of preventing contaminants from entering the groundwater by exercising care in placing septic fields and regulating land use in upland recharge areas and recommended that "serious consideration be given to limiting any future groundwater development" in areas with poor water quality and high density of wells.

20. *Protected Areas on Vancouver Island: An Analysis of Gaps in Representation for Conservation Purposes, Eng—BC Ministry of Forests and Range, 1992,* reports that the Coastal Douglas-fir zone—within which Hornby Island is located—has received the greatest amount of impact per unit area than any other biogeoclimatic subzone in the Province.

21. *Results of the Groundwater Geochemistry Study on Hornby Island, B.C.—Allen and Matsuo, SFU, 2001,* recommended that, "water conservation, proper waste disposal and placement of human development should be a priority in land use planning. This should be done so as to protect sensitive groundwater recharge areas in upland locations." This study delineated two recharge areas on the Island—one large one in the main part of the Island and a smaller one in the Whaling Station Bay peninsula east of Tribune Bay. The recharge areas are generally above the 20 metre contour (the 40 metre contour in the western part of the Island).

22. *The Sensitive Ecosystem Inventory of Vancouver Island and Gulf Islands 1993-1997,* has documented the rare and fragile ecosystems of this area and notes that "loss of natural ecosystems in the Georgia Basin is of national concern." The inventory records examples of the following sensitive ecosystems on Hornby Island: older forest, woodland (Garry oak), terrestrial herbaceous, wetland, coastal bluff and sparsely vegetated; there are also areas of older second growth forest. (The ecosystem types are briefly described in Section 1.2 The Natural Setting).

23. *The Pilot Voluntary Groundwater Protection Project on Hornby Island* (initiated by the Islands Trust and the Ministry of Water, Land and Air Protection), a community-based "Groundwater Protection Strategy" is being developed.

24. *Water Stewardship and Wastewater Management on Hornby Island—Third Eye Consultants, RRU, 2000,* recommended "protection of the groundwater recharge area and wells."

HORNBY ISLAND

LAND USE BYLAW No.150, 2014

Commented [SZ1]: Marked up for the purposes of tracking draft changes in Bylaw No. 177

As amended by the
Hornby Island Local Trust Committee

Consolidated Version: November 22, 2021

This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

For reference to original bylaw and amendments,
please contact:
Islands Trust - Northern Office, 700 North Road
Gabriola Island, BC V0R 1X3
(250) 247-2063

Preserving Island communities, culture and environment

CONSOLIDATED BYLAW AMENDMENTS

This copy is consolidated for convenience only and includes the following **text amendments only:**

Bylaw Number	Amendment Number	Adoption Date
Bylaw No. 152	Amendment No. 1, 2015	June 10, 2016
Bylaw No. 153	Amendment No. 1, 2016	December 2, 2016
Bylaw No. 155	Amendment No. 1, 2017	February 9, 2018
Bylaw No. 163	Amendment No. 1, 2020	November 6, 2020
Bylaw No. 162	Amendment No. 1, 2019	May 21, 2021
Bylaw No. 167	Amendment No. 1, 2021	November 8, 2021

HORNBY ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 150

A BYLAW TO ESTABLISH REGULATIONS AND REQUIREMENTS RESPECTING THE USE OF BUILDINGS AND STRUCTURES AND THE USE AND SUBDIVISION OF LAND

The Hornby Island Local Trust Committee, being the Local Trust Committee having jurisdiction on and in respect of the Hornby Island Local Trust Area pursuant to the *Islands Trust Act*,

AND WHEREAS the Hornby Island Local Trust Committee wishes to adopt a Land Use Bylaw,

The Hornby Island Local Trust Committee enacts as follows:

1. TITLE

   This Bylaw may be cited as the "Hornby Island Land Use Bylaw No. 150, 2014".

2. APPLICATION

   This Bylaw applies to:

   Hornby Island,
   Toby Island,
   Flora Islet,
   Norris Rocks,

   and unnamed islets and the surface of water within 1000 metres of the natural boundary of the sea on Hornby and Toby Islands and Flora Islet, except where the boundary overlaps with that of Denman Island in which case, the jurisdiction of the Hornby Island Local Trust Committee extends to a line mid-channel between the two Islands as shown on Schedule B.

3. ORGANIZATION

   The following schedules attached to and forming part of this Bylaw, are adopted as "Hornby Island Land Use Bylaw No. 150, 2014":

   Schedule A: Bylaw Text
   Schedule B: Land Use Zoning Map

4. BYLAW REPEAL

"Hornby Island Land Use Bylaw No. 86, 1993" is repealed upon adoption of this Bylaw.

READ A FIRST TIME THIS	25TH	DAY OF	APRIL	, 2014
PUBLIC HEARING HELD THIS	11TH	DAY OF	JULY	, 2014
READ A SECOND TIME THIS	17TH	DAY OF	JULY	, 2015
PUBLIC HEARING HELD THIS	14TH	DAY OF	AUGUST	, 2015
READ A THIRD TIME THIS	14TH	DAY OF	AUGUST	, 2015
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	6TH	DAY OF	OCTOBER	, 2015
ADOPTED THIS	12TH	DAY OF	FEBRUARY	, 2016

_____ _____

SECRETARY CHAIRPERSON

HORNBY ISLAND LAND USE BYLAW
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SCHEDULE A
LAND USE BYLAW TEXT

PART 1 INTERPRETATION

1.1 Definitions

(1) In this Bylaw words have their ordinary dictionary meaning except as follows:

BL 162/Sept 2021

accessory in relation to a use, building or structure means incidental, secondary and exclusively devoted to a principal use, building or structure expressly permitted by this Bylaw on the same lot and within the same zone, or, if the accessory use, building or structure is located on the common property in a bare land strata plan, on a strata lot in that strata plan.

agriculture means the use of land, buildings or structures for the growing, rearing, harvesting, processing, marketing or production of agricultural plants, crops or livestock.

agricultural land reserve means a reserve of land established under the *Agricultural Land Reserve Act*.

attached housing means two or more dwelling units that are attached physically but are owned or occupied by different domestic units.

bed and breakfast means a home occupation use that provides bedrooms within a dwelling unit for the temporary accommodation of the travelling public, and the provision of breakfast meals to those guests, but does not include boarding house.

bicycle rack means a structure designed to support and to accommodate the locking of no less than four bicycles.

boarding house means a dwelling, or part thereof, in which furnished sleeping accommodations, with meals, are provided for consideration to four or more persons as permanent accommodation.

building means any structure which is used or intended to be used for the shelter, habitation, support or accommodation of people or animals, or for the storage of goods or chattels, and includes manufactured homes, wood sheds, garages, carports, garden sheds, tool sheds and pit toilets.

campground means the use of land for the rental, lease or cooperative ownership of camping spaces for temporary accommodation of recreational vehicles, trailers or tents for a period not exceeding four weeks for any one occupant, but does not include a manufactured home park or park model homes.

camping space means an area in a campground that is used for the siting of one vehicle, trailer or tent, and for picnicking and overnight camping.

cliff means a land surface having an average slope exceeding 50 degrees measured from the horizontal plane and having a height exceeding 10 metres (33 ft).

commercial kennel means a kennel used for the commercial accommodation or breeding or rearing of more than three dogs over the age of four months.

community facility means a building, structure or administrative office operated by a non-profit society or local government for the benefit of the community generally and used for community events including classes, public entertainment, cultural and social events or, in the context of a community housing development, for shared amenities for the use and enjoyment of the residents of the community housing development.

community housing means dwelling units that are deed restricted and/or rent controlled, that are subject to a housing agreement under Section 483 of the LGA and are constructed for community

residents on land that is owned by a government body or agency or a non-profit organization constituted under the *Societies Act*.

community trades and services means the creation of artisan products or the provision of services such as personal, business, food preparation, repair and professional services and may include retail sales.

crafts means original and unique works and works of art that are created by artisans and artists.

day care means a facility licensed to provide care services for no more than seven children.

derelict vehicle means any motor vehicle that has not been licensed for more than twelve months or is incapable of being driven.

domestic unit means a group of not more than five unrelated individuals.

dwelling unit means a room or set of rooms

(a) used or capable of being used for human habitation by one or more individuals living in common occupancy as a single domestic unit and sharing facilities contained in that unit;

(b) contained in a single building or manufactured home;

(c) containing only one kitchen; and

(d) under one roof with any covered walkway, covered patio or hall connecting two building portions being no longer than 4.0 metres.

ecosystem means a functioning unit consisting of all organisms (plants, animals, microbes, and humans) in a given area and all the non-living physical chemical factors of their environment linked together through nutrient recycling and energy flow.

family means one or more persons related by blood, marriage, common law, adoption or foster parenthood; or not more than five unrelated persons sharing a dwelling unit.

fill means earth, sand, gravel or any other similar material used to raise, lower or in any way affect the elevation or contour of the natural ground surface.

float camps means float homes, rafts or other vessels anchored or moored and used or intended to be used as residential accommodation.

floor area means the total area of all floors in a building that have a floor to ceiling height greater than 1.2 metres, including, where such use is permitted, floors in a recreational vehicle used for a residential use, measured to the exterior surface of the perimeter walls or, in the case of regulations dealing with floor areas within buildings, the interior surface of the walls of the relevant building area, and includes enclosed balconies, decks, porches and similar projections; but excludes cisterns and vertical service spaces that pierce a storey.

food processing and catering in regards to a home occupation means the creation of food products for consumption off-site and excludes take-out restaurants, cafes or similar food service facilities.

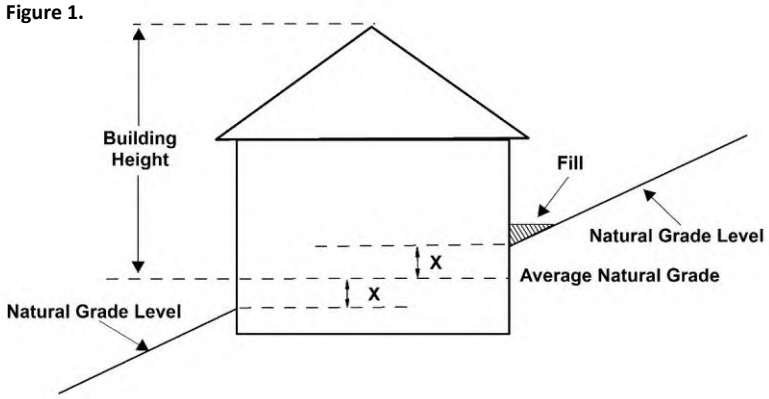
full-time equivalent in relation to employees for home occupations means the total number of hours that an employee would work in a year based on an 8-hour day.

grade level, average natural means the average natural grade level at the perimeter of a building or structure calculated by averaging the elevations at the midpoints of all the exterior walls or support points forming the building or structure's footprint.

grade level, natural means the level of the natural ground elevation adjoining each exterior wall of a building or structure.

height of building or structure means the vertical distance to the highest point of the upper roof and in the case of a structure without a roof, to the highest point of the structure, all measured from average natural grade level.

Figure 1.



highway means a public road, lane, bridge and any other way open to public use, but does not include a private right-of-way on private property.

home occupation means any trade, occupation, profession or craft carried on for remuneration or financial gain and which is accessory to the principal residential use of a lot.

horticulture means the use of land for growing fruits, vegetables, plants or flowers.

hostel means a building that contains shared sleeping units and common facilities for cooking, eating and washing in order to provide temporary accommodation for persons such as summer workers, displaced.

human habitation means the use of a building or structure by a person or persons for shelter, cooking of food or sleeping and includes temporary and transient use for these purposes.

incidental sales in relation to a home occupation use, means the sale of products normally associated with the home occupation.

kitchen means an area within a building used for preparing food and may include food storage and serving and dish washing facilities.

land includes land that is ordinarily covered by water.

laundromat means a commercial or communal establishment for the self-service washing, drying or ironing of clothes or household linens.

live/work studio means a commercial use combined with a residential use in such a manner that the residential and commercial uses constitute a single occupancy of the premises.

lodge means a building containing two or more visitor accommodation units with or without common dining facilities.

lot means any lot, block or other area in which land is held or into which it is subdivided.

lot coverage means the proportion of the lot area that is covered by buildings and structures including, where such use is permitted, a recreational vehicle used for a residential use, expressed as a percentage of the lot area.

lot line means a legally defined line bounding any lot and

(a) **front lot line** means a lot line common to a lot and an abutting highway, and where there is more than one such line, the shortest of them;

(b) **rear lot line** means the lot line opposite the front lot line, and where the rear portion of the lot is bounded by intersecting lines, the point of such intersection farthest from the front lot line;

(c) **exterior side lot line** means the lot line or lot lines not being the front lot line or rear lot line but common to a lot and an abutting highway; and

(d) **interior side lot line** means any lot line that is not a front lot line, rear lot line or exterior side lot line.

low impact recreation means recreational activities which cause minimal disturbance to the natural environment, including but not limited to hiking, bicycling, bird watching, horseback riding, picnicking and specifically excluding the use of motorized vehicles.

manufactured home means a transportable dwelling unit which arrives at the site where it is to be occupied, complete and ready for occupancy except for placing on foundation supports, connections of utilities and some incidental assembly.

mariculture means the cultivation, rearing and harvesting of univalve or bivalve mollusca.

marina means marine docking, moorage, storage and launching facilities for the accommodation, moorage, storage, launching, maintenance and minor repair and sale of boats and similar vessels and includes yacht clubs and structures commonly associated with marine docking, moorage, storage and launching facilities, but specifically excludes all structures used or intended to be used for the shelter or storage of boats.

medical health clinic means a facility for medical diagnosis and treatment of out-patients.

mooring buoy means a buoy marking the location of a mooring. Usually attached to an anchor by a rope, cable or chain.

natural boundary means the visible high water mark of the sea, a lake, a stream or other water body where the presence and action of water are so common and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself, as defined in Section 1 of the *Land Act*, or a surveyed high watermark identified on the plan of subdivision most recently registered in the Land Title Office, or the plan accompanying the instrument conveying Crown land in fee simple. In a dispute, a new plan prepared by a B.C. Land Surveyor shall prevail.

natural ground surface means the ground surface of land prior to any intentional disturbance, alteration, excavation or placement of fill.

personal service means the provision of services directly to the physical person of the consumer and includes hair cutting shops, massage therapists, medical health clinics and the incidental retail sale of goods commonly associated with these uses.

principal use means a main permitted purpose for which land, buildings or structures, as listed in the applicable zoning district in this Bylaw, is used.

pub means an establishment providing primarily for the serving of alcoholic beverages, including off-premises sales, and includes premises in which food is served in conjunction with the serving of alcoholic beverages.

public park means land designated as park on a plan of subdivision filed in the Land Title Office or land designated under the *Park Act* or the *Park (Regional) Act*.

public recreation facility means playgrounds, sport facilities, clubhouses and associated meeting spaces, showers and locker rooms and related amenities operated by a non-profit society for the public and does not include a pub.

public service use means the provision of water, gas, electrical, telephone, television or emergency services by a government body or agency or by a company regulated by the *Utilities Commission Act* or the *Radiocommunication Act* of Canada, serving only the Hornby Island local community.

public use includes the use by the general public of such things as schools, streets, highways, hospitals, government buildings, parks, water reservoirs, community housing, public theaters, bridges, utilities and numerous other purposes designated as beneficial to the public.

pump/utility house means a building or structure with a maximum floor area of 4.0 m^2 having the sole purpose of enclosing pumping equipment, valves, pipes and filtration equipment associated with a source of water, electrical power or communication connection devices.

recreational vehicle means any structure, trailer, or vehicle used or designed to be used for temporary living or sleeping purposes and which is designed or intended to be mobile on land, whether or not self-propelled.

residential means a use of land providing for the home life of a person or persons in common occupancy.

restaurant means an establishment providing primarily for the preparation and sale of food for eating in the establishment or taking out, and may include the serving of alcoholic beverages in conjunction with food.

retail store means an establishment providing for the sale, rental or repair of commodities or goods to the ultimate consumer or user, and specifically excludes laundromats and service stations.

school means a public or private education facility not including overnight or dormitory accommodation.

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).

Commented [SZ2]: This definition does not contemplate detached secondary suites therefore all secondary suites must be within or attached to the footprint of the principle dwelling unless defined otherwise.

service station means a use of land providing for the retail sale of motor fuels and lubricating oils and which may include the sale, servicing or repair of motor vehicles, the sale of motor vehicle accessories, and the rental of trailers, motor vehicles, and tools and equipment for automotive or household use.

shipping container means a metal transport container designed for and customarily associated with road, rail or ocean transport.

sign means any identification, description, illustration or device which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation.

sign, third party means a sign that is located on a different lot from the lot on which is located the land use, occupancy or business to which the sign pertains, and for this purpose abutting lots in common ownership are considered to be a single lot.

silviculture means all activities related to the growing and sustainable management of forests but does not include the processing of wood or wood products.

structure means any object or construction fixed to, supported by or embedded in land, including retaining walls and stairs but~~and~~ excludes loose stones and concrete, other paved surfaces, storage of building materials, septic fields, septic tanks, septic ~~absorption~~ discharge fields and related appurtenances and water storage cisterns.

Commented [SZ3]: This definition is consistent with Sewerage System Regulation and would permit cisterns anywhere on a parcel and not be subject to setbacks.

studio means the working place of a painter, sculptor, photographer, musician, or other arts or crafts person.

~~**vacation home rental use** means the use of a residential dwelling unit for the temporary accommodation of paying guests, where:~~

Commented [SZ4]: This definition can be removed as the TUP objectives and guidelines apply and a definition is not required.

~~(a) an owner or tenant of the lot on which the dwelling unit is located is ordinarily a resident in the dwelling and the vacation home rental use is occurring during a temporary absence of that owner or tenant; or~~

~~(b) the owner or tenant is residing in another lawful dwelling on the same lot while the vacation home rental is occurring; or~~

~~(c) the owner of the lot resides seasonally in the dwelling unit and the vacation home rental use is occurring during the absence of that owner;~~

~~and includes such a use of a dwelling unit the residential use of which is a lawfully non-conforming use under Section 528 of the *Local Government Act*, unless such residential use is discontinued for a continuous period of six months.~~

visitor accommodation unit means commercial accommodation on a lot zoned for commercial use that consists of the temporary rental of a room or set of rooms for not more than four consecutive weeks to members of the traveling public whose permanent domicile or home life is elsewhere.

watercourse means any natural depression with a bed 0.6 m or more below the average elevation of the surrounding land, containing water at least six months of the year.

1.2 Information Notes

(1) Where a paragraph or sentence in this Bylaw is preceded by the words "Information Note", the contents of the paragraph or sentence are provided only to assist in understanding of the Bylaw and do not form a part of the Bylaw.

PART 2 ADMINISTRATION

2.1 Application

(1) This Bylaw shall apply to that part of the Hornby Island Local Trust Area as shown on Schedule C. Encompassed in this area of application are the entire land area of all islands, islets, reefs, rocks, and the seabed, water column and all surface waters.

2.2 Conformity

(1) No person may use or occupy or permit any land, water surface, building or structure to be used or occupied, or subdivide any land, except as permitted by this Bylaw.

(2) No building or structure shall be constructed, reconstructed, altered, moved or extended by the owner, occupier or other person such that it contravenes this Bylaw.

(3) Nothing contained in this Bylaw relieves any person from the responsibility to comply with other legislation applicable to their use of land, buildings or structures.

(4) Any existing lot created prior to adoption of this Bylaw that is less than the minimum lot area specified in the applicable zone for the creation of new lots by subdivision may be used for any use permitted in that zone unless otherwise specified in this Bylaw.

(5) No lot or area may be subdivided, no building, structure or land may be used, and no building or structure may be sited in a manner which renders any existing use, building or structure illegal or non-conforming.

2.3 Inspection

(1) The Islands Trust Bylaw Enforcement Officer or any officers of the Islands Trust designated to administer this Bylaw is authorized to enter, at any reasonable time and after having given prior notification to the occupier, upon any property that is subject to regulation under this Bylaw, for the purpose of determining whether the regulations are being observed.

2.4 Violation

(1) Any person who does any act or thing or permits any act or thing to be done in contravention of this Bylaw, or who neglects to do or refrains from doing any act or thing which is required to be done by any of this Bylaw commits an offence under this Bylaw.

2.5 Penalty

(1) Any person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty, pursuant to the *Offence Act*, and the costs of prosecution. Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.

2.6 Covenants

(1) Where under this Bylaw an owner of land is required or authorized to grant a covenant restricting subdivision or development, the covenant must be granted to the Local Trust Committee pursuant to Section 219 of the *Land Title Act* in priority to all existing financial charges and delivered in registerable form satisfactory to the Local Trust Committee prior to the granting of the approval or authorization in respect of which the covenant is required. The covenant must indemnify the Local Trust Committee in respect of any fees or expenses it may incur as a result of a breach of the covenant by the covenantor.

2.7 Siting Compliance

(1) Every applicant for a rezoning, a development permit, a temporary use permit or a development variance permit must provide a plan, sometimes referred to as a "survey certificate", signed by a B.C. Land Surveyor showing the location on the lot of all existing and proposed buildings, structures and sewage absorption fields, in relation to lot and zone boundaries, watercourses, wells and the sea, and in relation to other buildings on the lot, unless the Local Trust Committee determines that the provision of such a plan is not reasonably necessary to establish whether the proposed buildings, structures comply with the siting requirements of this or any other Bylaw.

2.8 Severability

(1) If any section, subsection, sentence, clause, phrase, plan, map, diagram, table, schedule, or other graphic material or any part thereof of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

PART 3 GENERAL REGULATIONS

3.1 Uses Permitted in All Zones

(1) In addition to uses permitted in specific zones, the following uses are permitted in all zones:

(a) Public service uses;

(b) Emergency heliports;

(c) Conservation areas, including ecological reserves and other habitat reserves and parks but excluding playgrounds and playing fields; and

(d) Air and marine navigation aids.

3.2 Uses Prohibited in All Zones

(1) For certainty, the following uses, buildings and structures are prohibited in all zones, except where expressly permitted in Part 8:

(a) The use of a boat, vessel, or structure over water as a residence for more than four consecutive weeks or more than 90 days in any calendar year, except where expressly permitted;

(b) The use of the surface of the water for the mooring or berthing of float camps;

(c) The use of an accessory building or structure as a dwelling unit;

(d) Overnight accommodation in tents or recreational vehicles accessory to or in association with vacation home rental use;

(e) Amusement parks, shooting ranges, water slides, go cart tracks, and commercial golf courses;

(f) Fin fish aquaculture in any water zone;

(g) Commercial kennels;

(h) Airports other than float plane bases;

(i) Heliports;

(j) Wharves and breakwaters except those operated by government and those operated for commercial purposes;

(k) Disposal of effluent from pumping out sewerage facilities on to land;

(l) Disposal of sewage by marine outfall;

(m) Disposal or storage of toxic or hazardous waste;

(n) Storage of waste and sale of salvage material unless expressly permitted in Part 8 of this Bylaw;

(o) Wrecking or storage of derelict automobiles, vessels or mechanical equipment;

(p) The rental or sale of personal watercraft, all-terrain vehicles, gas powered scooters or off-road motorcycles;

(q) Water utility lines connecting any one island to another island or the mainland;

(r) Wind generators in any water zone and wind generators intended to provide power to an island other than the island on which the structures are located;

(s) Casinos;

(t) Any use of a shipping container unless screened;

(u) The use of a well for the extraction of ground water for transportation off the lot from which it is extracted, except where permitted through zoning regulations or Temporary Use Permit;

(v) Commercial raising of domestic animals or poultry on lots having an area less than 1.0 hectare;

(w) Exterior lights that illuminate surrounding properties or a highway.

INFORMATION NOTE: *Uses that are not permitted in this Bylaw may be considered upon application for a Temporary Use Permit in accordance with Official Community Plan policies and regulations in this Bylaw pertaining to Temporary Use Permits.*

3.3 Siting and Setback Regulations

(1) The setback regulations set out in this Bylaw do not apply to any permitted sign or fence that does not exceed 2.0 metres in height.

(2) No building or structure may be located within 15.0 metres of, nor less than 1.5 metres above, the natural boundary of any lake, watercourse or the sea.

(3) Despite Subsection 3.3(2) no buildings or structures may be located within 30.0 metres of Ford Creek or Beulah Creek or wetlands shown on Schedule D.

(4) Where fill is used to achieve the elevation required in Subsection 3.3(2), no portion of the fill slope may be less than 15.0 metres from the natural boundary and the face of the fill slope must be adequately protected against erosion by floodwaters.

(5) No building or structure may be located within 15.0 metres of the edge of any cliff, unless the owner provides to the Islands Trust a certification signed by a professional engineer with experience in geotechnical engineering that the siting of the building or structure is safe, in which case the minimum distance is 10.0 metres.

(6) All pit toilets must be set back at least 15.0 metres from all lot lines.

(7) Feeding troughs, manure piles, buildings and structures for housing animals and sewage disposal fields must be set back at least 30.0 metres from any well or from the natural boundary of any lake, watercourse or the sea.

(8) The keeping of livestock or birds and the siting of buildings or structures used for housing livestock or poultry is prohibited within 15.0 metres of the natural boundary of any lake, watercourse or the sea.

(9) Feeding troughs, manure piles and buildings and structures for housing animals must be set back at least 15.0 metres from all lot lines.

(10) Buildings and structures used for the commercial growing of mushrooms, the commercial raising of livestock or more than 100 birds must be set back at least 30.0 metres from any highway, lot line, and the natural boundary of any lake, watercourse or the sea.

3.4 Height Regulations

(1) Buildings and structures other than agricultural buildings and structures must not exceed a height of 8.0 metres.

(2) Buildings and structures, other than agricultural buildings and structures, located within 100.0 metres of the natural boundary of the sea must not exceed a height of 7.0 metres.

(3) Accessory buildings and structures must not exceed a height of 6.0 metres.

(4) Agricultural buildings and structures must not exceed a height of 10.0 metres.

(5) The height limits set out in this section do not apply to any radio or television antenna, flag pole, lighting pole, utility pole, water storage tank or wind turbine.

INFORMATION NOTE: *Applications for development variance permits to vary the setback or height requirements of this Bylaw can be considered by the Local Trust Committee.*

3.5 Accessory Uses, Buildings and Structures

(1) Unless a building is attached to a principal building by a structure having walls, roof, and a floor, it is for the purposes of this Bylaw deemed not to be part of the principal building, but is deemed to be an accessory building or structure.

(2) The floor area occupied by a cistern used for domestic water or irrigation purposes is excluded from the calculation of the floor area of any accessory building or structure.

3.6 Home Occupation Regulations

Prohibited Uses

(1) Only the uses expressly permitted in subsections 3.6(3), 3.6(9), 3.6(11) and 3.6(22) inclusive are permitted as home occupations. Without limiting the generality of the foregoing the following uses are prohibited as home occupations:

(a) restaurant, food take-out service;

(b) retail store;

(c) salvage, junk or incineration business;

(d) chemical manufacturing;

(e) storage of toxic or flammable materials other than for use in small quantities in carrying out a home occupation;

(f) winery involving a lounge other than on ALR land;

(g) extraction and sale or delivery of groundwater;

(h) high-pressure cleaning, laundry, laundromat, shower or bathing facility or other activity that involves the use of groundwater as a primary element of the home occupation or that causes total domestic water use to exceed 350 litres per day;

(i) any activity that creates vibration, glare, fumes, odours, electrical interference or any other nuisance ordinarily detectable off the lot on which the home occupation is operated; and

(j) any activity that is prohibited elsewhere in this Bylaw.

Limited Home Occupations

(2) Subsections 3.6(3) to 3.6(7) inclusive apply to home occupations conducted on lots less than 0.1 hectare in area.

(3) The following uses, and no other uses, are permitted as home occupations:

(a) Art and craft studios not open to the public;

(b) Professional office;

(c) Mail order business.

(4) The maximum total combined floor area of all home occupations conducted on the lot is 40% of the total combined floor area of the dwelling unit and accessory buildings, up to a maximum of 65 square metres.

(5) The home occupations must be conducted wholly within a principal dwelling unit.

(6) The home occupations must be operated solely by residents of the property.

(7) The noise level created by a home occupation on the lot must not be detectable at the lot line.

Basic Home Occupations Tier 1

(8) Subsection 3.6(9) applies to home occupations conducted on lots of 0.1 hectare or larger and less than 0.4 hectares in area.

(9) The following uses (including uses permitted in the Limited Home Occupations), and no other uses, are permitted as home occupations:

(a) Home occupation uses listed in Subsection 3.6(3);

(b) Bed and breakfast;

(c) Art and craft studios, including incidental sales;

(d) Personal service, including incidental sales.

Basic Home Occupations Tier 2

(10) Subsections 3.6(11) to 3.6(20) inclusive apply to home occupations conducted on lots of 0.1 hectare or larger and less than 2.0 hectares in area.

(11) The following uses, including uses permitted in the Limited Home Occupation and Basic Home Occupations Tier 1, and no other uses, are permitted as home occupations:

(a) Home occupation uses listed in Subsection 3.6(3);

(b) Bed and breakfast;

(c) Art and craft studios, including incidental sales;

(d) Personal service, including incidental sales;

(e) Day care;

(f) Manufacture, assembly and repair of goods, including incidental sales;

(g) Welding shops, including incidental sales;

(h) Trades persons offices, including incidental sales;

(i) Sales distributorship;

(j) Sale of arts and crafts produced on the property, including incidental sales;

(k) Rental of un-motorized boats, and kayaks;

(l) Rental of bicycles and tools;

(m) Food processing and catering;

(n) Teaching classes limited to crafts, trades or arts;

(o) Sales of products grown or produced on the lot.

(12) A maximum of two home occupations are permitted per lot.

(13) The home occupations must be conducted wholly within a principal dwelling unit or an accessory building.

(14) Despite Subsection 3.6(13), kilns, daycare play areas and storage, may be outdoors.

(15) Outdoor uses permitted in Subsection 3.6(14) must be screened from adjacent lots and public rights-of-way with a vegetation screen or solid fence pursuant to Section 3.9 and 3.10.

(16) The outdoor area that may be used for a home occupation is limited to:

(a) a combined maximum of 105 square metres for a kiln and daycare play area;

(b) a combined maximum of 10% of the total lot area up to a maximum of 500 square metres for storage associated with home occupations.

(17) The maximum total combined floor area of all home occupations conducted on the lot is 40% of the total combined floor area of the dwelling unit and accessory buildings, up to a maximum of 80 square metres.

(18) The home occupations must be operated by residents of the property.

(19) The maximum number of employees, other than residents of the lot, permitted at any time is 2 full-time equivalents per lot.

(20) The noise level created by a home occupation on the lot, must not be detectable at the lot line.

Extended Home Occupations

(21) Subsections 3.6(22) to 3.6(30) inclusive apply to home occupations conducted on lots of 2.0 hectares or larger in area.

(22) The following uses; including the uses permitted in the lower tiers; and no other uses, are permitted as home occupations on lots of 2.0 hectares or larger:

(a) Home occupation uses listed in subsections 3.6(3) and 3.6(9);

(b) Teaching classes for teaching crafts, trades or arts;

(c) Vehicle and boat repair, including incidental sales;

(d) Storage facilities for personal property, including incidental sales;

(e) Sawmilling, on lots larger than 4.0 hectares, including incidental sales;

(f) Winery with outdoor picnicking, including incidental sales.

(23) A maximum of two home occupations are permitted per dwelling.

(24) The home occupations may be conducted within a principal dwelling unit, an accessory building or outdoors.

(25) Outdoor uses permitted in Subsection 3.6(22) must be screened from adjacent lots and public rights-of-way with a vegetation screen or solid fence pursuant to Section 3.9 and 3.10.

(26) The outdoor area that may be used for a home occupation is limited to:

(a) a combined maximum of 105 square metres; plus

(b) a combined maximum of 10% of the total lot area up to a maximum of 500 square metres for storage associated with home occupations.

(27) The maximum total combined floor area of all home occupations conducted on the lot is 40% of the total combined floor area of the dwelling unit and accessory buildings, up to a maximum of 150 square metres.

(28) The home occupations must be operated by residents of the property.

(29) The maximum number of employees, other than residents of the lot, permitted at any time is 6 full-time equivalents per lot.

(30) The noise level created by a home occupation on the lot, must not be detectable at the lot line.

General Regulations

(31) Subsections 3.6(32) to 3.6(36) inclusive apply to home occupations on any size lot.

(32) A dwelling unit that is used for a home occupation must be occupied as a residence.

(33) The home occupation must not use or store flammable or toxic materials involved in the home occupation within a dwelling unit and storage of such materials must comply with any applicable provincial regulations and guidelines.

(34) If a home occupation involves the use or storage of substances that may contaminate ground or surface water, a containment system must be in place to ensure that the substances do not come into contact with the ground.

INFORMATION NOTE: *The operator of a home occupation must comply with all applicable regulations of the Province of British Columbia, the Vancouver Island Health Authority and the Comox Valley Regional District with respect to buildings, public health, noise, air quality, safety, water quality and environmental protection.*

(35) No changes must be made to the residential appearance of the property other than permitted signage, required provision for parking and permitted outdoor storage and activities that comply with screening regulations.

(36) The storage and display of items for sale that are incidental to the home occupation must not take up more than 10% of the area used for the home occupation.

Bed and Breakfast

(37) Where a bed and breakfast home occupation is permitted in any zone subsections 3.6(38) to 3.6(41) inclusive apply.

(38) The operator of the bed and breakfast home occupation must:

(a) provide only temporary accommodation for the travelling public;

(b) use only rooms that are located in the dwelling unit in which the home occupation is operated, for the accommodation of the travelling public;

(c) provide no more than two beds per bedroom; and

(d) serve breakfast meals to guests who have been accommodated overnight.

(39) Bed and breakfast home occupations are not permitted on lots with areas of less than 0.1 hectares.

(40) The number of bedrooms used to accommodate the travelling public in a bed and breakfast home occupation must not exceed:

(a) one if the lot is 0.25 hectares or less in area;

(b) two if the lot is greater than 0.25 hectares and 1.0 hectare or less in area;

(c) three if the lot is greater than 1.0 hectare in area.

(41) On lots designated as Aquifer IA on Schedule D2 of the Hornby Island Official Community Plan Bylaw No. 149, bed and breakfast use is permitted provided that an authorized person as defined in the Sewage System Regulations under the *Public Health Act* has stated in writing to the Islands Trust that the sewage disposal system to which the building accommodating the proposed bed and breakfast use is connected to is capable of providing adequate sewage treatment for residential use and for the proposed bed and breakfast use.

~~**3.7 Vacation Home Rental Uses**~~

~~(1) Vacation home rental uses must be in accordance with the following limitations:~~

~~(a) A dwelling unit may only be occupied by paying guests during the months of May, June, July, August and September.~~

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~~(b) Despite article 3.7(1)(a), on any lot permitted two dwelling units, one dwelling unit may be occupied by paying guests at any time, provided that an owner or tenant is resident in a second lawful dwelling unit on the lot during the vacation home rental occupancy.~~

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~~(c) During any period of seven consecutive days a dwelling unit may be occupied by only one guest or guest party.~~

~~**INFORMATION NOTE**: *The following information is not part of the Bylaw and is for information purposes only. Regulation 3.7.1(c) permits the use of a vacation home rental for a period of less than seven days (for example a three night rental). As an example, the regulation does not permit a vacation rental unit to be rented for three days to one group and then three days to a different group during that same seven day period. Limiting rental turnover within a seven day rental period in a dwelling is important in helping maintain the rural residential character of Hornby's neighbourhoods, while allowing vacation home rental use to occur in a dwelling.*~~

~~(d) A dwelling used for vacation home rental use shall not be used to accommodate more than two beds per bedroom or more than three bedrooms if the lot on which the dwelling is located has an area of less than 1.0 hectare, or more than four bedrooms if the lot has an area of 1.0 hectare or more.~~

~~(e) A vacation home rental use shall not alter the residential character or appearance of the lot in which the vacation home rental use is located, with the exception of required parking spaces and the sign required in Section 3.7, which may be posted only when a vacation home rental is occurring.~~

~~(f) On lots designated as Aquifer IA on Schedule D2 of the Hornby Island Official Community Plan Bylaw No. 149, vacation home rental use is permitted provided that an authorized person as defined in the Sewage System Regulations under the *Public Health Act* has stated in writing to the Islands Trust that the sewage disposal system to which the building accommodating the proposed vacation home rental use is connected to is capable of providing adequate sewage treatment for residential use and for the proposed vacation home rental use.~~

~~(2) 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.~~

3.7~~8~~ Secondary Suites

(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 or attached to~~the principle~~a permitted 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~~ permitted residential 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 secondary suite is connected to is capable of providing adequate sewage treatment for the principal dwelling and secondary suite.

(3) Where a secondary suite is permitted in Part 8 of this Bylaw, an authorized qualified professional must state in writing to the Islands Trust that the potable water system to which the building accommodating the secondary suite is connected to, is capable of providing adequate quantity and quality of potable water.

(4~~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.

3.8~~9~~ Fences

(1) Within the setbacks from any lot line as prescribed in Part 8 of this Bylaw, the maximum height of a fence is 2.0 metres and, elsewhere, the maximum height of a fence is 3.0 metres.

(2) The provision of a landscape screen is exempted from Section 3.7.

3.9~~10~~ Screening

(1) Screening must be provided in the form of a wood fence of sound construction or evergreen native vegetation, of a sufficient height to provide a complete and year-round visual screen between the uses being separated:

(a) where materials, tools, equipment, containers or finished products of a home occupation, commercial or industrial use are stored outside a building or enclosed structure or where the use is carried out outdoors, by the owner of the lot on which the storage or use is occurring and on that lot, to screen the outdoor storage area or use from adjacent lots and highways;

(b) where an industrial use is adjacent to a commercial or residential use, by the owner of the lot on which the industrial use is located and on that lot, to screen the industrial use from the commercial or residential use;

(c) where a commercial use is adjacent to a residential use, by the owner of the lot on which the commercial use is located and on that lot, to screen the commercial use from the residential use;

(d) where five or more motor vehicle parking spaces are required by this Bylaw to be provided, or where one or more derelict vehicles are parked or stored on a lot, by the owner of the lot on which the parking spaces or vehicles are located, to screen the vehicles from any adjacent highway and from any adjacent residential use.

(2) Subsection 3.10(1) need not be complied with if the use or parking area is completely screened year round from view from the adjacent highway or use or lot, as the case may be, by evergreen native vegetation at least two metres high, but those requirements must be complied with if the native vegetation is removed or damaged such that it no longer provides a complete screen.

3.10~~1~~ Temporary Dwelling

(1) A recreational vehicle, mobile home, caravan, travel trailer or existing structure may be used as a temporary dwelling while a principal dwelling unit is under construction provided that:

(a) A siting and use permit has been issued for the principal dwelling unit;

(b) The period of occupancy of the temporary dwelling does not exceed 365 days;

(c) The temporary dwelling is sited to permit direct discharge of effluent into an approved sewage disposal system; and

(d) On completion and occupancy of the principal dwelling unit, the recreational vehicle, mobile home, caravan, travel trailer or existing structure is not used as a dwelling.

INFORMATION NOTE: *Information guides and application forms for Siting and Use Permits can be found on the Hornby Island webpage under "Land Use Planning- Application Guides & Forms" on the Islands Trust website: (http://www.islandstrust.bc.ca/islands/local-trust-areas/hornby.aspx)*

3.11~~2~~ Derelict Vehicles and Mechanical Equipment

(1) No parcel shall be used for the wrecking or storage of derelict automobiles, vessels or mechanical equipment.

3.123 Use of Common Property

(1) Land comprising the common property in a strata plan is not a lot for the purposes of the provisions of this Bylaw permitting dwellings in respect of lots,

3.134 Lots Divided by a Zone Boundary

(1) If a lot is divided by one or more zone boundaries, the density permitted, including lot coverage, must be calculated by reference to the areas of the portions of the lot lying within each zone, and dwellings may only be constructed on any portion of the lot if, and to the extent that, the density and siting regulations for that portion are complied with.

(2) Despite Subsection 3.14(1), if one of the portions of the lot is in the Agricultural (A1) zone, the dwelling permitted in respect of that portion of the lot may be sited on another portion of the lot.

3.14 **Keeping of Chickens in Residential Zones**

(1) The keeping of chickens (hens) is permitted as an accessory use in all residential zones.

(2) The keeping of roosters is not permitted on lots 1.0 ha in size or smaller outside of the Agricultural Land Reserve boundaries.

Commented [SZ5]: NEW SECTION. LTC to confirm minimum lot size, if applicable or refer to APC. There are properties outside of the ALR used for agriculture that should be considered therefor a lot size threshold is recommended.

PART 4 SIGN REGULATIONS

4.1 Permitted Signs

(1) Freestanding and facia signs affixed to a building or structure are permitted in accordance with Table 4.6 and all other signs are prohibited.

4.2 Prohibited Signs

(1) Despite Section 4.1, the following types of freestanding and fascia signs are prohibited:

(a) internally illuminated, blinking, backlit, and neon signs;

(b) signs with moving parts;

(c) signs that are designed to make noise;

(d) third party signs;

(e) signs painted on a natural rock face;

(f) signs illuminated by a floodlight or spotlight;

(g) signs that project over a highway or other public property; and

(h) signs that are sited or otherwise placed in a location seaward of the natural boundary of the sea.

4.3 Exempt Signs

(1) The following signs are exempt from the regulations in this part:

(a) directional, traffic control, informational, interpretive and navigational signs sited and maintained by a public authority, agency or their authorized agents;

(b) warning signs such as private property signs prohibiting trespassing, vehicles, overnight camping or hunting, subject to the sign not exceeding 1.0 square metre in area;

(c) signs of duly nominated candidates for public office, provided that the signs are removed within 14 days after the date of the election;

(d) real estate signs located on a property that is for sale, subject to the sign not exceeding 1.0 square metre in area, provided that the signs are removed within 14 days after the sale of the property;

(e) temporary notices posted for less than 60 days; and

(f) in the Mariculture (M3) zone, up to two signs each not exceeding 0.5 square metre in area per water lot lease or license area indicating the type of mariculture being carried out on the lease or license.

4.4 Siting and Height

(1) A sign permitted in this part may be located anywhere on the property including within a required front yard or exterior side yard setback area.

4.5 Obsolete Signs

(1) Any sign which has become obsolete because of the discontinuance of the business, service or activity which it advertises must be removed within 30 days after the sign becomes obsolete.

4.6 Sign Number and Area

(1) Every sign, except those exempted in Section 4.3, must comply with Table 4.6.

Table 4.6: Sign Number and Area

Zone/Use	Number of Signs Permitted for each Lot, Premises or Use	Maximum Total Sign Area Permitted for Each Lot, Premises or Use
Vacation Home Rental Use	1 per lot or vacation home rental use	15 centimetres by 30 centimetres
R1, R2, R3, R4,	1 per lot or home occupation	1.0 m^2
A1, A2, A3, A4	1 per home occupation	1.0 m^2
C1, C2, C3, C4, C5, C6, C7, C8	1 per use	4.0 m^2
EP1, WS	None	*n/a*
P1, P2	None	*n/a*
PU	1 per use	4.0 m^2
M1, M2, M3, M4, M5	1 per tenure	*n/a*

PART 5 PARKING REGULATIONS

5.1 Location

(1) All required off-road parking spaces shall be located on the lot on which the use or occupancy in respect of which they are required is located, or on a lot within 100 metres, with appropriate zoning.

(2) In the case of a parking space for persons with disabilities, it shall be located at the closest point as is practical to the main entrance to any building containing the use for which the parking space is required.

5.2 Design Standards

(1) Each parking space shall be accessible to a highway via a manoeuvring aisle not less than 7.5 metres in width in the case of 90 degree parking; 5.5 metres in width in the case of 60 degree parking; and 3.5 metres in width in the case of 45 degree and parallel parking; and no parking space may abut a highway such that the use of the parking space necessitates reversing a motor vehicle from or onto the highway. If a parking space is accessible directly from a lane the combined length of the parking space and width of the lane shall be at least 12.5 metres.

(2) Parking spaces shall be at least 2.5 metres in width and 5.5 metres in length, exclusive of manoeuvring aisles, and have unobstructed vertical clearance of at least 2 metres. Parallel parking spaces shall notwithstanding the foregoing have a length of 7.5 metres.

(3) Where more than four parking spaces are provided, other than on a residential lot, the parking area must have a hard, permeable, durable surface such as interlocking bricks or well packed gravel that does not produce dust.

(4) Parking spaces in setback areas must not cover more than 40% of that area.

(5) No parking area may have a gradient in any direction of more than 10%.

5.3 Calculation

(1) Where more than one use is located on a lot, the total number of parking spaces required is the sum of the requirements for the uses calculated separately.

(2) Where a particular use is not specifically listed in Table 5.4, the number of parking spaces required for the most similar listed use applies.

(3) Where the number of spaces required includes a fraction, the owner or occupier must provide the next highest whole number of parking spaces.

5.4 Number of Off-Street Parking Spaces

(1) Every owner of land must provide and maintain on the lot off-road vehicle parking spaces in accordance with Table 5.4.

Table 5.4 : Number of Off-Street Parking Spaces			
Use of Building or Lot	**Minimum Number of Parking Spaces**	**Minimum Number of Parking Spaces for Persons with Disabilities**	**Minimum Number of Bicycle Parking Spaces (1 rack must secure a minimum of 4 bicycles)**
1. dwelling unit	2 per dwelling unit	*n/a*	*n/a*
2. secondary suite	1 per secondary suite	*n/a*	*n/a*
3. restaurant, pub, cafe	1 per 2 seats	Greater of 1 or 1 per 50 parking spaces	Greater of 1 or 1 per 50 parking spaces
4. bed and breakfast home occupation and vacation home rental use	1 per bedroom used for guest accommodation	*n/a*	*n/a*
5. service stations and fire halls	4 plus 2 per service bay or fire truck bay	Greater of 1 or 1 per 50 parking spaces	Greater of 1 or 1 per 50 parking spaces
6. school	1 per employee plus 10 for visitors	Greater of 1 or 1 per 50 parking spaces	Greater of 1 or 1 per 50 parking spaces
7. marinas and boat ramps	1 per 3 berths and 4 per boat ramp or hoist	Greater of 1 or 1 per 50 parking spaces	Greater of 1 or 1 per 50 parking spaces
8. hotel, motel, lodge, resort	1 per visitor accommodation unit	Greater of 1 or 1 per 50 parking spaces	Greater of 1 or 1 per 50 parking spaces
9. community housing	1 per dwelling unit	*n/a*	*n/a*
10. home occupation other than a bed and breakfast	1 per two employees plus the number required for the relevant commercial or industrial use	*n/a*	*n/a*
11. community hall, church, social hall	1 per 4 seats of meeting assembly room maximum seating capacity	Greater of 1 or 1 per 50 parking spaces	Greater of 1 or 1 per 50 parking spaces
12. industry, equipment storage, building material supply, warehouse	1 per 40 m^2 of floor area	Greater of 1 or 1 per 50 parking spaces	Greater of 1 or 1 per 50 parking spaces
13. retail, financial service, personal service, office, post office, library, bakery, museum	1 per 20 m^2 of floor area	Greater of 1 or 1 per 50 parking spaces	Greater of 1 or 1 per 50 parking spaces

PART 6 SUBDIVISION REGULATIONS

6.1 Lot Area Calculations

(1) Subdivisions shall comply with the minimum and minimum average lot area regulations set out in Part 8. For the purposes of this Bylaw, the average lot area is the sum of the areas of the proposed lots divided by the number of proposed lots. Where there is no minimum average lot area specified in the zone the minimum lot area shall be considered the minimum average lot area.

(2) If an owner of land being subdivided dedicates as parkland more than 5% of the land being subdivided, the area greater than 5% may, for the purpose of determining compliance with minimum average lot area regulations set out in Part 8, be included in the total area of lots being created.

6.2 Exemptions from Average and Minimum Lot Area Requirements

(1) The minimum and average lot size areas specified in this Bylaw do not apply:

(a) where the lot is being created for the purpose of accommodating unattended equipment necessary for the operation of a community water or sewer system, telephone exchange, electrical substation, or similar public service facility, and the use of the lot will generate no sewage;

(b) where the lot being created is to be used solely for park use or natural open space or conservation purposes provided that a covenant is granted that restricts the use of the lot to that purpose;

(c) where a lot is created by the consolidation of two or more lots; or

(d) to the adjustment of boundaries between lots provided that:

(i) the area of any lot would not be increased to an extent that it could be subdivided into more lots than would be permitted under this Bylaw without the boundary adjustment; and

(ii) the area of the new lot is not less than the minimum lot area specified for that zone; or

(iii) the area of the new lot is not less than the existing minimum lot area; and

(iv) the total number of lots after the boundary adjustment is no more than the total number of lots before the boundary adjustment.

6.3 Covenants Prohibiting Further Subdivision and Development

(1) If a proposed subdivision is to yield the maximum number of lots permitted by the applicable minimum and average lot areas specified in Part 8, and one or more of the lots being created has an area equal to or greater than twice the applicable minimum average lot area, the applicant shall grant a covenant in respect of every such lot, prohibiting further subdivision of the lot and prohibiting construction, erection, or occupancy on the lot of more than the applicable zone's permitted number of residential dwelling units and accessory buildings.

(2) If a subdivision is proposed that yields fewer than the maximum number of lots permitted by the applicable minimum and minimum average lot areas specified by this Bylaw, and:

(a) one or more of the lots being created has an area equal to or greater than twice the applicable minimum average lot area; and

(b) one or more of the lots being created has an area less than the applicable minimum average lot area the applicant shall grant a covenant in respect of every lot prohibiting:

(i) the subdivision of the lot so as to create a greater total number of lots by subdivision and re-subdivision of the original lot than would have been created had the first subdivision created the maximum number of lots permitted by the applicable minimum and minimum average lot areas specified by this Bylaw; and

(ii) the construction, erection, or occupancy on the lot of residential dwelling units and accessory buildings so as to create greater density of such development on the original lot than would have been created had the original lot been developed to the greatest density permitted by this Bylaw without subdivision.

(3) If the approval of a bare land strata plan would create common property on which this Bylaw would permit the construction of a residential dwelling unit, if the common property were a lot, the applicant shall grant a covenant in respect of the common property prohibiting the further subdivision of the common property, the construction of any residential dwelling unit on the common property, and the disposition of the common property separately from the strata lots.

6.4 Boundary Adjustment Subdivisions

(1) A boundary adjustment subdivision is prohibited if it would result in the increase of the area of any lot to the point where the new lots created could together be subdivided into more lots than would be permitted under this Bylaw without the boundary adjustment.

(2) A boundary adjustment subdivision resulting in a lot lying in two or more zones is prohibited, except where all of the lots being subdivided are located in two or more zones.

6.5 Section 514 Subdivisions (Residence for a Relative)

(1) No lot having an area less than 8 hectares may be subdivided pursuant to the *Local Government Act* to provide a residence for the relative of the owner unless the lot is entirely within the Agricultural Land Reserve.

6.6 Lot Frontage and Lot Shape

(1) The frontage on a highway of any lot in a proposed subdivision and having highway frontage shall be at least 10% of its perimeter, unless exempted by the Local Trust Committee pursuant to the *Local Government Act*.

(2) No lot in a proposed subdivision may have a depth greater than three times its width, excluding the width of any panhandle access strip.

(3) If a proposed panhandle lot is not capable of being further subdivided under this Bylaw, the minimum width of the access strip at any point is 10.0 metres.

(4) If a proposed panhandle lot is capable of being further subdivided under this Bylaw, the minimum width of the access strip at any point is 20.0 metres.

6.7 Split Zoned Lots

(1) The creation of additional lots lying within two or more zones is prohibited.

6.8 Split or Hooked Lots

(1) No additional lot which is divided into two or more portions by a highway or another lot may be created by subdivision.

6.9 Double Frontage Lots

(1) No additional lot having frontage on more than one highway other than a corner lot may be created by subdivision.

6.10 Highway Standards

INFORMATION NOTE: *For information on road standards see the Letter of Agreement between the Islands Trust and the Ministry of Transportation and Infrastructure, dated October 20, 1992 and as subsequently amended July 18, 1996.*

6.11 Water Supply Standards

INFORMATION NOTE: *For information on water quantity (volume) and quality (potability) requirements for proposed lots served by individual wells, contact the Provincial Approving Officer, Ministry of Transportation and Infrastructure, and for proposed lots served by a community water system contact the Vancouver Island Health Authority.*

6.12 Onsite Disposal

INFORMATION NOTE: *All uses of property which produce waste water require the installation of a waste disposal system installed in compliance with the Sewerage System Regulation. Contact the Vancouver Island Health Authority for information.*

PART 7 ESTABLISHMENT OF ZONES

7.1 Division into Zones

(1) The Hornby Island Local Trust Area is divided into the following zones, the geographic boundaries of which are as shown on the Zoning Map designated as Schedule B and the regulations for which are set out in Part 8.

Zone Name	Zone Abbreviation
Residential 1 – Small Lot	R1
Residential 2 – Large Lot Residential	R2
Residential 3 – Community Housing	R3
Residential 4 – Forest	R4
Agriculture 1	A1
Agriculture 2 – Agricultural/Land Co-operative	A2
Agriculture 3 – Agricultural/Land Co-operative	A3
Agriculture 4 – Agricultural/Land Co-operative	A4
Commercial 1 – Service Station Commercial	C1
Commercial 2 – Retail Limited Commercial	C2
Commercial 3 – Comprehensive Commercial	C3
Commercial 4 – Resort	C4
Commercial 5 – Resort	C5
Commercial 6 – Resort	C6
Commercial 7 – Campground	C7
Commercial 8 – Campground	C8
Ecosystem Management/Groundwater Recharge	EP1
Water Supply Protection Area	WS
Public Park	P1
Public Park Undeveloped	P2
Public Use	PU
Marine Conservation	M1
Marine Park	M2

Mariculture M3
Marine Access M4
Marine Service M5
Marine Private Moorage M6

7.2 Zone Boundaries

(1) Where a zone boundary on Schedule B coincides with a lot line, the lot line is the zone boundary.

(2) Where a zone boundary is shown on Schedule B as following any highway, right-of-way or stream, the centre line of such highway, right-of-way, or stream is the zone boundary.

(3) Where land-based and water-based zone boundaries shown on Schedule B coincide, the zone boundary shall be the surveyed lot line as shown on the most recent plan registered in the Land Title Office, and where there is no such plan the natural boundary of the sea is the zone boundary.

(4) Where a zone boundary shown on Schedule B does not follow a legally defined line and no dimensions are shown by which the boundary could otherwise be located, the location of the boundary must be determined by scaling from Schedule B and in that case the zone boundary is the midpoint of the line delineating the zone boundary.

(5) Where two or more regulations within this Bylaw conflict, the more restrictive regulation shall apply.

PART 8 ZONE REGULATIONS

8.1 Residential 1 – Small Lot (R1) Zone (Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot)

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) residential use of a dwelling;

(b) residential use of a recreational vehicle;

(c) accessory uses, buildings and structures, including but not limited to home occupations; and

(d) ~~vacation home rental use~~secondary suite ~~as~~ per Section 3.8 of this bylaw.

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) a maximum of one residential dwelling unit with one secondary suite or one recreational vehicle used for a residential use per lot; and

(b) 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

(4) The minimum setback for any building or structure or recreational vehicle used for a residential use, 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, or 6.0 metres in the case of a lot having an area less than 4000 m^2;

(c) 6.0 metres from any interior side lot line, or 3.0 metres in the case of a lot having an area less than 4000 m^2; and

(d) 8.0 metres from any exterior side lot line, or 6.0 metres in the case of a lot having an area less than 4000 m^2.

(5) The floor area of a residential dwelling unit must not exceed 200 m^2.

Commented [SZ6]: This currently includes the maximum floor area including a secondary suite.

(6) The total combined floor area of all accessory buildings on a lot must not exceed 100 m^2.

Subdivision Lot Area Requirements

(7) No lot may be created by subdivision that has a lot area of less than 1.0 hectare.

Site Specific Regulations

(8) 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 location where the specific regulations set out in column three apply:

Site-Specific Zone	Location Description	Site Specific Regulations
R1(a)	*Whaling Station Bay/Anderson Drive and portion of LOT 11, SECTION 9, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 25736; PID-002-659-026*	*Despite Subsection 8.1.5 of this Bylaw, the floor area of a residential dwelling unit must not exceed 150 m^2, however if a rain water catchment and storage system capable of storing 1155 litres of potable water and supplying it to the residential dwelling unit is maintained on the same lot, the floor area of the residential dwelling unit must not exceed 200 m^2.*
R1(b)	*Shingle Spit Residences*	*1. Despite Subsection 8.1.2 of this Bylaw:* *a) a maximum of one residential dwelling unit is permitted for each 0.24 hectares of lot area;* *b) a maximum of 12 residential dwelling units are permitted per lot;* *c) a maximum of one accessory building is permitted per lot not exceeding 8 m^2 in floor area.* *2. Despite Subsection 8.1(4)(c) of this Bylaw, the minimum setback for any building or structure, except for a fence or pump/utility house shall be 3.0 metres from an interior side lot line.* *3. Despite Subsection 8.1(5) of this Bylaw, the floor area of a residential dwelling unit must not exceed 186 m^2.* *4. Despite Subsection 8.1(7) of this Bylaw, land in the R1(b) zone may not be subdivided.*

Commented [SZ7]: LTC to confirm that secondary suite provisions were not intended for R1(b) zone

8.2 Residential 2 – Large Lot (R2) 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) residential use of a dwelling;

(b) residential use of a recreational vehicle;

(c) secondary suite ~~in a dwelling on lots 2.0 hectares or larger~~as per Section 3.8 of this bylaw;

(d) horticulture accessory to a principal residential use;

(e) agriculture accessory to a principal residential use on lots 2.0 hectares or larger;

(f) silviculture accessory to a principal residential use on lots 2.0 hectares or larger;

(g) accessory uses, buildings and structures, including but not limited to home occupations; and

~~(h) vacation home rental use~~.

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) a maximum of one residential dwelling unit and one secondary suite per lot having an area less than 4.0 hectares;

(b) a maximum of two dwelling units and two secondary suites per lot having an area of 4.0 hectares or larger; 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

(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 any interior side lot line; and

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

(5) The floor area of a residential dwelling unit must not exceed 300 m^2.

(6) The total combined floor area of all accessory buildings on a lot must not exceed 200 m^2.

Subdivision Lot Area Requirements

(7) No lot may be created by subdivision that has a lot area less than 1.0 hectares.

(8) No subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 2.0 hectares.

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8.3 Residential 3 – Community Housing (R3) Zone *(Elder Housing)*

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) community housing;

(b) residential use of a dwelling; and

(c) accessory uses, buildings and structures.

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) a maximum of one residential dwelling unit per lot;

(b) a maximum of six community housing dwelling units per 1.0 hectare of lot area to a maximum of 20 community housing dwelling units per lot;

(c) accessory buildings and structures;

(d) a maximum of one accessory community facility; and

(e) a maximum of one accessory building per residential dwelling unit and one accessory building per dwelling unit in a community housing development.

(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 less than 1.0 hectare.

Siting and Size

(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 any interior side lot line; and

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

(5) The floor area of a residential dwelling unit must not exceed 150 m^2.

(6) The floor area of a dwelling unit in a community housing development must not exceed 150 m^2.

(7) The floor area of an accessory community facility must not exceed 200 m^2.

(8) The floor area of an accessory building must not exceed 8.0 m^2.

(9) The total combined floor area of all accessory buildings on a lot, excluding the 200 m^2 permitted for the accessory community facility, must not exceed 150 m^2.

Subdivision Lot Area Requirements

(10) Land in the R3 zone may not be subdivided.

8.3A Residential 3A – Community Housing (R3A) Zone (*ISLA*)

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) residential use of a dwelling;

(b) community housing;

(c) attached housing;

(d) live/work studios; and

(e) accessory uses including but not limited to home occupations.

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) a maximum of five community housing dwelling units per 1.0 hectare of lot area to a maximum of 30 community housing dwelling units per lot;

(b) a maximum of four live/work studios per lot;

(c) accessory buildings and structures;

(d) a maximum of one accessory community facility; and

(e) a maximum of one accessory building per community dwelling unit .

(3) Lot coverage must not exceed 10% of any lot having an area of 1.0 hectare, or more than 15% of any lot having an area less than 1.0 hectare.

Siting and Size

(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 any interior side lot line; and

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

(5) The floor area of a dwelling unit, including a live/work studio, in a community housing development must not exceed 150 m^2.

(6) The floor area of an accessory community facility must not exceed 200 m^2.

(7) The floor area of an accessory building must not exceed 10.0 m^2.

(8) The total combined floor area of all accessory buildings on a lot, including the 200 m^2 permitted for the accessory community facility, must not exceed 500 m^2.

8.4 Residential 4 – Forest (R4) 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) residential use of a dwelling;

(b) secondary suite ~~in a dwelling on lots 2.0 hectares or larger~~as per Section 3.8 of this bylaw;

(c) horticulture accessory to a principal residential use;

(d) agriculture accessory to a principal residential use on lots 2.0 hectares or larger;

(e) silviculture accessory to a principal residential use on lots 2.0 hectares or larger;

(f) accessory uses, buildings and structures including but not limited to home occupations; and

~~(g) vacation home rental use.~~

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) a maximum of one residential dwelling unit and one secondary suite per dwelling per lot having an area less than 4.0 hectares;

(b) a maximum of two residential dwelling units and one secondary suite per dwelling per lot having an area of 4.0 hectares or greater; and

(c) accessory buildings and structures.

(3) Lot coverage must not exceed 5%.

Siting and Size

(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 any interior side lot line; and

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

(5) The floor area of a residential dwelling unit must not exceed 300 m^2.

(6) The total floor area of all accessory buildings on a lot must not exceed 100 m^2 per residential dwelling unit.

Subdivision Lot Area Requirements

(7) No lot may be created by subdivision that has a lot area of less than 4.0 hectares.

(8) No subdivision plan may be approved unless the lots created by the subdivision have an average area of 16.0 hectares or greater.

8.5 Agriculture 1 (A1) 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) residential use of a dwelling;

(b) agriculture;

(c) silviculture;

(d) secondary suite ~~in a dwelling, on lots 2.0 hectares or larger~~as per Section 3.8 of this bylaw;

(e) accessory uses, including but not limited to home occupations; and

~~(f) vacation home rental use.~~

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) a maximum of one dwelling unit and one secondary suite per dwelling per lot having an area less than 4.0 hectares;

(b) a maximum of two dwelling units and one secondary suite per dwelling per lot having an area of 4.0 hectares or greater; and

(c) accessory buildings and structures.

INFORMATION NOTE: *It is necessary to comply with Agriculture Land Commission Regulations regarding second dwellings, for those properties within the Agricultural Land Reserve. ALC approvals may be required for second dwellings and secondary suites in addition to compliance with Section 3.8 of this Bylaw.*

(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 less than 1.0 hectare.

Siting and Size

(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 any interior side lot line; and

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

(5) The total combined floor area of all accessory buildings on a lot, excluding buildings exclusively devoted to agricultural use, must not exceed 200 m^2.

Subdivision Lot Area Requirements

(6) No lot may be created by subdivision that has a lot area less than 16.0 hectares.

Agricultural Land Reserve Farm Use Regulations

(7) Where land is in the Provincial Agricultural Land Reserve, farm use is a permitted use, *and*

(a) the maximum floor area for retail sales ancillary to a British Columbia licensed winery or cidery use is 20.0 square metres.

(b) the maximum floor area for a food and beverage service lounge ancillary to a British Columbia licensed winery or cidery use is 20.0 square metres.

(c) an indoor or outdoor food and beverage lounge ancillary to a British Columbia licensed winery or cidery is limited to the hours of operation of 10:00 a.m. to 8:00 p.m.

(8) Where land is in the Provincial Agricultural Land Reserve, non-farm uses permitted by this Bylaw within a zone are permitted only:

(a) if also approved by the Provincial Agricultural Land Commission by written order and only to the extent provided by the written order; or

(b) if also permitted by the Agricultural Land Reserve Use Regulation and only to the extent permitted by this Bylaw.

(9) Land uses which are permitted in the Agricultural Land Reserve unless otherwise prohibited by a local government bylaw are permitted to the extent permitted in the Agricultural Land Reserve Use Regulation, except as follows:

(a) operation of a temporary saw mill is limited to the milling of timber harvested from the lot on the lot by a portable sawmill.

8.6 Agriculture 2 – Agricultural/Residential (A2) Zone (*Shire Property*)

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) residential use of a dwelling;

(b) secondary suite as per section 3.8 of this bylaw;

(c) agriculture; and

(d) accessory uses, buildings and structures including but not limited to home occupations.

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) a maximum of 12 residential dwelling units and one secondary suite per dwelling per lot;

(b) a maximum of one accessory building per residential dwelling unit.

(3) Lot coverage must not exceed 5% of any lot having an area of 1.0 hectare or more, nor 15% of any lot having an area less than 1.0 hectare.

Siting and Size

(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 any interior side lot line; and

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

(5) The floor area of a residential dwelling unit must not exceed 300 m^2.

(6) The floor area of an accessory building must not exceed 100 m^2.

Subdivision Lot Area Requirements

(7) Land in the A2 zone may not be subdivided.

8.7 Agriculture 3 - Agriculture/Residential (A3) Zone *(Syzygy)*

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) residential use of a dwelling;

(b) agriculture;

(c) silviculture;

(d) secondary suite as per section 3.8 of this bylaw; and

(e) accessory uses, buildings and structures including but not limited to home occupations.

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) a maximum of 11 residential dwelling units and one secondary suite per dwelling; and

(b) accessory buildings and structures.

(3) Lot coverage must not exceed 10%.

Siting and Size

(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) 6.0 metres from any interior side lot line; and

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

(5) The floor area of a residential dwelling unit must not exceed 300 m^2.

(6) The floor area of an accessory building must not exceed 200 m^2.

Subdivision Lot Area Requirements

(7) Land in the A3 zone may not be subdivided.

(8) 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 location where the specific regulations cited in column three apply:

Site-Specific Zone	General Location Description	Site Specific Regulations
A3(a)	*THE SOUTH 1/2 OF THE SOUTH EAST 1/4 OF SECTION 15, HORNBY ISLAND, NANAIMO DISTRICT; PID 009-649-417*	Despite Subsection 8.7(2)(a) of this Bylaw, a maximum of three residential dwelling units are permitted in the A3(a) zone.

Commented [SZ8]: LTC to confirm if secondary suites intended to be permitted.

8.8 Agriculture 4 – Agricultural/Residential (A4) Zone *(Downes Point Land Holdings Ltd.)*

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) residential use of a dwelling;

(b) secondary suite as per section 3.8 of this bylaw;

(c) agriculture; and

(d) accessory uses, buildings and structures including but not limited to home occupations.

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) a maximum of nine residential dwelling units and one secondary suite per dwelling per lot;

(b) a maximum of one accessory building per residential dwelling unit.

(3) Lot coverage must not exceed 5% of any lot having an area of 1.0 hectare or more, nor 15% of any lot having an area less than 1.0 hectare.

Siting and Size

(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 any interior side lot line; and

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

(5) The floor area of a residential dwelling unit must not exceed 300 m^2.

(6) The floor area of an accessory building must not exceed 50 m^2.

Subdivision Lot Area Requirements

(7) Land in the A4 zone may not be subdivided.

(8) 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 location where the specific regulations cited in column three apply:

Site-Specific Zone	General Location Description	Site Specific Regulations
A4(a)	*THE SOUTH 1/2 OF SECTION 1, HORNBY ISLAND, NANAIMO DISTRICT, EXCEPT PARCEL A (DD 111779I) AND EXCEPT THOSE PARTS IN PLANS 13495 AND 19601; PID 009-655-123*	Despite Subsection 8.8(2)(a) of this Bylaw, a maximum of one residential dwelling unit is permitted in the A4(a) zone.

Commented [SZ9]: LTC to confirm if secondary suite permitted.

8.9 Commercial 1 – Retail (C1) Zone (*Co-op and Service Station*)

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) retail;

(b) restaurant;

(c) service station;

(d) personal service; and

(e) office.

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) accessory buildings and structures; and

(b) a maximum of one service station per lot.

(3) Lot coverage must not exceed 40%.

Siting and Size

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

(a) 6.0 metres from a front lot line;

(b) 6.0 metres from a rear lot line;

(c) 3.0 metres from any interior side lot line; and

(d) 6.0 metres from any exterior side lot line.

Subdivision Lot Area Requirements

(5) No lot may be created by subdivision that has a lot area of less than 1.0 hectares.

8.10 Commercial 2 – Limited Commercial (C2) Zone *(Syzygy-Cardboard House Bakery)*

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) restaurant;

(b) bakery; and

(c) sale of crafts accessory to a restaurant or bakery use.

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) accessory buildings and structures.

Siting and Size

(3) 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) 6.0 metres from any interior side lot line; and

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

(4) The floor area of a restaurant must not exceed 46 m^2.

(5) The total seating capacity of a restaurant, including both indoor and outdoor seating must not exceed 20 seats.

(6) The total floor area of a bakery must not exceed 46 m^2.

(7) The total floor area for accessory buildings located on a C2 zoned area must not exceed 41 m^2.

(8) Despite Section 3.4 of this Bylaw, accessory buildings or structures located on a C2 zoned area must not exceed a height of 5.0 metres or one storey.

Subdivision Lot Area Requirements

(9) Land in the C2 zone may not be subdivided.

8.11 Commercial 3 – Comprehensive Commercial (C3) Zone *(Hornby Island Resort – Thatch)*

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) retail;

(b) pub;

(c) restaurant;

(d) office;

(e) accessory uses including visitor accommodation units;

(f) residential use of visitor accommodation units, provided the visitor accommodation unit constitutes only one dwelling unit; and

(g) residential use.

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) a maximum of 15 visitor accommodation units;

(b) a maximum of one accessory residential dwelling unit attached to a building used for a pub or restaurant.

(3) Lot coverage must not exceed 40%.

Siting and Size

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

(a) 6.0 metres from a front lot line;

(b) 6.0 metres from a rear lot line;

(c) 3.0 metres from any interior side lot line; and

(d) 6.0 metres from any exterior side lot line.

(5) Despite Subsection 3.3(2), the setback for a restaurant/pub shall be 0.0 metres from the natural boundary of the sea.

(6) The maximum floor area of each visitor accommodation unit and any accessory dwelling unit shall be 93 m^2.

(7) The minimum seating capacity of a pub shall be fifty (50) indoor seats.

(8) The maximum floor area of all buildings including the area of any accessory dwelling unit and excluding the floor area of visitor accommodation units shall not exceed 465 m^2.

Subdivision Lot Area Requirements

(9) Land in the C3 zone may not be subdivided.

Site–Specific Regulations

(10) 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 location where the specific regulations cited in column three apply:

Site-Specific Zone	Location Description	Site Specific Regulations
C3(a)	*Portion of LOT 1, SECTION 4-A, HORNBY ISLAND, NANAIMO DISTRICT, PLAN EPP20609; PID 028-882-075*	1. Despite Subsection 8.11(1), the only permitted use is parking. 2. Despite Subsection 8.11(2), no buildings or structures are permitted.

8.12 Commercial 4 – Resort (C4) Zone *(Sea Breeze)*

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) visitor accommodation;

(b) restaurant;

(c) retail and personal service;

(d) residential use accessory to visitor accommodation; and

(e) campground.

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) accessory buildings and structures;

(b) a maximum of five visitor accommodation units are permitted for each 1.0 hectare of lot area, to a maximum of twenty visitor accommodation units per lot;

(c) a maximum of ten camp spaces; and

(d) a maximum of one residential dwelling unit is permitted per lot.

(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 less than 1.0 hectare.

Siting and Size

(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) 6.0 metres from a rear lot line;

(c) 3.0 metres from any interior side lot line; and

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

(5) The floor area of a visitor accommodation unit must not exceed 80 m^2.

(6) The floor area of a restaurant must not exceed 150 m^2.

(7) The total floor area for accessory buildings must not exceed 100 m^2 per lot.

Conditions of Use

(8) Camping spaces must not be improved with concrete pads or dividers or water, sewage or electricity connections and campgrounds must not be illuminated with electric lights.

(9) Each camping space must accommodate not more than one vehicle.

(10) Camping spaces may not be used by the same occupants for a period of more than four consecutive weeks.

Subdivision Lot Area Requirements

(11) The minimum lot area is 4.0 hectares.

8.13 Commercial 5 – Comprehensive Commercial (C5) Zone *(Ford Cove)*

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) visitor accommodation;

(b) restaurant;

(c) retail;

(d) liquid fuel sales for boats; and

(e) accessory residential.

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) accessory buildings and structures;

(b) a maximum of one accessory residential dwelling unit is permitted per lot; and

(c) a maximum of six visitor accommodation units are permitted per lot.

(3) Lot coverage must not exceed 40%.

Siting and Size

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

(a) 6.0 metres from a front lot line;

(b) 6.0 metres from a rear lot line;

(c) 3.0 metres from any interior side lot line; and

(d) 6.0 metres from any exterior side lot line.

(5) The floor area of a residential dwelling unit must not exceed 150 m^2.

(6) The floor area of a visitor accommodation unit must not exceed 80 m^2.

(7) The floor area of a restaurant must not exceed 46 m^2 per lot.

(8) The floor area of a retail store must not exceed 46 m^2 per lot.

(9) The total floor area for accessory buildings must not exceed 100 m^2 per lot.

Subdivision Lot Area Requirements

(10) The minimum lot area is 1.0 hectare.

8.14 Commercial 6 – Resort (C6) Zone *(Dive Lodge)*

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) visitor accommodation; and

(b) residential use accessory to visitor accommodation.

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) accessory buildings and structures;

(b) a maximum of one visitor accommodation lodge per lot not exceeding 12 visitor accommodation units; and

(c) a maximum of one accessory residential dwelling unit per lot.

(3) Lot coverage must not exceed 40%.

Siting and Size

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

(a) 6.0 metres from a front lot line;

(b) 6.0 metres from a rear lot line;

(c) 3.0 metres from any interior side lot line; and

(d) 6.0 metres from any exterior side lot line.

(5) The total floor area of a visitor accommodation lodge must not exceed 325 m^2.

(6) The total floor area for accessory buildings must not exceed 100 m^2 per lot.

(7) The floor area of a residential dwelling unit must not exceed 150 m^2.

Subdivision Lot Area Requirements

(8) The minimum lot area is 1.0 hectare.

8.15 Commercial 7 – Campground (C7) Zone *(Tribune Bay)*

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) campground;

(b) accessory retail sales of camping supplies; and

(c) residential use accessory to campground use.

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) accessory buildings and structures;

(b) a maximum of 120 camping spaces in the C7 zone; and

(c) a maximum of one accessory residential dwelling unit in the C7 zone.

(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 less than 1.0 hectare.

Siting and Size

(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) 6.0 metres from a rear lot line;

(c) 3.0 metres from any interior side lot line; and

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

(5) Camping spaces must be setback 15.0 metres from all lot lines.

(6) The total floor area for accessory buildings must not exceed 100 m^2 per lot.

(7) The total floor area of the accessory residential dwelling unit must not exceed 150 m^2.

Conditions of Use

(8) Camping spaces must not be improved with concrete pads or dividers or water, sewage or electricity connections and campgrounds must not be illuminated with electric lights.

(9) Each camping space must accommodate not more than one vehicle.

(10) Camping spaces may not be used by the same occupants for a period of more than four consecutive weeks.

Subdivision Lot Area Requirements

(11) The minimum lot area is 4.0 hectares.

8.16 Commercial 8 – Campground (C8) Zone *(Ford Cove)*

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) campground.

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) accessory buildings and structures; and

(b) eight camping spaces per lot.

(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 less than 1.0 hectare.

Siting and Size

(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) 6.0 metres from a rear lot line;

(c) 3.0 metres from any interior side lot line; and

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

(5) Camping spaces must be setback a minimum of 15.0 metres from all lot lines.

(6) The total floor area for accessory buildings must not exceed 50 m^2 per lot.

Conditions of Use

(7) Camping spaces must not be improved with concrete pads or dividers or water, sewage or electricity connections and campgrounds must not be illuminated with electric lights.

(8) Each camping space must accommodate not more than one vehicle.

(9) Camping spaces may not be used by the same occupants for a period of more than four consecutive weeks.

Subdivision Lot Area Requirements

(10) Land in the C8 zone may not be subdivided.

8.17 Ecosystem Protection/Groundwater Recharge (EP1) Zone *(Mount Geoffrey)*

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) low impact recreation; and

(b) sustainable ecosystem management.

Permitted Buildings, Structures and Density

(2) No buildings or structures may be constructed or erected.

Subdivision Lot Area Requirements

(3) Land in the EP1 zone may not be subdivided.

8.18 Water Supply Protection Area (WS) 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) water collection, storage and distribution.

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) accessory buildings and structures.

Siting and Size

(3) Buildings and structures must be set back 6.0 metres from all lot lines.

(4) The total floor area of accessory buildings on a lot must not exceed 30 m^2.

Subdivision Lot Area Requirements

(5) The minimum lot area is 1.0 hectares.

Site–Specific Regulations

(6) 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 location where the specific regulations cited in column three apply:

Site-Specific Zone	Location Description	Site Specific Regulations
WS(a)	*Portion of LOT 11, SECTION 9, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 25736; PID 002-659-026*	Despite Subsection 8.18(2) above, no buildings or structure are permitted on this portion of the lot.

8.19 Public Park 1 (P1) Zone *(Tribune Bay)*

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) low impact public recreation and education.

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) one public education building; and

(b) other buildings and structures necessary for park and outdoor education use.

Siting and Size

(3) The minimum setback for any building or structure 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 any interior side lot line; and

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

(4) The floor area for a public education building must not exceed 186 m^2.

Subdivision Lot Area Requirements

(5) Land in the P1 zone may not be subdivided.

8.20 Public Park 2 – Undeveloped (P2) Park Zone (Mount Geoffrey Regional Nature, Helliwell, Mount Geoffrey Escarpment and Toby, Norris Islets)

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) low impact public recreation and education; and

(b) accessory uses.

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) pit toilets; and

(b) benches.

Siting and Size

(3) The minimum setback for any building or structure 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 any interior side lot line; and

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

Subdivision Lot Area Requirements

(4) Land in the P2 zone may not be subdivided.

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

(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 any interior side lot line; and

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

(5) The floor area of an accessory residential dwelling unit must not exceed 150 m^2.

(6) The total combined floor area of all accessory buildings on a lot must not exceed 100 m^2.

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:

Site-Specific Zone	Site Specific Regulations
PU(a)	Despite Subsection 8.21(1), the only permitted uses are: (a) Cemetery; (b) Public utility storage yard; (c) Highways maintenance yard; ~~and~~ (d) Recycling depot; and~~.~~ ~~(d)~~(e) Community housing.

Commented [SZ10]: As drafted there are no maximum number of dwelling units, no tenure restrictions, no floor area restrictions. Only height, setbacks and lot coverage would apply to a proposed community housing siting and use permit. Staff suggest the LTC confirm intent to regulate residential density in the PU(a) zone.

8.22 Marine Conservation (M1) Zone

Permitted Uses

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

(a) private boat anchorage and moorage.

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) mooring buoys, chains and anchors.

8.23 Marine Park (M2) Zone

Permitted Uses

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

(a) boat anchorage and moorage associated with park use.

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) mooring buoys, chains and anchors.

8.24 Mariculture (M3) Zone

Permitted Uses

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

(a) mariculture; and

(b) private boat anchorage and moorage.

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) mooring buoys, chains and anchors;

(b) markers and signs identifying mariculture lease areas; and

(c) sacks holding molluscs.

Conditions of Use

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(3) Except as permitted in Subsection 8.26(2) of this Bylaw no building or structure of any kind, including docks, floats, piers, wharves, breakwaters, fences or any other devices on or embedded into the beach, nor any structure that would impede the free and ready access by pedestrians across the beach are permitted.

8.25 Marine Access (M4) Zone (Ferry landing, boat ramp and parking area)

Permitted Uses

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

(a) marine ferry terminal;

(b) boat launching anchorage and moorage; and

(c) mobile food or take out.

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) mooring buoys, chains and anchors;

(b) buildings and structures necessary for the loading and unloading of motor vehicles and passengers from a marine ferry;

(c) boat ramps; and

(d) accessory buildings and structures.

Siting and Size

(3) The total combined floor area of all accessory buildings on a lot must not exceed 50 m^2.

8.26 Marine Service (M5) Zone (Ford Cove Dock, Hornby Island Resort and Shingle Spit)

Permitted Uses

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

(a) marina;

(b) seaplane moorage and anchorage;

(c) government wharves and breakwaters;

(d) boat rentals and sales;

(e) fish buying, packing and sales, excluding Hornby Island Resort;

(f) marine fuel sales, excluding Hornby Island Resort; and

(g) residential use of moored vessels excepting Shingle Spit.

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) floats, docks and wharves;

(b) breakwaters; and

(c) accessory buildings and structures.

8.27 Marine Private Moorage (M6) Zone (*High Salal*)

Permitted Uses

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

(a) marine navigational aids; and

(b) private boat anchorage and moorage.

Permitted Buildings, Structures and Density

(2) A maximum of one float is permitted in the M6 zone and all other buildings and structures are prohibited.

PART 9 DEVELOPMENT PERMIT GUIDELINES

9.1 Commercial Centres (Retail & Visitor Accommodations) Development Permit Area–Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Commercial Centres (Retail and Visitor Accommodations) Development Permit Area shall apply to the Hornby Island Local Trust Committee for a development permit. Development Permits issued in this area should be in accordance with the following guidelines:

(1) The character of each development (including campgrounds) should be in keeping with the rural environment and blend in with the aesthetic qualities of the natural surroundings.

(2) The form of the development should incorporate low, small-scale building designs with such amenities as public walkways and outdoor open spaces for use by the public, and include sufficient services.

(3) Natural vegetation and trees should be maintained for screening of parking and storage areas and to enhance the privacy and rural flavour of public open spaces.

(4) In order to minimize light pollution to neighbouring properties, lighting should be softer and lower than supplied by mercury vapour lighting towers, and alternatives that do not light up adjacent private properties shall be required.

(5) Off-street automobile parking should be provided as required by Bylaw and the Permit should ensure that it is adequately screened and unobtrusive and, if possible, is located to the rear of the parcel and away from public open spaces and eating places.

(6) Adequate convenient toilet and washroom facilities should be provided for the number of customers anticipated.

(7) Clustering of businesses in order to share in the provision of parking, services, and public facilities and open space should be encouraged.

(8) A landscape plan incorporating natural landscaping should be required.

(9) Neon or internally lit signs should not be permitted.

(10) All buildings should be finished in natural products such as wood or brick.

(11) On any lot where residential use is permitted the sequence of construction should be that buildings to be used only for commercial purposes should be constructed prior to any construction of any building that may accommodate residential use, with the exception that one building to be used for commercial purposes that includes one dwelling unit may be constructed, if authorized by zoning regulation, in any sequence of construction on the lot.

(12) Universal access design principles should be incorporated into the built environment to support the provision of equitable access for all abilities.

9.2 Development Permit Area No. 1 (DPA 1): Water Supply Protection – Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Water Supply Protection Development Permit Area shall apply to the Hornby Island Local Trust Committee for a development permit. Development Permits issued in this area should be in accordance with the following guidelines:

(1) Before any residential development is permitted on a new lot created by subdivision there should be a "filing" of an on-site waste disposal plan, in compliance with the Sewerage System Regulation and provisions for water catchment and storage in the development plans.

(2) All development that takes place within this Development Permit Area should be done in a way that minimizes the degradation of water quality in surrounding wells.

(3) If the applicant proposes to or does remove vegetation, then a plan proposed by a professional engineer or biologist with expertise in the area of ground water conservation should be provided setting out any potential impact of the proposed development, together with any protection measures that could be included, including vegetation or trees to be planted, to control storm water drainage, and works should be constructed or natural features should be enhanced or restored to protect stormwater quality.

(4) If a proposed land subdivision is to create additional new lots within this Development Permit Area, then any new lots, roads, building sites, septic fields and driveways should be located and constructed in a way that protects the quality of drinking water supplied from surrounding wells.

(5) If any development or alteration of land is proposed for Lot 11, Plan 25736, protection measures and drainage works should be specified and implemented, to ensure that surface water is directed away from the wells on Lot A, Plan 19879 and Lot 19, Plan 23650. This would require a ditch of sufficient capacity to carry the runoff and that it not pass within 30 metres of the community well seepage trench as defined in the study prepared by Piteau Associates Engineering Ltd. dated October 25, 2002. This system should also ensure that the area around the well on Lot 19, Plan 23650 is not flooded by any such development.

9.3 Development Permit Area No. 2 (DPA 2): Community Service Use - Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Community Service Use Development Permit Area shall apply to the Hornby Island Local Trust Committee for a development permit. Development Permits issued in this area should be in accordance with the following guidelines:

(1) Before any new development is permitted, there should be approval of a permitted sewage and used water system.

(2) A significant portion of the water required by a new development should be provided by a rainwater catchment and storage system.

(3) Any development involving activities that may utilize potential contaminants (such as, for example, an automotive service operation) should,

  (a) include a containment system to ensure that no contaminant enters the ground, and

  (b) comply with any applicable Provincial environmental standards and guidelines.

(4) A hydrology study may be required to identify any adverse impacts of a proposed development upon the groundwater recharge function of the land or upon the quantity or quality of the water resource of existing users. Where such impacts are identified, measures should be required to mitigate the impacts before development is permitted. A hydrology study will be required where a proposed development involves significant removal of vegetation, significant alteration of the ground, significant alteration of surface drainage, or significant use of groundwater.

Exemptions:

(5) A Development Permit will not be required for additions to existing buildings or for accessory buildings or other structures where the addition:

(a) Does not involve alteration of the ground;

(b) Does not involve any removal of vegetation; and

(c) Does not result in any additional activities or uses of the building or structure, or increased levels of water or sewage use in the building or structure.

9.4 Development Permit Area No. 3 (DPA 3): Water Resource Protection – Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Water Resource Protection Development Permit Area shall apply to the Hornby Island Local Trust Committee for a development permit. Development Permits issued in this area should be in accordance with the following guidelines:

(1) If any vegetation is to be removed then protection measures should be provided including vegetation or trees to be planted, to control storm water drainage and works should be constructed or natural features should be enhanced or restored to protect surface water and groundwater quality.

(2) Any new roads, building sites, driveways and septic fields should be located and constructed in a way that will minimize interference with the hydrological regime (including the natural flow of water on or below the surface of the land) and will not cause the deterioration of surface water or groundwater quality on the subject land or adjacent lands.

Exemptions:

(3) A development permit will not be required for: accessory buildings or subdivisions where all of the lots being created are greater than 4 hectares in area.

9.5 Development Permit Area No. 4 (DPA 4): Mt. Geoffrey Escarpment – Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Mt. Geoffrey Escarpment Development Permit Area shall apply to the Hornby Island Local Trust Committee for a development permit. Development Permits issued in these areas should be in accordance with the following guidelines:

(1) No permanent buildings or structures should be permitted in the area subject to flooding or sloughing.

(2) No septic tank or deposit field should be constructed in the portion of the site that drains into the wetlands.

(3) Alteration of the natural drainage of areas within the permit areas should be minimized and scrutinized for impact and prohibited if such alteration would have a negative impact on the area being protected.

(4) Where the Ministry of Environment & Climate Change Strategy has requested it, vegetation should be retained or planted to control erosion or protect banks.

(5) Areas of 30% slope or greater should remain free of development except in accordance with any conditions contained in the Permit.

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9.6 Development Permit Area No. 6 (DPA 6): Riparian Areas – Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Riparian Areas Development Permit Area shall apply to the Hornby Island Local Trust Committee for a development permit, unless the proposed activity is otherwise exempted by Subsection 9.6.2.

9.6.1 Applicability

The following activities shall require a development permit whenever they occur within the Development Permit Area, unless specifically exempted below:

(a) Subdivision of land;
(b) Construction of, addition to or alteration of a building or other structure;
(c) Alteration of land;
(d) Development as that term is defined in the *Riparian Areas Regulation, BC Fish Protection Act*; and
(e) Installation of any structures within a stream or within the natural boundary of a lake.

INFORMATION NOTE*: The installation of a culvert and construction of a driveway access from a highway is exempt from the requirement to obtain a development permit.*

A separate development permit, or additional development permit conditions in a single permit, may be required or imposed if the development is occurring in another Development Permit Area designated in this plan.

9.6.2 Exemptions

The following activities are exempt from any requirement for a development permit:

(a) works undertaken by a local government or a body established by a local government;
(b) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
(c) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
(d) repair or replacement of a septic field on the same spot;
(e) the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
(f) with the exception of nesting trees protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 15.0 metres from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, the roots/stumps are left in the ground, and the cutting does not result in land alteration;
(g) gardening and yard maintenance activities, not involving the application of artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;
(h) manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
(i) pruning of not more than two trees in one growing season and that is conducted in accordance with the standards and recommendations of the International Society of Arboriculture, and that does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less

than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;

(j) ecological restoration or enhancement projects undertaken or authorized by a public body;

(k) changes in or about a stream authorized under Section 11 of the *Water Sustainability Act*;

(l) work that is authorized by Fisheries and Oceans Canada by permit under Section 35 of the *Fisheries Act;*

(m) emergency procedures to prevent, control or reduce immediate threats to life or property including:

  i. emergency actions for flood-protection and erosion protection,

  ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow, and

  iii. repairs to bridges and safety fences carried out in accordance with the *Water Sustainability Act;*

(n) farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Part 2 of the Agricultural Land Reserve Use Regulation and horticulture as defined in the Hornby Island Land Use Bylaw 150;

(o) The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence, or 1.5 metres on either side of the fence in agricultural areas;

(p) The construction of a private trail if all of the following apply;

  i. The trail is 1.0 metre wide or less,

  ii. No native trees are removed,

  iii. The surface of the trail is pervious (for example, soil, gravel or wood chips),

  iv. The trail is designed to prevent soil erosion where slopes occur, and

  v. Where the trail parallels the stream, the trail is more than 5.0 metres away from the high water mark of a stream;

(q) Disturbance of soils more than 15.0 metres from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5.0 metres squared;

(r) The constructing of a small accessory building such as a pump house, gazebo, garden shed or playhouse more than 15.0 metres from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10.0 metres squared;

(s) Any development more than 8.0 metres from a stream that is a roadside ditch which does not contain instream habitat for fish according to the Stream Identification Reports prepared for Hornby Island by Madrone Environmental Services (January 2014) and Mimulus Biological Consultants (March 2012).

INFORMATION NOTE: *For best management practices on manual removal of invasive species and planting of native vegetation, property owners should contact organizations such as the Invasive Species Council of British Columbia and the Coastal Invasive Species Committee.*

INFORMATION NOTE: *Some activities not listed here that are regulated under other provincial or federal legislation may not require a development permit.*

9.6.3 Guidelines

Prior to undertaking any development activities within the Riparian Areas DPA an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

(a) In general, all development in this DPA should be undertaken in a manner that minimizes impact on and that restores or maintains the proper functioning condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.

(b) The development permit should not allow any development activities, including the storage or application of pesticides and other chemicals for non-essential cosmetic purposes, to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP or riparian buffer recommended by another professional adjacent to a non-RAR applicable watercourse, lake or wetland, and the owner should be required to implement a plan for protecting the SPEA or riparian buffer over the long term through measures that may be implemented as conditions of the development permit.

(c) Where the QEP or other professional's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.

(d) If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.

(e) The Local Trust Committee may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report.

PART 10 TEMPORARY USE PERMIT AREAS

10.1 Temporary Use Permits

Section 492 of the *Local Government Act* provides that temporary uses may be permitted in areas designated in a zoning bylaw. Upon application by a property owner the Local Trust Committee can issue a Temporary Use Permit through resolution. The permit can allow a use not permitted by the land use bylaw, the conditions of use and the time period. Temporary Use Permits can be issued for a term up to three years and may be renewed one time only. The objectives for this subsection are found in the Hornby Island Official Community Plan.

Commented [SZ11]: All TUP Objectives to remain in the OCP and not duplicated in the LUB. Only guidelines to appear in the LUB.

~~**10.2 Objectives**~~

~~The objectives of this subsection are:~~

~~(1) to consider allowing a temporary event as per OCP Policy 6.5.1.10;~~

~~(2) to allow for a period of evaluation of new commercial ventures that do not involve significant new development prior to an application for rezoning as per OCP Policy 6.5.1.10;~~

~~(3) to allow particular uses for a period of time to enable impacts to be assessed before any further permitting of the use as per OCP Policy 6.5.1.10;~~

~~(4) to consider allowing transport of ground water off a lot where the water is extracted as per OCP Policy 5.1.4;~~

~~(5) to consider allowing temporary seasonal or emergency accommodations as per OCP policies 6.3.5.18 and 6.3.5.19;~~

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~~(6) to consider allowing detached housing for a relative or caregiver of occupants of the residence as per OCP Policy 6.3.5.14 in association with a housing agreement or by such other means as are available to encourage occupancy by a relative or caregiver;~~

~~(7) to consider allowing temporary non-agricultural uses on land within the Agricultural Land Reserve or on land used for agriculture where there is minimal negative impact upon the agricultural land values and where applicable approval has been received from the Agricultural Land Commission as per OCP Policy 6.4.2.5;~~

~~(8) to allow light industrial home occupations that require a more rigorous permitting process than provided for under land use regulations for extended home occupations as per OCP Policy 6.5.5.9; and~~

~~to allow vacation home rental use that does not comply with limitations imposed by land use regulation.~~

10.2~~3~~ Guidelines

(1) Upon application, Temporary Use Permits may be considered for all parcels of land within the Hornby Island Local Trust Area, with the following exclusions:

(a) properties less than one quarter of a hectare except when the application is for vacation home rental use;

(b) land zoned as public park, ecosystem management area or water supply protection, as shown on Schedule B; and

(c) a parcel identified as an environmentally sensitive area, as shown on Schedule D1 or D2 of the Hornby Island Official Community Plan Bylaw No. 149, unless information is provided to illustrate that the proposed land use does not negatively impact the environmentally sensitive features.

(2) Applications for Temporary Use Permits may be referred to the Advisory Planning Commission which may be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.

(3) 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.

(4) A professional assessment of hydrological impacts may be required when the proposed use is within an identified groundwater recharge area or an aquifer classified as heavily developed.

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(5) Where approvals are required from other agencies, these should be obtained prior to the issuance of a Temporary Use Permit.

(6) The general conditions for issuing a Temporary Use Permit are as follows:

(a) adequate off-road parking should be provided;

(b) confirmation that site conditions allow for adequate provisions for approved waste disposal;

(c) commercial uses (other than very short term uses or vacation home rentals) should be screened from adjacent residential uses;

(d) industrial uses should be screened from adjacent properties and roads;

(e) there should be adequate setbacks of the use to minimize impacts upon adjacent properties;

(f) noise generation should be addressed to prevent disturbance of the neighbourhood and to ensure compliance with regional district regulations;

(g) the use should be conducted so as to not risk contamination of the land, surface water or groundwater, including by making adequate provision for the safe storage of toxic materials;

(h) water supply should be addressed so as to not create negative impacts upon existing common water sources;

(i) other potential impacts upon the neighbourhood should be mitigated, including by limitations upon the hours of operation where appropriate;

(j) the owner of the property may be required to provide a security to guarantee the performance of the terms of the permit and should be required to provide an undertaking to demolish or remove any building or structure and to restore the land to a condition specified in the permit, especially in circumstances where temporary housing is provided and such housing is no longer used for such temporary purposes; and

(k) lands with good agricultural potential should not be compromised by any use permitted by a Temporary Use Permit.

(7) Applicants for Temporary Use Permits should address the issues identified in these policies in their applications and are strongly encouraged to consult with neighbours about the proposed use prior to making application.

(8) Light industrial activities which require specific consideration of impacts with respect to environmental protection, water use, waste generation, noise, odour, parking, or neighbourhood character, may be allowed upon application for a Temporary Use Permit that will contain specific conditions to address these impacts.

(9) The Local Trust Committee should consider the climate change impacts of any significant change in reviewing temporary use permit applications.

(10) When considering the issuance of a temporary use permit for a vacation home rental, the following additional guidelines apply:

a) the cumulative effects, both positive and negative, on the neighbourhood and island of all temporary use permits issued for vacation home rentals shall be considered by the Local Trust Committee;

b) applicants for a temporary use permit should provide documentation from a qualified professional that:
i) the septic tank has been inspected in the last 6 months and is working and capable of supporting the proposed occupancy load for the vacation rental use; and
ii) there is sufficient quantity and quality of potable water to support the vacation rental use.

Commented [SZ12]: LTC to confirm all relevant vacation home rental guidelines are reflected in this section.

c) a condition of the permit should require the permit holder to post information for guests about awareness and sensitivity to the significant First Nations cultural heritage and archaeological sites on the island;

d) a condition of the permit should prohibit recreational vehicles or camping;

e) a condition of the permit should allow vacation rental use only between May 1 – September 30;

f) a condition of the permit should allow no more than 2 beds per bedroom and no more than three bedrooms to be used for dwellings on lots less than 1.0 hectare in size; or more than four bedrooms if the lot has an area of 1.0 hectare or more.

g) a condition of the permit should restrict occupancy during any period of seven consecutive days to only one guest or guest party;

h) a condition of the permit should limit occupancy and signage on the property;

i) a condition of the permit should require specific information to be posted to guests regarding the location of property lines by way of a map, any applicable noise bylaws, measures to address water conservation, fire safety, storage and management of garbage, septic system care and control of pets (if pets are permitted) as stated in the permit or as determined by the owner or manager to effectively manage the site; and

j) any other requirements the Local Trust Committee may consider appropriate.~~In consideration of applications for vacation home rentals the Local Trust Committee may consider the following:~~

~~the cumulative effects, both positive and negative, on the neighbourhood and island of all temporary use permits issued for vacation home rentals;~~

~~limitations on any signage that may be placed on the property;~~

~~a requirement for information to be posted that will inform guests regarding the location of property lines by way of a map, any applicable noise bylaws, measures to address water conservation, fire safety, storage and management of garbage, septic system care and control of pets (if pets are permitted) in accordance with standards applicable by regional district bylaw, as stated in the permit or as determined by the owner or manager to effectively manage the site;~~

~~the proposed maximum number of occupants;~~

~~the proposed time periods that the dwelling will be available for rental or months of the year when the rental will occur; and~~

~~other considerations the LTC considers appropriate.~~

STAFF REPORT

DATE OF MEETING:	September 13, 2024
TO:	Hornby Island Local Trust Committee
FROM:	Sonja Zupanec, Island Planner (Regional Planning Team) Northern Office
SUBJECT:	Consideration of reallocation of major project funds

RECOMMENDATION:

The Hornby Island Local Trust Committee requests that staff inform the Financial Planning Committee about the reallocation of $31,500 from the Hornby major project budget, approved for "First Nations Relationship Building," to the current major project budget for the "Official Community Plan and Land Use Bylaw Review" to support the technical and legal review with First Nations, and take all necessary steps to execute the reallocation of funds.

REPORT SUMMARY

The purpose of this report is to advise the Hornby Island Local Trust Committee (LTC) that the major project for 2024/25 First Nations Relationship Building is unlikely to be commenced as a separate major project prior by the end of this fiscal year, and that budget funds may be reallocated to the current Official Community Plan (OCP) and Land Use Bylaw (LUB) review to enhance ongoing technical and legal review with First Nations.

BACKGROUND

An LTC has the authority to reallocate approved major project funds to either an existing or new major project, in accordance with Islands Trust Policy 6.5.2 (attached), which requires notification to the Financial Planning Committee. Currently, the LTC has an approved budget of $31,500 for the 2024/25 fiscal year, allocated to a new major project focused on building relationships with First Nations.

The LTC is already involved in a major project that includes an Official Community Plan (OCP) and Land Use Bylaw (LUB) review, which includes significant engagement with the K'omoks and Qualicum First Nations. Since this project is expected to continue into the next fiscal year, it is unlikely that the LTC will be able to start a second major project. Additionally, unspent funds will not carry over to the next fiscal year.

Staff have identified an opportunity to enhance the current OCP/LUB review by reallocating the $31,500 from the First Nations relationship-building project to the existing OCP/LUB project. This reallocation would support a more comprehensive summary of recommendations from the First Nations engagement phase, scheduled to be completed by spring 2025, by enabling a more thorough technical and legal review of these recommendations.

Rationale for Recommendation: The current OCP/LUB Review Project would benefit from additional financial resources to conclude the technical and legal review intended to inform targeted recommendations from the First Nations engagement phase of the project.

ALTERNATIVES

1. **Not reallocate funds:** If the LTC wishes to keep the $31,500 in the budget until March 31, 2025 there is high likelihood the funds will be unspent and not available to the LTC in the next budget cycle. No resolution is required if this alternative is selected.
2. **Proceed no further with the current OCP/LUB project and commence a new First Nations relationship building project:** If the LTC wishes to suspend or end the current OCP/LUB Review project and focus on First Nations relationship building the suggested wording for a resolution is: *"That the Hornby Island Local Trust Committee proceeds no further with Proposed Bylaws Nos. 176 (OCP) and 177 (LUB) and requests staff to draft a project charter to commence the First Nations Relationship Building major project for LTC consideration of next steps."*

NEXT STEPS

If the LTC concurs with the staff recommendation, staff will inform Financial Planning Committee and prepare an updated Project Charter for the OCP/LUB Review Project to show the increase in project budget funds and how they will be utilized in this fiscal through a revised work plan.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner (Regional Planning Team)	August 29, 2024
Concurred By:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	August 29, 2024

ATTACHMENT:

1. Trust Council Policy 6.5.2 Budget control and adjustment authority

Policy:	6.5.2
Approved By:	Trust Council
Approval Date:	March 10, 1993
Amendment Date(s):	June 10, 2004; March 13, 2008; September 16, 2010; September 11, 2013
Policy Holder:	Director of Administrative Services

BUDGET CONTROL AND ADJUSTMENT AUTHORITY

Purpose

This policy provides the authority by which periodic adjustments can be made to the approved annual operating budget and the timing when Trust Council and the minister have to be notified of either changes to the budget or anticipated operating deficits.

A. Definitions

General Ledger Account - General Ledger (GL) accounts summarize the budgeted expenses for a certain activity for the entire organization. For example, GL Account 69000 (Office – rent & services) summarizes the office rent/services budget for all office locations within Islands Trust.

Location Code – Location codes are used in the general ledger, in combination with the General Ledger Account to specify the finest level of detail in the budget. Location codes are used for physical locations and/or organizational units (see Appendix A).

Operational Unit - Operational units are the four broad categories in the organization (Trust Council, Islands Trust Conservancy Board, Local Planning Services and Administrative Services) that perform specific activities for the Islands Trust. This organizational arrangement also supports the development and presentation of the budget as required in the *Islands Trust Act,* s*.14.3 (c)*. In the general ledger, the Operational Units are defined by groupings of location codes, as illustrated in Appendix A.

Political Entity - The *Islands Trust Act* grants corporate status to Islands Trust Council, Local Trust Committees and the Islands Trust Conservancy Board.

Provided for in the Annual Budget - The *Islands Trust Act* uses the phrase "provided for in the annual budget" when defining a lawful expense. For the purposes of this policy an expenditure is provided for in the annual budget if the detailed budget documents approved by Trust Council have:

- Identified a type of expenditure by general ledger account (eg. rent, salaries); and,
- Approved a budget amount for the general ledger account.

Also, a general ledger account may be provided with a budget to fund non-specified activities (eg. Special Projects – Local Planning) where the non-specified activities fall within the normal range of activities for one of the Operational Units.

B. Background

1. The goal of this policy is to provide the authority matrix and procedures for budget adjustments. The policy also specifies when the minister responsible for the *Islands Trust Act* needs to be notified of changes to the budget.

2. The Islands Trust expenditure budget is presented to Trust Council in Schedule A of the annual Financial Plan Bylaw, and subsequently to the minister responsible for the *Islands Trust Act*, in three categories: Trust Council, Local Planning Services (which includes LTC expenses) and Islands Trust Conservancy Board. The expenditures for the Administration Operational Unit are allocated to the three other Operational Units based on the proportion of their budgeted expenditures before considering Administration. This presentation format is defined in the *Islands Trust Act*.

   Islands Trust prepares an expenditure budget with much more detail than is provided in Schedule A of the Financial Plan Bylaw, with budgeted amounts assigned to GL Account/Location Code combinations.

3. As operations unfold during a fiscal year, situations often arise that are not precisely aligned with the way the detailed budget was developed and approved. For example, a vacancy in a salaried staff position may require a temporary contract with a consultant to continue the workflow until the staff position can be filled.

   An organization can address a changed approach to financial expenditures in one of two ways, while still maintaining the same total expenditure budget:

   3.1 Overspend in one expense area (eg. contracted services), while underspending in another area (eg. salaries and benefits). In financial reporting at the detail level, this approach retains the original financial plan but requires some variance analysis to explain why the actual expenditures did not follow the original plan.

   3.2 Adjust the budget so the area requiring greater expenditures (e.g. contracted services) receives a transfer of budget funds from the area requiring lesser expenditures (e.g. salaries and benefits). In financial reporting at the detail level, this approach loses the intent of the original financial plan, but does not require any variance analysis.

   In most cases, Islands Trust will use approach 3.1 so that the original approved budget can be compared against actual results.

C. Policy

1. The authority to administer the Islands Trust Operating Budget is provided to the Treasurer and Chief Administrative Officer (Deputy Treasurer).

2. In general, budget adjustments will not be required within an Operational Unit for expenditures that are at variance with the budget.

3. When an actual or anticipated over-expenditure (whichever comes first) exceeds $20,000 for a project or general ledger budget line within an Operational Unit, management must inform

the Executive Committee at the next scheduled Executive Committee meeting, and continue to provide reports on the status of the project or budget line to the Executive Committee on a monthly basis; or, as frequently as requested by the Executive Committee. Upon being informed of over-expenditure, the Executive Committee will decide what initial corrective action will be taken, if any.

Copies of all Executive Committee notifications and reports on over-expenditures will be copied to members of the Financial Planning Committee.

4. In cases where there is a desire to revise the budget within an Operational Unit, the change will be initiated at the request of the manager for that Operational Unit, or by the Chief Administrative Officer (CAO). A request for adjustments to the budget must be forwarded to the Treasurer for implementation, and must include both program and financial implications. The Financial Planning Committee must be informed of budget changes within an Operational Unit at the next scheduled meeting of the Committee. Any funds generated by a special tax requisition within a Local Trust Area must be used in accordance with Section B.6 of Trust Council Policy 6.3.2 – *Special Property Tax Requisition*.

5. In cases where there is a recommendation by management to transfer current year budget funds that are associated with a particular Local Trust Committee (LTC), from that Local Trust Area to another Local Trust Area, the LTC must pass a resolution approving the transfer, specifying the dollar amount and the budget affected before the budget transfer will be processed. Examples of budget funds associated with a particular LTC are budgets for Official Community Plans (OCPs), Land Use Bylaws (LUBs) or current year program items. Any funds generated through a special tax requisition within a Local Trust Area may not be transferred for use within another Local Trust Area.

6. In cases where there is a desire to transfer budget money from one Operational Unit to another, a Request for Decision must be forwarded to the Financial Planning Committee and subsequently to Trust Council for approval.

   In cases where a proposed budget adjustment between Operational Units is approved by Trust Council, a new financial plan bylaw is required along with ministerial approval.

7. Unbudgeted revenue may be received during a fiscal year and expended on goods or services that are provided for in the annual budget without a budget adjustment or notification to the minister.

   Expenditures on unbudgeted goods or services that are not provided for in the annual budget must be approved with a new financial plan bylaw and ministerial approval before the expenditures are made.

8. During a fiscal year, special circumstances may require expenditures in excess of the total budgeted expenditures for an Operational Unit. In these circumstances, and when the actual or anticipated over-expenditure (whichever comes first) exceeds $50,000, management must inform the Executive Committee at the next scheduled Executive Committee meeting and provide a proposal to mitigate the impact of the over-expenditure.

   Copies of all Executive Committee notifications and reports on over-expenditures will be copied to members of the Financial Planning Committee. The Financial Planning Committee will decide on what notification is required for Trust Council.

   The minister must be informed if over-expenditures are expected to produce a deficit from operations for Islands Trust as a whole that exceeds $100,000.

D. Legislated References

n/a

E. Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

n/a

Appendix A

Islands Trust Location Codes (as of August 2010)

Operational Unit	Sub-Unit Descriptions	Location Code
Trust Council	Council	100
	Executive	110
	Trust Area Services	150
Trust Fund Board	Islands Trust Fund	210
	ITF - recovery (eg Naptep)	220
Local Planning Services	Victoria planning office	510
	Ganges planning office	520
	Gabriola planning office	530
	Mapping Services	540
	Bylaw Enforcement	580
	Director of LPS	590
LTCs (included in LPS for budgeting purposes)	Executive Islands	610
	Denman	615
	Gabriola	620
	Galiano	625
	Gambier	630
	Hornby	635
	Lasqueti	640
	Mayne	645
	N. Pender	650
	Salt Spring	655
	Saturna	660
	S. Pender	665
	Thetis	670
	Exec on LTCs	675
Administration	Victoria Admin office	810
	Chief Admin Officer	820
	Finance/HR/Info Systems	830
	Trust-wide general	999

STAFF REPORT

File No.: OCP/LUB Review

DATE OF MEETING:	January 24, 2025
TO:	Hornby Island Local Trust Committee
FROM:	Sonja Zupanec, RPP, MCIP Northern Team
SUBJECT:	Summary of Referral Responses for Proposed Bylaw Nos. 176 (OCP) and 177 (LUB)

RECOMMENDATION

1. **That the Hornby Island Local Trust Committee request staff to schedule a special electronic meeting in February 2025 to:**

    i. **Review and discuss preliminary data and mapping from the "Hornby Island Suitable Land Analysis Project"; and**

    ii. **discuss implications of the land analysis data on possible amendments to proposed Bylaw Nos. 176 (OCP) and 177 (LUB).**

2. **That the Hornby Island Local Trust Committee authorize the release of up to $150 from the Major Project budget to cover local advertising expenses to promote the special electronic meeting in February 2025.**

3. **That the Hornby Island Local Trust Committee request staff to invite members of the Advisory Planning Commission to attend the special electronic meeting in February 2025 to learn about the Hornby Island Suitable Land Analysis Project and potential implications on the proposed bylaws being considered by the LTC.**

4. **That the Hornby Island Local Trust Committee defer consideration of bylaw amendments or further readings of Proposed Bylaw Nos. 176 and 177 until the Suitable Land Analysis project has been completed in March 2025 and the LTC has considered the data and recommendations.**

5. **That the Hornby Island Local Trust Committee request staff to continue working on the Hornby Island OCP/LUB Review Project as a minor project commencing April 1, 2025 and request the Director of Planning Services to allocate $5,000 from the 2025-2026 fiscal budget.**

6. **That the Hornby Island Local Trust Committee endorse the revised project charter for the Hornby Island OCP/LUB Review Project upon confirmation of minor project funding in March 2025.**

REPORT SUMMARY

This report summarizes referral responses for Proposed Bylaw Nos 176 (OCP) and 177 (LUB) to amend the Official Community Plan and Land Use Bylaws with regards to the objectives in the project charter. Staff is recommending that consideration of amendments to both proposed bylaws be deferred until after the Local Trust Committee has reviewed the draft "Suitable Land Analysis" project data and mapping in February 2025 and considered the referral response from K'omoks First Nation. All relevant background information is posted to the Islands Trust project webpage.

BACKGROUND

On August 9, 2024 the Hornby Island Local Trust Committee (LTC) gave first readings to Proposed Byaw Nos. 176 (OCP) and 177 (LUB) and forwarded the bylaws to agencies and First Nations for comment. A summary of referral responses received to date are included in Attachment 1.

In early 2024 the Islands Trust Freshwater Specialist secured funding for "Suitable Land Analysis" (SLA) mapping and data to be collected for various Islands across the Trust where active projects were underway proposing increases in density or intensity of use. Planning staff were advised on January 9, 2025 that the project is now nearing completion and presentation of initial findings to the LTC are proposed for February 2025. The results of this project are anticipated to have potential implications on the proposed bylaws under consideration by the LTC.

ANALYSIS

Issues and Opportunities

Staff have identified the following preliminary issues and opportunities, discussed in more detail below.

Summary of Public Input and Referral Responses (Attachment 1)

Attachment 1 summarizes the referral responses received up until the time of report writing. Staff have provided preliminary comments for LTC consideration of next steps. The Advisory Planning Commission has prepared a "Rationale to accompany the minutes of the HOAPC November 29, 2024" document (Attachment 2) which summarizes fifteen categories of recommendations and rationale from the APC discussions.

All public correspondence is posted to the project webpage and updated weekly. The LTC is encouraged to regularly review submissions and identify to staff any specific matters it wishes to explore or discuss during the major project agenda item.

Suitable Land Analysis (SLA) Tool Overview

Informed by the Islands Trust Freshwater Sustainability Strategy, the SLA Tool prioritizes protecting freshwater resources. This tool has been focused on analysis for North Pender, Mayne, Denman and Hornby Islands as these islands have active LTC initiated projects proposing increases in density or intensity of use of land. Planning staff have been advised by the Islands Trust Freshwater Specialist that the preliminary data for Hornby Island is ready to be presented to the LTC for review and comment in February 2025.

The contract work and analysis is intended to be completed by March 31, 2025 and the results of the analysis can significantly support the implementation of the OCP and LUB Review Project. The data is intended to be used to ensure land-use aligns with sustainability objectives and protects critical habitats and landscapes. The SLA Tool is designed to evaluate and prioritize areas of the island suitable for sustainable development, emphasizing environmental conservation and community resilience. It employs Multiple-Criteria Decision Analysis (MCDA) to balance ecological, social, and economic factors. It

integrates data on ecological sensitivity, freshwater sustainability, transportation, infrastructure, and slope stability to guide informed land-use decisions.

The K'omoks First Nation (KFN) have been advised by planning staff that this tool is nearing completion and could inform the Hornby OCP and LUB review project. The Nation has responded to the referral for Proposed Bylaw Nos. 176 and 177 indicating that they wish to review the SLA data and mapping prior to responding to the proposed increase in density on the island through secondary suites, on most residentially zoned lots. A meeting is tentatively scheduled between planning staff and KFN staff for late January/early February to review the preliminary data and mapping. Staff are actively engaged with KFN staff to formalize an engagement summary document for review and endorsement by KFN. This summary will then be presented to the LTC with recommendations for next steps in the OCP/LUB review project.

Staff recommends that LTC consideration of amendments to both proposed bylaws be deferred until after the Local Trust Committee has reviewed the draft "Suitable Land Analysis" project data and mapping in February 2025 as per the recommendations on page 1 of this report.

Major vs Minor Project Classification

The major funding for the Hornby OCP/LUB Targeted Review Project will expire at the end of the fiscal year (March 31, 2025). The project will need to transition to minor project status and qualify to access up to $5,000 per year in minor project funding.

There is a critical window of opportunity to continue with the project and move the process toward completion. The Regional Planning Team will continue to lead the project with support from the Hornby Island Planner. The project is already well underway and maintaining momentum will ensure that it is completed efficiently and in a timely manner, with First Nations input and ensuring that the OCP and LUB are updated by March 2026.

By Trust Council policy 5.9.1, an LTC can have one active minor project at a time. Staff recommends the LTC request $5,000 in minor project funding for the 2025/26 fiscal year and review an updated project charter to reflect the amended budget and timelines as per the staff recommendations on page 1.

RATIONALE FOR RECOMMENDATIONS

The timing of the completion of the suitable land analysis project now coincides with the LTC consideration of possible amendments to Proposed Bylaw Nos. 176 and 177. Staff recommend a review of the SLA data prior to advancing the bylaws to further readings or public hearing. The staff recommendations are found on page 1 of this report.

ALTERNATIVES:

1. **Amend the Proposed Bylaws based on referral responses received to date.**

   The LTC can amend the proposed bylaws and/or give further readings based on the referral responses received to date. If this alternative is selected, the suggested resolutions would be:

   "That Hornby Island Local Trust Committee Bylaw No. 176 cited as "Hornby Island Official Community Plan Bylaw No.149, 2014, Amendment No. 1, 2024" be amended by (specify amendments)"

   "That Hornby Island Local Trust Committee Bylaw No. 177 cited as "Hornby Island Land Use Bylaw No.150, 2014, Amendment No. 1, 2024" be amended by (specify amendments)"

"That Hornby Island Local Trust Committee Bylaw No. 176 cited as "Hornby Island Official Community Plan Bylaw No.149, 2014, Amendment No. 1, 2024" be read a second time."

"That Hornby Island Local Trust Committee Bylaw No. 177 cited as "Hornby Island Land Use Bylaw No.150, 2014, Amendment No. 1, 2024" be read a second time."

Next Steps

If the LTC concurs with the staff recommendations, staff will schedule and advertise for a special electronic meeting in February and invite the APC members to attend.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	January 10, 2025
Concurrence:	Renee Jamurat, RPP, MCIP, Regional Planning Manager	January 13, 2025

ATTACHMENTS

1. Summary of Referral responses received as of January 10, 2025
2. Advisory Planning Commission Rationale document - December 15, 2024
3. Proposed Bylaw No. 176 (OCP)
4. Proposed Bylaw No. 177 (LUB)
5. Revised Hornby OCP/LUB Review Project Charter, version 2.4

ATTACHMENT 1 – SUMMARY OF REFERRAL RESPONSES

TABLE 1. SUMMARY OF REFERRAL RESPONSES RECEIVED AS OF JANUARY 10, 2025 FOR PROPOSED BYLAW NOS. 176 (HO OCP) AND 177 (HO LUB)

Agency or First Nation	Referral Response Summary	Planning Staff Comments
K'omoks First Nation	*"Regarding Hornby Proposed Bylaw Nos. 176 and 177 the K'omoks First Nation have been advised by Islands Trust Planning staff that data from a Denman and Hornby Island suitable land analysis study will be available in early 2025, which may inform our response to the proposed amendments. KFN may be able to respond to the request for a referral response after reviewing the results of the suitable land analysis."*	*KFN staff have been invited to a meeting to review the preliminary data and mapping for both Hornby and Denman Islands. Staff recommend the LTC defer further consideration of any changes to the proposed bylaw until it also reviews the SLA data/mapping and KFN response, to determine possible implications on the proposed changes in Bylaw Nos. 176 and 177.*
Island Health	▪ Keeping of Chickens on Residential Lots: Island Health staff recommend consideration of a minimum lot size; minimum coop and run size and model bylaws for keeping of hens as per the following links: https://www.saanich.ca/EN/main/community/agriculture-food-security/saanich-agricultural-regulations/backyard-chickens.html The BC SPCA has a page link to model bylaws. Reducing Health Risks Associated with Backyard Chickens – evidence brief prepared by Public Health Ontario. Recommendations for minimum coop / open run space per chicken for example 4 to 6 square feet of coop space per bird and 8 – 10 square feet of run space per bird. https://www.publichealthontario.ca/-/media/documents/e/2017/eb-backyard-chickens.pdf?sc_lang=en ▪ Recommend occupancy limits for vacation rentals. ▪ Recommend minimum lot size for secondary suites be 2ha and that suites be located wholly within or attached to principle residence and not be permitted to be detached. Define "attached". Define how adequate quality and quantity of potable water is to be achieved so	*Planning staff have been in contact with IH staff and have requested a written bylaw referral response to capture the comments staff have received to date. Staff recommend the SLA data and mapping can be supportive in addressing options to proceed with respect to regulating secondary suites. All suggested referral recommendations can be brought back for LTC consideration.*

Agency or First Nation	Referral Response Summary	Planning Staff Comments
	that it includes chemical parameters not just biological. Use Guidelines for Canadian Drinking Water Quality. ▪ Recommend clarifying maximum residential density of the PUa zone for community housing. ▪ Recommend RVs not be permitted to be used as permanent dwellings.	
Denman Local Trust Committee	The bylaw referral is on the DE LTC Jan 21 agenda for consideration. A verbal update from planning staff anticipated January 24, 2025.	
Hornby Island Advisory Planning Commission	The APC has recommended several changes to the proposed bylaws (see minute in January 24, 2025 agenda package and Attachment 2 of this report). Below is a brief summary: ▪ Permit secondary suites or additional dwelling units on all lots and limit size and tenure (residential only). ▪ Adopt new definition of secondary suite and term "short term rental" to align with provincial regulations. ▪ Not re-classify Sandpiper and Galleon subdivisions as 1A. Require at time of Siting and Use Permit for secondary suite, verification of adequate water and septic capacity. ▪ Support vacation rental business licensing rather than TUP. ▪ Remove provisions for secondary suites from Shire, Syzygy and Downes Point properties. ▪ Consider capping number of vacation rentals. ▪ Re-consider time period for vacation rentals with community consultation.	*Staff recommend the LTC defer further consideration of any changes to the proposed bylaw until it (and the APC) also reviews the SLA data and mapping to determine possible implications on the proposed changes in Bylaw Nos. 176 and 177. All suggested referral recommendations can be brought back for LTC consideration.*

Agency or First Nation	Referral Response Summary	Planning Staff Comments
	▪ Supports allowing chickens on 1 ha or smaller lots and no roosters but recommends consultation with residents and property owners on rooster regulation. ▪ Out of scope planning recommendations for A1 zoned properties and aquifer vulnerability and designations.	
Comox Valley Regional District	A formal referral response had not been received by the CVRD although staff have indicated that they are interested to learn how the LTC proceeds to regulate vacation rentals before further investigation into the feasibility of a business license function is conducted.	*The LTC has received recent public correspondence and APC recommendation encouraging the business license approach to authorizing vacation rentals. The LTC can request a brief analysis be prepared and presented by planning staff on the function of zoning, TUP and business licensing for further consideration.*
Da'naxda'xw/Awaetlala First Nations **Mamalilikuulla First Nation** **Tlowitsis First Nation** **Tla'amin First Nation**	Have responded that Hornby Island is outside the core area of application and they defer comments to directly affected First Nations and support their decision making.	*Recommend LTC defer to K'omoks First Nation comments to inform potential amendments.*

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

Prepared by Wendy Burton, Chair, and Angela Therrien, Vice-Chair, HOAPC

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.

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 176

A BYLAW TO AMEND HORNBY ISLAND OFFICIAL COMMUNITY PLAN, 2014

The Hornby Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Hornby Island Local Trust Area under the *Islands Trust Act,* enacts as follows:

1. This bylaw may be cited for all purposes as "Hornby Island Official Community Plan Bylaw No. 149, 2014, Amendment No. 1, 2024".

2. Hornby Island Local Trust Committee Bylaw No. 149, cited as "Hornby Island Official Community Plan, 2014," is amended as per Schedule "1" and "2" attached to and forming part of this bylaw.

READ A FIRST TIME THIS	9TH	DAY OF	AUGUST	, 2024
READ A SECOND TIME THIS	-	DAY OF	-	, 202x
PUBLIC HEARING HELD THIS	-	DAY OF	-	, 202x
READ A THIRD TIME THIS	-	DAY OF	-	, 202x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	-	DAY OF	-	, 202x
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS				
	-	DAY OF	-	, 202x
ADOPTED THIS	-	DAY OF	-	, 202x

Chair **Secretary**

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 176
Schedule "1"

1. **Schedule "A"** of Hornby Island Official Community Plan, 2014 is amended as follows:

   1.1 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.1 Residential – General, Objectives** (1) is deleted and replaced with:

   "(1) to ensure that a variety of housing and housing tenure options are supported by this Plan."

   1.2 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential,** article **6.3.1 Residential – General, Policies**, is amended by adding the following new policy after 6.3.1.3 "6.3.1.4 Vacation Home Rental use is permitted through the issuance of a valid Temporary Use Permit."

   1.3 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential**, **Background** text, second paragraph is deleted and replaced with "The Anderson Drive/Whaling Station Bay aquifer areas are classified as the highest vulnerability in the province as 1A (heavily developed with high vulnerability). This is reflected in the area's water quality and quantity problems, including saltwater intrusion, sulphureus water and poor-yielding wells. In 202X the Local Trust Committee added the Galleon and Sandpiper neighbourhood areas to this aquifer classification."

   1.4 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential**, **Objectives** (3) is deleted and replaced with "(3) to protect the water resource in the aquifers classified as heavily developed, highly vulnerable; and"

   1.5 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential**, **Policies** 6.3.2.4 is deleted and replaced with "6.3.2.4 One principle dwelling and one secondary suite should be permitted on each lot."

   1.6 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential**, **Additional Policies for small lots in the Anderson Drive/Whaling Station Bay area,** the title be amended to read "Additional Policies for small lots in the IA Heavily Developed, High Vulnerability Aquifer Areas"

   1.7 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential**, **Additional Policies for small lots in the Anderson Drive/Whaling Station Bay area, Policy** 6.3.2.15 be deleted in its entirety and subsequent policies re-numbered accordingly.

   1.8 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential**, **Additional Policies for small lots in**

the Anderson Drive/Whaling Station Bay area, Policy 6.3.2.16 be amended by deleting the words "and vacation home rentals".

1.9 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Objectives,** be amended by adding a new objective after (4) which reads: "(5) to support multi-dwelling residential rental tenure development in the Large Lot Residential zone, through rezoning applications."

1.10 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Policies** 6.3.3.4 is deleted in its entirety and replaced with "6.3.3.4 Only one principal dwelling unit and one secondary suite should be permitted on lots smaller than 2.0 hectares. A maximum of two dwelling units and two secondary suites should be permitted on lots 2.0 hectares or larger."

1.11 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Policies** 6.3.3.6 is amended by deleting the words "and vacation home rentals".

1.12 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Policies** is amended by adding a new policy 6.3.3.10 that reads "6.3.3.10 Rezoning applications are encouraged for multi-dwelling developments restricted to residential rental tenure and which ensure affordability is maintained in perpetuity."

1.13 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.4 Forest, Policies** 6.3.4.3 is deleted in its entirety and replaced with "6.3.4.3 Only one principal dwelling unit and one secondary suite should be permitted on lots smaller than 2.0 hectares. A maximum of two dwelling units and two secondary suites should be permitted on lots 2.0 hectares or larger."

1.14 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.5 Housing,** article **Rental Housing Policies,** 6.3.5.13 be deleted in its entirety and replaced with "6.3.5.13 A secondary suite, limited in size and contained within a permitted dwelling, should be permitted on lots smaller than 2.0 hectares. A secondary suite, limited in size by regulation and located either within, attached to or detached from a permitted dwelling should be permitted on lots 2.0 hectares or larger."

1.15 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.4 Agriculture**, article **6.4.1 Agriculture, Policies,** 6.4.1.4 be deleted in its entirety and replaced with "6.4.1.4 On lots 4.0 hectares or larger in the Agricultural Land Reserve, regulations should permit one principal dwelling and one secondary suite within the principal dwelling as well as one additional secondary dwelling limited in floor area and consistent with the Agricultural Land Commission regulations."

1.16 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.2 Visitor Accommodations and Tourism, Policies,** 6.5.2.5 a) is amended by removing the words ", guest houses or vacation home rentals".

1.17 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.2 Visitor Accommodations and Tourism, Policies,** 6.5.2.5 b) is deleted in its entirety and replaced with "6.5.2.5 b) On land in the Agricultural Land Reserve, vacation home rentals approved by a temporary use permit and agri-tourism accommodation in accordance with Agriculture Land Commission policy and regulations, if zoning allows such a use."

1.18 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.2 Visitor Accommodations and Tourism, Policies,** Policy 6.5.2.5 is amended by adding a new item c) that reads: "c) Vacation home rental use may be approved through the issuance of a Temporary Use Permit and subject to guidelines contained within the Official Community Plan."

1.19 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.3 Vacation Home Rental,** is deleted in its entirety and subsequent subsections renumbered accordingly.

1.20 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.5 Home Occupations, Background,** paragraph 2 is amended by removing the words "and vacation home rental of a primary residence is addressed in article 6.5.3 Vacation Home Rental".

1.21 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.5 Home Occupations, Policies,** Policy 6.5.5.7 is deleted in its entirety and subsequent policies renumbered accordingly.

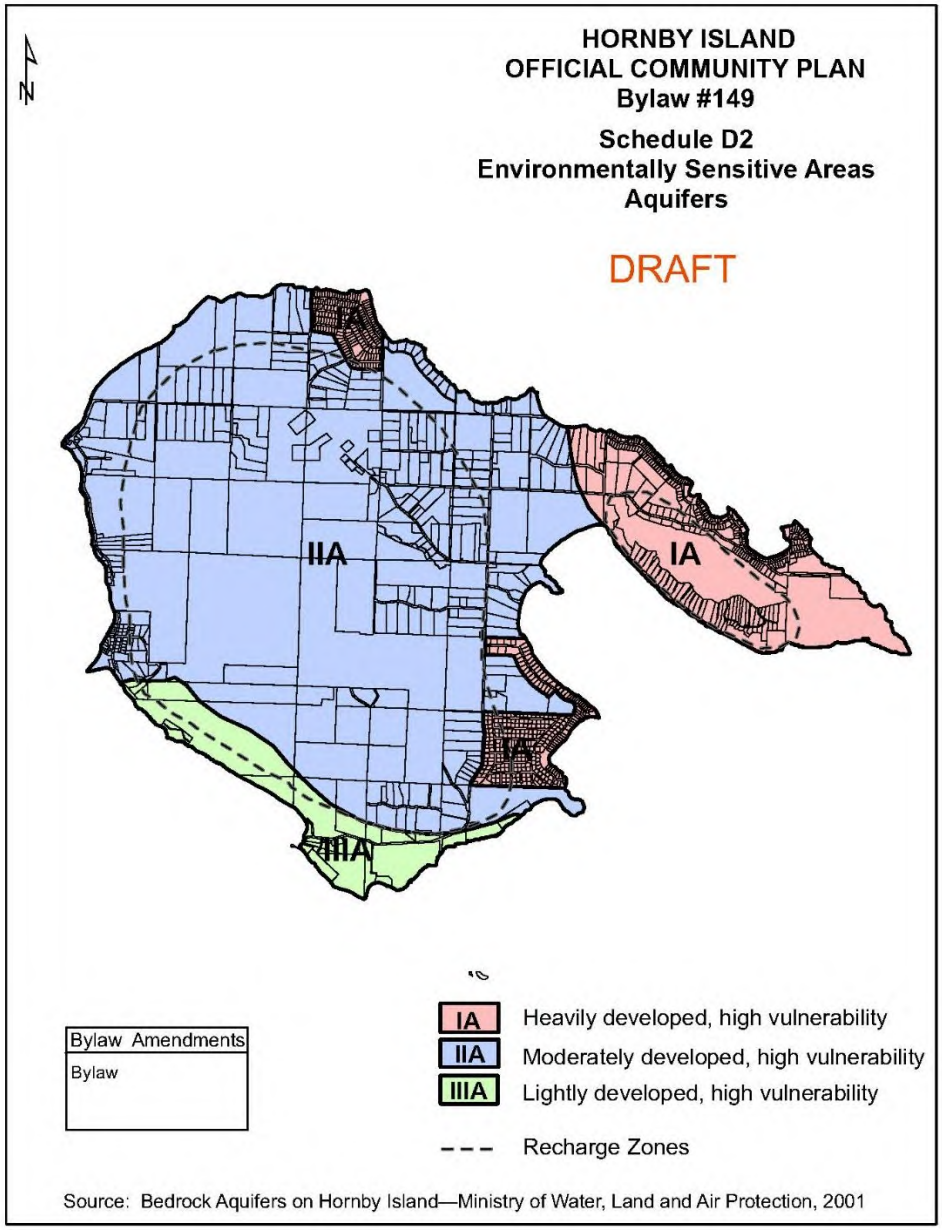
1.22 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.10 Temporary Use Permits, Objectives**, Objective (9) is deleted in its entirety and replaced with "(9) to allow vacation home rental use as per Policy 6.5.2.5 c)".

1.23 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.10 Temporary Use Permits, Guidelines**, 6.10.1 through 6.10.10 are deleted and replaced with the following text: "The guidelines for this subsection are found in the Hornby Island Land Use Bylaw."

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 176
Schedule "2"

1. Schedule "D2" – Environmentally Sensitive Areas Aquifers of the Hornby Island Official Community Plan, 2014 is amended by deleting Schedule D2 in its entirety and replacing with the map as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "2" of Bylaw No. 149 as are required to effect this change.

Plan No. 1



PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 177

A BYLAW TO AMEND HORNBY ISLAND LAND USE BYLAW, 2014

The Hornby Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Hornby Island Local Trust Area under the *Islands Trust Act,* enacts as follows:

1. This bylaw may be cited for all purposes as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024".

2. Hornby Island Local Trust Committee Bylaw No. 150, cited as "Hornby Island Land Use Bylaw, 2014," is amended as per Schedule "1" attached to and forming part of this bylaw.

READ A FIRST TIME THIS	9TH	DAY OF	AUGUST	, 2024
READ A SECOND TIME THIS	-	DAY OF	-	, 202x
PUBLIC HEARING HELD THIS	-	DAY OF	-	, 202x
READ A THIRD TIME THIS	-	DAY OF	-	, 202x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	-	DAY OF	-	, 202x
ADOPTED THIS	-	DAY OF	-	, 202x

_____ _____

Chair **Secretary**

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 177
Schedule "1"

1. **Schedule "A"** of Hornby Island Land Use Bylaw, 2014 is amended as follows:

1.1 **PART 1, INTERPRETATION,** Section **1.1 Definitions,** the definition of **structure** is amended by adding the words ", and water storage cisterns." After "related appurtenances".

1.2 **PART 1, INTERPRETATION,** Section **1.1 Definitions,** and the definition of **vacation home rental use** is deleted.

1.3 **PART 3, GENERAL REGULATIONS,** Section **3.7 Vacation Home Rental Uses** be deleted and subsequent sections are re-numbered accordingly.

1.4 **PART 3, GENERAL REGULATIONS,** Section **3.8 Secondary Suites,** Subsection **(1) (e)** is amended by replacing the words "the principle residential dwelling" with "a permitted residential dwelling".

1.5 **PART 3, GENERAL REGULATIONS,** Section **3.8 Secondary Suites,** Subsection **(1) (g)** is amended by replacing the word "principal" with "permitted residential".

1.6 **PART 3, GENERAL REGULATIONS,** Section **3.8 Secondary Suites,** a new subsection is inserted after **(2)** and before **(3)** with the following text:

"(3) Where a secondary suite is permitted in Part 8 of this Bylaw, an authorized qualified professional must state in writing to the Islands Trust that the potable water system to which the building accommodating the secondary suite is connected to, is capable of providing adequate quantity and quality of potable water."

and the subsequent subsection renumbered accordingly.

1.7 **PART 8, ZONE REGULATIONS**, Section **8.1 Residential 1- Small Lot (R1) Zone (Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot)**, Subsection **(1) (d)** is amending by replacing the words "vacation home rental use" with "secondary suite as per Section 3.8 of this bylaw."

1.8 **PART 8, ZONE REGULATIONS**, Section **8.1 Residential 1- Small Lot (R1) Zone (Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot)**, Subsection **(2) (a)** is deleted and replaced with "(a) a maximum of one residential dwelling unit with one secondary suite or one recreational vehicle used for a residential use per lot; and".

1.9 **PART 8, ZONE REGULATIONS**, Section **8.2 Residential 2- Large Lot (R2) Zone**, Subsection **(1) (c)** is amended by deleting the words "in a dwelling on lots 2.0 hectares or larger" and replacing with "as per Section 3.8 of this bylaw".

1.10 **PART 8, ZONE REGULATIONS**, Section **8.2 Residential 2- Large Lot (R2) Zone**, Subsection **(1) (h)** is deleted.

1.11 **PART 8, ZONE REGULATIONS**, Section **8.2 Residential 2- Large Lot (R2) Zone**, Subsection **(2) (a)** is amended by adding the words "and one secondary suite" after the word "unit".

1.12 **PART 8, ZONE REGULATIONS**, Section **8.2 Residential 2- Large Lot (R2) Zone**, Subsection **(2) (b)** is amended by adding the words "and two secondary suites" after the word "units".

1.13 **PART 8, ZONE REGULATIONS**, Section **8.4 Residential 4- Forest (R4) Zone**, Subsection **(1) (b)** is amending by replacing the words "in a dwelling on lots 2.0 hectares or larger" with "as per Section 3.8 of this bylaw."

1.14 **PART 8, ZONE REGULATIONS**, Section **8.4 Residential 4- Forest (R4) Zone**, Subsection **(1) (g)** is deleted.

1.15 **PART 8, ZONE REGULATIONS**, Section **8.4 Residential 4- Forest (R4) Zone**, Subsection **(2) (a)** is amending by adding the words "and one secondary suite" after the word "unit".

1.16 **PART 8, ZONE REGULATIONS**, Section **8.4 Residential 4- Forest (R4) Zone**, Subsection **(2) (b)** is amending by adding the words "and two secondary suites" after the word "units".

1.17 **PART 8, ZONE REGULATIONS**, Section **8.5 Agriculture 1 (A1) Zone**, Subsection **(1) (d)** is amended by replacing the words "in a dwelling on lots 2.0 hectares or larger" with "as per Section 3.8 of this bylaw."

1.18 **PART 8, ZONE REGULATIONS**, Section **8.5 Agriculture 1 (A1) Zone**, Subsection **(1) (f)** is deleted.

1.19 **PART 8, ZONE REGULATIONS**, Section **8.5 Agriculture 1 (A1) Zone**, Subsection **(2) (a)** is amended by adding the words "and one secondary suite" after the word "unit".

1.20 **PART 8, ZONE REGULATIONS**, Section **8.5 Agriculture 1 (A1) Zone**, Subsection **(2) (b)** is amended by adding the words "and two secondary suites" after the word "units".

1.21 **PART 8, ZONE REGULATIONS**, Section **8.6 Agriculture 2 –Agriculture/Residential (A2) Zone (*Shire Property)***, Subsection **(1) (b)** is amended by adding the words "as per Section 3.8 of this bylaw;" after "suite".

1.22 **PART 8, ZONE REGULATIONS**, Section **8.6 Agriculture 2 –Agriculture/Residential (A2) Zone (*Shire Property)***, Subsection **(2) (a)** is amended by adding the words "and one secondary suite per dwelling" after "units".

1.23 **PART 8, ZONE REGULATIONS**, Section **8.7 Agriculture 3 –Agriculture/Residential (A3) Zone (*Syzygy*)**, Subsection **(1) (d)** is amended by adding the words "as per Section 3.8 of this bylaw;" after "suite".

1.24 **PART 8, ZONE REGULATIONS**, Section **8.7 Agriculture 3 –Agriculture/Residential (A3) Zone (*Syzygy*)**, Subsection **(2) (a)** is amended by adding the words "and one secondary suite per dwelling" after "units".

1.25 **PART 8, ZONE REGULATIONS**, Section **8.8 Agriculture 4 –Agriculture/Residential (A4) Zone (*Downes Point Land Holdings Ltd.*)**, Subsection **(1) (b)** is amended by adding the words "as per Section 3.8 of this bylaw;" after "suite".

1.26 **PART 8, ZONE REGULATIONS**, Section **8.8 Agriculture 4 –Agriculture/Residential (A4) Zone (*Downes Point Land Holdings Ltd.*)**, Subsection **(2) (a)** is amended by adding the words "and one secondary suite per dwelling" after "units".

1.27 **PART 8, ZONE REGULATIONS**, Section **8.21 Public Use (PU) Zone**, Subsection **(9) table** is amended by adding a new site specific regulation after "(d) Recycling depot" that reads "(e) Community housing."

1.28 **PART 10, TEMPORARY USE PERMIT AREAS,** Section **10.1 Temporary Use Permits,** text is amended by adding the following sentence at the end of the paragraph "All Temporary Use Permit Objectives are listed in the Hornby Island Official Community Plan."

1.29 **PART 10, TEMPORARY USE PERMIT AREAS,** Section **10.2 Objectives** is deleted and subsequent section renumbered accordingly.

1.30 **PART 10, TEMPORARY USE PERMIT AREAS**, Section **10.3 Guidelines,** Subsection **(10)** is deleted and replaced with the following:

"When considering the issuance of a Temporary Use Permit for a vacation home rental, the following additional guidelines apply:

(a) the cumulative effects, both positive and negative, on the neighbourhood and island of all Temporary Use Permits issued for vacation home rentals shall be considered by the Local Trust Committee;

(b) applicants for a Temporary Use Permit should provide documentation from a qualified professional that:

i) the septic tank has been inspected in the last 6 months and is working and capable of supporting the proposed occupancy load for the vacation rental use; and

ii) there is sufficient quantity and quality of potable water to support the vacation rental use.

(c) a condition of the Temporary Use Permit should require the permit holder to post information for guests about awareness and sensitivity to the significant First Nations cultural heritage and archaeological sites on the island;

(d) a condition of the Temporary Use Permit should prohibit recreational vehicles or camping;

(e) a condition of the Temporary Use Permit should allow vacation rental use only between May 1 – September 30;

(f) a condition of the Temporary Use Permit should allow no more than 2 beds per bedroom and no more than three bedrooms to be used for dwellings on lots less than 1.0 hectare in size; or more than four bedrooms if the lot has an area of 1.0 hectare or more.

(g) a condition of the Temporary Use Permit should restrict occupancy during any period of seven consecutive days to only one guest or guest party;

(h) a condition of the Temporary Use Permit should limit occupancy and signage on the property;

(i) a condition of the Temporary Use Permit should require specific information to be posted to guests regarding the location of property lines by way of a map, any applicable noise bylaws, measures to address water conservation, fire safety, storage and management of garbage, septic system care and control of pets (if pets are permitted) as stated in the Temporary Use Permit or as determined by the owner or manager to effectively manage the site; and

(j) any other requirements the Local Trust Committee may consider appropriate.

Hornby Island Local Trust Committee *Pending* Endorsement Date: *Jan 24 2025*

Purpose: To review and update the Hornby Official Community Plan (OCP) policies and Land Use Bylaw (LUB) regulations to increase housing options, regulate vacation rentals in residential zones through Temporary Use Permits and incorporate First Nations engagement recommendations.

Background: The Local Trust Committee (LTC) prioritized a "Comprehensive OCP/LUB Review" project in 2021 and requested the Hornby Island Advisory Planning Commission to provide recommendations for OCP and LUB amendments related to four specific topics. The APC spent much of 2021 and early 2022 meeting and providing recommendations regarding amendments. A consultant was hired in 2022 and prepared a report of final recommendations for LTC consideration of next steps in the 2023/24 fiscal year. In April 2024 the LTC confirmed the scope and purpose of the project to: 1) update policies and regulations related to secondary suites/dwellings, regulating short term vacation rentals through the use of Temporary Use Permits and other minor amendments; and 2) updating the OCP and LUB to better address the First Nations concerns and interests regarding land use planning on Hornby Island.

Objectives

Amend the Hornby Island OCP and LUB by incorporating select recommendations of the Hornby Island Advisory Planning Commission; consultant's recommendations; targeted engagement with First Nations and comprehensive public input.

In Scope

-Updating OCP language, references to include First Nations and incorporate First Nations recommendations for policy and regulatory updates.
- Add the Islands Trust Reconciliation declaration to the OCP.
-Draft OCP and LUB Bylaw amendments:

- Supporting cooperative and purpose built rental housing;
- Supporting rezoning applications for 'Large Lot Residential' parcels to multi-family development for residential rental tenure;
- Permitting secondary suites in all small lot zones within the principle dwelling where septic capacity allows and sufficient groundwater is available;
- Permitting secondary suites or attached/detached secondary dwelling on lots over 2ha where septic capacity allows and sufficient groundwater is available;
- Prohibiting vacation rentals as an outright permitted use in residential zones and requiring a valid Temporary Use Permit;
- Designating all small lots in the Galleon and Sandpiper area as within the heavily developed aquifer (IA).
- Update PU(a) zone to include community housing.
- Explore option to exclude cisterns from all setback requirements.
- Explore options to amend residential zoning to permit keeping of chickens for personal/commercial use and prohibit keeping of roosters.

Out of Scope

Public engagement beyond legislative requirements (one major community information meeting and one minor CIM immediately prior to the two anticipated public hearings).

Deliverables

- **2024/2025:** One OCP and one LUB amendment specific to updating regulations for housing, vacation rentals, chickens in residential zones and cisterns in setbacks;
- **2024:** Comprehensive First Nations Engagement Process
- **2025/2026:** First Nations Engagement Summary Report. One OCP and one LUB Amendment Bylaw specific to First Nations engagement recommendations;
- **PENDING:** Post Bylaw adoption community communication materials.

Workplan Overview	
Deliverable/Milestone	**Date**
Project Charter Endorsed - COMPLETED	*June, 2022*
Execute Consultant Contract - COMPLETED	*August, 2022*
First Community Workshop - COMPLETED	*October, 2022*
Second Community Workshop - COMPLETED	*Winter, 2022/23*
Consultant Report on Workshops and Recommendations for Bylaws - COMPLETED	*Spring, 2023*
LTC endorsement of project charter - COMPLETED	*June and Sept 2023*
Staff to participate in formal engagement with K'omoks and compile an engagement summary report for LTC consideration of potential policy and regulatory amendments to the Hornby OCP and LUB.	**Spring 2024 – Spring 2025**
LTC to consider endorsement of revised Project Charter.	April 26, 2024
Housing and vacation rental draft bylaws presented to LTC for consideration of First Reading.	Summer 2024
Consider referral responses from First Nations, agencies, APC and community groups/public.	**Winter/Spring 2025**
Community Information Meeting - consider 2nd Reading of housing and vacation rental bylaws.	**Winter/Spring 2025**
CIM/Public Hearing for housing, vacation rental bylaws.	**Spring 2025**
3rd Reading and forward bylaws to Executive Committee and OCP to Ministry of Housing for approval.	**Summer/Fall 2025**
Adoption of housing and vacation rental bylaw amendments.	**Fall 2025**
Staff to present First Nations Engagement Summary Report to LTC for consideration of comprehensive amendments to OCP and LUB.	**Spring 2025**
Draft amending OCP and LUB bylaws and commence legislative review process (bylaw readings and adoption) deriving from LTC endorsement of First Nations engagement recommendations.	**Spring 2025-Winter 2025**

Project Team	
Island Planner (Regional Planning Team)	Project Manager/ bylaw drafting
Planner 2 – Hornby Island	Bylaw drafting and legislative process
Legislative Clerk	Legislative Process / Bylaw Review
RPM Approval: **Renee Jamurat, RPM** **June 2023; September 2023; April 2024**	**LTC Endorsement:** Resolution #: 10-Jun-22; 9-Sept-22; Jun 16-23; Sep 8-23; April 26-24

Budget		
Budget Sources: TC Line Item Budget allocation		
2022/23	*Consultant Contract*	*$13,450 SPENT*
2022/23	*Minute-Taker*	*$600 SPENT*
2023/24	*K'omoks First Nation Engagement/Capacity Funding*	*$12,000 SPENT*
2024/25	*K'omoks First Nation Engagement Capacity Funding*	*$25,000 SPENT*
2025/26	**1. Public Hearing for OCP and LUB regarding housing, vacation rentals** **2. Legal review, Public Hearing for OCP and LUB changes incorporating First Nations recommendations**	**$5,000 minor project budget *(pending approval)***

STAFF REPORT

File No.: Hornby OCP/LUB Review

DATE OF MEETING:	March 21, 2025
TO:	Hornby Island Local Trust Committee
FROM:	Sonja Zupanec, RPP, MCIP Northern Team
SUBJECT:	Consideration of Amendments to Proposed Bylaw Nos. 176 (OCP) and 177 (LUB)

RECOMMENDATION

1. **That the Hornby Island Local Trust Committee request staff to advise the K'omoks First Nation referrals team that the LTC has granted an extension until April 30, 2025 for the Nation to respond to the referral for Proposed Bylaw Nos. 176 (OCP) and 177 (LUB).**

2. **That Hornby Island Local Trust Committee request staff to prepare a draft amendment to Bylaw No. 176 cited as "Hornby Island Official Community Plan Bylaw No.149, 2014, Amendment No. 1, 2024" and Bylaw No. 177 cited as "Hornby Island Land Use Bylaw No.150, 2014, Amendment No. 1, 2024" to:**

    i. **Specify the maximum density of community housing in the PUa site specific zone based on targeted consultation with representatives of the proposed project;**

    ii. **Expand the Temporary Use Permit guidelines for vacation rentals to include the following requirements at the time of application: i) confirmation from an authorized person that sewerage system for the vacation rental has been inspected in the last 6 months and meets the requirements of the Sewerage System Regulation and/or determine what level of construction is required on the existing system to comply with the Sewerage System Regulation; ii) an issued operating permit for a water supply system servicing more than one dwelling; iii) confirmation from a qualified professional to certify the water supply meets the Canadian Drinking Water Protection Act (DWPA) for microbial and chemical quality or can be made potable with specified measures; and iv) confirmation from a qualified professional that well water quantity intended to supply the vacation rental is sufficient.**

    iii. **Specify a maximum number of TUPs for vacation rentals that can be issued per year;**

    iv. **Remove the proposed provision for secondary suites on lots less than 2.0 ha in size and secondary dwellings on lots under 4ha and remove provisions for secondary suites from Shire, Syzygy and Downes Point properties.**

    v. **Remove the IA aquifer classification for the Sandpiper and Galleon neighbourhoods.**

And return the draft bylaw amendments and any subsequent referral responses to the LTC for consideration of second reading at the May 16, 2025 regular business meeting.

3. **THAT the Hornby Island Local Trust Committee request staff to add to the next annual meeting agenda with the Comox Valley Regional District, a request for a preliminary discussion on the regulatory, financial, and operational implications of implementing building inspection services on Hornby Island, prior to any further consideration by the LTC of policy or zoning amendments that would expand provisions for secondary suites or secondary dwellings on the island beyond what is currently permitted.**

4. **THAT the Hornby Island Local Trust Committee request staff to continue to engage with staff from K'ómoks First Nation as part of the next phase of the OCP/LUB Review Project to specifically evaluate and report back on the regulatory, financial, and operational implications of implementing an island-wide Heritage Conservation Area on Hornby Island to address protection of cultural heritage resources and mandate the implementation of low impact construction standards/land alterations, prior to any further consideration of policy or zoning amendments that would expand provisions for secondary suites or secondary dwellings on the island beyond what is currently permitted.**

5. **THAT the Hornby Island Local Trust Committee request staff to inform the Denman Island Local Trust Committee of resolutions #xxx (recommendations 4 and 5) and request a special meeting with the Denman LTC in the summer/fall 2025 to discuss potential opportunities to explore mutually supportive housing solutions and the K'omoks First Nation Engagement summary for both islands as part of the next phase of the OCP/LUB Review Projects for both Local Trust Areas.**

6. **That the Hornby Island Local Trust Committee request that the project charter be revised to prioritize enhancement of the Islands Trust Suitable Land Analysis data by:**

    i. **Posting the data to the project website so map layers for the island can be dynamically explored by public users;**

    ii. **Directing staff to engage with local environmental conservation groups to incorporate additional environmental data sets;**

    iii. **Directing staff to engage with First Nations on incorporating restricted access to available data sets (archaeology, culturally significant sites, areas of potential) and including any new publicly available data to support analysis of First Nations priorities.**

7. **That the Hornby Island Local Trust Committee endorse the revised Hornby Island OCP/LUB Review Project Charter version 2.4 as presented in the staff report dated March 21, 2025.**

REPORT SUMMARY

This report summarizes referral responses, suitable land analysis data and staff recommendations for possible amendments to Proposed Bylaw Nos. 176 (OCP) and 177 (LUB) to amend the Official Community Plan and Land Use Bylaws. Staff is recommending amendments to both proposed bylaws be prepared and considered in conjunction with an anticipated referral response from K'omoks First Nation (KFN) at the next regular business meeting. An updated project charter is proposed to be endorsed to guide the continuation of the major project into the next fiscal. A first draft engagement summary with KFN is presented for LTC consideration of next steps. All relevant background information and public correspondence is posted to the Islands Trust project webpage.

BACKGROUND

On August 9, 2024, the Hornby Island Local Trust Committee (LTC) gave first reading to Proposed Bylaws No. 176 (OCP) and 177 (LUB) and referred them to agencies and First Nations for comment. An updated summary of referral responses is provided in Attachment 1.

In January 2025, the LTC deferred further consideration of the proposed bylaws and potential amendments until receipt and consideration of the Suitable Land Analysis (SLA) mapping data. In February 2025, the Islands Trust Freshwater Specialist presented the Hornby Island SLA mapping results (Attachment 2) to the LTC. Using recommended weighted values, staff identified areas suitable for increased density or intensity of use. The findings suggest that areas already designated for residential uses and areas outside the Agricultural Land Reserve (ALR) on Hornby Island do not appear suitable for additional residential density or intensified land use.

Island Health has submitted a written referral response (Attachment 3) outlining key considerations relevant to the next steps in the bylaw review process. Additionally, the project charter (Attachment 4) will require amendments to reflect the updated project scope based on LTC direction.

For reference, the proposed bylaws (Attachments 5 and 6) remain unchanged since first reading. A first draft engagement summary with K'ómoks First Nation (KFN) (Attachment 7) is also included, providing context on the range of issues, concerns, and perspectives that KFN anticipates working with the LTC on addressing in this next phase of the OCP/LUB review and bylaw drafting phase of the project.

The LTC is asked to review the information in this report and confirm support for bylaw amendments being prepared for consideration of second reading on May 16, 2025.

ANALYSIS

Issues and Opportunities

Staff have identified the following preliminary issues and opportunities, discussed in more detail below.

Referral Responses for Proposed Bylaw Nos. 176 (OCP) and 177 (LUB)

Attachment 1 summarizes the referral responses received up until March 11, 2025. Staff will provide a verbal update on any additional responses at the March 21 regular business meeting. All public correspondence is posted to the project webpage and updated regularly. The LTC is encouraged to review submissions prior to each business meeting and identify to staff any specific matters it wishes to explore or discuss during the major project agenda item.

The most recent referral response from Island Health is included in Attachment 2. **Staff support specifying a maximum density for community housing in the PUa zone; strengthening water and septic requirements for vacation rental TUPs; and not permitting detached secondary dwellings**

on lots less than 4ha in size. These changes are supported by the referral response, SLA data and included in the staff recommendations on pg. 1 of this report.

As of the time of report writing, staff have been informed that KFN are requesting an extension to late April 2025 to submit a referral response regarding Proposed Bylaws Nos. 176 (OCP) and 177 (LUB). The Nation has requested additional time to review the bylaws, incorporating their consideration of the Suitable Land Analysis data and a comprehensive review by their newly established environmental referrals team and possible presentation to their Chief and Council. **Staff recommend an extension for KFN as per the recommendation on pg. 1 of this report.**

Suitable Land Analysis (SLA) for Hornby Island

In February 2025, the LTC received Hornby Island's SLA data, Attachment 3, presented by the Freshwater Specialist and consultant. The analysis presented by staff is based on recommended weighted values of specific criteria and utilizing existing data sets. The LTC has the option to change the weighting based on local priorities or concerns with the validity of specific data layers.

The current OCP and LUB Review Project proposes allowing secondary suites within principal residences on all residential lots, as well as detached secondary dwellings on lots 2 hectares or larger. The LTC requested this amendment based on community input to address market rental housing shortages. However, the SLA findings indicate that such across-the-board density increases are not necessarily aligned with Hornby's capacity. The SLA Tool, which applies Multiple-Criteria Decision Analysis (MCDA), evaluates ecological sensitivity, freshwater sustainability, transportation infrastructure, and slope stability to determine where sustainable development can occur.

Island Health staff have responded to the referral with concerns about the proposed changes and the cumulative impacts on groundwater quantity, quality and septic capacity of the island. The K'ómoks First Nation (KFN) staff have shared preliminary engagement concerns about the unassessed cumulative impacts of residential development on groundwater, biodiversity, and heritage resources. These concerns highlight a critical flaw in the current approach to housing: site-specific water and septic studies may fail to account for broader regional impacts. Increased density may exacerbate water scarcity, strain ecosystems, and threaten cultural heritage sites if permitted relying only on site specific water and septic studies.

The absence of building inspection services on the island provides no assurances that any new construction or housing will meet or exceed provincial requirements for structural integrity, fire safety, septic system compliance, energy efficiency and water sustainability. Additionally, the KFN recommendation for exploring an island-wide Heritage Conservation Area (see Attachment 7) warrants careful consideration in addition to or in lieu of building inspection services, to ensure that all land use alterations respect and preserve areas, ecosystems and landscapes of importance to the Nation. Engaging with the Denman Island Local Trust Committee, Comox Valley Regional District and K'ómoks First Nation can provide the LTC with critical insights into feasibility, costs, and implementation timelines, ensuring that future policy decisions are informed, responsible, and aligned with the long-term sustainability of the community.

Planning staff recommend the LTC amend the proposed bylaws to temporarily remove housing provisions until the second phase of the review project (First Nations Engagement) is completed. This precautionary measure ensures that land-use decisions are based on comprehensive regional assessments rather than isolated property-level evaluations.

Planning staff are also highlighting the high value of the SLA for use by community members, agencies and First Nations and recommend that the project include working with Islands Trust staff to access the feasibility of incorporating other available datasets. Planning staff recommendations for draft

amendments to the proposed bylaws and project charter are outlined on page 1 of this report.

Proposed Changes to the Project Charter

The major funding for the Hornby OCP/LUB Targeted Review Project will expire at the end of the fiscal year (March 31, 2025). The project will retain major project status and $5,000 has been requested for the 2025/26 fiscal to complete the review of Proposed Bylaws 176 and 177 as well as LTC consideration and implementation of First Nations engagement recommendations. The project charter in Attachment 4 reflects the updated approved budget allocation for the next fiscal as well as the draft amendments for LTC consideration of endorsement.

DRAFT KFN ENGAGEMENT SUMMARY – MARCH 2025

A preliminary summary of staff-to-staff engagement with the K'ómoks First Nation is provided in Attachment 7 for the LTC's receipt. No action is required on the draft summary at this time. Further refinements are expected in the spring and summer to incorporate environmental considerations, as the Nation has recently hired dedicated environmental staff to support the engagement process for Denman and Hornby Islands. KFN Chief and Council may wish to endorse a final version for LTC consideration. The next phase of the OCP/LUB review project will involve LTC consideration of KFN recommendations to determine which recommendations will be implemented through formal bylaw drafting for OCP and LUB amendments.

RATIONALE FOR RECOMMENDATIONS

The suitable land analysis for Hornby Island is based on a methodology utilizing existing mapping data and staff recommendations for weighted values. Referral comments from Island Health affirm a 2-hectare lot size per dwelling for future density calculations. However, pending input from the K'ómoks First Nation may influence the current approach to secondary suites and secondary dwellings.

Staff recommend that the LTC consider targeted amendments to Proposed Bylaws No. 176 and 177 to advance provisions for temporary use permits for vacation rentals and the allowance of chickens in residential zones. Given the anticipated feedback from KFN, staff also recommend deferring decisions on secondary suites and secondary dwellings to the next phase of engagement and subsequent bylaw drafting.

A summary of staff recommendations is provided on page 1 of this report.

ALTERNATIVES:

1. **Amend the Project Charter and/or request staff to amend the Proposed Bylaws further.**

   The LTC can amend the Project Charter scope/objectives and/or further amend the Proposed Bylaws to ensure alignment with the LTC's intentions to update the OCP and LUB. If this alternative is selected, the suggested resolution would be:

   "That the Hornby Island Local Trust Committee amend (insert Proposed Bylaw No. or Project Charter) by (insert specific amendments)"

2. **Request a suitable land analysis using weighted values that differ from the equal weighting values presented in February 2025.**

The LTC can request the Freshwater Specialist to conduct a suitable land analysis using alternative weighted values for LTC consideration based on community priorities or concerns. If this alternative is selected, the suggested resolution would be:

"That the Hornby Island Local Trust Committee request staff to provide alternative suitable land analysis scenarios using the following weighted values (specify values) and return the analysis to the LTC for consideration of next steps."

Next Steps

If the LTC confirms the scope of endorsed amendments to Proposed Bylaws No. 176 (OCP) and 177 (LUB), staff will prepare the bylaws for consideration of second reading on May 16, 2025, alongside the anticipated referral response from the K'ómoks First Nation. A community information meeting and public hearing can be scheduled for early summer 2025.

The second phase of this major project (April 2025 – March 2026) will involve LTC review of the final engagement summary with KFN and the drafting of amending bylaws to implement any LTC-endorsed recommendations and re-evaluation of housing amendments.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	March 11, 2025
Concurrence:	Robert Kojima, Regional Planning Manager	March 11, 2025

ATTACHMENTS

1. Table of Bylaw Referral Responses – March 2025
2. Island Health Referral - March 2025
3. Suitable Land Analysis Mapping for Hornby Island - February 2025
4. Project Charter v 2.4 (pending LTC endorsement)
5. Proposed Bylaw No. 176 (OCP) – first reading version
6. Proposed Bylaw No. 177 (LUB) – first reading version
7. K'omoks First Nation DRAFT Engagement Summary – March 2025
8. *K'omoks First Nation Referral Extension Request - PENDING*

ATTACHMENT 1 – SUMMARY OF REFERRAL RESPONSES

TABLE 1. SUMMARY OF REFERRAL RESPONSES RECEIVED AS OF MARCH 11, 2025 FOR PROPOSED BYLAW NOS. 176 (HO OCP) AND 177 (HO LUB)

Agency or First Nation	Referral Response Summary	Planning Staff Comments
K'omoks First Nation	*KFN staff have advised planning staff that their recently expanded referrals team is reviewing the bylaws with protection of the natural environment, cultural heritage resources, archaeological sites and freshwater as top priorities.*	*At the time of report writing, KFN staff are reviewing Suitable Land Analysis data and mapping for both Hornby and Denman Islands. KFN have indicated that they require additional time to discuss the referrals with Chief and Council and have requested an extension to late April 2025. Staff recommend the LTC proceed with requesting staff to draft amendments as per the recommendations in the March 21, 2025 staff report and consider KFN input at the May 16, 2025 meeting prior to second reading of the proposed bylaws.*
Island Health	▪ **Keeping of Chickens on Residential Lots:** Island Health staff recommend more clear zoning regulations for the keeping of hens that protects public health. Maximum number of hens permitted on a lot should be explicitly stated. Consider setbacks of 30 metres to any well for any buildings/structures housing animals. ▪ **TUPs for Vacation Rentals:** Recommend occupancy limits for vacation rentals; Authorized Person sign off that all construction meets requirements of Sewerage System Regulation; water supplies servicing more than one dwelling on a lot required to obtain an operating permit. ▪ **Secondary Suites and Secondary Dwellings:** Recommend minimum lot size for secondary dwellings be 4ha and that suites be located wholly within or attached to principle residence and not be	*IH staff have provided a written referral response (Attachment 2 March 21, 2025 staff report). Staff recommend the LTC proceed with requesting staff to draft amendments as per the recommendations in the March 21, 2025 staff report.*

Agency or First Nation	Referral Response Summary	Planning Staff Comments
	permitted to be detached. Define "attached" so that suite must be located under the same roofline as principle residence. ▪ Recommend clarifying maximum residential density of the PUa zone for community housing. ▪ Recommend RVs not be permitted to be used as permanent dwellings.	
Denman Local Trust Committee	Interests are unaffected.	No further action.
Hornby Island Advisory Planning Commission	The APC has recommended several changes to the proposed bylaws. Below is a brief summary: ▪ Permit secondary suites or additional dwelling units on all lots and limit size and tenure (residential only). ▪ Adopt new definition of secondary suite and term "short term rental" to align with provincial regulations. ▪ Not re-classify Sandpiper and Galleon subdivisions as 1A. Require at time of Siting and Use Permit for secondary suite, verification of adequate water and septic capacity. ▪ Support vacation rental business licensing rather than TUP. ▪ Remove provisions for secondary suites from Shire, Syzygy and Downes Point properties. ▪ Consider capping number of vacation rentals. ▪ Re-consider time period for vacation rentals with community consultation.	*The APC minute record and supporting rationale documentation in the January 2025 staff report package contain the comprehensive list of APC recommendations. Staff recommend the LTC proceed with requesting staff to draft amendments as per the recommendations in the March 21, 2025 staff report.*

Agency or First Nation	Referral Response Summary	Planning Staff Comments
	▪ Supports allowing chickens on 1 ha or smaller lots and no roosters but recommends consultation with residents and property owners on rooster regulation. ▪ Out of scope planning recommendations for A1 zoned properties and aquifer vulnerability and designations.	
Comox Valley Regional District	A formal referral response had not been received by the CVRD although staff have indicated that they are interested to learn how the LTC proceeds to regulate vacation rentals before further investigation into the feasibility of a business license function is conducted.	*The LTC has received public correspondence and APC recommendations encouraging the business license approach to authorizing vacation rentals.*
Da'naxda'xw/Awaetlala First Nations **Mamalilikuulla First Nation** **Tlowitsis First Nation** **Tla'amin First Nation**	Have responded that Hornby Island is outside the core area of application and they defer comments to directly affected First Nations and support their decision making.	*Recommend LTC defer to K'omoks First Nation comments to inform potential amendments to address First Nation concerns and interests.*

Sonja Zupanec

From: Clements, Nancy [ISLH] <Nancy.Clements@islandhealth.ca>
Sent: Friday, March 7, 2025 11:34 AM
To: Sonja Zupanec
Subject: Island Health comments

Hi Sonia,

Once again sorry for the delay and I hope this finds you with enough time for consideration. I am happy to discuss these items with you further if that would be beneficial.

Regards
Nancy

Keeping of chickens on any sized lot: As (Hornby) Island is not subject to an animal control bylaw with the (Comox Valley Regional District), the Local Trust Committee should establish more clear zoning regulations for the keeping of hens that protects public and animal health. The maximum number of hens permitted on a lot should be explicitly stated in the Land Use Bylaw and follow best management guidelines established by similar size rural communities such as Revelstoke, which permits a maximum of 6 hens per lot. Typically, the six chicken limit is applied in urban sized lots so that number is manageable on the smaller sized lots. The limited number is also in place to ensure that they don't become a nuisance to neighbouring properties. Another consideration is Section 8 of the Health Hazzard Regulation which states "no well within 30 meters of probable source of contamination", which is at the discretion of the Environmental Health Officer as to what sources of contamination could be considered a "health hazards". Typically, when it comes to farm animals the focus in on the storage of waste/manure or where the animals are housed in regards to the 30 meter setback to a well.

Temporary Use Permits for vacation rentals:

- Sewerage:
  - Owners of properties using sewerage system must ensure that all construction of all sewerage systems meets the requirements of the Sewerage System Regulation (SSR). An owner would be required to obtain the services of an Authorized Person (AP), as per the SSR, to determine if construction is required on the existing sewerage system.
  - The SSR has a maximum Daily Design Flow (DDF) of 22, 700 L/Day.
- Water:
  - Owners of water supplies serving more than one single-family residence (see definition below) are required to obtain an operating permit as a water supplier under the Drinking Water Protection Act (DWPA). Landlords are required to provide potable water to tenants as per Health Hazards Regulations (HHR).

Minimum lot sizing considerations for proposed densification:

- Island Health refers to the Subdivision Standard as a tool for consideration around densification. This could be applied for the addition of additional dwelling units on a property to ensure that the site condition is adequate to support the increase water demand and waste water

flows as well as the potential impacts on neighbouring properties. There is no recommended minimum lot sizing for community/strata systems utilizing common property.

- There are significant ongoing concerns about the periods of drought and secondary impacts which for several of the gulf islands include seawater intrusion due to lower water tables and higher levels of demand. We encourage conversations with the Ministry of Water Land and Resource Stewardship to consider identifying areas/aquifers of higher risk for seawater intrusion and creating lower residential density bylaws to protect the aquifer from the intrusion and to protect the existing users of that water source as there are fewer alternative sources of water for many of the islands.

Density of the PUa Zone allowing Community Housing: The LTC does not stipulate a residential density in the proposed PUa zone changes. Island Health requires compliance with the Sewerage System Regulation (up do Daily Design Flow (DDF) of 22, 700 L/Day) and the Drinking Water Protection Act and Drinking Water Protection Regulation.

Attached Secondary Suites: Island Health encourages the Local Trust Committee to define 'attached' so that suite must be located under the same roofline of the principal residence.

Use of RVs as dwellings: Island Health notes that the current LUB allows the use of Recreational Vehicles as dwellings. Island Health encourages the Local Trust Committee to consider the human health implications of promoting RVs as a permanent dwelling option on any sized lot. Island Health is aware of the need for affordable housing, and this can take many different forms, but there are some concerns about encouraging the use of RV's for residential use. The addition of an RV must also consider any requirements there might be under the Sewerage System Regulation and/or the Drinking Water Protection Act.

Excerpt from the BC Drinking Water Officers Guide page 10 speaking to what is considered a 'single family dwelling" under the DWPA

https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/waterquality/how-drinking-water-is-protected-in-bc/drinking_water_officers_guide_-_consolidated.pdf

The term "single-family residence" is not defined in the Act. It may be interpreted as any residence that constitutes a single structure where: • bedrooms are rented out and tenant(s) share common spaces with the owner;

• the Residential Tenancy Act applies (see s. 5.3.1 of this Guide regarding applicability of the Health Hazards Regulation);

• the structure contains a secondary suite in addition to the primary suite;

• the residence is an owner-occupied bed and breakfast with up to three rooms for rent; or

• the residence is rented out as a vacation home.

Duplexes/multiplexes and residences with additional detached structures such as guest houses, mobile homes and labourer accommodations would fall outside the term "single-family residence." Shared interest properties (e.g., owned by a cooperative, society, corporation or strata) and bed and breakfasts with four or more rooms for rent would also fall outside the definition of "single-family residence." Community care facilities would fall outside the term "single-family residence" as well.

However, this is subject to section 20 of the Community Care and Assisted Living Act, which states: (1) This section applies to a community care facility (a) for which a licence has been issued, (b) is being, or is

to be, used (i) as a day care for no more than 8 persons in care, or (ii) as a residence for no more than 10 persons, not more than 6 of whom are persons in care (c) from which, in the event of a fire, persons in care can safely exit unaided or be removed by its staff, and (d) that complies with all enactments of British Columbia and the municipality where the community care facility is located that relate to fire and health respecting a single family dwelling house (2) A provision in an enactment of British Columbia, other than this Act, or of a municipality, does not apply to the community care facility described in subsection (1) if that provision would (a) limit the number of persons in care who may be accepted or accommodated at the community care facility (b) limit the types of care that may be provided to persons in care at the community care facility, or (c) apply to the community care facility only because (i) it is not being used as a single family dwelling house, or (ii) it operates as a community care facility, a charitable enterprise or a commercial venture

Nancy Clements | Regional Healthy Built Environment Consultant
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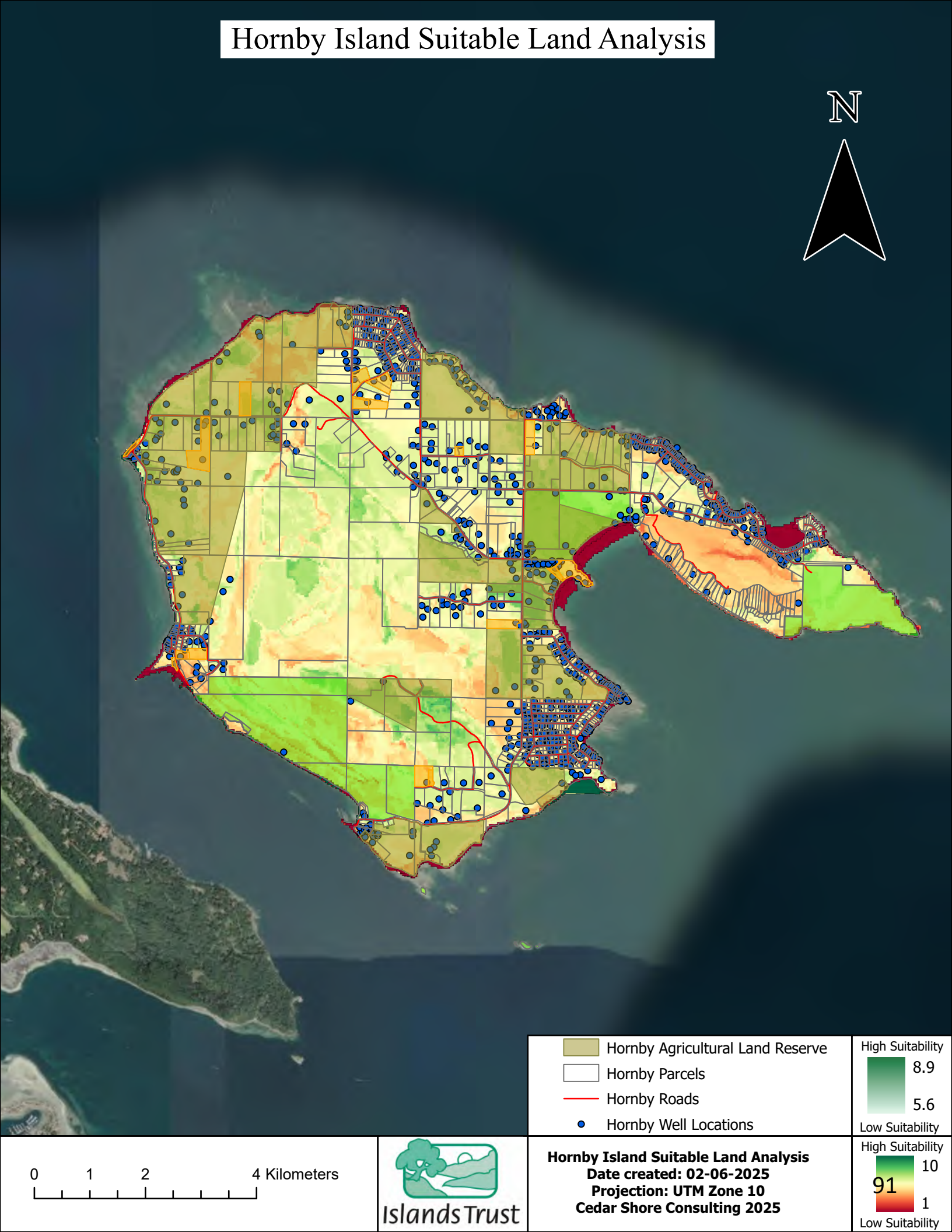
Hornby Island Suitable Land Analysis



Hornby Island Local Trust Committee *Pending* Endorsement Date: *Mar 21 2025*

Purpose: To review and update the Hornby Official Community Plan (OCP) policies and Land Use Bylaw (LUB) regulations to increase housing options, regulate vacation rentals in residential zones through Temporary Use Permits and incorporate First Nations engagement recommendations.

Background: The Local Trust Committee (LTC) prioritized a "Comprehensive OCP/LUB Review" project in 2021 and requested the Hornby Island Advisory Planning Commission to provide recommendations for OCP and LUB amendments related to four specific topics. The APC spent much of 2021 and early 2022 meeting and providing recommendations regarding amendments. A consultant was hired in 2022 and prepared a report of final recommendations for LTC consideration of next steps in the 2023/24 fiscal year. In April 2024 the LTC confirmed the scope and purpose of the project to: 1) update policies and regulations related to secondary suites/dwellings, regulating short term vacation rentals through the use of Temporary Use Permits and other minor amendments; and 2) updating the OCP and LUB to better address the First Nations concerns and interests regarding land use planning on Hornby Island.

Objectives

Amend the Hornby Island OCP and LUB by incorporating select recommendations of the Hornby Island Advisory Planning Commission; consultant's recommendations; targeted engagement with First Nations and comprehensive public input.

In Scope

-Updating OCP language, references to include First Nations and incorporate First Nations recommendations for policy and regulatory updates.
- Add the Islands Trust Reconciliation declaration to the OCP.
-Draft OCP and LUB Bylaw amendments:

- Supporting cooperative and purpose built rental housing;
- Supporting rezoning applications for 'Large Lot Residential' parcels to multi-family development for residential rental tenure;
- Permitting secondary suites in all small lot zones within the principle dwelling where septic capacity allows and sufficient groundwater is available;
- Permitting secondary suites or attached/detached secondary dwelling on lots over 2ha where septic capacity allows and sufficient groundwater is available;
- Prohibiting vacation rentals as an outright permitted use in residential zones and requiring a valid Temporary Use Permit;
- ~~Designating all small lots in the Galleon and Sandpiper area as within the heavily developed aquifer (IA).~~
- Update PU(a) zone to include community housing and regulate maximum permitted density.
- Explore option to exclude cisterns from all setback requirements.
- Explore options to amend residential zoning to permit keeping of chickens for

Out of Scope

Public engagement beyond legislative requirements (one major community information meeting and one minor CIM immediately prior to the two anticipated public hearings).

Public engagement on weighted values of the suitable land analysis

Deliverables

- **2024/2025:** One OCP and one LUB amendment specific to updating regulations for housing, vacation rentals, chickens in residential zones and cisterns in setbacks;
- **2024:** Comprehensive First Nations Engagement Process
- **2025/2026:** First Nations Engagement Summary Report. One OCP and one LUB Amendment Bylaw specific to First Nations engagement recommendations;
- **PENDING:** Post Bylaw adoption community communication materials.

	personal/commercial use and prohibit keeping of roosters.		

Workplan Overview

Deliverable/Milestone	Date
Project Charter Endorsed - COMPLETED	*June, 2022*
Execute Consultant Contract - COMPLETED	*August, 2022*
First Community Workshop - COMPLETED	*October, 2022*
Second Community Workshop - COMPLETED	*Winter, 2022/23*
Consultant Report on Workshops and Recommendations for Bylaws - COMPLETED	*Spring, 2023*
LTC endorsement of project charter - COMPLETED	*June and Sept 2023*
Staff to participate in formal engagement with K'omoks and compile an engagement summary report for LTC consideration of potential policy and regulatory amendments to the Hornby OCP and LUB.	**Spring 2024 – Spring 2025**
Housing and vacation rental draft bylaws presented to LTC for consideration of First Reading. - COMPLETED	*Summer 2024*
Consider referral responses from First Nations, agencies, APC and community groups/public.	**March 2025**
Community Information Meeting - consider 2nd Reading of ~~housing and~~ vacation rental bylaws.	**Summer 2025**
CIM/Public Hearing for ~~housing,~~ vacation rental bylaws.	**Spring 2025**
3rd Reading and forward bylaws to Executive Committee and OCP to Ministry of Housing for approval.	**Summer/Fall 2025**
Adoption of ~~housing and~~ vacation rental bylaw amendments.	**Fall 2025**
Staff to present first draft ~~First Nations~~KFN Engagement Summary Report to LTC for ~~consideration of comprehensive amendments to OCP and LUB~~receipt.	**March 2025**
Draft amending OCP and LUB bylaws and commence legislative review process (bylaw readings and adoption) deriving from LTC endorsement of FINAL First Nations engagement recommendations.	**Fall 2025-Winter 2025**

Project Team

Island Planner (Regional Planning Team)	Project Manager/ bylaw drafting
Planner 2 – Hornby Island	Bylaw drafting and legislative process
Legislative Clerk	Legislative Process / Bylaw Review
RPM Approval: **Renee Jamurat, RPM** **June 2023; September 2023; April 2024**	**LTC Endorsement:** Resolution #: 10-Jun-22; 9-Sept-22; Jun 16-23; Sep 8-23; April 26-24

Budget

Budget Sources: TC Line Item Budget allocation

2022/23	*Consultant Contract*	*$13,450 SPENT*
2022/23	*Minute-Taker*	*$600 SPENT*
2023/24	*K'omoks First Nation Engagement/Capacity Funding*	*$12,000 SPENT*
2024/25	*K'omoks First Nation Engagement Capacity Funding*	*$25,000 SPENT*
2025/26	**1. Public Hearing for OCP and LUB regarding ~~housing,~~ vacation rentals** **2. Legal review, Public**	**$5,000 project budget**

			Hearing for OCP and LUB changes incorporating First Nations recommendations and housing	

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 176

A BYLAW TO AMEND HORNBY ISLAND OFFICIAL COMMUNITY PLAN, 2014

The Hornby Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Hornby Island Local Trust Area under the *Islands Trust Act,* enacts as follows:

1. This bylaw may be cited for all purposes as "Hornby Island Official Community Plan Bylaw No. 149, 2014, Amendment No. 1, 2024".

2. Hornby Island Local Trust Committee Bylaw No. 149, cited as "Hornby Island Official Community Plan, 2014," is amended as per Schedule "1" and "2" attached to and forming part of this bylaw.

READ A FIRST TIME THIS	9TH	DAY OF	AUGUST	, 2024
READ A SECOND TIME THIS	-	DAY OF	-	, 202x
PUBLIC HEARING HELD THIS	-	DAY OF	-	, 202x
READ A THIRD TIME THIS	-	DAY OF	-	, 202x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	-	DAY OF	-	, 202x
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS				
	-	DAY OF	-	, 202x
ADOPTED THIS	-	DAY OF	-	, 202x

Chair **Secretary**

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 176
Schedule "1"

1. **Schedule "A"** of Hornby Island Official Community Plan, 2014 is amended as follows:

1.1 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.1 Residential – General, Objectives** (1) is deleted and replaced with:

"(1) to ensure that a variety of housing and housing tenure options are supported by this Plan."

1.2 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential,** article **6.3.1 Residential – General, Policies**, is amended by adding the following new policy after 6.3.1.3 "6.3.1.4 Vacation Home Rental use is permitted through the issuance of a valid Temporary Use Permit."

1.3 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential**, **Background** text, second paragraph is deleted and replaced with "The Anderson Drive/Whaling Station Bay aquifer areas are classified as the highest vulnerability in the province as 1A (heavily developed with high vulnerability). This is reflected in the area's water quality and quantity problems, including saltwater intrusion, sulphureus water and poor-yielding wells. In 202X the Local Trust Committee added the Galleon and Sandpiper neighbourhood areas to this aquifer classification."

1.4 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential**, **Objectives** (3) is deleted and replaced with "(3) to protect the water resource in the aquifers classified as heavily developed, highly vulnerable; and"

1.5 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential**, **Policies** 6.3.2.4 is deleted and replaced with "6.3.2.4 One principle dwelling and one secondary suite should be permitted on each lot."

1.6 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential**, **Additional Policies for small lots in the Anderson Drive/Whaling Station Bay area,** the title be amended to read "Additional Policies for small lots in the IA Heavily Developed, High Vulnerability Aquifer Areas"

1.7 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential**, **Additional Policies for small lots in the Anderson Drive/Whaling Station Bay area, Policy** 6.3.2.15 be deleted in its entirety and subsequent policies re-numbered accordingly.

1.8 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential**, **Additional Policies for small lots in**

the Anderson Drive/Whaling Station Bay area, Policy 6.3.2.16 be amended by deleting the words "and vacation home rentals".

1.9 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Objectives,** be amended by adding a new objective after (4) which reads: "(5) to support multi-dwelling residential rental tenure development in the Large Lot Residential zone, through rezoning applications."

1.10 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Policies** 6.3.3.4 is deleted in its entirety and replaced with "6.3.3.4 Only one principal dwelling unit and one secondary suite should be permitted on lots smaller than 2.0 hectares. A maximum of two dwelling units and two secondary suites should be permitted on lots 2.0 hectares or larger."

1.11 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Policies** 6.3.3.6 is amended by deleting the words "and vacation home rentals".

1.12 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Policies** is amended by adding a new policy 6.3.3.10 that reads "6.3.3.10 Rezoning applications are encouraged for multi-dwelling developments restricted to residential rental tenure and which ensure affordability is maintained in perpetuity."

1.13 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.4 Forest, Policies** 6.3.4.3 is deleted in its entirety and replaced with "6.3.4.3 Only one principal dwelling unit and one secondary suite should be permitted on lots smaller than 2.0 hectares. A maximum of two dwelling units and two secondary suites should be permitted on lots 2.0 hectares or larger."

1.14 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.5 Housing,** article **Rental Housing Policies,** 6.3.5.13 be deleted in its entirety and replaced with "6.3.5.13 A secondary suite, limited in size and contained within a permitted dwelling, should be permitted on lots smaller than 2.0 hectares. A secondary suite, limited in size by regulation and located either within, attached to or detached from a permitted dwelling should be permitted on lots 2.0 hectares or larger."

1.15 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.4 Agriculture**, article **6.4.1 Agriculture, Policies,** 6.4.1.4 be deleted in its entirety and replaced with "6.4.1.4 On lots 4.0 hectares or larger in the Agricultural Land Reserve, regulations should permit one principal dwelling and one secondary suite within the principal dwelling as well as one additional secondary dwelling limited in floor area and consistent with the Agricultural Land Commission regulations."

1.16 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.2 Visitor Accommodations and Tourism, Policies,** 6.5.2.5 a) is amended by removing the words ", guest houses or vacation home rentals".

1.17 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.2 Visitor Accommodations and Tourism, Policies,** 6.5.2.5 b) is deleted in its entirety and replaced with "6.5.2.5 b) On land in the Agricultural Land Reserve, vacation home rentals approved by a temporary use permit and agri-tourism accommodation in accordance with Agriculture Land Commission policy and regulations, if zoning allows such a use."

1.18 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.2 Visitor Accommodations and Tourism, Policies,** Policy 6.5.2.5 is amended by adding a new item c) that reads: "c) Vacation home rental use may be approved through the issuance of a Temporary Use Permit and subject to guidelines contained within the Official Community Plan."

1.19 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.3 Vacation Home Rental,** is deleted in its entirety and subsequent subsections renumbered accordingly.

1.20 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.5 Home Occupations, Background,** paragraph 2 is amended by removing the words "and vacation home rental of a primary residence is addressed in article 6.5.3 Vacation Home Rental".

1.21 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.5 Home Occupations, Policies,** Policy 6.5.5.7 is deleted in its entirety and subsequent policies renumbered accordingly.

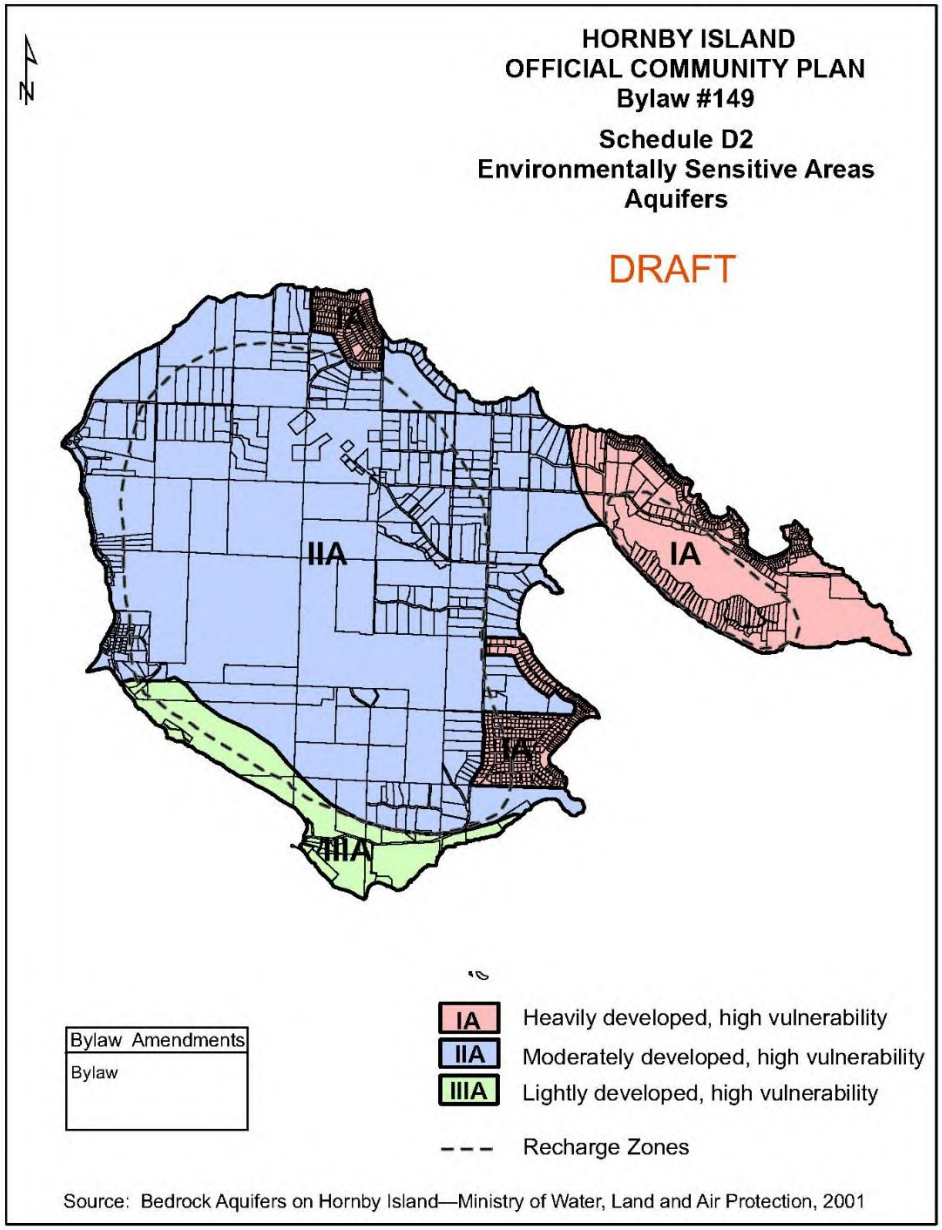
1.22 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.10 Temporary Use Permits, Objectives**, Objective (9) is deleted in its entirety and replaced with "(9) to allow vacation home rental use as per Policy 6.5.2.5 c)".

1.23 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.10 Temporary Use Permits, Guidelines**, 6.10.1 through 6.10.10 are deleted and replaced with the following text: "The guidelines for this subsection are found in the Hornby Island Land Use Bylaw."

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 176
Schedule "2"

1. Schedule "D2" – Environmentally Sensitive Areas Aquifers of the Hornby Island Official Community Plan, 2014 is amended by deleting Schedule D2 in its entirety and replacing with the map as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "2" of Bylaw No. 149 as are required to effect this change.

Plan No. 1



PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 177

A BYLAW TO AMEND HORNBY ISLAND LAND USE BYLAW, 2014

The Hornby Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Hornby Island Local Trust Area under the *Islands Trust Act,* enacts as follows:

1. This bylaw may be cited for all purposes as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024".

2. Hornby Island Local Trust Committee Bylaw No. 150, cited as "Hornby Island Land Use Bylaw, 2014," is amended as per Schedule "1" attached to and forming part of this bylaw.

READ A FIRST TIME THIS	9TH	DAY OF	AUGUST	, 2024
READ A SECOND TIME THIS	-	DAY OF	-	, 202x
PUBLIC HEARING HELD THIS	-	DAY OF	-	, 202x
READ A THIRD TIME THIS	-	DAY OF	-	, 202x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	-	DAY OF	-	, 202x
ADOPTED THIS	-	DAY OF	-	, 202x

_____ _____

Chair **Secretary**

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 177
Schedule "1"

1. **Schedule "A"** of Hornby Island Land Use Bylaw, 2014 is amended as follows:

1.1 **PART 1, INTERPRETATION,** Section **1.1 Definitions,** the definition of **structure** is amended by adding the words ", and water storage cisterns." After "related appurtenances".

1.2 **PART 1, INTERPRETATION,** Section **1.1 Definitions,** and the definition of **vacation home rental use** is deleted.

1.3 **PART 3, GENERAL REGULATIONS,** Section **3.7 Vacation Home Rental Uses** be deleted and subsequent sections are re-numbered accordingly.

1.4 **PART 3, GENERAL REGULATIONS,** Section **3.8 Secondary Suites,** Subsection **(1) (e)** is amended by replacing the words "the principle residential dwelling" with "a permitted residential dwelling".

1.5 **PART 3, GENERAL REGULATIONS,** Section **3.8 Secondary Suites,** Subsection **(1) (g)** is amended by replacing the word "principal" with "permitted residential".

1.6 **PART 3, GENERAL REGULATIONS,** Section **3.8 Secondary Suites,** a new subsection is inserted after **(2)** and before **(3)** with the following text:

"(3) Where a secondary suite is permitted in Part 8 of this Bylaw, an authorized qualified professional must state in writing to the Islands Trust that the potable water system to which the building accommodating the secondary suite is connected to, is capable of providing adequate quantity and quality of potable water."

and the subsequent subsection renumbered accordingly.

1.7 **PART 8, ZONE REGULATIONS**, Section **8.1 Residential 1- Small Lot (R1) Zone (Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot)**, Subsection **(1) (d)** is amending by replacing the words "vacation home rental use" with "secondary suite as per Section 3.8 of this bylaw."

1.8 **PART 8, ZONE REGULATIONS**, Section **8.1 Residential 1- Small Lot (R1) Zone (Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot)**, Subsection **(2) (a)** is deleted and replaced with "(a) a maximum of one residential dwelling unit with one secondary suite or one recreational vehicle used for a residential use per lot; and".

1.9 **PART 8, ZONE REGULATIONS**, Section **8.2 Residential 2- Large Lot (R2) Zone**, Subsection **(1) (c)** is amended by deleting the words "in a dwelling on lots 2.0 hectares or larger" and replacing with "as per Section 3.8 of this bylaw".

1.10 **PART 8, ZONE REGULATIONS**, Section **8.2 Residential 2- Large Lot (R2) Zone**, Subsection **(1) (h)** is deleted.

1.11 **PART 8, ZONE REGULATIONS**, Section **8.2 Residential 2- Large Lot (R2) Zone**, Subsection **(2) (a)** is amended by adding the words "and one secondary suite" after the word "unit".

1.12 **PART 8, ZONE REGULATIONS**, Section **8.2 Residential 2- Large Lot (R2) Zone**, Subsection **(2) (b)** is amended by adding the words "and two secondary suites" after the word "units".

1.13 **PART 8, ZONE REGULATIONS**, Section **8.4 Residential 4- Forest (R4) Zone**, Subsection **(1) (b)** is amending by replacing the words "in a dwelling on lots 2.0 hectares or larger" with "as per Section 3.8 of this bylaw."

1.14 **PART 8, ZONE REGULATIONS**, Section **8.4 Residential 4- Forest (R4) Zone**, Subsection **(1) (g)** is deleted.

1.15 **PART 8, ZONE REGULATIONS**, Section **8.4 Residential 4- Forest (R4) Zone**, Subsection **(2) (a)** is amending by adding the words "and one secondary suite" after the word "unit".

1.16 **PART 8, ZONE REGULATIONS**, Section **8.4 Residential 4- Forest (R4) Zone**, Subsection **(2) (b)** is amending by adding the words "and two secondary suites" after the word "units".

1.17 **PART 8, ZONE REGULATIONS**, Section **8.5 Agriculture 1 (A1) Zone**, Subsection **(1) (d)** is amended by replacing the words "in a dwelling on lots 2.0 hectares or larger" with "as per Section 3.8 of this bylaw."

1.18 **PART 8, ZONE REGULATIONS**, Section **8.5 Agriculture 1 (A1) Zone**, Subsection **(1) (f)** is deleted.

1.19 **PART 8, ZONE REGULATIONS**, Section **8.5 Agriculture 1 (A1) Zone**, Subsection **(2) (a)** is amended by adding the words "and one secondary suite" after the word "unit".

1.20 **PART 8, ZONE REGULATIONS**, Section **8.5 Agriculture 1 (A1) Zone**, Subsection **(2) (b)** is amended by adding the words "and two secondary suites" after the word "units".

1.21 **PART 8, ZONE REGULATIONS**, Section **8.6 Agriculture 2 –Agriculture/Residential (A2) Zone (*Shire Property)***, Subsection **(1) (b)** is amended by adding the words "as per Section 3.8 of this bylaw;" after "suite".

1.22 **PART 8, ZONE REGULATIONS**, Section **8.6 Agriculture 2 –Agriculture/Residential (A2) Zone (*Shire Property)***, Subsection **(2) (a)** is amended by adding the words "and one secondary suite per dwelling" after "units".

1.23 **PART 8, ZONE REGULATIONS**, Section **8.7 Agriculture 3 –Agriculture/Residential (A3) Zone (*Syzygy*)**, Subsection **(1) (d)** is amended by adding the words "as per Section 3.8 of this bylaw;" after "suite".

1.24 **PART 8, ZONE REGULATIONS**, Section **8.7 Agriculture 3 –Agriculture/Residential (A3) Zone (*Syzygy*)**, Subsection **(2) (a)** is amended by adding the words "and one secondary suite per dwelling" after "units".

1.25 **PART 8, ZONE REGULATIONS**, Section **8.8 Agriculture 4 –Agriculture/Residential (A4) Zone (*Downes Point Land Holdings Ltd.*)**, Subsection **(1) (b)** is amended by adding the words "as per Section 3.8 of this bylaw;" after "suite".

1.26 **PART 8, ZONE REGULATIONS**, Section **8.8 Agriculture 4 –Agriculture/Residential (A4) Zone (*Downes Point Land Holdings Ltd.*)**, Subsection **(2) (a)** is amended by adding the words "and one secondary suite per dwelling" after "units".

1.27 **PART 8, ZONE REGULATIONS**, Section **8.21 Public Use (PU) Zone**, Subsection **(9) table** is amended by adding a new site specific regulation after "(d) Recycling depot" that reads "(e) Community housing."

1.28 **PART 10, TEMPORARY USE PERMIT AREAS,** Section **10.1 Temporary Use Permits,** text is amended by adding the following sentence at the end of the paragraph "All Temporary Use Permit Objectives are listed in the Hornby Island Official Community Plan."

1.29 **PART 10, TEMPORARY USE PERMIT AREAS,** Section **10.2 Objectives** is deleted and subsequent section renumbered accordingly.

1.30 **PART 10, TEMPORARY USE PERMIT AREAS**, Section **10.3 Guidelines,** Subsection **(10)** is deleted and replaced with the following:

"When considering the issuance of a Temporary Use Permit for a vacation home rental, the following additional guidelines apply:

(a) the cumulative effects, both positive and negative, on the neighbourhood and island of all Temporary Use Permits issued for vacation home rentals shall be considered by the Local Trust Committee;

(b) applicants for a Temporary Use Permit should provide documentation from a qualified professional that:

i) the septic tank has been inspected in the last 6 months and is working and capable of supporting the proposed occupancy load for the vacation rental use; and

ii) there is sufficient quantity and quality of potable water to support the vacation rental use.

(c) a condition of the Temporary Use Permit should require the permit holder to post information for guests about awareness and sensitivity to the significant First Nations cultural heritage and archaeological sites on the island;

(d) a condition of the Temporary Use Permit should prohibit recreational vehicles or camping;

(e) a condition of the Temporary Use Permit should allow vacation rental use only between May 1 – September 30;

(f) a condition of the Temporary Use Permit should allow no more than 2 beds per bedroom and no more than three bedrooms to be used for dwellings on lots less than 1.0 hectare in size; or more than four bedrooms if the lot has an area of 1.0 hectare or more.

(g) a condition of the Temporary Use Permit should restrict occupancy during any period of seven consecutive days to only one guest or guest party;

(h) a condition of the Temporary Use Permit should limit occupancy and signage on the property;

(i) a condition of the Temporary Use Permit should require specific information to be posted to guests regarding the location of property lines by way of a map, any applicable noise bylaws, measures to address water conservation, fire safety, storage and management of garbage, septic system care and control of pets (if pets are permitted) as stated in the Temporary Use Permit or as determined by the owner or manager to effectively manage the site; and

(j) any other requirements the Local Trust Committee may consider appropriate.

Hornby Island and K'omoks First Nation Engagement Summary –
March 2025 DRAFT

The following table has been prepared by Islands Trust (IT) planning staff in collaboration with K'omoks First Nations (KFN) technical staff. This table summarizes KFN's recommendations for the Denman and Hornby Island OCP/LUB Review Projects. These recommendations reflect insights gained through several meetings and discussions between IT planning staff and staff from the KFN between 2024 and March 2025. **The primary focus of these engagements has been to identify and prioritize land use planning tools that align with KFN protocols and values to protect threatened cultural heritage sites from further development and land alterations on both Denman and Hornby Islands. KFN has identified specific priorities to guide the Local Trust Committees (LTC) in implementing these recommendations in a manner that supports reconciliation within scope, honours KFN's inherent rights and upholds respect for their cultural heritage and land protocols.**

Recommended actions have been categorized below as high, medium or low priorities for the Hornby Island Local Trust Committee's (LTC) consideration of implementation for land use planning. These priorities reflect the shared goal of implementing effective land use planning measures that align with KFN protocols and values. Action items are being recommended for LTC implementation to protect cultural heritage and support reconciliation efforts on both islands.

PRIORITY RATING (High, Med, Low)	K'omoks First Nations Perspectives and Recommendations	Recommended Actions to be Considered by the Hornby Island Local Trust Committees (LTC) of the Islands Trust	Engagement Outcomes
TBD	**A. Clearly articulate the land use planning function the LTCs conduct within KFN territory and how it respects the KFN values and their inherent rights as Indigenous People who have sustained connections to Denman and Hornby Islands.**	1. Update OCP and LUB with appropriate land acknowledgment at the beginning of each bylaw. 2. Update OCP with appropriate overview and context of the significance of KFN ancestral village sites and cemeteries on Hornby Island and occupation of the island up until present day. Explicitly recognize the impacts of existing patterns of settlement, protected areas and residential development on First Nations rights and title. 3. Update OCP with appropriate context to characterize the reality that despite provincial protections that have been in place since 1994 (Heritage Conservation Act) cultural heritage on the island has been adversely impacted by development and land alterations; many which have occurred without provincial permits, authorizations, investigations or consultation with First Nations. 4. Update OCP with specific LTC commitments to reconciliation as the overarching framework for all policy guidance. Explicitly characterize LTCs jurisdiction and authority in land use planning and commitment to assist First Nations in protecting cultural heritage through implementation of progressive land use planning policies and regulations.	*Important to see a stated commitment from local government to reconciliation that prioritizes nation members to re-connect to the land and marine waters of Denman and Hornby Islands.* *Two core principles underlying KFN's teachings includes 1) ancestors have to be cared for, including maintain the integrity of burial places and remains of past actions; 2) ancestors will look out for you, including personal health of individuals and enhancing knowledge of how ancestors took care of the land and waters in the territory. These principles guide KFN's management of cultural heritage. By applying these teachings to KFN's cultural heritage, the nation works with newcomers to ensure that cultural heritage sites and objects are treated respectfully, that investigation of KFN cultural heritage advances the knowledge of history and supports revival of KFN culture. This must be adequately represented in land use planning documents within the territory.* *(KFN Guardians and the Chief and Council may add additional text here)*

PRIORITY RATING (High, Med, Low)	K'omoks First Nations Perspectives and Recommendations	Recommended Actions to be Considered by the Hornby Island Local Trust Committees (LTC) of the Islands Trust	Engagement Outcomes
TBD	B. Address KFN's need for cooperation from local governments regarding protection of Archaeological and Cultural Heritage Resources on Denman and Hornby Islands.	1. Explore implementation of shoreline Development Permit Area (DPA – see D3 below) or Heritage Conservation Area (HCA) to be applied island wide or up to 200 m from the setback of the natural boundary of the sea. Inform the DPA or HCA with prescriptive guidelines for low impact foundations, low impact septic tanks and fields, low impact landscaping and low impact access roads/driveways/parking areas. 2. Use a Development Approval Information Bylaw (DAI) to require a Preliminary Field Reconnaissance (PFR), Archaeological Overview Assessment (AOA) or Archaeological Impact Assessment (AIA) (or all three for complex sites) for rezoning applications where increase in density or intensity of uses is being proposed on the islands. Coordinate with the KFN CHIP process requirements and explore archaeological monitoring requirements as a condition of permits/zoning. 3. Use a Development Approval Information Bylaw (DAI) to require a biophysical inventory for rezoning applications where increase in density or intensity of uses is being proposed anywhere on the islands, to identify forest characteristics, sites of highest biodiversity, species at risk. Ensure information sharing with the Nation to build on datasets and enhance quality of the referrals. 4. Explore policy options requiring that all developments within KFN Cultural Heritage sites comply with the CHIP as a condition of any SUP, DVP, DP or Rezoning application OR implement alternative means of protection through building inspection services, special zoning, conservation areas, restrictive covenants.	*Improve development approval processes to ensure no further harm or degradation to archaeological sites and cultural heritage resources. Minimizing or eliminating impacts to ALL archaeological sites is KFN's preference as per the Cultural Heritage Policy.* *200m buffer within all shorelines is the highest priority for protection, investigation and field assessment. KFN Cultural Heritage Policy requires that a community archaeologist, field technician, or cultural advisor play a part in all aspects of archaeological and heritage investigations - from permit review, permit issuance, field work, laboratory analysis, reporting and report review.* *Rising sea levels and intensification of coastal development means archaeological sites and cultural heritage may be inundated/destroyed. This is the most sensitive region of the islands for protection.* *Proposed Development Permit Areas or Heritage Conservation Areas should be 200m form the shoreline or be island wide.* *Address the four most severely impacted and threatened archaeological sites on Denman and Hornby Islands with proactive land use planning tools.*

DRAFT

PRIORITY RATING (High, Med, Low)	K'omoks First Nations Perspectives and Recommendations	Recommended Actions to be Considered by the Hornby Island Local Trust Committees (LTC) of the Islands Trust	Engagement Outcomes
TBD	C. Address KFN's priorities to protect shorelines, watercourses, shorelines, streams, intact ecosystems and biodiversity on the islands.	1. Maintain island wide Development Permit Area (DPA) for streams, watercourses. 2. Consider island wide DPA for protection of biodiversity that would be triggered by any land alterations or new construction.	*200 metre buffer along shorelines and watercourses are most sensitive for ecosystems, diversity of species for foraging. Forest ecosystems and prairie oak meadows at high risk alteration. Place high emphasis on land use protection tools for these areas.* *Ensure all shoreline development implement green shores principles and strategies to protect biodiversity.* *(Guardians and the Chief and Council may add additional text here)*

REFERENCES:

KFN Cultural Heritage Policy (2010)

KFN Land Code (2016)

KFN Treaty Ratification (2024)

UNDRIP Articles 31 and 32

Mitigating Impacts to KFN Cultural Heritage on Denman and Hornby islands (2024)

STAFF REPORT

File No.: Hornby OCP/LUB Review

DATE OF MEETING:	May 16, 2025
TO:	Hornby Island Local Trust Committee
FROM:	Sonja Zupanec, RPP, MCIP Northern Team
SUBJECT:	Consideration of Second Reading of Proposed Bylaw Nos. 176 (OCP) and 177 (LUB)

RECOMMENDATION

1. **That the Hornby Island Local Trust Committee Bylaw No. 176, cited as "Hornby Island Official Community Plan Bylaw No. 149, 2014, Amendment No. 1, 2024" be amended as per the tracked changes shown in Attachment 1 of this staff report dated May 16, 2025.**

2. **That the Hornby Island Local Trust Committee Bylaw No. 176, cited as "Hornby Island Official Community Plan Bylaw No. 149, 2014, Amendment No. 1, 2024" be read a second time.**

3. **That the Hornby Island Local Trust Committee Bylaw No. 177, cited as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024" be amended as per the tracked changes shown in Attachment 2 of this staff report dated May 16, 2025.**

4. **That the Hornby Island Local Trust Committee Bylaw No. 177, cited as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024" be read a second time.**

5. **That the Hornby Island Local Trust Committee request staff to report back in fall 2025 on the land use impacts and implications of the provincial short term rental registry prior to scheduling a special meeting to hold a community information meeting and public hearing for Proposed Bylaw Nos. 176 (OCP) and 177 (LUB).**

REPORT SUMMARY

This report outlines the amendments to Proposed Bylaw Nos. 176 (Official Community Plan) and 177 (Land Use Bylaw), as endorsed by the Local Trust Committee (LTC) at its regular business meeting in March 2025. Staff recommend that the LTC give second reading to both proposed bylaws and proceed to a community information meeting and public hearing, to be held in the late afternoon/evening following the next regular business meeting in July 2025. All relevant background information and public correspondence related to this project is posted to the Islands Trust project webpage.

BACKGROUND

In March 2025, the LTC requested staff to prepare amendments to Proposed Bylaws No. 176 (Official Community Plan) and 177 (Land Use Bylaw) based on agency and First Nations feedback, as well as staff recommendations. These changes included specifying the maximum density for community housing in the PUa zone; strengthening water and septic requirements for vacation rental temporary use permit applications; and deferring consideration of detached secondary dwellings on lots less than 4ha or secondary suites on all residential properties for the second stage of bylaw amendments in 2026.

Planning staff advised the LTC to amend the proposed bylaws by temporarily removing the housing provisions until the completion of the second phase of the review project (First Nations Engagement). In addition, the LTC introduced a draft provision for a cap of 67 temporary use permits for vacation home rentals. Attachments 1 and 2 provide the full scope of the LTC-endorsed draft bylaw amendments for consideration of second reading. Attachments 3 and 4 provide clean versions of both bylaws, reflecting all tracked changes as accepted.

ANALYSIS

Issues and Opportunities

Staff have identified the following issues and opportunities, discussed in more detail below.

Public Correspondence

All public correspondence is posted to the project webpage and updated regularly. The LTC is encouraged to review submissions prior to each business meeting and identify to staff any specific matters it wishes to explore or discuss during the major project agenda item. The LTC has received several letters from property owners objecting to a cap on vacation rentals as well as a repeated request to correct the PU(a) zone to include “community trades and services including association retail”.

Stipulated density for Community Housing in the PU(a) zone

In March 2025, the LTC directed staff to work with the proponents of an affordable community housing project on Crown land to establish a maximum density for the PU(a) zone. The proponents have confirmed their request for a maximum density of 10 dwelling units per hectare, with a total of 24 live/work units proposed. Including these provisions in the PU(a) zone at this time is intended to strengthen their funding applications, pending other necessary approvals such as Crown land tenure and a water license. Additional project-specific zoning regulations, such as building heights and setbacks, may be considered through a variance application to accommodate the specific needs of the proposal should they exceed the general regulations of the PU zone.

Resource Implications for Proposed Temporary Use Permit Application Processing

The amendments to Proposed Bylaw No. 177 (Land Use Bylaw) include a cap of 67 issued Temporary Use Permits for vacation home rentals. The LTC is requested to confirm that this cap is intended to represent the total number of active permits at any given time, rather than an annual limit.

If the bylaws proceed to Executive Committee (EC) consideration following third reading, staff will be advising the EC of the associated resource and financial implications on administration, including anticipated additional staff time and procedural capacity needed to process up to 67 TUP applications on a recurring cycle of every three to six years and subsequent bylaw monitoring and/or enforcement. Should the LTC direction be to proceed as per the recommendation, management will prepare a subsequent report to the LTC outlining further details on the impacts anticipated to administer the proposed bylaw amendment, prior to a public hearing being held.

At the time of report writing there were 44 vacation rentals registered with the Provincial Short Term Rental Registry. Staff will be prepared to provide the LTC with a verbal update on total registrants as of May 1, 2025. The LTC may wish to consider pausing further consideration of Proposed Bylaw Nos. 176 and 177 until fall 2025 to review and assess provincial data and any impacts or implications of the registry system on land use planning matters on Hornby Island. The LTC has also received public correspondence posted to the project website, recommending a temporary pause until a review of the provincial registry's impacts is conducted.

RATIONALE FOR RECOMMENDATIONS

Staff recommend that the LTC consider second reading for Proposed Bylaws No. 176 and 177 to advance provisions for temporary use permits for vacation rentals and the allowance of chickens in residential zones.

Staff also recommend that the LTC receive an update from staff regarding the provincial data and related implications of the provincial registry system on land use matters and vacation rental operators on Hornby Island. Staff suggest reporting back to the LTC in the fall to allow adequate time for data gathering and review.

A summary of staff recommendations is provided on page 1 of this report.

ALTERNATIVE:

1. **Amend the Project Charter and/or request staff to amend the Proposed Bylaws further.**

   The LTC can amend the Project Charter scope/objectives and/or further amend the Proposed Bylaws to ensure alignment with the LTC's intentions to update the OCP and LUB. If this alternative is selected, the suggested resolution would be:

   "That the Hornby Island Local Trust Committee amend (insert Proposed Bylaw No. or Project Charter) by (insert specific amendments)."

Next Steps

If the LTC proceeds with second readings, a community information meeting and public hearing can be scheduled at their next regularly scheduled business meeting on September 5 or November 14, 2025. If the LTC prefers to hold the CIM and public hearing separately, staff encourage the LTC to specify dates so staff can explore venue options.

Submitted by:	Sonja Zupanec, RPP, MCIP, Island Planner	April 29, 2025
Concurrence:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	May 5, 2025

ATTACHMENTS

1. Proposed Bylaw No. 176 (OCP) – tracked changes version
2. Proposed Bylaw No. 177 (LUB) – tracked changes version
3. Proposed Bylaw No. 176 (OCP) – clean version for second reading
4. Proposed Bylaw No. 177 (LUB) – clean version for second reading

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 176

A BYLAW TO AMEND HORNBY ISLAND OFFICIAL COMMUNITY PLAN, 2014

The Hornby Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Hornby Island Local Trust Area under the *Islands Trust Act,* enacts as follows:

1. This bylaw may be cited for all purposes as "Hornby Island Official Community Plan Bylaw No. 149, 2014, Amendment No. 1, 2024".

2. Hornby Island Local Trust Committee Bylaw No. 149, cited as "Hornby Island Official Community Plan, 2014," is amended as per Schedule "1" and "2" attached to and forming part of this bylaw.

READ A FIRST TIME THIS	9TH	DAY OF	AUGUST	, 2024
READ A SECOND TIME THIS	-	DAY OF	-	, 202x
PUBLIC HEARING HELD THIS	-	DAY OF	-	, 202x
READ A THIRD TIME THIS	-	DAY OF	-	, 202x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	-	DAY OF	-	, 202x
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS				
	-	DAY OF	-	, 202x
ADOPTED THIS	-	DAY OF	-	, 202x

Chair **Secretary**

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 176
Schedule "1"

1. **Schedule "A"** of Hornby Island Official Community Plan, 2014 is amended as follows:

   1.1 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.1 Residential – General, Objectives** (1) is deleted and replaced with:

   "(1) to ensure that a variety of housing and housing tenure options are supported by this Plan."

   1.2 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential,** article **6.3.1 Residential – General, Policies**, is amended by adding the following new policy after 6.3.1.3 "6.3.1.4 Vacation Home Rental use is permitted through the issuance of a valid Temporary Use Permit."

   ~~**Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential, Background** text, second paragraph is deleted and replaced with "The Anderson Drive/Whaling Station Bay aquifer areas are classified as the highest vulnerability in the province as 1A (heavily developed with high vulnerability). This is reflected in the area's water quality and quantity problems, including saltwater intrusion, sulphureus water and poor yielding wells. In 202X the Local Trust Committee added the Galleon and Sandpiper neighbourhood areas to this aquifer classification."~~

   ~~1.3 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential, Objectives** (3) is deleted and replaced with "(3) to protect the water resource in the aquifers classified as heavily developed, highly vulnerable; and"~~

   ~~1.3 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential, Policies** 6.3.2.4 is deleted and replaced with "6.3.2.4 One principle dwelling and one secondary suite should be permitted on each lot."~~

   ~~1.3 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential, Additional Policies for small lots in the Anderson Drive/Whaling Station Bay area,** the title be amended to read "Additional Policies for small lots in the IA Heavily Developed, High Vulnerability Aquifer Areas"~~

   ~~1.3 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential, Additional Policies for small lots in the Anderson Drive/Whaling Station Bay area, Policy** 6.3.2.15 be deleted in its entirety and subsequent policies re-numbered accordingly.~~

   ~~1.3 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential, Additional Policies for small lots in~~

~~**the Anderson Drive/Whaling Station Bay area, Policy** 6.3.2.16 be amended by deleting the words "and vacation home rentals".~~

~~1.4~~1.3 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Objectives,** be amended by adding a new objective after (4) which reads: "(5) to support multi-dwelling residential rental tenure development in the Large Lot Residential zone, through rezoning applications."

~~1.4 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Policies** 6.3.3.4 is deleted in its entirety and replaced with "6.3.3.4 Only one principal dwelling unit and one secondary suite should be permitted on lots smaller than 2.0 hectares. A maximum of two dwelling units and two secondary suites should be permitted on lots 2.0 hectares or larger."~~

~~1.5~~1.4 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Policies** 6.3.3.6 is amended by deleting the words "and vacation home rentals".

~~1.6~~1.5 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Policies** is amended by adding a new policy 6.3.3.10 that reads "6.3.3.10 Rezoning applications are encouraged for multi-dwelling developments restricted to residential rental tenure and which ensure affordability is maintained in perpetuity."

~~1.6 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.4 Forest, Policies** 6.3.4.3 is deleted in its entirety and replaced with "6.3.4.3 Only one principal dwelling unit and one secondary suite should be permitted on lots smaller than 2.0 hectares. A maximum of two dwelling units and two secondary suites should be permitted on lots 2.0 hectares or larger."~~

~~1.6 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.5 Housing,** article **Rental Housing Policies,** 6.3.5.13 be deleted in its entirety and replaced with "6.3.5.13 A secondary suite, limited in size and contained within a permitted dwelling, should be permitted on lots smaller than 2.0 hectares. A secondary suite, limited in size by regulation and located either within, attached to or detached from a permitted dwelling should be permitted on lots 2.0 hectares or larger."~~

~~1.7~~1.6 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.4 Agriculture**, article **6.4.1 Agriculture, Policies,** 6.4.1.4 be deleted in its entirety and replaced with "6.4.1.4 On lots 4.0 hectares or larger in the Agricultural Land Reserve, regulations should permit one principal dwelling and one secondary suite within the principal dwelling as well as one additional secondary dwelling limited in floor area and consistent with the Agricultural Land Commission regulations."

~~1.8~~1.7 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.2 Visitor Accommodations and Tourism, Policies,** 6.5.2.5 a) is amended by removing the words ", guest houses or vacation home rentals".

~~1.9~~1.8 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.2 Visitor Accommodations and Tourism, Policies,** 6.5.2.5 b) is deleted in its entirety and replaced with "6.5.2.5 b) On land in the Agricultural Land Reserve, vacation home rentals approved by a temporary use permit and agri-tourism accommodation in accordance with Agriculture Land Commission policy and regulations, if zoning allows such a use."

~~1.10~~1.9 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, **Commercial and Home Occupations**, article **6.5.2 Visitor Accommodations and Tourism, Policies,** Policy 6.5.2.5 is amended by adding a new item c) that reads: "c) Vacation home rental use may be approved through the issuance of a Temporary Use Permit and subject to guidelines contained within the ~~Official Community Plan~~Land Use Bylaw."

~~1.11~~1.10 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.3 Vacation Home Rental,** is deleted in its entirety and subsequent subsections renumbered accordingly.

~~1.12~~1.11 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.5 Home Occupations, Background,** paragraph 2 is amended by removing the words "and vacation home rental of a primary residence is addressed in article 6.5.3 Vacation Home Rental".

~~1.13~~1.12 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.5 Home Occupations, Policies,** Policy 6.5.5.7 is deleted in its entirety and subsequent policies renumbered accordingly.

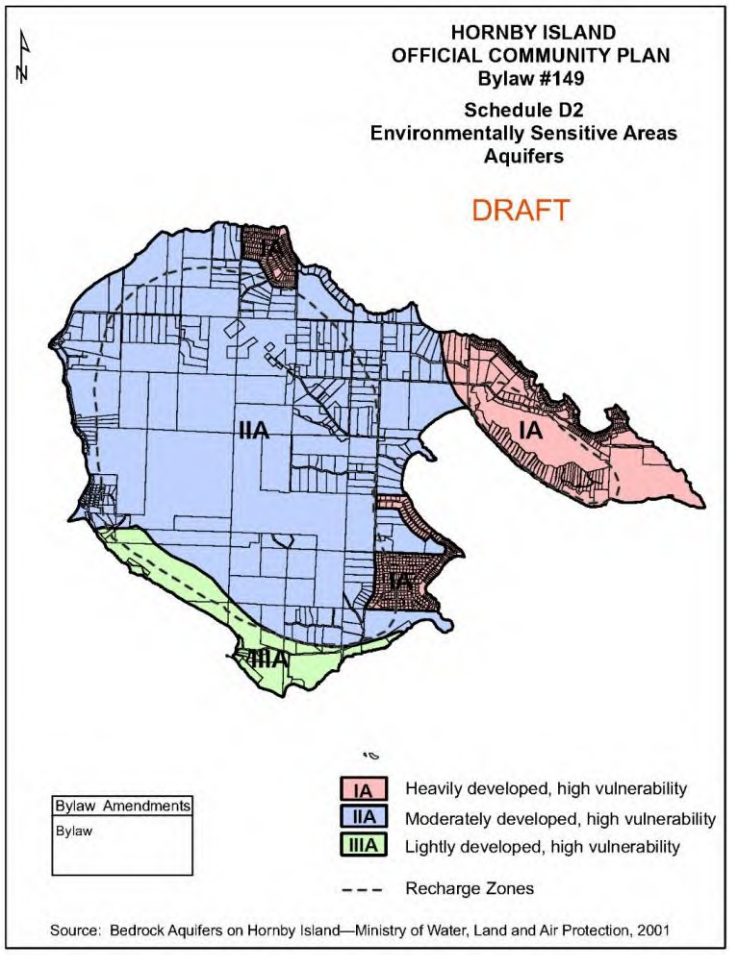
~~1.14~~1.13 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.10 Temporary Use Permits, Objectives**, Objective (9) is deleted in its entirety and replaced with "(9) to allow vacation home rental use as per Policy 6.5.2.5 c)".

~~1.15~~1.14 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.10 Temporary Use Permits, Guidelines**, 6.10.1 through 6.10.10 are deleted and replaced with the following text: "The guidelines for this subsection are found in the Hornby Island Land Use Bylaw."

~~**HORNBY ISLAND LOCAL TRUST COMMITTEE**~~
~~**BYLAW NO. 176**~~
~~**Schedule "2"**~~

~~1. Schedule "D2" – Environmentally Sensitive Areas Aquifers of the Hornby Island Official Community Plan, 2014 is amended by deleting Schedule D2 in its entirety and replacing with the map as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "2" of Bylaw No. 149 as are required to effect this change.~~

~~**Plan No. 1**~~



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PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 177

A BYLAW TO AMEND HORNBY ISLAND LAND USE BYLAW, 2014

The Hornby Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Hornby Island Local Trust Area under the *Islands Trust Act,* enacts as follows:

1. This bylaw may be cited for all purposes as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024".

2. Hornby Island Local Trust Committee Bylaw No. 150, cited as "Hornby Island Land Use Bylaw, 2014," is amended as per Schedule "1" attached to and forming part of this bylaw.

READ A FIRST TIME THIS	9TH	DAY OF	AUGUST	, 2024
READ A SECOND TIME THIS	-	DAY OF	-	, 202x
PUBLIC HEARING HELD THIS	-	DAY OF	-	, 202x
READ A THIRD TIME THIS	-	DAY OF	-	, 202x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	-	DAY OF	-	, 202x
ADOPTED THIS	-	DAY OF	-	, 202x

_____ _____

Chair **Secretary**

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 177
Schedule "1"

1. **Schedule "A"** of Hornby Island Land Use Bylaw, 2014 is amended as follows:

1.1 **PART 1, INTERPRETATION,** Section **1.1 Definitions,** the definition of **structure** is amended by adding the words ", and water storage cisterns." After "related appurtenances".

1.2 **PART 1, INTERPRETATION,** Section **1.1 Definitions,** and the definition of **vacation home rental use** is deleted.

1.3 **PART 3, GENERAL REGULATIONS,** Section **3.7 Vacation Home Rental Uses** be deleted and subsequent sections are re-numbered accordingly.

~~**PART 3, GENERAL REGULATIONS,** Section **3.8 Secondary Suites,** Subsection **(1) (e)** is amended by replacing the words "the principle residential dwelling" with "a permitted residential dwelling".~~

~~1.4 **PART 3, GENERAL REGULATIONS,** Section **3.8 Secondary Suites,** Subsection **(1) (g)** is amended by replacing the word "principal" with "permitted residential".~~

~~1.5 **PART 3, GENERAL REGULATIONS,** Section **3.8 Secondary Suites,** a new subsection is inserted after **(2)** and before **(3)** with the following text:~~

~~"(3) Where a secondary suite is permitted in Part 8 of this Bylaw, an authorized qualified professional must state in writing to the Islands Trust that the potable water system to which the building accommodating the secondary suite is connected to, is capable of providing adequate quantity and quality of potable water."~~

~~and the subsequent subsection renumbered accordingly.~~

~~1.9~~1.4 **PART 8, ZONE REGULATIONS**, Section **8.1 Residential 1- Small Lot (R1) Zone (Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot)**, Subsection **(1) (d)** is ~~amending by replacing the words "vacation home rental use" with "secondary suite as per Section 3.8 of this bylaw."~~deleted.

~~1.10 **PART 8, ZONE REGULATIONS**, Section **8.1 Residential 1- Small Lot (R1) Zone (Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot)**, Subsection **(2) (a)** is deleted and replaced with "(a) a maximum of one residential dwelling unit with one secondary suite or one recreational vehicle used for a residential use per lot; and".~~

~~1.11 **PART 8, ZONE REGULATIONS**, Section **8.2 Residential 2- Large Lot (R2) Zone**, Subsection **(1) (c)** is amended by deleting the words "in a dwelling on lots 2.0 hectares or larger" and replacing with "as per Section 3.8 of this bylaw".~~

~~1.12~~1.5 **PART 8, ZONE REGULATIONS**, Section **8.2 Residential 2- Large Lot (R2) Zone**, Subsection **(1) (h)** is deleted.

~~1.13 **PART 8, ZONE REGULATIONS**, Section **8.2 Residential 2- Large Lot (R2) Zone**, Subsection **(2) (a)** is amended by adding the words "and one secondary suite" after the word "unit".~~

~~1.14 **PART 8, ZONE REGULATIONS**, Section **8.2 Residential 2- Large Lot (R2) Zone**, Subsection **(2) (b)** is amended by adding the words "and two secondary suites" after the word "units".~~

~~1.15 **PART 8, ZONE REGULATIONS**, Section **8.4 Residential 4- Forest (R4) Zone**, Subsection **(1) (b)** is amending by replacing the words "in a dwelling on lots 2.0 hectares or larger" with "as per Section 3.8 of this bylaw."~~

~~1.16~~1.6 **PART 8, ZONE REGULATIONS**, Section **8.4 Residential 4- Forest (R4) Zone**, Subsection **(1) (g)** is deleted.

~~1.17 **PART 8, ZONE REGULATIONS**, Section **8.4 Residential 4- Forest (R4) Zone**, Subsection **(2) (a)** is amending by adding the words "and one secondary suite" after the word "unit".~~

~~1.18 **PART 8, ZONE REGULATIONS**, Section **8.4 Residential 4- Forest (R4) Zone**, Subsection **(2) (b)** is amending by adding the words "and two secondary suites" after the word "units".~~

~~1.19 **PART 8, ZONE REGULATIONS**, Section **8.5 Agriculture 1 (A1) Zone**, Subsection **(1) (d)** is amended by replacing the words "in a dwelling on lots 2.0 hectares or larger" with "as per Section 3.8 of this bylaw."~~

~~1.20~~1.7 **PART 8, ZONE REGULATIONS**, Section **8.5 Agriculture 1 (A1) Zone**, Subsection **(1) (f)** is deleted.

~~1.21 **PART 8, ZONE REGULATIONS**, Section **8.5 Agriculture 1 (A1) Zone**, Subsection **(2) (a)** is amended by adding the words "and one secondary suite" after the word "unit".~~

~~1.22 **PART 8, ZONE REGULATIONS**, Section **8.5 Agriculture 1 (A1) Zone**, Subsection **(2) (b)** is amended by adding the words "and two secondary suites" after the word "units".~~

~~1.23 **PART 8, ZONE REGULATIONS**, Section **8.6 Agriculture 2 – Agriculture/Residential (A2) Zone (*Shire Property)***, Subsection **(1) (b)** is amended by adding the words "as per Section 3.8 of this bylaw;" after "suite".~~

~~1.24 **PART 8, ZONE REGULATIONS**, Section **8.6 Agriculture 2 – Agriculture/Residential (A2) Zone (*Shire Property)***, Subsection **(2) (a)** is amended by adding the words "and one secondary suite per dwelling" after "units".~~

~~1.25 **PART 8, ZONE REGULATIONS**, Section **8.7 Agriculture 3 – Agriculture/Residential (A3) Zone (*Syzygy)***, Subsection **(1) (d)** is amended by adding the words "as per Section 3.8 of this bylaw;" after "suite".~~

~~1.26 **PART 8, ZONE REGULATIONS**, Section **8.7 Agriculture 3 – Agriculture/Residential (A3) Zone (*Syzygy)***, Subsection **(2) (a)** is amended by adding the words "and one secondary suite per dwelling" after "units".~~

~~1.27 **PART 8, ZONE REGULATIONS**, Section **8.8 Agriculture 4 – Agriculture/Residential (A4) Zone (*Downes Point Land Holdings Ltd.*)**, Subsection **(1) (b)** is amended by adding the words "as per Section 3.8 of this bylaw;" after "suite".~~

~~1.28 **PART 8, ZONE REGULATIONS**, Section **8.8 Agriculture 4 – Agriculture/Residential (A4) Zone (*Downes Point Land Holdings Ltd.*)**, Subsection **(2) (a)** is amended by adding the words "and one secondary suite per dwelling" after "units".~~

1.8 **PART 8, ZONE REGULATIONS**, Section **8.21 Public Use (PU) Zone**, Subsection **(9) table** is amended by adding a new site specific regulation after "(d) Recycling depot" that reads "(e) Community housing, to a maximum density of 10 units per hectare and 24 live/work units per lot."

~~1.29~~1.9 **PART 10, TEMPORARY USE PERMIT AREAS,** Section **10.1 Temporary Use Permits,** text is amended by adding the following sentence at the end of the paragraph "All Temporary Use Permit Objectives are listed in the Hornby Island Official Community Plan."

~~1.30~~1.10 **PART 10, TEMPORARY USE PERMIT AREAS,** Section **10.2 Objectives** is deleted and subsequent section renumbered accordingly.

~~1.31~~1.11 **PART 10, TEMPORARY USE PERMIT AREAS**, Section **10.3 Guidelines,** Subsection **(10)** is deleted and replaced with the following:

"When considering the issuance of a Temporary Use Permit for a vacation home rental, the following additional guidelines apply:

(a) The cumulative impacts of vacation home rentals on both the neighbourhood and the island as a whole shall be considered. Applications may be refused where the concentration or cumulative effect of vacation home rentals would result in unacceptable land use impacts, including but not limited to impacts on residential character, traffic, or housing availability.

(b) A maximum of 67 vacation home rentals approved through a temporary use permit can operate on Hornby Island at any one time.
~~the cumulative effects, both positive and negative, on the neighbourhood and island of all Temporary Use Permits issued for vacation home rentals shall be considered by the Local Trust Committee~~;

~~(b)~~ (c) applicants for a Temporary Use Permit should provide:
~~documentation from a qualified professional that:~~
i) Confirmation from an authorized person that the ~~septic tank~~sewerage system for the vacation rental has been inspected in the last 6 months and ~~is working and capable of supporting the proposed occupancy load for the vacation rental use~~meets the requirements of the Sewerage System Regulation and/or determines what level of construction is required on the existing system to comply with the Sewerage System Regulation; ~~and~~
~~ii) there is sufficient quantity and quality of potable water to support the vacation rental use~~;
ii) an issued operating permit for a water supply system servicing more than one dwelling;~~.~~
iii) confirmation from a qualified professional to certify the watery supply meets the Guidelines for Canadian Drinking Water Quality for microbial and chemical quality or can be made potable with specified measures;
iv) confirmation from a qualified professional that well water quantity intended to supply the vacation rental is sufficient.

(~~c~~d) a condition of the Temporary Use Permit should require the permit holder to post information for guests about awareness and sensitivity to the significant First Nations cultural heritage and archaeological sites on the island;

(~~d~~e) a condition of the Temporary Use Permit should prohibit recreational vehicles or camping;

(~~e~~f) a condition of the Temporary Use Permit should allow vacation home rental use only between May 1 – September 30;

(~~f~~g) a condition of the Temporary Use Permit should allow no more than 2 beds per bedroom and no more than three bedrooms to be used for dwellings on lots

less than 1.0 hectare in size; or more than four bedrooms if the lot has an area of 1.0 hectare or more.

(~~g~~h) a condition of the Temporary Use Permit should restrict occupancy during any period of seven consecutive days to only one guest or guest party;

(~~h~~i) a condition of the Temporary Use Permit should limit occupancy and signage on the property;

(~~i~~j) a condition of the Temporary Use Permit should require specific information to be posted to guests regarding the location of property lines by way of a map, any applicable noise bylaws, measures to address water conservation, fire safety, storage and management of garbage, septic system care and control of pets (if pets are permitted) as stated in the Temporary Use Permit or as determined by the owner or manager to effectively manage the site; and

(~~j~~k) any other requirements the Local Trust Committee may consider appropriate.

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 176

A BYLAW TO AMEND HORNBY ISLAND OFFICIAL COMMUNITY PLAN, 2014

The Hornby Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Hornby Island Local Trust Area under the *Islands Trust Act,* enacts as follows:

1. This bylaw may be cited for all purposes as "Hornby Island Official Community Plan Bylaw No. 149, 2014, Amendment No. 1, 2024".

2. Hornby Island Local Trust Committee Bylaw No. 149, cited as "Hornby Island Official Community Plan, 2014," is amended as per Schedule "1" and "2" attached to and forming part of this bylaw.

READ A FIRST TIME THIS	9TH	DAY OF	AUGUST	, 2024
READ A SECOND TIME THIS	-	DAY OF	-	, 202x
PUBLIC HEARING HELD THIS	-	DAY OF	-	, 202x
READ A THIRD TIME THIS	-	DAY OF	-	, 202x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	-	DAY OF	-	, 202x
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS				
	-	DAY OF	-	, 202x
ADOPTED THIS	-	DAY OF	-	, 202x

Chair **Secretary**

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 176
Schedule "1"

1. **Schedule "A"** of Hornby Island Official Community Plan, 2014 is amended as follows:

1.1 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.1 Residential – General, Objectives** (1) is deleted and replaced with:

"(1) to ensure that a variety of housing and housing tenure options are supported by this Plan."

1.2 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential,** article **6.3.1 Residential – General, Policies**, is amended by adding the following new policy after 6.3.1.3 "6.3.1.4 Vacation Home Rental use is permitted through the issuance of a valid Temporary Use Permit."

1.3 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Objectives,** be amended by adding a new objective after (4) which reads: "(5) to support multi-dwelling residential rental tenure development in the Large Lot Residential zone, through rezoning applications."

1.4 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Policies** 6.3.3.6 is amended by deleting the words "and vacation home rentals".

1.5 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Policies** is amended by adding a new policy 6.3.3.10 that reads "6.3.3.10 Rezoning applications are encouraged for multi-dwelling developments restricted to residential rental tenure and which ensure affordability is maintained in perpetuity."

1.6 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.4 Agriculture**, article **6.4.1 Agriculture, Policies,** 6.4.1.4 be deleted in its entirety and replaced with "6.4.1.4 On lots 4.0 hectares or larger in the Agricultural Land Reserve, regulations should permit one principal dwelling and one secondary suite within the principal dwelling as well as one additional secondary dwelling limited in floor area and consistent with the Agricultural Land Commission regulations."

1.7 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.2 Visitor Accommodations and Tourism, Policies,** 6.5.2.5 a) is amended by removing the words ", guest houses or vacation home rentals".

1.8 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.2 Visitor Accommodations and Tourism, Policies,** 6.5.2.5 b) is deleted in its entirety and replaced with "6.5.2.5 b) On land in the Agricultural Land Reserve, vacation home rentals approved by a temporary

use permit and agri-tourism accommodation in accordance with Agriculture Land Commission policy and regulations, if zoning allows such a use."

1.9 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.2 Visitor Accommodations and Tourism, Policies,** Policy 6.5.2.5 is amended by adding a new item c) that reads: "c) Vacation home rental use may be approved through the issuance of a Temporary Use Permit and subject to guidelines contained within the Land Use Bylaw."

1.10 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.3 Vacation Home Rental,** is deleted in its entirety and subsequent subsections renumbered accordingly.

1.11 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.5 Home Occupations, Background,** paragraph 2 is amended by removing the words "and vacation home rental of a primary residence is addressed in article 6.5.3 Vacation Home Rental".

1.12 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.5 Home Occupations, Policies,** Policy 6.5.5.7 is deleted in its entirety and subsequent policies renumbered accordingly.

1.13 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.10 Temporary Use Permits, Objectives**, Objective (9) is deleted in its entirety and replaced with "(9) to allow vacation home rental use as per Policy 6.5.2.5 c)".

1.14 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.10 Temporary Use Permits, Guidelines**, 6.10.1 through 6.10.10 are deleted and replaced with the following text: "The guidelines for this subsection are found in the Hornby Island Land Use Bylaw."

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 177

A BYLAW TO AMEND HORNBY ISLAND LAND USE BYLAW, 2014

The Hornby Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Hornby Island Local Trust Area under the *Islands Trust Act,* enacts as follows:

1. This bylaw may be cited for all purposes as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024".

2. Hornby Island Local Trust Committee Bylaw No. 150, cited as "Hornby Island Land Use Bylaw, 2014," is amended as per Schedule "1" attached to and forming part of this bylaw.

READ A FIRST TIME THIS	9TH	DAY OF	AUGUST	, 2024
READ A SECOND TIME THIS	-	DAY OF	-	, 202x
PUBLIC HEARING HELD THIS	-	DAY OF	-	, 202x
READ A THIRD TIME THIS	-	DAY OF	-	, 202x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	-	DAY OF	-	, 202x
ADOPTED THIS	-	DAY OF	-	, 202x

_____ _____

Chair **Secretary**

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 177
Schedule "1"

1. **Schedule "A"** of Hornby Island Land Use Bylaw, 2014 is amended as follows:

1.1 **PART 1, INTERPRETATION,** Section **1.1 Definitions,** the definition of **structure** is amended by adding the words ", and water storage cisterns." After "related appurtenances".

1.2 **PART 1, INTERPRETATION,** Section **1.1 Definitions,** and the definition of **vacation home rental use** is deleted.

1.3 **PART 3, GENERAL REGULATIONS,** Section **3.7 Vacation Home Rental Uses** be deleted and subsequent sections are re-numbered accordingly.

1.4 **PART 8, ZONE REGULATIONS**, Section **8.1 Residential 1- Small Lot (R1) Zone (Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot)**, Subsection **(1) (d)** is deleted.

1.5 **PART 8, ZONE REGULATIONS**, Section **8.2 Residential 2- Large Lot (R2) Zone**, Subsection **(1) (h)** is deleted.

1.6 **PART 8, ZONE REGULATIONS**, Section **8.4 Residential 4- Forest (R4) Zone**, Subsection **(1) (g)** is deleted.

1.7 **PART 8, ZONE REGULATIONS**, Section **8.5 Agriculture 1 (A1) Zone**, Subsection **(1) (f)** is deleted.

1.8 **PART 8, ZONE REGULATIONS**, Section **8.21 Public Use (PU) Zone**, Subsection **(9) table** is amended by adding a new site specific regulation after "(d) Recycling depot" that reads "(e) Community housing, to a maximum density of 10 units per hectare and 24 live/work units per lot."

1.9 **PART 10, TEMPORARY USE PERMIT AREAS,** Section **10.1 Temporary Use Permits,** text is amended by adding the following sentence at the end of the paragraph "All Temporary Use Permit Objectives are listed in the Hornby Island Official Community Plan."

1.10 **PART 10, TEMPORARY USE PERMIT AREAS,** Section **10.2 Objectives** is deleted and subsequent section renumbered accordingly.

1.11 **PART 10, TEMPORARY USE PERMIT AREAS**, Section **10.3 Guidelines,** Subsection **(10)** is deleted and replaced with the following:

"When considering the issuance of a Temporary Use Permit for a vacation home rental, the following additional guidelines apply:

(a) The cumulative impacts of vacation home rentals on both the neighbourhood and the island as a whole shall be considered. Applications may be refused where the concentration or cumulative effect of vacation home rentals would result in unacceptable land use impacts, including but not limited to impacts on residential character, traffic, or housing availability.

(b) A maximum of 67 vacation home rentals approved through a temporary use permit can operate on Hornby Island at any one time.

(c) applicants for a Temporary Use Permit should provide:

i) Confirmation from an authorized person that the sewerage system for the vacation rental has been inspected in the last 6 months and meets the requirements of the Sewerage System Regulation and/or determines what level of construction is required on the existing system to comply with the Sewerage System Regulation;
ii) an issued operating permit for a water supply system servicing more than one dwelling;
iii) confirmation from a qualified professional to certify the watery supply meets the Guidelines for Canadian Drinking Water Quality for microbial and chemical quality or can be made potable with specified measures;
iv) confirmation from a qualified professional that well water quantity intended to supply the vacation rental is sufficient.

(d) a condition of the Temporary Use Permit should require the permit holder to post information for guests about awareness and sensitivity to the significant First Nations cultural heritage and archaeological sites on the island;

(e) a condition of the Temporary Use Permit should prohibit recreational vehicles or camping;

(f) a condition of the Temporary Use Permit should allow vacation home rental use only between May 1 – September 30;

(g) a condition of the Temporary Use Permit should allow no more than 2 beds per bedroom and no more than three bedrooms to be used for dwellings on lots less than 1.0 hectare in size; or more than four bedrooms if the lot has an area of 1.0 hectare or more.

(h) a condition of the Temporary Use Permit should restrict occupancy during any period of seven consecutive days to only one guest or guest party;

(i) a condition of the Temporary Use Permit should limit occupancy and signage on the property;

(j) a condition of the Temporary Use Permit should require specific information to be posted to guests regarding the location of property lines by way of a map, any applicable noise bylaws, measures to address water conservation, fire safety, storage and management of garbage, septic system care and control of pets (if pets are permitted) as stated in the Temporary Use Permit or as determined by the owner or manager to effectively manage the site; and

(k) any other requirements the Local Trust Committee may consider appropriate.

STAFF REPORT

File No.: Hornby OCP/LUB Review

DATE OF MEETING:	May 1, 2026
TO:	Hornby Island Local Trust Committee
FROM:	Sonja Zupanec, RPP, MCIP Northern Team
SUBJECT:	Request regarding amendments to the PU(a) site specific zone

RECOMMENDATION

1. **That Hornby Island Local Trust consider the public correspondence attached to the staff report dated May 1, 2026 requesting proposed amendments to the PU(a) zone, and direct staff on desired next steps.**

REPORT SUMMARY

The purpose of this report is to seek clarification from the Local Trust Committee (LTC) on whether it wishes to action repeated public correspondence on the need for a perceived correction to the existing PU(a) site specific zone. Proposed Bylaw No. 177, as part of the OCP/LUB project does include an amendment to the PU(a) zone to allow for community housing, however public correspondence regarding this matter has been received by the LTC since 2018 regarding potential errors and omissions to the zone, that have not yet been discussed by the LTC or actioned. Staff are seeking clarity on whether the LTC wishes to address this matter, and if so, either through the current OCP/LUB review project (Proposed Bylaw No. 177) or as a stand-alone minor project.

The Regional Planning Manager advises that this change of project and use of major project funds will require further administrative time and resources and will impact the budget and timeline for the major project. It may also require an LTC budget request to continue the project into the next fiscal year (2027-2028), subject to approval.

BACKGROUND

The PU(a) zone on Hornby Island is located along Central Road in the centre of the island as per Figure 1 below.

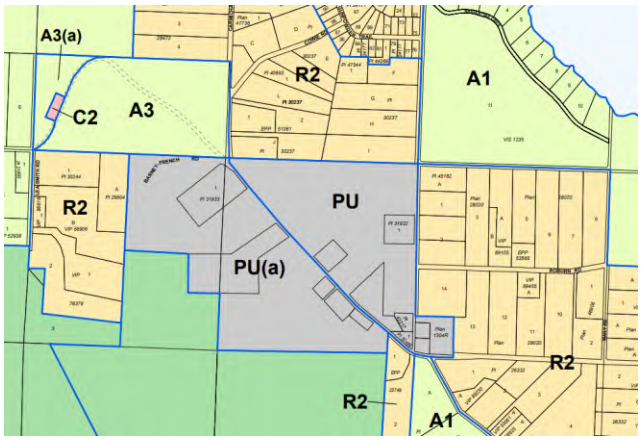

Figure 1. Location and extent of PU(a) zone on Hornby Island.

The following table provides a comparison of the PU(a) zone text in the historic, current and proposed Hornby Island Land Use Bylaw (LUB).

Previous LUB - Hornby Island Land Use Bylaw No. 86	**Present LUB - Hornby Island Land Use Bylaw No. 150**	**Proposed Amendment in Bylaw No. 177**
"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."*	**8.21(9) Site Specific Regulations:** Despite 8.21(1), the only permitted uses are: (a) Cemetery; (b) Public utility storage yard; (c) Highways maintenance yard; and (d) Recycling depot.	**PART 8, ZONE REGULATIONS**, Section **8.21 Public Use (PU) Zone**, Subsection **(9) table** is amended by adding a new site specific regulation after "(d) Recycling depot" that reads "(e) Community housing, to a maximum density of 10 units per hectare and 24 live/work units per lot."

The previous LUB (Bylaw 86) clearly identified ***additional*** permitted uses in the PU(a) zone, where the current LUB specifies the ONLY permitted uses are cemetery and recycling depot (duplicated from main PU zone's permitted uses list), public utility storage yard and highways maintenance yard. There does not appear to be any clear indication of where the direction came from to amend this site-specific zone during the last OCP/LUB review. The current OCP does not contain any policies informing this restriction.

The extent of the current land uses within the PU(a) site specific zone is unconfirmed by staff; however, the public correspondence authors (Attachment 2 and 3) indicate that a correction to the zone is required to address existing and proposed community trades, associated retail and urgent housing needs in the community.

OPTIONS

The LTC may consider the following options:

1. **Direct staff to prepare an amendment to BL No. 177**

   The LTC may direct staff to prepare an amendment to the Proposed Bylaw as part of the long standing OCP/LUB review project. The implications of this would be that the amendments are tied to the progress of the timing of the OCP/LUB review as a whole and may not be as responsive as a stand-alone minor project. If this alternative is selected then the following resolution is recommended:

   That the Hornby Island Local Trust Committee request staff to prepare draft amendments to Proposed Bylaw No. 177, cited as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024" consistent with implementing the public correspondence suggested revisions received from T.Law dated April 17, 2025.

2. **Direct staff to pause work on the OCP/LUB review and prepare a stand-alone project charter to address necessary amendments to the PU(a) site specific zone.**

   The LTC may pause the OCP/LUB review project and action a stand-alone amendment using project funds available in the major project budget. If this alternative is selected then this resolution will be sent to Executive Committee to notify them of the change of use of funds for their major project. The The following resolution is recommended:

   That the Hornby Island Local Trust Committee request staff to pause work on the OCP/LUB Review project and prepare an amended project charter and draft bylaw to address only amendments to the PU(a) site specific zone consistent with public correspondence from T.Law dated April 17, 2025 and Proposed Bylaw No. 17 (LUB).

3. **Receive for information.**

   The LTC may choose to proceed no further with the public correspondence received and no resolution is required.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	April 20, 2026
Concurrence:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	April 22, 2026

ATTACHMENTS

1. Proposed Bylaw No. 177 (LUB) at second reading
2. Public Correspondence K.Ross March 2026
3. Public Correspondence T. Law April 2025

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 177

A BYLAW TO AMEND HORNBY ISLAND LAND USE BYLAW, 2014

The Hornby Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Hornby Island Local Trust Area under the *Islands Trust Act,* enacts as follows:

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2. Hornby Island Local Trust Committee Bylaw No. 150, cited as "Hornby Island Land Use Bylaw, 2014," is amended as per Schedule "1" attached to and forming part of this bylaw.

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READ A SECOND TIME THIS	20TH	DAY OF	MARCH	, 2026
PUBLIC HEARING HELD THIS	-	DAY OF	-	, 202x
READ A THIRD TIME THIS	-	DAY OF	-	, 202x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	-	DAY OF	-	, 202x
ADOPTED THIS	-	DAY OF	-	, 202x

_____ _____

Chair **Secretary**

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 177
Schedule "1"

1. **Schedule "A"** of Hornby Island Land Use Bylaw, 2014 is amended as follows:

1.1 **PART 1, INTERPRETATION,** Section **1.1 Definitions,** the definition of **structure** is amended by adding the words ", and water storage cisterns." After "related appurtenances".

1.2 **PART 1, INTERPRETATION,** Section **1.1 Definitions,** and the definition of **vacation home rental use** is deleted.

1.3 **PART 3, GENERAL REGULATIONS,** Section **3.7 Vacation Home Rental Uses** be deleted and subsequent sections are re-numbered accordingly.

1.4 **PART 8, ZONE REGULATIONS**, Section **8.1 Residential 1- Small Lot (R1) Zone (Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot)**, Subsection **(1) (d)** is deleted.

1.5 **PART 8, ZONE REGULATIONS**, Section **8.2 Residential 2- Large Lot (R2) Zone**, Subsection **(1) (h)** is deleted.

1.6 **PART 8, ZONE REGULATIONS**, Section **8.4 Residential 4- Forest (R4) Zone**, Subsection **(1) (g)** is deleted.

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1.8 **PART 8, ZONE REGULATIONS**, Section **8.21 Public Use (PU) Zone**, Subsection **(9) table** is amended by adding a new site specific regulation after "(d) Recycling depot" that reads "(e) Community housing, to a maximum density of 10 units per hectare and 24 live/work units per lot."

1.9 **PART 10, TEMPORARY USE PERMIT AREAS,** Section **10.1 Temporary Use Permits,** text is amended by adding the following sentence at the end of the paragraph "All Temporary Use Permit Objectives are listed in the Hornby Island Official Community Plan."

1.10 **PART 10, TEMPORARY USE PERMIT AREAS,** Section **10.2 Objectives** is deleted and subsequent section renumbered accordingly.

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"When considering the issuance of a Temporary Use Permit for a vacation home rental, the following additional guidelines apply:

(a) The cumulative impacts of vacation home rentals on both the neighbourhood and the island as a whole shall be considered. Applications may be refused where the concentration or cumulative effect of vacation home rentals would result in unacceptable land use impacts, including but not limited to impacts on residential character, traffic, or housing availability.

(b) A maximum of 87 vacation home rentals approved through a temporary use permit can operate on Hornby Island at any one time.

(c) Applicants for a Temporary Use Permit should provide:

i) Confirmation from an authorized person that the wastewater management system serving the vacation rental has been inspected within the previous six (6) months and complies with the Sewerage System Regulation, or confirmation identifying what upgrades or construction would be required for the system to achieve compliance. Where alternative wastewater systems (such as composting or waterless toilets) are proposed, documentation must demonstrate that the system complies with applicable regulations or has been designed and assessed by a qualified professional.

ii) Where the vacation rental is served by a water system supplying more than one dwelling, a copy of a valid operating permit issued under the Drinking Water Protection Regulation, if applicable.

iii) Confirmation from a qualified professional, within the previous six (6) months, that the groundwater or rainwater supply serving the vacation rental meets, or can be made to meet through specified treatment or management measures, the Guidelines for Canadian Drinking Water Quality for microbial and chemical quality.

iv) Where groundwater is the whole or partial water supply serving the vacation rental, confirmation from a qualified professional that the quantity of groundwater available to serve the vacation rental is sufficient for the intended use.

v) Where rainwater is the whole or partial water supply serving the vacation rental, documentation of the rainwater collection system and quantity of the storage is sufficient for the intended use.

(d) a condition of the Temporary Use Permit should require the permit holder to post information for guests about awareness and sensitivity to the significant First Nations cultural heritage and archaeological sites on the island;

(e) a condition of the Temporary Use Permit should prohibit recreational vehicles or camping;

(f) a condition of the Temporary Use Permit should allow vacation home rental use only between May 1 – September 30;

(g) a condition of the Temporary Use Permit should allow no more than 2 beds per bedroom and no more than three bedrooms to be used for dwellings on lots less than 1.0 hectare in size; or more than four bedrooms if the lot has an area of 1.0 hectare or more.

(h) a condition of the Temporary Use Permit should restrict occupancy during any period of seven consecutive days to only one guest or guest party;

(i) a condition of the Temporary Use Permit should limit occupancy and signage on the property;

(j) a condition of the Temporary Use Permit should require specific information to be posted to guests regarding the location of property lines by way of a map, any

applicable noise bylaws, measures to address water conservation, fire safety, storage and management of garbage, septic system care and control of pets (if pets are permitted) as stated in the Temporary Use Permit or as determined by the owner or manager to effectively manage the site; and

(k) any other requirements the Local Trust Committee may consider appropriate."

Sonja Zupanec

From: Karen Ross <karen@hiceec.org>
Sent: Wednesday, March 25, 2026 3:34 PM
To: Sonja Zupanec
Cc: Alex Allen; Grant Scott; Katherine Ronan; Timothy Peterson
Subject: Request for expedited pathway – PU(a) zoning correction and interim options
Attachments: Tony Law error needs fixing re PU a.docx; LTC support for Crown Land Application.docx

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi Sonja,

I hope you are well and had a good break.

At the Hornby Island Local Trust Committee meeting last Friday, I formally requested that the correction to the PU(a) zoning in the Land Use Bylaw be **fast tracked**.

As noted in my earlier email this week, while second reading has now been given to the bylaw amendments, the PU(a) correction is not clearly or correctly identified in its current form.

For context, I am attaching background materials, including correspondence from former Trustee Tony Law, which outlines the origin of this issue and the repeated efforts—dating back to 2018—to have it corrected. The record shows that this has been clearly identified as an error over a number of years, yet remains unresolved to date despite repeated efforts to have it addressed.

I would also note that HICEEC has been actively engaged with the Trust on this file for some time. In May 2024, at the request of the Chair, we provided detailed information regarding our proposed workforce housing project on the Crown land parcel, along with a request for a Letter of Intent to support the work. That request was made in good faith to help advance early-stage discussions and align timelines, and reflects the longstanding nature of this file.

From HICEEC's perspective, timing has now become critical.

We are:

- In active discussions with the CVRD regarding potential sponsorship through their newly established Housing Authority, which is expected to begin advancing **shovel-ready projects this spring**
- In the final stages of completing a REDIP-funded feasibility study on affordable workforce housing, with the report being released publicly on **April 6**

The convergence of these timelines presents a significant opportunity—but also a clear risk if the zoning issue remains unresolved.

Given that this matter represents a correction of an unintended error—rather than a new policy direction—I would ask whether it can be **removed from the broader LUB review process and advanced independently**.

As you know, the comprehensive LUB review may take considerable time to complete and is currently addressing a number of complex and unrelated issues. In this context, delaying resolution of a discrete and well-documented error risks unnecessarily constraining projects that are otherwise ready to proceed.

With that in mind, I would appreciate your advice on **all available pathways to expedite this correction**, including:

- Whether a **Temporary Use Permit (TUP)** could be utilized as an interim measure
- The feasibility of a **letter of support or intent** from the Trust
- Whether a **Development Permit Area (DPA)** pathway could assist in advancing the project
- Opportunities to **accelerate third reading and adoption**, including timelines for forwarding to the Minister for approval

It would be very helpful to understand:

1. What options are realistically available
2. The **anticipated timelines** for each
3. Any actions that HICEEC or partners (including CVRD) could take to support an expedited process

HICEEC is actively working toward the acquisition of Crown land within the PU(a) zone for the purpose of delivering affordable workforce housing. This work is aligned with demonstrated community need, regional housing priorities, and current provincial funding programs.

We remain committed to working collaboratively with the Trust to find a practical path forward. At the same time, given the length of time this issue has remained unresolved, the history of engagement on this file, and the current alignment of funding and opportunity, it is important that we are able to clearly understand the path—and timing—to resolution.

I would appreciate your guidance at your earliest convenience.

Best regards,
Karen

--
Karen Ross, Executive Director
karen@hiceec.org
office phone: 250-335-1199

"Co-creating a harmonious Island community"

Fwd: To: Hornby Island LTC - Significant Uncorrected error

Inbox

Katherine Ronan <ronandesign@uniserve.com> Apr 24, 2025, 5:39 PM

to Karen

Hi K,
I don't know whether you received this from Tony.
Shall we forward it to Sonja, Alex and Grant as a summary of the history?
K

From: Anthony Law <
Date: April 17, 2025 at 3:07:17 PM PDT
To: northinfo <northinfo@islandstrust.bc.ca>
Cc: aallen <aallen@islandstrust.bc.ca>, grant scott <gscott@islandstrust.bc.ca>, Wendy Burton < ronandesign <ronandesign@uniserve.com>
Subject: To: Hornby Island LTC - Significant Uncorrected error

To Hornby Island Local Trust Committee:

Seven years ago, at the February 18, 2018 meeting of the Hornby Island Local Trust Committee, I drew attention to a significant error in the regulations for the "Public Use" zone in the Hornby Island Land Use Bylaw - Bylaw 150 that needed to be corrected.

Almost six years ago, on May 28, 2019, I sent an email ***(below)*** to trustees and staff providing details of this error and asking "when will this error be corrected?"
No response.

Three years ago I sent an email ***(below)*** to the Hornby Island Local Trust Committee asking "what is being done to correct this?"
No response.

I have pretty much given up on the Islands Trust being a functional organization,
.....but here I go again!!

Why hasn't this error been corrected?
When will it be corrected?

I know things take a l o n g t i m e t o g e t do n e at the Islands Trust (hence I was a trustee for about twenty years!) - but I believe this is not something that should have

been put off for seven years.

Thank you.

Tony Law

.....

Jan 6, 2022, 3:51 PM Jan 6, 2022, 3:51 PM

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

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.

Tony Law

.....

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:

Site-Specific Zone Site PU(a)	*Specific Regulations* *Despite 8.21(1), the only permitted uses are:* *(a) Cemetery;* *(b) Public utility storage yard;* *(c) Highways maintenance yard; and* *(d) Recycling depot.*

I hope this is helpful.

Tony

Tony Law
I respectfully acknowledge I am living on unceded traditional territory of K'òmoks First Nation.

STAFF REPORT

File No.: Hornby OCP/LUB Review

DATE OF MEETING:	June 26, 2026
TO:	Hornby Island Local Trust Committee
FROM:	Renée Jamurat, Regional Planning Manager Northern Team
COPY:	Sonja Zupanec, Island Planner – Project Planner Mary Storzer, RPM, Regional Planning Team support
SUBJECT:	Administrative TUP Processing Considerations for Proposed Bylaws 176 (OCP) and 177 (LUB)

RECOMMENDATIONS

1. **That the Hornby Island Local Trust Committee has reviewed the staff analysis of administrative capacity, financial resourcing and regulatory requirements, and implementation processes associated with Proposed Bylaw Nos. 176 and 177, and confirms its satisfaction that these considerations have been evaluated sufficiently to forward.**

2. **That the Hornby Island Local Trust Committee endorses the securement of additional human resources in the form of new temporary staff or independent contractors to support the processing of expected excess volume of short-term vacation rental – Temporary Use Permit applications, and forward to the Executive Committee for endorsement.**

3. **That the Hornby Island Local Trust Committee request staff to draft a business case based on the indicated option and forward to the Executive Committee for budget endorsement.**

REPORT SUMMARY

New information has been presented through an earlier staff report on this June LTC agenda, which explains that the LTC cannot establish a limit on the number of TUP applications it will receive, and therefore cannot establish a 'cap'; or maximum number of TUPs in the Land Use Bylaw as a regulation.

Staff note that the LTC direction made from this earlier staff report on proposed changes will inform the relevancy and recommendation of the options for this report. Based on that direction for the proposed amendments and the overall project progression, staff can advise on the relevant motions and recommend that the LTC consider the options and confirm its desired approach for endorsement.

The purpose of this report is to provide information in order for the LTC to approve an approach to implement the Proposed Bylaws Nos. 176 and 177, should they be adopted. The report provides an assessment of the regulatory, financial, administrative, and implementation implications of the proposed bylaw amendments.

[Update on this information is subject to LTC direction at June 26 regular meeting] The proposed bylaw amendments could result in Temporary Use Permits being issued by a future LTC, with renewals after three years.

In respecting the LTC's time and consideration for this issue, the LTC has asked staff to look into this further.

Staff have some concern with anticipating an influx of TUP applications to process because:

- Staff anticipate budget challenges with Trust Council supporting a staffing budget request for a Planner 2, which may not be revenue neutral, and more information may be needed.
- Staff do not anticipate support from Hornby Island community or LTC to increase taxes.
- Staff would need to explore other options to pursue: rollout phased approach over 3 yrs, enforcement implications with TUPs, Provincial opt-in / enforcement, feasibility request to the Regional District to explore business licensing with zoning regulations.

This LTC direction is required in order to seek Executive Committee endorsement to support the approach for the TUP processing which has wider resource implications to Planning Services. Should the EC endorse the approach, the proposed bylaw amendment will be prepared for a Public Hearing and Third Reading.

Staff also seek direction to proceed with preparing a business case for Hornby's project to request temporary staff support for processing Temporary Use Permits for next fiscal year 2027-2028, subject to Third Reading by the end of this fiscal year (March 2026).

BACKGROUND

On March 20, 2026, the LTC passed the following resolutions:

> **HO-2026-020 It was MOVED and SECONDED**
> that the Hornby Island Local Trust Committee Bylaw No. 177 cited as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024" be read a second time as amended. **CARRIED**

The proposed bylaw has been updated to reflect the LTC's requested amendment to allow a maximum of 87 temporary use permits to be issued at any given time.

> **HO-2026-021 It was MOVED and SECONDED**
> that the Hornby Island Local Trust Committee request staff to schedule a community information meeting and Public Hearing for Proposed Bylaw Nos. 176 (OCP) and 177 (LUB). **CARRIED**

A community information meeting (CIM) and public hearing (PH) would be scheduled following EC endorsement if the LTC is satisfied with the considerations provided in the analysis section of this report.

Staff also note that any motion for direction made leading up to this report at this June LTC regular meeting will also inform the consideration of options and recommendations by staff.

ANALYSIS

Staff have identified the following regulatory, financial, administrative, and implementation considerations for the LTC's review and in relation to the proposed Temporary Use Permit framework outlined in Proposed Bylaw Nos. 176 (OCP) and 177(LUB):

1. Regulatory Framework and Decision-Making Authority in Application/Renewal Process

The Hornby Island Local Trust Committee has authority under the *Local Government Act* section 493 to issue TUPs, including for short-term vacation rental use. Decisions to approve or refuse TUPs remain at the discretion of the LTC as elected decision-makers. New TUP applications would continue to require full review and decision by the LTC due to their discretionary nature.

Staff note that any further consideration of zoning changes will be addressed in a previous staff report for the June 26 LTC regular meeting agenda.

Staff also note that the nature of a TUP is to allow a temporary land use for a limited time, and with the intent of allowing time to consider a zoning amendment to make a temporary land use a permanent one.

However, the Act (section 154) also allows the LTC to delegate certain administrative functions to staff (i.e. Director or designate) through a bylaw. This means the LTC can retain overall approval authority for new applications while choosing to streamline parts of the process, such as TUP renewals, if clear rules and limits are established in advance. Renewal applications could be designed as a simplified process where staff confirm whether basic conditions are still met (such as no complaints, no changes to the use, and compliance with original permit terms). Where these conditions are met, renewals could be processed administratively; where the basic conditions are not met, the file could be referred back to the LTC for decision. A delegation bylaw approach for renewals could reduce administrative pressure while maintaining LTC oversight where needed.

All complete Temporary Use Permit applications could be compiled and presented to the LTC as a single consolidated batch at one dedicated special meeting for decision.

2. Administrative and Financial Considerations

Proposed TUP Processing:

The proposed system would involve two types of processing: new applications and renewals.

Based on the estimated processing times, each new application may require approximately 22 hours of staff time, while each renewal may require approximately 5.5 hours. Using a scenario of anticipated volume of up to 87 new permits in Year 1 and up to 87 renewals on a three-year cycle, this equates to a peak workload of approximately 1,914 staff hours in the initial intake years and approximately 479 staff hours in renewal years.

A general assumption is made that the current staffing levels for the northern office can process between 20-30 new TUP applications before more staff were needed to assist with an increasing number of applications submitted (over 30). It is anticipated that there will be reduced service levels impacting projects and applications for the northern LTAs in order to process these TUP applications with the current team of planners.

This scenario translates to a shortcoming of staffing resources of approximately 1,254 hours which would be needed to process an additional 57 TUP applications (or over the threshold of 30 TUP

applications). To help reduce impact to staffing resource the LTC may also consider prioritizing the processing of STVR TUP applications during this timeframe. It is this 'shortcoming' that will inform the staffing budget request to Trust Council for a staffing resource to support the processing over 30 TUP applications.

Another factor, is that the LTC must consider all TUP applications that come in after the target 'administrative intake' date, in order for an STVR to be approved in time for the 2028 rental season. Staff must process all TUP applications that come in, and the LTC must consider those TUP applications on its merits; and approval is at the LTC discretion.

Overall, this represents a concentrated workload with an anticipated higher administrative demand in the initial years followed by lower but recurring cyclical renewal activity, and with corresponding revenues to potentially offset the costs of hiring additional temporary staff.

The TUP applications would be presented to the LTC in a series of dedicated meeting with no other agenda items scheduled to allow full focus on this matter. Staff could prepare a standardized presentation package for each application, including a summary of the proposal, compliance history, and a clear recommendation (approve, not approve, or defer pending additional information). To support LTC deliberations, presentation materials could also include mapping and visual slides showing the geographic distribution of all applications, enabling the LTC to consider spatial patterns, cumulative impacts, and community distribution in their decision-making.

Financial Implications:

The Hornby Island Fees Bylaw currently sets the fee for a Temporary Use Permit application at $2,327 and $758 for a renewal application (both subject to a 2% increase each April 1). No amendments to the fees bylaw are anticipated as part of this review project although Trust Council has requested a general fee review with options being targeted for presentation at the September 2026 Trust Council.

In financial terms, Year 1 (and subsequent intake years) could generate approximately $202,449 in application fee revenue (87 TUP scenario × $2,327), while a full renewal cycle would generate approximately $65,946 in renewal fee revenue (87 TUP scenario × $758). These estimates are based on processing 87 applications.

Options for LTC Decision:

The following options are available to the LTC. ***Staff are seeking LTC endorsement on the preferred option which will inform the overall approach for Executive Committee endorsement.***

OPTION 1: Existing staff resources. No requested budget.

Overall, staff cannot process an influx of TUP applications (i.e. over 30 applications) in a timely manner without substantial impacts to service levels.

Anticipated implications include:

- A general assumption is made that the current staffing levels for the northern office can process between 20-30 new TUP applications before more staff were needed to assist with the increasing number of applications submitted (i.e. up to 87).
- Re-allocation of staff from Hornby projects to processing applications.
- Increased processing time for all applications in the North office in order to accommodate a scenario of 87 additional permits within a possibly shorter processing timeframe, affecting all northern LTCs.

- May include reduced service levels for other services like enquiries, affecting all northern LTCs.
- Do not have capacity to process over 30 TUPs for LTC decision for early 2028 given need to also support all other Planning applications and the 6 northern LTCs' work programs.
- This option does not allow adequate time to increase staff resources for timely processing should an influx of TUP applications come in.

(Recommended) OPTION 2: Request budget from Trust Council for staffing support

The LTC could request the needed staffing be funded from the base budget of Trust Council in order to hire temporary or contracted staff to process TUP applications. Part of this request would be to ask to use TUP fee revenues to fund the new staffing position(s) needed to process the applications.

Anticipated implications include:

- Requiring Trust Council approval for new staff, funded by the base budget.
- Request the STVR TUP processing as an enhanced service level of the LTC to fund from the Trust Council base budget for the next fiscal budget (2027-2028).
- The LTC must submit a business case(s) to Trust Council for the budget request for new temporary staff position(s) as part of the budgeting process and note using the fees revenue generated through the TUP application fees to justify the request for the staff support. Temporary staff support is anticipated for about 5 months to help with processing new TUP applications.
- Hiring process would be initiated after budget approval by TC and bylaw adoption by LTC.
- Must allow time to coordinate hiring new staff and start of application intake, ahead of the targeted season.
- STVR TUPs intake could occur as early Fall 2027; approvals in Winter 2028 for May 2028 rental season.
- This would require less administrative resources to execute vs Option 3 but still requires resources to implement.

OPTION 3: Special property tax requisition to the Hornby LTA in 2027/28

The LTC could request a Hornby Local Trust Area special property tax requisition to pay for additional staffing to process the increased volume of applications.

A special property tax requisition is an extra tax collected only within one Local Trust Area to fund a program or service the Local Trust Committee wants to deliver that qualifies as an "additional operation"—meaning it is not offered in all local trust areas, represents an enhanced service level due to unique local demands or delegated powers, or exceeds the capacity of the base budget. Only residents of that area pay the tax, and it may be used solely for the purpose approved by Trust Council. (Refer to Attachment 1: Trust Council Policy 6.3.2 Special Property Tax Requisitions)

The special property tax requisition does not divert fee revenue. It adds special taxes to the LTA properties to get this work done. This would result in the following:

- Increased fee revenue coming from Hornby Island LTA properties due to processing the number of TUPs as allowed under the TUP regulations.
- Increased tax revenue coming from Hornby Island LTA properties due to Special Taxes.

Anticipated implications include:

- Trust Council approval is required to hire staff, which would be funded by the special property tax requisition.

- Special tax requisitions can only be considered through Trust Council's annual budget process, with the next opportunity falling in the 2027–2028 fiscal cycle.
- The LTC must submit a project funding request to Trust Council as part of the annual budget cycle, and note a request for special property tax requisition, following Trust Council's Special Property Tax Requisition Policy #6.3.2.
- For this option, the land use bylaw adoption is contingent on the March 2027 budget decisions, and so the bylaw adoption would occur after that.
- The hiring process for any newly approved temporary staff would begin after Trust Council's budget approval in March 2027, and after the LTC adopts the amended bylaw.
- This option must account for time to coordinate hiring new staff and starting the intake of applications, ahead of the targeted season. Staff support is anticipated for about 4 months.
- With these above factors in mind, this would mean that the adoption of the proposed bylaw should occur after April 1, 2027.
- STVR TUPs intake could occur as early Summer 2027; approvals in Winter 2028 for May 2028 rental season; subject to when the bylaw is adopted.
- This approach will require administrative resources and assistance from finance services to pursue budget request.
- In light of these factors, staff is concerned that there will not be appropriate time to prepare operationally and accounting for the timing of the bylaw adoption, before the start of the season.

Staff do not suggest this option because of low to no support anticipated from Hornby Island community or LTC to increase taxes, however the option is available to consider.

OPTION 4: The LTC proceed no further.

Should the LTC require further time to consider proposed changes to the Land Use Bylaw for short-term vacation rentals as it relates to TUP application processing, then staff advise that the budget request will not be submitted in time for the 2027-2028 budget cycle. Staff will require LTC direction given through the major project workplan.

3. Implementation, Opportunities and Challenges

Recall that special property tax requisitions do not divert fee revenue; they add special taxes to the Local Trust Area properties to get this work done. If this approach is chosen, this would result with the following:

- Increased fee revenue coming from HO due to TUPs.
- Increased tax revenue coming from HO due to Special Taxes.

Assuming that Trust Council approves the temporary hiring of staff based on the recommended Option 2 (Request funds from base budget), additional implementation challenges and factors include:

- The influx to the volume of applications submitted, particularly in the intake years, will create a significant workload and require careful coordination to avoid delays. This includes not just

planning resources to process applications and support project, but also administrative resources to support notifications.

- Other options may need to be explored to mitigate the increased processing demand such as exploring a phased approach, or delegating TUP renewals. This would likely require amendments to Hornby LTC's administrative bylaws such as Development Procedures Bylaw No. 74.
- In renewal years, without delegation to staff, all renewals would require LTC decisions, increasing meeting and agenda demands.
- An application guide/checklist with submission requirements should be created so that expectations are clear and intake is consistent and fair. Examples exist for other LTAs such as North Pender.

  Staff strongly recommend before bylaw adoption, to develop a clear public communication package and application guide that sets out submission requirements in detail to require complete applications at intake, reduce delays and applicant frustration, and improve transparency regarding the process and expectations.
- It should also be clearly communicated that issuance of Temporary Use Permits remains at the discretion of the LTC, and any number of permits may be issued.

Anticipated Timing:

- Ahead of the May 2028 rental season, the adoption of proposed bylaws should occur by early Spring 2027 to allow adequate time for communications and administration ahead of a summer 2027 intake. This anticipated timing may not allow adequate time to do that.
- In order to work through the direction above, the Public Hearing will need to wait until the EC endorsement, and adoption should wait until Trust Council budget approval is in place. The Public Hearing cannot be scheduled until this work happens over the coming months. Staff anticipate EC consideration and business case submission before the LTC's next regular business meeting in September.

RATIONALE FOR RECOMMENDATIONS

In consideration of the recommended motions, and before proceeding to Public Hearing, the LTC should be satisfied that staff capacity, processing systems, and decision pathways are clear, feasible, and address the factors noted so that implementation of Proposed Bylaw Nos. 176 and 177 could proceed without unexpected service disruption that extend beyond the LTC work program impacting the ability to support the work programs of other Local Trust Committees. Staff recommendation is provided on page 1 of this report.

The LTC should indicate a preferred option by resolution and forward this report to EC for endorsement. At that stage, the EC may have further questions of the LTC.

Next Steps:

If the LTC concurs with the staff recommendations, this report will be forwarded to EC for endorsement, along with a draft business case for the budget request for temporary staff resources. Subject to LTC direction, if required a business case will be drafted to request funding for the completion of the project, should it receive Third Reading by the end of this fiscal year (March 2026). These business cases may come back to the LTC for endorsement at the September 1st regular business meeting.

Following EC endorsement, a community information meeting immediately prior to a Public Hearing can be scheduled for the following regular business meeting (likely September 1, 2026 or January 15, 2027).

Submitted By:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	June 17, 2026

ATTACHMENTS

1. Trust Council Policy 6.3.2 Special Property Tax Requisitions.
2. Islands Trust 2022 FAQ on Special Property Tax Requisitions.
3. Trust Council Policy 5.6.1 Application Processing Services – For Information.
4. Trust Council Policy 5.9.1 Best Management Practices for Delivery of Local Planning Services – For Information.
5. Hornby Island LTC Fees Bylaw No. 169 – For Information.
6. Hornby Island LTC Development Procedures Bylaw No. 74 – For Information.

ATTACHMENT 1

Policy:	6.3.2
Approved By:	Trust Council
Approval Date:	December 10, 2004
Amendment Date(s):	June 16, 2005; September 11, 2013; September 24, 2024
Policy Holder:	Director, Administrative Services

SPECIAL PROPERTY TAX REQUISITIONS

Purpose

To permit an individual local trust committee (LTC) to request a special property tax requisition for additional operations that are not included within the general operations of all LTCs, or that require an enhanced level of service or funding beyond the capacity of the base budget. Special property tax requisitions are approved by the Islands Trust Council.

A. Definitions

Special property tax requisition – a property tax requisition levied to taxable properties within a specified local trust area.

Financial Plan Bylaw – The bylaw that approves the financial plan (i.e. the budget) for any given fiscal year.

B. Policy

1. General

1.1 The *Islands Trust Act* (s. 47*)* provides the Islands Trust Council with the necessary authority to implement a special property tax requisition in respect of a local trust area;

1.2 A proposed special requisition related to a local trust area must be incorporated into the annual Islands Trust Financial Plan Bylaw and approved by the Islands Trust Council and the Minister;

1.3 The *Islands Trust Act* (s. 10) enables the Islands Trust Council to delegate by bylaw additional powers to a LTC subject to any restrictions or conditions specified in the bylaw.

2. Budget Submission

2.1 "Additional operations" of a LTC are those programs or services that are deemed by the Islands Trust Council to be:

2.1.1 programs or services not offered in all local trust areas;

2.1.2 enhanced service levels that reflect unique demands or additional powers that Trust Council has delegated to a LTC by bylaw; and

2.1.3 beyond the capacity of the base budget.

2.2 LTCs wishing to propose and undertake a LTC program or service valued at $5,000 or higher must develop a business case to support the budget request to be presented for preliminary consideration by Trust Council in December of each year. Trust Council will determine if the proposed project constitutes an additional program or service requiring special requisition for funding under this policy.

2.3 The proposed program or service must be within the LTC's jurisdiction pursuant to the *Islands Trust Act* or be within powers delegated to it by Trust Council. Legal advice on that matter may be obtained and handled in accordance with Trust Council policies 2.1.6 *Legal Advice* and 6.9.2 *Legal Services Access.*

3. Evaluation Criteria

3.1 The Islands Trust Council will evaluate and consider including a local trust committee's local initiative program or service in the preliminary Islands Trust's general budget based on the following criteria:

3.1.1 the program is considered to be a base service of the local trust committee;

3.1.2 the program is a scheduled official community plan review or land use bylaw update; and

3.1.3 the program has Trust-wide implications and benefits.

3.2 If none of the above criteria apply or if Trust Council does not approve a LTC budget funding request, then the LTC can propose a special requisition for its local trust area as a means of funding the proposed program or service.

3.3 Despite section 3.1 and 3.2 of this policy, where a delegation bylaw adopted by Trust Council pursuant to section 10 of the *Islands Trust Act* specifies that all or part of a LTC's operations related to delegated powers are to be funded by a special tax requisition within a local trust area, related requests from a LTC that are included in the preliminary Islands Trust budget must be in accordance with the requirements of the delegation bylaw.

3.4 A special property tax requisition will not be considered by Trust Council for an amount totaling less than $5,000 per local trust area.

3.5 The process for development and approval of special property tax requisitions is subject to the provisions of Trust Council Policy 6.3.1 – *Budget Process*.

4. Public Consultation

4.1 The LTC must solicit feedback from the public in the local trust area, minimally through a mechanism of advertising and otherwise advising the public of the purpose and the cost of the proposed special requisition.

4.2 Section 4.1 conditions may be met via Trust Council's solicitation for general budget feedback so long as the public in the relevant local trust area can clearly distinguish the purpose and cost of the proposed special requisition, and their feedback can be separated from the general budget feedback for separate consideration by Trust Council.

4.3 Programs or services funded through special requisition that extend into multiple fiscal years must solicit feedback in accordance with section 4.1 in each fiscal year where the special requisition is proposed.

4.4 The feedback received, if any, must be considered by the Islands Trust Council prior to the final adoption of any bylaw that incorporates the special property tax requisition.

4.5 Trust Council will not approve special requisition funding for programs or services that have not undergone public consultation.

5. Approval

5.1 The proposed special property tax requisition must be formally requested by resolution of the LTC before being considered by the Islands Trust Council.

5.2 The proposed special requisition will be presented for approval to Trust Council in March of each year.

5.3 When presented to Trust Council, the special requisition program or service must be accompanied by a completed Special Property Tax Requisition Checklist outlined in section 7.

5.4 The special requisition(s) will be included in the Islands Trust Financial Plan Bylaw and forwarded by the Islands Trust Council to the minister responsible for the *Islands Trust Act* for approval. If the minister approves, the minister and Islands Trust staff will subsequently forward the requisition(s) to the Minister of Finance for collection within the relevant jurisdictions.

5.5 The Minister of Finance adds a collection fee to the requisition in calculating the amount of the levy to be assessed to property owners.

6. Funds Allocation

6.1 Once approved by Islands Trust Council within the annual Financial Plan Bylaw, the LTC is authorized to undertake the approved initiative at its discretion.

6.2 The LTC must not authorize the expenditure of funds generated through a special property tax requisition for any purpose other than that for which the requisition was approved.

6.3 Any funds generated through the special requisition which are unspent at the conclusion of the fiscal year will be held in reserve for the LTC's use in the subsequent fiscal year:

6.3.1 for any purpose for which the requisition was approved;

6.3.2 to reduce the amount of the special requisition for the program or service in the next fiscal year;

6.3.3 to complete the previously approved program or service; or

6.3.4 in the event the previously approved program or service is complete, to undertake a new program within the local trust area at the request of the LTC.

6.4 Any special requisition funds held in reserve under section 6.3 that the LTC wishes to spend in the fiscal year must be included in the approved financial plan bylaw and approved by Trust Council as a transfer from the reserve fund prior to any expenditures being incurred. If a transfer from this reserve fund was not included in the financial plan bylaw, a budget amendment may be required under Policy 6.5.2 Budget Control and Adjustment Authority.

6.5 Unspent special requisition funds cannot be used to offset a general property tax requisition.

7. Special Property Tax Requisition Checklist

Annual Budget Submission

Description of Task	Deadline	Date Completed
Recommended:		
LTCs request staff to develop additional budget funding proposals. Planning staff communicate to finance staff base funding assumptions for FPC and TC information / awareness.	July - September	
Required:		
Planning Services staff develop 'additional operations' budget funding proposal for LTC's approval and submit them to Financial Planning Committee (FPC) for review prior to December Trust Council meeting.	October or November FPC meeting	

Director of Planning Services presents 'additional operations' budget funding proposals to Financial Planning Committee, with input from LTCs, indicating whether any of the proposed 'additional operations' are related to delegated powers.	October or November FPC Meeting & December Trust Council meeting	
Financial Planning Committee makes recommendations to Trust Council regarding budget funding proposals made by LTCs, identifying: • Any that must be funded through a special property tax requisition pursuant to a Trust Council delegation bylaw (e.g. Bylaw 154). • Any other LTC proposals that it recommends be funded through a special property tax requisition, rather than through inclusion in the general Islands Trust budget. Director of Planning Services provides additional information to Trust Council about LTC proposals, as needed.	November FPC Meeting & December Trust Council meeting	
If Trust Council does not approve the LTC 'additional operations' budget funding proposal for inclusion in the general Islands Trust budget at their December meeting, or if the LTC additional operations are related to delegated powers that must be funded through a special property tax requisition, each of the following is required to receive approval of a special property tax requisition:		
• If not previously done, LTC passes resolution to pursue special property tax requisition to fund the proposed program:	Mid- December – early-January	
- Copy of resolution attached		
• LTC requests staff to conduct the required public consultation on the program proposed under the special tax requisition (see Section 4 of Policy 6.3.2):	Before consultation begins in late January to mid-February	
- Copy of advertisement attached		
- If a public meeting is held regarding the proposed program or service, minutes of the meeting and related discussion attached		
- Written summary of public feedback attached		

• Staff prepare Request for Decision (RFD) proposed by LTC for the March Trust Council meeting, requesting a bylaw to authorize a special property tax requisition. The RFD will include an assessment of organizational and other implications, and a completed copy of this checklist along with any attached documentation noted throughout the checklist.	February FPC meeting (mid-February)	

C. Legislated References

Islands Trust Act, S.10, S.14(3)(c)(iii), and S.47(5)

Community Charter, Part 6, Division 4, S.189 (1) and (2)

D. Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

Islands Trust Council Delegation Bylaw 154, 2013

Islands Trust Council Policy *2.1.6 – Legal Advice*

Islands Trust Council Policy *6.5.1 – Reserves and Surplus*

Islands Trust Council Policy *6.5.2 – Budget Control and Adjustment Authority*

Islands Trust Council Policy 6.9.2 - *Legal Services Access*

Islands Trust Council Policy *7.2.6 – Municipal Tax Requisition Calculation*

Local Trust Committee Special Property Tax Requisitions
Frequently Asked Questions

WHAT IS A SPECIAL PROPERTY TAX REQUISITION?

Trust Council can approve a special property tax requisition for a local trust area to fund special initiatives taking place only in that particular local trust area. The tax is levied only on the property owners of that local trust area. The option to request special property tax requisition is available to all local trust committees.

The tax can be used when a local trust committee (LTC) wishes to take on a large initiative with local significance or additional operations. Although meant to support special projects, initiatives must still remain within the legislated jurisdiction of the Islands Trust, and be:

- a program or service not offered in all local trust areas;
- an enhanced service level that reflects a unique demand or additional power (authority) that Trust Council has delegated to an LTC by bylaw; and/or
- 'not included in the base budget.

HOW MUCH CAN A LOCAL TRUST COMMITTEE REQUEST?

There is no limit. Trust Council policy does set a minimum of $5,000 for any single special requisition.

DOES THERE HAVE TO BE PUBLIC CONSULTATION ABOUT PROPOSED SPECIAL TAX REQUISITIONS?

Yes. Trust Council policy requires that local trust committees ask the public for feedback in the relevant local trust area about the purpose and cost of the proposed special requisition. LTCs are obliged to advertise and promote that they are looking for feedback. Trust Council will consider any feedback received before it provides final approval or denial of a special requisition.

DOES EACH PROPERTY OWNER PAY THE SAME AMOUNT FOR A SPECIAL PROPERTY TAX?

Not necessarily. While the same tax rate for the requisition will be applied across the local trust area, the resulting dollar amount collected may be different for each property. The final amount is based on a number of factors, including tax rate, the type of property, and the assessed value of a property.

The Province collects the special requisition tax at the same time and in the same way as the general property tax levy that funds the Islands Trust.

CAN PROPERTY OWNERS "OPT OUT" IF THE INITIATIVE DOESN'T BENEFIT THEM DIRECTLY?

No. A special levy is requisitioned from all taxable properties on all islands within the local trust area in question. A single property or island cannot opt out of a special requisition.

WHAT HAPPENS IF A LOCAL TRUST COMMITTEE DOESN'T SPEND THE REQUISITIONED FUNDS?

If any funds are unspent at the end of the fiscal year, they will be put into a special reserve fund for future use by the local trust committee. Unspent funds can only be used to complete the special project or initiative for which they were collected. In the event the project is complete, the funds can be used for other work of the local trust committee, with Trust Council's approval. The funds cannot go into the Islands Trust's general revenues.

WHAT ARE EXAMPLES OF SPECIAL TAX REQUISITIONS?

In 2013, the Islands Trust Council delegated certain coordination powers to the Salt Spring Island Local Trust Committee for the purposes of preserving and protecting water resources in the Salt Spring Island Local Trust Area. Each year since 2014, the Salt Spring Island Local Trust Committee has requested a special local tax requisition from the Salt Spring Island Local Trust Area to fund the coordination of initiatives to preserve and protect freshwater on Salt Spring Island.

HOW IS A SPECIAL PROPERTY TAX LEVY DECIDED UPON?

- The local trust committee must submit a business case and detailed budget for the initiative to Trust Council's Financial Planning Committee by October 31st.
- At its November meeting, Financial Planning Committee will review whether the initiative meets the criteria for the special tax levy and will consider its recommendation to Trust Council.
- In December, Trust Council will consider whether to approve funding the initiative through the Islands Trust general budget for the following fiscal year.
    - If Trust Council decides the initiative is funded through the general budget, then there is no need for a special tax levy.
    - If Trust Council decides the initiative is not appropriate for support through the general budget but could funded be through a special tax levy, it is referred back to the local trust committee.
    - By the end of December, the local trust committee would need to pass a resolution to pursue a special property tax requisition.
    - The local trust committee will undertake public consultation on the proposed initiative during January and mid-February.
- Financial Planning Committee considers the public feedback on the special requisition at their February meeting and make a recommendation to Trust Council as to whether or not the initiative should be funded via special requisition.
- Trust Council considers the public feedback and Financial Planning Committee's recommendation when reviewing the draft budget at its March meeting.
- If Trust Council approves the special property tax requisition, it includes the special levy amount in the Islands Trust budget bylaw for the following fiscal year.

WHERE CAN I FIND ADDITIONAL INFORMATION?

For more detailed information please refer to Policy 6.3.2 – Special Property Tax Requisition.

STAFF REPORT

File No.: Hornby OCP/LUB Review

DATE OF MEETING:	June 26, 2026
TO:	Hornby Island Local Trust Committee
FROM:	Sonja Zupanec, RPP, MCIP Northern Team
SUBJECT:	Amendments to Proposed BL No. 177

RECOMMENDATION

1. **That Hornby Island Local Trust Committee amend Proposed Bylaw No. 177 cited as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024" as per attachment #1 of the staff report dated June 26, 2026.**

2. **That the Hornby Island Local Trust Committee Proposed Bylaw No. 177 cited as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024" be given second reading as amended.**

3. **That the Hornby Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for proposed Bylaws 176 (OCP) and 177 (LUB) at the earliest available opportunity following Executive Committee approval of the resource implications associated with the proposed Temporary Use Permit approach to regulating short-term vacation rentals.**

REPORT SUMMARY

The purpose of this report is to present amendments to BL 177 (LUB) to:

- Correct the permitted uses in the PU(a) site specific zone;
- Remove the reference to a maximum of 87 temporary use permits being issued at any given time by an LTC;

and recommend Second Reading as amended for Proposed Bylaw No. 177, as part of the OCP/LUB project.

BACKGROUND

The Hornby Island Local Trust Committee (LTC) passed the following resolution at the May 1, 2026 regular business meeting:

> ***HO-2026-030 It was MOVED and SECONDED*** *that the Hornby Island Local Trust Committee request staff to prepare draft amendments to Proposed Bylaw No. 177, cited as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024" consistent with implementing the public correspondence*

suggested revisions received from T. Law dated April 17, 2025 and K. Ross dated March 25, 2026.
CARRIED

The requested amendments for the PU(a) zone have been incorporated into Proposed Bylaw No. 177 as shown in tracked changes in Attachment 1. Additional staff recommended amendments are discussed below.

AMENDMENTS TO PROPOSED BYLAW NO. 177

Regulating Maximum Number of TUPs:

The Islands Trust Director of Legislative Services has confirmed that the LTC cannot use the OCP or LUB to establish a fixed limit on the number of Temporary Use Permits (TUPs) that may be issued. Doing so would improperly restrict the discretion of a future Local Trust Committee.

Under section 460(2) of the *Local Government Act*, the LTC must consider every TUP application it receives. As a result, the LTC cannot establish a 'cap' of 87 issued permits or the number of applications that may be submitted and considered.

While the LTC must consider each application, it is not required to approve it. TUPs are discretionary permits, similar to Development Variance Permits, and the LTC may approve or refuse an application based on its individual merits. Staff reports would continue to identify previously issued TUPs and assess any cumulative impacts as part of the LTC's consideration of each application.

Attachment 1 contains the amendments required to Proposed Bylaw No. 177 to remove the reference to a TUP cap of a maximum of 87 issued permits at any given time. No other changes to the TUP provisions are anticipated at this time.

PU Zone:

The amendments to the 'Public Use' zone as shown in Attachment 1 include:

- All permitted uses in the PU zone to also be permitted in the PU(a) site specific zone;
- Permitting public utility storage yard and highway maintenance yard specifically in the PU(a) site specific zone; and
- Including the community housing use and density as originally drafted.

Staff propose minor changes to the PU(a) regulation text for brevity and clarity in comparison with the public correspondence received in May 2026 and June 2026 (Attachment 2).

ALTERNATIVE OPTIONS

If the LTC does not concur with the staff recommendation on page 1 of this report, the LTC can decide whether to: (1) request additional information, (2) remove the proposed TUP regulations and proceed only with the PU(a) amendment, or (3) defer the matter to the next LTC following the 2026 election.

OPTION 1: Reconsider Regulatory Options - Review All Short-Term Rental Options Considered Since 2022

If the LTC wants a complete summary of all short-term rental regulatory approaches considered during the current term before deciding on next steps the recommended resolution is:

"That the Hornby Island Local Trust Committee request staff to prepare a report for the September 1, 2026 regular business meeting summarizing all short-term vacation rental regulatory options considered by the LTC during the current term."

The result/implications of this option is:

- No immediate changes are made to Proposed Bylaw Nos. 176 and 177.
- The LTC receives a comprehensive review of all options previously considered before determining future direction.
- To recognize the substantial completion of this project, staff suggest that should the LTC not achieve Third Reading by March 2026, that this project not proceed further because the intention of the new LTC is unknown as to whether they will want to continue with this project.
- Staff suggest at the September LTC meeting that the LTC give direction on the project whether to proceed next fiscal (make a budget request), or add the 'short-term vacation rental regulation' matter back on the future projects list.

OPTION 2: Proceed with Some Changes - Remove Temporary Use Permit (TUP) Regulations and Proceed Only with the PU(a) Zone Amendment

If the LTC no longer wishes to regulate short-term rentals through Temporary Use Permits and instead wishes to proceed only with the proposed correction to the PU(a) zone, the recommended resolution is:

"That the Hornby Island Local Trust Committee request staff to prepare amendments to Proposed Bylaw Nos. 176 and 177 to remove all Temporary Use Permit provisions."

The result/implications of this option is:

- All proposed TUP regulations are removed from the bylaws.
- The proposed cap on TUPs would no longer be considered.
- The PU(a) zone amendment may continue independently.
- To recognize the substantial completion of this project, staff will prepare next steps for the bylaws to target Third Reading by March 2026.

OPTION 3: Proceed No Further - Defer the Project to the Next Local Trust Committee

If the LTC does not wish to proceed further at this time, nor make further decisions on Proposed Bylaw Nos. 176 and 177 before the October 2026 local government elections, the recommended resolution is:

"That the Hornby Island Local Trust Committee defer further consideration of the OCP/LUB Review Project and Proposed Bylaw Nos. 176 and 177 until November 2026."

The result/implications of this option is:

- No further work or decisions will occur before the election.
- The incoming LTC will determine whether and how to proceed with the project, and may require a budget request for a new project in a subsequent fiscal year.

NEXT STEPS

If the LTC supports the staff recommendations on page 1, the proposed bylaws, when amended, could advance to Public Hearing. Before that occurs, two things are needed:

1. LTC direction on the staffing and resources required to implement the proposed Temporary Use Permit (TUP) program for short-term vacation rentals (see the June 26, 2026 report from the Regional Planning Manager).

2. Executive Committee approval of the resourcing implications.

If Executive Committee approval is granted, staff require a LTC resolution to proceed to Public Hearing for Bylaws 176 and 177 at the next available opportunity, anticipated to be either September 1, 2026, or November 20, 2026 following the local government election as per recommendation #3 on page 1 of this report.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	June 19, 2026
Concurrence:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	June 19, 2026

ATTACHMENTS

1. Proposed Bylaw No. 177 (LUB) at Second Reading - Annotated with draft amendments
2. Public Correspondence T. Law, June 2026

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 177

A BYLAW TO AMEND HORNBY ISLAND LAND USE BYLAW, 2014

The Hornby Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Hornby Island Local Trust Area under the *Islands Trust Act,* enacts as follows:

1. This bylaw may be cited for all purposes as “Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024”.

2. Hornby Island Local Trust Committee Bylaw No. 150, cited as “Hornby Island Land Use Bylaw, 2014,” is amended as per Schedule “1” attached to and forming part of this bylaw.

READ A FIRST TIME THIS	9TH	DAY OF	AUGUST	, 2024
READ A SECOND TIME THIS	20TH	DAY OF	MARCH	, 2026
PUBLIC HEARING HELD THIS	-	DAY OF	-	, 202x
READ A THIRD TIME THIS	-	DAY OF	-	, 202x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	-	DAY OF	-	, 202x
ADOPTED THIS	-	DAY OF	-	, 202x

Chair **Secretary**

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 177
Schedule "1"

1. **Schedule "A"** of Hornby Island Land Use Bylaw, 2014 is amended as follows:

1.1 **PART 1, INTERPRETATION,** Section **1.1 Definitions,** the definition of **structure** is amended by adding the words ", and water storage cisterns." After "related appurtenances".

1.2 **PART 1, INTERPRETATION,** Section **1.1 Definitions,** and the definition of **vacation home rental use** is deleted.

1.3 **PART 3, GENERAL REGULATIONS,** Section **3.7 Vacation Home Rental Uses** be deleted and subsequent sections are re-numbered accordingly.

1.4 **PART 8, ZONE REGULATIONS**, Section **8.1 Residential 1- Small Lot (R1) Zone (Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot)**, Subsection **(1) (d)** is deleted.

1.5 **PART 8, ZONE REGULATIONS**, Section **8.2 Residential 2- Large Lot (R2) Zone**, Subsection **(1) (h)** is deleted.

1.6 **PART 8, ZONE REGULATIONS**, Section **8.4 Residential 4- Forest (R4) Zone**, Subsection **(1) (g)** is deleted.

1.7 **PART 8, ZONE REGULATIONS**, Section **8.5 Agriculture 1 (A1) Zone**, Subsection **(1) (f)** is deleted.

1.8 **PART 8, ZONE REGULATIONS**, Section **8.21 Public Use (PU) Zone**, Subsection **(9) table** text under the column heading "Site Specific Regulations" is deleted and replaced with the following text: "In addition to the uses specified in 8.21(1), the following uses are also permitted:

(a) Utility storage yard;

(b) Highways maintenance yard; and

(c) Community housing, to a maximum density of 10 units per hectare and 24 live/work units per lot."

1.9 **PART 10, TEMPORARY USE PERMIT AREAS,** Section **10.1 Temporary Use Permits,** text is amended by adding the following sentence at the end of the paragraph "All Temporary Use Permit Objectives are listed in the Hornby Island Official Community Plan."

1.10 **PART 10, TEMPORARY USE PERMIT AREAS,** Section **10.2 Objectives** is deleted and subsequent section renumbered accordingly.

1.11 **PART 10, TEMPORARY USE PERMIT AREAS**, Section **10.3 Guidelines,** Subsection **(10)** is deleted and replaced with the following:

"When considering the issuance of a Temporary Use Permit for a vacation home rental, the following additional guidelines apply:

(a) The cumulative impacts of vacation home rentals on both the neighbourhood and the island as a whole shall be considered. Applications may be refused where the concentration or cumulative effect of vacation

home rentals would result in unacceptable land use impacts, including but not limited to impacts on residential character, traffic, or housing availability.

(b) Applicants for a Temporary Use Permit should provide:

i) Confirmation from an authorized person that the wastewater management system serving the vacation rental has been inspected within the previous six (6) months and complies with the Sewerage System Regulation, or confirmation identifying what upgrades or construction would be required for the system to achieve compliance. Where alternative wastewater systems (such as composting or waterless toilets) are proposed, documentation must demonstrate that the system complies with applicable regulations or has been designed and assessed by a qualified professional.

ii) Where the vacation rental is served by a water system supplying more than one dwelling, a copy of a valid operating permit issued under the Drinking Water Protection Regulation, if applicable.

iii) Confirmation from a qualified professional, within the previous six (6) months, that the groundwater or rainwater supply serving the vacation rental meets, or can be made to meet through specified treatment or management measures, the Guidelines for Canadian Drinking Water Quality for microbial and chemical quality.

iv) Where groundwater is the whole or partial water supply serving the vacation rental, confirmation from a qualified professional that the quantity of groundwater available to serve the vacation rental is sufficient for the intended use.

v) Where rainwater is the whole or partial water supply serving the vacation rental, documentation of the rainwater collection system and quantity of the storage is sufficient for the intended use.

(c) a condition of the Temporary Use Permit should require the permit holder to post information for guests about awareness and sensitivity to the significant First Nations cultural heritage and archaeological sites on the island;

(d) a condition of the Temporary Use Permit should prohibit recreational vehicles or camping;

(e) a condition of the Temporary Use Permit should allow vacation home rental use only between May 1 – September 30;

(f) a condition of the Temporary Use Permit should allow no more than 2 beds per bedroom and no more than three bedrooms to be used for dwellings on lots less than 1.0 hectare in size; or more than four bedrooms if the lot has an area of 1.0 hectare or more.

(g) a condition of the Temporary Use Permit should restrict occupancy during any period of seven consecutive days to only one guest or guest party;

(h) a condition of the Temporary Use Permit should limit occupancy and signage on the property;

(i) a condition of the Temporary Use Permit should require specific information to be posted to guests regarding the location of property lines by way of a map, any applicable noise bylaws, measures to address water conservation, fire safety, storage and management of garbage, septic system care and control of pets (if pets are permitted) as stated in the Temporary Use Permit or as determined by the owner or manager to effectively manage the site; and

(j) any other requirements the Local Trust Committee may consider appropriate."

Tony Law
[redacted]
Hornby Island, BC [redacted]
[redacted]

To: Hornby Island Local Trust Committee 1 June 2026

Dear LTC members:

I urge you to immediately revisit your 1st May resolution to slow-track the correction of the long-standing error in the Public Use zone of the Land Use Bylaw which has now become an impediment to moving forward on a diligently pursued opportunity to enable a community housing project.

A representative of HCEEC spoke at the May meeting of the time-sensitive situation with respect to government entities facilitating the availability of Crown land for housing, which cannot readily happen without the appropriate zoning in place.

This time-sensitivity only exists because, for the past 8 years (two full terms!), the LTC failed to correct this error, despite regular reminders from a former trustee, the APC and HCEEC. As a result of past non-action, what was the error's potential future negative impact has now morphed into a significant barrier that needs to be addressed urgently.

At the May meeting, staff advised that *"the time sensitivity cannot be accomplished through the OCP/LUB process because it is a much longer project."*

Despite this advice, the LTC chose to include the needed error-correction within the OCP/LUB project (Option 1 in the staff report) rather than directing it to be dealt with immediately.

The LTC Chair stated completion of this project (adoption of bylaws 176 and 177) cannot be expected in this term, noting that there are only two more LTC meetings scheduled before the election, and that the bylaws require public hearings, third readings, approval, and adoption.

However, I believe the much simpler process for a stand-alone amending bylaw, specific to the public use area, CAN be completed this term.

Here is a comparison of the two processes:

1. Pre-Public Hearing

- Bylaws 176/177

A revised version of proposed Bylaw 177, to add in changes to the PU zoning, will have to be drafted and will require an amended second reading at a public meeting.

- Stand-alone bylaw

An amending bylaw (involving similar measures as those that would have to be incorporated into Bylaw 177) will have to be drafted. First and second readings can happen at the same meeting.

2. Public Hearing

- Bylaws 176/177

A date will have to be set, notice provided, and a public hearing held for the two bylaws

- Stand-alone bylaw

No public hearing is required. This is because the *Local Government Act* does not require a public hearing if a proposed zoning bylaw is consistent with the OCP – see section 464 (2)b) -

(The *Local Government Act* requires that public notice be given "not more than ten days and not less than three days" before first reading - see sections 466 and 467.)

Instead of a public hearing, all three readings can be given on the same day.

3. Post public hearing – third reading

- Bylaws 176/177

As a result of considering the input at the public hearing, the LTC could either:

a) give third reading to the bylaws
b) make minor amendments and then give third reading, or
c) make amendments to the bylaw involving use and density, which would require a second public hearing, likely in the next term, or
d) postpone consideration, likely to the next term

(it should be noted that the main issue in the bylaws is the permitting process for vacation rentals which has always been controversial. At the January 2026 LTC meeting, a trustee noted that based on averages from other islands, information received from the Province indicating 65 [TUPs for vacation rentals] would be the highest number in proportion to the population of the island compared to other gulf islands". The number has since been increased to 87. Community concerns may well lead to public requests for the issue to be addressed by the incoming rather than outgoing LTC, which will significantly delay the OCP/LUB project.)

- Stand-alone bylaw

Third reading can be given at the same time as first and second reading

4. Approval of bylaws

- Bylaws 176/177

In addition to he usual policy check list, staff would need to prepare for the Executive Committee a report advising of financial and resource implications of handing vacation rental TUPs.

Because Bylaw 176 amends the OCP, it will require ministerial approval before Bylaws 176 and 177 can be considered by the Executive Committee. Ministerial approval usually takes one to three months.

Once this is received, Executive Committee approval can take up to a month.

- Stand-alone bylaw

The approval process should be straight forward and take less than a month.

4. Adoption of bylaws

- Bylaws 176/177

Because of the times required for public hearings, consideration of third reading, ministerial approval and Executive Committee approval, adoption is extremely unlikely this term, even if everything goes as smoothly as possible.

- Stand-alone bylaw

As soon as the bylaw receives Executive Committee approval it can be immediately adopted by Resolution Without Meeting in accordance with Section 26 of the *Islands Trust Act.*

Possible timeline for a stand-alone bylaw

Given the above, the following timeline should be possible for a stand-alone bylaw:

1) Drafting of bylaw and public notice of first reading:

- June 2026

2) First, second, and third readings of the bylaw

- 26 June, if draft bylaws are ready n time
- or July through rescheduling of the 26 June meeting
- or July through a Special Meeting

3) Executive approval of the bylaw

- July/August

4) Adoption of the bylaw by RWM

- August/September

The above suggests that a stand-alone bylaw can be readily completed in this term, something that was not carefully explored in the May meeting in advance of making a decision.

Action needed!

I therefore strongly encourage one of the members of the LTC to immediately initiate a Resolution Without Meeting to:

a) Rescind the resolution made at the 1st May meeting,

b) Request staff to

i) pause work on the OCP/LUB

ii) prepare a draft bylaw for consideration of first, second, and third reading to amend Schedule "A" of Hornby Island Land Use Bylaw No. 150, 2014 along these lines:

1) PART 8, ZONE REGULATIONS, Section 8.21 Public Use (PU) Zone

Replace the following wording under:- (2) *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

- with (additional new words in bold):

(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 density of 10 community housing units per hectare and 24 live/work units per lot.
(c) 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
(d) accessory buildings and structures

2) PART 8, ZONE REGULATIONS, Section 8.21 Public Use (PU) Zone

Replace the following wording in the table under:- *(9) Site Specific regulations:*

8.21(9) Site Specific Regulations:
Despite 8.21(1), the only permitted uses are:
(a) Cemetery;
(b) Public utility storage yard;
(c) Highways maintenance yard; and
(d) Recycling depot

- with:

8.21(9) Site Specific Regulations:
In addition to 8.21(1), the following uses are permitted:
(a) Public utility storage yard; and
(b) Highways maintenance yard;

iii) Provide public notice of first reading in accordance with the *Local Government Act*

iv) If the draft bylaws cannot be available for readings at the 21st June meeting, consult with the Chair about rescheduling the meeting, or scheduling a Special Meeting..

I believe the suggested two amendments will be the simplest way to restore the intended permitted use regulations as stated in the previous Land Use Bylaw before the error was made, while also adding density provisions for community housing.

It would be good to get staff advice before finalizing the wording of an RWM.

Background information

Listening to the comments made by all three trustees at the 1st May meeting, it seemed to me that there was a lack of understanding about this issue. The following information may be helpful;

- Revelent LTC legislation:

Land Use Bylaw No. 86, 1993 - creation of the PU-a) subzone

The Public Use zone is divided by Central Road into two areas.

The Bylaw created Sub-zone PU-a for the portion south of Central Road. In this sub-zone, additional site specific uses were permitted: Highways maintenance yard; Recycling depot; Public utility storage yard; Cemetery; and Community trades and services, including associated retail.

Official Community Plan Bylaw No. 104, 2002 – policy support for community housing in the PU

When this OCP was adopted, it included the following new policy for all land in the "Public Use" designation:

6.2.7 The development of seniors, affordable, or special needs housing for Island residents, including summer temporary facilities for displaced year-round residents, operated by a community non-profit society, shall be permitted on land designated public use and shall be regulated by development permit and land use bylaw regulations. Other residences shall only be permitted for the purpose of accommodating a caretaker or operator.

Bylaw No. 134, 2008 - community housing added as a permitted use for the whole PU zone

This Bylaw amended Land Use Bylaw 86 by adding "Community Housing" as a permitted use in the Public Use zone – this applied throughout the zone. The amendment also added a density regulation for community housing: *"9.12.2.1 A maximum of 5 community housing units per hectare to a maximum of 20 per lot"*.

(The part of the zone where a community housing project was most likely to happen is south of Central Road, the PU.a) sub-zone. North of Central Road, the land is already intensely used for the school, preschool, community hall, arts centre, credit union, framers' market, health centre, clinic, recreation centre, and now fire hall with the remaining land identified for treaty settlement. South of Central Road is a significant amount of vacant Crown land that has potential for community housing. In fact, what prompted this zoning amendment was discussions with BC Housing about potential low income housing on an identified site in the PU-a portion of the Public Use zone.)

Hornby Island Land Use Bylaw No. 150, 2014 – the error appears!

When this new Land Use Bylaw was drafted and adopted, inexplicably the site specific regulations for the PU-a) sub-zone were changed by specifying the previous additional uses as the only uses. This meant that community housing, among other uses was no longer officially permitted in the one part of the island where they were most likely to be a possibility! This change did not come about as a result of public input nor LTC direction and, regrettably, went unnoticed at the time.

- Relevant LTC Directions

Two terms ago -error identified and direction given

The error was identified when it was realized that zoning mistakenly prevented the proposed use for the old Fire Hall, being considered by CVRD:

March 2018:

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.

April 2018

Planner Rittemann reported that the Comox Valley Regional District (CVRD) is considering a repurposing of the old Firehall into a community space for artist and communal studios. She advised of an inconsistency between the stated and intended permitted uses of the PU(a) zone in the LUB which would affect this potential repurposing. A Trustee confirmed that the intent of the PU(a) zone was to permit uses in addition to the others already permitted in the regular PU zone and suggested that a "housekeeping" amendment might be considered in order to correct this error.

- LTC Direction:

HO-2018-024
It was MOVED and SECONDED, that the Top Priorities of the Work Program be amended by replacing "Housing amendments" with "Land Use Bylaw amendments" as a Description with the Activity "Bylaw amendments to address issues with respect to the Public Use Area and MALA in the large lot residential zone and other housekeeping amendments".

Last term – correction of error at first a priority, then dropped

At the beginning of the term, in January 2019, this was the #1 priority on the LTC work program:

Land Use Bylaw Amendments
A Bylaw amendments to address issues with respect to the Public Use Area and MALA in the large lot residential zone and other housekeeping amendments

In July 2019, staff provided a report and project charter which divided potential LUB amendments into two phases, the first to address minor (eg typographical) changes and the second to address more substantive changes. The Public Use amendment was *"to be decided" - "the issue requires more research".*
- The LTC endorsed the Project Charter without the inclusion of the Public Use issue.

In February 2022, Advisory Planning Commission Chair Wendy Burton *described the clerical error in the Hornby Island Land Use Bylaw 150 Section 8.21(1) Public Use Zone (a) which precludes The Hornby Spark from operating in their present location and precludes the possibility for multi-family dwellings on a piece of community land in the area.*

- LTC direction:

HO-LTC-2022-016 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee request staff to review the recommended changes from the Advisory Planning Commission to the current Public Use Zone (a) bylaw wording and determine if there needs to be an administrative correction or a bylaw recommendation. CARRIED

This term – an intent was stated, but not acted upon in a timely way

11.1 Housing and Land Use on Hornby Island prepared by Tony Law, dated August 2023
Trustees acknowledged the 48-page document from former Trustee Tony Law, submitted to the LTC on August 27, 2023, that 1) proposes a comprehensive approach to land use planning for housing on Hornby Island; and 2) provides a description and context for the error in the "Public Use Zone" which needs correction for the HICEEC proposal for community housing in the public use zone south-west of Central Road to be permitted.
HO-LTC-2023-040
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee direct staff to amend the current Land Use Bylaw Project Charter to correct the error in the Public Use Zone to provide for community housing. CARRIED

April 2024

Ross Birchall, Managing Partner of Wellesley Consulting Group (WCG) headquartered in Victoria, provided the following update on various housing initiatives of the Hornby Island Community Economic Enhancement Corporation (HICEEC).

Rural Economic Diversification Infrastructure Program (REDIP) Grant Application application was successful and HICEEC was recently granted $100,000.00 for project costs, such as feasibility studies and business planning, for safe affordable housing on Hornby. Thank you to the Local Trust Committee (LTC) for their letter of support, to Islands Trust staff, and to others who contributed to this successful outcome. Lisa Helps, the Executive Lead for BC Builds Project Origination, is working with HICEEC toward Hornby Island being a Partner Community; and exploring funding and investment opportunities.

- WCG is advising the HICEEC board on the preparation of a formal Crown land use application to the provincial government and is seeking help from the LTC for an amendment to Land Use Bylaw (LUB) 150 Public Use (PU) (a) section to allow for additional permitted uses so that housing might be permitted on this Crown land in the future.
- Planner Cox asked if the request to the LTC was to sponsor a rezoning application. Ross Birchall responded that the intent was for the language in the bylaw to be less restrictive for a possible future housing application.

HO-LTC-2024-013 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee schedule a Special Meeting in May to discuss future usage of the parcel of Crown Land in the Public Use Zone, given the new information received that the land use authority is under three jurisdictions, in order to 1. Respond in a timely manner when we receive referral from the province on the Rogers Cell Tower proposal, 2. Respond to the Hornby Island Community Economic Enhancement Corporation (HICEEC) and the local Housing Society's request to amend the bylaws governing the Public Use Zone given for much needed affordable housing based on the needs of the community, and 3. To discuss additional permitted uses in the Public Use Zone

May 2024

LTC Direction:

HO-2024-017 It was MOVED and SECONDED that the Hornby Island Local Trust Committee request that a letter of support be drafted to the Hornby Island Community Economic Enhancement Corporation (HICEEC), stating its intent to consider amendments to the Hornby Island Land Use Bylaw No. 150 to support inclusion of community housing as a permitted use in the Public Use - PU(a) Zone site specific regulations.

LTC Direction:

HO-2024-018 It was MOVED and SECONDED that the Hornby Island Local Trust Committee request staff to explore adding additional permitted uses in the Public Use, PU(a) site specific zone, community trades and services and community and workforce housing in the major project charter draft bylaws

Final words

I realize what I have suggested will slow down the OCP/LUB process, but this is a consequence of the LTC not taking appropriate action over the past eight years despite reminders. The error is now blocking implementation of a key OCP policy which reflects the community's priority for affordable and accessible housing.

Taking this action can positively benefit the LTC as follows:

1) The LTC can take pride in resolving a long-standing issue rather than yet again passing it on to a new term.

2) The LTC will be honouring the intent it stated two years ago.

2) The LTC will become a partner with other agencies in supporting a possible community housing option, rather being perceived as presenting an obstacle.

3) The LTC will be honouring, rather than blocking, the diligent work conducted over many years to advance a community housing proposal supported by the OCP.

4) The LTC will conclude this term with an important bylaw enacted, given that the OCP/LUB bylaws are extremely unlikely to be ready for adoption this term.

Good luck with this!
Thank you so much for considering this letter.

Sincerely,

Tony Law

Hornby Island Resident
and former
- Hornby Island Local Trustee
- Vice Chair of Islands Trust Council
- Chair, Islands Trust Council Community Housing Task Force
- Member, Comox Valley Standing Committee on Homelessness and Housing
- President, Islanders Secure Land Association (a community housing land trust)
- Executive Director, Hornby Island Economic Enhancement Corporation
- Chair, Islands Trust Conservancy (Trust Fund Board as it was at the time)

Hornby Island Local Trust Committee
Minutes of Regular Meeting

Date: December 10, 2021
Location: Room to Grow
2100 Sollans Road, Hornby Island, BC

Members Present: Sue Ellen Fast, Chair
Alex Allen, Local Trustee
Grant Scott, Local Trustee

Staff Present: Heather Kauer, Regional Planning Manager
Katherine Vogt, Recorder by Speakerphone

Others Present: Approximately ten (10) members of the public

1. CALL TO ORDER

"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."

Chair Fast called the meeting to order at 10:32 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations. She introduced Trustees and staff.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Add item 12.5: Hornby Venues and Connectivity.

By general consent the agenda was adopted as amended.

Recorder Katherine Vogt left the meeting at 10:44 am, with permission from Chair Fast, due to technical problems.

3. RISE AND REPORT - IN CAMERA MEETING OCTOBER 8, 2021

Chair Fast reported that at the last in camera meeting of October 8, 2021, Trustees adopted the Minutes of previous *In-Camera* meetings.

4. REPORTS

4.1 Trustee Reports

Trustee Scott provided a summary of activities and meetings attended:

- A recent Trust Council meeting and discussion with Salt Spring Island Trustee Laura Patrick regarding housing shortages affecting hospital workers.
- Trustee Scott will be on the Islands Trust Policy Statement review committee.

- The Thatch development has contended with the discovery of deeper layers of Indigenous material, sensitive Provincial Government and First Nations' negotiations, and delayed communications to local Hornby Trustees. The order of building development at the Thatch has been rearranged so that the Townhome portion of the development is being built first, though it was supposed to have been built last. Going forward, Senior Intergovernmental Policy Advisor Lisa Wilcox will be reporting as much as possible to local Trustees, so that local Trustees can report back to residents.
- A recent meeting with Clare Frater, Director of Trust Area Services, regarding First Nations and Islands Trust communications.

Trustee Allen provided a summary of activities and meetings attended:

- A recent Trust Council meeting.
- The upcoming Hornby Island official Community Plan review will begin in April 2022, will last about a year, and will allow for plenty of public consultation.
- The Draft Islands Trust Policy Statement is undergoing further review, with the hiring of a consultant and public notices going out in January. Hornby resident input is encouraged.
- A region-wide local government community forum electronic meeting which included the Mayor of Sayward.
- Hornby island Residents' and Ratepayers' Association electronic meetings.

4.2 Chair's Report

Chair Fast provided a summary of activities and meetings attended:

- A recent Executive Committee meeting which was a very efficient first full hybrid meeting of in person and electronic participants.
- Public demands for Zoom meeting participation options.
- The Islands Trust draft budget will be coming back for review in March 2022 and Hornby resident input is encouraged.
- An upcoming Bowen Island Municipal Council meeting.

4.3 Electoral Area Director's Report

None.

5. TOWN HALL

Members of the public commented and the following was noted:

- Regarding the Islands Trust Draft Policy Statement, Chair of the Hornby Island Advisory Planning Commission (APC) Wendy Burton, shared that a campaign of disinformation on local Facebook and Twitter forums was disturbing.
- Regarding the Islands Trust Draft Policy Statement, the long-term resident is concerned that Agenda-21 global initiatives were steadily encroaching and influencing the Islands Trust and local communities negatively.
  - Chair Fast advised that the public could email responses to the Islands Trust Draft Policy Statement to Islands 2050 on the Islands Trust website at islandstrust.bc.ca.
  - Trustee Scott requested a copy of the Agenda-21 document.
- Regarding the application HO-SUB-2021.1 (Paterson/Wetzel) for a 10% Lot Frontage Waiver Request; the neighboring resident supports the 10% waiver; but is concerned about the

proposed driveway access and wants planning staff to consider a safer, more manageable, Anderson Road access.

- Chair Fast invited the applicant to email this information to northinfo@islandstrust.bc.ca where it would be directed to the appropriate planner.

6. DELEGATIONS

6.1 Advisory Planning Commission - Wendy Burton, Chair - Official Community Plan (OCP) Language Change Recommendations

APC Chair Wendy Burton noted the following:

It was unfortunate and the fault of no one that the OCP document given in the agenda package obscured the language changes made as highlighted in the original Word document.

- The APC considered that their recommendations were mainly more inclusive, rather than substantial, and that previous OCPs had contained no language that recognized that First Nations had occupied Hornby Island for thousands of years consistently and permanently.
- Under item 1.4 Historical Perspectives, first paragraph, the APC has recommended a substantial change to the existing OCP language which is to replace the following paragraph:

  Someone has said "a people without a history can have no vision." The people of Hornby Island are standing on history. It is to be found in the remnants of snake fences, and in the derelict orchards, in the blackened shell-flecked soil around the shores, and in the Indigenous trees and shrubs from which the first people took their sustenance.

  With the following paragraph:

  Perhaps the phrase “a people without a history can have no vision for the future,” was an attitude of European settlers in the 1600s on Hornby Island and elsewhere around the Salish Sea. That recent history on Hornby is in the remnants of snake fences and derelict orchards of settlers. However, the present population is standing on a much longer history found in the blackened shell-flecked soil in shoreline middens, in upland pits for preparation of food or shelter, further inland n trees modified for cedar bark for clothing, baskets and nets, and in the oral history of plants and shrubs from which the first people take their sustenance. That long oral history covers thousands of years of the use and occupation of Hornby Island before contact.

- Although it is the Kòmoks and Pentlatch people that consider Hornby Island as their traditional permanently occupied territory, there are 5 other First Nations that travelled through the area.
- The APC appreciates being given the opportunity to recommend these OCP language changes and has now moved on to housing and short- term vacation rentals issues with recommendations to be finalized in March 2022.

Chair Fast and Trustees thanked APC Chair Burton and members of the APC for their work on the First Nations OCP Language referral.

6.2 Hornby Island Residents' and Ratepayers' Association (HIRRA) Regarding Establishment of a Hornby Community Heritage Register

6.2.1 Letter dated November 23, 2021 from Hornby Island Residents' and Ratepayers' Association

Margaret Birch spoke to Trustees on behalf of the Community Hall Committee initiative to establish a Hornby Island Community Heritage Register modeled on the one recently completed on Denman Island. The Register would formalize an official list of historic places which have heritage value or heritage character and would allow for heritage funding opportunities.

Trustees deferred consideration to 14.2 Projects List.

7. MINUTES

7.1 Local Trust Committee Minutes dated October 8, 2021 - for adoption

The following amendments to the minutes were presented for consideration:

- Page 4, Bullet point 5, lines 3 and 5, correct Hornby Island Ratepayers Association (HIRA) with Hornby Island Residents' and Ratepayers' Association (HIRRA)

By general consent the minutes of October 8, 2021 were adopted as amended.

7.2 Local Trust Committee Public Hearing Record dated October 8, 2021 - for receipt

Received.

7.3 Section 26 Resolutions-without-meeting Report dated November 26, 2021

Received.

7.4 Advisory Planning Commission Minutes dated September 24, 2021 - for receipt

Received.

7.5 Advisory Planning Commission Minutes dated October 29, 2021 - for receipt

Received.

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List Report dated December 1, 2021

Trustee Allen requested further information from Regional Planning Manager Kauer on the status of the revised Watershed Protection and Groundwater Project Charter for next meeting.

Regarding Temporary Use Permits (TUP) for seasonal worker accommodation, Regional Planning Manager Kauer noted that this type of TUP would only be for temporary

accommodations in areas not zoned to allow for it. Advertising for the availability of these TUPs would need to begin soon to allow for accommodations in April 2022.

Trustee Allen expressed his understanding that these TUPs were for moveable accommodations (tents and recreational vehicles), not already existing permanent structures.

Trustees deferred this item to the next agenda.

By general consent the meeting recessed at 11:45 am and reconvened at 12:15 pm.

9. APPLICATIONS AND REFERRALS

9.1 HO-SUB-2020.2 (Gutstein and Burrows 1410 Carmichael Rd.) - 10% Frontage Waiver - Staff Report - for decision

Regional Planning Manager Kauer presented the staff report prepared by Island Planner Mahikwa, which requests that Trustees consider exempting one of the two lots in the proposed subdivision plan from the 10% frontage requirement, given that one of the lots is a panhandle configuration.

Trustee Allen expressed concern that neighbors were not being notified of these types of waiver applications.

- Regional Planning Manager Kauer responded that it was not a legal requirement.

HO-2021-068
It was MOVED and SECONDED,
that, per *Local Government Act* Section 512(2), that the Hornby Island Local Trust Committee exempt the "Proposed Lot 2" in the subdivision layout plan for HO-SUB-2020.2 from meeting Hornby Island Land Use Bylaw regulation 6.6(1), the minimum 10% lot frontage on a highway requirement and suggest that the Minister of Transportation and Infrastructure inform the adjacent neighbors as part of the approval process.

CARRIED

9.2 HO-SUB-2021.1 (Wetzel (Patterson) - 2025 Belcarra Rd.) - 10% Frontage Waiver - Staff Report for decision

Regional Planning Manager Kauer presented the staff report prepared by Island Planner Mahikwa that requests that Trustees consider a 10% frontage waiver for the "Proposed Western Lot" of the HO-SUB-2021.1 subdivision application to minimize Species at Risk vegetation removal for the provision of road access.

The applicant, speaking to Trustees, noted that a north side road access would impact neighbors and an existing trail negatively, thus a south side road access was preferable. Both ends of the road tended to be wet.

Trustee Allen suggested that the traffic safety concerns raised by neighboring resident Barbara Baird during the Townhall session could be addressed in the future by the Ministry of Transportation and Infrastructure (MOTI).

HO-2021-069
It was MOVED and SECONDED,
that, per *Local Government Act* Section 512(2), the Hornby Island Local Trust Committee exempt the "Proposed Western Lot" in the subdivision layout plan for HO-SUB-2021.1 from meeting Hornby Island Land Use Bylaw regulation 6.6(1), the minimum 10% lot frontage on a highway requirement.

CARRIED

9.3 HO-DVP-2021.3 (Wall and Bixby -9300 Central Road) - Staff Report for decision

Regional Planning Manager Kauer presented the staff report prepared by Island Planner Dubyna which requests that Trustees deny the application for the siting of a swimming pool and pool shed within the 8.0 metre required setback because the Islands Trust Conservancy Board rejected the proposal for insufficient setback to an adjacent covenant protected oak grove, and because the applicant could build within the required setback.

HO-2021-070
It was MOVED and SECONDED,
that the Hornby Island local Trust Committee deny application HO-DVP-2021.3.

CARRIED

9.4 HO-DVP-2021.2 - (Wiig - 3930 Brigantine Cres.) - Staff Report for decision

Regional Planning Manager Kauer presented the staff report prepared by Island Planner Mahikwa which regards the applicant's request for an LTC waiver of a certified site survey for their new application.

The applicant, speaking to Trustees, explained that a certified site survey at a cost of $4000.00 was onerous, given that the re-siting of their original tree-destroyed cabin was believed to be grandfathered, was more preferable to their neighbors, and was well within all setbacks.

HO-2021-071
It was MOVED and SECONDED,
that the Hornby Island local Trust Committee waive the requirement for a survey plan signed by a B.C. Land Surveyor and direct staff to proceed with Development Variance Permit application HO DVP 2021.2 (Wiig).

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Official Community Plan (OCP) and Land Use Bylaw (LUB) Review Project Business Case - Staff Report for decision

Regional Planning Manager Kauer asked Trustees to consider the sufficiency of their $15,000.00 funding request from Trust Council to hire a consultant to process new bylaws based on APC recommendations, given that the First Nations' capacity funding needed to review referrals generated by the OCP review may need to come from the same budget.

HO-2021-072
It was MOVED and SECONDED,
that the Hornby Island local Trust Committee requests that the issue of capacity funding for First Nations for Islands Trust referrals be placed on the next Trust Council agenda.

CARRIED

HO-2021-073
It was MOVED and SECONDED,
that the Hornby Island local Trust Committee requests staff to provide clarification on the roles of the consultant, Staff, and Local Trust Committee on the Hornby Island OCP review.

CARRIED

HO-2021-074
It was MOVED and SECONDED,
that the Hornby Island local Trust Committee endorse the business case for the OCP review.

CARRIED

11. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the LTC webpage

11.1 Letter dated November 23, 2021 from Hornby Island Residents' and Ratepayers' Association (HIRRA) regarding Limited Visitor Accommodation Signage at Buckley Bay

It was determined that the original Hornby Island Visitors sign, that had for many years, been attached to the external wall of the original B.C. Ferries comfort building at Buckley Bay Terminal, was in an unknown location and that it would be beneficial to find it.

Chair Fast offered to investigate Islands Trust signage protocols and opportunities. Discussion of this item was postponed until the next LTC Business meeting in February 2022.

12. NEW BUSINESS

12.1 2022 Annual Meeting Schedule - for decision and discussion

HO-2021-075
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee schedule its regular business meetings on the following dates in 2022: February 18, April 29, June 10, September 9 and November 25.

CARRIED

12.2 Advisory Planning Commission - Terms Expiring March 31, 2022 - Staff Report for decision

HO-2021-076
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee request staff to send letters to members of the Advisory Planning Commission whose terms will expire on March 31, 2022, thanking them for their participation and inviting their expressions of interest for reappointment for another two-year term; and advertise for public expressions of interest for new members**.**

CARRIED

12.3 Ability of Advisory Planning Commission or Working Group to Present as a Delegation - for discussion

Chair Fast explained that LTC meeting procedures on delegations needed to be clarified.

12.4 Screening of Dust 'n Bones - for discussion

Discussion of screening of the film Dust ‘n Bones on Hornby Island was postponed until the next LTC business meeting in February, 2022.

12.5 Hornby Venues and Connectivity

The following comments were noted:

- New Horizons and Room to grow have similar internet connectivity problems.
- New Horizons has a large viewing screen and may be able to be connected by Smart Hub. It is a good venue for presentations using the screen.
- New Horizons has no internet connectivity unless the library is operating and there is a booster for the signal. The library is open on Fridays which is the day for LTC meetings.
- It would be beneficial for the Islands Trust Northern Office Administrator Wil Cottingham, to discuss with APC Chair Wendy Burton, the current state of Hornby venues internet connectivity status.

13. REPORTS

13.1 Trust Conservancy Report dated November, 2021

13.1.1 The Heron - Autumn, 2021

Received.

13.2 Applications Report dated December 1, 2021

Received

13.3 Trustee and Local Expense Report dated October, 2021

HO-2021-077
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee requests $100.00 for registration fees for Trustees Scott and Allen to attend the Virtual Salish Sea Ecosystem Conference in April 2022.

CARRIED

13.4 Adopted Policies and Standing Resolutions

Received.

13.5 Local Trust Committee Webpage

Nothing to report.

14. WORK PROGRAM

14.1 Top Priorities Report dated December 1, 2021

Received.

14.2 Projects List Report dated December 1, 2021

HO-2021-078
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee add Community Heritage Register to the Projects List.

CARRIED

15. INFORMATION ITEMS - None

16. CLOSED MEETING - None

17. UPCOMING MEETINGS

17.1 Next Regular Meeting - to be determined

The next regular meeting is scheduled for Friday, February 18, 2022 at 10:30 am at a venue yet to be determined.

18. ADJOURNMENT

By general consent the meeting was adjourned at 2:31 pm.

_____
Sue Ellen Fast, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

Hornby Island Local Trust Committee
Minutes of Regular Meeting

Date: June 10, 2022
Location: Electronic Meeting

1Members Present: Sue Ellen Fast, Chair
Alex Allen, Local Trustee
Grant Scott, Local Trustee

Staff Present: Heather Kauer, Regional Planning Manager
Stephen Baugh, Planner 2
Katherine Vogt, Recorder

Also Present: Sarah Cavanaugh, Ministry of Indigenous Relations and Reconciliation
Melissa Quocksister, Treaty Communications
Michael Blackburn, Federal negotiations Manager
Amanda Kellett, Acting Assistant Negotiator
Approximately fifteen (15) members of the public

1. CALL TO ORDER

Chair Fast called the meeting to order at 10:30 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations. She introduced Trustees, staff and recorder; and welcomed members of the public.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Item 9.5 Entrance sign

By general consent the agenda was adopted as amended.

3. RISE AND REPORT - IN CAMERA MEETING MAY 6, 2022

Chair Fast reported that at the last Hornby Island Local Trust Committee (LTC), meeting, there had been an in-camera meeting at which Trustees had adopted the previous in camera meeting minutes.

4. REPORTS

4.1 Trustee Reports

Trustee Allen reported on the following:

- The upcoming Trust Council meeting from June 21 to 23 will be electronic, will invite public comments on the Tuesday evening of June 21; and will be a large, important meeting.
- Policy Statement Review in relation to the 1970's Islands Trust Act.
- Community and Trust Council fragmentation regarding many issues.

- Attendance at the upcoming June 17, 2022 Baynes Sound/Lambert Channel Ecosystem Forum.

Trustee Scott reported on the following:

- The recent Advisory Planning Commission (APC) report to Trustees regarding housing and short-term rentals (STRs) is advisory and much more community consultation will take place before any bylaws are changed. The APC has done a good job with their report given that STRs consensus is hard to achieve; and the issue is complicated.
- Attendance as a presenter at the upcoming June 17, 2022 Baynes Sound/Lambert Channel Ecosystem Forum which is focusing on herring this year.

4.2 Chair's Report

Chair Fast reported on the following:

- Preparing the weighty agenda for the upcoming June Trust Council meeting which includes 3 Trustee motions, the Management Governance Review, and the Trust Policy Statement. This Executive Committee agenda package will be available to members of the public on the Islands Trust website today.
- Climate Leadership Institute conference at the University of British Columbia.
- The use of electronic meetings to mitigate anticipated ferry schedule disruptions, and disruptions due to illness.
- Upcoming Bowen Island Municipal Council meeting.

4.3 Electoral Area Director's Report-none

5. DELEGATIONS

5.1 Ministry of Indigenous Relations and Reconciliation – Delegation

Chair Fast welcomed Sarah Cavanaugh, a negotiator with the Ministry of Indigenous Relations and Reconciliation, who was presenting an update on K'omoks Treaty negotiations and reconciliation.

Sarah Cavanaugh introduced Melissa Quocksister, Treaty Communications; and noted that they would be later joined by Michael Blackburn, Federal negotiations Manager and Amanda Kellett, Acting Assistant Negotiator.

Sarah Cavanaugh presented a series of slides which included the following:

- History of Indigenous relations and 30 years of treaty negotiations.
- Assertion and non-assertion rights within flexible First Nations Treaties, and the ability for First Nations to add rights in the future.
- Concurrent laws concept that allows First Nations to align their laws to Provincial and Federal laws over time.
- For K'omoks First Nation (KFN), a closing land/cash offer and a Chief Negotiators Understanding should be finalised this fall. KFN members-vote, government ratification, and implementing land transfers and other agreements will take until about 2026.
- The core territory of KFN is in the Comox and Sayward Valleys. In the Comox Valley, this includes the KFN Reserve; some woodlot land in Union Bay; a 10 Hectare

property on Hornby Island; a piece in the Forbidden Plateau ski area; the Mount Washington gravel pit; the tip of Goose Spit; some land on Brown's River on Piercy Road; and Sandy Island/Tree Island.

- Sandy Island/Tree Island and Seal Islet had been negotiated many years ago and will continue to be a marine park.
- KFN has 2 large chunks of Agreement in Principal land within the Union Bay Kensington Estates properties complex: 680 hectares of Royston Forest and 840 acres of Sage Hills. These lands are set to become Treaty Settlement Land.
- Whereas about 90% of land in the entirety of BC is Crown and 10% private; in the Comox Valley it is 86% private and 14% Crown.
- A newly launched website; letters to interest groups; emails to stakeholders; presentations to local governments; and open house information events for members of the public will occur from May to September 2022. Local governments are being asked to request upcoming open houses.
    - Trustees requested an open House for Hornby Island and wished to include archaeological sites information.
        - Melissa Quocksister offered to prepare an information/historical brochure for Hornby Island. Trustees were invited to contact her or Sarah Cavanaugh for information. Jessie Levine could be contacted for specifically archaeological information. Contact information was on the KFN website.
        - Sarah Cavanaugh noted that she would be sending the presentation to Regional Planning Manager Kauer and requested that the presentation and contact information be added to the Islands Trust website for public information.
        - Melissa Quocksister clarified that K'omoks and Pentlatch were essentially the same.

6. CLOSED MEETING

6.1 Motion to Close the Meeting

The regular meeting was recessed at 11:14 am. Electronic attendees were asked to leave the meeting.

HO-LTC-2022-032
It was MOVED and SECONDED,
that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(2) (b) for the purpose of the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both and a third party and that staff and recorder attend the meeting.

CARRIED

6.2 Recall to Order

The regular meeting reconvened at 11:31 am and Chair Fast welcomed back members of the public.

7. TOWN HALL

Members of the public noted the following:

- Regarding recent Advisory Planning Commission (APC) recommendations on STRs, the extensive community consultation that took place in the early part of the 2000's on the Hornby Official Community Plan (OCP) and Land Use Bylaws (LUB) should also occur for any further changes proposed for the OCP and LUB. Extensive consultation involved meetings on Hornby, and in Victoria and Vancouver, to capture Hornby residents and off-island taxpayers.
  - Trustee Scott noted there would be community consultation upcoming.
- Trustee Scott is doing important lobbying work to improve Hornby ferry service.
- The Zoom meeting today is less preferable than an in-person meeting.
- STRs and local long-term rental housing shortages are two separate issues. Restricting tourism by taking away STRs could exacerbate the rental housing problems by negatively affecting local businesses and their workers.
- Every person affects Hornby pollution in the same way, regardless of whether they are a tourist or a local, so more focus should be put on proper infrastructure.
- It is concerning if upcoming community consultations are run by the APC because they are biased. They only want to enforce pollution rules on a 9% segment of Hornby residents while leaving the other 91% free from rules.
  - Trustee Scott noted that the LTC would be running future community consultations.
  - Trustees and Chair Fast discussed the term 'biased.'

8. MINUTES

8.1 Local Trust Committee Minutes dated May 6, 2022 - for adoption

The following amendments to the minutes were presented for consideration:

- Under Item 8.4, first paragraph, 4th bullet point on page 6, add at the end of the sentence a new sentence: 'Trustee Allen volunteered to contact Claire Frater regarding signage.'

By general consent the minutes were adopted as amended.

8.2 Section 26 Resolutions-without-meeting - none

8.3 Advisory Planning Commission Minutes - none

9. BUSINESS ARISING FROM MINUTES

9.1 Follow-up Action List Report dated June 1, 2022

Trustee Allen noted that Claire Frater had recently expressed concern about the need to move forward with the Trustee requested power-point presentation on how the Islands Trust works, for the benefit of members of the public.

Trustee Scott expressed disappointment that it had been two and a half years since the initial request and that many problems may have been averted if members of the public had had better understanding of the Islands Trust.

Chair Fast noted the recent heavy workloads of the communications staff.

9.2 Municipal Regional District Tax (aka "Pillow Tax") - verbal update

Regional Planning Manager Kauer noted that Trustees had previously questioned that the pillow tax, instituted on June 1, 2022, had bypassed LTC consideration. The Hornby Island Community Economic Enhancement Corporation (HICEEC) had applied for the tax with help from the Comox Valley Regional District (CVRD).

Trustee Allen noted that some in the community had brought the pillow tax issue up because they had not heard anything about it previously.

Karen Ross explained how HICEEC had worked with Destination BC and the CVRD since 2018 to become an eligible entity for the Municipal Regional District (MRDT) pillow tax noting the following:

- The MRDT tax was instigated in the Whistler and Tofino resort municipalities in the late 1990's.
- In 2018, legislation changed to allow some tourism money to go towards affordable housing, to mitigate the effects of tourism on local housing needs. Many municipalities applied for this tax offer.
- Fixed roof accommodation providers come together to work with Destination BC under the Minister of Finance.
- The taxing eligibility is usually applied to an electoral area; but Destination BC supported Hornby as an isolated area within the CVRD to be eligible for the tax.
- Implementation of the program involved public and stakeholder consultation; and a consultant from Tourism Vancouver Island was hired to speak about the program and another consultant was hired to develop a required 5-year strategic plan and an annual plan.
- The tax is collected by the fixed roof establishments and remitted to the Minister of Finance. The money goes into a registered Tourism Fund. A portion of this can go to affordable housing. Some goes to provincial tourism events.
- The information for the Hornby MRDT pillow tax is on the HICEEC website under the MRDT tab.
- This is not a tax on the residents of Hornby. Fixed Roof accommodation providers are levying this tax voluntarily to mitigate the effects of tourists on Residents.

Trustee Allen noted that 2 attendees were notifying him that they were not able to get into the meeting.

- Regional Planning Manager Kauer responded that they had been removed earlier for attempting to get into the meeting during the In-Camera segment and that they may need to use a different account to gain access. Nobody was presently being blocked.

9.3 Siting and Use Permit Bylaw No. 168 - Staff Report - for consideration of adoption

Bylaw No 168, replacing the older Siting and Use Permit bylaw, had previously gone through three readings and executive approval.

HO-LTC-2022-033
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee Bylaw No.168 cited as "Hornby Island Trust Committee Siting and Use Permit Bylaw No. 168, 2021", be adopted.

CARRIED

9.4 Hornby Island Local Trust Committee Fees Bylaw No. 169 - Staff Report - for consideration of adoption

Bylaw No. 169, replacing the older Fees bylaw, had previously gone through three readings and executive approval.

HO-LTC-2022-034
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee Bylaw No.169, cited as "Hornby Island Local Trust Committee Fees Bylaw, 2022", be adopted.

CARRIED

9.5 Entrance Sign

Trustee Allen reported that he had recently found the original Denman/Hornby entrance signs images on a bicycle website; that Communications Trust Area Services Director, Clare Frater, had recently indicated that funding was available for entrance signs; and that K'omoks First Nations (KFN) could be requested to provide advice for updating language for the new signage.

Chair Fast noted that there was progress being made towards a Trust wide entrance sign protocol, but that Hornby may want to initiate a solo project.

Trustee Allen indicated that he would seek further input from other Trustees and Director Clare Frater at the upcoming Trust Council meeting.

10. APPLICATIONS AND REFERRALS

10.1 HO-DVP-2022.3 (Wyndham - 975 Mount Road) - Staff Report

Planner Baugh presented the staff report which recommends that Trustees consider denying the applicant's request for a waiver for a legal site survey. He clarified that the property had no buildable area that would not be within required setbacks. A suggested Biophysical Assessment to confirm previously mapped wetland features had already been submitted by the applicant with their variance application.

The applicant spoke to the history of the property and the application.

HO-LTC-2022-035
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee has determined that it is reasonably necessary that the applicant of HO-DVP-2022.3 (Wyndham) provide, as required by Section 2.7(1) of the Hornby Island Land Use Bylaw No. 150, a plan, a plan signed by a B.C. Land Surveyor, showing the location on the lot of all existing and proposed buildings, structures and sewage absorption fields in relation to lot and zone boundaries, watercourses, wells and the sea, and in relation to other buildings on the lot.

CARRIED

10.2 HO-SUB-2022.2 (Aikman and Mace - 2066 Belcarra Road) - Staff Report

Regional Planning Manager Kauer presented the staff report prepared by Planner Mahikwa which asks Trustees to exempt one of two lots in the proposed subdivision from the 10 % minimum required lot frontage on a highway, as recommended by planners.

- Trustee Allen asked if the dwelling classified as a duplex on one of the properties would be classified as a secondary suite; and asked if the other panhandle property nearby on Wetzel Road would impact this new panhandled property; and asked if the applicant was aware, that if the subdivision goes through, that the duplex may need to be partially de-commissioned.
  - Regional Planning Manager Kauer noted that the duplex issue would have been reviewed; and will research the other questions.

HO-LTC-2022-036
It was MOVED and SECONDED,
that per *Local Government Act* Section 512(2), the Hornby Island Local Trust Committee exempt the "Proposed Lot 1" in the proposed subdivision layout plan for HO-SUB-2022.2 from meeting Hornby Island Land Use Bylaw regulation 6.6(1), the minimum 10% lot frontage on a highway requirement.

CARRIED

By general consent, the meeting was recessed at 12:32 pm and reconvened at 12:52 pm.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Official Community Plan and Land Use Bylaw Amendment Project - Staff Report

Regional Planning Manager Kauer presented the staff report which provides options to Trustees to process APC bylaw amendment recommendations and which recommends that Trustees endorse a project charter. She noted the following:

- The Islands Trust has built into its bylaw process the standard protocol, not legislatively required, of holding a Community Information Meeting (CIM) prior to a Public Hearing, after which Trustees can no longer take public comments. Trustees can request more than one CIM.
- The $15,000 budget for the bylaw amendment project assumed the hiring of a consultant to draft the bylaw and bring it to first and second reading and to Public Hearing. This did not assume a CIM.
- The cost for an on-island consultant led workshop meeting could approach $5000.00. If the consultant engaged remotely this cost could be significantly reduced.
- Actual bylaw drafting could be put on hold until staffing capacity was adequate, or an extra business case could be presented to Trust Council for additional funds.
- The current project does not assume the following two topics: review of development that may impact within the steep slope and sensitive Gary Oak ecosystems between Central and Euston Roads; and review of the aquifer classification system.

HO-LTC-2022-037
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee request staff to amend the project charter to include two consultant led workshops, one in-person in September and the second to be determined.

CARRIED

HO-LTC-2022-038
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee endorse the Hornby Island Official Community Plan Amendments Review Project Charter v.1.0, as amended, dated June 10, 2022.

CARRIED

HO-LTC-2022-039
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee add the following to the Projects List: a. Review of development that may impact within the steep slope and sensitive Gary Oak ecosystems between Central and Euston Roads; and b. A review of the aquifer classification system as described in the email letter from Sadie Chezenko dated December 19, 2021.

CARRIED

HO-LTC-2022-040
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee request staff to draft a business case for phase 2 of the project charter.

CARRIED

12. CORRESPONDENCE-none

13. NEW BUSINESS - none

14. REPORTS

14.1 Trust Conservancy Report - none

14.2 Applications Report dated May 31, 2022

14.3 Trustee and Local Expense Report dated March, 2022

Received.

14.4 Adopted Policies and Standing Resolutions

14.5 Local Trust Committee Webpage

15. WORK PROGRAM

15.1 Top Priorities Report dated May 31, 2022

It was noted that the 'minimum average lot area' project was completed and could be taken off the list.

15.2 Projects List Report dated May 31, 2022

Trustee Scott expressed that the RAR Maps were problematic.

Regional Planning Manager Kauer noted that Freshwater Specialist William Shulba should have a new report for the LTC on the next agenda, but this would not include fixing RAR maps.

16. INFORMATION ITEMS - none

17. UPCOMING MEETINGS

17.1 Next Regular Meeting Scheduled for Friday, September 9, 2022 at 11:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC.

HO-LTC-2022-041
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee request that the next regular meeting be scheduled for Friday, September 9, 2022 at 10:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC or possibly on Zoom as required.

CARRIED

18. ADJOURNMENT

By general consent the meeting was adjourned at 1:59pm.

_____
Sue Ellen Fast, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

Hornby Island Local Trust Committee
Minutes of Regular Meeting

Date: January 20, 2023
Location: Electronic Meeting

Members Present: Alex Allen, Local Trustee
Grant Scott, Local Trustee
Timothy Peterson, Chair

Staff Present: Sonja Zupanec, Island Planner
Renee Jamurat, Regional Planning Manager
Katherine Vogt, Recorder
Wil Cottingham, Administrative Assistant

Others Present Daniel Arbour, Electoral Area A Director,
Patricia Maloney, Planner/Consultant
Sharon Horsburgh, Planner/Consultant
Brian Gregg, Consultant for Rogers Communications
Approximately fourteen (14) members of the public

1. CALL TO ORDER

"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."

Chair Peterson called the electronic meeting to order at 11:32 am. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations. He introduced Trustees, Staff, Recorder, and Regional Director and welcomed members of the public.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. RISE AND REPORT

None.

4. REPORTS

4.1 Trustee Reports

Trustee Allen spoke on the following:

- Acknowledgement of Coast Salish First Nations.
- Numerous Islands Trust orientations and webinars attended in the new term.
- Becoming Vice-Chair of the Trust Programs Committee.
- Being a member of the Regional Planning Committee.
- Welcoming new Chair Peterson and looking forward to the new term.

Trustee Scott spoke on the following:

- Acknowledgement of Kitasoo First Nation of the Great Bear Rain Forest where he was currently visiting.
- Welcoming existing staff, Director Arbour, new Regional Planning Manager Jamurat, and new Chair Peterson.
- Issues regarding the new proposed cell tower and the Thatch.
- The Herring Forum upcoming in early March will be exciting and is set to include the Kitasoo First Nations Chief and his contingent; a speaker on historic weirs in the Comox estuary; and possibly a speaker from K'ómoks First Nation.
- Attendance as a Trust advisor on the Ferry Advisory Committee will pass to Trustee Allen for the new term.
- Recent election to the Trust Conservancy.
- Thank-you to all Advisory Planning Commission (APC) members for their hard work over the last term.

4.2 Chair's Report

Trustee Peterson spoke on the following:

- Looking forward to being the new Chair of the Hornby Island Local Trust Committee and learning about issues of concern to the Island.

4.3 Electoral Area Director's Report

Director Arbour spoke on the following:

- Congratulations to Trustees Allen, Scott and Peterson on their re-elections to the Islands Trust.
- In the last term, the format of at least one meeting per year between Islands Trust staff and the Comox Valley Regional District (CVRD) has worked well, and it is hoped that members of the Hornby Island Housing Society could be invited to attend as well to better plan for funding opportunities.
- Ongoing work on septic regulation and education across the CVRD; and recent contamination outbreaks in the local marine environment.
- Open to suggestions for initiatives in the Hornby Coop area.
- As a representative with the Federation of Canadian Municipalities, recent negotiating of infrastructure funding agreements for community building and climate change funds.
- Many local communities are wanting to see safety and walkability improvements in their busy neighborhood core areas.

5. PUBLIC COMMENTS

Members of the public spoke on the following:

- Congratulations to returning Trustees Scott and Allen, and welcome to the new staff.
- The proposed cell tower should be delayed until 6 months after the City West fibre optic line is in place; and the notification area requirement in the Model Cell Tower Strategy should be enlarged to a 1000 metre circumference to include the school and community hall. Hornby's rural quality of life should not be sacrificed for convenience.
- The Hornby Depot staff of 7 requested that CUPE Local 556 send a letter of concern of a safety code 6 regarding the extreme closeness of the proposed cell tower to the depot and have received a response from Brian Gregg.

6. DELEGATIONS

6.1 Hornby Island Community Hall Committee and/or Hornby Island Residents and Ratepayers Association (HIRRA) regarding Establishing a Community Heritage Register for Hornby Island

Margaret Birch, member of the HIRRA Community Hall Committee, delivered a power point presentation on the efforts to date to establish a Community Heritage Register on Hornby Island, noting the following:

- The Heritage Register would recognize and celebrate historic places on Hornby: the Community Hall, School House, and Room to Grow would be prioritized; future consideration could be given to private heritage homes and historic barns.
- Funding from the CVRD of $4200.00 to prepare the first step 'cultural heritage statement of significance' is available from April 2023.
- The Community Hall Committee is seeking renewed support from the Local Trust Committee (LTC) and a modest amount of time and budget from planning staff to enable the accessing of the CVRD funds.
- The Heritage Register and the establishment of a Heritage permit process will need to be developed and administered by the Islands Trust.

Trustees discussed the feasibility of taking on the Heritage Registry as the chosen small project for the current term. Further discussion was deferred to agenda Item 10.1.

7. MINUTES

7.1 Local Trust Committee Special Meeting Minutes dated October 6, 2022 - for adoption

By general consent the Local Trust committee meeting minutes of October 6, 2022 were adopted.

7.2 Section 26 Resolutions-without-meeting Report dated January 12, 2023

Received.

7.3 Advisory Planning Commission Minutes - none

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List Report dated January 12, 2023

Received.

9. APPLICATIONS AND REFERRALS

9.1 Denman Island Local Trust Committee Referral for Response regarding Bylaw Nos. 228 and 229

Planner Zupanec explained that the two Denman Bylaws represented years of work on aligning regulations on Denman land within the Agriculture Land Reserve (ALR) with new Agriculture Land Commission (ALC) regulations; and clarified the regulations of farming activities outside of ALR land.

HO-LTC-2023-001
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee requests staff to advise the Denman Island local Trust Committee that their interests in proposed Bylaw No 228 and 229 are unaffected.

CARRIED

By general consent, the meeting was recessed at 12:19 pm and reconvened at 12:28 pm.

By general consent, Trustees addressed agenda Items 13 and then 11 before Item 10 to allow for Consultants' availability.

Consultants Patricia Maloney and Sharon Horsburgh joined the meeting at 1:16 pm.

10. LOCAL TRUST COMMITTEE PROJECTS

10.1.1 Comprehensive Official Community Plan Review - Staff Report

Planner Zupanec presented a status update report on the Official Community Plan (OCP) and Land Use Bylaw (LUB) Review project.

Consultant Maloney and Trustees discussed the previous electronic public engagement and next steps in the consultation process.

Planner Zupanec noted that there was approximately $5000.00 remaining in the budget for consultants' engagement with the APC and one more electronic meeting with the community. Very recent correspondence from the community was requesting that the APC engagement be expanded to include other community groups.

APC Chair, Wendy Burton was invited by Trustees to speak to the proposal to invite outside groups to the upcoming meeting between the APC and Consultants. She noted the following:

- members of the community had been invited to attend APC meetings and correspond with the APC throughout their referral process, especially members of the Hornby Housing Society, Hornby Island Community Economic Enhancement Corporation (HICEEC), and Hornby Island Short Term Rentals Association (HISTRA) were invited and did participate with a voice but no vote throughout the entire APC meetings process.
- the APC have been silenced and excluded for months from the discussion by not being able to communicate directly with the consultants.

HO-LTC-2023-002
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee request the members of the Advisory Planning Commission to meet with the project consultant by March 15, 2023 to review consultant recommendations on the OCP/LUB Review project and provide input on priority amendments to the OCP and LUB for LTC consideration.

CARRIED

HO-LTC-2023-003
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee request staff to work with the consultant to schedule and advertise a second electronic Community Information Meeting prior to February 28, 2023, but after the Advisory Planning Commission meeting, to solicit public input on options to regulate Short Term Vacation Rentals.

CARRIED

HO-LTC-2023-004
It was MOVED and SECONDED,
that a summary report be prepared by the consultant and submitted to planning staff by March 30, 2023 to clearly identify specific policy and regulatory changes recommended to advance improvements to the Official Community Plan and Land Use Bylaw in the four topic areas included in the review project.

CARRIED

HO-LTC-2023-005
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee request staff to prepare an update to the Hornby Island Official Community Plan and Land Use Bylaw Amendment Project Charter v. 2.0, dated September 9, 2022 to reflect the revised timeline and deliverables of the project.

CARRIED

Planner Zupanec noted that an $8000.00 business case for March Trust Council approval, if approved, would allow forward movement on existing LTC projects.

Consultants Patricia Maloney and Sharon Horsburgh left the meeting at 1:56 pm.

11. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the LTC webpage

11.1 Letter dated December 1, 2022 from E. Hoeppner of Aquarian Systems Ind. regarding Siting of Water Cisterns

Planner Zupanec noted that other Trust jurisdictions had excluded cisterns from setbacks in their LUB for greater siting flexibility on small lots; and that Initiating a small LUB amendment for cisterns could be accomplished with minor public engagement within the fiscal year within the $5000.00 budgeted for a single yearly allowable minor LTC project.

HO-LTC-2023-006
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee ask staff for analysis on resources and funding in adding 'Heritage Registry' and 'Excluding cisterns from the setback requirement' and adding to the projects list by next meeting.

CARRIED

By general consent, the meeting was recessed at 12:53 pm and reconvened at 1:16 pm.

12. NEW BUSINESS

12.1 Local Trust Committee Meeting dates for 2023 - for consideration

HO-LTC-2023-007
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee schedule its regular business meetings on the following dates in 2023: March 24, May 5, June 16, September 8 and November 3.

CARRIED

Planner Zupanec advised that in-person meetings were dependent upon meeting venues being booked far in advance of the actual meeting.

Chair Peterson offered that he was very amenable to in person meetings and acknowledged that it was easier to pivot from an in person to an electronic meeting, but almost impossible the other way around.

12.2 Local Trust Committee Projects and Priorities - Staff Report

Planner Zupanec presented the staff report which asks Trustees to review and endorse the current Active and Future Projects List-previously called the Top Priorities and Projects List; or provide direction for any changes to it.

A Trustee noted that the four-corners issue was missing from the list.

HO-LTC-2023-008
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee advise staff to defer item 12.2 until the next regular meeting.

CARRIED

A Trustee requested that the-updated Projects list for next meeting, including the Four-Corners item, be provided to Trustees prior to the next meeting by email.

Consultant Brian Gregg joined the meeting at 2:20 pm.

12.3 Rogers Cell Tower Proposal – Update

Planner Zupanec introduced the Consultant for Rogers Communications, Brian Gregg, noting that he had undertaken the community consultation and notification portion of the application process for the proposed 63 metre tower on Hornby Island, consistent with Federal requirements; and that he could answer to Trustees the extent to which the Islands Trust Model Cell Tower Strategy was not aligned.

A Trustee questioned that the Islands Trust Model Cell Tower Strategy had been voted on and adopted by the Hornby LTC in September of 2022, so why was it overlooked by the consultant who defaulted to the Federal strategy instead? The consultant explained that prior to the departure of the previous Islands Trust Regional Planning Manager, ROGERS was not informed that the strategy had just been adopted by the LTC.

Consultant Brian Gregg noted the following:

- Previous experience with the Hornby community on a Telus application for a Cell Tower on Hornby informed the consultant that extra time and attention would be needed to ensure a responsible, acceptable location for the tower.

- The consultant insisted that Rogers re-review its proposed locations for the benefit of public acceptance.
- A first proposed Firehall location was rejected by the Province based on strict Crown Grant regulations that permit only one user on the land.
- The present proposed site for the Cell Tower has been vetted through consultation with the Ministry of Forests, Lands, and Natural Resource Operations (FLNRO) as having no other known applications or conflicts.
- Many months of consultation with the former Islands Trust Regional Planning Manager, Heather Kauer took place before the Hornby LTC adopted the Model Cell Tower Strategy. The manager did not inform ROGERS upon their departure that the strategy has just been adopted by the LTC.
- The Rogers application file was handed to Acting Regional Planning Manager Zupanec, who was also working under the original advice of staff that the Federal consultation process was in effect.
- Besides the Crown Application, referrals have been sent to 10 First Nations. K'ómoks First Nation, identified as a key stakeholder, has responded.
- The Innovation, Science and Economic Development Canada default federal consultation process was then initiated because we were unaware of their being a local protocol model.
- The federal default and local protocol model are almost the same, involving newspaper notices, Trustees discussions, notices in 4 local publications, mail-out notifications to anyone within a radius of 3 times the proposed Tower height, the last of which is the Federal requirement but could be added to.
- ROGERS exceeded Federal requirements by conducting a digital public meeting, which complies with the LTC strategy.
- Planner Zupanec has advised of ROGERS needing to introduce the project at this LTC meeting to comply with the local protocols.
- The comment period for the public meeting formally closed on the 13th but a Crown application can take over a year, so there is no pressure to end public discussion.
- Approximately 130 total public comments have been received to date; roughly 1/3 support, 1/3 oppose, and 1/3 neutral or asking for information.

Trustees asked the following questions and Brian Gregg provided the following answers:

- What is the difference between a Crown Grant and Crown Land?
  - The Province is clear that entities that are granted land for a specific purpose are not to sub-lease that land, especially if profit is involved. Small airports in remote areas are prohibited from even having a café on them. On general Crown lands, where there are no designated uses, one must submit a license application and wait while the Crown sends out multiple referrals
- The Tower is too close to the depot, school and community hall. Can it be pushed back further into the Crown land?
  - The present proposed location is not the only possibility. It was chosen for existing road and power accessibility to minimize the ecological footprint and avoid having to cut trees. A new location would necessitate an entirely new application process so would need substantial merit.
- What was the response from K'ómoks First Nation?

  - They essentially provided a non-comment while asserting their rights to the land into the future, which is a common response. If there is opposition, they are usually quite clear.
- What was Rogers Communications' response to the community request to hold a public meeting at the Hall about the Cell Tower?
  - An in-person meeting is reasonable but a prior public meeting experience on Hornby was disorderly. Also, security threats are a concern.
- A Trustee had been unable to get into the electronic public meeting session; and off-island residents may have also missed it.
  - Another electronic session could be provided.
- How much coverage would the Cell Tower provide and how many customers were with Rogers?
  - It was not personally known how many Rogers customers there were, but Telus was applying for co-location of the Cell Tower which would cover Telus, Rogers. Bell, Fido, Public Mobile, Chatter and many other subsidiaries. Carriers are required to cooperate on Cell Towers. The only locations on Hornby that may not be reliably covered are the upper portions of Mount Geoffrey and the seawater level point of Helliwell Park. Coverage maps can be provided on request.
- Could the Cell Tower cause broadcasting interference for the radio station?
  - A letter from the radio station was received by Rogers who responded. Basically, the 2 systems are on different frequencies and should not interfere.
- What about 911 calls?
  - He was not personally sure if Cell Towers on Lasqueti or Texada could route 911 calls; but a Cell Tower on Hornby would allow 911 calls for anyone with a cell phone, with or without a cell plan.
- What about migratory and other birds and the impact of 24-7 lighting of the Tower.
  - Rogers had applied to Transport Canada for no marking and lighting and expect to be agreed to because no aircraft would be likely to fly so low because of the height of Mount Geoffrey. Birds are most likely to be confused by flashing lights and wind turbines. Cell Towers are not generally required to conduct environmental impact assessments.
- The site of the Cell Tower had been proposed for a significant Community Housing project so there would be a lot of public resistance.
  - Rogers does not want to conflict with a housing application; but no application existed prior to Rogers' application. Also, the lot is 200 acres and Rogers only needs a small 15x15 meter compound with underground electrical wiring to the site.
- Could the application be paused until after fibre-optic had been established?
  - Fibre-optic is a wonderful service but does not replace the need for mobile cell service.
- Chair Peterson asked what the Federal consultation standard lacks as compared with the local trust consultation protocols and could Rogers make up the difference?
  - Brian Gregg responded that the main difference is that the Hornby protocol requires a public information session which Rogers has done. The notification radius process may be different and further notification could be done. There is plenty of time to fill any gaps and apologies are offered if the process seemed

rushed. A large amount of effort over many months has already gone into the process.

HO-LTC-2023-009
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee request staff to work with applicant Rogers on a report regarding steps the applicant has taken to date and their consistency with the Model Cell Tower Strategy.

CARRIED

Trustee Scott abstained.

Planner Zupanec noted that time spent on a summary report by planning staff would be considered routine for applications processes and would not detract from staff work on other Hornby major and minor projects.

Chair Peterson thanked Consultant Brian Gregg for presenting and answering questions.

Consultant Brian Gregg left the meeting at 3:45 pm.

By general consent, the meeting was recessed at 3:46 pm and reconvened at 3:51 pm.

12.4 Possible Amendments to the Model Strategy for Antenna Systems

Chair Peterson spoke on his recent letter to Planner Zupanec regarding the recent Salt Spring Island Local Trust Committee resolution that added more robust First Nations and BC Archaeological Branch requirements to their Tower Siting protocols.

Trustees received Chair Peterson's letter for information.

13. REPORTS

13.1 Trust Conservancy Report dated October 6, 2022

Received

13.2 Applications Report dated January 12, 2023

Received

13.3 Trustee and Local Expense Report dated November, 2022

Received.

13.4 Adopted Policies and Standing Resolutions

Trustees discussed the recent election of the new Chief for K'ómoks First Nation.

Planner Zupanec noted that Trust Area Services was taking the lead in communications with K'ómoks First Nation.

HO-LTC-2023-010
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee requests that staff write a letter to the K'ómoks First Nation new Chief and Council reintroducing Trustees and Staff; and provide a schedule of Local Trust Committee meetings for the upcoming year, as well as provide an update of current projects and advocacy activities.

CARRIED

A Trustee added that the letter should begin by congratulating the new Chief and Council on their recent election.

13.5 Local Trust Committee Webpage

14. WORK PROGRAM

14.1 Active Projects Report dated January 12, 2023

Planner Zupanec noted that for the next agenda, the Active and Future Projects Lists would be corrected where necessary.

14.2 Future Projects Report dated January 12, 2023

Received.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Friday, March 24, 2023 at 11:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC

16. CLOSED MEETING

16.1 Motion to Close the Meeting

HO-LTC-2023-011
It was MOVED and SECONDED,
that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (a) and (d) for the purpose of considering (a) appointments to the Advisory Planning Commission and Appointments to the Board of Variance and (d) adoption of In-Camera Meeting Minutes dated September 9, 2022 and that the recorder and staff attend the meeting.

CARRIED

The meeting was closed at 3:58 pm.

16.2 Recall to Order

There was no recall to order.

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:31pm.

_____
Timothy Peterson, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

Hornby Island Local Trust Committee

Minutes of Special Meeting

Date: April 17, 2023
Location: Electronic Meeting

Members Present: Timothy Peterson, Chair
Alex Allen, Local Trustee
Grant Scott, Local Trustee

Staff Present: Sonja Zupanec, Island Planner
Katherine Vogt, Recorder
Wil Cottingham, Meeting Administrator

Others Present: Patricia Maloney, Consultant
There were approximately thirty-eight (38) members of the public and no members of the media in attendance.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 4:02 pm. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations. He introduced himself, Trustees, Staff, Recorder and welcomed Consultant Maloney and members of the public. He noted that the meeting was being recorded and livestreamed.

2. APPROVAL OF AGENDA

Trustees discussed that members of the public may have further comments and questions after the presentations of the Consultant's and Staff reports.

Trustees considered the following addition to the agenda:

- 4.3 Public Comments

By general consent the agenda was adopted as amended.

3. PUBLIC COMMENTS

- Upcoming bylaws should be drafted by Islands Trust staff based on Advisory Planning Commission (APC) recommendations as originally planned so that members of the public have something concrete to react to. The Consultants' recommendations have some value but do not adequately reference the previous work of the APC.

- Trustees should direct Staff to prioritise the drafting of bylaws to take advantage of the funding opportunities identified by the Hornby Housing Network as being available to communities that have a solid Housing Strategy.
- Speaking as the Vice Chair of the Hornby Island Economic Enhancement Corporation (HICEEC), read from a February 27, 2023 HICEEC letter to the Local Trust Committee (LTC) that asks Trustees to focus on affordable housing rather than the divisive topic of Short Term Vacation Rentals (STVR)s.
- Another board member of HICEEC commented that the letter just referenced by previous speaker did not receive unanimous support by the board but was sent anyways. STVR expansion needs to be reassessed based on the unforeseen external forces such as the explosion of Airbnbs through social media; increasing property values; and climate change.
- Speaking as the President of Hornby Island Short Term Rentals Association (HISTRA), spoke on supporting that all dwellings be expected to adhere to water and septic regulations and that current bylaws be enhanced to include rainwater catchment; and that affordable housing be supported.
- Putting a brake on STVRs will drive the sector into a grey market.
- STVRs are essential for many long-term elderly residents and their families to maintain their properties and legacies.
- Vancouver urban STVRs, which are often bought primarily for that purpose and thus do take away long term rental opportunities, are not the same as Hornby rural STVRs whose owners are also using their properties.
- There is presently no legal way to rent a residence to a tenant for a fixed term as per recent amendments to Section 49 of the Residential Tenancy Act. If you want a tenant to move out, you must give them a 6 month notice and pay them 2 months of rent; and, there is a penalty of 12 month's rent if the owner does not then occupy the residence for 6 months. The Islands should be exempted from these requirements because many property owners would rent spaces out for fixed terms in their off-season; this used to be common practice on Hornby Island.

4. BUSINESS ITEMS

4.1 Hornby Island Official Community Plan Review Project - Consultant's Report March 30, 2023

The Consultant offered to answer Trustees' questions regarding the recently completed 44-page report titled "Hornby Island Official Community Plan Engagement Summary report," dated March 2023 that is a comprehensive review of the subject areas of Riparian Areas; Indigenous Language; Affordable Housing; and Short Term Vacation Rentals.

Trustees noted or asked the following:

- When would be best to engage with K'ómoks First Nation (KFN) regarding proposed indigenous language changes in the Hornby Island Official Community Plan (OCP)?

    - Consultant Maloney supported early in-person First Nations engagement.
    - Planner Zupanec added that K'ómoks First Nations engagement would be expected before first reading of any proposed bylaws.
- A map of indigenous cultural features on Hornby Island is not available; such a map would provide Trustees with the tools to examine development permits properly.
    - The Consultant responded that First Nations are very hesitant to provide public maps of their sacred cultural areas for fear of damage; but they know immediately upon receipt of an application if the proposed development area is an important cultural site.
- A new riparian study would not seem to be worth the cost; and most people on Hornby do understand the riparian regulations.
    - The Consultant responded that some members of the public are confused as to why some ditches would be considered riparian areas.
- The APC is tasked with making recommendations, they are not decision makers; also, it is unfair to single out the APC as being biased when all committees and individuals have bias; also, the recent work of the APC was not sufficiently recognized in the Consultant's report.
- A recently compiled initial rough draft flow chart of potential accommodation sites on Hornby showed that there are approximately 2019-person accommodation spots currently advertised, yet only approximately 1300 residents.
- The rural character of Hornby Island seems to be diminishing as numbers of STVRs increase.
- Whatever the LTC decides regarding STVRs, existing ones will be able to continue.

The Chair expressed concern that the use of the word 'traditional' in reference to First Nations, as used in the Consultant's Report within the phrase 'traditional indigenous lands 'at the top of page 38 under Advocacy Policy 3.1.9, has connotations and should be used carefully.

A Trustee thanked the Consultant for her work on this challenging project.

4.2 Hornby Island Official Community Plan Review Project - Staff Report (to be distributed)

The Planner presented the staff report that asks Trustees to review the updated draft Project Charter for the Official Community Plan (OCP) and Land Use Bylaw (LUB) review project and to provide direction for staff on possible amendments to the project workplan that could impact budgeting for the 2023/2024 fiscal year.

A Trustee suggested that giving the APC the opportunity to draft the bylaws could be less costly, faster, and more relevant than sending the project back to Planning Staff and Consultants.

- The Planner responded that the Consultant contract had ended; and further consultant engagement was at the discretion of the LTC. A lead planner has been appointed to the current project and their drafting of bylaws is the most cost-effective approach.

HO-LTC-2023-019
It was MOVED and SECONDED,
that Hornby Island Local Trust Committee defer the Official Community Plan/Land Use Bylaw Review Project final report and draft project charter until the May 5, 2023 regular business meeting.

CARRIED

4.3 Public Comment

Members of the public noted the following:

- We allow family and friends to use our property, are compliant with bylaws, and do not advertise, so please do not lump us in with commercial STVRs. The small amount of money made by our visitors pays the property taxes and without this income we would have to sell.
- Having worked for the Provincial Heritage Branch for some years, I am aware that the Consultant is correct in noting that Indigenous Cultural Sites maps need to be kept out of the public domain for the reasons given.
- Worrying about future income, if I do not rush out now and start an STVR will I be permanently locked out of the opportunity?
- We need some future public meetings in person. My phone service has dropped 3 times at this meeting.
- The Provincial Government needs to be lobbied to amend the regulations so that fixed term rental opportunities can be brought back to Hornby. Many residents used to rent their house out for 11 months and use it for 1 month over the summer.
- Denman Island does not allow STVRs; but they have the same problems with affordable housing that Hornby has.
- I appreciate the Consultant for acting as a fresh perspective, professional individual that could gather information and create options for Trustees. Trustees do not seem happy with the report. I am not pacified by my rights being maintained as an existing STVR operator because I want these rights for my children and other long-term residents and elders who have contributed so much to our community, some of whom may be forced to sell their properties if they are not permitted to have an STVR.
- I support the timely drafting of bylaws by Planning Staff because until we have these bylaws, the community will keep going in circles.

- How was the APC constituted and would you consider a democratic process to create a new APC that is more broadly representative? The LTC seems to really lean on the APC.
    - The Chair noted the statutory process that governs the APC appointments by the LTC. It is a time commitment. Numbers of applicants may be many or few.
    - A Trustee noted that the LTC does not have to follow APC recommendations. An advertisement is put out for the APC and the LTC receives applications. Recently we appointed two young members because young people have been long underrepresented on the APC.
- We support the Island economy through our vacation rentals. We need a budget to collect good data for making good decisions.
- We have no facts on how many STVRs there are. The Bylaw Enforcement Manager says 112 but a few years ago it was 152; by these numbers, STVRs have come down. Are there facts that STVRs use too much water or take up too much ferry space? Currently, the water system on Hornby is low and has been low all winter even though STVRs do not operate during the winter, so where is the water going? How will stopping STVRs fix water issues?
    - A Trustee noted that the data was unclear. There seems to be 114 known STVRs. The Bylaw Enforcement Manager is also not clear on STVR numbers because of multiple advertising platforms and that many do not advertise.
- Traditionally, when an APC finished a project it was dissolved until a new project came up and a new APC was advertised for. If we went back to this there would be greater community representation on the APC. We need very broad community consultation before drafting bylaws.
- I, as a past minute-taker, do not recollect that the APC was dissolved after a project.
    - The Chair clarified that APC members were appointed for a 2-year term.

A Trustee thanked everyone for participating today and noted that the STVR issue was very complicated and that there needed to be some limits on them yet to be determined.

5. UPCOMING MEETING

5.1 Next Regular Meeting Scheduled for Friday, May 5, 2023 at 11:30 am at Room to Grow

6. ADJOURNMENT

By general consent the meeting was adjourned at 5:47 pm.

_____
Timothy Peterson, Chair

Certified Correct: _____
Katherine Vogt, Recorder

Hornby Island Local Trust Committee

Minutes of Regular Meeting

Date: June 16, 2023
Location: Electronic Meeting

Members Present: Timothy Peterson, Chair
Alex Allen, Local Trustee
Grant Scott, Local Trustee

Staff Present: Renée Jamurat, Regional Planning Manager
Sonja Zupanec, Planner
Margot Thomaidis, Planner 2
Wil Cottingham, Administrator
Katherine Vogt, Recorder

Others Present: Brian Gregg, Consultant for Rogers Communications Inc.
There were approximately fifteen (15) members of the public and no members of the media in attendance.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 11:36 am. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations. He introduced himself, Trustees, Staff, and Recorder and welcomed members of the public. He noted that the meeting was being livestreamed and recorded.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. RISE AND REPORT - none

4. REPORTS

4.1 Trustee Reports

Trustee Allen reported on the following:

- Recent attendance as a member of the Regional Planning Committee working group on housing which is currently compiling housing option ideas.
- Looking forward to attendance at the upcoming annual Comox Valley Regional District (CVRD) meeting on June 19, 2023; to be hosted electronically and to be attended by Denman Island representatives also.

- Looking forward to attending the upcoming Trust Council meeting to be held in person on Gabriola Island in late June.

Trustee Scott reported on the following:

- Appearance on Hornby Community Radio last Saturday with Albini-Patrick Lapierre for a discussion on Trust issues.
- Acknowledgement that the objections to the proposed cell tower are that it would be too close to people, to the recycling depot, and to future community housing; but that it is supported by many younger people who no longer have land lines, and by Hornby and Denman medical personnel who have sent a strong letter of support for the tower.
- Acknowledgement that Short Term Vacation Rentals (STVRs) provide needed revenue for many locals.

4.2 Chair's Report

Chair Peterson reported on the following:

- The recording of the previous Hornby Island Local Trust Committee (LTC) regular meeting on May 5, 2023 is unfortunately irretrievable due to technical difficulties.
- Working as a member of the Executive Committee on the agenda for the upcoming June Trust Council meeting.
- Looking forward to the next Hornby LTC meeting in September which will be held in person.

4.3 Electoral Area Director's Report

None.

5. PUBLIC COMMENTS

Members of the public noted the following:

- Ross Birchall, Founder and Managing Partner of Wellesley Consulting Group (WCG) based in Victoria, spoke on providing Trustees with a formal introduction to his working on behalf of the Hornby Island Community Economic Enhancement Corporation (HICEEC), noting that they had recently applied for funding to Island Coastal Economic Trust (ICET) to prepare a comprehensive economic development strategy for Hornby Island, highlighting the urgent need for workforce and other affordable housing for which two parcels of land have been identified. Other options being pursued are Crown Land and potential joint partner ventures with Kómox First Nation (KFN). Various other funders, partners, and stakeholder opportunities are being actively pursued by HICEEC. He welcomed any support that the LTC could provide in moving the HICEEC endeavors, still in their early stages, forward.
  - A Trustee asked how well Hornby could compete against much larger municipalities for the Union of BC Municipalities (UBCM) Complete Communities Grant funding.
  - Consultant Birchall responded that HICEEC itself is an ineligible applicant and must partner with an organization such as the Islands Trust or the Comox Valley Regional District (CVRD) to be considered for funding. The UBCM eligibility criteria are infrastructure and transportation requirements for servicing a housing development.

UBCM is looking for a cohesive plan. HICEEC has missed this year's May 2023 application deadline and would need support from the LTC to request a deadline extension.
    - A Trustee responded that unfortunately no information for the LTC to consider had been received yet.
- Another member of HICEEC noted that small communities are at a disadvantage for funding compared to large municipalities. Unconventional housing ideas are currently being looked at and it is hoped that the LTC will be supportive in shepherding such ideas through the regulatory process in a timely manner. The Hornby community is at risk of falling apart if workforce housing is not provided quickly.
- The LTC needs to question the biological safety, hackability, and purpose of 5G technology in relation to artificial intelligence and surveillance applications; and to investigate if alternatives to 5G for cell coverage are available.
    - A Trustee noted that, in the absence of a cell tower in a remote location, there is a device called weBoost for homes and RVs; also, that the recent Rogers report does not adequately address wireless effects on wildlife; also, that the recent Rogers report repeats the same broadly used cell phone industry mantra statistic that 80% of 911 calls are made through a smart phone which is a 2016 California statistic, of which 35% of such calls were either non-emergency or unintentional.
- A staff member of HICEEC requested that the LTC consider supporting the HICEEC Workforce Development Project with letters of support; by fixing zoning bylaws to allow housing on Public Use (PU) zones; and through the provision of wording for tiny homes, RVs, and other higher density developments.
    - The Chair invited that HICEEC could email pertinent information to the LTC prior to the upcoming September regular LTC meeting.

6. DELEGATIONS - none

7. MINUTES

7.1 Local Trust Committee Minutes dated May 5, 2023 - for adoption

By general consent the Local Trust Committee meeting minutes of May 5, 2023 were adopted as presented.

7.2 Section 26 Resolutions-without-meeting Report - none

7.3 Advisory Planning Commission Minutes - none

7.4 Local Trust Committee Special Meeting Minutes dated April 17, 2023 - for adoption

By general consent the Local Trust Committee special meeting minutes of April 17, 2023 were adopted as presented.

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List Report dated June 8, 2023

A Trustee expressed concern that the congratulations letter to the new Chief and Council of Kómox First Nation was still undone.

- Regional Planning Manager Jamurat clarified that an Indigenous Coordinator had been hired but would not be starting until this July; and, that efforts would be made to expedite letters to First Nations.

8.2 Rogers Cell Tower Proposal - update for information

Planner Thomaidis presented the staff memorandum: 'Hornby Rogers Cell Tower Proposal,' dated June 16, 2023, that updates Trustees that staff have received a summary package from Rogers that details their public consultation and correspondence to date. Staff will be analyzing the summary and preparing a report for the next LTC regular meeting in September.

Consultant Brian Gregg noted the following:

- The proposed tower for Hornby is on Provincial Crown Land, so Rogers must follow the provincial communication sites process to receive a License of Occupation.
- Ideally, the Islands Trust would be aligned with the Province, which has the ultimate authority over land use.
- The Federal Ministry of Science and Economic Development (ISED) would defer to the Province unless an error was noted. ISED has an impasse process to make intervening land use decisions, but this option is undesirable and very rarely utilized.
- The provincial formal notification process for the Hornby cell tower has just begun and may be a multi-year process.

9. APPLICATIONS AND REFERRALS - none

10. LOCAL TRUST COMMITTEE PROJECTS

The Chair permitted that Item 10.2 be addressed before Item 10.1.

10.1 Local Trust Committee Project Prioritization - Staff Report

Planner Thomaidis presented the staff report that asks Trustees to select a Minor Project for the current fiscal year.

HO-LTC-2023-028
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee request staff to prepare a Project Charter for the Community Heritage Register for the 2023/2024 fiscal year, with the scope and objectives to be determined by the Local Trust Committee.

CARRIED

10.2 OCP/LUB Review Project - Endorsement of Revised Project Charter

Planner Zupanec presented the staff report that asks Trustees to consider endorsing an an updated draft Project Charter for the Official Community Plan (OCP) and Land Use Bylaw (LUB) review project noting the following:

- The updated Project Charter clarifies which bylaws will be drafted by planning staff.
- Komoks First Nation has indicated that they are interested in participating in this bylaw drafting process, the capacity funding for which will be clarified as soon as possible to meet with them. It is expected that First Nations referral staff would be going over the draft bylaws with Islands Trust planning staff over several meetings prior to endorsement by Chief and Council. This is a new collaborative process that is being piloted and has not been tried by the LTC before.
- Planners will work on two draft bylaw amendments to the OCP and one to the LUB: 1) regarding increasing housing options; 2) updating First Nations references; and 3) regarding restricting STVRs.

HO-LTC-2023-029
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee amend the Official Community Plan/ Land Use Bylaw Review Project Charter Version 2.1 by removing the words under the In Scope Section "explore use of" and replacing with the words "to require a."

CARRIED

The wording change amendment made in Motion HO-LTC-2023-029 pertains to temporary use permits for short term vacation rentals.

HO-LTC-2023-030
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee amend the Official Community Plan/ Land Use Bylaw Review Project Charter Version 2.1 by adding a fifth bullet in the Deliverables Section that reads: "Post Bylaw Adoption Community Information Materials."

CARRIED

Planner Zupanec noted that community information materials would be focused on advising residents of changes to STVRs and housing regulations.

HO-LTC-2023-031
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee amend the Official Community Plan/ Land Use Bylaw Review Project Charter Version 2.1 by removing Bullet 5 from the In Scope Section; and by adding to Bullet 4 of the In Scope Section; so that Bullet 4 reads: "Permitting secondary suites or attached/detached secondary dwellings on lots over 2 HA where septic capacity allows and sufficient groundwater is available.

CARRIED

HO-LTC-2023-032
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee endorse the revised Project Charter Version 2.1, dated June 16, 2023 to reflect the revised timeline and deliverables of the Official Community Plan and Land Use Bylaw Review project, as amended.

CARRIED

By general consent, the meeting was recessed at 1:24 pm and reconvened at 1:40 pm.

11. CORRESPONDENCE - none

11.1 Proposed Additions to Tribune Bay Park, Hornby Island Inter-Agency Consultation on Park Designation from BC Parks dated May 30, 2023

Planner Thomaidis explained that the letter addressed to the LTC from BC Parks was received very recently and was regarding Class A park designation for two new lots around Tribune Bay. The letter allows comments for BC Parks until June 30, 2023.
A Trustee appreciated that BC Parks previous consultation with the community was well done.

Trustees received the letter for information.

12. NEW BUSINESS

12.1 Freedom of Information and Protection of Privacy Bylaw - for adoption

Trustees received the June 2, 2023 Request For Decision on the bylaw that updates for current legislation and schedule of fees.

HO-LTC-2023-033
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee Bylaw No. 171, cited as "Hornby Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 171, 2023" be adopted.

CARRIED

13. REPORTS

13.1 Trust Conservancy Report - none

13.2 Applications Report dated June 8, 2023

Received.

13.3 Trustee and Local Expense Report dated April, 2023

Received

13.4 Adopted Policies and Standing Resolutions

Received.

13.5 Local Trust Committee Webpage

14. WORK PROGRAM

14.1 Active Projects Report dated June 8, 2023
Received

14.2 Future Projects Report dated June 8, 2023
Regional Planning Manager Jamurat clarified that business cases for major projects for the 2024/2025 fiscal year would be approved by Trust Council in October 2023.
A Trustee noted that the LTC had not met with KFN for many years.

HO-LTC-2023-034
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee request Staff to work on a business case on Project No.7 "First Nations" as a major project for the 2024/2025 fiscal year.

CARRIED

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Friday, September 8, 2023 at 11:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC

16. ADJOURNMENT

By general consent the meeting was adjourned at 2:17 pm.

_____

Timothy Peterson, Chair

Certified Correct:

_____

Katherine Vogt, Recorder

Hornby Island Local Trust Committee

Minutes of Regular Meeting

Date: September 8, 2023
Location: Room to Grow
2100 Sollans Road, Hornby Island, BC

Members Present: Timothy Peterson, Chair
Alex Allen, Local Trustee
Grant Scott, Local Trustee

Staff Present: Sonja Zupanec, Island Planner
Margot Thomaidis, Planner 2
Katherine Vogt, Recorder (by Teleconference)

Others Present: Brian Gregg, Consultant for Rogers Communications Inc., (by Teleconference)

There were approximately 25 members of the public in am and 5 members of the public in pm, and no members of the media in attendance.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 11:52 am. He acknowledged that the meeting was being held on the territory of the Coast Salish First Nations. He introduced himself, Trustees, Staff, Recorder, and members of the public.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Under Item 11: New Business, add item 11.2: Letter of support for the Hornby Island Community Economic Enhancement Corporation (HICEEC).

By general consent the agenda was adopted as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Allen reported on the following:

- Attendance in June at the annual Comox Valley Regional District meeting.
- Working on funding for the Hornby boat launch.

- Attendance at meetings in August as a member of the Trust Programs and Regional Planning Committees.
- A survey for Hornby residents regarding future possibilities for Islands Trust webinars has been posted on Facebook. An email link to the survey can be provided upon request.
- Recent Regional Planning Committee work on the Housing Toolkit, the Housing Strategy, and a Trust-wide housing report.

Trustee Scott reported on the following:

- Input from members of the Hornby Island Ferry Advisory Committee contributed to B.C Ferries summer season use of the bigger ferry "Quinitsa" for Hornby Island, and of two ferries for Denman Island, which seems to have worked well.
- Conservancy Hornby Island is holding a ForestFest event in October to celebrate local forests and ecosystems, to include guest speaker John Vaillant, author of Fire Weather.
- An amazing year for coho and spring salmon around Hornby Island.

3.2 Chair's Report

Chair Peterson reported on the following:

- The June Trust Council meeting included work on the new corporate planning process which integrates strategic and financial planning; and an initiative to improve the First Nations referral process.

3.3 Electoral Area Director's Report

None.

4. PUBLIC COMMENTS

Members of the public asked or noted the following:

- Having a 3-minute time limit for members of the public to speak at a public meeting is unacceptable. In the past there were no time limits.
  - The Chair noted that the agenda allotted 15 minutes for the Public Comments period; and there were 9 speakers wanting to speak.
  - A Trustee noted that, in the past, meetings were extended to accommodate people who wanted to speak.
  - A Trustee noted that Public Comments had been moved from the end of the agenda to the beginning so that speakers would not have to wait so long to speak.
- A representative from the Hornby Island Community Economic Enhancement Corporation (HICEEC) made a call for support from the Local Trust Committee (LTC), the Islands Trust, and the Comox Valley Regional District (CVRD) for two current HICEEC grant applications to fund affordable housing initiatives. There will be an upcoming public consultation event at the Hornby Island Community Hall. Further support is sought for rectifying language in the bylaws regarding the Public Use Zone, to make affordable housing in this zone possible.

- A former Trustee spoke on the history and insecurity of affordable housing on Hornby Island. Barriers to affordable housing remain strong; so, a range of solutions is needed to overcome them.
    - A Trustee acknowledged that the recent report "Housing and Land Use on Hornby Island prepared by Tony Law, dated August 2023" was comprehensive and appreciated.
- Most residents overwhelmingly rejected a previous Telus cell tower proposal like the one that Rogers is currently proposing. Residents are still waiting for a face-to-face meeting with a Roger's representative. Hornby already has decent cell phone coverage, with dead zones able to be serviced by Starlink. Rogers has recently signed contracts with Starlink, which indicates that the Roger's cell tower proposal is obsolete. Trustees should reject the Roger's application.
- If a referendum on Roger's proposed cell tower had taken place before the last LTC election, it could have changed the outcome of the election.
    - An applicant to the Advisory Planning Commission (APC) expressed concern about being denied appointment to the APC. The Chair reminded that the APC election process is done in camera.
    - A Trustee responded that it was not permitted to make public why a person was selected to be on the APC.
    - Planner Zupanec noted that government hiring, firing, and appointments were all done in camera, as a legislated requirement.
    - A member of the public responded that the secrecy surrounding Hornby APC appointments was a problem.
- A current subdivision applicant expressed concern that Planning and Bylaw Enforcement Staff are targeting their application with bylaw contraventions, while letting other developments on the island with similar issues go ahead.
- Starlink is fast and reliable, and the cost is coming down. Over 300 people have signed a petition against the Rogers cell tower proposal, which is unsightly, health hazardous, and obsolete. Trustees should educate themselves on the cell tower health studies. Trustees have the legal power to say 'no' to the tower.
- There is a need for an environmental assessment of the Rogers Cell Tower proposal.
- A representative from the Hornby Island Housing Society (HIHS) spoke on current affordable housing initiatives and issues.
    - A Trustee thanked them for all their work and congratulated that the HIHS was the first housing group to give feedback to the Regional Planning Committee.
- A cell tower on Hornby Island is a massive fire and health risk. Trustees should work for the people who elect them and reject the cell tower proposal.
- Overwhelming numbers of tourists in illegal rentals are killing the Hornby Island environment which the Trust has a mandate to preserve and protect.
- Young people who are sustaining residents in their old age should not have to be living in campers.

The Chair clarified that the LTC had the option to concur or not concur to the Rogers cell tower proposal; however, non-concurrence could be overruled by the Federal Government.

- A member of the public noted that the Regional Manager for Innovation, Science and Economic Development Canada (ISED), when recently challenged, did not offer any legislation to show that ISED could overrule local government non-concurrence. ISED did not overrule Hornby's rejection of the previous Telus tower proposal, so there is no reason to think that they would overrule this new Roger's proposal.

5. DELEGATIONS

None.

6. MINUTES

6.1 Local Trust Committee Minutes dated June 16, 2023 - for adoption

By general consent the Local Trust committee meeting minutes of June 16, 2023 were adopted.

6.2 Section 26 Resolutions-without-meeting Report dated September 1, 2023

Trustee Allen noted that his last name had been misspelled in the Resolutions Without Meeting Log.

6.3 Advisory Planning Commission Minutes – none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated September 1, 2023

Received.

8. APPLICATIONS AND REFERRALS

8.1 Rogers Cell Tower Proposal - Staff Report

Planner Thomaidis presented the staff report that recommends that Trustees require that Rogers align their proposal with the Hornby Antenna Strategy notification content requirements, which are more expansive than the default federal notification requirements.

Brian Gregg noted the following:

- Rogers was amenable to conducting expanded notifications.
- Many current Telus customer residents had requested that Telus be permitted on the Rogers structure and a major update is that Telus is formally now part of the Rogers proposal and would be sharing the tower and adding their equipment to it. Customers of Telus and its subsidiaries such as Koodo, Public Mobile, Bell, and Virgin Mobile; along with Rogers and its subsidiaries such as Fido, and Chatter: nearly every service provider other than Freedom Mobile could be serviced.

HO-LTC-2023-035
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee request that Brian Gregg plan a meeting in the Hornby Island Community Hall to discuss the cell tower proposal.

CARRIED

HO-LTC-2023-036
It was MOVED and SECONDED,
1. that the Hornby Island Local Trust Committee request that staff work with Rogers to ensure that any future written notification meets the Hornby Antenna Strategy notification content requirements; and
2. that the Hornby Island Local Trust Committee request that staff work with Rogers to provide a list of addresses of property owners and residents not yet notified of the proposal, within a notification distance of ten metres for every one metre in height from the base of the proposed antenna structure; and request that Rogers send written notice of the proposal to these remaining property owners and residents; and
3. that the Hornby Island Local Trust Committee request that Rogers send written notice of the proposal to the School District and ambulance services.

CARRIED

8.2 HO-DVP-2022.4 (5905 Maclean Road) - Staff Report

Planner Thomaidis presented the staff report that recommends that Trustees approve the Development Variance Permit (DVP) application HO-DVP-2022.4, which seeks to rectify existing siting contraventions, because there are insignificant affects to neighbouring properties, public beach access, surrounding ecology, or the intent of the bylaw regulation.

The applicant's representative, who introduced himself as the new builder hired by the applicants to correct the errors of the previous builders, explained that unfortunate mistakes had been made by the original architect and builders, mistakes which the applicants had spent considerable time and money to correct. Kómox First Nation (KFN) had reviewed the application and determined that it did not require a Cultural Heritage Investigation permit. A representative from Environment Canada had also inspected the site and saw no issues.

HO-LTC-2023-037
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee approve issuance of Development Variance Permit HO-DVP-2022.4 (Song & Li).

CARRIED

By general consent, the meeting was recessed at 1:35 pm and reconvened at 1:53 pm.

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Major Project proposal Endorsement for Fiscal 2024/2025 Budget Process - Staff Report

Planner Thomaidis presented the staff report prepared by Regional Planning Manager Jamurat that asks Trustees to endorse the proposal for First Nation Relationship-Building Major Project, for inclusion in the 2024/2025 Islands Trust budget.

HO-LTC-2023-038
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee endorse the proposal for First Nation Relationship Building-Major Project and that the Hornby Island Local Trust Committee request staff forward the proposal to the Islands Trust Regional Planning Committee and Financial Planning Committee for consideration of inclusion in the 2024/2025 Islands Trust budget.

CARRIED

9.2 Major Project: Hornby Island Official Community Plan / Land Use Bylaw Review Project – Memorandum

Planner Zupanec updated Trustees that staff have been working on a draft capacity funding agreement with the staff from the K'ómoks First Nation (KFN) to allow KFN staff to review the scope of potential amendments to the Official Community Plan (OCP) and Land Use Bylaw (LUB) regarding First Nations references, housing options, and regulating short term vacation rentals.

A Trustee expressed concern that the drafting of bylaws for the OCP/LUB Review Project was being rushed; and, that recent submissions and the Advisory Planning Commission's (APC) key recommendations for housing information needed further consideration.

The APC Chair commented that the housing recommendations in the recent submission: "Housing and Land Use on Hornby Island prepared by Tony Law, dated August 2023," had been substantially included in the APC's March 2023 recommendations document.

The Chair clarified that Trustees wanted regulations regarding short term vacation rentals (STVR)s; but that they wanted the Temporary Use Permit (TUP) application for STVRs references removed from the Project Charter.

HO-LTC-2023-039
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee direct staff to amend the Project Charter to remove references of temporary use permits for short term vacation rentals.

CARRIED

10. CORRESPONDENCE

10.1 Department of Fisheries and Oceans Canada Consultation check-in - Schedule 1 of the Species at Risk Act - Received.

10.2 BC Ferries email dated August 23, 2023 regarding Archeological Site - Received.

11. NEW BUSINESS

11.1 Housing and Land Use on Hornby Island prepared by Tony Law, dated August 2023

Trustees acknowledged the 48-page document from former Trustee Tony Law, submitted to the LTC on August 27, 2023, that 1) proposes a comprehensive approach to land use planning for housing on Hornby Island; and 2) provides a description and context for the error in the "Public Use Zone" which needs correction for the HICEEC proposal for community housing in the public use zone south-west of Central Road to be permitted.

HO-LTC-2023-040
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee direct staff to amend the current Land Use Bylaw Project Charter to correct the error in the Public Use Zone to provide for community housing.

CARRIED

11.2 Letter of support for the Hornby Island Community Economic Enhancement Corporation (HICEEC).

A Trustee expressed apprehension regarding extra content in the letter of support drafted by HICEEC for Trustee endorsement; and questioned the Trust policy and protocol regarding letters of support from Trustees.

- Planner Thomaidis responded that the Regional Planning Manager could draft a letter of support, as has been done by LTCs in the past.

HO-LTC-2023-041
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee direct staff to prepare a letter of support for the Hornby Island Community Economic Enhancement Corporation regarding funding for affordable housing, under the Chair's signature.

CARRIED

12. REPORTS

12.1 Trust Conservancy Report dated June, 2023 - Received.

12.2 Applications Report dated September 1, 2023 - Received.

12.3 Trustee and Local Expense Report dated July, 2023- Received.

12.4 Adopted Policies and Standing Resolutions- Received.

12.5 Local Trust Committee Webpage

12.6 Census Infographics – Briefing - Received.

13. WORK PROGRAM

13.1 Active Projects Report dated September 1, 2023 - Received.

13.2 Future Projects Report dated September 1, 2023 - Received.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Friday, November 3, 2023 at 11:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC

15. ADJOURNMENT

By general consent the meeting was adjourned at 2:34 pm.

_____

Timothy Peterson, Chair

Certified Correct:

_____

Katherine Vogt, Recorder

Hornby Island Local Trust Committee

Minutes of Special Meeting

Date: August 9, 2024
Location: Electronic Meeting

Members Present: Timothy Peterson, Chair
Alex Allen, Local Trustee
Grant Scott, Local Trustee

Staff Present: Sonja Zupanec, Island Planner (Regional Planning Team)
Ian Cox, Planner 2
Lisa Millard, Recorder

Others Present: There were approximately 16 members of the public in attendance.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 1:00 p.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 10% Lot Frontage Waiver Request for Application HO-SUB-2023.2 (Mason & Grayson) - Staff Report

The Planner summarized the staff report and highlighted the following:

- Subject property to be subdivided into two lots;
- Land Use Bylaw requires any proposed lot have minimum 10% of perimeter for access and;
- Requirement cannot be met for subject property and applicant seeks a waiver in order to permit the lots to have less than 10% frontage on a roadway.

Discussion ensued and the following comments and answers to questions were noted:

- Rationale for granting the waiver is there are no anticipated negative impacts to access, circulation, or safety;
- Staff clarified that the application is for a waiver request and not a variance;
- Perimeter of Lots 1 and 2 measure 937 and 943 metres respectively and proposed combined frontage access to both lots is 23.46 metres per the staff report;
- Existing frontage is already less than 10% requirement;

- Subdivision is an administrative process in that an applicant applies to the Ministry of Transportation and Infrastructure with the Provincial Approving Officer to subdivide, the Local Trust Committee receives a referral from the Ministry to ensure the proposed layout meets the adopted Land Use Bylaw, the referral response outlines any conditions that need to be met, and the Ministry/Provincial Approving Officer is the body that approves or denies the subdivision; and
- Trustees noted concern that the process does not require consultation with adjacent property owners or statutory public notification.

The applicant was in attendance and made the following comments:

- Application is in compliance with bylaws;
- No further subdivision of the property will be possible due to layout;
- Approval or denial of subdivision is in the jurisdiction of Ministry of Transportation and Infrastructure; and
- Has not spoken to neighbours because the waiver will have no effect on adjacent property owners as road access is already in place.

HO-2024-027
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee defer application HO-SUB- 2023.2 until next meeting to provide neighbours an opportunity to comment in public.

CARRIED

3.2 Major Project: Official Community Plan / Land Use Bylaw Draft Bylaw Nos. 176 (OCP) and 177 (LUB) - Staff Report

The Planner summarized the staff report and highlighted the following:

- Project is to amend Official Community Plan (OCP) and Land Use Bylaw (LUB) specific to the first phase of changes listed in the project charter dealing with housing, secondary suites, vacation rentals, chickens, and cisterns; and policies are in the OCP related to these issues and supporting regulation amendments;
- Second phase of project deals with First Nations matters and references which are on hold during continued engagement with K'omoks First Nation;
- Intent is to get to first reading which then enables staff to get input from the referral agencies, First Nations, and the Advisory Planning Commission; and
- Once referral comments are received back the Local Trust Committee can make amendments to the bylaws and go to public hearing.

Discussion ensued and Trustees indicated interest in giving first reading so the proposed bylaws can go to referral agencies and the public which would provide the necessary feedback so the Local Trust Committee could then work on any issues identified.

The Chair referred to correspondence received which asked for the definition of short-term rental and if the provincial 90 day exemption would apply in absence of a definition.

Planner clarified the draft proposes to use the Temporary Use Permit guidelines to define the type of use permitted and locations on the island that will allow the said

use. The current definition in the Land Use Bylaw is proposed to be removed because it has a regulatory nature to it and it is preferable to use the Temporary Use Permit to define regulations and guidelines.

HO-2024-028
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 176, cited as "Hornby Island Official Community Plan Bylaw No. 149, 2014, Amendment No. 1, 2024", is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

HO-2024-029
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 177, cited as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024", is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

HO-2024-030
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee Bylaw No. 176, cited as "Hornby Island Official Community Plan Bylaw No. 149, 2014, Amendment No. 1, 2024" be read a first time.

CARRIED

HO-2024-031
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee Bylaw No. 177, cited as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024" be read a first time.

CARRIED

HO-2024-032
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee request staff to refer Proposed Bylaw Nos. 176 (OCP) and 177 (LUB) to the following First Nations and Agencies for comment as listed in staff recommendation No. 5 on page 21 of August 9, 2024 Staff Report.

CARRIED

The Planner noted the public is advised to provide any correspondence or input on proposed Bylaws Nos. 176 and 177 addressed to the Local Trust Committee either through the Planner or through the Local Trust Committee's email address and that all public correspondence is posted to the website.

4. ADJOURNMENT

By general consent the meeting was adjourned at 2:07 p.m.

_____

Tim Peterson, Chair

Certified Correct:

_____

Lisa Millard, Meeting Administrator/Recorder

Hornby Island Local Trust Committee

Minutes of Regular Meeting

Date:	**September 13, 2024**
Location:	**Room to Grow** **2100 Sollans Road, Hornby Island, BC**
Members Present:	**Timothy Peterson, Chair** **Alex Allen, Local Trustee** **Grant Scott, Local Trustee**
Staff Present:	**Ian Cox, Planner 2** **Sonja Zupanec, Island Planner (electronic)** **Warren Dingman, Bylaw Compliance & Enforcement Manager (electronic)** **Lisa Millard, Meeting Administrator/Recorder**
Others Present:	**There were approximately 7 members of the public in attendance.**

1. CALL TO ORDER

Chair Peterson called the meeting to order at 11:30 a.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 11.3 Farmland Trust Advocacy Letter

By general consent, the agenda was adopted as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Allen reported the following:

- Trust Programs Committee is creating new Stewardship Education Program webinars including Living with Fire, Groundwater Conservation, Removing Invasive Species, and Native Plant Gardening.

Trustee Scott reported the following:

- Has read reports and attended an open house about work being done in Tribune Bay Provincial Park and noted it is a provincial park not a conservancy, the plan to

create 160 new camping sites has been reduced to 120 sites, and tree removal will focus on stressed cedar and balsam trees, not old growth fir.

3.2 Chair's Report

Chair Peterson reported the following:

- Trust Council Committee of the Whole continues to meet to consider draft Policy Statement revisions;
- Governance Committee will be asking Trust Council to request a governance review;
- CAO Hiring Committee working towards final stages of hiring process;
- Executive Committee met to prepare for upcoming Trust Council meeting;
- Preparing for Union of BC Municipalities conference during which Islands Trust will be advancing several advocacy items; and
- Noted Lasqueti Archaeology Project work continues.

3.3 Electoral Area Director's Report – none (Director Daniel Arbour sends regrets)

4. PUBLIC COMMENTS

- Member of the public stated they would like the topic of reduced speed limits addressed at the Union of BC Municipalities meeting.
    - Chair noted they will not be meeting with Ministry of Transportation and Infrastructure.

- Member of the public, representing Farmland Trust Society spoke to work being done to build a food shed with food storage, root cellar, cold rooms, curing room, preservation equipment, seed-saving library, resource center, and commercial kitchen. The Society will be applying for various grants and requested support from the Local Trust Committee in application for funding with a deadline of September 29, 2024.
    - Trustees expressed support for the project and asked the speaker to draft a letter and forward it to the Local Trust Committee and staff for vetting and signature.

- Member of the public asked if there is an archaeology project happening on Hornby Island similar to the Lasqueti project.
    - Chair noted the project on Lasqueti is spearheaded by Simon Fraser University and results will be available for use by Islands Trust staff.
    - Staff noted that K'ómoks First Nation is currently undergoing an extensive archaeological project on Hornby which will likely inform the LTC's OCP/LUB Major Project in some capacity; more information will be available as it is known and at K'ómoks' direction.

5. MINUTES

5.1 Local Trust Committee Minutes dated June 14, 2024 - for adoption

By general consent, the Local Trust committee meeting minutes of June 14, 2024 were adopted.

5.2 Local Trust Committee Special Meeting Minutes dated August 9, 2024 - for adoption

By general consent, the Local Trust committee special meeting minutes of August 9, 2024 were adopted.

5.3 Section 26 Resolutions-without-meeting Report dated September 6, 2024

Received for information.

5.4 Advisory Planning Commission Minutes - none

6. BUSINESS ARISING FROM MINUTES

6.1 Follow-up Action List Report dated September 6, 2024

Received for information.

6.2 Local Trust Committee Standing Resolutions on Housing and Enforcement - Staff Report

Planner analysis showed that HO-2023-046 captures the Local Trust Committee's intent of all previous resolutions and provides adequate and clear direction to Bylaw Enforcement; therefore, staff recommends rescinding the resolutions listed.

HO-2024-033
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee rescind the following Standing Resolutions: HO-LTC-2017-011, HO-LTC-2018-070, HO-LTC-2020-055, HO-LTC-2020-074, HO-LTC-2020-081, HO-LTC-2021-053, and HO-LTC-2021-054.

CARRIED

7. DELEGATIONS - none

8. APPLICATIONS AND REFERRALS

8.1 PLDP20240153 (Forrie) - Staff Report

Planner summarized the staff report and highlighted the following:

- Property is located within Development Permit Area (DPA) 6 - Riparian Areas;
- Application is for development permit for septic system installation in anticipation of future potential house build;
- Septic system complies with setback requirements and meets development permit area guidelines and riparian area regulations; and
- Qualified professional's report has been reviewed and approved by the Province.

It was noted that the applicant was in attendance.

Discussion ensued and it was clarified that any future development on the lots would have to comply with riparian areas protection regulation and require a Siting and Use Permit.

HO-2024-034
It was MOVED and SECONDED

that the Hornby Island Local Trust Committee approve issuance of PLDP2024153.

CARRIED

8.2 PLDP20240166 (Hornby Co-op Electric Vehicle Station) - Staff Report

The Planner summarized the staff report and noted the following:

- Property is located within the Commercial Centres Development Permit Area;
- Application for development permit is for installation of electric vehicle charging station located within the existing parking lot;
- Property undergoing large renovation project requiring a development permit; and
- Applicant proceeding with separate permit for charging station due to construction planning processes and funding availability.

It was noted that the applicant was in attendance.

Trustees had no questions regarding the application.

HO-2024-035
that the Hornby Island Local Trust Committee approve issuance of PLDP20240166.

CARRIED

8.3 HO-RZ-2009.2 (Hornby Island Resort Ltd.) - Request for Decision (amended covenant for review and signature)

The Planner summarized the request for decision.

Discussion ensued and the following comments were noted:

- Original covenant required a green roof on all of the buildings;
- Applicant could not install a green roof on the wood structure due to insurance reasons but could increase the amount of green roof installed on the other structures;
- Area of the development site where a pub and restaurant are to be built is directly on top of the archeological site; and
- The archeological research work likely needs to be completed before the applicant can look at building in that area.

HO-2024-036
that the Hornby Island Local Trust Committee release registered Restrictive Covenant CA2090177 and replace it with the amended Restrictive Covenant as attached to this report, by authorizing the Chair of the Hornby Island Local Trust Committee as signatory for the respective release and acceptance of the documents.

CARRIED

8.4 HO-SUB-2023.2 Costello (Mason & Grayson) - 10% Frontage Waiver for Discussion and Re-consideration - Staff Report

The Planner summarized the staff report and highlighted the following:

- Ministry of Transportation and Infrastructure Provincial Approving Officer determines if road construction is required prior to subdivision approval;
- Local Government Act states that frontage is required;
- Most local governments specify 10% frontage requirement; however, a local government can specify another percentage but this is unusual and most draw down from the LGA 10%; and
- Applicant is not rezoning the property and both lots will remain designated Residential 2 – Large Lot (R2) Zone with the associated density and other zoning regulations.

The applicant was in attendance and clarified that their intention is to provide the least impactful road access solution and that existing roads have been in place for some time.

In response to a query from a Trustee, the Planner noted it is the jurisdiction of the Provincial Approving Officer to require and ensure safe access as part of their duty to consider the "public good"

HO-2024-037
that the Hornby Island Local Trust Committee exempt Proposed Lots 1 and 2 of LOT 7, SECTION 9, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 25736, EXCEPT PART IN PLAN VIP89242 of subdivision HOSUB-2023.2 (Mason & Grayson) from the 1/10 perimeter provision of Section 512 of the Local Government Act and subsection 6.6(1) of the Hornby Island Land Use Bylaw No. 150, 2014, subject to applicant reaching out to the Ministry of Transportation and Infrastructure to ensure road layout is safe public access and use.

CARRIED

8.5 Denman Bylaw No. 248 and No. 249 Bylaw Referral - Requires Resolution

Discussion ensued.

HO-2024-038
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee respond to the referral from the Denman Island Local Trust Committee that interests are unaffected by the bylaw.

CARRIED

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Minor Project: Community Heritage Register - Staff Report

The Planner summarized the staff report and highlighted the following:

- Register was developed by Hornby Island Residents' and Ratepayers' Association Community Hall Committee and includes four sites; and
- When endorsed, staff will provide notice to the Heritage Branch for inclusion on the BC Register of Historic Places.

HO-2024-039
It was MOVED and SECONDED

1. that the Hornby Island Local Trust Committee Community Heritage Register and accompanying Statements of Significance be adopted, pursuant to Section 598 of the Local Government Act, and
2. that staff are authorized to proceed with legislated notification to the BC Heritage Branch in accordance with Section 598 of the Local Government Act, and
3. that the following properties, as identified by the Community Hall Committee of the Hornby Island Residents' and Ratepayers' Association and the Hornby Local Trust Committee, be added to the Hornby Island Community Heritage Register:
   Property 1: "Hornby Island Community Hall" located at 4305 Central Road;

   Property 2: "Hornby Island School/Old School House" located at 1765 Sollans Road;

   Property 3: "Room to Grow" located at 2100 B Sollans Road; and

   Property 4: "Tribune Bay Lodge" located at Tribune Bay Provincial Park.

CARRIED

9.2 Consideration of Reallocation of Major Project Funds - Staff Report

The Planner summarized the staff report and highlighted the following:

- Major project for 2024/2025 First Nations Relationship Building will likely not commence prior to the end of the fiscal year;
- Currently have approved funds for the project and said funds do not carry over into the next fiscal year if they remain unspent;
- Trust Policy 6.5.2 allows a Local Trust Committee discretion to reallocate funds; and
- Funds could be reallocated to the current Official Community Plan and Land Use review project to enhance technical and legal review aspects with First Nations.

Trustees had no questions or comments.

HO-2024-040
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee requests that staff inform the Financial Planning Committee about the reallocation of $31,500 from the Hornby major project budget, approved for "First Nations Relationship Building," to the current major project budget for the "Official Community Plan and Land Use Bylaw Review" to support the technical and legal review with First Nations, and take all necessary steps to execute the reallocation of funds.

CARRIED

Bylaw Compliance and Enforcement Manager Dingman joined the meeting at 12:44 p.m.

Item 13.1 was discussed prior to the meeting recessing for a break.

Island Planner Zupanec left the meeting at 12:55 p.m.

The meeting was recessed for a break at 12:55 p.m. and reconvened at 1:00 p.m.

10. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the LTC webpage

11. NEW BUSINESS

11.1 Dark Sky Principles Adoption Advocacy – Briefing

Trustees and one member of the public expressed support for advocacy.

HO-2024-041
It was MOVED and SECONDED
that the Gabriola Island Local Trust Committee direct staff to notify Trustee Morrison of Gabriola Island Local Trust Committee's interest in pursuing further exploration of policy and advocacy options relating to Dark Sky Principles.

CARRIED

11.2 Land Use Bylaw Setback Regulations for Temporary Farm Stands - Verbal Discussion - Warren Dingman, Manager of Bylaw Compliance & Enforcement

Bylaw Compliance & Enforcement Manager Dingman provided the following information:

- Hornby Island Land Use Bylaw does not provide any regulations permitting farm or produce stands;
- Other Local Trust Committees' Land Use Bylaws permit farm stands;
- Farm stands are considered a structure that would be required to be set back from a lot line unless there is an exemption in the Land Use Bylaw;
- Director of Planning Services indicated a farm stand would be a minor contravention of the Land Use Bylaw and there would be no interest in enforcement of said contravention;
- Stands would need to be located on an actual lot and not within the Ministry of Transportation and Infrastructure right of way; and
- The Local Trust Committee might choose to consider allowing use and establishing setbacks.

Discussion ensued and Trustees asked whether this item can be included in the Land Use Bylaw review project. The Planner clarified it would need to be included in the project charter and added to the in-scope items. Bylaw Compliance and Enforcement Manager Dingman indicated the Local Trust Committee could consider a standing resolution deferring enforcement on produce and farm stands until such time as the Land Use Bylaw could be amended.

HO-2024-042
MOVED AND SECONDED
that the Hornby Island Local Trust Committee pass a standing resolution to defer bylaw enforcement on non-permitted siting of farm and produce stands.

CARRIED

The Chair recommended Trustees look at Gabriola and North Pender Land Use Bylaws for information related to permitting farm and produce stands and the Planner noted they will add the item to the follow up action list.

11.3 Farmland Trust Advocacy Letter

Discussion on this item took place during the public comments portion of the meeting.

HO-2024-043
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee write a letter of support for the Farmland Trust "Shed" project grant application prior to the September 29, 2024 deadline.

CARRIED

12. STAFF REPORTS

12.1 Bylaw Enforcement Notification Bylaw No. 175 Final Adoption - Staff Report
Bylaw Compliance & Enforcement Manager Dingman summarized the staff report.

Trustees had no comments or questions.

HO-2024-044
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee adopt Bylaw No. 175 the "Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 159, 2019, Amendment No. 1, 2023."

CARRIED

HO-2024-045
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee request staff prepare a report regarding the current policies for compliance and enforcement, and screening officer appointments, powers, duties and procedures.

CARRIED

12.2 Trust Conservancy Report - none

12.3 Trust Conservancy - The Heron - Summer Edition
Received for information.

12.4 Applications Report - none

12.5 Trustee and Local Expense Report dated June, 2024
Received for information.

12.6 Adopted Policies and Standing Resolutions
Received for information.

12.7 Local Trust Committee Webpage
No updates.

13. WORK PROGRAM

13.1 Active Projects Report dated September 6, 2024

The Planner provided a verbal update and highlighted the following:

- Regional planning team met with K'omoks First Nation staff on September 11;
- Issues discussed are relevant to both Hornby and Denman Local Trust Areas as issues are cross-jurisdictional;
- Data sharing agreement has been finalized;
- Local Trust Committee has received confidential report written by the archeologist and K'omoks First Nation staff on mitigation of impacts on cultural heritage sites on Denman and Hornby Islands and this report identifies priority areas of mitigation options;
- K'omoks First Nation are hosting a presentation and question and answer period with the Denman Island Conservancy group in November and staff are working on dates for K'omoks First Nation to provide a similar presentation to both the Denman and Hornby Local Trust Committees at their next regular business meetings;
- Staff are working on a technical analysis of the provincial heritage conservation legislation and will be providing a summary on how this tool could work at the local government level; and
- Capacity funding that was provided to K'omoks First Nation has been instrumental in bringing the parties to the table to allow for open dialogue and workflow.

The Planner provided the following information in response to questions from Trustees:

- Place signage at Buckley Bay can be added to the list of discussion topics with K'omoks First Nation for consideration of prioritization;
- Other issues identified in the Official Community Plan review project, such as housing and short-term vacation rentals, have been sent to agencies for referral;
- Regional Planning Manager is looking into Community to Community funding to coincide with work being done with K'omoks First Nation and will be reporting details back to the Local Trust Committee.

13.2 Future Projects Report dated September 6, 2024

Received for information.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Friday, November 1, 2024 at 11:30 am at Hornby Island Community Hall, 4305 Central Road, Hornby Island, BC

15. ADJOURNMENT

By general consent, the meeting was adjourned at 1:26 p.m.

_____

Tim Peterson, Chair

Certified Correct:

_____

Lisa Millard, Meeting Administrator/Recorder

ADOPTED

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting:	**Tuesday, September 24, 2024**
Location:	**Hornby Island Community Hall** **4305 Central Road, Hornby Island, BC**
APC Members Present:	**Vicki Bale, Member** **Wendy Burton, Member** **Sadie Chezenko, Member (by teleconference)** **Aileen Fearman, Member** **Rob McCreary, Member** **Joanne Ovitsland, Member** **Angela Therrien, Member**
Staff Present:	**Sonja Zupanec, Senior Planner (by teleconference)** **Katherine Vogt, Recorder (by teleconference)**
Others Present:	**Approximately three (3) members of the public**

1. CALL TO ORDER

Planner Zupanec called the meeting to order at 10:01 am. She welcomed new and longstanding Advisory Planning Commission (APC) members and answered questions about the Hornby Island APC Reference Binder dated June 2024 and orientation video recently sent out to all members. She noted that current legislation does not permit APC meetings to be held electronically post COVID-19 for voting purposes, though members may phone in or join in-person meetings electronically as observers.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. BUSINESS ITEMS

Election of Officers: Chair, Vice-Chair, Secretary

Planner Zupanec outlined the duties of each officer, noting that the Secretary manages the notification and logistics of meetings, but not minute-taking; the Vice-Chair acts in the absence of the Chair; and the Chair sets the agenda, determines how the meetings are conducted, and acts as a point of contact with outside agencies and officials.

The following officers were elected by acclamation to the APC: Joanne Ovitsland as Secretary; Angela Therrien as Vice-Chair; and Wendy Burton as Chair.

Planner Zupanec handed the meeting over to newly elected Chair Burton. Chair Burton thanked everyone for being there and acknowledged that the meeting was being held

on the traditional and unceded territory of the Kómox and Pentlatch people; and, also of other First Nation groups who have long traveled through the area.

4. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated February 21, 2023 for adoption

The following amendment to the minutes was presented for consideration:

- Item 3.1, end of title line 1: correct the date August 10, 2023 to August 10, 2022.

By general consent, the minutes of February 21, 2023 were adopted as amended.

Chair Burton noted that these minutes of February 21, 2023 had been recorded in a narrative style, by request, because the meeting involved an outside consultant; but that going forward, it would be generally preferable that the minutes be limited to only recording motions and specific comments from named APC members, at their request.

Chair Burton advised APC members on APC conduct, quorum, and voting issues.

Planner Zupanec responded to queries about conflict-of-interest possibilities for APC members, noting that it was up to the APC member to declare a conflict of interest and recuse themselves from deliberations, based on inability to provide unbiased advice for specific items in the referral.

Member Angela Therrien noted that they had been advised by the Legislative Clerk that, if they had not recently resigned from the Hornby Island Short Term Rental Association (HISTRA) executive, that they would have been in conflict of interest as an appointee to the APC for this new referral; but that simply owning a vacation rental business would not be considered a conflict of interest.

Chair Burton requested that Planner Zupanec send out to returning APC members the updated information on conflict of interest that had been recently sent out to new APC members.

5. Discussion of Referral

a. Proposed bylaw Nos 176 (OCP) and 177 (LUB)

Planner Zupanec noted that, ideally, APC members would have completed their recommendations for the Official Community Plan (OCP) and Land Use Bylaws (LUB) by the end of November 2024, to give staff time to prepare a report in December 2024, for receipt by the Local Trust Committee (LTC) in January 2025.

A member moved a motion to have local trustees reconsider what appears to be the aggressive promotion of secondary suites in their proposal; because as presently structured, there is the potential to dramatically increase the

population density of Hornby Island, which is not in the best interest of anybody living here and conflicts with the Islands Trust mandate to preserve and protect.

- The motion was not seconded. The Chair advised that the motion could be discussed at next meeting.

APC members discussed next steps and, by consensus, planned for each member to review proposed Bylaw Nos. 176 and 177 to identify and categorize which portions of the bylaws required very little discussion, which required more discussion, and which required extensive discussion, for next meeting.

Planner Zupanec offered to send members copies of relevant documents.

Planner Zupanec advised that the APC was not a forum for community engagement, but that the Chair could decide to hear presentations from the public by request. Members of the public should be going directly to the LTC with their concerns, not the APC.

Planner Zupanec advised that it would be preferable for all APC queries to come through the Chair so that all members could benefit from the information.

6. Next meeting time and Adjournment

The next meeting will be on Friday October 11, 2024 from 1:00 pm to 4:00 pm. The room will be announced. Teleconferencing capacity was requested to be set up for members and for the planner to join the meeting at 2:30 pm.

By general consent, the meeting was adjourned at 11:13 am.

_____
Wendy Burton, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting: **Friday, October 11, 2024**

Location: **The Green Room**
4305 Central Road, Hornby Island, BC

APC Members Present: **Wendy Burton, Chair**
Angela Therrien, Deputy Chair
Joanne Ovitsland, Secretary
Sadie Chezenko, Member (by teleconference)
Aileen Fearman, Member
Rob McCreary, Member

Staff Present: **Katherine Vogt, Recorder (by teleconference)**

Regrets: **Vicki Bale, Member**

1. CALL TO ORDER

Chair Burton called the meeting to order at 1:04 pm. She welcomed all Advisory Planning Commission (APC) members and acknowledged that the meeting was being held on the traditional unceded territory of the Kómox and Pentlatch people and other First Nations people who have traveled through this area.

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 September 24, 2024 for adoption

The following amendment to the minutes was presented for consideration:

- on page 2, item 3.1, title line 1 and 2, correct the date June 30, 2021 to February 21, 2023.
- On page 2, under item 3.1, paragraph 2, correct the date June 30, 2021 to February 21, 2023.
- on page 2, under item 3.1, paragraph 3, line 1; correct the date June 30, 2022 to February 21, 2023.

By general consent, the minutes of September 24, 2024 were adopted as amended.

4. Discussion of Referral: Proposed Bylaw 176 (OCP) and 177 (LUB)

Chair Burton noted that the referral was to provide advice to the Local Trust Committee (LTC), preferably before the end of November, on proposed Bylaw Nos. 176 and 177, the scope of which is summarized in the Hornby Official Community Plan (OCP) and Land Use Bylaw (LUB) Review Project Charter v 2.3.

Chair Burton advised that it was up to APC members to declare their own conflict of interest concerns around any discussion items that may arise; and that conflict of interest may be real or perceived.

Chair Burton advised that members of the public with questions on the proceedings of APC meetings could be referred to the minutes, which are available and posted on the Islands Trust website soon after a meeting.

Member Chezenko joined the meeting at approximately 1:30 pm.

APC members, referring to consolidated track changes word copies of the OCP and LUB bylaws, discussed existing and proposed amendments to the pertinent bylaws line by line, gauging general level of concern or non-concern for each proposed bylaw amendment. Approximately 23 proposed amendments to the OCP and 31 proposed amendments to the LUB were discussed.

The following topics were also discussed:

- An inconsistency in the OCP bylaws, recently acknowledged by Planner Zupanec, regarding dwelling allowances for 2 HA (5 acres) and 4 HA (10 acres) parcels.
- Principal residential dwellings, secondary suites, studios, vacation home rentals, accessory dwelling units, glamping, tenting, and recreational vehicles.
- Agricultural Land Reserve housing regulations.
- Number of beds allowed per bedroom; and number of bedrooms allowed per septic system.
- Changes to the designation of vacation home rental provider as a home occupation.
- Temporary Use Permits.
- Designations for water storage cisterns.
- Provincial definition of Qualified Environmental Professional.
- Provincial definition of potable water.
- Inconsistencies in sign regulations.

Member McCreary left the meeting at 2:04 pm

- Residential and workforce housing in commercial zones being specific to the developer and the development and out-of-scope for the current APC referral.

By general consent, the meeting was recessed at 2:20 pm and reconvened at 2:37 pm.

APC members discussed the following:

- Providing advocacy comments in the final APC response document.

- High priority topics identified were secondary suites; the sensitive aquifer designation; Agricultural Land Reserve regulations alignment with local bylaws; and Temporary Use Permits.
- Complexities regarding Wastewater Professionals; Qualified Environmental Professionals, Site Surveyors; and Vancouver Island Health Authority regulations.
- Potable water and local groundwater protection issues.
- Recognition of Accessory dwelling units in the bylaws.
- Challenges of the Temporary Use Permit application process.

Chair Burton offered to extract all bylaw items related to the first two priority subjects, secondary suites and environmentally sensitive aquifers zones, into a working document for next meeting.

5. NEXT MEETING and ADJOURNMENT

Next meeting will be Friday, November 1, 2024 at 10:00 am to 1:00 pm at the Green Room.

Further meetings will be scheduled for Friday, November 15, 2024 at 10:00 am to 1:00 pm at the Green Room; and for Friday, November 29, 2024 at 10:00 am to 1:00 pm at the Green Room.

APC members requested planner presence for the next meeting at approximately 11:00 am.

By general consent, the meeting was adjourned at 3:57 pm.

_____

Wendy Burton, Chair

Certified Correct:

_____

Katherine Vogt, Recorder

DRAFT

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting:	**Friday, November 1, 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(By Teleconference)**
Staff Present:	**Sonja Zupanec, Senior Planner (By Teleconference)** **Katherine Vogt, Recorder (By Teleconference)**
Others Present:	**Approximately one (1) member of the public**
Regrets:	**Vicki Bale, Member** **Sadie Chezenko, Member** **Rob McCreary, Member**

1. CALL TO ORDER

Chair Burton called the meeting to order at 10:03 am. She welcomed members and noted that quorum was present. She acknowledged that the meeting was being held on the traditional territory of the K'ómoks and Pentlatch people whose comments and participation in the proceedings of the Advisory Planning Commission is welcomed.

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 October 11, 2024

By general consent, the minutes of October 11, 2024 were adopted as presented.

Chair Burton requested that the next meeting's minutes be written in a more comprehensive narrative style for the benefit of absent members and local Trustees.

4. Discussion of Referral-Proposed Bylaw 176 (OCP) and 177 (LUB): amendments to do with Secondary Suites and 1A Aquifer designation

Chair Burton suggested that intents of motions rather than actual motions be made at the current meeting due to the minimum quorum of members present. She noted that there would be two more meetings for finalizing APC recommendations. She invited APC members to discuss their current opinions of secondary suites. The following responses were noted:

- A member expressed that the way the secondary suites bylaw was currently written was fine, except that it was missing "Accessory Dwelling Units," (ADU)s, which was an original recommendation from the APC, and should be addressed now.
    - Chair Burton noted that Planner Zupanec had recently noted in her response to HOAPC questions email of October 24, 2024 that First Nations have expressed concerns over increasing land disturbances to accommodate increased densities.
    - A member noted that Planner Zupanec had also recently noted that an ADU may or may not trigger the need for a new septic system, depending on its existing capacity.
    - Chair Burton expressed surprise to have recently learned that whereas in the past a community water system was required for 4 or more dwelling units, now it was required for just 2 units; so, a single ADU would require a community water system upgrade and ongoing monitoring, even if the water were being drawn from a single well, unless the ADU was given its own separate water system.
    - A member noted that the Salt Spring ADU bylaw was promoting separate rainwater collection systems.
- A member expressed a desire to explore all options for new housing while staying within existing environmental protection guidelines. 5-acre (2HA) properties allowing 2 principal residences and 2 secondary suites seems like a relatively low density.
    - Chair Burton noted that most of the housing seekers she had been aware of, including everyone being helped to sign up for the Beulah Creek Project, were looking for their own roof rather than a secondary suite or a small studio-sized ADU.
    - A member noted that many people were wanting to age-in-place on their property by moving into an ADU while renting out their main residence to a family.
    - A member added that many young people working in the service industry are living in substandard housing and would appreciate a secondary suite; but many have large dogs that may be a barrier to co-dwelling in a principal residence.
- A member noted the cost to build on Hornby was $500.00 to $600.00 per square foot, which makes providing affordable suites or rentals unfeasible. Hopefully, property owners of existing older homes who wished to build new homes, would be willing to rent out their older homes.
    - Members discussed that there may be approximately 30 to 40 lots available in the 2 HA category that could allow for 2 houses and 2 secondary suites; and that the "Community Profiles" maps and statistics would be a good resource for assessing housing potential.

Chair Burton summarized for APC members that the discussion so far had included general support that either an ADU or a secondary suite within an existing principal dwelling roof be allowed if either is within the permitted residential footprint, on 5-acre (2HA) lots.

- A member provided the example of a suite above a 2-car garage as not increasing footprint; and noted that outside deck space is counted as liveable space.
- A member offered that "barndominiums," accommodation units within existing farms, were becoming popular in farming circles.
- Chair Burton advised that the APC referral did not include changing the current allowable lot coverage for dwellings.

Chair Burton asked members to consider smaller 1 and 2-acre lots, and lots on land co-ops and corporations.

- A member expressed reservation about allowing higher density on smaller lots.
- Members considered not including any language about secondary suites for land coops and corporations, given that they had their own independent bylaws that could be stricter than local bylaws.

A member spoke on the implications of the 1A aquifer designation for Galleon and Sandpiper, questioning if it could or should be walked back, given that it would disallow any increased density for small lot subdivision areas.

- Members considered allowing secondary suites or ADUs on small subdivision lots in the 1A zones if water and septic capacity could be verified; and avoiding the use of water trucks.
- A member offered that their recent research had shown that rainwater collection can be used as potable water, acceptable to the Vancouver Island Health Authority (VIHA) if it is treated properly, in lieu of a well.
- A member shared that their community water system had involved the hiring of an engineer and had been very costly at approximately $60,000.00.
- A member reminded that many small lots on Hornby do have very good wells.
- A member suggested that 3 lines in Section 3.74 in the Hornby Island Land Use Bylaw (LUB) No. 150 regarding secondary suites not being permitted in the heavily developed aquifer zones be removed for clarity.

Planner Zupanec joined the meeting at 11:05 am.

Planner Zupanec answered the following questions from APC members:

- Regarding the 1A vulnerable aquifer designation for the subdivision areas of Galleon and Sandpiper, can the Local Trust Committee (LTC) change the designation as proposed, or is the designation a provincial jurisdiction?
    - Planner Zupanec responded that the designation was an old provincial one that is no longer used. Instead, they use well density in a particular area for their mapping; though the province is allowing local governments to use the old letter designations for their own planning purposes. There has been some criticism that the LTC has included certain areas of the island in this 1A designation; and this has been done without data. There could be support

for designating the entirety of Hornby Island as vulnerable aquifer; and the Islands Trust Freshwater Specialist has yet to be consulted.
    - Chair Burton asked if an APC recommendation to remove the current A1 designation could be referred to the Freshwater Specialist.
    - Planner Zupanec affirmed that this could be done for clarity and that the APC could provide supplemental recommendations to a referral.
    - A member noted that existing language in the Official Community Plan (OCP) currently already covers all vulnerable land and water ecosystems should the 1A designation be removed.
- Regarding water supply for Accessory Dwelling Units (ADU)s, can you clarify the regulations for what constitutes a "community water supply."
    - Planner Zupanec responded that dwelling units that are detached from the principal residence may have their own water source; or they may share the water source of the principal residence which triggers construction, maintenance, and monitoring requirements under the VIHA "community water source" definition of 2 or more dwellings; a rule which will likely come under review, though not likely within the next several years.
    - Planner Zupanec clarified that there were no extra regulations for a single - family dwelling water supply, rainwater or otherwise; the water could be used and filtered at the owner's risk, whereas, being a landlord providing potable water triggers much higher standards.
    - Chair Burton clarified for Planner Zupanec that the APC was considering allowing either a secondary suite or an ADU (but not both) within the allowable building square footage limit in R1 and R2 zones because many people have been identified in the "Community Profile" as wanting a family friendly separate residence.
        - Planner Zupanec noted that this could allow an owner to reduce their principal residence square footage footprint to allow for a larger ADU footprint.
- What are the septic requirements for ADUs and Secondary Suites? Can ADUs closer to a principal residence tie into the existing septic system?
    - Planner Zupanec responded that isolated ADUs would likely need their own septic fields which unfortunately would create more land disturbance that First Nations are hoping to minimize. Based on recent discussion with a Registered Onsite Wastewater Practitioner (ROWP), the capacity of the existing septic system must be doubled regardless of how small the ADU is, which is often hard to find space for. This rule also applies to secondary suites. This is a technical and cost barrier, and most people do not have septic capacity for 2 full residences. Number of bedrooms is considered on top of the minimum capacity needed for a full separate residence. The Islands Trust's highest priority concern right now is unmanageable cumulative sewage outflow from increased density. Currently, Islands Trust staff is engaged with First Nations staff on some low impact development standards that they would like to see incorporated in the Trust area. Concrete foundations, septic fields, and driveways are considered to involve the most significant alterations to the landscape. While there are multiple

technical septic options for people to choose from to comply with the regulations, these options may be quite costly.
    - Chair Burton asked about a 5-acre property allowing 2 principal residences and 2 secondary suites; would that necessitate 4 septic fields?
    - Planner Zupanec responded likely not, but that it depended on how old the septic fields were, what the soil conditions were, and other circumstances. It may be more economical to put in a separate small septic field rather than expand an existing older one.
    - Chair Burton asked about a 5-acre property allowing 2 principal residences and 2 ADUs; would that necessitate 4 septic fields?
    - Planner Zupanec responded that 'yes' it likely would unless they were all built at the same time and starting with brand new septic construction; new septic construction allows for many more options.
    - Planner Zupanec noted that Gabriola has allowed secondary suites on approximately 600 properties for quite some time; but there has been very low uptake because of high home and septic construction costs and the long time horizon for recouping one's debt through rent.
    - Chair Burton requested from Planner Zupanec any septic information that could be gathered.
    - Planner Zupanec offered to speak with a ROWP for APC clarity and agreed to join the next November 15, 2024 APC meeting at 10:30 am to answer questions.
- Regarding the apparent discrepancy for dwelling allowances on 2 HA (5 acres) versus 4 HA (10 acres) parcels, can you provide clarity?
    - Planner Zupanec responded that the Local Trust Committee (LTC) direction was very clear that extra dwelling allowances would apply to any parcels 2 HA or larger across the island. This switch needs to be mirrored in the proposed bylaws.
- Regarding a possible proposal to allow secondary suites on land cooperatives or corporations, can the LTC make bylaws for these types of parcels?
    - Planner Zupanec responded that this would be out of scope of the current referral. Each of these types of land parcels have their own site-specific bylaws and density provisions.
    - An APC member noted that there was a "Recommended amendment for Shire, Syzygy, Downes Point, Zone A4(a) to allow secondary suites as per section 3.8 of this bylaw" in a section of the amendments to the Official Community Plan. Should this be removed from consideration?
    - Planner Zupanec responded that these parcels were included by the LTC as being allowed to have the same secondary suites options as the rest of Hornby.

Planner Zupanec left the meeting at 11:48 am.

By general consent, the meeting was recessed at 11:49 am and reconvened at 12:02 pm.

APC members discussed a motion, made by a currently absent member at a previous meeting, that considered restricting secondary suites in all zones. Chair Burton

questioned if any members agreed with restricting secondary suites in all zones; no members agreed with it.

- An APC member noted the low uptake of secondary suites on Gabriola Island.

Chair Burton confirmed with APC members that all the greenlighted proposed bylaws could be amalgamated for approval at next meeting. Discussion ensued on the remainder of yellow and red highlighted proposed bylaws.

Chair Burton offered that that the APC could make general statements about the 1A aquifer designation and secondary suites rather than go through each individual proposed bylaw. APC members considered that the Schedule D2 A1 highly vulnerable aquifer designation was redundant; and that the entire island could be so designated. Also, that the current OCP already contains language that supports the preservation of aquifers. The following tentative statement was considered acceptable:

- The APC is not recommending the existing bylaw proposals in Schedule D2; but would rather incorporate language in section 3.2 of the existing OCP that recognizes the entire island as a highly vulnerable aquifer.

APC members considered secondary suites and crafted the following tentative statement:

- that secondary suites or accessory dwelling units be permitted in all zones as long as water and septic regulations are followed, with no changes to lot area calculations. The following land co-op or corporation parcels are considered out of scope for this referral: Shire, Syzygy, Downes Point, Zone A4(a).

    - Chair Burton clarified that the APC recommendation supports that on parcels of 5 acres or more, that 2 principal dwellings and 2 secondary suites or 2 additional dwelling units be allowable.

Chair Burton confirmed that the topics for next meeting would be approval of the current meetings draft language recommendations: Temporary Use Permits; the question of descriptive language regarding Temporary Use Permits for Short-Term Rentals for Agricultural Land Reserve (ALR) properties; a review of the previously greenlighted bylaw proposals; and a review of what form the final APC recommendations will take.

5. Next Meeting and ADJOURNMENT

The next meeting will be held on Friday, November 15, 2024 in The Green Room.

By general consent, the meeting was adjourned at 12:45 pm.

_____
Wendy Burton, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

ADOPTED

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting:	**Friday, November 15, 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 (by Teleconference)** **Vicki Bale, Member (by Teleconference)** **Rob McCreary, Member**
Staff Present:	**Sonja Zupanec, Senior Planner (by Teleconference)** **Katherine Vogt, Recorder (by Teleconference)**
Regrets:	**Sadie Chezenko, Member**
Others Present:	**Approximately one (1) member of the public**

1. CALL TO ORDER

Chair Burton called the meeting to order at 10:03 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 K'ómoks Nation and the Pentlatch People; and acknowledged the many groups and tribal associations who have traveled through this area since time immemorial.

2. APPROVAL OF AGENDA

The following item addition was presented for consideration:

- add "Meeting Notices" under Item 5; move existing Item 5 forward.

By general consent, the agenda was approved as presented.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated November 1, 2024

By general consent, the minutes of November 1, 2024 were adopted as presented.

Chair Burton updated members that the Advisory Planning Commission (APC) is being currently advised to not disseminate information from adopted minutes until they are received by local trustees in their upcoming LTC meeting agenda

package. Previously, adopted APC minutes were quickly posted on the Islands Trust website; however, this practice has been recently suspended due to staff availability issues which Planning Team Assistant Straw has offered to review with management and get back to the Chair.

- A member remarked that this made the APC look non-transparent and created an information vacuum; also, agenda packages are difficult to dig through.
  - Chair Burton added that members of the public can attend APC meetings and talk about them; but without formal minutes, members of the public cannot point to statements of fact.

Chair Burton requested that the minutes for the current meeting reflect the narrative capturing of comments style of the previous November 1, 2024 minutes.

4. Discussion of Referral

4.1 Proposed Bylaw 176 (OCP) and 177 (LUB): amendments to do with Short-Term Rentals/Temporary Use Permits; and clarifying bylaws for ALR zoned properties providing "tourist accommodation"

Chair Burton clarified the following:

- That the document being referenced for the following discussion was the Hornby Island Official Community Plan (OCP) Bylaw No. 149, 2014, taken from the LTC meeting agenda package in which section 6.10 covers Temporary Use Permits (TUP)s; and the Hornby Island Land Use Bylaw (LUB) No. 150, 2014, in which TUPs and their regulations are covered in Part 10, page 66;
- That any part of a TUP application could be varied by the LTC or Islands Trust planners for various reasons including redundancy; or to allow just a section of the property to be site surveyed; and
- That the APC had previously, in 2022, recommended that if TUPs for Short-Term Rentals were used, that they be batch processed and that the fee be reduced.

APC members discussed the statement in OCP Section 6.10, Temporary Use Permit, Objective No. 8 "… and to allow vacation home rental use as per Policy 6.5.2.5c," which was proposed to be removed because it was no longer a general permitted use, but was rather now a governed Land Use Bylaw use, noting the following:

- A member supported the use of TUPs for Vacation Home Rentals (VHR)s.
- Members noted that the TUP lasted 3 years, could be renewed once; then reapplied for indefinitely, though this re-application option is not explicitly noted in the bylaws, whereas Comox Valley Regional District (CVRD) business licenses have to be re-applied for every year.
  - A member added that a TUP permit will transfer with a property title upon a sale whereas a business license will not; so, an owner can be screened through business licensing.
- A member acknowledged previous APC support for business licensing.

- Chair Burton responded that business licensing was currently out of scope, but could be added as an advocacy recommendation.

Chair Burton confirmed with all members that they agreed with the proposal to remove all current TUP Vacation Home Rental Guidelines from the OCP; and to have them moved to the LUB.

APC members discussed the proposal to remove references to Vacation Home Rentals (VHR)s from the LUB Section 3.7.

- A member noted the removal of the definition for VHRs was a problem for future applicants who may belatedly discover that their property does not qualify for a VHR.
  - Chair Burton confirmed that the planner had allowed for a definition; APC members concurred with the need for a definition, excluding agritourism which could have an information note.
- A member requested that any glamping that is not agritourism be considered a VHR and be governed by the same regulations.
  - Members reminded that VHRs were based in one's principal residence and that you could not have VHRs in separate buildings in areas of 2 HA or more.
  - Chair Burton suggested that APC members needed to consider activities related to agritourism separately from activities related to short-term rentals.
- A member asked how to make the non-permitted use of glamping more explicit, other than in the Agriculture Land Reserve (ALR).
  - Chair Burton noted that currently glamping is not defined but could be considered as a camping space. Planner Zupanec had recently asked if the APC was considering glamping as a use/structure for vacation rentals on residential lots.
  - A member noted that there was a current limit of 10 glamping or accommodation sites for agritourism on working farms; but no occupancy limits; but there are seasonal limits.
- A member asked how it would be appropriate to have occupancy limits in the bylaws.
  - Chair Burton suggested that agritourism be considered out of scope and not appropriate for TUPs, but that there could be an APC advocacy statement that agritourism be given descriptive language in the OCP and LUB.
  - A member expressed concern that agritourism could become an uncontrollable drain on local resources.

Chair Burton confirmed with members the following 3 recommendations:

- To have separate language in the OCP and LUB for VHRs.
- To have separate language in the OCP and LUB for agritourism accommodations governed by the Agriculture Land Reserve (ALR).
- That it be advocated that those agricultural properties without description in the current bylaws be given language to describe, not prescribe, what is happening on them.
  - A member reminded that the Agricultural Land Commission (ALC) is very well-resourced in their policy and regulatory processes.

Planner Zupanec joined the meeting at 11:02 am

APC members made the following comments and asked Planner Zupanec the following questions regarding TUPs for vacation home rentals:

- Why is it proposed to remove the definition of Vacation Home Rentals from the LUB Section 3.7?
  - Planner Zupanec responded that the definition was removed because the use is regulated in the TUP guidelines; however, for the purpose of convenience, a very nonspecific definition could be provided.
  - A member added that there is a definition for Visitor Accommodation Unit, which is not the same as a short-term vacation rental, which could be confusing.
- Where would the TUP Guidelines be for applicants to gauge their eligibility?
  - Planner Zupanec explained that the TUP Guidelines in the track changes version of the LUB were at the very end of the document in Part 10; and that they were purposely standard and generic so that the LUB did not have to be amended for every minor change to the TUP. Applicants were encouraged to talk to a planner about their application before submitting it to prevent confusion, delay, or unnecessary fees; and they will be given a communications document with specific advice from the planner.
- On page 67 of the LUB, 10.2 Objectives has been removed. Where did they go?
  - Planner Zupanec responded that the TUP objectives have been transferred to the OCP on page 86 exactly as they were originally written except for Objective 9 which was rewritten because it is not in the LUB anymore.
- Regarding the LUB, page 15, 3.7d, 2nd paragraph, it says that dwellings used for vacation home rentals can accommodate 2 beds per bedroom, no more than 3 bedrooms on a lot with an area of less than 1 HA. This allows 6 people. It could be changed to 1 person per 1 bed per bedroom.
  - A member disagreed because this would not provide for families; and TUPs could control heads rather than beds. 6 people was reasonable.
  - A member noted that some people have interpreted the 3 bedrooms as allowing up to 12 people, which is not justifiable even if they have the septic capacity.
  - Chair Burton confirmed with other members that there was a consensus for a maximum of 6 people, assuming adequate septic and water, on small lots.
  - Planner Zupanec noted that TUP Guideline F allows 2 beds per bedroom, maximum 3 bedrooms, on lots less than 1 HA; or 4 bedrooms for lots over 1 HA; TUP Guideline H allows for limitation of occupancy and signage for each applicant. A request for increased occupancy can be made unless there is a rigid cap put on occupancy.
  - APC members expressed a wish to put a cap on occupancy.
  - Planner Zupanec suggested an amendment to Guideline H that limits occupancy to 6 and 8; and that the signage piece be given its own sentence.
  - APC members agreed that a .75 Ha property should have a limit of 6.
  - Planner Zupanec affirmed that it could be specified that children less than 1 year old not be included in the occupancy head count.

- In Section 10.1 it says that TUPs can be renewed one time only. Can an addition be made that says the applicant can re-apply?
  - Planner Zupanec affirmed that this could be stated more explicitly.
- A member shared that there were various apps and new sensor technologies being advanced for monitoring septic systems.
- What about Island Health (IH) approved outhouse/holding tanks that do not impact ground water?
  - Planner Zupanec responded that the APC could recommend that Guideline 10 B be amended to incorporate approved alternative septic systems.
- A member recommended that it be made more explicit that approved secondary suites or Accessory Dwelling Units (ADU)s would not be permitted for short-term vacation rentals.
  - Planner Zupanec offered that it could be reiterated in the TUP Guidelines that short-term rentals must be in the principal residence.

4.2 Proposed Bylaw 176 (OCP) and 177 (LUB): amendments to do with Secondary Suites and 1A Aquifer designation

APC members made the following comments and asked Planner Zupanec the following questions regarding secondary suites and the 1A designation:

- Chair Burton questioned how secondary suites were to be defined.
  - Planner Zupanec clarified that LUB Section 3.7 states that secondary suites are to be occupied by the owner or a residential tenant, which is for 30 days or more.
  - Planner Zupanec clarified that an owner can expand their house to include a secondary suite under the roof line. Attachments and walkways issues are better defined by what percentage of the wall space is attached. A 50% attached wall space has been a common stipulation of other local governments.
  - Planner Zupanec reminded that ADUs trigger First Nation concern of increasing the percentage of the lot that becomes disturbed with an extra driveway and utilities; and ADUs have more complicated septic and water requirements.
- Planner Zupanec confirmed that if the APC were to recommend that secondary suites of 50% wall attachment to the principal dwelling be allowed and to not allow ADUs, that existing ADUs would be legally non-conforming.
- Chair Burton asked if legal non-conforming status would also apply to a current ADU being used as a short-term rental?
  - Planner Zupanec responded that the LUB does not currently define the principal and ADU residences on lots with 2 dwellings, so planners could only go back to siting and use permit histories to determine which was built first because there were no size restrictions, and the density was permitted outright.
  - A member asked how ADUs for short-term rentals, could become legal non-conforming if they were never legal on Hornby in the first place?

- Planner Zupanec responded that unauthorized existing ADUs would not be considered for legal non-conforming status; it is only on those site-specific lots where additional densities were permitted. The proposed bylaw does not accommodate these ADUs.
- Chair Burton commented that Illegal ADUs applying for a TUP is the beginning of the process of applying for a variance.
- A member spoke on the cost, inconvenience, and precarious investment scenario of TUP applications for tiny homes and trailers. If these places are not legalized, there will be evictions.
- Chair Burton responded that there is currently a moratorium on evictions, which would protect tenants until owners could bring their properties up to code.
- A member expressed the importance of allowing secondary suites "or" ADUs because there is a high number of ADU dwellings already built.
- A member reminded that on other islands, uptake for applications for secondary suites has been very low due to high cost. ADUs allow for aging in place, for caretakers, and for some people to be able to keep their homes.
- Planner Zupanec added that it needed to be made explicit that an ADU either needed its own water system or if it were tied into the existing water system it would trigger the onerous "community water supply" requirements.
- Planner Zupanec suggested that if the ADU recommendation was accompanied with a clear stipulation for limited floor area, a "microhome," that this could mitigate First Nation concerns.
- Chair Burton noted that LUB Section 3.8 was very explicit about lot size and the APC could refer to that in their recommendations.

Chair Burton confirmed with all APC members present that they were still in agreement that secondary suites "or" ADUs were interchangeably acceptable for upcoming final recommendations.

Chair Burton initiated discussion on the current 1A high vulnerability aquifer designation for Whaling Station which was proposed to be set aside and replaced by an island-wide designation; but it was not considered that the high-density subdivision areas of Sandpiper and Galleon, which currently allow secondary suites but not short-term rentals, could lose their permission for secondary suites under a new highly vulnerable aquifer designation.

- A member noted that there is a lack of scientific information on the freshwater status of various areas on Hornby.
- Chair Burton asked if the Freshwater Specialist was available for advising the APC for next meeting.
- Planner Zupanec responded that the LTC would need to initiate that request for data; so, the APC could recommend that the LTC do not proceed with a change in the aquifer designation until the Freshwater Specialist has been consulted; or the APC could defer to a precautionary approach to increased density.
- Chair Burton clarified that the precautionary approach would mean that the APC endorse the LTC proposal to have a 1A aquifer designation for Whaling Station.

- A member preferred that the precaution be appropriate septic and water for everyone.
- Chair Burton commented that there was sufficient evidence that Galleon and Sandpiper were highly vulnerable aquifer areas.
- Chair Burton noted that if someone wanted a short-term vacation rental at Whaling Station, they would have to apply for a TUP and prove water and septic under the 1A vulnerable aquifer designation.
- Planner Zupanec clarified that in the OCP Section 6.10.4 of the TUP Guidelines it states that there must be a professional assessment of hydrological impacts for any proposed short-term rental.
- Chair Burton noted that no TUPs have been applied for from the Whaling Station area.
- A member stated that many operators have been told that they are compliant, without having gone through the TUP process.

Member McCreary left the meeting at 12:00 pm.

Chair Burton asked APC members if they wanted the 1A designation to apply to Sandpiper and Galleon for Vacation Home Rental Uses.

- One member expressed uncertainty.

Chair Burton asked if language should be 2 HA or more or less than 2 HAs.

- Planner Zupanec responded that the language has been 2 HAs or more and that changing it could possibly bring about non-conforming situations.

Chair Burton questioned a discrepancy in the LUB regarding that under the 8.2 Residential 2 – Large Lot (R2) Zone, it states in (2) (a) that it is permitted to have: "a maximum of one residential dwelling unit and one secondary suite per lot having an area less than 4.0 hectares;" and, then, under (2) (b) "a maximum of two dwelling units and two secondary suites per lot having an area of 4.0 hectares or larger."

- Planner Zupanec responded that this was an error in the 2014 base bylaw and needed to be corrected. It should read "an area less than 2 HAs in (2) (a); and an area of 4 HAs or larger in (2) (b)."
- Chair Burton requested an email from Planner Zupanec clarifying this discrepancy.

An APC Member initiated discussion on the Thatch/Hornby Island Resort project, questioning if they qualify under the provincial principal residence exemption requirements for existing strata hotels and motels offering short-term vacation rentals if they were not actually operating as a hotel/motel prior to 2023; in any case, if they are not meeting the exemption metrics, the local bylaws on short-term rentals should apply.

- A member responded that very little provincial enforcement was taking place; and only if it were complaint-driven. Also, if only 1 condominium unit has been sold in the development, they are likely not using a provincially required common front desk and booking system, a system which must be set up by the strata, not the individual owner.

- Planner Zupanec responded that she was unfamiliar with the file; but that if the zoning provisions for the site were not being complied with, it was a matter for bylaw enforcement, which could be triggered by advertising.
- Chair Burton noted that previously the APC had been advised by Planner Cox that the tourist accommodation definition previously applied to the Thatch (which did have some hotel rooms) does not transfer to these new condominiums; and that If they are operating short-term rentals, it should be covered by local bylaws.
- Chair Burton requested further clarity from the planner regarding the Thatch in case it might be included in final APC recommendations.

An APC member questioned that if Galleon and Sandpiper are designated 1A, and short-term rentals there are addressed by the TUP process, then, the item under Section 3.7 Secondary Suites, item no. (4) "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" was redundant. Can the APC delete this section?

- Planner Zupanec confirmed that this section could be deleted.

Planner Zupanec left the meeting at 12:30 pm

4.3 Confirming "green light" proposed amendments

APC members discussed the possibility of having an extra meeting to perform an additional review of the final recommendations.

- Chair Burton explained the domino effect of missed deadlines and offered to create a draft resolution document with addendum for circulation 5 days before the next meeting. At any future point, the APC could change the deadline.

A member noted that recreational vehicles and camping still needed to be addressed; and that extending the seasonal boundary dates of May 1 to September 30 for tourist accommodation could be favourable for many events such as weddings.

- A member responded that, ideally, it could be the number of weeks in a year that was restricted.
- Chair Burton advised that this topic was out of scope for the current APC and needed a separate LTC-directed public meeting.

A member questioned the vagueness of TUP Guideline 10) (J) which states: "any other requirement that the Local Trust Committee considers appropriate" and another member noted that some of the other guidelines had brand new language.

- Chair Burton responded that "any other requirement" allows the LTC to make changes by special resolution, rather than upending the existing bylaw.

- A member noted that requirements for signage and parking were absent in the new TUP Guidelines and that it should be made explicit that there should be one parking space for each bedroom.
- Chair Burton noted that adequate parking is a legal definition in the LUB, which could be referred to as an information note.

A member noted that if a short-term rental were being licensed by the Comox Valley Regional District (CVRD) that proof of insurance would be required.

A member requested that signage be included in the TUP guidelines because there should be a contact number on the sign that is available 24/7.

- Chair Burton responded that she would raise this issue with the planner; but that it was likely that it would not be appropriate for the bylaw but could be better crafted into the actual permit application requirements given that signage and parking requirements may be very particular. A further recommendation could be a 'Frequently Asked Questions' document.

A member supported that the issue of the possibility of a cap on the total number of TUPs for vacation home rentals be reconsidered.

- Chair Burton noted that previously the APC had recommended TUPs for being a means to cap, which is not possible under a permitted use; but that currently, this issue was in play but out of scope.

4.4 Plan for drafting recommendations

Chair Burton and Deputy Chair Therrien offered to create a draft resolution document with addendum of responses to the proposed amendments for circulation 5 days before the next meeting with the aim of finalizing the draft recommendations by the end of the November 29th meeting.

5. Meeting Notices

A member asked how APC meeting notices might be more widely distributed other than just the notice board at the co-op; and if the Islands Trust could put it on their web page calendar?

- Chair Burton responded that the Trust email notification system provided notice of APC meetings; and advised that the Chair was not permitted to add any extra information to the official meeting notices; and offered that the APC could let various groups know how their members could sign up for electronic notification.

6. Next Meeting and ADJOURNMENT

By general consent, the meeting was adjourned at 1:03 pm.

_____

Wendy Burton, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

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

Hornby Island Local Trust Committee
Minutes of Regular Meeting

Date: January 24, 2025
Location: Hornby Island Community Hall
Central Road, Hornby Island, BC

Members Present: Timothy Peterson, Chair
Alex Allen, Local Trustee
Grant Scott, Local Trustee

Staff Present: Sonja Zupanec, Island Planner
Lisa Millard, Meeting Administrator/Recorder

Others Present: There were approximately 10 members of the public present.

1. CALL TO ORDER

Planner Zupanec stated Chair Peterson will arrive to the meeting late.

Planner Zupanec called the meeting to order at 11:35 a.m.

By general consent Trustee Scott will be Acting Chair.

2. TERRITORIAL ACKNOWLEDGEMENT

Acting Chair Scott acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

3. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

4. REPORTS

4.1 Trustee Reports

Trustee Allen reported the following:

- Attended recent Financial Planning Committee meeting and highlighted discussions on Local Trust Committee budgets, Trustee remuneration, and Executive Committee travel expenses;
- Attended Trust Council in December and noted discussion about code of conduct and decorum in response to tensions amongst meeting attendees;
- Acknowledged recent passing of past Trustee Elspeth Armstrong; and
- Attended one-to-one meeting with new Chief Administrative Officer Rueben Bronee.

Trustee Scott reported the following:

- Welcomed new Chief Administrative Officer Rueben Bronee whom he will be having a meeting with in the coming weeks;

- Attended Trust Council meeting in December; and
- Will be attending Saanich Inlet Protection Society's Let the Herring Live Forum.

4.2 Chair's Report

Chair Peterson provided his report when he arrived at the meeting and noted the following:

- Committee of the Whole is meeting twice per month to advance draft Policy Statement work and will be reviewing the 2022 Governance Report and the Standards of Conduct Policy;
- Financial Planning Committee continues to meet in preparation for the upcoming Trust Council meeting being held in Nanaimo in March; and
- Attended Trust Council meeting in December and highlighted focus on draft budget for the 2025/26 fiscal year, Bowen Island Mayor Andrew Leonard's delegation presentation; and session with representatives of San Juan County.

4.3 Electoral Area Director's Report - None

5. PUBLIC COMMENTS

A speaker inquired about the status of the Housing Needs Assessment.

The Planner noted Islands Trust is undertaking a federation-wide housing needs assessment and the data collected will be complied into a report which will be made available to the public.

A member of the public asked if the new Chief Administrative Officer has provided any input on how procedures, and conduct, at Trust Council could be improved.

Trustees noted the Official Community Plan and Land Use Bylaw review process has taken several years and they would like the Chief Administrative Officer to be aware of the lengthy timelines, and they believe Trust Council issues are related to decorum and Chair management.

A member of the public spoke to delays in the approval process for the application related to the Co-op development which is affecting surrounding businesses. They referred to a local business owner who is experiencing barriers and hurdles which might affect their ability to operate this summer, resulting in a potential inability to continue to remain open in the future.

The Planner noted the public comments period is intended for open discussion; however, the speaker is not the applicant and the Planner that has been assigned to the file has been in touch with the applicant directly.

An individual stated that Islands Trust takes too long to process bylaws, staff seem to manage the operations, and they would like Islands Trust to be more efficient.

A member of the public referenced a letter submitted on November 26 and indicated they had not yet received a response.

The Planner noted the Local Trust Committee had received the email, which was posted to the project website, and the Trustees have opportunity to address the correspondence during the project discussion portion of the meeting.

6. MINUTES

6.1 Local Trust Committee Minutes dated November 1, 2024 - for adoption

The following amendment to the minutes was presented for consideration:

On page 8 of the minutes, in resolution HO-2024-056, after words "Option No. 2" add "Town Hall during regular business meeting."

By general consent, the minutes were adopted as amended.

6.2 Section 26 Resolutions-without-meeting Report dated January 17, 2025

Received for information.

6.3 Advisory Planning Commission Minutes dated November 15, 2024 - for receipt

Received for information.

6.4 Advisory Planning Commission Minutes dated November 29, 2024 - for receipt

Received for information.

Chair Peterson arrived to the meeting at 12:08 p.m. and assumed Chair responsibilities.

The meeting was recessed for a break at 12:08 p.m. and reconvened at 12:19 p.m.

Item 4.2 Chair Report was discussed prior to Item 7.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated January 17, 2025

The Planner provided the following updates:

- K'omoks First Nation provided a response pertaining to 5875 Central Road indicating a Cultural Heritage Investigation Permit is not required for the application;
- The status of providing parking covenant EG107386 release will be reviewed and the Follow Up Action list updated accordingly; and
- The Planner noted that all of Planner Cox's files have been reassigned during his leave and applicants can contact Islands Trust Northern Office to be referred to the Planner that has been assigned the file.

8. DELEGATIONS - None

9. APPLICATIONS AND REFERRALS - None

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Major Project: Hornby Island Official Community Plan and Land Use Bylaw Review - Summary of Referral Responses for Proposed Bylaw Nos. 176 (OCP) and 177 (LUB) - Staff Report

The Planner noted the following:

- The Denman Island Local Trust Committee has considered proposed Bylaws No. 176 and 177 and stated their interests are unaffected;

- Recommendations for consideration are outlined in the staff report;
- Representatives of the Advisory Planning Commission are present to answer questions related to their meeting minutes; and
- Public correspondence has been received by email, posted to the project website, and it can form part of the Local Trust Committee's deliberations.

A Trustee suggested moving the proposed bylaws to second reading so referrals could go out and public commentary could begin while the Suitable Land Analysis data could be incorporated at a later date. They indicated that they thought the recommendations from the Advisory Planning Commission would be included in the recommendations in the staff report.

The Planner clarified the following:

- The referral process had been completed and a summary of First Nations responses were outlined in the staff report provided;
- K'omoks First Nation had indicated they will defer consideration until they meet with the Suitable Land Analysis team to review data;
- A Community Information Meeting could be scheduled once the Local Trust Committee considers the referral responses, Advisory Planning Commission recommendations, and all available data that supports the types of changes to the bylaw that are being proposed;
- If there are significant changes to the proposed bylaws amendments should be made prior to second reading;
- The Local Trust Committee would proceed to a Public Hearing when they are confident all information received to date has been considered and the bylaws are close to final adoption;
- The Advisory Planning Commission recommendations are for consideration of the Local Trust Committee, and the Local Trust Committee directs staff which recommendations, or version of them, are to be incorporated into the bylaws; and
- The Suitable Land Analysis data is another piece of information that might, or might not, inform decisions regarding bylaw amendments.

The meeting was recessed for a break at 12:50 p.m. and reconvened at 1:15 p.m.

During the public comments' session, a member of the public had requested to speak to the Official Community Plan and Land Use Bylaw Review project when the Chair was in attendance. The Chair invited the member of the public to speak and the following comments were noted:

- A major shift in vacation rental policies will damage the local economy;
- The Local Trust Committee made a motion February 2, 2024 which directed staff to explore potential vacation rental business licensing with Comox Valley Regional District;
- If Temporary Use Permits are required, the volume of applications, and shortage of staff, might result in processing delays;
- The community wants tourism revenue to go to community members and not large hotel chains; and
- Would like to know why making vacation rentals illegal is under consideration.

The Planner noted staff met with Comox Valley Regional District to discuss the issue and the Regional District deferred the matter by

indicating they wanted to first see how the Local Trust Committee determined how to regulate vacation rentals.

HO-2025-001
It was MOVED and SECONDED
that Hornby Island Local Trust Committee request staff to schedule a special electronic meeting in February 2025 to:

i. Review and discuss preliminary data and mapping from the "Hornby Island Suitable Land Analysis Project";
ii. discuss implications of the land analysis data on possible amendments to proposed Bylaw Nos. 176 (Official Community Plan) and 177 (Land Use Bylaw), and
iii Consider any applications ready for LTC discussion.

CARRIED

HO-2025-002
It was MOVED and SECONDED
that Hornby Island Local Trust Committee authorize the release of up to $150 from the Major Project budget to cover local advertising expenses to promote the special electronic meeting in February 2025.

CARRIED

HO-2025-003
It was MOVED and SECONDED
that Hornby Island Local Trust Committee request staff to invite members of the Advisory Planning Commission and K'omoks First Nation Council Members to attend the special electronic meeting in February 2025 to learn about the Hornby Island Suitable Land Analysis Project and potential implications on the proposed bylaws being considered by the Local Trust Committee.

CARRIED

HO-2025-004
It was MOVED and SECONDED
that Hornby Island Local Trust Committee defer consideration of bylaw amendments or further readings of Proposed Bylaw Nos. 176 and 177 until the Suitable Land Analysis project has been completed in March 2025 and the Local Trust Committee has considered the data and recommendations.

CARRIED

HO-2025-005
It was MOVED and SECONDED
that Hornby Island Local Trust Committee request staff to continue working on the Hornby Island Official Community Plan/Land Use Bylaw Review Project as a minor project commencing April 1, 2025 and request the Director of Planning Services to allocate $5,000 from the 2025-2026 fiscal budget.

CARRIED

HO-2025-006

It was MOVED and SECONDED
that Hornby Island Local Trust Committee endorse the revised project charter for the Hornby Island Official Community Plan/Land Use Bylaw Review Project upon confirmation of minor project funding in March 2025.

CARRIED

11. CORRESPONDENCE

11.1 Email dated January 3, 2025 from K. Ronan regarding Crown Land Application

HO-2025-007
It was MOVED and SECONDED
that Hornby Island Local Trust Committee refer email dated January 3, 2025 from K. Ronan regarding Crown Land Application to the Executive Committee, with a request that staff advise on a suitable path for advocacy to the appropriate Ministry.

CARRIED

11.2 Letter dated December 6, 2024 from Comox Valley Regional District regarding Hornby Village Centre Intersection

Received for information.

12. NEW BUSINESS - None

13. STAFF REPORTS

13.1 Trust Conservancy Highlights of November 19, 2024 Board Meeting

Received for information.

13.2 Applications Report dated January 17, 2025

Received for information.

13.3 Trustee and Local Expense Report dated November, 2024

Received for information.

13.4 Adopted Policies and Standing Resolutions

Received for information.

13.5 Local Trust Committee Webpage

No updates required at this time.

14. WORK PROGRAM

14.1 Active Projects Report dated January 17, 2025

Received for information.

14.2 Future Projects Report dated January 17, 2025

Project 4 can be removed from the report

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Friday, March 21, 2025 at 11:30 am at Hornby Island Community Hall, 4305 Central Road, Hornby Island, BC

16. ADJOURNMENT

By general consent, the meeting was adjourned at 1:50 p.m.

_____

Timothy Peterson, Chair

Certified Correct:

_____

Lisa Millard, Meeting Administrator/Recorder

Hornby Island Local Trust Committee
Minutes of Regular Meeting

Date: March 21, 2025
Location: Hornby Island Community Hall
Central Road, Hornby Island, BC

Members Present: Timothy Peterson, Chair
Alex Allen, Local Trustee
Grant Scott, Local Trustee

Staff Present: Sonja Zupanec, Island Planner
Margot Thomaidis, Planner 2
Lisa Millard, Meeting Administrator/Recorder (electronic attendance)

Others Present: There were approximately twelve members of the public present.

1. CALL TO ORDER

Chair Peterson called the meeting to order 11:30 a.m.

2. TERRITORIAL ACKNOWLEDGEMENT

Chair Peterson acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

3. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

12.1 Write Letter to K'ómoks First Nation - Discussion
15.2 July Local Trust Committee Meeting – Discussion

By general consent, the agenda was adopted as amended.

4. REPORTS

4.1 Trustee Reports

Trustee Scott reported attendance at March Trust Council quarterly meeting and noted election of Salt Spring Island Trustee Laura Patrick as Chair of Trust Council.

Trustee Allen reported attendance at March Trust Council quarterly meeting and highlighted improvement of meeting decorum, sessions with BC Ferries focussed on their new engagement strategy, and delegation that spoke to the Local Trust Committee meeting accessibility challenges for working people due to scheduled meeting times.

4.2 Chair's Report

Chair Peterson reported attendance at the March Trust Council meeting and highlighted the election of Salt Spring Island Trustee Patrick as Chair of Trust Council, passing of the 2025/26 budget, approval of core elements of the strategic plan, BC Ferries presentation and workshop, approval of Natural Area Protection Tax Exemption Program (NAPTEP) area on Salt Spring Island, delegation presentation on Local Trust Committee meeting times, discussion on use of social media, and the passing of Trust Council amended Local Trust Committee Meeting Procedures Bylaw No. 197.

4.3 Electoral Area Director's Report - none

5. PUBLIC COMMENTS

A member of the public spoke to importance of balancing the need to maintain water sustainability with the use of the Suitable Land Analysis and keeping residents housed in illegal secondary dwellings.

The Chair of the Hornby Island Advisory Planning Commission stated the following:

- The Advisory Planning Commission did recommend capping Temporary Use Permits for short-term rentals;
- The minutes of the November, 2024 Advisory Planning Commission meeting state support of vacation rental business licensing rather than Temporary Use Permits, and support of short-term vacation rental licensing through Comox Valley Regional District rather than Islands Trust;
- They do not recommend delaying regulating Hornby Island short-term rentals until business licenses can be managed by Comox Valley Regional District;
- They recommend that if and when business licenses become a possibility, the Local Trust Committee and Islands Trust staff engage in a process to investigate Comox Valley Regional District administering the licenses; and
- The Comox Valley Regional District referral response indicates they are interested to learn how the Local Trust Committee proceeds to regulate vacation rentals before further investigation into the feasibility of a business licence function is considered.

A member of the public noted the land acknowledgement should no longer refer to unceded territory due to the recent signing of a treaty with K’omoks First Nation.

A member of the public stated the following:

- The potential deferral of the Official Community Plan project is challenging as the Local Trust Committee needs to balance respect for the wishes of K’omoks First Nation, new information about the island’s capacity for growth, and the community members who need access to safe, secure, and affordable housing;
- They encourage the Local Trust Committee to consider deferring the entire Official Community Plan project including all vacation rental aspects;
- The current number of short-term rentals on the island is both stable and sustainable and they support affordable housing as well as workers, artists, and businesses through the winter when owners do substantial maintenance on their properties;
- They are not opposed to a cap on vacation rentals but are opposed to setting one arbitrarily in the absence of community consultation and unbiased information;

- The Hornby Island Short Term Rental Association and the Advisory Planning Commission are aligned on most of the recommendations including potable water, functioning septic systems, capacity limits, and controls on the number of visitors;
- Deferral of the project will not affect progress and improvements that have been made;
- The Municipal and Regional District Tax (MRDT) on short-term accommodation is generating $50,000 to $75,000 in revenue per year going toward affordable workforce housing;
- The Provincial short-term rental regulations provide several of items the Advisory Planning Commission recommends including registration and penalties for illegal operations;
- The time-consuming option of the Temporary Use Permit was used as a solution because, at the time, there were no other options; and
- If the entire Official Community Plan project is paused there is opportunity to begin business license discussions with the Comox Valley Regional District.

A member of the public noted that a map on page 99 of the agenda had been misinterpreted from the original map that was relied on in 2001 and they provided the Local Trust Committee a copy of the original map and indicated the doubling of the 1A designation for the Whaling Station peninsula is not justified.

6. MINUTES

6.1 Local Trust Committee Minutes dated January 24, 2025 - for adoption

By general consent, the Local Trust Committee meeting minutes of January 24, 2025 were adopted.

6.2 Local Trust Committee Special Meeting Minutes dated February 7, 2025 - for adoption

By general consent, the Local Trust Committee Special Meeting minutes of February 7, 2025 were adopted.

6.3 Section 26 Resolutions-without-meeting Report - none

6.4 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated March 13, 2025

Received for information.

8. DELEGATIONS - none

9. APPLICATIONS AND REFERRALS

9.1 PLTUP20240177 (Moore - 4200 Roburn Rd.) - Staff Report

The Planner summarized the staff report and highlighted the following:

- The application seeks a Temporary Use Permit to establish a detached residential dwelling for use by a relative, caregiver or tenant;
- The proposal is proceeding as the result of bylaw enforcement action;
- The applicant applied for, and received, approval for a Siting and Use Permit in 2024 to construct an 85 square metre 5.5-metre-high detached accessory

garage and storage building and proceeded to construct an unauthorized detached 2 storey, 6-metre-high building with a garage and storage area on the first floor, and a 2-bedroom, 90 square metre dwelling unit on the second floor;
- Construction of the dwelling unit is not complete and has been halted since enforcement action began in July 2024; and
- The applicant has subsequently applied for a new siting and use permit subject to the issuance of a Temporary Use Permit.

It was noted the applicant was in attendance.

The Chair allowed a member of the public to speak to the application. The individual objected to the building and indicated the applicant received a permit to construct a garage and storage building and knowingly added an illegal suite on the upper floor.

Discussion ensued and the following comments and clarifications were recorded:
- The structure provides housing for one family member and potential for another tenant;
- The Planner identified receipt of two letters with no objection to the application; and
- The Temporary Use Permit will allow a period of time to determine if there are further issues or complaints.

HO-2025-008
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee approve issuance of Temporary Use Permit PL-TUP-2024-0177.

CARRIED

Trustee Allen stated he is employed at Hornby Co-op, recused himself, and left the meeting at 12:22 p.m.

9.2 PLDVP20240155 (Hornby Co-op - 5875 Central Road) - Staff Report

The Planner summarized the staff report and highlighted the following:
- The Development Variance Permit seeks a variance to the maximum building height; and
- No public comments have been received regarding the application.

The applicant was in attendance and indicated the height variance is to meet the building design and the civil engineer's recommendation for how the property is graded and these factors take the height to the maximum allowed. They are requesting a 2.25 metre relaxation on the variance to allow for screening of roof-top mechanical equipment.

The Trustees had no comments or questions for the Planner or applicant.

HO-2025-009
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee approve issuance of development variance permit PL-DVP-2024-0341.

CARRIED

Trustee Allen returned to the meeting at 12:28 p.m.

9.3 PLDP20250004 (Hornby Co-op - 5875 Central Road) - Staff Report

The Planner summarized the staff report and highlighted the following:

- The Development Permit is required to facilitate the development of the new 'Vorizo' café building on the Hornby Co-op property;
- The proposal includes demolition of the bike shop and construction of a new café building in its footprint; and
- The application meets the Development Permit Area Guidelines.

The Trustees had no comments or questions for the Planner.

HO-2025-010
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee approve issuance of development permit PL-DP-2025-0004.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Major Project: Hornby Island Official Community Plan and Land Use Bylaw Review - Staff Report

The Chair noted that late correspondence received from K'omoks First Nation requested the Local Trust Committee defer consideration of advancing the proposed bylaws regarding secondary suites, vacation rentals, cisterns, and chickens to July 2025 to allow additional time to provide a referral response.

The meeting was recessed for a break at 12:34 p.m. and reconvened at 12:53 p.m.

Discussion ensued regarding the K'omoks First Nation's request for an extension of the referral response period and the Planner clarified the Local Trust Committee would typically seek all available information prior to scheduling a Community Information Meeting in order to provide as much information as possible to community members, and if the Local Trust Committee is considering making changes to the draft bylaws this should be done prior to presenting the bylaws to the community for input.

HO-2025-011
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee request staff to advise the K'omoks First Nation referrals team that the Local Trust Committee has granted an extension until July 1, 2025 for the Nation to respond to the referral for Proposed Bylaw Nos. 176 (Official Community Plan) and 177 (Land Use Bylaw).

CARRIED

The Planner noted that potential amendments to the Official Community Plan and Land Use Bylaw have been identified based on referral responses, staff analysis, and the Suitable Land analysis and include:

- Specifying the maximum density in the Public Use subzone for community housing;

- Expanding the current language in the Temporary Use Permit guidelines for vacation rentals regarding confirmation for sewer systems and water requirements based on Island Health's response suggesting clearer language be used;
- Determining if the Local Trust Committee wishes to consider specifying a maximum number of Temporary Use Permits that could be issued in any given year which would provide a future Local Trust Committee the ability to deny a permit based on a specified cap;
- Consideration of temporarily removing secondary suite provisions from the bylaws until First Nations input has been received;
- Removing the provisions for secondary suites from the Shire, Syzygy and Downes Point properties which were not intended to have this provision because they have site specific zones that recognize their density situation; and
- Remove the IA aquifer classification for the Sandpiper and Galleon neighbourhoods because it could be seen as over extending the Local Trust Committee's jurisdiction over land use in an area without supporting data or documentation.

Discussion ensued about caps on vacation rentals in other areas and surrounding communities. Trustees noted existing commercial and camping vacation sites provide rental accommodation for approximately 1500 visitors, 135 short-term vacation rentals were registered the previous year, and they determined a cap of 67 Temporary Use Permits per year could be taken to the community for input and discussion.

HO-2025-012
It was MOVED and SECONDED
that Hornby Island Local Trust Committee request staff to prepare draft amendment to Bylaw No. 176 cited as "Hornby Island Official Community Plan Bylaw No.149, 2014, Amendment No. 1, 2024" and Bylaw No. 177 cited as "Hornby Island Land Use Bylaw No.150, 2014, Amendment No. 1, 2024" as presented in the staff report, and in point no. iii specify a maximum number of temporary use permits for vacations rentals at 67 per year, and return the draft bylaw amendments and any subsequent referral responses to the Local Trust Committee for consideration of second reading at the May 16, 2025 regular business meeting.

CARRIED

The Planner noted recommendations 3 and 4 in the Staff Report were next step discussions that the Local Trust Committee should have regarding getting more information on the operational and financial implications of addressing some of the housing issues with a concerted effort around understanding the effects of implementing the following:

- Building inspection services;
- An island-wide Heritage Conservation Area to address protection of cultural heritage resources and mandate; and
- Low impact construction standards/land alterations prior to moving forward with expanding provisions for secondary suites or dwellings.

The Planner stated recommendation 5 in the Staff Report speaks to the need to meet with the Denman Local Trust Committee to discuss potential opportunities to explore mutually supportive housing solutions and the K'omoks First Nation Engagement summary for both islands as part of the next phase of the Official Community Plan/Land Use Bylaw Review Projects for both Local Trust Areas.

HO-2025-013
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee request staff to add to the next annual meeting agenda with the Comox Valley Regional District, a request for a preliminary discussion on the regulatory, financial, and operational implications of implementing building inspection services on Hornby Island, prior to any further consideration by the Local Trust Committee of policy or zoning amendments that would expand provisions for secondary suites or secondary dwellings on the island beyond what is currently permitted.

CARRIED

HO-2025-014
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee request staff to continue to engage with staff from K'ómoks First Nation as part of the next phase of the Official Community Plan/Land Use Bylaw Review Project to specifically evaluate and report back on the regulatory, financial, and operational implications of implementing an island-wide Heritage Conservation Area on Hornby Island to address protection of cultural heritage resources and mandate the implementation of low impact construction standards/land alterations, prior to any further consideration of policy or zoning amendments that would expand provisions for secondary suites or secondary dwellings on the island beyond what is currently permitted.

CARRIED

HO-2025-015
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee request staff to inform the Denman Island Local Trust Committee of resolutions #HO-2025-013 and 014 and request a special meeting with the Denman Local Trust Committee in the summer/fall 2025 to discuss potential opportunities to explore mutually supportive housing solutions and the K'omoks First Nation Engagement summary for both islands as part of the next phase of the Official Community Plan/Land Use Bylaw Review Projects for both Local Trust Areas.

CARRIED

The Planner summarized updates required to the Project Charter to include prioritizing and enhancing the Suitable Land Analysis data, directing staff to engage with environmental conservation groups to incorporate additional data sets, and directing staff to engage with First Nations on incorporating data related to archaeology and culturally significant sites.

HO-2025-016

It was MOVED and SECONDED
that the Hornby Island Local Trust Committee request that the project charter be revised to prioritize enhancement of the Islands Trust Suitable Land Analysis data by:

i. Posting the data to the project website so map layers for the island can be dynamically explored by public users;

ii. Directing staff to engage with local environmental conservation groups to incorporate additional environmental data sets;

Directing staff to engage with First Nations on incorporating restricted access to available data sets (archaeology, culturally significant sites, areas of potential) and including any new publicly available data to support analysis of First Nations priorities.

CARRIED

HO-2025-017
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee endorse the revised Hornby Island OCP/LUB Review Project Charter version 2.4 as presented in the staff report dated March 21, 2025.

CARRIED

11. CORRESPONDENCE - none

Correspondence received concerning current applications or projects is posted to the LTC webpage

12. NEW BUSINESS

12.1 Write Letter to K'omoks First Nation - Discussion

HO-2025-018
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee request staff to prepare a letter to K'omoks chief and council offering congratulations on election and request for leadership meeting.

CARRIED

13. STAFF REPORTS

13.1 Trust Conservancy Highlights of January 21, 2025 Board Meeting
Received for information.

13.2 Applications Report dated March 12, 2025
Received for information.

13.3 Trustee and Local Expense Report dated January, 2025
Received for information.

13.4 Adopted Policies and Standing Resolutions
Received for information.

13.5 Local Trust Committee Webpage
No updates required at this time.

14. WORK PROGRAM

14.1 Active Projects Report dated March 13, 2025
Received for information.

14.2 Future Projects Report dated March 13, 2025
Received for information.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Friday, May 16, 2025 at 11:30 am at Hornby Island Community Hall, 4305 Central Road, Hornby Island, BC

15.2 July Local Trust Committee Meeting – Discussion

Chair Peterson noted he will be unable to attend the July 4 meeting in person and brought it forward for consideration of rescheduling, assigning alternate chair, or holding an electronic meeting to be determined at a future meeting

16. ADJOURNMENT

By general consent, the meeting was adjourned at 2:14 p.m.

_____

Tim Peterson, Chair

Certified Correct:

_____

Lisa Millard, Meeting Administrator/Recorder

Hornby Island Local Trust Committee
Minutes of Regular Meeting

Date: May 16, 2025
Location: Hornby Island Community Hall
Central Road, Hornby Island, BC

Members Present: Timothy Peterson, Chair
Alex Allen, Local Trustee
Grant Scott, Local Trustee

Staff Present: Renée Jamurat, Regional Planning Manager (electronic)
Sonja Zupanec, Island Planner
Marlis McCargar, Island Planner (electronic)
Lisa Millard, Meeting Administrator/Recorder

Others Present: There were approximately 105 members of the public in attendance.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 11:30 a.m.

2. TERRITORIAL ACKNOWLEDGEMENT

Chair Peterson acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

3. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

4. REPORTS

4.1 Trustee Reports

Trustee Scott reported receipt of correspondence regarding the proposed cap on short-term vacation rentals and noted there is opportunity to collectively determine the conditions for rentals and develop regulations unique to Hornby Island.

Trustee Allen acknowledged the tradition of vacation rentals on Hornby Island, how the operations contribute to the local economy, and encouraged the community to work together with the Local Trust Committee to develop regulations.

4.2 Chair's Report

Chair Peterson reported the following:

- Attended Trust Council in March and highlighted the election of a new Chair, the passing of the budget, and the new Trust-wide Meeting Procedures Bylaw that will come back for adoption at June Trust Council;

- Ongoing participation in the Islands Trust Policy Statement amendment project;
- Attended the Association of Vancouver Island Coastal Communities convention and highlighted a BC Nurses Union presentation on recruitment and retention and data presented showing significant differences in availability of medical facilities and capacity in northern Vancouver Island communities compared to communities south of the Malahat;
- Attended a Committee of the Whole meeting to discuss the Islands Trust Object;
- The provincially mandated Housing Needs Assessment has been released and the models used to gather data are problematic and did not effectively capture the housing needs in the Gulf Islands; and
- A pre-budget survey is available on the website to receive community feedback prior to 2026/27 budget talks.

4.3 Electoral Area Director's Report

Director Arbour reported the following:

- The Cowichan Valley Regional District approved the tender for the boat ramp construction to commence in June and noted the work will affect access to the ramp during the summer months; and
- The Housing Authority has been established and is engaging with non-profit housing associations.

4.4 Islands Trust Conservancy Report - none

5. PUBLIC COMMENTS

Forty-one members of the public spoke to the proposed short-term vacation rental cap and the comments were summarized as follows:

- Many of the speakers were multi-generational full-time or part-time residents who own, or inherited, their property and rent it out during the summer season to be able to afford the property taxes and insurance;
- Decisions on a cap should be delayed until the provincial short-term vacation rental registry data is released and it is determined how many rentals are already operating;
- Vacation rentals provide jobs, support artists and artisans, and provide a chance for BC residents to enjoy the island;
- Many people that grew up on the island, or vacationed in the summer, have returned as residents and have started their own vacation rental to provide services to visitors;
- If the cap is less than the current number of rental operations, existing units should be considered legal nonconforming and no new permits issued until attrition occurs;
- Vacation rental users contribute to the economy of the island;
- There have been issues with the Temporary Use Permit system and it can be used to create community dissent by those who oppose vacation rentals;
- There can be financial circumstances in which home owners need to rent their homes on a short-term basis;
- If an individual is not allowed to rent their cottage out short-term, they will not necessarily turn it into a long-term rental but will let it remain vacant;

- There are mechanisms in place to ensure septic and water use compliance and these uses are already permitted for each property; therefore, a visitor is not using above what is permitted for the property;
- Owners educate renters about water use and conservation;
- Reasonable vacation rental management and all legally operating rentals should be allowed to continue, and the Local Trust Committee should consider exemptions to the cap, an extension to the current rental season window, and set the cap at a later date to enable transitioning to a licensing system to protect existing rental operators;
- Any decision to cut short-term vacation rentals can put families at financial risk;
- Consideration should be given to licensing rather than a cap or having vacation rentals managed through Temporary Use Permits;
- Operators pay the Municipal and Regional District Tax and those funds should be posted;
- Vacation rentals can be done in a respectful and environmentally sensitive way and water issues and ferry congestion can be looked at mindfully;
- The conversation has been about income, and the environment and wildlife are not being considered;
- Short-term rentals provide accommodations for musicians and others performing at local festivals;
- Rental income can supplement retirement income and hardship would occur without ability to generate the extra income;
- The ability to use homes as a short-term vacation rental is permitted as a home occupation in the Official Community Plan and transfer of zoning won't solve water issues;
- People who are unhoused and living in illegal secondary suites should have priority consideration for rental units;
- Property values and taxes have increased due to short-term vacation rentals and focus should be on year-round rentals rather than commercial use of homes;
- The Local Trust Committee needs to focus on housing strategies for non-compliant illegal dwellings, address water and septic concerns, minimize housing stock being used as short-term vacation rentals, and look to sustainable and affordable housing for residents who provide services;
- There is a tradition of families vacationing on the island for years. Hornby is not a private island and part-time residents have value;
- A pause on the cap should occur to allow a collaborative approach and the Local Trust Committee should expand engagement, hold evening meetings to ensure broader participation, and separate short-term vacation rental discussions from long-term housing needs;
- The Local Trust Committee should consult the Bylaw Officer to determine trends and locations of complaints if any;
- Communities that have a cap on short-term rentals have hotels and other accommodation beds; and
- There is a need to consider the natural and marine environment, determine what the community values, and make adjustments based on what the environment needs.

The meeting recessed for a break 1:30 p.m. and reconvened at 1:47 p.m.

6. MINUTES

6.1 Local Trust Committee Minutes dated March 21, 2025 - for adoption

By general consent, the Local Trust committee meeting minutes of March 21, 2025 were adopted.

6.2 Section 26 Resolutions-without-meeting Report - none

6.3 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated May 8, 2025

Received for information.

8. DELEGATIONS - none

9. APPLICATIONS AND REFERRALS

9.1 PL-SUB-2024-0304 (Corcan) Lot Frontage Waiver Request - Staff Report

The Planner summarized the staff report and highlighted the following:

- The application seeks an exemption to the minimum requirement of 10% frontage for one lot in a proposed subdivision layout plan;
- The subdivision involves a boundary adjustment and does not represent a significant change to the existing frontage conditions;
- The proposed lot is significantly larger than the minimum lot size required in the R2 zone; and
- The lot layout appears to reflect practical boundaries based on existing parcel shapes.

The applicant was in attendance.

Trustees had no questions for the Planner or applicant.

HO-2025-018
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee exempt Proposed Lot 1 of LOT 1, SECTION 6, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 30464, EXCEPT PART IN PLAN VIP88575 of subdivision PL-SUB-2024-0304 (Corcan) from the 1/10 perimeter provision of Section 512 of the Local Government Act and subsection 6.6(1) of the Hornby Island Land Use Bylaw No. 150, 2014.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Major Project: Hornby Island Official Community Plan and Land Use Bylaw Review: Hornby Bylaw Nos. 176 and 177 - Staff Report

The Planner summarized the staff report and highlighted the following:

- The report outlines amendments to proposed Bylaw Nos. 176 and 177 as previously endorsed by the Local Trust Committee;
- Maximum density for affordable housing in the PU(a) zone has been included in the draft language;

- Following receipt of input from K'omoks First Nation, the consideration of secondary dwellings on lots less than 4 hectares and secondary suites on all residential properties has been deferred to the next stage of the project;
- The Local Trust Committee might wish to postpone consideration for the vacation rental regulations to the fall to provide opportunity to review and assess provincial data and any impacts or implications of the registry system and move forward with the PU(a) zone, the removal of the aquifer designation, and keeping of chickens for personal use.

Discussion ensued and the following comments and clarifications were noted:

- The inclusion of the aquifer designation was not based on groundwater aquifer studies and the Local Trust Committee requested the designation be removed;
- There is value in moving to second reading to trigger the formal community engagement processes;
- The PU(a) zoning would not be amended until adoption of the bylaws;
- Once a public hearing is held, the Local Trust Committee no longer has the ability to hear submissions from the public; therefore, deferral until the fall would allow additional time to gather further information and input;
- Following third reading, the proposed bylaws are sent to the Executive Committee along with a supplemental staff report advising of financial and resource implications and this report would highlight that there could be up to 130 applications for Temporary Use Permits to be processed in time for the next vacation season rental period; therefore, staffing resources would need to be allocated to process a high volume of applications.

HO-2025-019
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee Bylaw No. 176, cited as "Hornby Island Official Community Plan Bylaw No. 149, 2014, Amendment No. 1, 2024" be amended as per the tracked changes shown in Attachment 1 of the staff report dated May 16, 2025.

CARRIED

HO-2025-020
It was MOVED and SECONDED,
That the Hornby Island Local Trust Committee Bylaw No. 176, cited as "Hornby Island Official Community Plan Bylaw No. 149, 2014, Amendment No. 1, 2024" be read a second time.

CARRIED

HO-2025-021
It was MOVED and SECONDED,
That the draft tracked changes version of Hornby Island Local Trust Committee Bylaw No. 177, cited as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024 as presented in Attachment 2 of the staff report dated May 16 2025 be amended by removing Item 1.11(b) the cap of 67 vacation home rentals.

CARRIED

HO-2025-022
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee Bylaw No. 177, cited as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024" be amended as per the tracked changes shown in Attachment 2 of the staff report dated May 16, 2025.

CARRIED

HO-2025-023
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee Bylaw No. 177, cited as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024" be read a second time.

CARRIED

HO-2025-024
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee request staff to report back in fall 2025 on the land use impacts and implications of the provincial short term rental registry prior to scheduling a special meeting to hold a community information meeting and public hearing for Proposed Bylaw Nos. 176 (Official Community Plan) and 177 (Land Use Bylaw)

CARRIED

11. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the LTC webpage

12. NEW BUSINESS - none

13. STAFF REPORTS

13.1 2024/25 Annual Report - Approval of Hornby Island Local Trust Committee's Section - Request for Decision

HO-2025-025
It was MOVED and SECONDED,
that the Hornby Island LTC approves the attached text for inclusion in the 2024/25 Annual Report for approval by Trust Council and submission to the Minister of Housing and Municipal Affairs.

CARRIED

13.2 Highlights of Trust Conservancy March 18, 2025 Board Meeting
Received for information.

13.3 Applications Report dated May 8, 2025
Received for information.

13.4 Trustee and Local Expense Report dated February, 2025
Received for information.

13.5 Adopted Policies and Standing Resolutions
Received for information.

13.6 Local Trust Committee Webpage
No updates required.

14. WORK PROGRAM

14.1 Active Projects Report dated May 8, 2025
Received for information.

14.2 Future Projects Report dated May 8, 2025
Received for information.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Friday, July 4, 2025 at 11:30 am at Hornby Island Community Hall, 4305 Central Road, Hornby Island, BC

HO-2025-026
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee meeting scheduled for Friday July 4, 2025 be changed to electronic format.

CARRIED

16. ADJOURNMENT

By general consent, the meeting was adjourned at 2:28 p.m.

_____

Tim Peterson, Chair

Certified Correct:

_____

Lisa Millard, Meeting Administrator/Recorder

Print Date: August 21, 2026

Resolutions Without Meetings Log

Hornby Island

Resolution Number	Action	Date
2025-002	**Carried**	**27-Sep-2025**

Reschedule Special Meeting

"that the Hornby Island Local Trust Committee request Staff to reschedule the special meeting to hold a Community Information Meeting regarding proposed Bylaw No. 176 and 177 Short Term Vacation Rentals to November 15, 2025, 11:00 am at the Hornby Community Hall."

Hornby Island Local Trust Committee

Minutes of Regular Meeting

Date: May 1, 2026
Location: Hornby Island Community Hall
4305 Central Road, Hornby Island, BC

Members Present: Timothy Peterson, Chair
Alex Allen, Local Trustee
Grant Scott, Local Trustee

Staff Present: **Renée Jamurat, Regional Planning Manager** (electronic)
Sonja Zupanec, Senior Planner (electronic)
Ian Cox, Planner 2 (electronic)
Lisa Millard, Meeting Administrator/Recorder (electronic)

Others Present: **There were approximately 34 members of the public in attendance.**

1. CALL TO ORDER

Chair Peterson called the meeting to order at 11:37 a.m.

2. TERRITORIAL ACKNOWLEDGEMENT

Chair Peterson acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

3. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

4. REPORTS

4.1 Trustee Reports

Trustee Scott reported disappointment with the outcome of the previous Local Trust Committee meeting during which a short-term vacation rental cap was set at a number higher than any other Local Trust Area or municipality and the increasing levels of tourism do not serve to preserve and protect the unique character of Hornby Island.

Trustee Allen reported the regional park has purchased over 5000 native trees and shrubs in the spring instead of the fall and will be shipping over 25,000 litres of groundwater on Island every two weeks to keep the plants alive until planted and he encouraged the public to email park representatives regarding this issue as well as the ongoing construction disruption.

4.2 Chair's Report

Chair Peterson reported the following:

- Attended a session about the Heritage Conservation Act Renewal Project;
- Attended the Association of Vancouver Island Coastal Communities conference and highlighted a session discussing the timeline from the Royal Proclamation of 1776 through Canadian law and recent Cowichan Tribes case;
- Attended a meeting of the Governance Committee which is looking at new trustee orientation processes and an examination of the responsibilities of Executive Committee.

4.3 Electoral Area Director's Report - None

4.4 Islands Trust Conservancy Report - None

5. PUBLIC PARTICIPATION PERIOD

A member of the public spoke to the following items:

- Lobbying is taking place regarding the Baynes Sound ferry connector mechanical breakdown issues since it returned to service following a $15,000,000 refit;
- During a meeting held to discuss organization of the farmers market a comment was made that it is generally visitors that support the market and the community is responsible to provide accommodations for those visitors;
- Continued congestion issues for the Hornby bus at Ford’s Cove causes safety issues and they would like Islands Trust to provide guidance around planning in the area;
- Expressed support to correct the Public Use area PU(a) zoning to re-establish community housing as an allowable use within the zone.

A member of the public spoke to the Official Community Plan/Land Use Bylaw project and noted the following:

- The purpose of the project was affordable housing and almost all of these components have been deferred to an undefined future date;
- The required correction to the PU(a) zone has been brought to the attention of the Local Trust Committee several times and they ask Trustees to make these changes to the current draft bylaws;
- They requested the Local Trust Committee also consider including a definition of short-term in the bylaw to protect off-season workforce housing, enabling the potential to move to Cowichan Valley Regional District licensing if a viable program is established, removing the lot and site plan requirements from short-term rental Temporary Use Permits, and allowing permanent residents to stay on site while their home is rented.

A member of the public indicated they have spoken to many residents who all felt that a compromise was made regarding the short-term vacation regulations and that the cap works towards looking after the island and they noted that no facts have been presented to show that short-term rental owners use more water than other residents.

A member of the public stated they collected water rain using two 5000-gallon tanks and never needed water delivered.

6. MINUTES

6.1 Local Trust Committee Minutes dated March 20, 2026 - for adoption

By general consent, the Local Trust committee meeting minutes of March 20, 2026 were adopted.

6.2 Section 26 Resolutions-without-meeting Report - None

6.3 Advisory Planning Commission Minutes - None

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated April 23, 2026

Received for information.

8. DELEGATIONS

8.1 Margaret Birch on Behalf of the Community Hall Committee regarding Hornby Island Community Hall Accessible Washroom Development Permit Application and Sponsorship Request

The delegation provided a presentation and highlighted the following:

- Efforts taken to install an additional all-gender accessible washroom at the Hornby Island Community Hall have been ongoing for a number of years;
- The washroom addition will bring the Community Hall into compliance to meet current Building Code requirements for a public service building;
- Capital funding has been secured with the Comox Valley Regional District pending additional grant funding support;
- The Committee has submitted Development Permit and Site and Use Permit applications to Islands Trust and seek support of the applications to minimize delays when funding becomes available.

The Regional Planning Manager stated that an application has been submitted to planning staff and it is under review; however, a date that the application will come forward to the Local Trust Committee is not known.

9. APPLICATIONS AND REFERRALS

9.1 PLDVP20250405 (Hornby Co-op) - Staff Report

The Planner summarized the staff report and noted the application seeks to amend a Development Variance Permit to relax the minimum interior side lot line setback along the southern property boundary to accommodate the siting of access stairs which had not been identified previously. They indicated it is recommended to rescind a previously issued permit and combine those variances, and the new variance, into a new Development Variance Permit for clarity

The Local Trust Committee had no questions regarding the application.

HO-2026-024
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee rescind development variance permit PLDVP20240155 and contain approved variances for the proposal in one revised development variance permit.

CARRIED

HO-2026-025
It was MOVED and SECONDED

that the Hornby Island Local Trust Committee approve development variance permit PLDVP20250405 as amended.

CARRIED

The agenda was re-ordered and item 10 was heard following item 13.

11. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the LTC webpage

11.1 Email dated March 23, 2026 from the Agricultural Land Commission regarding Staffing and Budget Pressures

Received for information.

12. NEW BUSINESS - None

13. STAFF REPORTS

13.1 Public Notification Bylaw Amendment No. 180 Final Adoption - Staff Report

The Local Trust Committee had given first, second, and third readings to Bylaw No. 180, it has been approved by Executive Committee, and is being returned to the Local Trust Committee for final adoption.

HO-2026-026
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee Bylaw No. 180, cited as "Hornby Island Local Trust Committee Public Notification Bylaw No. 180, 2026", be adopted.

CARRIED

13.2 2025/26 Annual Report - Approval of the Hornby Island's Local Trust Committee Section - Request for Decision

The Local Trust Committee requested the text be amended in the fourth paragraph to read "During the same time period staff also processed one subdivision referral."

HO-2026-027
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee approves the attached text as amended for inclusion in the 2025/26 Annual Report for approval by Trust Council and submission to the Minister of Housing and Municipal Affairs.

CARRIED

13.3 Hornby Island Advisory Planning Commission Appointments - Staff Report

The Regional Planning Manager summarized the staff report and noted that the current term of the Advisory Planning Commission expires June 14, 2026. It was noted the staff report should state that the Advisory Planning Commission may consist of up to seven member and not up to nine members.

HO-2026-028

It was MOVED and SECONDED
that the Hornby Island Local Trust Committee request staff to invite current members of the Advisory Planning Commission to indicate their interest in re-appointment for a two-year term.

CARRIED

HO-2026-029
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee request that staff advertise for expressions of interest for the Hornby Island Advisory Planning Commission.

CARRIED

13.4 Highlights of Trust Conservancy January 20, 2026 Board Meeting

Received for information.

13.5 Applications Report dated April 23, 2026

Received for information.

13.6 Trustee and Local Expense Report dated February, 2026

Received for information.

13.7 Adopted Policies and Standing Resolutions

Received for information.

13.8 Local Trust Committee Webpage – none

The meeting was recessed for a break at 12:31 p.m. and reconvened at 1:00 p.m.

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Major Project: Hornby Island Official Community Plan and Land Use Bylaw Review: Request Regarding Amendments to the PU(a) Site Specific Zone - Staff Report

The Planner summarized the staff report and highlighted the following:

- Staff are seeking clarification from the Local Trust Committee on whether it wishes to action public correspondence on the need for a correction to the existing PU(a) site specific zone;
- Proposed Bylaw No. 177 includes an amendment to the PU(a) zone to allow for community housing;
- Potential errors or omissions to the PU(a) zone, as identified through public correspondence, have not been discussed by the Local Trust Committee;
- Should the Local Trust Committee wish to address the matter through the current Official Community Plan/Land Use Bylaw Review Project further administrative time and resources will impact the budget and timeline of said project;
- Options include to prepare an amendment to Proposed Bylaw No. 177 as part of the major project, pause work on the Official Community Plan/Land Use Bylaw project and prepare a stand-alone project charter to address

necessary amendments to the PU(a) site specific zone, or receive the report for information.

Discussion ensued and the following comments were noted:

- While the potential need for corrections has been identified, the Local Trust Committee has not provided direction to staff to make a correction to the PU(a) zone as part of the current project;
- Community Housing has been added as a permitted use in the PU(a) zone and members of the public have identified other omissions that they wish to be reinstated back into the bylaw.

HO-2026-030
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee request staff to prepare draft amendments to Proposed Bylaw No. 177, cited as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024" consistent with implementing the public correspondence suggested revisions received from T. Law dated April 17, 2025 and K. Ross dated March 25, 2026.

CARRIED

14. WORK PROGRAM

14.1 Active Projects Report dated April 23, 2026

Received for information.

14.2 Future Projects Report dated April 23, 2026

Received for information.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Friday, June 26, 2026 at 11:30 am at Hornby Island Community Hall, 4305 Central Road, Hornby Island, BC

The meeting was recessed for a break at 1:33 p.m. and reconvened at 1:38 p.m.

16. CLOSED MEETING

16.1 Motion to Close the Meeting

HO-2026-031
It was MOVED and SECONDED
that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(a) for the purpose of considering:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

and that the recorder and staff attend the meeting.

CARRIED

The meeting was recessed at 1:38 p.m.

16.2 Recall to Order

Chair Peterson recalled the meeting to order at 1:42 p.m.

16.3 Rise and Report

Chair Peterson rose and reported adoption of the June 14, 2024 in-camera meeting minutes and that Jack Woodward, George Buvyer, and Kathryn Berge were appointed to serve on the Hornby Island Board of Variance for a three-year term commencing May 1, 2026 and ending May 1, 2029.

17. ADJOURNMENT

By general consent, the meeting was adjourned at 1:43 p.m.

_____

Timothy Peterson, Chair

Certified Correct:

_____

Lisa Millard, Meeting Administrator/Recorder

Hornby Island Local Trust Committee

Minutes of Regular Meeting

Date: June 26, 2026
Location: Hornby Island Community Hall
Central Road, Hornby Island, BC

Members Present: Timothy Peterson, Chair
Alex Allen, Local Trustee
Grant Scott, Local Trustee

Staff Present: Renée Jamurat, Regional Planning Manager
Sonja Zupanec, Project Planner (electronic)
Ian Cox, Planner 2
Lisa Millard, Meeting Administrator/Recorder (electronic)

Others Present: There were approximately 62 members of the public in attendance.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 11:30 a.m.

2. TERRITORIAL ACKNOWLEDGEMENT

Chair Peterson acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

3. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

4. REPORTS

4.1 Trustee Reports

Trustee Graham spoke to meeting with the Minister of Health at the new campground sites, the importance of completing the Official Community Plan and Land Use Bylaw work, and the upcoming local government election.

Trustee Allen reported attendance at Trust Council and the Comox Valley Regional District Protocol meeting.

4.2 Chair's Report

Chair Peterson reported attendance at the following: Mounh Arrowsmith Biosphere Round Table, Trustee Onboarding Working Group sessions, Chief Administrative Officer Performance Evaluation Committee meeting, Comox Valley Regional District protocol meeting, and Trust Council meeting. He noted the Xwe'etay / Lasqueti Archeology Projects is exhibiting at Qualicum Beach.

4.3 Electoral Area Director's Report - none

4.4 Islands Trust Conservancy Report - none

5. PUBLIC PARTICIPATION

A member of the public asked that the Local Trust Committee consider a requirement that new septic systems on lots less than one acre in size be a type 3 system to facilitate ground water protection.

A member of the public proposed a requirement for type 3 septic systems to facilitate enhanced protection of ground water supply and addressed this recommendation in relation to the application requesting a variance to the setback to surrounding wells.

A member of the public requested the Land Use Bylaw include a definition of a short-term rental being 30 days or less as the provincial government has a default description of 90 days which will become the local default unless specified otherwise. They urged the Local Trust Committee to read Tony Law's letter dated June 1 which outlines a path to correcting the error in the Public Use zoning and requested Trustees initiate a standalone Public Use zone amendment so the error can be corrected to facilitate affordable workforce housing opportunities.

A member of the public spoke to the staff report that clarifies the Local Trust Committee cannot place a cap on vacation rentals through the Temporary Use Permit system and indicated the Temporary Use Permit system will create a prohibitively high administrative and financial burden on staff. They noted affordable housing is a community priority and requested the Local Trust Committee address the Public Use zone corrections, maintain the current vacation rental regulations, and regulate safe, sustainable septic and water use. They stated the community is self-regulating short-term rentals and bylaw enforcement tools can support local regulations.

A member of the public requested the Local Trust Committee advocate to the Minister of Health regarding the imbalance of police concerns being related to mental health call outs and properly fund mental health services so those calls can be dealt with outside of police intervention.

A member of the public requested the Local Trust Committee resolve and correct the Public Use zoning issue.

A member of the public spoke in opposition of the application requesting a setback to the siting of a septic system and indicated a type 3 septic system should be required.

A member of the public spoke in opposition of septic system application and stated that while a 30-meter setback is required it should be higher. They requested information on the Local Trust Committee and Board of Variance authority over the matter.

> The Chair replied the Local Trust Committee makes decisions on applications and if not approved the applicant has the option to have the Board of Variance re-consider the application. They indicated that while Island Health approves a septic system design the Local Trust Committee can approve or deny the application.

A member of the public stated the short-term rental issue has taken a lot of time and asked the Local Trust Committee to step back, reset, and determine an effective way forward.

6. MINUTES

6.1 Local Trust Committee Minutes dated May 1, 2026 - for adoption

The following amendment to the minutes was presented for consideration:

- Item 4.1 Trustee Allen's report should state "shipping over 25,000 litres of ground water on island" not "off island".

By general consent, the Local Trust Committee minutes of May 1, 2026 were adopted as amended.

6.2 Section 26 Resolutions-without-meeting Report – none

6.3 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated June 19, 2026

Received for information.

8. DELEGATIONS - none

9. APPLICATIONS AND REFERRALS

9.1 PL-DVP-2026-0126 (Davies) - Staff Report

The Planner summarized the staff report and highlighted the following:

- The application seeks a Development Variance Permit to reduce the requirement that a sewage disposal field be setback 30 metres from drinking water wells on the subject property and neighbouring properties to a minimum of 22 metres from the neighbouring wells;
- A qualified professional report states it is not feasible to locate the wastewater dispersal field in an area which meets the minimum standard due to the relatively small size of the subject property;
- Six letters of correspondence have been received regarding the application.

The applicant was in attendance and stated the property is the last to be developed in the subdivision, there are six properties sharing lot lines on all sides, surrounding wells are placed in a manner in which it is impossible to place a septic system on their property outside of the 30-metre setback, and they have submitted responses to neighbour's concerns through the qualified professional who prepared their report.

Discussion ensued and the following comments and clarifications were noted:

- The setback requirement is a Local Trust Committee bylaw and was chosen to be inline with what was an average default setback that correlated to sewerage system regulations at the time;
- A registered sewerage system designer is required to file a record of the system with Island Health and the 30-metre setback is not necessarily tied to site specific conditions; hence the need to hire a qualified professional to make a recommendation on the design of the system;

- The qualified professional explained the role of Island Health and noted Island Health does not approve sewerage systems but accepts applications while the qualified professional is responsible to ensure the design is adequate, they noted horizontal setbacks do not guarantee wellhead protection but the quality of treatment of discharge does and explained why a type 1 system has been recommended versus a type 3 system.

HO-2026-032
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee approve issuance of PL-DVP-2026-0162 as proposed.

CARRIED

9.2 PL-TUP-2026-0103 (Hornby Festival) - Staff Report

The Planner summarized the staff report and highlighted the following:

- The application seeks a Temporary Use Permit to allow use of the subject property for two annual events on land that is zoned Agriculture;
- The Agricultural Land Commission has allowed the Non-Farm-Use application subject to conditions for a period of twelve years;
- No correspondence has been received related to the statutory notice regarding the Temporary Use Permit.

The applicant was in attendance, spoke to the application, and requested reconsideration of sponsorship of the application fee.

The Chair replied that Trust Council has declined to fund application fee sponsorships this year but may again in the future.

The Regional Planning Manager clarified the process of a Temporary Use Permit renewal versus that of an initial application.

HO-2026-033
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee approve issuance of Temporary Use Permit PL-TUP-2026-0103 for a term of 3 years.

CARRIED

9.3 PL-TUP-2026-0135 (Bailey) - Staff Report

The Planner summarized the staff report and highlighted the following:

- The application seeks a Temporary Use Permit for the operation of a mobile bakery food trailer on the subject property;
- The applicant has addressed parking and wastewater disposal through shared use with another food truck at the same location;
- Three letters of correspondence have been received related to the statutory notice regarding the Temporary Use Permit, one in support, one opposed, and a third from Hornby Island Housing Society asking for additional time to consider a response.

The applicant was in attendance.

Discussion ensued and the following comments were noted:

- Future potential housing would not be considered as part of the review of the conditions of issuance of a Temporary Use Permit;
- If the Local Trust Committee wishes to remove the parking condition they could do so through a resolution.

HO-2026-034
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee request staff to remove condition "e)" from PL-TUP-2026-0135, which requires a total of twelve (12) vehicle parking spaces to be provided on site designed to the standards of Hornby Island Land Use Bylaw No. 150, 2014.

CARRIED

HO-2026-035
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee approve issuance of Temporary Use Permit PL-TUP-2026-0135 as amended for the operation of a mobile bakery food truck for a period of three years.

CARRIED

9.4 PL-DP-2026-0063 (Sea Breeze Lodge) - Staff Report

The Planner summarized the staff report and highlighted the following:

- The application seeks a Development Permit for construction of three new guest accommodations units within one building on the subject property;
- The additional units reflect a build out to the maximum number of allowable accommodation units on the property;
- Buildings located within 100 metres of the natural boundary of the sea are required to be less than 7 metres in height and the site plan is not clear on this issue;
- The property is located within the Commercial Centres Development Permit Area (DPA) and the application generally meets the DPA guidelines.

The applicant was in attendance and stated the buildings are located more than 100 metres from the natural boundary of the sea, all conditions of the permit will be adhered to, and K'omoks First Nation had previously visited the site.

The Local Trust Committee had no questions or comments.

HO-2026-036
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee approve issuance of PL-DP-2026-0063 subject to the conditions therein as presented in Attachment 1 of the staff report dated June 26, 2026.

CARRIED

9.5 Referral for Response: Proposed Denman Island Bylaw Nos. 260 and 264 – Memorandum

HO-2026-037

It was MOVED and SECONDED
that the Hornby Island Local Trust Committee respond to the Denman Island Local Trust Committee that interests are unaffected by Bylaw No. 260 & 264.

CARRIED

The meeting was recessed for a break at 1:00 p.m. and reconvened at 1:20

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Major Project: Hornby Island Official Community Plan and Land Use Bylaw Review: Bylaw No. 177 Draft Changes for Consideration of Second Reading - Staff Report

The Planner noted draft changes to Bylaw No. 177 were being presented to the Local Trust Committee for consideration.

Discussion ensued and the following comments and clarifications were noted:

- The Director of Legislation and Information Services has confirmed the Local Trust Committee cannot use the Official Community Plan or Land Use Bylaw to establish a fixed limit on the number of Temporary Use Permits that may be issued as this would fetter the discretion of a future Local Trust Committee and each application would need to be assessed based on its own merits;
- If the bylaw were to proceed to Executive Committee as is, it is unlikely to be approved unless it was amended to include language that allows discretion to be contemplated such as using words should instead of must;
- If a cap were to be set there is still an obligation to consider all applications that are put forward and not having a cap does not preclude the Local Trust Committee to approve, or not approve, any given application that is put forward based on guidelines that are set;
- There are other communities that have caps; however, an analysis, and possible legal review, would be required to determine how those caps have been addressed through the *Local Government Act*;
- Members of the public have requested the Public Use zone issue be advanced as soon as possible and a correction to this zone is already proposed in Bylaw No. 177.

HO-2026-038
It was MOVED and SECONDED
that Hornby Island Local Trust Committee amend Proposed Bylaw No. 177 cited as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024" as per attachment #1 of the staff report dated June 26, 2026.

CARRIED

HO-2026-039
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee Proposed Bylaw No. 177 cited as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024" be given second reading as amended.

CARRIED

HO-2026-040
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for proposed Bylaws 176 (Official Community Plan) and 177 (Land Use Bylaw) at the earliest available opportunity following Executive Committee approval of the resource implications associated with the proposed Temporary Use Permit approach to regulating short-term vacation rentals.

CARRIED

Further discussion on this item was undertaken following item 10.2.

10.2 Major Project: Hornby Island Official Community Plan and Land Use Bylaw Review: Proposed Administrative Approach Temporary Use Permits and Short-Term Vacation Rentals - Staff Report

The Regional Planning Manager summarized the staff report which detailed the administrative capacity, financial resourcing, and implementation processes associated with Bylaw Nos. 176 and 177.

There were no questions or comments on the staff report and recommendations.

HO-2026-041
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee has reviewed the staff analysis of administrative capacity, financial resourcing and regulatory requirements, and implementation processes associated with Proposed Bylaw Nos. 176 and 177, and confirms its satisfaction that these considerations have been evaluated sufficiently to forward.

CARRIED

HO-2026-042
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee endorses the securement of additional human resources in the form of new temporary staff or independent contractors to support the processing of expected excess volume of short-term vacation rental – Temporary Use Permit applications, and forward to the Executive Committee for endorsement.

CARRIED

HO-2026-043
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee request staff to draft a business case based on Option 2 and forward to the Executive Committee for budget endorsement.

CARRIED

Discussion on item 10.1 resumed and a Trustee indicated the need to include a definition of the short-term vacation rental period not exceeding 30 days.

The meeting was recessed for a break at 2:18 p.m. and reconvened at 2:25 p.m.

HO-2026-044
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee amend proposed Bylaw No. 177 cited as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024" to amend the definition of Vacation Home Rental Use by inserting the words "for a period of less than 30 consecutive days".

HO-2026-045
It was MOVED and SECONDED
to amend the motion by adding words "before guests" after the words "less than 30 consecutive days".

CARRIED

HO-2026-046
It was MOVED and SECONDED
to amend the motion by changing words "before guests" to the words "after guests".

CARRIED

The question on the following motion, as amended, was then called.

that the Hornby Island Local Trust Committee amend proposed Bylaw No. 177 cited as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024" to amend the definition of the Vacation Home Rental Use, by inserting the words "for a period of less than 30 consecutive days" after guests.

CARRIED

HO-2026-047
It was MOVED and SECONDED
that the Hornby Island Local Trust Committee Proposed Bylaw No. 177 cited as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024" be given second reading as amended.

CARRIED

11. CORRESPONDENCE - none

Correspondence received concerning current applications or projects is posted to the LTC webpage

12. NEW BUSINESS - none

13. STAFF REPORTS

13.1 Advisory Planning Commission Appointments – Briefing

The Regional Planning Manager summarized the briefing.

Discussion ensued and it was determined to not seek submissions for expressions of interest to serve on the Advisory Planning Commission until the new term.

13.2 Trust Conservancy Report - none

13.3 Applications Report dated June 19, 2026

The Planner confirmed PL-DP-2026-0159 is a Development Permit application to update accessible washrooms at the Community Hall and PL-DVP-2026-0405 is an application related to utilities at the lot line at the address indicated.

13.4 Trustee and Local Expense Report dated April, 2026

Received for information.

13.5 Adopted Policies and Standing Resolutions

Received for information.

13.6 Local Trust Committee Webpage - none

14. WORK PROGRAM

14.1 Active Projects Report dated June 19, 2026

Received for information.

14.2 Future Projects Report dated June 19, 2026

Received for information.

14.3 Upcoming Protocol Meeting with Comox Valley Regional District and Hornby and Denman Local Trust Committees - Verbal Update

The meeting occurred earlier in the week.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Tuesday, September 1, 2026 at 11:30 am at Hornby Island Community Hall, 4305 Central Road, Hornby Island, BC

16. ADJOURNMENT

By general consent, the meeting was adjourned at 2:48 p.m.

_____

Tim Peterson, Chair

Certified Correct:

_____

Lisa Millard, Meeting Administrator/Recorder

From: Dan Bruiger [redacted]

Sent: Thursday, June 2, 2022 3:20 PM

To: northinfo

Subject: comments on HI APC housing recommendations

Hello,

I would like to submit these comments for consideration at the upcoming Local Trust Committee meeting on Hornby Island on June 10.

sincerely,

Dan Bruiger

Hornby Island BC

Dear Trustees, APC members, and all concerned,

Please find below some comments on the APC recommendations, offered in a constructive spirt.

Comments on "Housing and Short-term Rentals: Recommendations from Hornby Island Advisory Planning Commission, March 29, 2022"

As mentioned on page 2, increased density will not automatically lead to affordable housing. However, without reassigning use of existing buildings, increasing affordable housing *will* inevitably increase density. "Reducing available land by putting up more houses" will not necessarily "lead to less sustainable food production." Only cleared land can be used for food production

(because of the sunlight needed), whereas treed land *can* be used for housing.

On page 3, the “rationale” proposed for limiting STR is neither “simple” nor straightforward. What is proposed is to increase IT control over land use by substituting TUP for blanket permission currently accorded by zone. That may be a good idea, but it would be more honest to describe it that way. Of course, that substitution would put the individual STR at the perpetual mercy of IT, making it harder for owners to plan ahead.

It should be noted that STR is a separate issue from densification per se, though not a separate issue from affordable housing. Any new unit built expressly for the purpose of STR should have been approved with regard to zoning and density regulations in the first place. Restricting STR will not necessarily see such units converted to long-term housing unless positive incentives are put in place as well as negative ones. Restricting STR may (or may not) be a necessary condition to solve the housing crisis; but it is hardly a sufficient condition. IT could go much further to specifically encourage affordable year-round housing, and should take care not to inadvertently discourage it through regulation and policy that instead targets STR.

On page 4, Recommendation #8 (“Require all platforms to list only those properties in compliance”) might not be legally feasible.

On page 6, Definition #1 presumably refers to the OCP, but the language does not correspond. Specifically, there is no mention in the OCP of housing types (“mobile homes, tiny homes, caravans, yurts”) in the definition of Community Housing. Moreover, Section 6.3.5.14 of OCP seems already to provide, at least by implication, for a temporary seasonal work force. If the proposal is to change the wording of the OCP, these changes could be spelled out more explicitly.

Respectfully submitted by Dan Bruiger, June 1, 2022

Tony Law
[redacted]
Hornby Island, BC, V0R 1Z0
[redacted]

To: Hornby Island Local Trust Committee 8 June 2022

Dear Hornby Island Local Trust Committee:

re: Vacation Home Rental Policies and Regulations

I would strongly support the Hornby Island Local Trust Committee immediately initiating amending bylaws to implement the policy and regulatory changes recommended by the Advisory Planning Commission with respect to vacation rentals.

The current APC's recommendation to use Temporary Use Permits affirms the same recommendation made by a previous APC in 2008.

In retrospect, it is unfortunate that the then Local Trust Committee did not follow the advice. I was a member of that LTC. We faced considerable challenges in trying to find a community-supported way to legalize vacation rentals, which had been a long-standing illegal use on the Island (with over one hundred operations in place).

More than a decade later, the present local trust committee is in a better position to consider this as you now have more information about how the regulation of vacation rentals has played out in this and other communities. You can look at what has worked and what has not worked.

I would like to share with you my understanding of:
- the challenges we faced back **then** (2004-2011),
    - what has evolved **since** ,and
        - where things are **now** (and why a different approach is required).

1. Vacation rental governance models

Then...

There was a dearth of models of how other jurisdictions in BC had addressed the use of residential-zoned dwellings for commercial visitor accommodation.

- The popular resort communities of Whistler and Tofino were starting to address it, but they are municipalities with the ability to use business licensing, an option not available on Hornby Island.

- In the Islands Trust Area' only two jurisdictions allowed vacation rental use: Gabriola Island, through Temporary Use Permits and South Pender Island, through zoning regulations (but only where there are

two permitted dwellings on a lot with the principal one being occupied for residential use).

But neither island is a “destination” community to the same extent as Hornby Island. On Gabriola, there had been only 6 TUP applications. On South Pender, despite the use long being “legal”, there were less than a half-dozen vacation rentals operating, while on Hornby there were over 100 advertised despite it being “illegal”.

There was no suitable model to follow.

Since...

There are models of multiple jurisdictions permitting vacation home rentals, using business license in the case of municipalities (eg Tofino, Ucluelet, Metchosin, Cumberland, Victoria, Kelowna), or using temporary use permits in the case of regional districts and local trust committees (eg Okanagen-Similkameen, Nanaimo and Alberni-Clayoquot RDs and North Pender, Mayne and Gabriola LTCs). Other jurisdictions continue to not permit the use.

Now...

Hornby Island is out of step with other local governments that are able to more effectively manage vacation rentals in their jurisdiction by using a licensing or a permitting process.

Also: there are now three useful reports available

- *A Home for Everyone: A Housing Strategy for British Columbians, 2018 (Union of BC Municipalities)*

> “Options for regulating short-term rentals
> - requiring that all hosts have a license or permit and only allow websites like Airbnb to list and advertise properties that have a permit number
> - Placing a cap on the number of days per year a property is rented as a short-term rental (e.g. 60 as in Amsterdam).”

- *Regulating Short-Term Rentals*
A Toolkit for Canadian Local Governments, June 2021
(Third Place Planning, supported by the Federation of Canadian Municipalities)

> “Business licensing* is the most commonly used regulatory tool for STR and has been proven effective at achieving multiple goals.”
>
> *(*Business licensing is not available in non-incorporated communities in BC, but TUPs can be used instead)*

> “If a community wants to prioritize residents’ right to adequate housing, the most effective approach is likely the restriction of STRs in residential zones to principal dwelling units”

- Priorities for Action on Short-Term Rentals, June 2021
(Union of BC Municipalities and Province of BC Advisory Group)

> “The use of housing units for travellers has reduced long-term rental housing capacity at a time when housing availability and costs are already under pressure.”
>
> “The potential for earning revenue from short-term rental use of properties (whole or in part) often supports higher property prices than local incomes can support.”
>
> “One of the most effective tools for addressing the impact of short-term rentals on housing availability and affordability is to prohibit listings that aren’t within a host’s principal residence.”

2. Growth in the number of residential dwellings used for visitor accommodation

Then...

The experience of places in other parts of the world showed how growth in vacation rentals can negatively impact residential neighbourhoods and communities.

The possibility of this happening on Hornby Island was not given much serious discussion in the process of developing a regulatory framework for vacation rentals here. There seemed to be an understanding that vacation rentals were a marginal economic activity that provided just a little income that enabled residents to cling to ownership of their homes rather than generating enough profit to lead to much growth in the activity.

The focus was mostly on how to legalize the existing vacation rentals rather than on where that might lead. Thus there was support for allowing vacation rentals through zoning regulations despite the fact that this would not enable a cap to be placed on the eventual number.

Since...

As it turns out, vacation rentals have proved to be sufficiently profitable that the number advertised has increased by over 50% since they became legalized. Over 15% of the island’s housing stock is being advertised for visitor accommodation. It seems clear that the majority of rentals are being conducted in the second dwellings of non-residents rather than supporting residents’ ability to continue to live in their only home which they occupy most of the year.

Now...

It is clear that the original assumptions about growth in vacation rentals not being an issue was wrong. This local government, like other jurisdictions, needs to have the ability to cap the number of residential dwellings being used for non-residential purposes.

This can be done through no longer allowing vacation rentals as a permitted use in zoning regulations (thereby rendering existing vacation rentals as legally non-conforming) and establishing the number of additional TUPs that would be issued for new vacation rentals over and above those already operating.

3. Compliance with regulations

Then...

The regulations evolved through slow and careful consultations with the community – especially with those already operating vacation rentals.

Originally, the call from operators was to allow what they then referred to as “summer rentals” occurring in July and August when commercial visitor accommodation tended to be fully occupied. However, lobbying expanded this demand to include June and September and then May. There was also intense lobbying around increasing occupancy levels and not requiring TUPs.

These proposals were given due consideration. As a result, the final regulatory framework was generously permissive. There was an expectation that this fortunate situation would be honoured and that the modest regulations to address legitimate community concerns would be respected.

Since...

There has consistently been a significant proportion of vacation rentals operating in excess of the regulations - aided and abetted by HICEEC, a tax-funded community organization, that has been willing to advertise illegal operations that don’t conform to community standards.

Now...

The widespread disrespect for the existing generous regulatory regime indicates that a new one is needed that follows how other jurisdictions are more carefully managing vacation rentals in destination communities.

By discontinuing vacation rentals as a permitted use in zoning regulations, existing operations would continue to be legal. However, if they exceeded what is permitted in those regulations, they would lose legal status and would have to apply for a TUP. If an operator failed to comply with TUP regulations, this would jeopardize the permit being renewed or a new permit being issued.

This would make enforcement more straightforward and effective.

4. Groundwater resource protection

Then...

An over-riding land use objective in the Hornby Island Official Community Plan is to protect the groundwater resource. With respect to commercial activities (like visitor accommodation), water supply/use and sewage disposal can be appropriately addressed through the conditions of a TUP. It is much harder to do it through zoning regulations.

There was an attempt to do this in the regulations for vacation rentals by requiring proof of adequate sewage treatment before vacation rentals can be conducted in the 1A aquifer.

Since...

To my knowledge, no operators of vacation rentals in the 1A aquifer met the requirement to provide proof of adequate sewage treatment.

There is a question whether the *Local Government Act* provides authority to require this outside of a permitting process (such as for a TUP).

Selecting just the **1A** aquifer for this requirement is based on a false premise. All aquifers on Hornby Island are ranked with the letter *"***A***"* signifying *high vulnerability* which requires measures to address potential pollution such as through inadequate sewage disposal. The number "**1**" represents *high development* which gives a rationale for special measures to address water use, not sewage disposal.

Now...

The present regulations do not adequately address an over-riding land use objective because they do not not ensure that there is adequate sewage disposal for commercial operations in vulnerable aquifers, particularly in small lot zones.

TUPs will enable this to be addressed for any additional vacation rental operations (and for ones that have not complied with existing regulations).

5. Islands Trust Policy Statement

Then...

The *Islands Trust Policy Statement* has a policy (4.4.2) requiring measures to ensure 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 *Islands Trust Act* (154) requires that the Executive Committee not approve LTC bylaws if they are *contrary to or at variance with the trust policy statement.*

When the Executive Committee was considering approval of the Hornby Island proposed bylaws that would enable vacation rentals, a significant concern was whether they would increase the intensity of land use in areas of Hornby Island (small lot subdivisions) that are known to have a problem with freshwater.

I attended the meeting as a representative of the Hornby Island LTC and presented the LTC's understanding that permitting vacation rentals would not lead to intensification of land uses in those areas. The Executive Committee approved the bylaws.

Since...

One of my biggest regrets as a past trustee is that I mislead the Executive Committee into wrongly approving these bylaws – not out of intent but because of naive wishful thinking.

It is clear that since the bylaws were adopted, both the growth in numbers of vacation rentals and the significant proportion of operations that have exceeded what is permitted has lead to an intensification of land use.

Now...

With this evidence, I believe the LTC has a responsibility to bring the OCP and LUB more in line with the legal requirement of the Policy Statement by no longer allowing an unlimited number of vacation rentals through zoning regulations that do not address water issues.

6. Temporary Use Permits for Vacation Rentals

Then...

In May 2008, the Hornby Island Advisory Planning Commission recommended that short-term vacation rentals should require a Temporary Use Permit (TUP) and that TUPs must address the availability and conservation of potable water and require proof of an approved septic or waste disposal system, with allowed rental capacity based on availability of water and capacity of waste disposal.

At that time, one local trustee opposed considering TUPs and the other supported this, particularly for small lots.

Subsequent community consultation indicated strong opposition to TUPs. Operators were resistant to having to apply for a permit to continue an activity that in some cases they had been doing for years. Some pointed to the fact that vacation rentals had long been a permitted use on South Pender Island (though that community is not much of a vacation destination compared to Hornby Island and vacation rentals are only allowed there on lots where there is a permitted cottage with a resident occupying the principal dwelling). They noted that there had only been 6 applications on Gabriola Island where TUPs were required.

There was talk of a mass refusal to apply for permits if they were required here.

Discussion of options were continued with an effort to create land use regulations that attempted to implement some of what might be required through TUPs. These were eventually adopted with a commitment to review them after five years.

Since...

As noted above, Hornby Island is out of step with other local governments where business licenses – or TUPs in non-incorporated areas - are used to permit and manage vacation rentals more effectively than can be accomplished through zoning regulations.

Now...

What is different now is that if TUPs are used instead of zoning regulations, TUPs would not be required for existing operators (they would be legally non-conforming) thereby eliminating the concern that made existing operators previously resistant to TUPs.

Thus the LTC can more readily implement the recommendations of two different Hornby Island Advisory Planning Commissions that TUPs should be used.

While business licenses are a useful tool for regulating commercial visitor accommodation, they are not available to local trust committees or regional districts.

With respect to local trust committees, the Islands Trust Council rejected business licensing authority when selecting issues to propose to the Province for possible legislative changes. In a letter to me dated 27 April 2021, Patrick Thomas, the Director of Government Services in the Ministry of Municipal Affairs, stated: *"The Islands Trust's objects (powers) and authorities in the legislation are in relation to land use and planning. If business licensing is to be pursued on Hornby Island, it would be through the regional district legislative framework."*

With respect to regional districts, UBCM has requested that the Province of BC amend the *Local Government Act* to enable regional districts to use business licenses. This has been rejected.

In his letter, Patrick Thomas, stated: *"A regional district board that is interested in requesting the additional authority is encouraged to provide the Minister of Municipal Affairs with a rationale for their request, which would include information about the need for the additional authority and how the business regulation would be used and implemented."* The Comox Valley Regional District has had no interest in making such a request and will not be doing so this term. Because of the process involved, it is unlikely a future board will do so unless business licences are seen as a necessary tool for the region beyond just Hornby Island.

Temporary Use Permits, therefore are the only tool available for managing vacation rentals on Hornby Island and is likely to be into the future.

It is interesting to note that one of the two reasons that the Province originally introduced Temporary Commercial and Industrial Use Permits (as they were then called) was to enable local governments to permit the use of residential dwelling units for visitor accommodation in conjunction with Expo 86.

7. Fees for Temporary Use Permits

Then...

One of the objections by vacation rental operators to Temporary Use Permits was the cost of fees.

The fee for a TUP, which would run for two years, was $1,100 dollars. It could be renewed for a further two years for $165. That would be a total of $1,265 for four years – or $316 per year.

Vacation rentals were charging between $500 and $2,000 per week (with a handful of exceptions above and below those numbers), providing gross incomes of between $5,000 and $20,000 for ten weeks of rentals.

Since...

The cost of TUPs has decreased. The income from vacation rentals has increased.

Now...

The fee for TUPs has not changed, but the period has been extended from two years to six years. The total fees for six years would be $1,265 – or $210 a year. (This compares with a fee of $485 or more a year for a vacation rental business licence in Tofino.)

The weekly rent for vacation rentals currently being advertised ranges from $1,000 to $5,000 (with a handful of exceptions above and below those numbers), providing gross incomes of between $10,000 and $50,000 for ten weeks of rentals.

And, of course, existing operators in compliance with present regulations would not be subject to paying a TUP fee because they would be legally non-conforming.

8. Aggressive lobbying

Then...

One of the biggest challenges for previous local trust committees was that the pro-vacation-rental lobby was so aggressive that it inhibited community members with different perspectives from making their

views known. Of course, everyone has a right to lobby but when it is done in a way that negates other voices it becomes problematic. On multiple occasions I heard legitimate concerns expressed (eg at the Co-op, in the ferry line-up, and even after meetings) that were not presented at meetings and therefore did not contribute to evidence-based decision-making. If those concerns had made it onto the public record the resulting decisions might have been different.

Since...

I am not sure to what extent this has continued since.

Now...

To avoid a repeat of what happened before the LTC could take careful steps to create a safe environment and encourage broad participation in accessible opportunities for providing input.

Thank you for reading and considering this.

I do hope it is helpful.

Tony Law

Heather Kauer

Subject: FW: Letter to Trustees

From: Peggy Sheppard <[redacted]>
Date: June 12, 2022 at 7:37:59 AM PDT
To: Grant Scott <gscott@islandstrust.bc.ca>, Alex Allen <aallen@islandstrust.bc.ca>, Sue Ellen Fast <sfast@islandstrust.bc.ca>
Cc: Wind Holiday Homes <hornbywindwaves@gmail.com>, HornbyIslandResidentsRatepayers@gmail.com
Subject: Fwd: Letter to Trustees

Dear Trustees Grant Scott, Alex Allen and Sue Ellen Fast,

My husband and I attended a HISTRA (Hornby Island Short Term Rental Association) on June 10, 2022 where we listened to concerns voiced by at least 16 other homeowners who, like we, offer short term rentals.

These concerns are two fold.

Firstly, there is the question of being regulated by a bylaw to only allow rentals for a 3 month portion of the year. Discussion of impacts on Hornby's economy with a shortened rental period brought up loss of wages for the those working directly with the rental properties in house cleaning, home repair, landscaping, etc. It was mentioned that the visitors staying in short term rentals add over $1 million to the local economy each year, benefiting the local restaurants, food vendors, artists and the retail businesses. This also creates more employment and summer jobs for students.

Secondly, we understand that one of the objections to short term rentals is linked to the housing shortage on the island. An informal survey of the homeowners in the room, including us, declared their properties would NEVER be available for long term rentals. Housing shortages for both year round rentals and seasonal rentals for workers is a current challenge to be sure but not one that has any relevance to whether short term rentals exist.

We have enjoyed spending time at our property since 1979 and are in residence for varying durations each month throughout the year. Sharing it with other like

minded people who enjoy the opportunity to visit Hornby for a week or two keeps our property in use during the busy summer months and helps the economy on Hornby Island.

Thank you for considering this viewpoint,

Peggy and Don Sheppard

Hornby Island property owner and tax payer.

From:
Sent: Friday, June 24, 2022 10:12 AM
To: northinfo; Heather Kauer
Cc: Alex Allen; Grant Scott
Subject: FW: R2 Zone: Secondary Suite

Hi
Please see below for my request for interpretation and clarity of the definition of a “secondary suite in a dwelling”, sent to the trustees earlier today.
Thanks Ron McMurtrie, P.Eng.

From: >
Sent: June 24, 2022 10:01 AM
To: 'aallen@islandstrust.bc.ca' <aallen@islandstrust.bc.ca>
Cc: 'gscott@islandstrust.bc.ca' <gscott@islandstrust.bc.ca>
Subject: R2 Zone: Secondary Suite

Hello Trustees

From Hornby LUB 150:

8.2 Residential 2 – Large Lot (R2) 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:
(c) secondary suite in a dwelling on lots 2.0 hectares or larger;

My understanding is that a secondary suite connected to the main dwelling via a covered walkway conforms to (c) – i.e. it is considered a “secondary suite in a dwelling”.
I further understand there may be a maximum length limitation to the walkway or a maximum separation distance limitation from the main dwelling to the secondary suite.

Looking for clarity on this – having difficulty finding it in the LUB 150

Thanks, Ron
Ron McMurtrie, P.Eng.

Ron McMurtrie and Associates,
Consulting Engineers
Wastewater System Specialists
5225 Jerow Road, Hornby Island, BC V0R 1Z0
Tel/FAX (250) 335-2685 email: jasbreez@island.net

BIO blue island onsite
Equipment Sales
Technical and Project Support
Decentralized Wastewater Management

To: Grant Scott
GScott@IslandsTrust.BC.ca

Alex Allen
AAllen@IslandsTrust.BC.ca

Sue Ellen Fast
SFast@IslandsTrust.BC.ca

CC:

June, 2022

Re: APC recommendations for Housing and Short-Term Rental

From.
Jim Garton
Hornby Island V0R 1Z0

Short term rentals and housing have long been a hot topic on the Island and no doubt will continue to be that way. I'm writing this letter not to complain about a review but to express concern about the process. I believe it to be flawed.

I have lived on the Hornby since 1995 along with three generations of my family. Hornby is a cherished home. Since arriving I have dedicated my time in retirement to supporting the betterment of our community. During this time I have served on the Ferry Advisory's Committee, served as President of New Horizons, served on the Board of the HDCHCS, chaired the Building of the Community Health Centre, chaired the Select Committee for the building of the new fire hall, and served on the Board of the COOP including that of President. I am currently on two committees— HDCHCS and Fire Department committees.

I believe this work has given me a very clear understanding of the many facets of this wonderful Island and how they interconnect. Importantly what they need in order to survive and serve the community.

Tourism and short term rentals are the important life blood of our Islands economy. Changing the rules without understanding the consequences can lead to non recoverable unwanted results. Our infrastructure including health care, fire protection, ferries,Coop store and all the small businesses and artisans are closely tied. All of them relate to what it takes to live on Hornby.

The current APC report does not appear to be balanced nor complete in its research. It has not considered ramifications of change and has primarily focused on how to eliminate STR's by presenting a detailed list of constraints. Modelling could greatly assist in understanding their implications, both positive and negative, and prevent change without knowing the consequences.

Reviews of this nature are important but it is critical the reviewing committee be credible. Credibility comes from a membership that is well balanced from the various social and economic sectors and is generally supported by the community at large. We must not overlook the fact that changes of this nature impact on absolutely everyone on the island. Consequently, well managed bylaws representing the wishes of the majority of the community result in a healthy, desirable place to live and visit. Significant steps have already been taken to review and improve STRs. HISTRA is an example. Collectively we need to build on this type of initiative.

At my age I should care less but I care a great deal. I'm concerned about my family and the impact the proposals will have. I'm concerned about the infrastructure that supports our community and its future and I'm concerned about our artisans, trades people, local stores, and support people. All would be significantly impacted by the current proposals. If there is not a healthy economy there will not be the important supports as we now know them.

The current proposals can only lead to a very troubled future. The current project needs to be taken and advanced in a holistic professional manner.

Respectively
Jim Garton

Heather Kauer

Subject: FW: About my STVR on Hornby Island

From: John Gellard <
Subject: About my STVR on Hornby Island
Date: July 4, 2022 at 7:57:18 PM PDT
To: GScott@islandstrust.bc.ca, AAllen@islandstrust.bc.ca, SFast@islandstrust.bc.ca, HISTRA >, Ray Therrien <

From: John Gellard
Hornby Island Address:
Mailing Address:

To: Hornby Island Trust Trustees: Grant Scott, Alex Allen, Sue Ellen Fast
July 4, 2022

Dear Trustees:

Re: STVR on Hornby Island

As a member of HISTRA, I am urged to write to you about my STVR at on Hornby Island (Act Five)

I purchased the property in October, 2005. It is a "Panabode" on 1 acre of land across the road from beach access.
The house is well maintained, with tile and hardwood floors and a new metal roof. The land is well looked after, with four lawns and a small garden.
There is a seasonal creek running through it.

I have rented it as a STVR every summer for July and August, and for random weeks in between. Most tenants return year after year.
There are 3 bedrooms, a large living room and kitchen, two bathrooms, an outhouse, and a large deck with a barbecue.
All kitchen utensils and furniture are provided. Occupancy is restricted to 6 people. No tenting is allowed.
My family and I use the house on holidays in the off-season, when we keep up to date with maintenance.

Rentals have always been managed by Wind and Waves Holiday Homes. Frances Millan has just retired, and Ray Therrien is now the manager.
You'll find the property on the Wind and Waves website in "close to water " properties under the name of "ACT FIVE". There are pictures of the house,
inside and out, and good views of the pleasant well treed grounds with recreation facilities.

Water comes from a well and pump house shared with next door. Heating is electric, with a wood fireplace. There is a septic tank.

I employ Hornby people for maintenance throughout the year. Jobs include cleaning, lawn mowing, plumbing, and repairs to house and equipment.
I recently hired an arborist to clear dead and fallen trees. A contractor has widenend the driveway and repaired the culvert.
A local contractor installed a new roof.

I rely on STVRs to justify owning the property. The rent pays for maintenance, taxes, and the small mortgage. As well, renters help the Hornby economy by patronizing stores and restaurants. They add "life" to the island by taking part in activites.

I am willing to comply with regulations within reason.
What about the "business license" ? This is new. Of course I'll pay for it if I get an invoice and a license that I can display.
How do I register with Islands Trust?

In short, I urge you to continue to encourage STVRs. They have worked well in the past, and they are an important part of Hornby life.

I would be happy to provide any information you need.

Yours truly, John Gellard

Heather Kauer

Subject: FW: APC recommendations for Housing and Short-Term Rentals

On Jul 4, 2022, at 3:31 PM, Ryan Denomme wrote:

Dear Ms. Fast, Mr. Allen and Mr. Scott,

I am writing to you today in hopes that you will reconsider the recent proposed changes/restrictions to Hornby Short Term Vacation Rentals (STVR). The APC proposals as currently suggested are so extreme that it would prevent us from continuing owning and operating our much loved rental property, which compels us to write this letter to you. In addition to the many aspects outlined below, we would be happy to elaborate further on our position and collaborate with the APC to find a compromise that benefits all of the people, visitors and protectors of Hornby Island, instead of just a single group.

I attended the University of Waterloo's Nanotechnology Engineering program where I met Jake Berman, who is from Hornby and currently lives and works there with his own business. After visiting Hornby a few times at his recommendation, I became passionate about owning property on the island and helping to support the local economy and environment. As an entrepreneur of a 100+ person biotech company, I am well versed in running a business that has a positive impact on people's lives, and was happy to be able to bring more conscious visitors to the island to share in the beauty and ensure the preservation of its uniqueness through my STVR.

Owning and operating a STVR satisfied our main goals, which were to support Hornby's economy, establish roots for ourselves and our families there, and bring more conscientious individuals to the island for sustainable growth and support of the locals. Once we confirmed this could be done in an environmentally friendly and compliant way under Hornby Island regulations, we did not hesitate to purchase 1420 Mount Road - which, like many Hornby properties, is among the most beautiful places in the world.

We have been part of the Hornby community for 2 years now, during which time we have hired locals for all upkeep, operations, cleaning and maintenance. We also provide a welcome basket which includes items from local businesses to help drive our guests to supporting the Island. The guests that have stayed have been so appreciative of being able to share in the unique beauty of Hornby and its local economy. While our long-term goal is to move to Hornby, we are not able to do so at the time so this is our only

chance to support the economy and ensure our families have a place to visit anytime we can.

The APC Proposal was disheartening to us for many reasons. It is clear that they are written in a way that would eliminate the STVR business on Hornby Island. Given we feel we are part of the solution, not the problem, it is difficult to have learned there is hostility towards STVR owners that would make our business impossible to be successful and have a cascade of negative impacts on the Island if these proposed changes were to be approved.

It is challenging to understand what problems these regulations are trying to solve, so we will assume it includes reducing environmental and infrastructure stress on the island in the summer months. This is a shared interest for STVRs as the lack of control on the number of visitors to the island causes a poor experience for our guests who must wait in the hours-long ferry line-up, as an example. In the longer term, it risks the sensitive Hornby Island environment which is a critical part of our success. So we agree on this being a problem but reject the idea that the primary source of this congestion and other issues are regulated STVRs under existing bylaws. Instead, it is likely people coming to the island without proper housing. These people also do not support the local economy the way our guests do - estimating they spend at least $400 per day on the island's local shops. In any case, there was no data presented to support the proposed changes so it's impossible to evaluate their validity.

So if the problem is congestion, destroying STVRs and shortening the season is only going to amplify the traffic and congestion and do irrevocable harm to the Hornby economy. There are many very simple ways to control tourism numbers that are currently employed by national parks and other islands in BC, which we'd be happy to discuss - none of which involve stifling the STVR community and destroying the economy of the island.

On a longer-term perspective, the more 'short-term' minded individuals visiting the island, the greater impact the natural ecosystems will have to absorb. When you are a guest staying for a week and planning on returning for many years to come, and have a relationship with the local operator, you simply do not disregard the island's health. If this did ever occur, we would blacklist the guest and would not allow them back to our STVR. Our guests love knowing and following the guidelines we provide on preservation & supporting the local environment and the economy.

In another long-term perspective, if you suggest that STVR owners 'roll the dice' with being able to operate on a longer term basis with the currently proposed permitting system, the one thing you are guaranteeing is having many 'ghost-homes' on the island which detract from the local economy. For us, we would decide between selling or having the home be occupied fully (and supporting the economy) for only 2-3 months a year, which benefits no one.

We are strongly against the proposed restrictions to STVRs for many reasons, but we feel most passionately against them given that we deeply care about Hornby Island and believe that everyone deserves an opportunity to visit it and enjoy its magic. The number of heart warming reviews and messages we have received from guests after they have visited the island is proof that we are doing a good thing in this world. These proposed restrictions will significantly limit the number of people who can visit Hornby in favor of appeasing a small group of locals who do not think this island should be shared. **We will fight these proposed restrictions aggressively and strongly advise that they are rescinded immediately.**

Please contact me if you have any questions.

Ryan

July 10, 2022

Dear Grant Scott, Sue Ellen Fast and Alex Allen,

I am writing to request that you consider alternatives other than a ban on short term rentals to address the tourist issues you have been having on Hornby Island.

As someone who has been a visitor to your Island, including staying with friends or renting from them on occasion when they were away, I believe that the vast majority of Hornby Island residents are highly environmentally and socially conscious and work collectively to maintain the lovely sanctuary that the Island represents for so many. And as the economic conditions of the world have undergone significant downturns over recent years, many may require the capacity to engage in short term rentals from time to time in order to be able to maintain their homes and lifestyles.

I strongly encourage you to explore options that allow you to directly deal with 'offenders' – whether they be tourists who violate community standards or values or owners who fail to uphold their responsibilities as regards selection and management of renters – rather than creating a blanket policy that applies to all, even those whose short-term rental actions have been entirely responsible.

There are many non-residents who have greatly benefitted from opportunities to visit Hornby Island, and some responsible tourism creates an economic advantage. Please do not disrupt the lives of so many as an indirect way to deal with the infractions of a few.

Sally Thorne

From: Sue Ellen Fast

Sent: Sunday, July 17, 2022 3:46 PM

To: Heather Kauer

Subject: Fwd: APC recommendations for Housing and Short Term Rentals-Hornby Island

Follow Up Flag: Follow up

Flag Status: Flagged

Hi Heather - another one, making sure you see it -

Sue Ellen Fast (she/her)

Nexwlélexwm / Kwílə̓kəm (Bowen Island) Municipal Trustee | Islands Trust Vice Chair

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

Thankful to live and work in the treaty and territories of the BOḰEĆEN, Cowichan Tribes, Halalt, Homalco, K'ómoks, Klahoose, Ts'uubaa-asatx, Lək̓ʷəŋən (SXIMEŁEŁ, Songhees, T'Sou-ke), Lyackson, MÁLEXEŁ, Penelakut, Qualicum, Scia'new, səl̓ilwətaʔɬ, SEMYOME, shíshálh, Snaw-naw-as, Snuneymuxw, Sḵwx̱wú7mesh, STÁUTW̱, Stz'uminus, Tla'amin, scəẃaθən məsteyəxʷ, We Wai Kai, Wei Wai Kum, W̱JOŁEŁP, W̱SIḴEM, and xʷməθkʷəy̓əm.

Begin forwarded message:

From: Gail Roberts or Joan Ford <catpoodlecanary@gmail.com>

Subject: APC recommendations for Housing and Short Term Rentals-Hornby Island

Date: July 17, 2022 at 12:55:28 PM PDT

To: "GScott@islandstrust.bc.ca" <GScott@IslandsTrust.BC.ca>, "AAllen@islandstrust.bc.ca" <AAllen@IslandsTrust.bc.ca>, "SFast@islandstrust.bc.ca" <SFast@IslandsTrust.BC.ca>

Cc: hornbyshortterm@gmail.com, Jan Radford <

Dear Scott, Alex and Sue,

My partner and I have been coming to Hornby for 35 years. The first time we came (camping at Bradsdads) we fell in love with the island, so proceeded to check out the real estate listings at the Co-Op.There was a serviced piece of property we looked at near Whaling Station. It was a great location, about a 5 minute walk to the seaside. However, even back then , the asking price was $125,000, way beyond our means.That didn't totally discourage us.Ever since then we have come back to Hornby every summer, camping for a number of years and then renting, usually for 2 weeks. This year we rented a cabin at Ford's Cove for the first two weeks of June. As usual, it was a great stay.Now that we're retired we choose to come in the "shoulder season"- either spring or fall.

We would be incredibly disappointed if we were no longer allowed to rent a place. It is so important to us that in our wills both of us have requested that our ashes be scattered at Helliwell Park.

Please consider folks like us when you're making a decision on short-term rentals.

Yours sincerely,

Joan E. Ford
Gail Roberts

July 16, 2022

RE: APC Recommendations for Housing and Short-Term Rentals on Hornby Island

Name: Morgan Janice (Jan) Radford, OWNER

Address: [redacted] Hornby Island, BC

Our Family's Story:

My partner and I bought the above property in September 2005, after camping with our children for 8+ years at Bradsdadsland, Our circumstances were such that a small inheritance in 2004 let us finally buy our "dream home" on Hornby Island. The house required extensive renovations, however, to really make it habitable for a family (due to years of water leakage and subsequent, mold growth) so we hired local cleaners and tradespeople and they went to work. Many of these same people still do our regular household maintenance and repairs today. Also, the local resident we hired as our gardener in 2006, still gardens for us in 2022.

Over the last 17 years, we have enjoyed our Hornby house mostly as a summer and/or school holiday vacation spot for our 4 children and ourselves. However, we hated seeing the house sit empty for months on end so we have periodically responded to 'special requests' from island friends to provide short term housing for teachers (Mondays-Thursdays), women & children fleeing violence, and a few families in such precarious housing situations that they needed a place to stay "just for awhile". How could we say no to these requests? It was an inconvenience to us, but having a safe place to stay meant everything to the Hornby people that we were able to help out in this way.

We started doing short term summer rentals with Wind & Waves Property Management in 2010 as we needed the income. The costs of raising 4 children in Vancouver were increasing and it was getting harder to manage the Hornby property taxes, house insurance, utilities, gardening, maintenance & repairs on the same salaries. We have just started to do our 2022 summer rentals with the new owners of Wind & Waves Property Management and at present, our home is booked for 4 weeks this summer. It is important to mention that we usually have the same summer renters year after year, so they are well schooled in Hornby Island water conservation, recycling practices and fire prevention. In addition, we have a 10,000 gallon cement cistern for rainwater collection on our property and it has always provided an adequate supply of water for our summer renters, our family holidays and our neighbour next door who does not have her own water supply. I have just recently purchased and installed a rather expensive water metering system so that the water utilization by our summer renters can be closely monitored by Wind & Waves.

MyThoughts about the APC Proposed Recommendations:

This proposal is based on numerous assumptions, and anecdotal evidence from other communities, rather than scientific research, facts and best practices. I have worked in the field of supported housing and health care for 40 + years so I am sympathetic, and concerned about the lack of affordable (and available) housing on Hornby Island. However, I do not see anything in this report's recommendations that will improve this situation. In the case of my family, if STVR are no longer allowed on Hornby (or require a TUP for $250) , we will simply not rent out our house. It will not be available for long term tenants as implied in this document. There is simply no appeal for us to do so, as our family would lose the option of freely visiting Hornby at Christmas, Spring Break and during the summer months as we do now.

Secondly, although I applaud the authors for utilizing a climate change lens to develop their recommendations, this single lens is inadequate to address the complex issue of housing on Hornby Island. Certainly an economic lens bears some relevance too? Viewing tourism as only a source of concern, with completely disregard for its important contribution to the island economy is, in my opinion, extremely short sighted. Tourists who stay in STVRs obviously spend money at local businesses, purchase items from local artists and STVR's provide employment for many island residents (as cleaners, garbage/recycling pickup, property managers etc). Unemployed, or under employed, residents can't pay rent or buy property and houses.

Thirdly, the proliferation of short term rentals on Hornby (as described on page 3 of the report), appears to consist of no more than 10% to 12% of the total housing stock on the island. Hardly a "proliferation" in my mind! The formation of the Hornby Island Short Term Rental Association (HISTRA) a couple of years ago has been an essential step forward in voluntary regulation of short term rentals on the island. The hard work of the HISTRA board to set standards based on best practices should be encouraged and celebrated. The HISTRA website is amazing and contains a wealth of valuable information for me and other owners of STVR. The recommendation that Islands Trust take on registration and permitting of STVR on Hornby Island seems absurd to me.

Fourthly, it is well known that Hornby (and the other Gulf Islands) has a water shortage problem and conservation of water by everyone is critical. This problem could be improved significantly by having owners add large rainwater collection systems to their properties. Many of us do this already but there is a definite need for more people to add this capacity. There is no shortage of rain on the island and storing water for later use is an easy solution.

Finally, I think the issues of housing and short term vacation rentals on Hornby Island need further discussion and more input from a wider group of stakeholders. If these recommendations are implemented as drafted, I believe a troubled future lies ahead for the island we all know and love.

July 2022

Hello,

Re: APC recommendations for Housing and Short-Term Rentals

Miranda-Jo and Dave Andersen
address on Hornby Island: .

We are writing to you because we are extremely concerned about the rumours we're hearing that APC is suggesting there be no short-term rentals on Hornby Island.

First of all, I can't imagine how that would devastate the many people that live and make a living on Hornby Island if there is only very limited accommodations (camping) to be had. Not to mention the rise in illegal camping where there is no water, electricity and even worse, no toilets!!

Also, I suppose it would just drive rentals to work underground, therefore no one would benefit except the people renting their homes to vacationers. No more taxes, in particular the 3% pillow tax that has just been implemented this June 2022.

I have been going to Hornby for 50+ years, ever since my parents bought a cabin there so the children (my sister and me) "could have a safe place to play in the sand". This was because my parents were tired of not being able to find a campsite either in south B.C., nor along the Oregon Coast. Sounds kinda like the possible future of Hornby Island.

We spent every Christmas break, spring break, Easter break and summers on Hornby Island, even once my parents bought a lot on the sea and built a two-bedroom home which they retired to in 1989. My sister and I inherited this little piece of paradise, but my husband and I had to buy my sister out because she lives in the U.K.. The purchase went through December 2020, and we now have a very hefty mortgage to deal with as we look forward to retirement now. We rent our home out through the best months of the year because we could not possibly make those mortgage payments or the high annual taxes otherwise.

The thought of not being able to rent to extremely happy families that can't believe how blessed they are to be able to stay at Whaling Station Bay, is devastating to our regular guests and especially my whole family and me. I brought my children up there, now our grandchildren, and we do plan to retire to Hornby in just a few years. If we can't rent our home, we will definitely have to sell it, and that would be the end of us and our most appreciateive guests being able to enjoy Hornby Island.

We do not want you involved in what we choose to do with our personal property, especially when it seems your possible plan will be devastating to many Hornby full time residents, many happy family vacationers and many families just like us.

Regards, Miranda-Jo and Dave Andersen

To: Grant Scott
GScott@islandsTrust.BC.ca

Alex Allen
AAllen@IslandsTrust.BC.ca

Sue Ellen Fast
SFast@IslandsTrust.BC.ca

Cc: hornbyshortterm@gmail.com

Re: APC recommendations for Housing and Short-Term Rentals

Karen Young
Outer Island Bed and Breakfast
4785 DePape Rd.
Hornby Island

I am writing today to express my concerns over recent APC recommendations against STVR on Hornby Island. The APC recommendations would remove STVR's as a legal use from the Hornby Island Local Trust Area Regulatory Bylaws and replace it with the Temporary Use Permit, which cannot be extended beyond 6 years. If adopted, this would effectively end Short Term Rentals on Hornby Island within 6 years.

This year marks my 27th year in the tourism business on Hornby. In fact, I started my business when I was 27 years old and right out of business school. I had big ideas to offer small groups of people a personalized Hornby experience. I had just graduated from the BCIT Venture Program where I developed a business plan to offer soft-adventure packages to groups of 12 people at a time. I wanted visitors to experience and learn about the local community and its history, have personal connections to local artists (workshops), restaurants (cooking classes), cafes and shops and enjoy Hornby's beautiful outdoors (guided naturalis walks/talks, kayaking, biking tours etc) in a respectful, educational way. Unfortunately at that time I was unable to get that business model off the ground: Hornby's economy has always been driven by tourism which, at that point, meant two intense months (July/August) of business activity. Businesses would then close down from September-June due to burnout from the need to try to make a year's income in two short bread & butter months. There was also not enough infrastructure on the island to make it possible for businesses to stay open in the off-season - the local population was not enough to sustain them full time. I was unable to make my visitor packages work because local professionals were unavailable to me in the summer and closed in the winter. I operate a B&B which restricts me from providing any meal other than breakfast, so with restaurants and cafes closed in the off-season, I was unable to offer my guests much of anything beyond an overnight stay with breakfast and directing them to beaches and trails (restaurants, cafe's, studios and stores in the summer). I was unable to offer my guests the experience of intimately engaging in

the community, learning about the island's ecosystem and supporting local businesses year round.

Over the last 27 years Hornby has grown and developed in a way that I feel has brought several quality services to the island, much needed upgrades to old ones and we have seen more businesses be able to extend their season. Much of this shoulder and off-season growth can be attributed to, for example, Sea Breeze Lodge offering weddings outside of peak tourist season. The trickle-down effect to our economy of these weddings alone is significant:
*Longer term employment opportunities for locals as servers, workers, contractors and suppliers
*Other businesses have more patrons and are able to extend their season of operation
*Year-round residents can enjoy more services that weren't previously available off-season.

Without visitors to the island this success model will fail. Due to the cost of ferries, the long lineups/waits at the terminals, very few travelers can justify a day-trip to the island, so Hornby visitors need places to stay. Seabreeze guest's often need overflow accommodations for their wedding guests/friends.

It has always been clear to me that Hornby would not thrive without tourism and I have always felt that the magic of this island has come from the community's ability to apply smart growth strategies that have helped to achieve goals for growth and development while maintaining the island's distinctive rural character.

With any success model comes challenges of course, and negative environmental impact on this island is one of them. I believe we all need to work together to protect our community and that, to me, means protecting our economy just as much as it means protecting our environment and fragile ecosystem. I believe that collectively this can be done and a healthy balance struck between the two. Hornby Island Short Term Vacation Rental Association (HISTRA) is doing an incredible job working towards finding that balance. A great deal of work has gone into educating its members and visitors around the philosophy of mindful tourism so that STVR can have a positive role in the future of sustainable tourism for Hornby Island.

I feel that discouraging or preventing STVR will be extremely detrimental to our community. I have been speaking here based solely on my personal experience and observations over my time on the island. I would now like to ask that you please take time to do the statistical research that will show the economic significance tourist accommodations have on our local economy before you consider the APC's recommendations to severely restrict/potentially eliminate STVR.

Regards,
Karen Young

Eulala Ann Mills
[redacted]

To:
Sue Ellen Fast, Chair, Hornby Island Local Trust Committee, Vice Chair, Islands Trust Council
SFast@IslandsTrust.BC.ca
Grant Scott, Trustee Hornby Island Local Trust Committee
GScott@IslandsTrust.BC.ca
Alex Allen, Trustee Hornby Island Local Trust Committee
AAllen@IslandsTrust.BC.ca

CC:
Peter Luckham, Chair, Island Trust Council
pluckham@islandstrust.bc.ca
HISTRA
hornbyshortterm@gmail.com

August 7, 2022

To the Hornby Island Local Trust Committee

Re: March 29 Hornby Island APC recommendations for Housing and Short-Term Rentals

My mother, Opal Clarke, was a very active and engaged member of the Hornby community from 1987 until her passing last year. My daughter, now 21, has spent many weeks, each year of her life, on the beach, in the park, at the Co-op, the ring, the market - she feels a strong, deep and permanent connection to Hornby and its wonderful community.

I began coming to Hornby in 1967, I was 3 years old. Each summer and often in the rest of the year, my parents rented homes for us to stay in. In 1987, after a decade of trying, my mother was able to buy her property on Whaling Station Bay.

My Mother's beloved home and property has now passed to me to care for and maintain until, as some point in the future, it will pass to my daughter, and then on to her children. Our Hornby Island property is the legacy my mother created for generations to come in our family. We are multigenerational members of the Hornby community and feel a deep connection to and love for it.

The reality our family faces is that my Mother's home has a complex septic system, a large cistern and 2 smaller ones, an aging gutter system, an aging deck, an aging roof, an aging generator, aging windows and skylights and a large property. I am learning about the complexity, cost and work that is essential to maintaining a rural property and ensuring that its systems and sustainability infrastructure are well maintained and up to date. I am grateful to the many Hornby based experts, professionals and workers who are partnering with me to do the work that needs to be done.

Before my mother's death, she agreed that we would take advantage of Short Term Rentals being a legal property use in the Hornby Island Local Trust Area Regulatory Bylaws. We made this decision to begin to address issues of care and maintenance in her house. Having summer

rentals allowed us to be in the house throughout the year, keep her in high quality care, as her physical needs dictated, and ensure her home was maintained.

Since her passing, our family has agreed that having the house as a Short Term Rental over the summer months will allow us to manage its substantial costs and keep it in good working order. The fact is, the ability to have Short Term Rentals during the 5 month season ensures my mother's legacy will pass down through the generations of our family.

The APC recommendations to remove that legal use from the Hornby Island Local Trust Area Regulatory Bylaws and replace it with the Temporary Use Permit (which cannot be extended beyond 6 years) would, effectively, end Short Term Rentals on Hornby Island within the next 6 years. This puts my mother's legacy at risk and that would devastate our family.

I am dismayed when I hear the APC recommendations being characterized as though they would not end Short Term Rentals on Hornby. That is patently untrue – as the conditions of use for the Temporary Use Permit make clear.

Questions of support for Short Term Rentals have been brought to the Hornby community through comprehensive consultations several times in recent years. Each time, the community has stated its willingness to support and embrace Short Term Rentals and their visitors as an accepted property use, a part of the extended community and a core of our vibrant economy. While not universal, this support is the will of the majority of the community. That majority is what that Islands Trust is elected to represent.

Unlike in larger communities where Short Term Rentals can remove viable long term rental units from the market and are often a commercial enterprise, Short Term Rentals on Hornby are largely families like mine. They are a long term members of the Hornby community who live in their homes much of the year. Without Short Term Rentals, these properties will not be made available for year round rental, they will be left empty more often or families will be forced to sell.

It is deeply concerning that this keeps distracting the Hornby Islands Local Trust Committee from more important issues related to stable, affordable housing sites and requirements, ecological protections and areas of risk, economic stability, community sustainability, climate change, community diversity, the ferry service and many other things the community as a whole agrees are areas of great need.

I urge you to reject the APC recommendations related to the Short Term Rentals, and further, to firmly remove this issue from the discourse. It's been a settled issue for more than 10 years, let's all move on.

Sincerely,

Eulala Mills,

President, LevelHeaded Thinking
Chair, Anglican Diocese of BC, Refugee Committee
Co-Chair, Gordon Head Refugee Support Constituency Group
HISTRA Board Member

Heather Kauer

Subject: FW: APC recommendations for Housing and Short-Term Rentals

Begin forwarded message:

From: David Wardle <
Subject: Re: APC recommendations for Housing and Short-Term Rentals
Date: August 18, 2022 at 10:33:51 AM PDT
To: "GScott@islandstrust.bc.ca" <GScott@IslandsTrust.BC.ca>, "AAllen@islandstrust.bc.ca" <AAllen@IslandsTrust.BC.ca>, "SFast@islandstrust.bc.ca" <SFast@IslandsTrust.BC.ca>
Cc: hornbyshortterm@gmail.com

To Whom it May Concern;

I have been following the issue of short term rentals on Hornby Island with interest, and have been appalled at the short-sightedness and lack of understanding of consequence that is being demonstrated in the discussion of banning str on Hornby. I am a former home owner on Hornby (never rented ours out) who has been holidaying there off and on for years. We have good friends that still own 2nd homes on Hornby, and if not for the fact that I was diagnosed with a serious cancer in 2018, we would still be spending several months a year there, as it is, we sadly no longer get there even once a year. As a realtor who spent 2 decades (2003-2021) in real estate in Cowichan and Victoria, as well as assisting in realtor education at a provincial level, I have first hand experience with the effect this sort of legislation has on communities and individuals.

In my experience, this action will not add to local long term rental housing availability or change the house market in any positive way; the only thing that will do that is to increase new supply at a significant level, which most residents of Hornby are opposed to doing (understandably). However, with the continuous population increase both on Hornby and provincially, there is a need for new construction. If one is going to restrict supply in a market with a large demand by not allowing more building, the only result will be an increase in the cost of home ownership for those entering the market - this is basic supply vs demand. Banning STR will not result in many homes entering the long term rental market. The owners of these homes will do different things depending on their financial situation with regard to the home; primarily they will either keep it vacant and use it as they wish, or they will sell it outright to another owner who will do the same. A few may do long term leases to local clients, but as we have seen in Victoria and Vancouver, this is not a common outcome at all; the financial burden to an owner to do that is such that it is not, in many cases, worthwhile, especially when comparing the revenues that short term vs long term generate. In BC, being a landlord is becoming a far less desirable thing these days, as prices are dropping and the government continues to introduce legislation favouring tenants. In the view of many landlords, renting in many cases just isn't worth it anymore. This is showing up in the availability of rental units province wide, of which there are fewer each year. As was seen in Victoria with the vacant property tax, this is a shortsighted idea that will not work in the real world. It is merely a punitive movement by a shortsighted group towards a visible and politically easy target.

Additionally, the island will lose a major source of income and work over the rental season - a high percentage of local seasonal employment is tied to the str, as well a large portion of the seasonal economic product. The loss of this revenue would be devastating to the island's economy. Please consider the vulnerability of those who make their income working in this area, after all, these are the people the legislation is trying to assist. Please also remember that when a landlord is going to go from a week rental that is a larger figure than they could get for a month as a long term rental(with more expenses), most are going to review their business plan and will at that point invest differently. Just because legislation removes a business method doesn't mean the

subject property will become a long term rental. In fact, that is an unlikely result in most cases with most owners.

Just as a point of clarification, I have no special interests in real estate anymore, and certainly my connection to Hornby is, sadly, not as active as it used to be, we go and visit friends there much more often than we ever would rent in a str, which we have done a couple times in the past. In a good year we might get up once, unfortunately. Therefore, I have no motivation in this situation other than to hope that a decision is not made that will be harmful to the economic and lifestyle future of those who chose to call Hornby home. Hornby is a very special place, with serious issues that need addressing to ensure the future will provide the kind of wonderful lifestyle that has existed there in the past. This sort of legislation, while being politically popular with many, will only make the long term situation for housing worse.

sincerely
David Wardle

David Wardle, M.Ed.

ARIFIN GRAHAM, M.A.

August 22, 2022

Re: Short-term vacation rentals on Hornby Island

To Whom it May Concern:

I write on behalf of the Graham family, with regard to our property at Dunlop Point, Hornby Island, and the issue of short-term rentals on the island.

Our parents, Pip and Nicky Graham, purchased the property in 1975, and retired to Hornby from Alberta in the early 1980s. Over a 30-year period, they became deeply engaged in many ways with the life and community of Hornby Island, and loved living there.

In order to be able to defray the considerable costs of keeping the home, we began doing some vacation rentals in 2003 through a highly reputable rental agency (Wind and Waves). Since 2016, we have been with the MyHornbyStay.com agency, which continues to manage our vacation rentals to the highest professional standards. It has been important to us, and to our agencies, that we always respect and work within Islands Trust guidelines and regulations.

We love Hornby, we love the property, and we love to opportunity to share its wonders with visitors to the island. We also appreciate that this is our opportunity to support the island economy in many ways, and at many levels, from management, to maintenance, gardeners, cleaners, and other services; and to the artists, artisans, restaurants, grocery stores, and many other businesses all around the island.

Without the opportunity to do vacation rentals at our property, we would not be able to maintain it, or to pay the annual taxes and insurance. Indeed, we would, reluctantly, need to sell it.

We appreciate the need to balance the social, environmental, economic and other aspects of the Hornby Island community. It is our view that, managed wisely, short-term vacation rentals can and should remain a vibrant part of the Hornby Island "ecosystem" for many years to come.

Sincerely, and with thanks,

Arifin Graham

From: Jeff Zamluk
Date: August 22, 2022 at 11:12:14 AM PDT
To: Grant Scott <gscott@islandstrust.bc.ca>, Sue Ellen Fast <sfast@islandstrust.bc.ca>, Alex Allen <aallen@islandstrust.bc.ca>
Cc: Aileen Fearman <>, office@hirra.ca
Subject: Re: Housing & short term rental recommendations by APC

Hello All,

I have not received more clarification on this APC recommendation. Is this something I should reach out to the APC committee directly for?

I'm hoping you could also let me know the series of events that need to happen for these recommendations to be enacted.

Furthermore, we have not been consulted directly by any APC, or Island's trust member about about operations or impacts on our ALR regulated farmland, but we are happy to do so.

I'm looking forward to receiving a reply on how we should proceed to protect our multi generational farm.

Jeff

Jeff Zamluk
Co-Founder/Co-Owner

www.fossilbeachfarm.com I

#wherefarmmeetssea

On May 31, 2022, at 1:30 PM, Jeff Zamluk <> wrote:

Hello Sue, Grant and Alex,
Please see the email requesting more info on the APC below.

Thanks

On May 31, 2022, at 1:27 PM, Jeff Zamluk <> wrote:

Hi Reina,

Thanks for forwarding that over. I see that our ALR property was specifically listed on "Zoning" of page 5 of the recommendations "item #2" "Creating bylaws governing Lerena Vineyards and Fossil Beach Farm" Would it be possible to clarify what the APC is

recommending in regard to us? Also, is more information included as to how we were included in this review without being directly consulted?

It is my opinion that we have many bylaws that govern the use of our property and see that this recommendation isn't valid.

We currently fall under and adhere to provincial bylaws of:
Agriculture Land Reserve and Comission
Liquor and Cannabis Regulation Branch
Drinking Water Protection Act

We also fall under and adhere to regional bylaws of:
Island Health (which includes water and septic)
Comox valley Regional District

As well as adhering to local bylaws of the Islands Trust.

We also have built our farm and our operation being guided by the current OCP, where it's clear that local farming and food sustainability is a prominent feature.

Any clarification on this recommendation would be appreciated.

Jeff

Jeff Zamluk
Co-Founder/Co-Owner

www.fossilbeachfarm.com I

#wherefarmmeetssea

On May 31, 2022, at 12:47 PM, HIRRA Administrator <hornbyisresidentsratepayers@gmail.com> wrote:

Hello HIRRA members,
the Islands Trust Advisory Planning Commission (APC) recently completed their recommendations to the Local Trustees on issues to do with housing and short term rentals in preparation for the upcoming Official Community Plan review.

The attached PDF clearly articulates the APC's reasoning and recommendations.
Please direct any questions or comments to the local Hornby Island Trustees.
Contact info here: https://islandstrust.bc.ca/contact-us/contact-trustees/
Cheers,
Reina LeBaron, Executive Administrator
Hornby Island Residents' and Ratepayers' Association (HIRRA)
Ph: (250) 335-1131 Email: <office@hirra.ca>

I respectfully acknowledge that I live and work on the unceded traditional territory of the K'ómoks First Nation.

From: Aileen Fearman
Date: August 24, 2022 at 10:49:29 AM PDT
To: Alex Allen <aallen@islandstrust.bc.ca>
Cc: Grant Scott <gscott@islandstrust.bc.ca>, Sue Ellen Fast <sfast@islandstrust.bc.ca>, Phil Davie <>, Jeff Zamluk
Subject: Re: Housing & short term rental recommendations by APC

Hi Alex,
I echo Jeffs statements.
Do you have an approximate time this will be discussed at the meeting? The agenda isn't up yet and I can only attend for a short time with my baby.

Thank you,

Aileen Fearman
Co-Founder/Co-Owner
www.fossilbeachfarm.com I
#wherefarmmeetssea

On Aug 24, 2022, at 8:20 AM, Jeff Zamluk < > wrote:

Hi Alex,

Thanks for your response.

My main concern is that we were never directly notified or consulted with about this recommendation. The only way we heard about being named was through the rumor mill on Hornby.

Furthermore, it does not "seem" we were named. We were directly named along with Lorena. If the APC had concerns with glamping, I would have thought they named "glamping"... which they did not. There are many other ALR zoned properties which were not listed specifically and by name that offer glamping.

I am more than happy to have community consultation. However, I wish that we are given the opportunity to educate the community, especially those involved in special anti tourism interest groups.

Although this is still in its infancy, I would like to address the apparent concerns that the APC has with Lorena and Fossil Beach directly. Is there an avenue to do this? What would be most appropriate? Write a letter addressed to Island's Trust? the APC? Speak at a meeting? etc.

Can you also clarify what decision you will be making?
farms like you to share your views and concerns before I make any decision.

Thank you again for your reply, and I look forward to educating any and all locals and visitors about our operations. We have worked very hard to make it environmentally friendly, sustainable, and a place filled with love and laughter. I'm happy to talk about it or show it off!

Jeff

On Aug 23, 2022, at 4:03 PM, Alex Allen <aallen@islandstrust.bc.ca> wrote:

Hi Jeff,

We are only at the infancy stage. These are only recommendations and we have a whole iterative process to go through. At our next LTC meeting, staff will provide a timeline (project charter) for how the OCP LUB review (STVRs, First Nations, Housing and Riparian mapping only) will play out, which could be over a year.

In the meantime, nothing will happen until we go to the community and hear concerns, feedback etc. I know it probably seems like you were targeted, only that glamping is not in our official community plan. Does it need to be? Who knows? We shall see how the community feels. I will let you the know the timeline once we have the staff report.

As I said, these are only recommendations. I am will be waiting to hear from the community and farms like you to share your views and concerns before I make any decision. A

Not sure if this answers all your concerns, Jeff. Please let me know. Our LTC meeting is September 9.

Regards,

Alex Allen
Hornby Island Trustee
(250) 335-1129 Ext. 420

I respectfully acknowledge that I am living and working on the unceded traditional territory of the K'òmoks First Nation.

From: Jeff Zamluk
Sent: August 22, 2022 11:11 AM
To: Grant Scott; Sue Ellen Fast; Alex Allen
Cc: Aileen Fearman; office@hirra.ca
Subject: Re: Housing & short term rental recommendations by APC

Hello All,

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I respectfully acknowledge that I live and work on the unceded traditional territory of the K'ómoks First Nation.

Hornby Island Short Term Rental Association
Email: hornbyshortterm@gmail.com

Sue Ellen Fast, Chair, Hornby Island Local Trust Committee, Vice Chair, Islands Trust Council
SFast@IslandsTrust.BC.ca

Grant Scott, Trustee Hornby Island Local Trust Committee
GScott@IslandsTrust.BC.ca

Alex Allen, Trustee Hornby Island Local Trust Committee
AAllen@IslandsTrust.BC.ca

Peter Luckham, Chair, Island Trust Council
pluckham@islandstrust.bc.ca

Murray Rankin, Attorney General of BC and Minister Responsible for Housing
AG.Minister@gov.bc.ca

Melanie Mark, Minister of Tourism, Arts, Culture and Sports
TAC.Minister@gov.bc.ca

Nathan Cullen, Minister of Municipal Affairs
MUNI.minister@gov.bc.ca

August 24, 2022

Re: March 29 Hornby Island Advisory Planning Commission recommendations for Housing and Short-Term Rentals

Hornby Island Short Term Rental Association (HISTRA) has reviewed the Hornby Island Local Trust's Advisory Planning Commission (APC) Recommendations made to the Local Trust Committee for Islands Trust in March of 2022. We have sought feedback on these recommendations from our members and other island residents and community organizations.

In responding to the recommendations, we offer the following comments:

- The removal of Short Term Rentals (STR) from the Hornby Island Local Trust Area Regulatory Bylaws is inconsistent with the 2010 and 2017 Islands Trust community surveys, consultation outcomes and the Official Community Plan. The Official Community Plan, created with and by Islanders, describes STRs as a part of the Hornby community and important to the island economy, which, while not agreed to by all, reflects the overall community perspective.

- Raising this issue, yet again, creates division in the community and the proposed changes would have little or no impact on issues of housing affordability or long term rental availability. It also has minimal connection to water and septic issues that are created by, and effect, all residents and visitors throughout the year. It threatens the economic health of our community and diverts attention away from more critical issues.

- The Temporary Use Permit will add nothing that is not already captured in the Official Community Plan. The Temporary Use Permit is a complex multi-step process that, if approved, allows one 3 year period and one 3 year extension, a maximum of 6 years. After these 6 years the bylaws are silent on whether the use will no longer be allowed or a new permit application can be made. One creates a huge administrative burden on the Local Trust Committee, Islands Trust and the Hornby Community, the other ends STR on Hornby Island.

- Short Term Rentals generate a significant economic benefit to Hornby, in tourist dollars spent in our community, STR visitors spend an estimated $1.8-2.8M[1] per year between May and September, not including accommodations. Throughout the year, STR owners purchase services and goods from mechanical, construction, garden and yard maintenance and other small business people living on the Island. This adds an estimated further half million dollars to the island[2]every year. Decreasing the rental time frame by 2 months will not impact affordability, long term housing or reduce the pressure on the island when it is highest, in July and August, but it could cut more than $1.2M[1] a year of direct spending from Island businesses, Artisans, trades and other workers.

- STRs are largely long term Hornby community members' family homes and properties. In a 2019 HISTRA survey more than 80% of STR owners said they had been part of the community for more than 10 years, with almost 30% having been a part of Hornby more than 30 years. These long term members of our community use STRs to keep their properties in good condition, including water, septic and other sustainability systems. If STR is further limited or no longer allowed, more than 30%[3] of these established and valued Hornby community members say they could be forced to sell. This would diminish our community.

- In contrast to the statement that STRs are growing out of control, the APC report shows the number of STRs declining from a high of 167 in 2018. Our information suggests the number is stable, with more and more joining HISTRA as well as following our recommendations for safe, respectful and sustainable STR operation.

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[1] Source: Go2HR and Destination BC.
In BC in 2017, 9$B was spent by 5.7M overnight and an estimated 7.7M day visitors (57% of visitors to BC are day visitors), $6.8B of which was spent on goods and services other than accommodation.
That equates to an estimate of $507 per visitor.
As there are fewer services on Hornby, we have estimated daily spending at $140 per STR (not per person) per day.
We used 116 days in the summer and shoulder seasons and between 112 and 167 STRs operating on each day.

[2] Source HISTRA Owners Survey data: STR owners spend on average $5,000 a year on Hornby local business and workers supporting their properties, uses 112 STRs as the multiplier.

[3] 2019 HISTRA Survey

- The pressure on the island, its services and infrastructure comes from family gatherings, large and small, at family homes of full and part time residents, campers, resorts, B and B's and STRs. STRs represent about 10% of the dwellings on Hornby[4], most are used by their owners for several weeks in the spring and summer[5] and about 3 in 4[5] of them have an enforced capacity of 6 or less visitors. The water, septic and infrastructure issues need to be addressed by all dwellings on the island, focusing on only 10% of them cannot create an island wide solution.

- Only 3% of 2019 HISTRA Owners Survey respondents suggested they would consider long term rental if STR was further limited or no longer possible, 30% would be forced to sell and the rest would use their property less. Limiting or removing STR would not address the needs of the estimated 30[6] families on Hornby with insecure housing. The Beulah Creek Development, recently submitted for development permit is expected to provide 26 new rental units. Many of these units will be tied to income and set at affordable rates. If approved, this will have a substatial impact on addressing this challenge in our community.

- The APC and their recommendations must reflect the ideas, opinions or expectations of the diverse residents of Hornby Island. The current APC has only 4 of its 7 possible members and does not have representation from many Hornby resident groups including, local business, the artisan communities or STR owners.

Based on the above information and the overwhelming feedback from our membership and Island residents, the Hornby Island Short Term Rental Association requests that, at the September 9th 2022 Hornby Island Local Trust Committee meeting, the following motions be made and approved:

1. That the Hornby Island Local Trust Committee remove the following March 29, 2022 APC Recommendations:
    a. Density Recommendation 2
    b. Density Recommendation 3
    c. Temporary Use Permit Recommendation 1
    d. Temporary Use Permit Recommendation 2
    e. Temporary Use Permit Recommendation 3
    f. Short Term Rental Recommendation 1
    g. Short Term Rental Recommendation 3

[4] 2021 Census data

[5] HISTRA Owners Survey

[6] This is the number used by the APC, no source is referenced for it

h. Short Term Rental Recommendation 4
i. Short Term Rental Recommendation 5
j. Short Term Rental Recommendation 7
k. Short Term Rental Recommendation 9
l. Short Term Rental Recommendation 11
m. Zoning Recommendation 1
n. Zoning Recommendation 2
o. Definition 2
p. Definition 3
q. Definition 4
r. Advocacy Recommendation 1, part 2
s. Advocacy Recommendation 2

in their entirety, from the Project Charter, Workplan and Scope of the Official Community Plan update[7] currently being developed with Islands trust.

The two years of extensive consultation in 2010 and 2011 endorsed STRs as an important aspect of the Hornby community, adding them as an allowed use in the bylaws, establishing the 5 month season, and outlining the community expectations for their operation and impact. This reflects the current views of the majority of the island community.

The 2017 Islands Trust community survey reiterated this support and there is no evidence to indicate the community views, on the whole, have changed. We urge that, the 2017 Islands Trust survey be accepted as a reflection of the community's preferences. Extensive community consultation, including a survey of preferences, must done before any change to Official Community Plan. Given this issue has been recently settled, twice, we respectfully suggest that the cost to pursue the issue a third time is not a good use of limited funds.

Removing these APC Short Term Rental and Housing Recommendations from the Official Community Plan Update currently underway would enable the OCP Update to be completed with less extensive consultation and cost and allow the work to focus on areas, such as first nations and riparian zones that have yet to be decided.

[7] HO-LTC-2022-028 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee request staff to develop a Project Charter with a detailed work plan based on the Advisory Planning Commission recommendations. AND Project Scope and workplan June 10th LTC meeting submission: Report subject: Hornby Island OCP Amendments Review Project Charter

2. That the APC, which has been doing a broad and complex scope of work with 3 vacant seats, be filled out to continue its work and ensure it is a good representation of the diversity and complexity of our Island.

   We suggest it should be expanded to its full membership by the end of 2022 and must include and retain specific interests on Hornby such as:

   a. Long Term full-time residents
   b. Long Term part-time residents
   c. Property owners
   d. Renters/tenants
   e. Business owners
   f. STR/Tourist accommodation operators
   g. Artists/Artisans
   h. Community diversity – age, gender identity, cultural and socio-economic differences

3. The Province of BC has recently announced it is developing Provincial STR reporting requirements. Hornby Island Local Trust Committee requests that members of the Hornby community, including but not limited to STR owners, participate in that process.

   This is would replace the APC recommended reporting process which will likely duplicate costs and effort. We believe participating in the provincial work will enable the development of a provincial reporting framework that can be tailored to individual communities and their needs.

Sincerely,

HISTRA Board and members (total of 92 Hornby Island Residents)

Michael Williams, President HISTRA

HISTRA Board:

Michael Williams, President
Angela Hudson, Treasurer
Patrick Lui, Secretary
Raymond Therrien, Director
Eulala Mills, Director
Arifin Graham, Director
Lee Gorral, Director
Donna Tuele, Director
Karen Ross, Director
Michelle Metzelaar-Easterly, Director
Karen (Garton) Young, Director
Frances Millan, Director

Along with the HISTRA Board and its 93 members, this document, its requests and the recommendations that follow in the Appendix have been endorsed by the following Hornby Island Businesses, Associations and Residents:

1. Martin Cree, Bradsdadsland
2. Jeff Zamluk, Fossil Beach Farm
3. Joan Costello, Hornby Island Winery
4. Phil Davies, Lorena Winery
5. Louise McMurray, President for the Hornby Island Arts Council
6. Jack Hornstein, Thatch Pub and Resort
7. Kate Ortwein, Tribune Bay Outdoor Education Society
8. Jeff Bishop, Seabreeze Resort
9. Kalena Young
10. Jed Young
11. Jim Garton
12. Sachan Im
13. Robin de Lavis
14. Scott Brawn
15. Pamela Copley
16. Rachelle Chinnery

Additionally, along with many HISTRA board members, several Hornby Island Residents have submitted letters requesting clarification or the retraction of these recommendations, those who have copied HISTRA in their letters are listed below:

1. Miranda-Jo and Dave Andersen
2. Joan E. Ford and Gail Roberts
3. Morgan Janice (Jan) Radford
4. Ryan Denomme
5. Jim Garton
6. John Gellard
7. David Wardle

Hornby Island Short Term Rental Association
Email: hornbyshortterm@gmail.com

Appendix:
Areas of HISTRA and listed Endorsers Agreement and Disagreement by APC recommendation

We Do support these APC Recommendations:

Density Recommendation 1, with revisions	✓ Large Lot Residential zone, allow multi-family rental/strata/fee simple development through site-specific subdivision rezoning (we would support an allocation model that puts some of this into affordable long term rental, some into private ownership and allows some to be STR).
Density Recommendation 3, with revisions Short Term Rental Recommendation 2	✓ A requirement that homes on Hornby – whether they be STR or any other type of housing – have appropriate septic, water and sustainability infrastructure for the capacity of the home/STR.
Short Term Rental Recommendation 6 with revisions	✓ Enforce existing bylaws about STR.
Short Term Rental Recommendation 8 with revisions	✓ Require all platforms to only advertise properties in compliance with zoning, if so identified and requested by Island Trust. HISTRA, HICEEC, hornbyisland.com are not policing agencies and should not be expected to be the enforcement arm of Island Trust.
Short Term Rental Recommendation 10 with revisions	✓ Clarify occupancy levels, Note: We interpret this to mean STRs have occupancy that is supported by their infrastructure capacity (septic, water, sustainability, power etc.). Additionally, for noise, parking, etc. The Island Trust should identify a manner to limit occupancy so as not to impair the residential character of neighbourhoods.
Short Term Rental Recommendation 12	✓ Permit limited numbers of long-term residential occupancies in seasonal campgrounds.
Zoning Recommendation 3	✓ Clarify bylaws for the Thatch. Note: We understand this has already been done.
Zoning Recommendation 4 with revisions	✓ Amend the bylaws governing Public Use zone to add: - Cemetery - Public Utility Storage Yard - Highways maintenance yard - Recycling depot and - **Community Trades & Services** (APC added section)

	- **Affordable housing** (HISTRA added section)
Administrative Recommendation 1	✓ Change Elder Housing and ISLA to Hornby Island Housing Society as appropriate.
Administrative Recommendation 2 with revisions	✓ All site plans and permits to be checked for compliance with on-site visits if economically feasible for the Islands Trust and or the CVRD. Note: this assumes that visits can be accomplished without significant impact to project timelines or costs to the Islands Trust or CVRD Bylaw enforcement program.
Definition 1	✓ Define community housing to include mobile homes, tiny homes, caravans, yurts.
Advocacy Recommendation 1 (part 1)	✓ Request governments to allow Business Licenses on Island Trust areas.
Advocacy Recommendation 3 with revisions	✓ The provision of information to all visitors, in STR, campgrounds, Bed and Breakfasts and other vacation sites, that includes information and expectations related to environmental, water, sensitive natural area, first nations relationships to Hornby, noise levels and parking. Note: HISTRA provides outlines for this information and much more on its web site HISTRA.ca.
Advocacy Recommendation 4/5	✓ Provide information to Realtors to assist them in sharing that information with potential new residents about Land Use Bylaws and Short Term Rental regulations.

We would add:

	✓ The use of a framework of sustainable practices, similar to that on the HISTRA web site, for STRs operating on Hornby.
	✓ Participating in the Province wide STR registration program design, instead of creating a redundant or competing system, to help ensure alignment with Hornby community priorities and values.

We Do Not support these APC Recommendations:

Density Recommendation 2	X	Large Lot Residential zone, create a new zone which allows constructed of a second dwelling, specifically not to be used for vacation rentals.
Density Recommendation 2 and 3	X	In all zones permit site specific applications for a second dwelling specifically for long term rentals.
Temporary Use Permit Recommendation 1	X	Sort Term Rentals as a permitted use is revoked in all zones.
Temporary Use Permit Recommendation 2	X	Current STR operators would need to apply for a Temporary Use Permit: o Provide water and septic certification and maintenance plan (part of TUP); o TUP for STR be batch processed and the fee adjusted to $250 and to $0 if the permit is to provide a community benefit; and o Current occupancy limits to be confirmed as part of the TUP process.
Temporary Use Permit Recommendation 3	X	Max. time any short term rental can operate be reduced to 3 months.
Short Term Rental Recommendation 1	X	All Short Term Rentals must register with Island Trust. Note: as the province is embarking on the development of an STR registration system we see this as redundant.
Short Term Rental Recommendation 3	X	STR only in the principal residence.
Short Term Rental Recommendation 4	X	Rental period reduced from 5 months to 3.
Short Term Rental Recommendation 5	X	Only one STR per property.
Short Term Rental Recommendation 7	X	Proactive enforcement of all Visitor accommodations (incl glamping, campgrounds, lodges, etc.). Note: we do not believe that Islands Trust has the capacity or funding to support this
Short Term Rental Recommendation 9	X	Require all platforms to provide data
Short Term Rental Recommendation 11	X	Number of STRs to be capped.
Zoning Recommendation 1	X	All Small Lot Residential zones be designated IA, Heavily Developed Aquifer

		Note: without a defined rationale, the reason for and expected impact of this change is unclear. Once these details are available this could change to a supported recommendation
Zoning Recommendation 2	X	Create bylaws governing Lerena Vineyards and Fossil Beach Farm.
Definition 2	X	Define tank to exclude cistern. Note: without a defined rationale, the reason for and expected impact of this change is unclear. Once these details are available this could change to a supported recommendation.
Definition 3	X	Define cistern and mandatory setbacks. Note: without a defined rationale, the reason for and expected impact of this change is unclear. Once these details are available this could change to a supported recommendation.
Definition 4	X	Define septic fields and absorption fields. Note: without a defined rationale, the reason for and expected impact of this change is unclear. Once these details are available this could change to a supported recommendation.
Advocacy Recommendation 1 (part 2)	X	Once Islands Trust can issue business licences require STR to hold business licences. Note: Until the details of this program are clear, we cannot support it. Once these details are available this could change to a supported recommendation.
Advocacy Recommendation 2	X	Advocate Provincial Government to regulate advertising of short term rentals. Note: We cannot support this as a blanket statement, but need some more details on what was being considered before reconsidering. We do support participation in the development of a province-wide registration process to help ensure the outcome aligns with the grassroots, community based solutions that are at the core of our Island.

From: Jeff Zamluk <
Date: August 24, 2022 at 8:41:14 AM PDT
To: Alex Allen <aallen@islandstrust.bc.ca>
Cc: Grant Scott <gscott@islandstrust.bc.ca>, Sue Ellen Fast <sfast@islandstrust.bc.ca>, Phil Davie <>, Aileen Fearman
Subject: Re: Housing & short term rental recommendations by APC

Hi Alex,

Thanks for your response.

My main concern is that we were never directly notified or consulted with about this recommendation. The only way we heard about being named was through the rumor mill on Hornby.

Furthermore, it does not "seem" we were named. We were directly named along with Lorena. If the APC had concerns with glamping, I would have thought they named "glamping"... which they did not. There are many other ALR zoned properties which were not listed specifically and by name that offer glamping.

I am more than happy to have community consultation. However, I wish that we are given the opportunity to educate the community, especially those involved in special anti tourism interest groups.

Although this is still in its infancy, I would like to address the apparent concerns that the APC has with Lorena and Fossil Beach directly. Is there an avenue to do this? What would be most appropriate? Write a letter addressed to Island's Trust? the APC? Speak at a meeting? etc.

Can you also clarify what decision you will be making?
farms like you to share your views and concerns before I make any decision.

Thank you again for your reply, and I look forward to educating any and all locals and visitors about our operations. We have worked very hard to make it environmentally friendly, sustainable, and a place filled with love and laughter. I'm happy to talk about it or show it off!

Jeff

On Aug 23, 2022, at 4:03 PM, Alex Allen <aallen@islandstrust.bc.ca> wrote:

Hi Jeff,

We are only at the infancy stage. These are only recommendations and we have a whole iterative process to go through. At our next LTC meeting, staff will provide a timeline

(project charter) for how the OCP LUB review (STVRs, First Nations, Housing and Riparian mapping only) will play out, which could be over a year.

In the meantime, nothing will happen until we go to the community and hear concerns, feedback etc. I know it probably seems like you were targeted, only that glamping is not in our official community plan. Does it need to be? Who knows? We shall see how the community feels. I will let you the know the timeline once we have the staff report.

As I said, these are only recommendations. I am will be waiting to hear from the community and farms like you to share your views and concerns before I make any decision. A

Not sure if this answers all your concerns, Jeff. Please let me know. Our LTC meeting is September 9.

Regards,

Alex Allen
Hornby Island Trustee
(250) 335-1129 Ext. 420

I respectfully acknowledge that I am living and working on the unceded traditional territory of the K'òmoks First Nation.

From: Jeff Zamluk <
Sent: August 22, 2022 11:11 AM
To: Grant Scott; Sue Ellen Fast; Alex Allen
Cc: Aileen Fearman; office@hirra.ca
Subject: Re: Housing & short term rental recommendations by APC

Hello All,

I have not received more clarification on this APC recommendation. Is this something I should reach out to the APC committee directly for?

I'm hoping you could also let me know the series of events that need to happen for these recommendations to be enacted.

Furthermore, we have not been consulted directly by any APC, or Island's trust member about about operations or impacts on our ALR regulated farmland, but we are happy to do so.

I'm looking forward to receiving a reply on how we should proceed to protect our multi generational farm.

Jeff

Jeff Zamluk
Co-Founder/Co-Owner

www.fossilbeachfarm.com I [redacted]

#wherefarmmeetssea

On May 31, 2022, at 1:30 PM, Jeff Zamluk <[redacted]> wrote:

Hello Sue, Grant and Alex,
Please see the email requesting more info on the APC below.

Thanks

On May 31, 2022, at 1:27 PM, Jeff Zamluk <[redacted]> wrote:

Hi Reina,

Thanks for forwarding that over. I see that our ALR property was specifically listed on "Zoning" of page 5 of the recommendations "item #2" "Creating bylaws governing Lerena Vineyards and Fossil Beach Farm" Would it be possible to clarify what the APC is recommending in regard to us? Also, is more information included as to how we were included in this review without being directly consulted?

It is my opinion that we have many bylaws that govern the use of our property and see that this recommendation isn't valid.

We currently fall under and adhere to provincial bylaws of:
Agriculture Land Reserve and Comission
Liquor and Cannabis Regulation Branch
Drinking Water Protection Act

We also fall under and adhere to regional bylaws of:
Island Health (which includes water and septic)
Comox valley Regional District

As well as adhering to local bylaws of the Islands Trust.

We also have built our farm and our operation being guided by the current OCP, where it's clear that local farming and food sustainability is a prominent feature.

Any clarification on this recommendation would be appreciated.

Jeff

Jeff Zamluk
Co-Founder/Co-Owner

www.fossilbeachfarm.com I

#wherefarmmeetssea

On May 31, 2022, at 12:47 PM, HIRRA Administrator <hornbyisresidentsratepayers@gmail.com> wrote:

Hello HIRRA members,
the Islands Trust Advisory Planning Commission (APC) recently completed their recommendations to the Local Trustees on issues to do with housing and short term rentals in preparation for the upcoming Official Community Plan review.

The attached PDF clearly articulates the APC's reasoning and recommendations.
Please direct any questions or comments to the local Hornby Island Trustees.
Contact info here: https://islandstrust.bc.ca/contact-us/contact-trustees/
Cheers,
Reina LeBaron, Executive Administrator
Hornby Island Residents' and Ratepayers' Association (HIRRA)
Ph: (250) 335-1131 Email: <office@hirra.ca>
I respectfully acknowledge that I live and work on the unceded traditional territory of the K'ómoks First Nation.

From: Ilze Raudzins
Sent: September 5, 2022 6:26 PM
To: Alex Allen
Subject: APC

Hi Alex

I support the APC recommendations that are very well thought out and appropriate for our island.

Ilze

Ilze Raudzins

From: Bernhard Weiss

Sent: Tuesday, September 6, 2022 6:08 PM

To: northinfo

Cc: Donna Tuele

Subject: APC review of the RAR application on Hornby

Dear Alex, Grant, Mrs. Fast,

I need to express my frustration with the outcome of the review.

Having been one of the property owners most affected, I believe that the HILTC did not communicate clearly to the APC what the issues were. The Regulation is a provincial requirement and as such not changeable by the LTC. So the written part of the Hornby bylaws is not the problem, but the identification of rain puddles and their outflow, as well as all man-made drainages like roadside ditches by the Mimulus Report are the problem. The Madrone report has no roadside ditches included at all. The ditch along Savoie Road is a channelised stream with a setback of 2m as per Regulation 3.6.5 and identified as such by Madrone. The man made ditch in front of my property is assigned a default 30m setback by Michelle Jones of Mimulus and a 8m setback by the bylaws.....does not make sense at all, a 8m setback does not exist in the regulations. Man made ditches without fish have a 2m setback, see page 47 of the RAR Assessment Methods https://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/fish-fish-habitat/riparian-areas-regulations/rar_assessment_methods.pdf .

There are many more man made drainages (some 6" wide and 1" deep) identified as fish bearing streams by Mimulus.

Myself and Donna/ Ron Tuele had asked to review this nonsense stream identifications in the Mimulus Report. There are few issues with the Madrone Report (maybe the stream dead-ending in the forest should be taken out). I would like to remind the LTC, that former Trustees have recognised the problems, but cited "lack of funds" to correct the problem.

Just to drive home the message, that the requirements of the RAR are overbearing and somewhat ridiculous, here is a quote from the latest detailed RAR assessment done to my knowledge on Hornby, it is part of the housing DP application, done by QEP Kayt Chambers. Here we go:

" The fish-bearing status of Beulah Creek is unclear. There are no official records of fish-presence listed for Beulah Creek in the provincial Fish Inventories Data Queries (FIDQ) database , although a regional fish habitat atlas indicates Beulah Creek is fish-bearing (but there is no data source given for this designation). There are anecdotal reports that Cutthroat trout were present in this system in the past, as well as historical spawning attempts by Coho salmon6 , but no official records for these have been found. The fish-bearing status of the secondary drainages along this segment of Beulah Creek were previously described by RPBio Michelle Jones as improbable given the relatively steep channel gradients and seasonal flows . Further, DFO has coordinated a salmon hatchery enhancement program for Beulah Creek in which Chum fry have been released in to Beulah Creek on numerous occasions in the past8 , but there is no record of these fish returning to spawn. Finally, five Gee-traps were baited for salmonids and set overnight on May 21, 2011 in the subject segment of Beulah Creek as part of the first RAR assessment for this property, but no fish were caught." Given, that the main Beulah Creek stream has no reported fish presence, how about all the little ditches and drainages?

One other question, why is the Maud Brook drainage system (according to historical reports the most prolific Hornby salmon stream) not even considered to be a RAR affected system?

Since I had thrown in my hat for an APC appointment specifically because of the RAR review, I wonder why I was not officially informed that my volunteer effort was not needed.

Sincerely

Bernhard Weiss

From: Jane Bryson [redacted]
Date: September 6, 2022 at 9:55:33 AM PDT
To: Sue Ellen Fast <sfast@islandstrust.bc.ca>
Subject: Hornby Island STVR support letter

Hello Sue.

I am a vacation rental owner. My listing is Acre on the Waterfront. We purchased this property in the fall 2006 after spending so many years raising our children on Hornby each summer before they were born so 1979. Unfortunately my husband passed in 2010 he had only 3 summers in our dream home. Needless to say finances were tough so I started renting out time that I was not on Hornby. At that time it was Christmas holidays, Easter, Spring Break.

I spend more and more time on Hornby just recently being the month of August and usually at least a week a month or more in the off season. I would say 80% of my rentals (my people) are repeat and I know them well after all these years. They are now raising their children as we raised ours. Respectful, environmental, treading lightly on this island paradise.

I'm not sure why the change of direction happened so quickly for vacation rentals, but of course the number of visitors speak for themselves and ferry waits contribute to that. Kinda ironic that my neighbour is on the Island trust committee but her family rents from me and has for many years. Not sure how the committee members are chosen and if they represent all the views of Hornby? But I digress.

I don't want to imagine having to apply for TUI permit, which has an expiry date when I believe I am a very responsible person and do not have randoms renting from me. I only rent to new people who tell me about themselves and I have strict guidelines around water usage, septic and more. I have signed agreements from everyone who rents from me even when they are repeats. I ask them to water my gardens when dry, do little jobs and more, they are all willing to comply wanting to help me keep my little slice of paradise.

I will not consider renting my place off season as I love being on the island year round and have many friends on Hornby and I volunteer at various events, like the Herring festival, Hornby Island Community Fund and rummage sales.

A good portion of my rental income goes to local service people for cleaning, yard maintenance, roofing, tree falling, landscaping, plumbing, electrical and so much more. Of course add property tax, internet, hydro, etc.

I'm not sure what the thinking is around limiting Vacation Rentals to 3 months? Why cram everyone into this limited time frame of course I realize families with children have limited months but others especially seniors and those without kids like the off season. All visitors contribute to the island economy and keep local businesses' vibrant including the Co-op with so many staff.

Well there you go, this is my story, thank you for reading my thoughts and for your consideration to vote no to limit and restrict vacation rentals to less than 5 months. We really are

a good group of community minded people it really shouldn’t be a Them against Us.

Jane

Subject: Re: APC recommendations for Housing and Short-Term Rentals
Date: September 5, 2022

To: "GScott@islandstrust.bc.ca" "AAllen@islandstrust.bc.ca"
"SFast@islandstrust.bc.ca" <

Dear Grant, Alex and Sue-Ellen:

Re: Hornby Island Advisory Planning Commission Recommendations by Wendy Burton and Joanne Ovistsland – Dated March 29, 2022

I have read the referenced recommendations and many of the associated documents put forward by your appointed advisors. I wish to record my opposition to the Island Trust proceeding with amendments to the Official Community Plan in line with the tabled recommendations. It is my opinion that the recommendations fall short in at least three fundamental ways:

- The economic and cultural well being of Hornby is heavily reliant on the summer tourists and the seasonal residents. Ignoring the economic/cultural health of the Island is simply bad governance.
- The availability of affordable rental accommodation is a difficult global issue and one which will not be resolved on Hornby through elimination of short term rentals.
- Meaningful, inclusive, and current public consultation on this broad sweeping set of changes is clearly required long before money is spent drafting legal language for change. There is no evidence that this has or will occur.

I have a legitimate interest in any changes to the Hornby Official Community Plan. I have been a frequent seasonal visitor to Hornby for at least fifty years, and a property owner and tax payer for the past 17 years. Our tax bill paid July 4th, 2022 was in excess of $7,000 and included $1,900 for schools, $900 for Hornby fire protection, $700 for Hornby Is Trust Area Levy, and $500 for Provincial Rural tax. We do not currently rent out our home, but we most certainly may need to do so for short periods of time to make the property more "affordable" for us.

My comments are intended to be seen in a constructive light, as we all want a successful outcome for the Island.

Please consider my reasoning which follows below:

The Economic and Cultural Well-Being of the Hornby Community:

The Island Trust states that its "preserve and protect" mandate includes protection of the community and culture. Protecting the Hornby Community's economic and cultural well-being is clearly dependent on the tourists and seasonal residents. Before any changes to the existing Community Plan occur, I would suggest an urgent need for a professional economic analysis of reducing visitor accommodation

availability (through 168 short term rentals) from 5 months to 3 months per year and ultimately total obliteration after in six years.

A professional could provide the Trustees with guidance on the impact of reducing and eliminating short term rental space on:

- Viability of the Coop and Ford Cove, Ringside Market retailers, Farmers' Market vendors, road-side stands, nurseries, etc
- Restaurants, bakeries, pizza places, fish market, fruit vendor, wineries, and food, drink services and wedding venues
- Seasonal Accommodation related jobs and revenue (STR owner rental revenue, gardeners, house cleaners, maintenance, security, property management, sporting adventures, etc.)
- Artists and studios
- Performing Arts – The Blues Festival, the Hornby Festival, the Hornby Arts Centre, etc
- Tax revenue lost at the national, provincial and local level (from short term rentals)

It confuses me that the Island Trust appears to be so out of sync in the face of proposed Coop Expansion, development of the Hornby Arts Centre, construction of the Farmland Trust Commercial Kitchen, opening of the Ford Cove restaurant, construction of townhomes and the new Thatch Pub, additional sea plane service, BC Parks acquisition of Tribune Bay camp ground and adjacent property, a new school and Natural History Centre, a new fire hall. Not to mention recent successes at the Beulah Creek Village.

While no one wants to see Hornby over run by tourism, it is the right thing to do by embracing tourism at the local level (short distance travel). This is entirely consistent with the strategies for reducing climate change. A vacation on Hornby by a family is vastly less carbon intensive than jetting off to Rome or Paris for a summer vacation! Hornby is a beautiful place, and we all have an environmental and civic duty to share it!

If anything should change would be my suggestion to allow short term rentals year round with no end date.

<u>Affordable Rental Accommodation:</u>

I see no connection between increasing affordable year round housing supply on Hornby and eliminating tourist accommodation. The Advisors admit to no guarantees of affordable housing and the risk of unintended consequences. It begs the question of why make broad sweeping changes to zoning if it may not work and has not been vetted by professional planners with the skills to analyze. It seems far more likely that a relaxation in zoning will just increase or legitimize the number of secondary homes putting even more pressure on water and septic resources.

With construction costs on Hornby well over $600/square foot, rampant inflation, rising taxes, hydro costs about to go through the roof, and APC which recommends severely restricting income and jobs on Hornby, there seems to be little hope for increasing affordable rentals. Also, what earthly propose

would there been in creating affordable housing for the 30 young families described if they have no job with which to pay their "affordable" rent? Finally, enforcing exclusive use of a property and an undefined affordable rent is going to be very difficult and costly to enforce. The Island Trust has a track record of light handed enforcement by complaint which clearly will not work with the proposed changes.

Specific to our waterfront 0.37 acre property, I would view a change in zoning density as breach of trust between the Island Trust and the property owner. I have neither the intention nor the space to develop a secondary "affordable" home on this property. I would also object to a neighbour on a similar sized lot developing a second home. The APC seems to imply that water, septic and lot coverage issues suddenly disappear if affordable housing is possible.

I would strongly suggest that no change in zoning should be undertaken on the Islands "small lots". Barring unforeseen circumstance, I would also state that I would have no intention to accommodate year round renters on my property, whether or not Short Term Rentals are allowed.

Meaningful Public Consultation:

In a matter of such broad sweeping change to the well being of Hornby and the proposed changes to land-owner zoning, not to mention a significant intent to invade and regulate how Islanders behave on their own property, there is no evidence of meaningful, broad and inclusive consultation with landowners and stakeholders.

Effective consultation should occur well before money is spent drafting wholesale changes. This should include permanent residents, all property owners, all businesses, all short term vacation operators, the Province Parks department, and visitors to the Island.

The write-ups don't hold much promise of meaningful consultation. For example Public Engagement is defined as out of scope for a deliverable. A Community Workshop is scheduled for September but only electronically. When is it?

I note that other Trust Islands considering short term rentals have conducted on line surveys with meaningful content. Why is this not the first step for Hornby?

Respectfully submitted,

Larry Martin

Hornby Island

To: karen@hiceec.org

Sept. 23, 2022

From: Dean Ellis (

Please include this in the file on recent discussions on STR on Hornby Island

My name is Dean Ellis. I have been coming to Hornby since 1965 and settled here permanently in 1972. For the first 25 years we shared a 10-acre parcel on Ostby Road, the next 25 years on High Salal. I have been operating an STR since 1991, relying on the "home occupations" definition of STR's in the OCP. I have always had a 5-person maximum capacity, more than half my renters are only 2 people. I find it difficult to believe the misinformation from the APC. My observation is this APC is a selected group of single purpose individuals who are not representative of the whole community. There are many of us who have applied to the APC and have been rejected.

I am concerned the Trust is trying to usurp provincial septic regulations by trying to control STR with provincial regulations. While I support and advise all STR's to have provincially approved septic operations if the Trust's new regulations were to be applied fairly it would eliminate over 100 long term rentals on the island.

The discussion of STR's taking away long-term rentals is completely meaningless in today's market. If a cabin in Sandpiper sells for 1 million dollars with the expected standard rental return of, say 5%, or say $70,000 including management, that's $5800 a month rent. Any property that changes hands is unfortunately completely out of the rental market for local people. Rental housing for locals has to be a function of a supportive government using zoning and incentives for land owners to develop a solution. That real work of finding realistic and practical solutions has yet to be undertaken by our trustees.

Limiting STR's to the summer is silly; if anything, they should be promoted in the less active winter months when they would be unnoticed, and when the economic benefit would be useful to the community.

The use of TUP's has a serious flaw. As we documented on Denman Island, the Trust can refuse to acknowledge your application.

I am not a member of the HISTRA but I support their position.

Enclosed is a recent review of my STR which shows its compatibility with the objectives of the 1990 OCP. I do not understand how the trustees would need to shut down such a unique low impact Hornby experience just because an unhappy fringe group is lobbying them.

Thank-you

Dean Ellis

Testimonial:

Cynthia

Dean's place is the most incredible place we have stayed anywhere in the world, and we travel a lot! Architecturally, it is in complete harmony with the Helliwell Bluffs, which it overlooks with 270 degree ocean views. It's integrated use of burnished driftwood, slate flooring and contemporary stainless steel flows together seamlessly. The way in which the windows open, and the kitchen and bathroom taps are creative and fun. The kitchen has everything you could possibly want. The master bed and sheets were dreamy. We have not slept that soundly in years. Dean is a very attentive host making the check in and out process smooth. He gave us lots of space but was there to help with anything we needed. We highly recommend this unique place. We just left and we cannot wait to return!

1990 OCP

Objectives:

The objectives of this subsection are:

(1) to allow for recreational opportunities to the citizens of the Province without stressing the existing natural and social systems and services,

(2) to encourage a kind of tourism which is compatible with preserving and protecting the physical and social qualities of Island life for present and future generations,

(3) to emphasize activities which involve quiet, low impact use of existing natural features and amenities rather than man-made ones, and

Sonja Zupanec

From: patriciaann maloney <pattheplanner54@gmail.com>
Sent: Thursday, October 6, 2022 10:12 PM
To: Judith Lawrence
Subject: Re: Hornby Island meeting

Judith, thanks very much for this email. I appreciate your concern for water and as an extra-islander I certainly understand well issues. The issue of water licensing may be a requirement for STVR's. We are looking into the provincial requirements. The protection of the environment is a top concern.

As to who spoke, everyone had the opportunity to speak and we tried to give everyone the chance. Some people are more interested in listening and we hope that other people contact us with their comments by email. We will consider all comments and we will provide draft recommendations and bring them back to the community.

Thank you again

Pat

On Thu, Oct 6, 2022 at 10:03 PM Judith Lawrence wrote:

> Dear Pat:
> I spoke briefly at the meeting tonight, but was not able to say all I wanted to. We heard much too often from two people who have agendas . They both have personal reasons to support short term rentals without any regulations. If indeed the supply of water is not a problem on Hornby Island why are there people selling bulk water? And why have the landlords passed the cost of water onto tenants? Why are there no requirements for property owners to prove adequate supply of water before they are allowed to profit from short term rentals? These are only a few of the questions I have.
> Having spent time on Hornby since 1967, and having lived here full time for most of that time, I have seen the changes that have taken place, without much regulation to protect the environment. That people with agendas can be the main speakers at your meeting is of concern to me.
>
> Yours sincerely,
> Judith Lawrence. C M

--
Patricia A. Maloney, BAA(Upln), RPP, FCIP
Patricia Maloney Consulting
3440 Hammond Bay Road, Nanaimo, BC, V9T 1E6
p. 250.585.6831
c. 403.819.8196

I acknowledge that I have the honour of living and working in the traditional and unceded territory of the Snuneymuxw First Nation.

Sonja Zupanec

From: patriciaann maloney <pattheplanner54@gmail.com>
Sent: Monday, October 10, 2022 10:48 AM
To: Angela Hudson (personal)
Cc: Alex Allen; Grant Scott; Sue Ellen Fast; Daniel Siegel; Sharon Horsburgh; Sonja Zupanec
Subject: Re: Consultation Meeting feedback

Angela, thank you for your very comprehensive response. You have raised many good issues here and I have included Sonja Zupanec on this reply. We understand that each topic is extremely important and the LCT may decide to conduct the next round of engagement differently. This is not, nor will it be, your only opportunity to comment. There will be, at a minimum, one more round of engagement, as well as LTC meetings, and future community information meetings and public hearings. I will include your comments in the documents for us to consider in our (the consultants) review and preparation of recommendations.

pat

On Sat, Oct 8, 2022 at 11:40 AM Angela Hudson (personal) wrote:

> Dear Ms. Maloney,
>
> I attended the meeting on Thursday night. I have concerns regarding the entire process of how the OCP is being reviewed. I am assuming that your services are under a contract with IT based on an inadequate IT OCP review budget which is why we have the situation we do with this process.
>
> I appreciate the Zoom format of the meeting, however in person meetings are also necessary in order to hear from all those who are not able to Zoom or who do not feel comfortable with that format. I do not want to lose the option of a Zoom format (and I am glad that the trustee suggested this) in favor of just an in person meeting. Both options should be offered and they should be offered more than once. The time frame for public notice of this meeting was also very short and seemed rushed.
>
> This entire process needs to slow down, have an adequate financial IT budget allocated, and ensure that the process for review is thoughtful, inclusive and communicated to all the community members in advance of the process. Why is there such a rush to draft new bylaws?
>
> To be honest, each of the four topics we discussed deserves its own community meeting. These are huge topics and can not be covered in the less than 30 min allocated to each at one meeting. I also appreciate that you have documents from the APC, many letters, emails and input from the current trustees etc. to refer to, but it is very worrisome that the community at large feels left out with only this one meeting.
>
> There also seemed to be misinformation out there as some of the people in the chat felt that the consultation meeting on Thursday was to go over the APC recommendations specifically. I recognize that you have been hired by IT to do this work and that your scope for consultation meetings is determined by IT and not by you specifically. It must be recognized that IT needs to allocate more financial resources to this process before further steps are taken to draft changes to the current OCP/bylaws or my fear is the divide in the community is only going to get worse instead of bringing us all together which is what we all want. I do believe that for the community to share their concerns and ideas we do need an independent consultant to moderate the meetings and collate the results, but that costs IT money and that needs to be solved for 2023 and 2024.

Although I am one of the owners of WInd and Waves, a STR property management company on Hornby, changes in bylaws that affect our STR owners is not my only concern. If fact, all the sections of the OPC that are being considered for changes are equally concerning, specifically those related to:

- First Nations Reconciliation (my two oldest adult children are first nations and I am very concerned that it is necessary to respect the First Nations and ask for their input before any changes to the OPC are drafted not afterward)
- Affordable housing (I was a member of the Board of Director for BC Non Profit Housing Association for six years and worked in the sector as an Executive Director of affordable housing for 23 years on Vancouver Island. We all know this is a complex topic but there are some very viable options for Hornby that would work and I have seen them work in other parts of BC and the islands including certain changes in bylaws etc. but it needs much more conversation and input before draft changes are put on paper). I fully support the need to have more affordable housing on the island and it is possible.
- Riparian zones (the environment, specifically to protect and preserve is what should drive all those on Hornby to better our island for future generations rather than isolating certain types of properties when it comes to environmental concerns)

All of these issues are equally important to the community and they inter-relate to each other. We must provide time and an IT budget to ensure that everyone feels heard, or alternatively wait to do the OPC review until we can do it properly and not rush it and divide relationships and Hornby further. The actual cost of doing a proper OCP review with adequate community consultation requires much more than the amount allocated by IT this year.

Finally on a personal note, we live in Sandpiper at the bottom of the hill and we tested both our ditches. The results are that they are very high in fecal e coli. A quick walk around our neighbourhood indicates many, many illegal secondary suites/trailers/garages etc. without proper sewer disposal or in some cases no bathrooms/legal outhouses. We have seen more coming in within the last two week and it is very concerning. The effluent is going into our ditches and flowing downhill to the drinking water of those at the bottom of the hill. Many on Hornby have surface wells which makes this even more of a crisis. We do not have a surface well and we test our well water but others do not test their water.

Applying a standard of having appropriate septic and water solutions to less than 10% of the homes on the island is not enough. A simple investigation would show that the majority of STR homes are already compliant with health regulations. I support ALL homes on hornby including those with secondary accommodation having adequate septic and water requirements. Otherwise the changes to the OCP have nothing to do with promoting the preserve and protect mandate of the island but rather reacting and listening to a small minority of the community. We all need to participate in the preserve and protect mandate and be part of the solution.

Owners who are providing long term housing options that do not have proper septic and water or for that matter heat, insulation or cooking facilities are adding to both the problem of damaging the island environment and perpetuating the idea that it is acceptable on Hornby for a person to live in substandard accommodation and the owner collect rent for it (even if it is "affordable"). This is not acceptable in any part of BC. These landloards own their homes and even if they are on a fixed income they have equity in their homes to invest in providing adequate housing if it was a legal option for them. The residential tenancy act requires that a landlord provide housing that is inhabitable and at a certain standard for a reason (see below).

Landlord and tenant obligations to repair and maintain

32 (1)A landlord must provide and maintain residential property in a state of decoration and repair that

(a)complies with the health, safety and housing standards required by law, and

(b)having regard to the age, character and location of the rental unit, makes it suitable for occupation by a tenant.

I apologize this email is long, but I fear it is the only opportunity to have further input into this process before the changes to the OCP are drafted.

Sincerely,

Angela Hudson

Part Time resident of Hornby Island and co-owner of property in Sandpiper (Full time resident as of May 2023 - husband is a full time resident)
Co-owner of Wind and Waves Holiday Homes
Treasurer of HISTRA
Former Board Member of Hornby Island Housing Society
Participator in the Hornby Housing Network

--
Patricia A. Maloney, BAA(Upln), RPP, FCIP
Patricia Maloney Consulting
3440 Hammond Bay Road, Nanaimo, BC, V9T 1E6
p. 250.585.6831
c. 403.819.8196

I acknowledge that I have the honour of living and working in the traditional and unceded territory of the Snuneymuxw First Nation.

Sonja Zupanec

From: patriciaann maloney <pattheplanner54@gmail.com>
Sent: Friday, October 7, 2022 4:46 PM
To: Donna Tuele; Sharon Horsburgh
Cc: Alex Allen; Grant Scott; Sonja Zupanec
Subject: Re: Hornby APC Review

Thank you for your email Donna. I agree it was a lot to do in one zoom meeting.

The format of a virtual meeting was determined to capture as many participants as possible, including people not currently on Hornby.

If you feel an in-person meeting would be more appropriate for the second meeting of our contract, we could likely either do a hybrid meeting (both in person and virtual), or one in person and one virtual meeting. We will leave that to the Trustees and Staff to determine and as the consultant we will facilitate as best we can given the parameters. Our process is restricted by the budget and contract we have with Islands Trust. Your email and my response has gone to the trustees and island planner for their consideration.

Pat

On Fri, Oct 7, 2022 at 2:45 PM Donna Tuele wrote:

> Hi Pat,
>
> I am writing to say that I feel last night's zoom meeting was not a good format to provide input or for real consultation from the community. As you can tell from the responses only a few of us were comfortable speaking up. Hornby Island generally has a high level of participation and this was not at all the case last night. I was under the understanding that when the Local Trust was asked to review the APC's recommendations, it was with the intent of doing this before any time or money was spent on drafting recommendations.
>
> Last night's meeting in my humble opinion covered too much ground in a short period of time and was not the right format for real community input or discussion. We need a face to face meeting where we share information and can work together with a common goal.
>
> Please discuss this further with our elected representation and I encourage you to expand the consultation process before any recommendations are made.
>
> Sincerely,
>
> Donna Tuele

--
Patricia A. Maloney, BAA(Upln), RPP, FCIP
Patricia Maloney Consulting

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Sonja Zupanec

From: patriciaann maloney <pattheplanner54@gmail.com>
Sent: Monday, October 10, 2022 10:43 AM
To: Patrick Lui
Cc: Alex Allen; Grant Scott; Sue Ellen Fast; Daniel Siegel; Sharon Horsburgh; Sonja Zupanec
Subject: Re: Refections on LTC meeting on the APC recommendations

Patrick, thank you for your email.

I certainly appreciate your concern about rushing the OCP amendments. I can only speak to the contract we have with Islands Trust which directs the consultant to complete two rounds of engagement and provide recommendations to the LTC for OCP Amendment (or possibly no amendments) to the OCP on the four topics discussed last week. I also understand that the topic of both affordable housing and STVRs are recurring. Any recommendations we prepare will be based on the information from the last several years of community input, APC, LTC staff reports and motions and any other input provided by community members. These recommendations will be presented to the LTC, they will accept, reject or modify and they will be brought back out to the community, before they are ever presented as amendments to the OCP. There are still many opportunities for the community to comment.

pat

On Sat, Oct 8, 2022 at 9:42 AM Patrick Lui wrote:

> Dear Ms. Maloney,
>
> I attended Thursday night's meeting and I want to voice my shock in the speed of rewriting the OCP. Your plan to draft recommendations as early as next month for community feedback is a grave injustice to due process. At the beginning of the meeting there were 27 people in attendance, which I assume included the LTC and the consultants. If so, this represents less than 2% of our community. It is ridiculous to think you consider this adequate public consultation for redrafting the OCP when so many in our community weren't represented.
>
> I was the HISTRA representative at 5 of the APC meetings. While I know the meetings are open to the public, not one community member ever attended any of those meetings - they were always on a Friday afternoon around the time when parents pick up children and people are working.
>
> I believe you are rushing this process and it is an unfair to the entire Hornby community that a 2-hour zoom meeting be the last step before you draft recommendations on such complex issues affecting so many. There are so many people in our community afraid to stand up and voice their opinion for fear of backlash and criticism by a vocal, and sometimes cruel, minority. The meeting was comprised of many of the same voices we hear time and again. I am now beginning to believe the only fair path maybe a referendum. I know this is an expensive alternative but from what I saw Thursday night, it might be the only viable option if we are ever going to hear from the 98% who are staying quiet from fear or ignorance.
>
> As we all know, STRs are a contentious issue which keeps resurfacing every few years with arguments for and against on both sides. Let's take this opportunity to resolve this disagreement once and for all, so we can move onto more important issues. We all agree protecting the fragility of Hornby is paramount, so let's take a little

more time to come to a consensus of what is needed to work together towards our common goal. There is still too much confusion and, therefore, need for discussion in the community around the recommendations before the planners can move forward in good faith. In short, the conversation has really just started and deserves the time for our community to come together. Your immediacy will only prolong the dissension in our midst. As you said in the meeting, let's find a solution "made on Hornby and made for Hornby".

Be well,
Patrick Lui
Owner/Operator of My Hornby Stay Rental Management
HISTRA Secretary
HIRRA Vice President and Member of the HIRRA messaging working group
Concerned citizen

--
Patricia A. Maloney, BAA(Upln), RPP, FCIP
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c. 403.819.8196

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Sonja Zupanec

From: Eulala
Sent: Monday, October 10, 2022 2:52 PM
To: pattheplanner54@gmail.com
Cc: Alex Allen; Grant Scott; Sue Ellen Fast; Daniel Siegel; Sonja Zupanec
Subject: October 6th Hornby Island Community meeting

Dear Ms. Maloney

I have taken some time to reflect on the October 6th Hornby Island Community meeting so that I could provide constructive feedback to you, the LTC and the IT staff.

At the September 9th LTC meeting on Hornby, a community member asked us all to hold these conversations starting from the place of the things we agree on. It is the essential lens to help heal division in our community.

I heard strong agreement from the, albeit a small number, community members in attendance on 4 areas:

- Water and access to safe and renewable supply of it is essential to our community, all of the 1,117 dwellings on the island contribute to and can help to solve these issues.
- Proper, well designed and appropriate septic management must be the work of the whole island and all of the homes on it.
- The carrying capacity of the island is a concern for us all, we all want to ensure that the family, friends, guests and visitors coming in the busy summer months do not create unmanageable pressure on our ecosystem and infrastructure.
- Affordable housing that fits in with, and meets the needs of, Hornby's full time community and seasonal workforce is a critical need that requires a 'made on Hornby' solution.

I also think there is wide agreement that the meeting itself was rushed, unsatisfying and disrespectful. It was disrespectful to the work of the APC, the feedback already provided by so many in our community, the spirit of the LTC meeting held on September 9th and the community driven unique Hornby way of working together.

The ideas presented, with the exception of the use of the TUP as an STR permitting tool – an idea that has already been roundly criticised and acknowledged, even by IT staff, as the wrong tool for the stated purpose – were not those of the APC or of the Hornby community. To then be told that this one 2 hour meeting where less than half the time was open for questions, was the only opportunity for the community to shape recommendations that could dramatically change the focus and content of the OCP was disturbing to the point of disbelief. There were 31 community members in attendance, some for only part of the meeting. That represents 2% of the community. No one would accept that as representative community input.

If the IT and the LTC do not have the funding to do a proper community based consultation on large issues related to land use and governance then the work should not be done. Using funding as an excuse to limit community input is an affront to the idea of representative democracy. The scale of the ideas presented, ideas not generated by the Hornby community, are so large (adding a non elected member (as Indigenous representation) to the LTC, changing land use criterion to allow for additional buildings/dwellings on smaller parcels or creating a permitting system for land use that is not transparent, criterion based and non-political to name just 3) that, to have any legitimacy, they would, at minimum, each need to be decided by referendum.

I also want to address the statements that those who currently have STRs need not worry about any changes to the OCP as their own use would be 'grandfathered'. That assumes a level of self-interest that I find insulting. In short, you are suggesting that some can turn a blind eye while others face limitations that could cause them real harm. How can you suggest that any fair minded person accept limitations on the basis that it won't affect them? If something is the right thing for the community, then it's right for every member of the community, if it's wrong then it's wrong, even if some won't be impacted. No one wants more division, we all want to build on agreement.

I hope you, the other consultants, the LTC and the IT staff take the feedback you are receiving to heart. Hornby, as a community, values inclusion, contribution and collaboration. We are all asking that those values drive any work that effects our OCP. If the funds are not available to do the work in a holistic and balanced manner, then the work should not be attempted.

Thank you for taking the time to consider and reflect on the response from our community, we all want to work towards solutions that help and heal our beloved home.

Best, Eulala Mills

55 year and second generation Hornby Island community member
HISTRA Board Member

Sonja Zupanec

From: patriciaann maloney <pattheplanner54@gmail.com>
Sent: Tuesday, October 11, 2022 11:31 AM
To: Joanne Ovitsland
Cc: Alex Allen; Grant Scott; Sonja Zupanec; Sharon Horsburgh
Subject: Re: Hornby Island Community Consultation

Joanne, thank you for your email. The format of the meeting was directed by Islands Trust. We, the consultants, reviewed the submission by the HISTRA and the APC along with 30+ emails that were sent into the Islands Trust. We did not pre determine any recommendations. We will now be looking at all the information including comments from the online engagement session.

The student, Nadine, read the comments from the chat room, anything posted on the chat that went to everyone is part of the public record. If there was supposed to be private messages that were sent to everyone, Nadine was not in a position to determine the status. I can only leave this to the Islands Trust and there policies about removing or editing a recording of a meeting.

The APC will determine if we will be meeting with them again. There certainly are strong feelings about the topic of the STVR's, however, it was only one of four topics that we will be considering for potential amendments to the OCP.

There will be another engagement session once the draft recommendations have been forwarded to the LTC. Should you feel that more engagement for a different format is more appropriate, I suggest that you make that request to the LTC. In addition, there will be many opportunities for community members to speak regarding the draft recommendations as they move through the process.

Your email and comments have been added to the information that we will be reviewing.

pat

On Tue, Oct 11, 2022 at 8:46 AM Joanne Ovitsland wrote:

> Dear Patricia,
>
> I attended the Islands Trust Special Meeting on Oct 6 2022 regarding the Hornby island Official Community Plan Amendment Review Project.
>
> I have a number of questions and concerns regarding the structure and content of the meeting. It should be noted that I am also a current member of the HI APC and am deeply invested in this process.
>
> First, the Masters Student (Danielle) that was assisting with the process, read aloud a private message I had sent to the Consultants / Trustees. My message stated that I was uncomfortable commenting publicly as I live in an illegal secondary dwelling and have a bylaw enforcement complaint against me and I wanted to explore other ways of contributing. By essentially "outing" me to all the attendees, I felt that I could not consider participating. It also added to my housing insecurity as there are individuals that may not have known about my personal situation and that are agitating for the Special Resolution protecting those living in illegal second dwelling be dismissed immediately. **Please edit out or mute this part of the Engagement prior to posting to the IT website.**

I also felt confused about the format of the meeting. I thought that the meeting would not only allow for input from the community, but would specifically address the APC recommendations. I believe this was the expectation of most attendees. It would have been extremely useful if the process you were about to undertake had been given some context and timelines. Specifically, what you hoped to achieve at this meeting and next steps. When asked this question at the end of the meeting by Trustee Scott, it was still unclear to me about the role you have in this process.

Further to the above, it was not made clear what the recommendations you will be making to the Trustees will be about. Will you address the specific APC recommendations? Will you be making recommendations about next steps in community engagement? How will you ensure that you best capture the feelings of the broader community regarding the APC recommendations? Will you provide an opportunity for community members to engage via email correspondence? The meeting last week did not allow for thoughtful discussion about the actual recommendations and this is essential for the process. I have had a number of attendees express dismay to me and that they have lost faith regarding the process.

It must be reinforced that the STVR sector is organized and motivated by personal financial gain and does not represent the broader community.

Will you be engaging with the APC members regarding the process to develop the recommendations?

Finally, as we face increasing impacts of the Climate Crisis along with global financial and real estate trends, the idea of continuing with the current Bylaws regarding STVRs (the most lax in the Trust area) is unsustainable. We also need to explore the most accessible and reasonable actions we can take to ensure housing for all.

The outcomes of the project will be enormously impactful to the Hornby Community and I hope that next steps of the process will be presented with clarity.

I look forward to your response.

Regards,
Joanne Ovitsland

NOTE: As this correspondence addresses my personal housing situation I do not want it to be made public.

--
Patricia A. Maloney, BAA(Upln), RPP, FCIP
Patricia Maloney Consulting
3440 Hammond Bay Road, Nanaimo, BC, V9T 1E6
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c. 403.819.8196

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Sonja Zupanec

From: patriciaann maloney <pattheplanner54@gmail.com>
Sent: Wednesday, October 12, 2022 7:28 PM
To: Eulala
Cc: Alex Allen; Grant Scott; Sue Ellen Fast; Daniel Siegel; Sonja Zupanec; Sharon Horsburgh
Subject: Re: October 6th Hornby Island Community meeting

Eulala, thank you for your email.

You raise a number of excellent points. I agree, 2 hours was not enough time to discuss the four topics.

I would like to say that the purpose of the meeting was not to propose solutions, it was to gather more input. While we have comprehensive reports from both the APC and the HISTVRA, it is also clear that there is not consensus on the recommendations. We have been brought in to review all of the information provided and develop recommendations. We will look at the existing bylaws, continue to talk to Bylaw Enforcement and work with IT Staff. I am also confused that you say that IT staff does not support TUC for STVR's while that is a means of regulating STVR's on other IT islands.

In terms of a referendum, that is for your LTC to decide but generally, the elected officials are quite able to make many decisions once they have considered community input.

We are looking at ways of completing engagement in the future. In person meetings are always the best, but not always practical when many property owners are not on the island in the winter. We are investigating the option for a hybrid (in person and virtual) meeting.

We will continue to collect and review all input from the community.

pat

On Mon, Oct 10, 2022 at 2:51 PM Eulala wrote:

> Dear Ms. Maloney
>
> I have taken some time to reflect on the October 6th Hornby Island Community meeting so that I could provide constructive feedback to you, the LTC and the IT staff.
>
> At the September 9th LTC meeting on Hornby, a community member asked us all to hold these conversations starting from the place of the things we agree on. It is the essential lens to help heal division in our community.
>
> I heard strong agreement from the, albeit a small number, community members in attendance on 4 areas:
>
> - Water and access to safe and renewable supply of it is essential to our community, all of the 1,117 dwellings on the island contribute to and can help to solve these issues.
> - Proper, well designed and appropriate septic management must be the work of the whole island and all of the homes on it.
> - The carrying capacity of the island is a concern for us all, we all want to ensure that the family, friends, guests and visitors coming in the busy summer months do not create unmanageable pressure on our ecosystem and infrastructure.

- Affordable housing that fits in with, and meets the needs of, Hornby's full time community and seasonal workforce is a critical need that requires a 'made on Hornby' solution.

I also think there is wide agreement that the meeting itself was rushed, unsatisfying and disrespectful. It was disrespectful to the work of the APC, the feedback already provided by so many in our community, the spirit of the LTC meeting held on September 9th and the community driven unique Hornby way of working together.

The ideas presented, with the exception of the use of the TUP as an STR permitting tool – an idea that has already been roundly criticised and acknowledged, even by IT staff, as the wrong tool for the stated purpose – were not those of the APC or of the Hornby community. To then be told that this one 2 hour meeting where less than half the time was open for questions, was the only opportunity for the community to shape recommendations that could dramatically change the focus and content of the OCP was disturbing to the point of disbelief. There were 31 community members in attendance, some for only part of the meeting. That represents 2% of the community. No one would accept that as representative community input.

If the IT and the LTC do not have the funding to do a proper community based consultation on large issues related to land use and governance then the work should not be done. Using funding as an excuse to limit community input is an affront to the idea of representative democracy. The scale of the ideas presented, ideas not generated by the Hornby community, are so large (adding a non elected member (as Indigenous representation) to the LTC, changing land use criterion to allow for additional buildings/dwellings on smaller parcels or creating a permitting system for land use that is not transparent, criterion based and non-political to name just 3) that, to have any legitimacy, they would, at minimum, each need to be decided by referendum.

I also want to address the statements that those who currently have STRs need not worry about any changes to the OCP as their own use would be 'grandfathered'. That assumes a level of self-interest that I find insulting. In short, you are suggesting that some can turn a blind eye while others face limitations that could cause them real harm. How can you suggest that any fair minded person accept limitations on the basis that it won't affect them? If something is the right thing for the community, then it's right for every member of the community, if it's wrong then it's wrong, even if some won't be impacted. No one wants more division, we all want to build on agreement.

I hope you, the other consultants, the LTC and the IT staff take the feedback you are receiving to heart. Hornby, as a community, values inclusion, contribution and collaboration. We are all asking that those values drive any work that effects our OCP. If the funds are not available to do the work in a holistic and balanced manner, then the work should not be attempted.

Thank you for taking the time to consider and reflect on the response from our community, we all want to work towards solutions that help and heal our beloved home.

Best, Eulala Mills

55 year and second generation Hornby Island community member
HISTRA Board Member

--
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To Islands Trust

Re Hornby Island Community Planning

I have been a resident of Hornby since 1969. I acquired forested crown land as a lease-purchase, and started a homestead around 1972. I built a small house and lived there with my then young child. Eventually I needed more of an income stream to purchase the land and turn the house into a fully functioning habitation; thus, I moved to acquire work and continued as a resident part or fulltime. I have been improving my property and building onto my home for 50 years. It is now a place of great comfort and beauty of which I am very proud, and very humbly grateful.

I have summer family visitors, renters at times. I keep a memory book in which both children and adults write of their experiences as visitors. The feedback they give is so positive about what their short time on Hornby each year means to them. I also have a market booth where I see people purchasing food and crafts happily knowing they add support to Islanders.

I don't care to say much at meetings partly as I need to think about what is said, and largely because I don't feel comfortable sharing my resource level in public not knowing who is listening and what their intentions or sensitivities are given the disparities with economics and housing now. I would like to share some thoughts via this letter based on my experience and what I heard at the meeting October 6.

Riparian

So called streams and flow of water on Island should be reviewed and re-evaluated. There may be ditches needing rerouting for best protection and flow. Things were done years ago we wouldn't do today. As an example only, my property is across from the Community Hall. Before the main road was paved, the then head of Roads dug a ditch across Central Road and added a culvert from the ditch across on the Hall side to the exact corner of my property saying it was feeding into Crown land. I tried to stop it at the time with no effect. Thus, my property which is lower has been carrying the water from a significant segment of public land. I have had ditches dug to keep my house and garden areas dry enough and manage the flow of water through the property. These ditches do not carry fish ever or water most of year yet are considered part of the riparian system. I have managed my forested property for light and tree maintenance over many years. I have no plans or intentions at present but wish to continue doing so without having to ask permission and have an extended process when something needs attention. On the other hand, I do think there should be management of Crown forested areas for fire prevention.

Housing

Temporary use permits seems a poor idea for community continuity. I think all decisions should be based on sufficient water and sewage outflow safety. The regulations need to be as simple to understand and maintain as possible. Each property use is different and some can carry a secondary dwelling or added accommodation within an existing home.

Unless there is an on Island person in an official capacity it falls to neighbours to report on neighbours regarding their opinions of water use, sewage, noise or other disturbances. This is terrible for a

community. Someone needs to be authorized to review the situation and regulate without it being primarily complaint driven.

STVR

Basically, I feel the same about STVR's in terms of how to regulate. Less is more. Its easy to say don't allow new or shut down illegal, but how will this be enforced is the issue and will it anyway get the bad situations and not ones that work well. I think the approach of HISTRA is valuable. They are working by cooperation and personal interest, not coercion or punishment, and respecting privacy of participants. I think this may be a means for regulating STVR's in a community-positive way over time. I agree with nearly every point Ray and Angela (as HISTRA representatives) raised at the meeting. Perhaps an official but soft-approach role, negotiating, managing compliance with regulations and complaints as they arise, could be developed and funded.

Insisting that all rentals be legal asap and searching for them will have more rental property owners go underground, avoid participation and perhaps stop renting to anyone including longer term tenants as an outcome. There does need to be a concerted effort to construct workforce housing to ease the present situation and provide safe comfortable homes for those who provide services and need accommodations.

That all the community depends on tourism is a fact. All jobs and housing will be affected by a sudden shutdown or radical change of permissions. It is a false assumption that short term shut downs will provide long term housing. Anecdotal conversations I've had suggest that is not true. There will also be less work and fewer opportunities for casual labor. I think there will be unintended consequences to young family business owners who are ambitiously supplying services and retail businesses as well as much of the Hornby character visitors appreciate.

Trying to spread things over the shoulder season adds to the island's tourism industry. It does not change who comes in summer, i.e. families with children, or U. students who have time then. Allowing rentals does provide home-based accommodation for older folk or visitors without children. I think it keeps a nicer level of energy at a time which could be too quiet and gives businesses more opportunities to thrive.

I understand you want to draft a plan for consideration, but I think the representation at the October meeting was not a sufficient representation of various community opinions on these important matters. As I implied earlier, I think there are many silent voices in ownership and perhaps tenancy. More research might be effort well-spent over the long run.

Thank you.

Ms. Toby Krell

Copy: Ray Therrien, Karen Ross

From: Timothy Stinson
Date: January 2, 2023 at 9:42:20 AM PST
To: Grant Scott <gscott@islandstrust.bc.ca>, Alex Allen <aallen@islandstrust.bc.ca>, Sue Ellen Fast <sfast@islandstrust.bc.ca>
Cc: Hornby Island Short-Term Accomodation <hornbyshortterm@gmail.com>
Subject: APC recommendations for Housing and Short-Term Rentals

Name (owners & rentals): Tim Stinson
Address on Hornby Island:

My Story:

Our family has been enjoying the various activities and recreation that Hornby Island offers for over 18 years. We've camped, towed a travel trailers to Ford's Cove and stayed at various vacation rentals on Hornby, throughout all of the seasons.

Throughout my career, I've lived and owned homes in various communities across British Columbia and at each stop have always owned a property that operated on a septic system and / or well situation. My background in Forestry and Environment has led to an in-depth education around watershed management and the importance of water conservation.

Through this journey, we've been in the position of having to rent long term with mixed results. You can interview, collect references and carry out due diligence, but in the end the result is usually the same. A depreciated property that is unappealing to the strolling eye and costly in terms of repairs. The expense of long term rentals can be considerably higher to maintain due to the frequency of inspection opportunity while renters are in the space.

Short term rentals have been a much better experience with the majority of people recognizing the uniqueness of Hornby Island and the importance of water conservation and personal privacy. That's why they visit! I would estimate that 85% of our guests are returning to our place for their vacation. This in itself has been the most rewarding part of short term rentals. Getting to know your guests and trusting that they will enjoy and respect the house and Hornby Island. It was good to see HISTRA success in gathering an additional 3% of STVR revenues which will be used towards Island improvements.

We purchased the property on Hornby Island a number of years ago, partly to further enjoy the Island on a more frequent basis but also as a potential retirement destination. We were fortunate to purchase when the sales cycle in real estate was slow and at the same time provided the opportunity for the current owners to centralize their next few years closer to the services they would require through their elder years, in Courtenay.

We've taken great pride in caring for our current property and annually set aside the required dollars to ensure appropriate upkeep and maintenance. We want to ensure that all of the sweat

and tears that went in to designing and building such a unique home is maintained. Our pump house and water system was recently updated with new UV filter systems, tested for water quality, installed storage cistern and replaced all pump systems through Dave Wishart, the island well expert! We've updated our roof, fenced our yard and stained the hand crafted cedar windows around each of the over 100 panes of glass throughout the house. Vacation rentals assist in the support of this maintenance and upgrade. The better you look after your place the more likely your guests will do the same. In 2023 we will be looking to install a heat pump to further reduce our footprint.

During Covid we updated our operating guidelines to support our cleaner and our guest health. Before re-opening we contacted several Hornby Island businesses to get a sense of their support to do so. It was an overwhelming YES that our business helped their business and they would welcome the visitors. When ever possible we look to employ locals on Hornby, which can be a challenge at times. We encourage the small shops by providing our guests with a little surprise at check-in, whether that be local wine, hornby bars, hornby soap, local ciders … the list goes on.

STVRs bring substantial resources into the Hornby Island economy; artists, small businesses and many of the islands workers depend on them for their livelihoods. We look forward to evidence based decisions moving forward.

Thank you

Tim Stinson

From: HISTRA Association <hornbyshortterm@gmail.com>
Sent: Thursday, January 19, 2023 9:43 AM
To: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Sue Ellen Fast <sfast@islandstrust.bc.ca>
Cc: Sonja Zupanec <szupanec@islandstrust.bc.ca>; [redacted] northinfo <northinfo@islandstrust.bc.ca>
Subject: LTC Meeting Friday January 20th, 2023 - Request for action

Good Morning Hornby Island LTC.

The HISTRA Board has reviewed the consultants' project plan for the OCP update. We ask for your action related to the recommendations and next steps outlined below:

(Islands Trust) *Staff concur with the following consultant's recommendations:*
1. Consultant to facilitate a second electronic engagement session focusing specifically on the topic of short term vacation rentals as this topic requires additional engagement to determine possible next steps in amendments to the OCP or LUB.
2. Consultant to schedule and facilitate a meeting with the Advisory Planning Commission (APC) members to review the engagement responses and policy/regulatory options prepared to date and prioritize recommendations to the LTC for consideration of next steps

NEXT STEPS (Islands Trust) *Staff can support the consultant to advertise a community information meeting specific to the topic of short term vacation rentals prior to the end of February. Staff will also assist in coordinating a meeting with members of the APC by March 15 and review consultant recommendations for presentation to the LTC by planning staff in the next fiscal.*

We agree with the comment that the community open house discussion needs to accommodate the diversity of perspectives on Hornby and allow individuals to speak. However, we also expect that the organizations on the island that represent the residents overall, water stewardship, economic planning, housing and short term rentals must have a forum for substantive review and response ahead of the planned community open house in order ensure fulsome response to the LTC and give space at the community open house to the individual residents to voice their concerns at the open house discussion.

To enable this, not add any further costs and work within the existing planned project activities,the HISTRA board is asking the LTC include representatives of HIRRA, Hornby Island Housing, HICCEC, Hornby Island Water Stewardship and HISTRA, as full participants, in the APC review meeting noted in the project plan exerpts above.

We look forward to your discussions at this Friday's LTC meeting.

Sincerely
Ray Thierren, HISTRA President on behalf of the HISTRA Board

From: Anthony Law [redacted]
Sent: Friday, February 3, 2023 2:04 PM
To: Timothy Peterson <tpeterson@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Alex Allen <aallen@islandstrust.bc.ca>; northinfo <northinfo@islandstrust.bc.ca>
Subject: Nine Point Plan for Housing on Hornby Island

Dear Tim, Alex and Grant:

Congratulations on being members of the Hornby Island Local Trust Committee for the coming term. I am so grateful to you for being there and I wish you well as you face the inevitable challenges.

As you determine the work program for this term, I would be grateful if you would give some attention to the attached **Nine Point Plan for Housing on Hornby Island**.

I have put considerable thought into preparing it.
It follows active engagement in housing challenges for the past quarter century, including experience gained from being:
- a member of the Hornby Island Local Trust Committee from 1996-2018;
- chair of the Islands Trust Council's Community Housing Task Force
- president of the Islanders' Secure Land Association
- appointed member of the Comox Valley Regional District Select Committee on Homelessness and Housing
- organizer of a conference on *Housing Solutions for Small Communities*.

From all this, I have learnt that housing solutions are far from easy in a community such as ours.

The recommendations I have included in the attached paper are ones that I believe could make a difference and are implementable within the authority of the local trust committee.

I hope this is helpful.
Thank you.

Tony Law.

A Nine Point Plan for Housing

Recommendations for the Hornby Island Local Trust Committee to Support Housing Opportunities on Hornby Island

submitted by Tony Law
2 April 2022

Utilizing Existing Housing Stock

According to the 2018 Housing Needs Assessment, about half of the dwellings on Hornby Island are not occupied as year round residential homes. Of those that are, almost half of households consist of only one person. Of the approximately 600 dwellings on Hornby, almost a third are being advertised for visitor accommodation. This section identifies three ways to support increased use of existing housing stock to provide residential housing.

1. Encouraging secondary suites

The *Hornby Island Land Use Bylaw* includes regulations for secondary suites that are permitted in dwellings on residential and agricultural lots that are 2ha or larger. It appears that there has been little if any uptake of this opportunity.

This could be because landowners:

- are not aware of this opportunity or
- find the bureaucracy and regulations too much of a barrier or
- do not find this a desirable option.

The local trust committee could:

a) Review regulations to make permitted secondary suites a more accessible option.
b) Publicize this option in the community and encourage its consideration.

2. Capping Vacation Home Rentals

Vacation home rentals are a permitted use on all lots in all residential and agricultural zones. When the legalization of this use was being proposed, planning staff and local trustees encouraged the community to consider Temporary Use Permits as the way to allow vacation rentals. One reason for this was that the use of TUPs, unlike zoning regulations, could allow the number of vacation rentals on the island to be capped by limiting the number of TUPs that would be issued. This approach was rejected by the community – or at least by the over-whelming majority of those in the community who made their voices heard.

There is now some alarm at the proportion of housing stock being used for commercial visitor accommodation. It might be time to take a different approach that would enable the number to be capped.

This could be done by:

a) Amending OCP policies to enable the following:

b) Deleting Vacation Home Rentals as a permitted use in zoning regulations.

c) Requiring registration of those operations that would have legal non-conforming status by continuing operating in compliance with the pre-existing LUB regulations.

d) Requiring any vacation rentals that lose this status (either through exceeding the regulations or by not operating continually) and possible new operations to apply for a Temporary Use Permit.

e) Establishing new guidelines for Temporary Use Permits.

f) Determining the total number of vacation rentals that are appropriate for the island (this could be equal to, or more, or less than the number actually operating). This would be the cap.

g) Specifying each year the maximum number of TUPs that may be issued to fill any gap between the number actually operating and the established cap.

3) Advocating for Tax Incentives

Advocacy could be directed to the provincial government (preferably in concert with the Islands Trust Council and the Comox Valley Regional District Board) to establish tax incentives that might encourage more of the housing stock to be used for residential purposes.

a) Applying the Speculation and Vacancy Tax

The speculation and vacancy tax, introduced in 2018, is designed to turn empty homes into housing for British Columbians. According to the 2020 annual technical report to mayors, the tax helped to add 18,000 units to the long term rental market and generated $80 million in revenue directed to funding housing, shelter, or rental initiatives in the 5 regional districts where the tax applies.

The Comox Valley Regional District is not currently one of the regional districts to which this tax applies (and the legislation currently excludes islands “usually accessible only by air or water”). However, the Act requires periodic reviews and can be amended (it already has been). It could be amended to include the Comox Valley Regional District (or at least specified j urisdictions within CVRD such as the Hornby Island Local Trust Area) and to exclude Hornby Island from the excluded islands.

b) Amending the Home Owner Grant Program

In 2018, the province’s 30 Point Plan for Housing Affordability in British Columbia committed to “reviewing the Homeowner Grant to provide fairness for renters”. This has not yet happened. One way the Home Owner Grant could benefit renters is by amending it to create an incentive that will encourage more availability of rental homes. An equivalent to a Home Owner Grant

could be applied to situations where a dwelling provides a year-round home for a household through a residential tenancy agreement.

Permitting Additional Housing Stock

Because Hornby Island is a destination community, there is a demand for using permitted dwellings for purposes other than providing residential housing for current residents (purposes such as for recreational or seasonal uses, accommodating family and friends, vacation home rentals, future retirement, investment or a combination of these purposes). Permitting additional dwellings with the objective of making more housing available for residents needs to be done in a way that makes these dwellings more likely to be used for the intended purpose than for non-residential uses.

4) Enabling land co-operatives

Land co-operatives have in the past provided a way for some residents to establish homes on the island. An OCP policy enables consideration of applications for appropriate lots to be rezoned for this purpose and to have additional density.

This policy has not resulted in any applications.

The local trust committee could publicize this policy to the community as there may be a lack of awareness about it.

5) Increasing potential density in an appropriate zone

Proposals for increasing density are usually controversial. Here is an approach which may be the least controversial. It mirrors what is happening on some other islands in the Trust Area where additional "cottages" are permitted on larger lots. It might also be able to utilize a relatively new provision in the *Local Government Act* to secure residential rental housing.
Here are possible steps for accomplishing this:

a) Establish a new "Multi-Family Zone"

b) Specify eligibility criteria for lots that might be included in this zone:
eg lots that are:
- not in the ALR;
- not in an environmentally sensitive area;
- not in a moderately or highly developed aquifer;
- not smaller than 2ha

c) Develop regulations which would :
- allow a secondary dwelling unit for each existing permitted dwelling unit
- limit the floor area of both units combined to that presently permitted for one dwelling unit (300m2)
- limit the size of the floor area of a secondary unit (100m2?)
- prohibit vacation rental use on the lot
- require that at least one of the two units be used only for residential rental tenures (if it

is determined that *section 481* of the *Local Government Act* can be applied to land use regulation on Hornby Island).

d) Request applications for eligible lots to be rezoned for inclusion in the new zone and subject to its regulations (applications could be batched on a regular basis with only a nominal fee)

6) Supporting community housing developments

Non-market housing is the best way to ensure that housing is available for residential uses by those who need it. The local trust committee can actively support applications for non-market housing by treating them as a priority, facilitating an effective process, providing advocacy to other agencies and levels of government as required and by considering any applications to increasing density in existing community housing zones.

Enabling Temporary Housing Solutions

A good number of housing solutions involve a particular property owner providing a housing opportunity for a particular resident (such as offering a cabin for rent or giving permission for a mobile unit to be sited) which may or may not be legally permitted in land use regulations. One way to legalize such situations is to consider a zoning amendment for that particular property to permit the additional density. But that is an onerous process and, if successful, the density would continue to run with land after the particular circumstance (involving a particular landowner and a particular resident) is long gone. The only other way to legalize such situations is to consider a Temporary Use Permit (which provides a non-permanent zoning amendment). However, there are challenges with TUPs that need to be addressed.

7. Streamlining Temporary Use Permits for Housing

There is a disconnect between the facts that there are many “non-permitted” housing situations on Hornby Island and that the OCP provides for a permitting process to allow them. The local trust committee should review the OCP policy, the TUP guidelines, the application process and the fee structure to better support applications (which have so far been non-existent). The process could be streamlined with a simpler process involving applications considered in batches with a reduced fee.

Temporary Use Permits cannot specify the use of a dwelling; to counter this, perhaps there should be a policy that TUPs will not be renewed in situations where it is known that the unit was not being used for the intended residential purposes.

8. Allowing placement of mobile units through Temporary Use Permits

A good number of residents facing housing challenges are seeking opportunities to place a mobile unit (trailer, caravan or movable tiny home) on someone’s property as a solution. The local trust committee should consider amending policy and guidelines to facilitate permitting this solution in an easy and accessible way using Temporary Use Permits.

9. Advocating for amendments to the *LGA* with respect to TUPs for housing

Temporary Use Permits were originally established as Temporary Use Permits for Commercial and Industrial Uses to enable consideration of such uses in zones where they would not normally be permitted. The regulations in the *Local Government Act* were put in place to address this purpose. A number of years ago the "for Industrial and Commercial Uses" specification was dropped, which now allows TUPs to be considered for other purposes, such as housing. However, most of the original requirements in the *Act*, that were pertinent to commercial and industrial uses but are not so much relevant for housing, were retained. In particular, the requirement for public notice and the restriction of permits to only being renewed once are barriers to TUPs being used for permitting small additional housing opportunities.

The local trust committee could advocate to the province that *Division 8* of the *Local Government Act* be amended to make Temporary Use Permits more appropriate for permitting specific housing situations by specifying:

a) that *Section 494* (Public notice and hearing requirements) does not apply to applications involving a single dwelling unit, and
b) that the requirement in s*ection 497.2* stating that a permit can only be renewed once does not apply where a permit only permits a single dwelling unit.

From: Karen Ross [redacted]
Sent: Monday, February 27, 2023 6:47 PM
To: Sonja Zupanec <szupanec@islandstrust.bc.ca>; northinfo <northinfo@islandstrust.bc.ca>; patriciaann maloney <pattheplanner54@gmail.com>; Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; tpeterson@islandtrust.bc.ca
Subject: HICEEC letter

Hello all,
Attached is a copy of the HICEEC feedback at today's meeting.
The Board felt it was important to share additional information and also to support the Trust in pursuing affordable housing as a priority.

At the October Trust meeting, there was a lot of support for identifying our areas of agreement, as a starting point in this discussion.
We all agree that affordable housing is a priority.
We all agree that water and septic issues must be addressed by each and every property owner.
We need to get working on those priorities.

On a personal note, I was part of STVR discussions in 2010/11, the Economic Action Plan of 2015, and again in 2017/18 when the Trust had a staff review of STVR's. In my recollection, there were amicable discussions that Business Licenses could be used for an affordable, transparent, equitable, and accountable way for all home based businesses to operate within a relaxed zoning environment.
Business licenses provide a clear set of rules for all.
In my opinion, it would be a good course of action for the Trust to pursue getting this tool into its' toolkit.

TUP's are too cumbersome, costly, time limiting, and open to personal bias. And the increase in funding for Island Trust to take on this administrative behemoth would not sit well with the taxpayers of the Island.

As stated in the HICEEC Board letter, I also believe the STVR issue is divisive. Today, why wasn't there a single speaker from the business community? Or from the non-profits that hold events? Or the Farmer's Market? Are they intimidated to speak out?

Thank you for your balanced review of the STVR issue and for helping the Island find affordable housing solutions.
Karen Ross

Hornby Island Community Economic Enhancement Corporation

To: Local Trust Committee
Re: Review of Short Term Rentals, APC recommendations, Consultant's reporting
Meeting: February 27, 2023

At the February 21, 2023 APC meeting, the APC shared that their primary intention in recommending removing short-term vacation rentals (STVRs) as a legal use in Hornby's OCP and LUB was aimed at supporting the creation of long-term rental housing, not eliminating or curtailing STVRs. HICEEC appreciates this clarification, since we regard both the continuation of STVRs and the expansion of long-term rental housing as necessary measures.

Hornby Islanders are largely aligned in support for the creation and maintenance of enough long-term rental/affordable housing to meet our community's needs. The decades-long challenge the community has faced with insufficient affordable housing has been blamed on STVRs—but while STVRs are an easy target, eliminating them wouldn't actually improve housing accessibility. Most owners are not investors but are community members who live in their homes themselves for all or part of the year, so full-time, long-term rental is not an option.

It is also worth noting that in May 2018, the Provincial Residential Tenancy Act was amended to generally preclude fixed contract rentals. In effect, this ended the historic Hornby practice of part-timers who are summer residents renting their property to Hornby locals during the school year. While this law may have been effective in an urban environment, it had unintended consequences on our small, rural island.

HICEEC recognizes that safe, secure, affordable housing is essential to the economic and social well-being of any community, and we are determined to be part of the solution to Hornby's workforce housing crisis. Almost 10 years ago, at a critical juncture, we provided administrative support and funding for ISLA. More recently, we were a founding member of the Hornby Island Housing Network. Currently we are working on a proposal for affordable housing on Crown Land.

In 2018, the "pillow tax", which originated in Whistler and Tofino, was expanded to include workforce housing as an allowable use of the funds. With that change, HICEEC started working with local accommodation providers and the government, and in June 2022 we succeeded in having

Hornby Island designated a Municipal Regional District Tax (MRDT) collection area. Now every fixed-roof, transient accommodation provider is required to collect a 3% tax and submit it to the Minister of Finance. A portion of these funds is returned directly to HICEEC. We don't know the annual impact of this program yet, but with the full support of our STVR owners and other accommodation providers, this money will be directed to improving the island's carrying capacity and helping solve our long-term affordable housing issues.

In summary, HICEEC wholeheartedly supports Islands Trust in prioritizing and facilitating the creation of affordable housing and supports the LTC in prioritizing this. We strongly encourage the LTC to shift their focus away from the divisive and ineffective STVR conversation and toward the issues that need to be solved to protect our island's community and economy – primarily, long-term affordable housing.

John Heinegg
Chair, HICEEC

From: Jane Banks [redacted]
Sent: Tuesday, February 28, 2023 9:36 AM
To: pattheplanner54@gmail.com; northinfo
Cc: [redacted]
Subject: Follow up meeting Feb 27th
Attachments: community concerns 2023.docx

Hi Guys,

II was only able to catch the last 15 minutes of the meeting yesterday due to work commitments. My spouse was able to attend though, and did fill me in. I just wanted to send you some of my ideas- some novel and some rehashed. Hope it is not too long!

Feb 28, 2023

Thank you for gathering all sides of the Hornby Island community to problem solve. This is awesome.
As I write down my ideas, I find myself being quite fickle. I want the privacy and serenity of the island, but I also want to invite friends and family and tourists to my cottage. I hate seeing our little sanctuary overwhelmed by people and begrudge sharing our pristine beaches with the throngs and their inflatable unicorns and throbbing blue tooth speakers.
In the end, I think we are all on the same page more or less. Like everywhere in the world, the population is exploding. Hornby is no exception, however, due to its size, we all acutely feel the strain.
Hornby has been primarily recreational land. It is desired because of its tranquility. It has been a place to get close to nature, connect with family, decompress. For this, Hornby has excelled in delivering to both British Columbians and foreigners for generations. Recreation is our resource. Peace, quiet, arts, nature, relaxation, is our product. If it is not protected, then we become just another suburb, Miami beach, or Club Med- something I think none of us want.

My suggestions:

<u>Too Many People</u>

1. -agree on a person per square km capacity for Hornby based on water reserves, desired density, emergency

services, housing/available camp space and other parameters
2. -Like West Coast Trail and San Juan Trail, could we offer reservation services to those wishing to visit?
3. -Limit vehicles and improve public transportation
4. -Set ceilings for number of guests per STRP relative to the size of the property?
5. -look to expand our cemetery. YES! Burial grounds are protected and cannot be developed
6. -no more additional STRP permitted. Perhaps grandfather OUT by attrition, some of the pre-existing short term rental places.
7. -STOP complaining about the ferry system. Ferry line ups and irregularities are our best defense against overwhelming influxes of tourists.

<u>Water</u>

1. -Cisterns are a great idea for ALL properties close to the shoreline. It seems to me that it would be a no sum gain to have cisterns for interior properties.
2. -Greywater for gardens- perfect! How do I get this set up?

<u>Recreation</u>

1. -too much of a good thing, is not a better thing!
2. -Too many power boats in Tribune, too close to the shore, threatens safety for swimmers, marine life
3. -no blue tooth or boom boxes in public beaches

4. -take lawn furniture off the beach when you go home. People are staking claims to portions of the beach by leaving lawn furniture out 24/7.
5. -hold up on the submarine sized plastic unicorns on the beach (major eye pollution to say nothing of the waste!)
6. -yappy dogs stay home!

From: Karen Ross [redacted]
Sent: Tuesday, February 28, 2023 6:21 PM
To: patriciaann maloney; Alex Allen; Grant Scott; northinfo; Sonja Zupanec; tpeterson@islandtrust.bc.ca
Subject: STVR dialogue Hornby Island
Attachments: EXIT SURVEY OF HORNBY FERRY USERS_FinalReportJan22.pdf

Hello Pat, et al.
Some of the discussion last night was regarding disrespectful visitors.
I found it intense and unsettling. Very sad for the residents affected.

As I thought about the event, two points that come to mind:
i. People didn't seem to understand that there is Bylaw Enforcement and they can lodge a complaint.

ii. In my own experience, most visitors are respectful. Certainly on par, or better, than select local residents. Attached is a copy of a 2021 Visitor Exit Survey that HICEEC undertook, and that I sent to the Trustees last August. The Visitor Exit Survey represents a very different picture of our visitors, and highlights their socio-economic contributions.

Thank you for your work on this prickly subject,
Karen Ross
[redacted]

EXIT SURVEY OF HORNBY FERRY USERS

SUMMER 2021

Objectives:

The survey is to gather information, with three primary focuses.

First, who uses the ferries, when, and what is their feedback?

Second, if a commuting worker completes the survey it can help identify "leaks" in our local economy. Are there opportunities for these businesses/services to be provided locally?

Third, who are the visitors, how do they contribute economically, what kind of experiences did they have.

The data gathered will help with understanding needs and potential shortfalls. It will help identify who our visitors are, where they come from, and what their expectations are. On a human scale, understanding who the guests to the Island are will help humanize them. Answers will provide "real life stories" which are very helpful for grant writing, political lobbying and planning for Island businesses.

The survey was produced on-line using the Survey Monkey platform.

3 Steams

It was designed to have 3 streams of answers – with respondents redirected according to their initial answers, in which they identify themselves as: residents, off-island workers or visitors.

Part 1, General, all complete: Q. 1 to 7

Part 2, Visitors only to complete: Q 8-25

Part 3, Off Island Workers only: Q. 26-32

Part 4, Residents of the Island only: Q. 33-38

The complete survey is available from HICEEC. This document provides a summary of how the questions were completed.

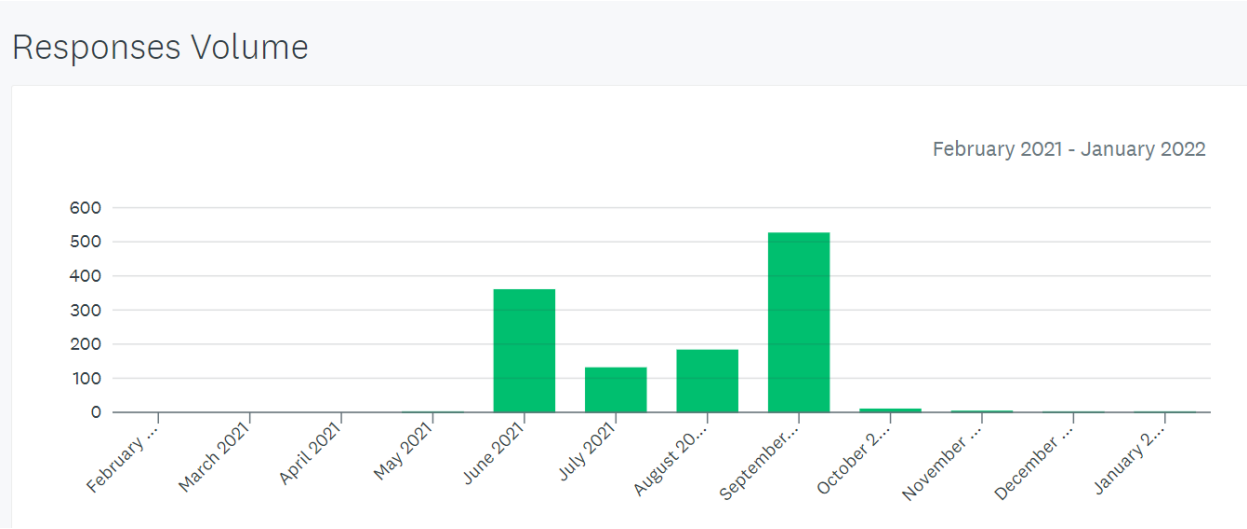
Promoted

Access to the link to complete the survey was advertised:

- With a QR code in the 2021 Hornby Denman Visitor Guide (25,000 copies printed)

- By hand, with the RBCRP worker talking to people in vehicles waiting in line to leave Hornby
- For the months of mid August through to mid October, at a booth at the Farmer's Market
    - Wednesday and Saturdays in season, and in the Fall Saturdays only until Thanksgiving
- On tent cards distributed to local restaurants and accommodation providers
- On posters put up at 8 different Hornby Island public bulletin boards
- In the monthly Hornby newspaper

Timeframe



The lower rates of response in July and August might impact the results for transportation – both numbers using the bus, and length of ferry line-ups. However, 72% of respondents did declare that they arrived in July or August. The assumption would be that they completed the survey after their trip.

Although 1211 people initiated the survey, the completion rate was 86%, with 1037 completions. Local resident response (96 responses) was considered light, commuting workers (6 responses) were reticent about completing the survey, so Family/Friends/Visitors made up the majority of responses with 935 responses. It is felt the results are statistically significant in respect to the Visitors' responses.

ANALYSIS BY PROFILES

Respondent Resident Profile

96 responses:

- 49% have lived on Hornby more than 20 years
- 77% go off island every two weeks or less
- Top 3 reasons to go off Island are: Supplies, medical, and to visit friends or family
- Aged 17-40, majority single resident households
- Over age 41, majority double resident households

Off-Island Workers Profile

With only 6 responses, results were all over the map. Days of on-island work ranged from 4 to 300/year. 50% said they stayed more than a month at a time. The top sectors were construction, entertainment and medical providers. No conclusive indicators were determined for $ amounts spent on the island.

Visitors' Profile

90% of survey respondents were visitors, seasonal residents, or a family member of a resident.

With 935 respondents some statistical significance was achieved, with some caveats.

i. **Ferry travel:**
   a. 50% of the total respondents reported at least one or two ferry sailing waits both coming and going. However, with only 70% of the respondents travelling in July and August, numbers regarding ferry line-ups may not fully represent the summer experience.
   b. Arrivals on the Island were most popular on Friday (21%), Saturday (18%), and Thursday (17%).
   c. Departures from the Island were most popular on Sunday (27%), Saturday (18%), and Monday (15%).
   d. In both directions, Tuesday was the least favoured travel day.
   e. 44% of people declared vehicle occupancy for 2 people, 21% for 4 people, and 12% for one person. (Visual observation for most of the year would put the number of vehicles occupied by one person at a much higher percentage).

ii. **Hornby bus** operates in July and August, and 10% of total respondents reported using it.

iii. Visitations: portrait:

a. 69% of visitors reported having visited Hornby more than 5 times, with only 14% being first time visitors
b. The top 2 responses to advice in trip planning were previous personal experience and a recommendation by relatives or friends.
c. 43% of Visitors declared their home was in Greater Vancouver, 23% Greater Victoria, and 21% from other areas of Vancouver Island and the Gulf Islands. Just over 10% came from all other areas.
d. 28% of people visited for 3-6 nights; 26% for more than a week but less than a month; 22% visited for one week; and 17% reported visiting as day trippers or 2 or less nights.
e. 42% of these visitors stayed with family, friends or a seasonal property; 31% in fixed roof accommodation businesses; 22% in campsites or glamping; and 5% were day trippers.
f. 51% of respondents declared their annual household income exceeded $100,000., only 16% made less than $50,000. annual household income.
g. In response to "which sector do you work in"? The top 4 responses were:
    i. 23% responded healthcare/social services
    ii. 21% management or professional services
    iii. 16% education
    iv. 15% retired

iv. Attraction to Hornby

a. The 3 most important attributes that Hornby offers for a visitor were defined:
    i. Beaches: 79%
    ii. Scenic beauty: 75%
    iii. Outdoor recreation: 35%

    The next 3 ratings were:

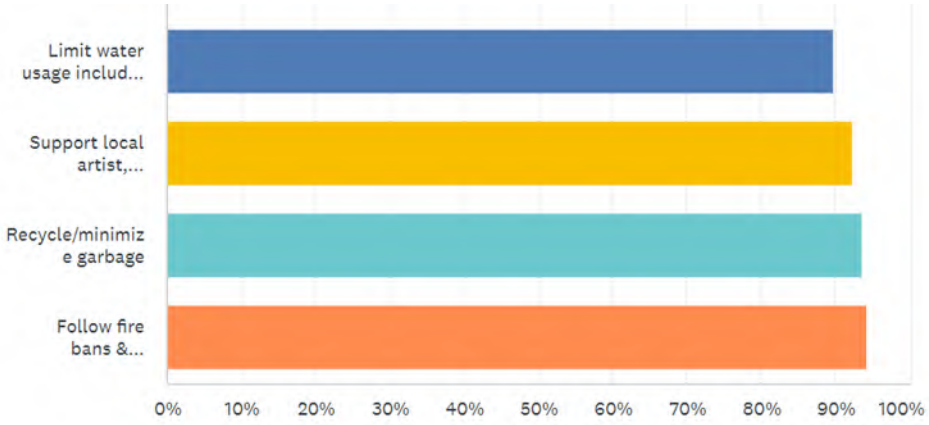
    iv. Community character: 31%
    v. Local Arts & Crafts: 24%
    vi. Visiting family and friends: 24%
b. What products or services do the visitors buy on Hornby?
    i. Good purchased at the Farmers Market, 72%
    ii. Fine arts, crafts, gifts: 68%
    iii. Local farm or Hornby food products: 67%
    iv. Local wineries/distilleries: 55%
    v. Free store: 24%
    vi. Visiting art centre or art studies: 21%
c. How many times, on average, do members in your group eat out?

i. Once/day: 36%
ii. Once per trip: 33%

v. **Environmental Awareness**

a. Environmental awareness scored very highly:

i. While on Hornby Island do you consciously....? (check all that apply)

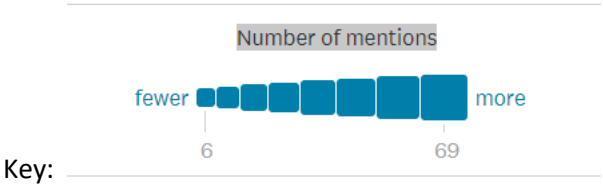


ANSWER CHOICES	RESPONSES	
None of the above (it's ok we're not judging)	0.64%	6
Limit water usage including septic use	89.84%	840
Support local artist, farmers, events and businesses	92.30%	863
Recycle/minimize garbage	93.58%	875
Follow fire bans & regulations	94.33%	882

vi. **Opinions – these answers were given individually and offer a lengthy read for insights.**

They are summarized in the following "word clouds", where the frequency of answers are shown by size of print and repetition of key words.

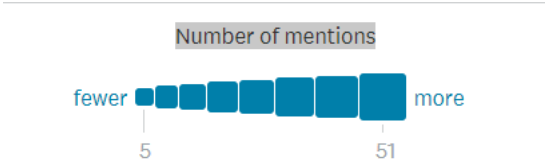
a. What could be improved upon:



visitors bakery cars line ferry
sailings return busy frequent family traffic boats wonderful
people reservation leave perfect one camping improved
miss ferry Denman
Hornby sailings place later many affordable
options welcoming visit sailing waits Bigger
ferry open love find way didn t day larger ferry
Denman Better ferry
service shuttle summer trip Ferry
service Hornby Denman year Less ferry
waits island Maybe Hornby back ferries
parking Nothing Nothing love times Tribune
Bay better much restaurants Nothing love
Hornby less Bring back
make Larger ferry great property
ferry waits tourists beach love
Hornby accommodation even service available

stay large long access s rentals food Less wait time needs night week issue locals closed waits see us residents go took ferry wait times season come back road keep always

b. What would encourage you to visit Hornby in the "off season" (October to March)?



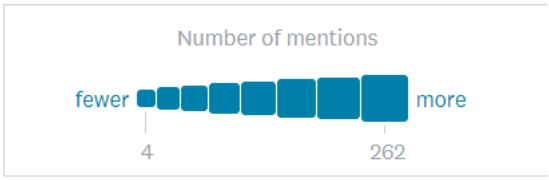
Key:

camping closer Better weather music time year beach go rates deals open businesses businesses open dining options Hornby Rental availability indoor long weather easier summer usually less Cheaper activities prices maybe days will n options community events food things ferries great market Vancouver visit try s time work come Mountain biking restaurants island love weekend time

nice already Better ferry service season always events cost accommodation places open Cheaper accommodation Better come season services Knowing visit season Friends winter even Nothing cheaper ferries rentals places open available months sure fall work pub quieter much stay family Discounted scenery off-season businesses restaurants open food options cabin year round place stay areas property night seasonal prefer year Affordable Afford able accommodation warm Festival shops

c. What was the highlight of your trip to Hornby:

Key:



Customize

Visiting family Showing Walking Helliwell Heliwell Time family farm Fossil Beach Farm place food concert weather Exploring relaxation good many restaurants beautiful beaches art music whole beauty family friends Kayaking friends family days scenic beauty park enjoying Tribune spend Hornby Quiet market Little Tribune sunsets able Mountain biking views friends together whaling station watching visiting Seeing friends family festival Swimming going Tribune Bay kids beach trails Helliwell Whaling Station Bay Hiking Fords Cove always water Everything coming

vii. SUMMARY

Hornby's visitors have a long-standing love affair with the Island. They migrate regularly to visit family, friends and familiar places. They enjoy the beaches and scenic surroundings. It is a place to relax and recharge and play in nature. They are environmentally conscious, well-heeled and supportive of local businesses, markets, artists, entertainers and enterprises.

As with residents, they are concerned with ferry line-ups and over-crowding.

They would come more in the "off season" if more businesses, restaurants and activities were available.

From: Karen Ross [redacted]
Sent: Tuesday, February 28, 2023 11:18 PM
To: patriciaann maloney; Sadie Chezenko; Alex Allen; Grant Scott; northinfo
Cc: Eulala; Patrick Lui; Angela Hudson (personal); Ray Therrien; Michelle Easterly; michaelwilliams@telus.net; Karen Young; Arafin Graham; Donna Tuele
Subject: Fwd: Landlords use of Property

FYI, hoping to clear up a comment from the Monday meeting for Hornby.

Legal opinion on the May 2018change to the BC Residential Tenancy Act.
Karen Ross

Begin forwarded message:

> **From:** Mike Holmes [redacted]
> **Date:** February 28, 2023 at 9:04:12 PM PST
> **To:** [redacted], Maria Lauridsen
> [redacted]
> **Cc:** [redacted], Karen Ross <karen@hiceec.org>
> **Subject: Landlords use of Property**
>
> Hi Karen
> As mentioned I was listening in while driving down from Hornby. I was disappointed and surprised to hear the comments with respect to the impact of section 49 of the Residential Tenancy Act .
> I have attached a screenshot of a pertinent part of the section.
> In the recent amendments to the RTA all fixed term tenancies convert automatically to a month to month tenancy at the end of the term. There is only one practical way for most homeowners to obtain vacant possession and that is to provide notice of the Landlord's use of property under section 49.
> However in order to do so one month's rent penalty must be provided and in addition the Landlord (or defined close family member) must occupy the premises for 6 months. Otherwise a penalty equal to a year's rent can be imposed. This has essentially made it impossible legally for a homeowner to provide a seasonal rental. Thus one could say that one unintended consequence of these amendments is to completely dry up any supply of seasonal rentals on Hornby.
> I would suggest the efforts of the concerned community would do well to lobby the government to adopt regulations to permit fixed term tenancies in certain tourist destinations.
> I would suggest this would be a more fruitful and likely source of possible affordable long term rentals than the prohibition of short term rentals.
> Mike
> Michael Holmes B.A., LL.B

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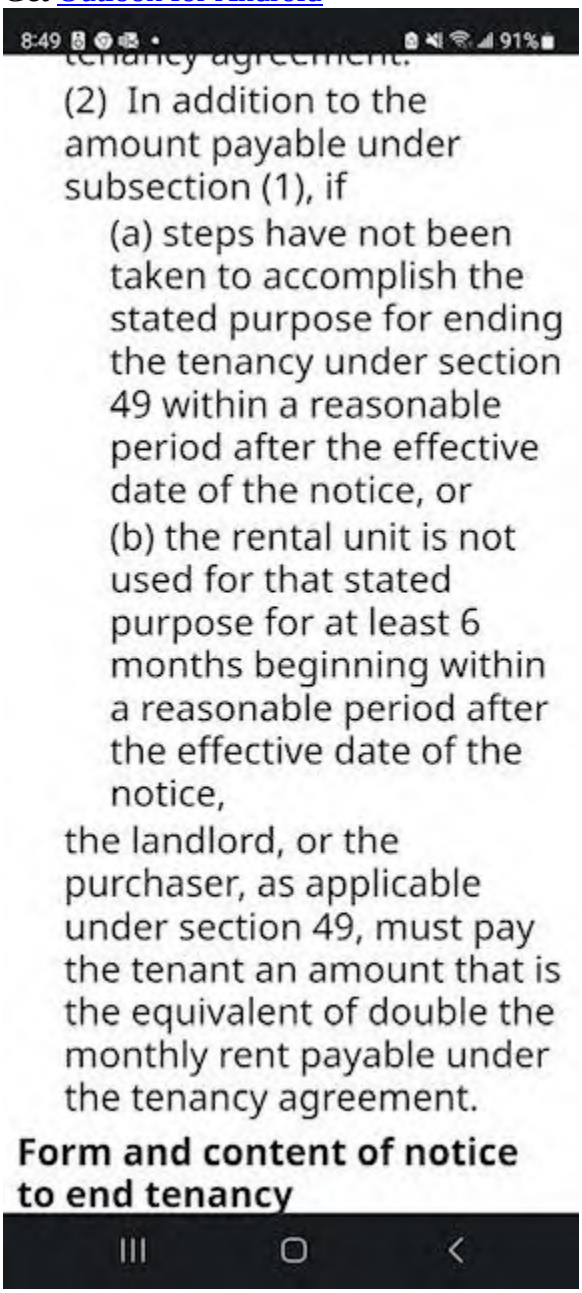


From: patriciaann maloney <pattheplanner54@gmail.com>
Sent: Tuesday, February 28, 2023 6:50 PM
To: Mae Burrows [redacted]; Sonja Zupanec <szupanec@islandstrust.bc.ca>; Sharon Horsburgh <sharon@bayshoreplanning.com>
Cc: Alex Allen <aallen@islandstrust.bc.ca>; gscott@islandstrust.bc.caa
Subject: Re: Short-term rental issues

Thank you for your comments Mae. We will add them to the background materials.

pat

On Mon, Feb 27, 2023 at 6:10 PM Mae Burrows [redacted] wrote:
We have owned our Hornby property since 1991 and have been renting it since 1994. Renting it helps us to be able to stay here. We've rented to a variety of people. Three renters have bought their own properties here. (None are short-term renters.)

We believe short-term renters should continue to exist and make their valuable contribution to island life and economy. If the proposal is to remove them as a permitted use but to allow existing short-term rentals to exist as a non-conforming but legal use, we can support this. We are strongly opposed to the proliferation of expensive investor-owned properties intended for short-term rentals. These are driving up rents for all renters.

Other concerns: commercial operations should provide worker accommodation

Short-term rentals as well as everyone else should have functioning septics as well as water catchment.

Thank you to everyone for all your efforts on our behalf.
Mae Burrows and Donald Gutstei

--
Patricia A. Maloney, BAA(Upln), RPP, FCIP
Patricia Maloney Consulting
3440 Hammond Bay Road, Nanaimo, BC, V9T 1E6
p. 250.585.6831
c. 403.819.8196

I acknowledge that I have the honour of living and working in the traditional and unceded territory of the Snuneymuxw First Nation.

From: Anthony Law [redacted]
Sent: Tuesday, February 28, 2023 1:40 PM
To: Grant Scott; Alex Allen; northinfo; Timothy Peterson
Subject: Vacation Rental meeting
Attachments: Vacation Rental Meeting - Letter to Hornby Island LTC - TLaw 28.02.2023.pdf

Hi Tim, Alex and Grant - Hornby Island LTC:

Attached is a letter for your consideration.

Thanks.

Tony Law

Tony Law
[redacted]

28 February 2022

Dear Alex, Grant and Tim:

After attending yesterday's meeting, I have some significant concerns about how it was conducted.

1. Lack of regard for the APC's work.

The Advisory Planning Commission, acting on a referral of the LTC, diligently worked on preparing recommendations presented in March 2022.

It is my understanding that planning staff were not available to prepare draft amending bylaws based on these recommendations so instead consultants were hired to do this work.

At yesterday's meeting, almost a year later, all that was presented were three vaguely outlined options.

The APC's work was barely referenced or acknowledged by the trustees or consultants.

A year later, no substantive progress has been made, as I see it.
(The community volunteers on the APC must be feeling quite discouraged.)

2) Untimely and disruptive poll

Immediately after the brief overview of the options a poll was conducted on preferences. This was BEFORE the question and answer period which would have given participants a better understanding of the options and some time to analyze and reflect on them while hearing other community members' perspectives on the options.

I fear that this poll unnecessarily created divisiveness rather than fostering collective problem solving.

Vacation rental operators are organized through HISTRA which has an established position with members attending yesterday likely voting for Option 1 – no change – in line with the established position

The rest of us in the community are not organized and likely have a range of perspectives, with many still no doubt seeking more information before taking a position on an option.

I fear that some will claim that because Option 1 was the most-chosen option, this indicates there should be more change.

The reality is:
Most meeting participants did not vote for Option 1, but indicated other responses.

3) Inadequate meeting preparation and facilitation

In addition to the disruptive poll, there had been inadequate preparation to enable broad participation by attendees.

The “chat” option was disabled for a good part of the meeting.

Speakers were allowed to ramble on with personal anecdotes while others didn’t have an opportunity to speak (at Trust Council meetings, speakers are given a time limit).

One speaker was given preferential treatment – advanced through the speakers list and allowed to read a prepared statement – hardly appropriate for a question and answer period in which people were asked to respond to what had just been prevented.

The material presented was not available for view (either on screen or through a downloadable document) which would have enabled participants to review and refer to what they were being asked to comment on.

4) Misleading and inappropriate statements by the consultants

The consultants provided misleading and inappropriate information in response to questions and in their power point.

a) Regulation of vacation rentals

The consultants could have provided clarity about how vacation rentals are regulated elsewhere in response to Trustee Scott’s question. Instead, they presented a vague and inaccurate picture of vacation rentals happening on other islands and on Vancouver Island.

The reality is that on other islands in the Trust Area, vacation rentals are either not permitted at all or only through a temporary use permit.

And on Vancouver Island, vacation rentals are generally either not permitted (as in Comox Valley, Nanaimo and Capital Regional Districts) or are pitted through a business licence (as in Cumberland, Tofino, Ucluelet and Metchosin).

Elsewhere in BC, increasingly municipalities are using business licenses and regional districts using temporary use permits.

b) “Guest Capacity of a STVR is gauged only by bedrooms”

According to the Land Use Bylaw, guest capacity is also influenced by the number of beds: *“A dwelling used for vacation home rental use shall not be used to accommodate more than two beds per bedroom or more than three bedrooms if the lot on which the dwelling is located has an area of less than 1.0 hectare, or more than four bedrooms if the lot has an area of 1.0 hectare or more.”*

c) “There is no clear proof that STVR’s take long term rental out of the market”

This is counter to these more authoritative conclusions:

The proliferation of short-term rental opportunities through platforms such as Airbnb has had the impact of contributing towards demand by making investment in residential real estate more desirable, and further drawing down already limited long-term rental stock in communities across the province.
- A Home for Everyone: A Housing Strategy for British Columbians, 2018 - Union of BC Municipalities

The proliferation of STRs leads to a worsening of both housing availability and affordability system-wide and over time, with non-principal dwelling unit STRs being the main culprit.
STRs are growing faster, concentrating faster, and removing housing from the long-term market faster in rural areas
In Tofino, British Columbia, approximately 18% of all housing units were lost to STR on Airbnb in 2018.
- Regulating Short-Term Rentals A Toolkit for Canadian Local Governments, June 2021 prepared for the Federation of Canadian Municipalities)

The potential for earning revenue from short-term rental use of properties (whole or in part) often supports higher property prices than local incomes can support.
The use of housing units for travellers has reduced long-term rental housing capacity at a time when housing availability and costs are already under pressure.
As 70% of B.C.’s renter households rely on secondary rental market housing, and in some communities up to 100% of rental housing is in the secondary market, there is a strong case for responding to the potential impacts of short-term rentals even in lieu of appropriate data sources.
- Priorities for Action on Short-Term Rentals, June 2021, Province of BC and Union of BC Municipalities Advisory Group

It would have been more accurate, and less biased, for the consultants to say;

“There is no clear evidence of the extent to which Hornby Island is immune from the impacts of vacation rentals upon housing affordability and availability.”

d) “STVR’s are not considered commercial uses by the province”

“Technically short-term rentals are a licence to occupy and a commercial use”.
- BC Government website

e) *“Allow one ADU on every residential property”*

This proposal irresponsibly promotes unrealistic expectations by ignoring the reality that the Islands Trust Policy Statement 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” and that the health authority is unlikely to support additional dwellings on small lots.

Conclusion

I fear the expense of hiring consultants has not advanced the process beyond what the APC had accomplished this time last year – and they may have set things back.

It is unfortunate that a decision was made to hire consultants without more exploration of how island planners - hired by the Islands Trust to do island planning - could have been the ones to carry out this important island planning task. They they have knowledge of the islands and communities and of planning history and policy. (Couldn't contractors have been hired instead to work on the more mundane tasks of application processing? It would have been so much more productive if, say Planner Zupanec had been assigned to do this task with her strong understanding of the island, previous processes around vacation rentals and familiarity with island legislative processes). As it is, Islands Trust staff are going to have to address what this consultation process has failed to accomplish.

This letter has been somewhat critical. Sorry!

I will follow up with some constructive suggestions about moving forward.

I think this should involve Islands Trust planning staff to work closely with the APC to build on the work they have done plus whatever of value might have emerged from consultants' engagement.

I think it also involves more leadership from the LTC.

Thank you for considering this.

Sincerely,
Tony Law

From: April Lewis [redacted]>
Sent: March 2, 2023 2:08 PM
To: Grant Scott; Alex Allen
Cc: Wendy Burton
Subject: feedback about Community Information Meeting on STVR's

Hi Alex and Grant. Could you either forward this to Tim and Sonja or send me their email addresses. I could not find the actual address on the IT webpage, just a link to their email that involved me setting up a new email account. I am also forwarding an email about septic regulations that I think can be used to help regulate STVR's. I sent it to the consultants but did not see it incorporated in their information. Thank you. April

To:

Timothy Peterson, Chair Hornby Island LTC

Alex Allen, Hornby Island Trustee

Grant Scott, Hornby Island Trustee

CC:

Sonja Zupenec, Islands Trust

Wendy Burton, APC Chair

Dear Hornby Island LTC members,

Thank you for hosting another community information meeting about the bylaw and OCP review. The opportunity to hear from the community about this important event is much appreciated and necessary.

I have some feedback about the meeting itself as well as some thoughts about moving forward.

What would have been helpful at the meeting:

- To know how many attendees own STVR's, how many are business owners, part time residents, year round residents, etc. This would have provided a context for the comments that were made.
- To have it made clear once again that current STVR owners would not be impacted by any proposed changes to the regulations. This would have reassured those current owners who are worried that they will lose their family land.
- To have made the intention of the poll clear and how much weight it will be given in forming the final recommendations and how much weight it will be given by the Trust.
- To have held the poll after the questions and answers.
- The third option in the poll did not reflect the community, I don't know of anyone who does not acknowledge that there is economic gain from STVR's. To have this included as an option, in my opinion, skewed the poll significantly.
- I realize that HICEEC presenting a letter was probably not on the agenda, but it would have made sense to have invited all organizations with interest in this topic such as HI Housing Society to speak. Maybe that can happen in the future.

It is important to note that although 49% of those present voted to keep the bylaws the same, 51% voted for change. Again, without knowing the interests of those present, the poll may not reflect the community at large. But if there was a balanced attendance, then more folks voted to change the bylaws than voted to keep them the same. It is important that this be recognized.

I agree with Rob McReary, that aside from the impact on housing, there are other impacts that are important to be noted. For example, I live in Sandpiper and to have the people using the house across the road changing on a weekly basis for three to four months of the year is an issue.

We hear their normal conversation from the front deck, as well as the music from inside the house and the sounds of partying throughout the rental period. The folks who rent the house are on vacation and not aware that they are in a residential neighborhood, so do not consider that there may be folks close by who have to work in the morning, are ill and/or are impacted by the continuous comings and goings of a number of people, sometimes 3 car loads of adults, children and pets. Although some of the folks are quieter than others, the anxiety caused by never knowing what the week will bring is challenging. Maybe whatever changes to bylaws could consider proximity to neighbors, so that there are bylaws specific to the subdivisions as opposed to an STVR on larger lots.

I do think that the housing stock is impacted by STVR's even if the majority of those who own them would not rent year round. The price of homes on Hornby are driven upwards when the houses are sold to folks who could not otherwise afford them if they did not use them as an STVR. Having that extra income to offset the costs of owning on the island allows folks from off island to purchase when they might not have done so otherwise. There are many who have heard directly and/or have been told by the purchasers that the realtors explained that they could offset their costs by operating an STVR. This removes houses from being able to be purchased by community members who live here year round and serve the community. Right now, there are three families with children who will not have a place to live by the first of May, a couple who do not have year round housing and a single person who also cannot find a place. These are just the ones I know of. The recent housing report on those precariously housed showed that there are a significant number of community members who will have to leave their rental units because they are used for STVR's.

What I would like to see:

- Current STVR's inspected to prove compliance with the bylaws and their compliance with (HISTRA"S) best practices be incorporated into an accreditation process that is part of their advertising. This ensures neighbors that the STVR is following the regulations and removes the onus of neighbors having to make a complaint. The current system is problematic in a small community and I have been told that that there are examples of folks have been reported for other bylaw violations in retaliation for making their concerns about STVR's known.
- I will forward the current BC Septic regulations which stipulate that if there is occupancy over and above the average estimated for a residential septic system, there are increased guidelines that need to be followed. Those STVR's advertising more than 4 people in a 2 bedroom house may be impacted.
- A cap on the number of STVR's. I don't believe that we can continue to allow them to pop up by whoever chooses to open one, wherever they choose to do so, without managing the impact on the environment and the neighbors. I would like to know from businesses especially how much of their business is dependent on folks staying in STVR's as I do not want businesses to lose income. I believe that our food service industries are especially impacted by too many visitors and not able to keep up with the demand.
- All STVR's be required to have the owner on the property. This would no doubt cut done on the party atmosphere and protect the neighbors and the environment as well.
- Current STVR's that are not compliant not allowed to advertise on the HICEEC web page.

Thank you for all the work that you are doing on this contentious issue. I think that the more current STVR owners who realize that they will not be impacted by any proposed changes, the less contentious it will be. I also want to acknowledge the work done by the APC, having witnessed first hand the thoughtfulness and care that went into their recommendations. I still don't understand why the consultants did not meet with the APC as soon as they were hired, nor why they did not meet with the Hornby Island Housing Society or the Hornby Housing Network, so was very happy to hear from both trustees that this meeting is just the beginning of a much fuller community consultation process.

April Lewis

From: HISTRA Association <hornbyshortterm@gmail.com>
Sent: Thursday, March 2, 2023 8:46 AM
To: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; pattheplanner54@gmail.com; Sonja Zupanec <szupanec@islandstrust.bc.ca>; Sharon Horsburgh <sharon@bayshoreplanning.com>; office@hirra.ca; Wendy Burton [redacted]; info@hornbywater.or; hornbyislandhousing@gmail.com; karen@hiceec.org
Cc: Ray Therrien [redacted]; Angela Hudson [redacted]; Michael Williams [redacted]; Patrick Lui [redacted]; Karen Ross [redacted]; Karen Young [redacted]; Arifin Graham [redacted]; Michelle Metzelaar-Easterly [redacted]; Donna Tuele [redacted]; Eulala Personal [redacted]
Subject: HISTRA Response to the February 27th LTC Community Meeting

At their February 21st Public meeting the APC stated that the Recommendations developed were not trying to end or limit STVRs, but rather were trying to find solutions for long term housing. They understood that the two had to be linked. After Monday's meeting we all now know that is not the case.

HISTRA recognizes that if the APCs purpose had been clear to us, we would have supported their intention last March.

The core of our message, from the beginning, is that the 2 decade challenge with housing on Hornby requires our whole community's attention, effort and focus. To that end we submit the attached letter.

We urge that, along with water sustainably, housing should be the core of the LTCs work for not just this 4 year term but until both are demonstrably resolved.

Sincerely,

The HISTRA Board, representing our 100+ Hornby Island Community Members

Ray Therrien, President, Patrick Lui, Michael Williams, Angela Hudson, Karen Ross, Arifin Graham, Michelle Easterly, Karen Young, Donna Tuele, Eulala Mills

Hornby Island Short Term Rental Association
Email: hornbyshortterm@gmail.com

March 2, 2023

To:

Timothy Peterson, Chair Hornby Island LTC

Alex Allen, Hornby Island Trustee

Grant Scott, Hornby Island Trustee

CC:

Patricia Maloney, Consultant

Sharon Horsburgh, Consultant

Sonja Zupenec, Islands Trust

Wendy Burton, APC Chair

HIRRA

HICCEC

Hornby Island Housing

Hornby Island Water Stewardship

HISTRA and our members, strongly support the need to address affordable/accessible housing and water sustainability on Hornby. This has been the focus of our efforts in the last year, to ask our LTC to put your energy, time and money into solving these problems. We believe that the Hornby Island LTC would receive broad community support in making these two issues the central focus of their work for the next 4 years.

The stories and experiences of our community are important. For those who shared publically on February 27th, the underlying issues expressed were primarily one of three real and difficult concerns:

1. access to long term housing and frustration that it is difficult to find and to keep;
2. significant concerns about the pressure on our ground water wells and
3. homes that host too many visitors and disrupt their neighbourhoods.

Some very important facts were confirmed at the Community Public Meeting February 27, 2023:

1. The Consultants were clear the Additional Dwelling Units can be added, via bylaw change, to any zones **as long term rentals only** without any changes to the STVR rules. Members of the APC, participating as individuals at the February 27th community

meeting, stated that this was not the information they were given during their work in creating the recommendations.

- Hornby Island and the LTC can meet the APCs intentions in its recommendations, to help create long term housing that cannot become STVRs, and address the real need of long term housing without any changes to the STVR bylaws.

2. Changing the OCP to remove STVRs as a legal use will not impact the existing STVRs if they have rented recently, continue to rent consistently and are in bylaw compliance.
   - They will all be grandfathered as a legal non-conforming use per the laws of BC: http://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/r15001_14#division_d0e50260
   - That use stays with the property if it is sold.
3. The community was clear that more and better bylaw enforcement is essential to address the small number of STVR owners who are not yet compliant with the bylaws, HISTRA agrees this is important.
   - Since HISTRA was established in 2019, the number of bylaw complaints has declined substantially. While there are 11 open complaints we have been told by the bylaw officer that most, if not all, have been open for 3 years or more.
   - HISTRA now represents between 2/3 and 3/4 of the STVRs on Hornby. We actively promote the requirements for bylaw compliance and best practices in environmental protection, water conservation and considerate management. We are committed to expanding our support to help STVRs on Hornby to operate in a manner that respects their neighbors and meets our islands needs
4. While we agree that the poll taken at the meeting was both a moment in time and not statistically valid, it does, on its face, support the results from the 2017 Islands Trust survey that showed that 3 in 5 Hornby residents supported STVRs as a legal property use, following the stated regulations and in the stated zones. There will always be members of our community who do not support STVRs, but consistently we have seen that most do.
5. The APC at its February 21st public meeting stated that they are not trying to end or limit STVRs, they are trying to find solutions for long term housing.

HISTRA recognizes that if the APCs intentions had been made clear to us, we would have supported their intention last March. This has been our central message from the beginning – the 2 decade challenge with housing on Hornby requires our whole community's attention, effort and focus. The proposed changes to the STVR bylaws and the OCP cannot accomplish either goal. We urge that along with water sustainably, housing should be the core of the LTCs work for not just this 4 year term but until both are demonstrably resolved.

We stand by the data we collected and provided in September of 2022, that demonstrate changes to our STVR bylaws cannot resolve the affordable housing crisis on Hornby. We want to reiterate:

1. Each of the current Hornby Trustees, and the APC in its recommendations document, have made it clear they don't believe changing the STVR rules will improve housing accessibility or affordability on Hornby.
2. Most owners on Hornby are not investors but community members who live on the Island year round and/or part time and therefore do not have a long term rentals to offer in place of an STVR. This has been established through two separate surveys over the past few years.
3. Hornby is unique amongst the gulf islands in allowing STVRs as a legal property use in the property zoning. This was a Hornby made solution to enable and support a long standing Hornby tradition. It has allowed many of our legacy community members to keep their family homes and remain deeply rooted on Hornby.
4. Our data demonstrate that STVRs are not growing out of control, if fact, right now, there is a demonstrable decline in visitors planning to stay in STVRs in 2023
5. The Temporary Use Permit is time consuming for both the applicant and the LTC.
    - TUP decisions must be made based on clear, measurable and fair criterion, applied openly and evenly.
    - Without these attributes in the process the LTC leaves itself open to legal challenges on any decision.
6. We do not have large number of investors in our STVR owners (under 10% of the current STVR owners say they are investors vs. almost 50% in the Vancouver condo market). STVR Owners are largely long term community members who use the income to allow them to remain on Hornby. We need to protect this for the future community members who will need it to remain on Hornby.
7. 45% of STVR properties have some form of rainwater collection as a water source.

We believe that the statement made at the LTC meeting in September, that as a community we need to start with the things we agree on, must guide our actions and behaviours.

With that in mind we offer some other ideas that could have broad community support to enable the creation of affordable housing and greater water security:

1. Any new/changes to commercial developments must provide some staff accommodation as a condition of application.
2. Encourage/streamline rezoning for existing commercial properties to build staff accommodation.

3. Proactively zone sites to allow affordable housing (crown land or specified large lots where the neighbors agree to the change).
4. Fast track any proposal (non-profit, government, private, etc.) for developments that propose affordable housing.
5. Lobby government to provide funds for affordable housing.
6. If the changes to add Additional Dwelling units cannot be limited to long term rentals, use a modified Temporary Use Permit (TUP) like process to support the creation of long term rental housing.
    - For owners who wish to put secondary units on their property, including appropriate water and septic systems, with a requirement that the unit can only be used for residential long term rentals.
7. Island Trust should lobby for themselves or through their associated Regional Districts, to be allowed to issue business licenses. STVRs could then be licensed creating both an inventory and the potential for local revenue to support community needs
8. All dwellings on Hornby, new or established, should have appropriate water and septic systems, including STVRs, but not only STVRs.
9. Require all new builds to have rainwater harvesting systems, at least as well augmentation.
10. The LTC actively assist and support in the transition to rainwater harvesting for water systems. The HIRRA funds for this transition could be promoted more broadly to help make this happen.
11. Set a target for 50% (or more) of all Hornby residences to have at least rainwater augmentation of groundwater wells by 2030. Develop programs to support this transition.
12. Non-food garden water systems should transition away from ground water wells to rainwater harvest or grey water reclamation systems by 2035.

We call on the consultants and the LTC put their limited resources into recommendations, actions and policies that the community can come together to support and that can help to solve housing and water security for our beloved home.

Sincerely the HISTRA Board, representing our 100+ Hornby Island Community members

Ray Therrien, President, Patrick Lui, Michael Williams, Angela Hudson, Karen Ross, Arifin Graham, Michelle Easterly, Karen Young, Donna Tuele, Eulala Mills

From: Sadie Chezenko <chezenko.sadie@gmail.com>
Sent: Thursday, March 2, 2023 1:43 PM
To: Karen Ross
Cc: Alex Allen; Angela Hudson (personal); Arafin Graham; Donna Tuele; Eulala; Grant Scott; Karen Young; Michelle Easterly; Patrick Lui; Ray Therrien; michaelwilliams@telus.net; northinfo; patriciaann maloney
Subject: Re: Landlords use of Property

Hey Karen,

Thanks for reaching out.

In plain language, i think he saying that a person can do a fixed term rental, so long as after that period, it is occupied by a family member or owner for 6 months. And then, if they don't live in it for 6 months, the owner may have to pay the renter 2 months rent.

Maybe I'm missing something, but I don't see how this really creates any huge problem in the Hornby context.

The RTA favours tenants because of the natural power imbalance as far as I can tell. What are the odds that a renter who is doing a fixed term rental every year with an owner is going to report them? Most of the rental arrangements here rely on some personal relationships and understandings. Nobody wants to burn people (from either renter or owner side) in such a small community.

Just my take,

Sadie

1:26

www2.gov.bc.ca

Fixed-Term Tenancies

A fixed term tenancy (or lease) is one that is set for a specific period of time (e.g. a year, a month or a week). At the end of the term of the agreement, the landlord and tenant can agree to another fixed term or the tenancy continues on a month-to-month basis. If the tenant wants to move out at the end of the fixed term, the tenant must serve written notice to end the tenancy so that it's receive

- At least one month before the effective date of the notice, and
- Before the day that rent is due

The effective date of the notice cannot be

1:24

bclaws.gov.bc.ca

Standard terms that must be included in a tenancy agreement

13 (1) A landlord must ensure that a tenancy agreement contains the standard

(1.1) The terms set out in the schedule are prescribed as the standard terms.

(2) A landlord of a rental unit referred to in section 2 *[exemptions from the Act* required to include the following in a tenancy agreement:

(a) section 2 of the Schedule *[security and pet damage deposit]* if the la not require payment of a security deposit or a pet damage deposit

(b) sections 6 and 7 of the Schedule *[rent increase, assign or sublet]*.

[am. B.C. Reg. 234/2006, s. 15.]

Fixed term tenancy — circumstances when tenant must vacate at end of term

13.1 (1) In this section, **"close family member"** has the same meaning as in sect of the Act.

(2) For the purposes of section 97 (2) (a.1) of the Act *[prescribing circumstance landlord may include term requiring tenant to vacate]*, a circumstance in wh landlord may include in a fixed term tenancy agreement a requirement t tenant vacate the rental unit at the end of the term is that the landlord is individual who, or whose close family member, will occupy the rental uni of the term.

(3) For the purposes of section 97 (2) (a.2) *[prescribing period of time for whic circumstance prescribed under paragraph (a.1) must be satisfied]* of the Act, of time for which the circumstance prescribed under paragraph (a.1) *[pre circumstances when landlord may include term requiring tenant to vacate]* m satisfied is 6 months.

[en. B.C. Reg. 225/2017, App. 2, s. 1; am. B.C. Reg. 171/2022, s. (b).]

On Tue, Feb 28, 2023 at 11:17 PM Karen Ross <karenross@telus.net> wrote:

FYI, hoping to clear up a comment from the Monday meeting for Hornby.

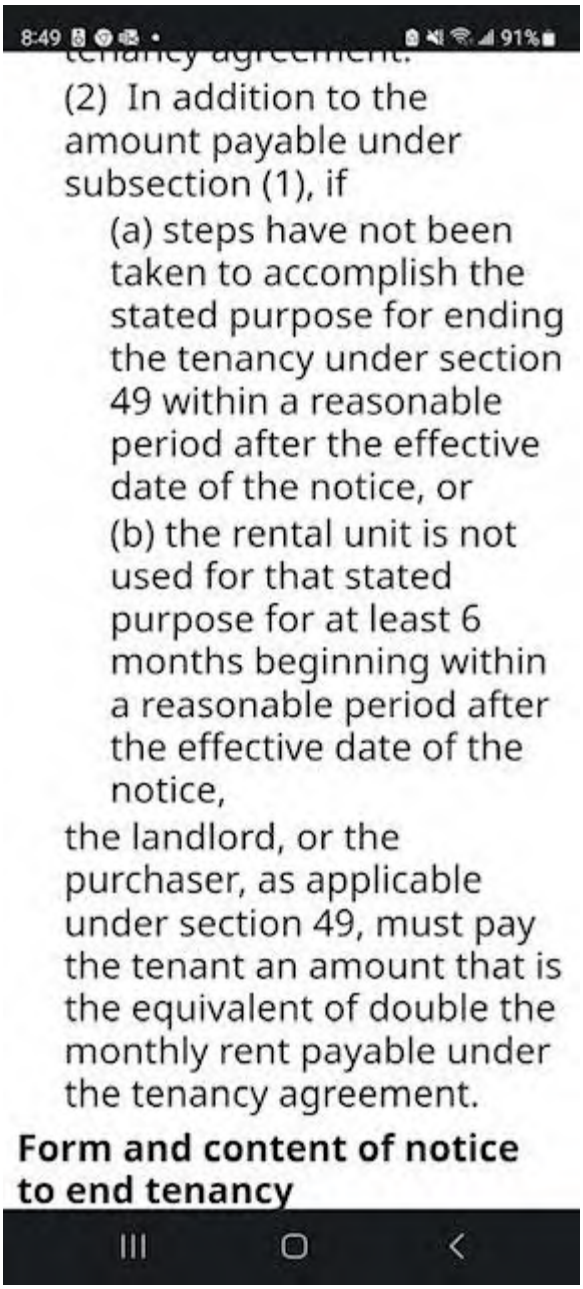
Legal opinion on the May 2018change to the BC Residential Tenancy Act.
Karen Ross

Begin forwarded message:

From: Mike Holmes <mike@phre.ca>
Date: February 28, 2023 at 9:04:12 PM PST
To: rugbygal4ever@hotmail.com, Maria Lauridsen <mariajjlauridsen@gmail.com>
Cc: hornbykarenross@gmail.com, Karen Ross <karen@hiceec.org>
Subject: Landlords use of Property

Hi Karen
As mentioned I was listening in while driving down from Hornby. I was disappointed and surprised to hear the comments with respect to the impact of section 49 of the Residential Tenancy Act .
I have attached a screenshot of a pertinent part of the section.
In the recent amendments to the RTA all fixed term tenancies convert automatically to a month to month tenancy at the end of the term. There is only one practical way for most homeowners to obtain vacant possession and that is to provide notice of the Landlord's use of property under section 49.
However in order to do so one month's rent penalty must be provided and in addition the Landlord (or defined close family member) must occupy the premises for 6 months. Otherwise a penalty equal to a year's rent can be imposed.
This has essentially made it impossible legally for a homeowner to provide a seasonal rental. Thus one could say that one unintended consequence of these amendments is to completely dry up any supply of seasonal rentals on Hornby.
I would suggest the efforts of the concerned community would do well to lobby the government to adopt regulations to permit fixed term tenancies in certain tourist destinations.
I would suggest this would be a more fruitful and likely source of possible affordable long term rentals than the prohibition of short term rentals.
Mike
Michael Holmes B.A., LL.B

Get Outlook for Android



--

Sadie Chezenko MCP

From: Wendy Burton [redacted]
Sent: Thursday, March 2, 2023 10:54 AM
To: HISTRA Association <hornbyshortterm@gmail.com>; Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; pattheplanner54@gmail.com; Sonja Zupanec <szupanec@islandstrust.bc.ca>; Sharon Horsburgh <sharon@bayshoreplanning.com>; office@hirra.ca; info@hornbywater.or; hornbyislandhousing@gmail.com; karen@hiceec.org
Cc: Ray Therrien [redacted]; Angela Hudson [redacted]; Michael Williams [redacted]; Patrick Lui [redacted]; Karen Ross [redacted]; Karen Young [redacted]; Arifin Graham [redacted]; Michelle Metzelaar-Easterly [redacted]; Donna Tuele [redacted]; Eulala Personal [redacted]
Subject: Re: [EXTERNAL]HISTRA Response to the February 27th LTC Community Meeting

Patrick Lui was at the APC table for all of our work on the STR and Housing referrals. Ray Therrien participated in one meeting. At every meeting, through all the review of documents, the brainstorm of recommendations, the drafting and discussion, we all connected the two referrals.

I also made the connection clear when I spoke to our recommendations at the May 2022 LTC meeting. Every opportunity the APC members have, which aren't many, we have made the connection clear. At our APC meeting with the consultants on February 21, 2023, thus point was made several times. Two members of the HISTRA board were present at that meeting.

The set of recommendations about STR must be read against the recommendations about Housing.

Wendy Burton

From: HISTRA Association <hornbyshortterm@gmail.com>
Sent: 02 March 2023 8:45 AM
To: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; tpeterson@islandstrust.bc.ca <tpeterson@islandstrust.bc.ca>; pattheplanner54@gmail.com <pattheplanner54@gmail.com>; szupanec@islandstrust.bc.ca <szupanec@islandstrust.bc.ca>; Sharon Horsburgh <sharon@bayshoreplanning.com>; office@hirra.ca <office@hirra.ca>; Wendy Burton <Wendy.Burton@ufv.ca>; info@hornbywater.or <info@hornbywater.or>; hornbyislandhousing@gmail.com <hornbyislandhousing@gmail.com>; karen@hiceec.org <karen@hiceec.org>
Cc: Ray Therrien [redacted]; Angela Hudson [redacted]; Michael Williams [redacted]; Patrick Lui [redacted]; Karen Ross [redacted]; Karen Young [redacted]; Arifin Graham [redacted]; Michelle Metzelaar-Easterly [redacted]; Donna Tuele [redacted]; Eulala Personal [redacted]
Subject: [EXTERNAL]HISTRA Response to the February 27th LTC Community Meeting

At their February 21st Public meeting the APC stated that the Recommendations developed were not trying to end or limit STVRs, but rather were trying to find solutions for long term housing. They understood that the two had to be linked. After Monday's meeting we all now know that is not the case.

HISTRA recognizes that if the APCs purpose had been clear to us, we would have supported their intention last March.

The core of our message, from the beginning, is that the 2 decade challenge with housing on Hornby requires our whole community's attention, effort and focus. To that end we submit the attached letter.

We urge that, along with water sustainably, housing should be the core of the LTCs work for not just this 4 year term but until both are demonstrably resolved.

Sincerely,

The HISTRA Board, representing our 100+ Hornby Island Community Members

Ray Therrien, President, Patrick Lui, Michael Williams, Angela Hudson, Karen Ross, Arifin Graham, Michelle Easterly, Karen Young, Donna Tuele, Eulala Mills

From: Wendy Burton [redacted]
Sent: Friday, March 3, 2023 10:28 AM
To: HISTRA Association <hornbyshortterm@gmail.com>; Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; pattheplanner54@gmail.com; Sonja Zupanec <szupanec@islandstrust.bc.ca>; Sharon Horsburgh <sharon@bayshoreplanning.com>; office@hirra.ca; info@hornbywater.or; hornbyislandhousing@gmail.com; karen@hiceec.org; info@hornbywater.org
Cc: Ray Therrien [redacted]; Angela Hudson [redacted]; Michael Williams [redacted]; Patrick Lui [redacted]; Karen Ross [redacted]; Karen Young [redacted]; Arifin Graham [redacted]; Michelle Metzelaar-Easterly [redacted]; Donna Tuele [redacted]; Eulala Personal [redacted]
Subject: Re: [EXTERNAL]HISTRA Response to the February 27th LTC Community Meeting

The recommendations made by the Hornby Island Advisory Planning Commission March 29, 2022 is attached.

These recommendations were sent to the Local Trust Committee for their consideration and further action at their May 2022 meeting.

Throughout our receipt of the referral from the local trust committee, we considered Density/Housing and Short Term Rentals in the OCP and the LUB as connected subjects. The recommendations we made on Short Term Rentals and Density/Housing have to be considered together, in order to avoid distorting the intention of the recommendations.

Wendy Burton, Chair
HOAPC

From: HISTRA Association <hornbyshortterm@gmail.com>
Sent: 02 March 2023 8:45 AM
To: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; tpeterson@islandstrust.bc.ca <tpeterson@islandstrust.bc.ca>; pattheplanner54@gmail.com <pattheplanner54@gmail.com>; szupanec@islandstrust.bc.ca <szupanec@islandstrust.bc.ca>; Sharon Horsburgh <sharon@bayshoreplanning.com>; office@hirra.ca <office@hirra.ca>; Wendy Burton <Wendy.Burton@ufv.ca>; info@hornbywater.or <info@hornbywater.or>; hornbyislandhousing@gmail.com <hornbyislandhousing@gmail.com>; karen@hiceec.org <karen@hiceec.org>
Cc: Ray Therrien <[redacted]; Angela Hudson [redacted]; Michael Williams [redacted]; Patrick Lui [redacted]; Karen Ross [redacted]; Karen Young [redacted]; Arifin Graham [redacted]; Michelle Metzelaar-Easterly [redacted]; Donna Tuele [redacted]; Eulala Personal [redacted]
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Sincerely,

The HISTRA Board, representing our 100+ Hornby Island Community Members

Ray Therrien, President, Patrick Lui, Michael Williams, Angela Hudson, Karen Ross, Arifin Graham, Michelle Easterly, Karen Young, Donna Tuele, Eulala Mills

Housing and Short Term Rentals

Recommendations from Hornby Island Advisory Planning Commission

March 29, 2022

These are the over-arching principles of the Official Community Plan: to protect groundwater, to preserve ecosystems and biodiversity.

All recommendations have been considered through the lens of climate change.

We work with the awareness of unintended consequences. We know there are no guarantees these recommendations will lead to affordable, available housing. We acknowledge our recommendations are part of a process to improve housing accessibility and to regulate short term rentals and their impact on housing availability and affordability.

We proceed from evidence based on research from similar communities in British Columbia and Canada experiencing similar problems.

We exercise the Precautionary Principle, that is, when in doubt we exercise caution in our recommendations.

Addressing the lack of affordable, available housing on Hornby Island is a long-range process.

These recommendations, if accepted by the local trustees, will be sent on to the contracted planner, who will write the relevant language for the OCP and the respective bylaws. Part of this process is extensive community consultation through the 1st, 2nd, and 3rd Readings.

Advisory Planning Commission: Vicki Bale, Wendy Burton, Christine Hunt, Rob McCreary, Joanne Ovitsland

Resource People: Rudy Rogalsky, HICEEC; Patrick Lui, HISTRA; April Lewis or Sadie Chezenko, HIHS; Tony Law, Fred Hunt, former trustees.

Density

Rationale

One would think the solution to the housing crisis on Hornby Island would be simple. Build more houses. Permit more density everywhere. Revoke all land use bylaws, re-write the Official Community Plan and create hundreds of houses.

Increasing density will not automatically lead to an increase in affordable housing stock. Being able to subdivide a R2 parcel to build a second dwelling will drive up property values and could

remove potential farm land. Putting a second home on a half-acre parcel will not mean residential rental tenure for the more than 30 families looking for affordable accommodation.

Hornby Island continues to be a community with water scarcity, vulnerable eco-systems, and limited productive farmland. Food security is a concern on Hornby Island; reducing available land by putting up more houses will lead to less sustainable food production and will do nothing to guarantee year-round affordable and available homes.

Recommendations

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.

Temporary Use Permit

Rationale

The Islands Trust cannot issue business licenses to Short Term Rental (STR) operators. Currently, there is no way for the community to know who is operating where and under what conditions. The last official count of STR was 162 in 2018. A survey of advertised STR in 2020 indicated 125 properties operating as STR. Anecdotal evidence indicates the number is at least as high as 2018. Proactive bylaw enforcement began in 2019, and the ongoing enforcement was seriously hampered by Covid19 safety plans that prevented the Bylaw Enforcement Officer from attending in person. The recently-formed Hornby Island Short Term Rental Association (HISTRA), advised us they are a "best practices" association; membership is not required to operate an STR on Hornby Island and compliance to existing bylaws is advised but not required for membership.

The only tool local trustees have is the Temporary Use Permit (TUP). Such permits are required for STR in the Whaling Station subdivision and as far as we know not one has been issued.

TUP are also available for secondary dwellings in permitted zones, and as far as we know not one has been issued. We encourage the local trustees to advise home owners to consider applying for a TUP, to increase density and to provide residential rental tenure where appropriate and desired.

For those who operate a STR that is currently non-compliant, there is this option:

> 6.5.3.4 Vacation home rentals that do not comply with limitations imposed by land use regulations may be considered upon application for Temporary Use Permit.

Our rationale is simple. In order to regulate and control a land use that has a demonstrated impact on housing stock, housing availability and housing affordability, in order to understand the nature of the sector, in order to plan appropriately for the growth of this sector, Hornby Island has to know how many, where, when, and for whom (occupancy). For these reasons, we are recommending the following:

Recommendations

1. Short Term Rentals as a permitted use is revoked in all zones.
2. At the same time all STR operators apply for TUP effective [*date of bylaw change*]

    a.) provide water and septic certification and maintenance plan (part of TUP)

    b.) TUP for STR be batch processed and the fee adjusted to $250 and to $0 if the permit is to provide a community benefit, ie community housing

    c.) Current occupancy limits be confirmed as part of TUP process
3. Rental period defined as three months, for example June 15 to September 15

SHORT TERM RENTAL (STR)

Rationale

The members of the APC recognize the connection between affordable, available housing, increased tourism, and short term rental accommodation. When STR became a permitted use, and bylaws were created to regulate this use, few could have foreseen the proliferation of STR. The hypothetical STR operator, described in 2009, was an older woman living alone in a large home, endeavouring to rent part of her home for a few weeks in the summer to earn enough money to pay her taxes and finance home repairs. Regulations on how long and how many were put in place to preserve the rural nature of the community and protect the eco-systems of the Island. Water capacity and septic capacity were intended to be part of the protect mandate.

The growth of tourism, while appreciated by many, is a source of concern for a sustainable, viable future for all who live on the Island. The community has to be given an opportunity to discuss how much is too much and/or how much is not enough.

These recommendations govern all Short Term Rentals (STR) that are operating currently and would therefore be legally non-conforming and all STR authorised by approved TUP.

Recommendations

1. All STR (including those advertised on AirBnB and any other advertising platform) must register with Islands Trust. A registry will be maintained by Islands Trust.

2. All STR have proven septic and water capacity. The Province regulates septic capacity and identifies water use requirements, based on science-based evidence.
3. STR are conducted within the principal residence on the property (not a secondary building) where permitted.
4. The rental period is reduced from five months to three months, for example, from May 1 - September 30 to June 15 to September 15

   This is a contentious recommendation. The existing period was the result of extensive community consultation in the 2000's before the bylaws were created. Many community members now believe the period is too long. Other community members, especially those in the visitor accommodation sector, now believe it is too short. Many STR are in non-compliance, that is, they operate year round or outside the rental period of May 1 to September 30. The argument that shortening the period would affect MRDT funds coming to the community is one that has to be put to the community.
5. One STR per property
6. Enforce bylaws about STR in secondary dwellings where permitted.

   This recommendation is to do with STR provided in secondary dwellings in zones where such a use is permitted. Addressing the bylaw compliance of secondary dwellings that are not being used for STR in all zones is outside our referral. Year round dwellings / housing should not have enforcement even when moratorium on enforcement is discontinued. It would be next to impossible for enforcement of year round housing as there is no reliable way to monitor availability and use and the threat of enforcement could diminish available residential housing stock

7. Proactive enforcement of all Visitor Accommodation (inclusive of resorts, campgrounds, glamping).
8. Require all platforms to list only those properties in compliance.
9. Require all platforms to provide data (*cf* Union of BC Municipalities stakeholders report, June 2021).[1]
10. Clarify the occupancy limits by zone for STR.

    Tie advertising to occupancy, i.e. the advertised occupancy conforms to bylaws

11. Number of STR on Hornby Island be capped.

    While STR are a permitted use on Hornby Island, the number cannot be capped

12. Permit limited number of long-term residential occupancy of seasonal campgrounds

[1] This report makes several recommendations. The Province is urged to require STR operators to register as business; platforms advertising STR be required to provide a section for hosts to display business licenses or permits; platforms advertising STR be required to collect data and make data available to the province and available to local governments; and platforms advertising be required to refuse advertisements from non-compliant businesses.

ZONING

Rationale

The reason for the first recommendation is this: water scarcity in all subdivisions (Whaling Station, Galleon, Sandpiper) is a fact. Inadequate septic capacity on many R1 lots is a fact. Currently, the only properties on Hornby Island that are required to prove septic capacity are STR in the Whaling Station Water Zone. As far as we know, not one TUP has been issued for STR in this zone. Recommendation #1 will provide information about how many properties are operating a STR.

Recommendations

1. All SR (Small Lot Residential) lots/zones be designated IA Heavily Developed Aquifer.

   Any STR operating in a IA Heavily Developed Aquifer would apply for a TUP and would be required to certify septic capacity.

2. Create bylaws governing Lerena Vineyards and Fossil Beach Farm.
3. Clarify "visitor accommodation" and relevant bylaws for Hornby Island Resort (the "Thatch") development.
4. Amend the bylaws governing Public Use Zone to add (e):

   Despite 8.21(1), the only permitted uses are:
   (a) Cemetery;
   (b) Public utility storage yard;
   (c) Highways maintenance yard;
   (d) Recycling depot; and
   (e) Community trades and services, including associated retail.

ADMINISTRATIVE

1. Change LUB 8.5 where Elder Housing and ISLA are named. Change to Hornby Island Housing Society.
2. All site plans and permits be checked for compliance with on-site visits.

DEFINITIONS

1. Community housing includes mobile homes, tiny homes, caravans, yurts. We recommend revising this language so it is inclusive of seasonal work-force housing.

   Current OCP: "Community Housing" is housing that is provided specifically by bylaw to address affordable or special needs housing requirements, including housing that is

provided on land designated for community services use, but community housing does not include housing that may be provided as part of a land cooperative; as a secondary suite; as part of a mixed use development such as in association with a commercial land use or as a secondary dwelling on a property; even though such housing may contribute to the provision of housing that is affordable, available for rent or that accommodates the needs or persons with special needs. The Community Housing designation is intended to designate areas that are considered suitable for such housing.

2. Define "tank" to exclude cisterns.
3. Define cistern. We recommend cisterns continue to be governed by setback requirements on all zones.
4. Clarify if septic field and absorption field mean the same thing.

ADVOCACY

1. Continue to request the provincial government allow Islands Trust communities to issue business licenses for short term rentals. If it becomes possible to issue business licenses, then the HOAPC recommends requiring a business license for all STR and removing the requirement to apply for a TUP.
2. Advocate the provincial government mandate that all platforms advertising short term rentals be required to provide data and to advertise only those businesses that are compliant with existing, local bylaws.
3. As well as providing information about water conservation, STR operators provide guests with information about Indigenous presence and occupation of Hornby Island
4. Prepare a simplified Guide to LUB to educate owners and operators about Hornby Island's OCP and LUB.
5. Advocate that realtors provide information about LUB and STR regulations

Wendy Burton and Joanne Ovitsland, on behalf of Hornby Island Advisory Planning Commission

Recommendations approved by consensus at a formal meeting of the HOAPC on March 29, 2022.

Appendix A: Document List

Documents consulted by APC and Resource People November 2021 to March 2022

1. G Horvath Document 1, email August 30, 2021: Well Water Turning Grey
2. T Law Document 2 Vacation Rentals – Hornby Island 2009
3. T Law Document 3 August 13 2020 Vacation Home Rentals – account
4. T Law Document 4 November 2012 History of STR
5. T Law Document 5 October 22 2021 Email Residential rentals on Hornby
6. T Law Document 6 24 October 2021 Correcting a Problem in the Vacation Home Rental Regulations
7. T Law Document 7 27 October 2021 Addressing Over-occupancy of Vacation Home Rentals
8. T Law Document 8 22 October 2021 Capping the number of vacation home rentals
9. S Chezenko Document 9 10 October 29 STR Policy Options
10. A Lewis Document 10 October 2021 Summary of Advertised Paying Guests
11. Same as #9
12. A. Lewis 28 October 2021 Housing and Short Term Rental Strategies (Facebook compilation)
13. Ferry Ridership.png
14. Land Use Regulation and Housing – T. Law - 2022
15. Regulations STR Toolkit 2021
16. Vacation Rentals 2017 – Staff Report
17. Vacation Rentals HICEEC
18. Hornby VHR FAQ Document
19. Home Rental Policy Review 2017
20. Rainwater Guidelines BC Government
21. Vacation Rental Backstory 2011 onward
22. Enabling additional rental and temporary housing opportunities – T Law
23. Policy Areas Housing Priorities for Short Term Rentals – BC Government
24. Vacation Home Rental Survey Results
25. Email from Ed Hoeppner, January 8, 2022
26. Informal note from Rob McCreary on first brainstorm list (see minutes of January 28, 2022 meeting)
27. Horvath document and ministerial response
28. Minimum Lot Size Rural Residential 2 Tony Law
29. Community Water Supply (HI)
30. Jo Ovitsland summary of STR Management Toolkit
31. Density Benefits for Housing and Hornby Island
32. MRDT Program Requirements September 2021
33. Food Security Report January 18, 2022, Nym Hughes
34. HIHS OCP Bylaw Revisions

---------- Forwarded message ---------
From: April Lewis <[redacted]>>
Date: Sat, Mar 4, 2023 at 12:15 PM
Subject: Bylaw changes - addition to my letter
To: Grant Scott <gscott@islandstrust.bc.ca<mailto:gscott@islandstrust.bc.ca>>, Alex Allen <aallen@islandstrust.bc.ca<mailto:aallen@islandstrust.bc.ca>>
Cc: Wendy Burton <[redacted]>>

Hi Alex and Grant. I want to add the following two points to my letter about the bylaw changes regarding STVR's. Please forward this email to Tim and Sonja. Thank you. April

1. There seems to be disagreement in the community about whether or not STVR's affect housing. I believe that it is affected by STVR's, not only as indicated in my previous letter, by the reduction of available rental housing and/or more affordable ownership stock, but also by the fact that we cannot consider increasing density to address the housing shortage until STVR's are better regulated, zoned and capped. If we increase density without addressing the potential proliferation of new STVR's, there is nothing to stop a newly permitted second dwelling being used as an STVR and not a year round rental.

2. There also seems to be a profound lack of information about how many STVR's there really are. There are currently 62 being advertised on the hornby.com<http://hornby.com> web page. I have been told that many have stopped advertising on that site since there has been such a focus on STVR's, but I do not know how many that is. I would think that HICEEC would have that information and may be willing to give that to Islands Trust.

HISTRA has reported that they have 100+ members and that they represent between 2/3 and 3/4 of the STVR's on the island. I have not been able to find out how many STVR's their 100+ members represent (I am thinking that there may be some STVR's operated by a couple and maybe both are members of HISTRA), so I am basing my calculations on 100 STVR's under HISTRA's umbrella. If I have done the math properly, this translates into a total of STVR's between 134 and 150 on the island. Given that, according to Stats Can, there are 1117 private dwellings on the island (654 occupied year round) , that means that at least 12 or 13% of our housing stock is being used for short term rentals. I am thinking that this is a high percentage for such a small community, another reason to cap the number of new ones that will be permitted. Again, HISTRA may be willing to let Islands Trust know how many STVR's they represent.

If by chance, Islands Trust does know or finds out how many STVR's HISTRA represents, I would appreciate it if you could let me know. The Hornby Housing Network is working on a community profile and database and it would be important to include this information in our project. Thanks again to you both. April

From: Anthony Law [redacted]
Sent: Saturday, March 4, 2023 11:49 PM
To: Alex Allen; Grant Scott; Timothy Peterson; northinfo
Cc: Wendy Burton
Subject: Taking Leadership to Address Short Term Vacation Rentals
Attachments: Taking Leadership to Address Short Term Vacation Rentals TLaw to Hornby LTC 04.03.2023.pdf

Hi Alex, Grant and Tim:

Please receive the attached

Thank you!

tony

Tony Law
2435 St Johns Point Road, Hornby Island, BC V0R1Z0
250-335-1155 tlaw1@telus.net

04 March 2023

Dear Alex, Grant and Tim:

re: Taking Leadership to Address Short Term Vacation Rentals

It is a year since the APC presented its recommendations. Time has been lost due to the intense lobbying and misrepresentation with respect to the APC's recommendations and the failure of the consultants to effectively deal with this.

In June 2022, the Hornby LTC endorsed a project charter to review and update the Hornby Official Community Plan (OCP) and Land Use Bylaw (LUB) regulations with regards to housing, short term vacation rentals, First Nations acknowledgements, and riparian areas.

The charter notes:
The APC spent much of 2021 and early 2022 meeting and providing recommendations regarding amendments.

Since then, the following deadlines have been missed:

Community workshops - September, October
(workshops were conducted in October and February but did not go beyond the topic of short term vacation rentals)

Consultants report and recommendation – November
(No report or recommendations from the consultants– just a memo in January indicating that the deliverables will not be completed)

First reading February
(Nowhere close!)

It is now time for the LTC to be fully in control of the process and to take leadership in the community by affirming the following:

1. **Short term vacation rentals are supported in the Official Community Plan and are not going to be eliminated.**

2. **There is no clear evidence to indicate that Hornby Island has been, and will continue to be, immune to the impacts of short term vacation rentals upon the affordability and availability of residential housing.**
(As described in reports prepared for the Province of BC, the Union of BC Municipalities, and the Federation of Canadian Municipalities).

3. **There is no clear evidence to indicate that Hornby Island has been, and will continue to be, immune to the trend of increasing numbers and commercial character of short term vacation rentals across the country.**
   (As described in studies by Statistics Canada and McGill University).

4. **Every other local government in our region has measures in place to protect their small communities from the impacts of a potential increase in the number and commercial character of short term vacation rentals.**
   (ie: Denman, Gabriola, Galiano, Gambier, Lasqueti, Mayne, North Pender, Salt Spring, Saturna, South Pender and Thetis Island Local Trust Committees** and **Comox Valley, Nanaimo and Alberni-Clayoquot Regional Districts** and the **municipalities of Bowen, Tofino, Ucluelet, Cumberland and Port Alberni)

5. **Hornby Island is the only jurisdiction in our region that allows short term vacation rentals on every lot in residential zones with no ability to address the future number of residential dwellings that might be used for this purpose over and above all those already operating.**

6. **The Hornby Island Local Trust Committee can regain the ability to address the number and character of any additional short term vacation rentals, by requiring that potential new operations apply for a Temporary Use Permit, while all existing vacation rentals can continue to lawfully operate (in accordance with part 12, division 14 of the *Local Government Act)* without requiring a permit.**

7. **Staff should work with the APC to draft amending bylaws that would enable Temporary Use Permits to be considered for any new short term vacation operations (plus those that might be operating in contravention of existing regulations) while clarifying that this will not impact the lawfulness of all existing operations or require them to apply for a permit. This will result in Hornby Island continuing to have the most favourable regime for existing vacation rentals in our region, but with more community control over growth.**

.....

Here is some supporting information for these statements:

1. Short term vacation rentals are supported in the Official Community Plan and are not going to be eliminated.

As with just about every other OCP and Zoning Bylaw in BC, the use of residential dwellings for short term vacation rentals was not mentioned historically in our land use documents because the activity was “off the radar”.

Vacation rentals were first officially identified as a practice happening on Hornby Island in a 1971 planning study conducted by the Comox Strathcona Regional District. They continued as a low-key activity that got little attention until the 1990s when they became a more widespread and commercial-style use due to the emergence of internet advertising and property management companies.

Concerns were brought to the attention of local government by neighbours who were being impacted by vacation rental activities and by residential tenants being displaced by short term rentals.

Short term rentals were not a permitted use in the Land Use Bylaw. The choice was to enforce against the operation of vacation rentals as they were complained about or to find a way to permit them.

The choice was made to permit vacation rentals, recognizing that they were an established and accepted use that was valued by much of the community, even if had not been officially permitted.

The process of legalizing was spread over four election terms, involving five different local trustees. Few local governments had begun to tackle this issue so there were not well-established models to follow.

There were two potential options: to permit through lot-specific temporary use permits or to allow them on every lot as an outright permitted use in zoning regulations. Staff recommended Temporary Use Permits (TUPs) as the only way for the community to have some control over the extent of the use and its cumulative impacts.

In 2009, a survey of residents and non-resident property owners indicated the majority (55%) supported either using Temporary Use Permits (42%) or not allowing vacation rentals at all (15%) while 40% supported allowing them as an outright permitted use in zoning regulations. The majority of respondents were non-residents.

TUPs were opposed by people who were conducting rentals. It was asserted that TUPs were unnecessary because so little money was to be made from vacation rentals that they would remain a low-key, low-number activity. People resisted having to apply for a permit to continue what they were already doing. In fact, it was indicated that there might be an organized refusal to apply for permits. This would have presented the Islands Trust with a huge enforcement issue.

OCP policies and land use regulations to permit the use through zoning were carefully crafted with significant community input considered. Draft bylaws were taken to public hearing. The Executive Committee raised concerns about potential impacts on water supply, community character, and residential housing. They were informed that such potential impacts had been considered but were not anticipated under the regulatory framework that had been developed.

The amendments to the Official Community Plan included policies to implement these objectives: *(1) to allow vacation home rental use while ensuring that the residential use of property and its residential character are retained, and (2) to address potential impacts of vacation home rentals.*

The amendments to the Land Use Bylaw allowed vacation home rentals as a permitted use in residential zones and the agricultural zone with regulations designed to keep occupancy at the levels already permitted for B&Bs, plus other measures to protect residential character.

Planning staff made it clear that once these regulations were adopted the LTC could not rescind them without vacation home rentals operating under them continuing to be a lawful non-conforming use.

2. There is no clear evidence to indicate that Hornby Island has been, and will continue to be, immune to the impacts of short term vacation rentals upon the affordability and availability of residential housing.

Here are some recent conclusions about the impact of vacation rentals on housing costs:

"A Home for Everyone: A Housing Strategy for British Columbians"
- Union of BC Municipalities, 2018

The proliferation of short-term rental opportunities through platforms such as Airbnb has had the impact of contributing towards demand by making investment in residential real estate more desirable, and further drawing down already limited long-term rental stock in communities across the province.

"Priorities for Action on Short-Term Rentals"
- Province of BC Advisory Group and Union of BC Municipalities, 2021

The potential for earning revenue from short-term rental use of properties (whole or in part) often supports higher property prices than local incomes can support.

From 2001 to 2016:
On Hornby Island, median prices of dwellings sold increased 106% - from $250,000 to $514,000
- Across Canada, the increase was 60% - from $150,000 to $241,000
On Hornby Island, median household incomes increased 18% - from $29,997 to $35,328
- Across Canada, the increase was 60% $52,548 to $84,000

Here are some recent conclusions about the impact of vacation rentals on rental housing:

"Priorities for Action on Short-Term Rentals"
- Province of BC Advisory Group and Union of BC Municipalities, 2021

The use of housing units for travellers has reduced long-term rental housing capacity at a time when housing availability and costs are already under pressure.

"Regulating Short-Term Rentals -A Toolkit for Canadian Local Governments",
- Federation of Canadian Municipalities, 2021

The short story is that the proliferation of STRs leads to a worsening of both housing availability and affordability system-wide and over time, with non-principal dwelling unit STRs being the main culprit.

if an operator is listing any dwelling unit other than their principal dwelling unit, whether or not they ever use the unit themselves, a potential long-term home is being lost.

The communities and neighbourhoods experiencing the greatest negative impacts of STRs on housing availability and affordability will often be those with a high concentration of non-principal dwelling unit STRs

> *STRs are growing faster, concentrating faster, and removing housing from the long-term market faster in rural areas.*

Hornby Island is a rural community with a significant proportion of non-principal dwelling units.

According to the 2018 Housing Needs Assessment for Hornby Island, out of 1,104 dwellings, 470 are principal dwellings occupied by owners. A further 11 units were rentals provided by Elder Housing.

That leaves 623 units that were secondary dwellings owned by people whose primary dwellings are on Hornby Island or (more likely) elsewhere.

Both residential tenancies and short-term vacation rentals come from this pool of secondary dwellings.

- With respect to residential rentals:

According to the 2008 Housing Needs Assessment for Hornby Island:
- In 2006, there were 93 residential tenancies from a pool of 414 secondary dwellings

According to the 2018 Housing Needs Assessment for Hornby Island:
- In 2016, there were 104 residential tenancies from a pool of 623 secondary dwellings

From 2001 to 2006:
The number of residential rental units had dropped by 40% (from 165 to 100)
This was during a period of significant growth in short term vacation rentals.

From 2006 to 2016:
The percentage of secondary dwellings used for residential tenancies decreased from 22% to 16%
(In BC, about 30% of dwellings are residential rentals.)

- With respect to vacation rentals:

In 2016, there were 519 secondary dwellings not being used for residential tenancies.
They were being used;
- for part time or occasional use by owners (unknown number), or
- for part time or occasional use by owners + vacation rentals (unknown number), or
- for vacation rentals (unknown number)

The total number of vacation rentals is not accurately known, nor is the breakdown between those being conducted in a primary residence, those being conducted in a secondary residence that is also being used by the owners, and those being conducted as the main use of the dwelling.

The “Priorities for Action on Short-Term Rentals” report states:

> *Where the available data or evidence falls short of the reliability necessary for conclusive analysis, governments should exercise caution but also act to prevent likely harms.*

Observations by local governments indicate there is a significant unmeasured threat to long-term housing. As 70% of B.C.'s renter households rely on secondary rental market housing, and in some communities up to 100% of rental housing is in the secondary market, there is a strong case for responding to the potential impacts of short-term rentals even in lieu of appropriate data sources.

About 91% of Hornby Island's renters rely on secondary rental market housing.

The Hornby Island Local Trust Committee cannot restrict or reduce the existing permitted vacation rentals happening using secondary dwellings. A cautious approach would be to at least have the ability to manage additional vacation rentals over and above what is already permitted.

3. There is no clear evidence to indicate that Hornby Island has been, and will continue to be, immune to the trend of increasing numbers and commercial character of short term vacation rentals across the country

From: "Measuring private short-term accommodation in Canada"
- Statistics Canada, 2017

Growth in private short-term accommodation in Canada has been rapid as total revenues increased nearly tenfold (940%) between 2015 and 2018.
(In BC, revenues grew from $92,000 in 2015 to $876,000 in 2018)

From: "Short-term rentals in Canada: Uneven growth, uneven impacts"
- Combs, et al, School of Urban Planning, McGill University, 2020

Active listings, total revenue, hosts with multiple listings, and frequently rented entire-home listings are all growing at substantially higher rates in small towns and rural areas.

On Hornby Island, the number of vacation rentals advertised increased from about 120 in 2009 to about 180 in 2019, a 50% increase.

The range of rental rates for advertised vacation rentals grew from between $500 and $2,000 per week in 2009 to between $1,000 to $5,000 per week in 2019 (with a few outliers in each case).
That is a 100% increase at the low end of the range and a 150% at the high end.
(Median household incomes grew from $32,000 in 2006 to $35,000 in 2016.)

In 2017, in a survey conducted by the LTC on Hornby Island, the majority of respondents perceived that vacation rentals conducted on the island were having negative impacts on:

- Housing availability
- Nuisances
- Ferry waits and line-ups
- Garbage generation and waste disposal
- Freshwater resource use
- Septic capacity

All this indicates that vacation rentals grew rapidly in number and in commercial character over the five years since they became a permitted use, creating perceived negative impacts in the community.

Five more years on, it is hard to predict if another period of growth might be ahead and what the impacts might be.

4. Every other local government in our region has measures in place to protect their small communities from the impacts of a potential increase in the number and commercial character of short term vacation rentals.

In the Islands Trust area and on Central Vancouver Island, this how local governments are addressing vacation rentals in order to have control over the type and number of operations in small and rural communities:

- Vacation rentals not permitted in residential zones:
  - *Comox Valley Regional District*
  - *Nanaimo Regional District*
  - *Denman Island*
  - *Lasqueti Island*
  - *Salt Spring Island*
  - *South Pender Island*

- Vacation rentals permitted only by Temporary Use Permit
  - *Alberni-Clayoquot Regional District*
  - *Gabriola Island*
  - *Galiano Island*
  - *North Pender Island*

- Vacation rentals permitted only as a home occupation
  (a resident in a primary dwelling renting out a permitted secondary dwelling on the same lot)
  - *Gambier Island*
  - *Maybe Island*
  - *Saturna Island*
  - *Thetis Island*
- Vacation rentals permitted by a Business Licence issued by a municipality
  - *Bowen Island*
  - *Tofino*
  - *Ucluelet*
  - *Port Alberni*
  - *Cumberland*

5. Hornby Island is the only jurisdiction in our region that allows short term vacation rentals on every lot in every residential zone with no ability to address the future number of residential dwellings that might be used for this purpose over and above all those already operating.

Unlike other jurisdictions in our region, Hornby Island's zoning regulations permit vacation rentals to be conducted on any lot in the residential zones and agricultural zone.

This means the LTC, unlike other jurisdictions, has no ability to limit the type and number of additional vacation rentals on Hornby Island, resulting in the potential for unchecked growth.

Additional vacation rentals could be established as a result of:

- a resident re-locating off-island for a period
  (eg for employment, education, etc)
- a non-resident property owner unable to use their property due to changed circumstances
  (eg economic, health, employment, relocation)
- a property changing hands
  (eg with the new owner seeing the dwelling as a source of income)

a new build or re-build
(eg maybe purpose-built as a vacation rental, as is happening elsewhere)

On Hornby Island, an owner has five choices of use for a residential property:

1) Primary residence
2) Residential tenancy
3) Part-time use or occasional use
4) Part-time use or occasional use + vacation rental use
5) Vacation rental use

In other rural communities in our region, choices 4) and 5) either don't exist or require an application for a Temporary Use Permit. This enables local governments to limit the number of vacation rentals in their communities. It encourages owners who are not using secondary dwellings to consider using them for residential tenancies.

6. The Hornby Island Local Trust Committee can regain the ability to address the number and character of any additional short term vacation rentals, by requiring that potential new operations apply for a Temporary Use Permit, while all existing vacation rentals can continue to lawfully operate (in accordance with part 12, division 14 of the *Local Government Act)* without requiring a permit.

If there is a need for the community to potentially have the ability to manage the future growth of vacation rentals, the only way to do this is to require all new operations to apply for a Temporary Use Permit. A Temporary Use Permit (TUP) can carry specific conditions. If necessary, the LTC can use a Standing Resolution to limit the number of TUPs issued or to restrict them to specified zones or areas of the island.

There has been some discussion about the potential use of Business Licences.

Business licenses are not available to local trust committees. They function under the *Islands Trust Act* which provides the authority of a regional district board, but only for planning and land use management. Business licences are not a planning and land use management tool. Regional districts do not have authority to issue business licences.

When I was a trustee, there was almost zero support among other trustees to pursue business licensing. In 2021, I wrote to the Minister of Municipal Affairs about the possibility of the Hornby Island Local Trust Committee being given this authority. Here is the response:

> *In your letter you requested that all regional districts, and all local trust committees, receive the additional authority to regulate business licensing. More specifically you expressed an interest in business licensing for short-term rental accommodations to address service challenges on Hornby Island.*
>
> *As you may know, local trust committees operate under the Islands Trust Act. The Islands Trust's objects (powers) and authorities in the legislation are in relation to land use and planning. If business licensing is to be pursued on Hornby Island, it would be through the regional district legislative framework.*

With respect to regional districts having business licensing authority, the response was:

> *The Ministry of Municipal Affairs (MUNI) continues to be interested and willing to work with regional districts that are wanting to explore this authority. There are many implications and considerations that would be involved in a legislative change to provide additional powers to regional districts. As such, a collaborative approach that involves working with a regional district to enable business licensing through a possible regulation would allow MUNI and the regional district to come to a common understanding of matters such as costs, impacts and enforcement implications of business licensing in a more rural context before a pursuing a more general authority.*
> *Currently, there is no regional district directly requesting the additional authority.*
>
> *A regional district board that is interested in requesting the additional authority is encouraged to provide the Minister of Municipal Affairs with a rationale for their request, which would include information about the need for the additional authority and how the business regulation would be used and implemented.*

For business licenses to be applied to Hornby Island a three-step decision process would be involved:

- The Comox Valley Regional District would have to decide that it needs this authority and to write to the Ministry requesting it;
- The Ministry would have to decide that the additional authority is warranted;
- If granted, the CVRD would have to decide whether to set up a business licensing service that would apply to vacation rentals on Hornby Island.

It is unlikely these decisions will be made because

a) the Hornby Island Local Trust has authority to use TUPs;

b) other local governments are already using TUPs to permit vacation rental uses, eg:

The Town of Gibsons
Alberni-Clayoquot Regional District
Regional District of Okanagen-Similkameen
Thompson- Nicola Regional District
Columbia Shuswap Regional District
Gabriola Island Local Trust Committee
Galiano Island Local Trust Committee
North Pender Island Local Trust Committee

If the CVRD did obtain business licensing authority and chose to set up a service, there would be a complex division of decision-making around vacation rentals, with the Hornby Island LTC making land use decisions and the CVRD Board making business license decisions.

Case law indicates uncertainty about whether a local government has authority to limit the number of business licenses it issues. If the CVRD chose to take a cautious approach, business licenses would not provide the ability to limit the potential growth of vacation rental operations on Hornby.

It seem that the main reason for some to prefer business licenses over TUPs is the assumption that TUPs involve a higher fee. Business licenses need to be applied for every year. A TUP lasts for 3 years and can then be renewed for a further 3 years (after which a new permit can be applied for).

> *In Tofino, a business licence is required with a fee of $495 in 2023 and $505 in 2024*
> *The annual cost is $500.*
>
> *On North Pender, a TUP is required with a fee of $900 fee and a renewal fee of $165*
> *The annual cost is $353.*

Thus the TUP process can be cheaper. It can also be made more efficient by batching applications.

If the LTC does adopt the requirement fot TUPs, it will have zero impact upon the ability of existing vacation rentals to continue operating legally under the regulations that have been in place for the past decade. Part 12, division 14 of the *Local Government Act* provides this assurance.

When the LTC was considering how to allow vacation rentals, there was strong lobbying on the part of operators against TUPs as they did not want to go through a permitting process. Their wish was granted, but with the result that the local government lost control over the future growth of vacation rentals.

Now, again, vacation rental operators are lobbying against TUPs because they don't want to go through a permitting process. Their wish will be granted again, because they will have a legal status that does not require this.

What is proposed here will be a win-win situation. Those who are concerned about continuing to operate vacation rentals and those concerned about having the possibility of managing future impacts will both have their interests met.

***7.* Staff should work with the APC to draft amending bylaws that would enable Temporary Use Permits to be considered for any new short term vacation operations (plus those that might be operating in contravention of existing regulations) while clarifying that this will not impact the lawfulness of all existing operations or require them to apply for a permit. This will result in Hornby Island continuing to have the most favourable regime for existing vacation rentals in our region, but with more community control over growth.**

There has been some advocacy around making no changes and abandoning attention to vacation rentals so that attention can be given to the priority issues of housing and water. I believe the community in general sees housing and water as priority issues and many of us, including those wanting to see vacation rentals appropriately addressed, are keen to see these issues being worked on.

Ironically, what has been delaying completion of the work on vacation rentals is the time and resources taken up responding to the lobbying and misinformation by those who are now saying that the time and resources should be applied differently!

Although they are incorporated, Tofino (with 1,205 dwellings) and Ucluelet (with 997 dwellings) are similar to Hornby Island (with 1,117 dwellings) in being small destination communities.

Housing and water seem to be even bigger challenges for those communities. Yet both have seen the importance, in the last year or so, of giving attention to the impact of vacation rentals on their communities.

Tofino is checking in on its local vacation rental supply to determine whether restrictions could help create residential affordability. Ucluelet is cracking down on the proliferation of short-term rentals in residential neighbourhoods as it grapples with a housing shortage.

So Hornby Island would not be out-of-step with its peer communities in completing the task that has been well started.

This completion should involve the APC and Island Trust planning staff working together to draft amending bylaws for the LTC to consider bringing to first reading.

The APC members worked on this for over a year and have developed an understanding of the issue, including by inviting representatives of HISTRA, HICEEC and Hornby Housing Society to attend.

Planning staff have an understanding of the islands and of Islands Trust policy, legislative framework and administrative processes. There is also in-house experience of establishing the use of temporary use permits for vacation rentals on other LTAs.

While, according to case law *(Saunders v. Langley)*, the onus is on a property owner claiming a lawful non-conforming use to establish that the lawful use was in place when new zoning regulations were established, it would be helpful if the Islands Trust could work with HISTRA to provide straightforward ways for the legality of existing vacation rentals to be ascertained and maintained. This could, perhaps, involve a registry. I imagine if operators to retain records, such as PST submissions and advertisements for their rentals, these provide evidence of their operation's lawful status.

Some clarity and reassurance could also be provided through OCP policies and an information note in the LUB.

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Possible changes to Hornby Island Official Community Plan policies:

Policies:

6.5.3.1 ~~Where a dwelling is permitted on a parcel by the land use regulations, the rental of that dwelling as a vacation home rental should be permitted in the zoning regulations:~~
~~a) provided that the owner or tenant of the parcel is ordinarily resident on the property and the vacation home rental use is occurring during the temporary absence of the owner or tenant; or~~

~~Hornby Island Official Community Plan, 2014 70~~
~~b) where the owner or a residential tenant of the parcel resides seasonally in the dwelling and the vacation~~
~~home rental use is occurring during the absence of the owner or tenant; or~~
~~c) where the owner or residential tenant is residing in another lawful dwelling on the property while the vacation home rental is occurring.~~
Vacation home rental use may be permitted upon application for a Temporary Use Permit

6.5.3.2 ~~Vacation home rental use should be subject to regulations which~~:
The conditions of a Temporary Use Permit should:
a) require a level of continuous occupancy that allows visitors to experience and develop an awareness of the local community and Hornby Island in general through a vacation experience;
b) limit the portion of year that a vacation home rental use may be in operation so as to ensure that the residential use of the property is retained;
c) limit the total number of bedrooms and beds which may be accommodated based on the area of the lot on which the dwelling is located so as to ensure that the scale of vacation home rental occupancy does not exceed what might otherwise be accommodated by normal residential use;
d) require adequate off-street parking spaces to limit vehicle crowding on public roadways;
e) ensure that the residential appearance and character of a property is not altered by the vacation home rental use; and
f) require that accommodation be within the permitted dwelling and prohibit camping or use of tents or recreational vehicles for vacation home rental use;
g) address supply of water and treatment of sewage
h) address the provision of contact information to visitors and neighbours and of timely response to issues that may be presented to them in relation to the vacation home rental use.

6.5.3.3 The local trust committee may, by Standing Resolution, cap the number of Temporary Use Permits that may be issued for vacation rentals and specify zones or locations where Temporary Use Permits may or may not be considered.

6.5.3.4 In accordance with part 12, division 14 of the *Local Government Act*, all vacation home rentals that were being lawfully conducted in accordance with the land use regulations in place before the amendment of the Hornby Island Land Use Bylaw to require Temporary Use Permits for vacation home rental uses will continue to be lawful proved they continue to be operated in accordance with those regulations.

6.5.3.~~3~~**5** Owners of vacation home rentals, especially those located in the Whaling Station Bay/Anderson Drive area and other small lot areas, are strongly encouraged to minimize impacts upon groundwater resources by:
a) utilizing a rainwater catchment and storage system;
b) installing water-saving fixtures; and
c) providing information about water conservation practices to all guests.

~~6.5.3.4 Vacation home rentals that do not comply with limitations imposed by land use regulations may be considered upon application for Temporary Use Permit.~~

6.5.3.~~5~~**6** Owners of vacation home rentals are encouraged to ~~form~~ **join** an association to establish bylaws or best practices that would be required of all members in good standing and to consider informing owners, visitors and other interested persons of Local Trust Committee regulations. Any

such association is encouraged to augment such regulations with other requirements that would assist in resolution of any potential issues that may arise such as requiring on-island contact information of association members or managers who could respond in a timely manner to neighbourhood issues.

~~6.5.3.6 Owners of vacation home rentals are encouraged, in the absence of any association membership, to provide contact information to visitors and neighbours and to provide timely response to issues that may be presented to them in relation to the vacation home rental use.~~

6.5.3.7 The Local Trust Committee should monitor the rate of use of vacation home rental development and be satisfied that such use is not increasing the commercial use of the housing stock so as to effectively displace the ability to provide residential housing.

~~6.5.3.9 The Local Trust Committee should consider reviewing with the community the regulations for vacation home rentals in 2017~~

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Possible changes to the Hornby Island Land Use Bylaw

Part 1.1 Definitions

- Retain the definition of “Vacation Home Rental Use”

3.2 Uses Prohibited in All Zones (1)

- Add:
(w) Vacation home rental use except where permitted by a Temporary Use Permit

3.7 Vacation Home Rental Uses

- replace this section with:

Vacation home rental uses are only permitted by Temporary Use Permit.

> **INFORMATION NOTE:**
> **The information in the rest of this section is not part of the Bylaw and is provided for information purposes only.**
>
> ***Vacation home rental uses that were operating in zones R1, R2, R4 and A1, in compliance with the definition of vacation home rentals, and in compliance with the regulations in place in this bylaw before the bylaw was amended to only permit vacation rentals by temporary use permit, will remain lawful according to what is specified in part 12, division 14 of the Local Government Act.***
> ***The lawful status will be lost if the use is continued on a scale or to an extent or degree greater than what was permitted by those previous regulations; a Temporary Use Permit will be required to resume operating.***

For information only, these were the previous regulations:

(1) Vacation home rental uses must be in accordance with the following limitations:

(a) A dwelling unit may only be occupied by paying guests during the months of May, June, July, August and September.

(b) Despite article 3.7(1)(a), on any lot permitted two dwelling units, one dwelling unit may be occupied by paying guests at any time, provided that an owner or tenant is resident in a second lawful dwelling unit on the lot during the vacation home rental occupancy.

(c) During any period of seven consecutive days a dwelling unit may be occupied by only one guest or guest party.
INFORMATION NOTE: The following information is
Regulation 3.7.1(c) permits the use of a vacation home rental for a period of less than seven days (for example a three night rental). As an example, the regulation does not permit a vacation rental unit to be rented for three days to one group and then three days to a different group during that same seven day period. Limiting rental turnover within a seven day rental period in a dwelling is important in helping maintain the rural residential character of Hornby's neighbourhoods, while allowing vacation home rental use to occur in a dwelling.

(d) A dwelling used for vacation home rental use shall not be used to accommodate more than two beds per bedroom or more than three bedrooms if the lot on which the dwelling is located has an area of less than 1.0 hectare, or more than four bedrooms if the lot has an area of 1.0 hectare or more.

(e) A vacation home rental use shall not alter the residential character or appearance of the lot in which the vacation home rental use is located, with the exception of required parking spaces and the sign required in Section 3.7, which may be posted only when a vacation home rental is occurring.

(f) On lots designated as Aquifer IA on Schedule D2 of the Hornby Island Official Community Plan Bylaw No. 149, vacation home rental use is permitted provided that an authorized person as defined in the Sewage System Regulations under the Public Health Act has stated in writing to the Islands Trust that the sewage disposal system to which the building accommodating the proposed vacation home rental use is connected to is capable of providing adequate sewage treatment for residential use and for the proposed vacation home rental use.

(2) 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.

Part 8 Zone Regulations

- Delete “vacation home rental use” from the permitted uses in the R1, R2,R4 and A1 zones

Part 10 Temporary Use Permit Areas

- Consider adding specific guidelines for vacation home rental use.

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Concluding words:

As a local trustee, I served through the four terms during which a long process, leading to the permitting of short term vacation rentals, was carried out. I also represented the Hornby Local Trust Committee in the meeting at which the bylaws were considered and approved.
I therefore feel a degree of responsibility for the current situation.

We listened hard to the community. But perhaps we heard too much from those loudly articulating immediate interests and less from those quietly speaking to future consequences, too often sidelined by the loud voices. Perhaps in listening to the community, we did not listen enough to professional advice.

We did not have any established models in BC to follow, We were breaking new ground.

It is very telling that not a single other local government has followed our path!

As more and more local governments are having to address vacation rentals, they are all taking a different, more cautious approach; there is now more understanding about the potential consequences for a community.

I regret that the present LTC now has less choice than in the past. Whatever the LTC does, the existing uses will continue in lawful non-conformity. But you do have the option to ensure the community has some measure of control over future growth of vacation rentals.

You have the diligent work of the APC to build upon. And you have probably heard enough from HISTRA and enough from people like me offering different perspectives.

I believe it is time to make a decision and to set a clear path forward.

I wish you well in this. I know how difficult it is.

I hope this input has been helpful.

Sincerely,
Tony Law

From: Jan Kennedy [redacted]
Sent: Tuesday, March 7, 2023 2:13 PM
To: Grant Scott <gcscott@telus.net>; Alex Allen <aallen@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; sharon@byshoreplanning.com
Cc: Patricia Maloney <pattheplanner54@gmail.com>; Sonja Zupanec <szupanec@islandstrust.bc.ca>; Wendy Burton [redacted]; Daniel Siegel [redacted]
Subject: Hornby OCP Review - STVRs

Please find attached my letter regarding the current Hornby OCP review, particularly concerning STVRs and their effect on Year-round residential housing.
Best,
Jan Kennedy
43 yr. Hornby resident

Hornby Island Short Term Rental Association
Email: hornbyshortterm@gmail.com

March 2, 2023

To:

Timothy Peterson, Chair Hornby Island LTC

Alex Allen, Hornby Island Trustee

Grant Scott, Hornby Island Trustee

CC:

Patricia Maloney, Consultant

Sharon Horsburgh, Consultant

Sonja Zupenec, Islands Trust

Wendy Burton, APC Chair

HIRRA

HICCEC

Hornby Island Housing

Hornby Island Water Stewardship

HISTRA and our members, strongly support the need to address affordable/accessible housing and water sustainability on Hornby. This has been the focus of our efforts in the last year, to ask our LTC to put your energy, time and money into solving these problems. We believe that the Hornby Island LTC would receive broad community support in making these two issues the central focus of their work for the next 4 years.

The stories and experiences of our community are important. For those who shared publically on February 27th, the underlying issues expressed were primarily one of three real and difficult concerns:

1. access to long term housing and frustration that it is difficult to find and to keep;
2. significant concerns about the pressure on our ground water wells and
3. homes that host too many visitors and disrupt their neighbourhoods.

Some very important facts were confirmed at the Community Public Meeting February 27, 2023:

1. The Consultants were clear the Additional Dwelling Units can be added, via bylaw change, to any zones **as long term rentals only** without any changes to the STVR rules. Members of the APC, participating as individuals at the February 27th community meeting, stated that this was not the information they were given during their work in creating the recommendations.
    - Hornby Island and the LTC can meet the APCs intentions in its recommendations, to help create long term housing that cannot become STVRs, and address the real need of long term housing without any changes to the STVR bylaws.

2. Changing the OCP to remove STVRs as a legal use will not impact the existing STVRs if they have rented recently, continue to rent consistently and are in bylaw compliance.
    - They will all be grandfathered as a legal non-conforming use per the laws of BC: http://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/r15001_14#division_d0e50260
    - That use stays with the property if it is sold.
3. The community was clear that more and better bylaw enforcement is essential to address the small number of STVR owners who are not yet compliant with the bylaws, HISTRA agrees this is important.
    - Since HISTRA was established in 2019, the number of bylaw complaints has declined substantially. While there are 11 open complaints we have been told by the bylaw officer that most, if not all, have been open for 3 years or more.
    - HISTRA now represents between 2/3 and 3/4 of the STVRs on Hornby. We actively promote the requirements for bylaw compliance and best practices in environmental protection, water conservation and considerate management. We are committed to expanding our support to help STVRs on Hornby to operate in a manner that respects their neighbors and meets our islands needs
4. While we agree that the poll taken at the meeting was both a moment in time and not statistically valid, it does, on its face, support the results from the 2017 Islands Trust survey that showed that 3 in 5 Hornby residents supported STVRs as a legal property use, following the stated regulations and in the stated zones. There will always be members of our community who do not support STVRs, but consistently we have seen that most do.
5. The APC at its February 21st public meeting stated that they are not trying to end or limit STVRs, they are trying to find solutions for long term housing.

HISTRA recognizes that if the APCs intentions had been made clear to us, we would have supported their intention last March. This has been our central message from the beginning – the 2 decade challenge with housing on Hornby requires our whole community's attention, effort and focus. The proposed changes to the STVR bylaws and the OCP cannot accomplish either goal. We urge that along with water sustainably, housing should be the core of the LTCs work for not just this 4 year term but until both are demonstrably resolved.

We stand by the data we collected and provided in September of 2022, that demonstrate changes to our STVR bylaws cannot resolve the affordable housing crisis on Hornby. We want to reiterate:

1. Each of the current Hornby Trustees, and the APC in its recommendations document, have made it clear they don't believe changing the STVR rules will improve housing accessibility or affordability on Hornby.
2. Most owners on Hornby are not investors but community members who live on the Island year round and/or part time and therefore do not have a long term rentals to offer in place of an STVR. This has been established through two separate surveys over the past few years.

3. Hornby is unique amongst the gulf islands in allowing STVRs as a legal property use in the property zoning. This was a Hornby made solution to enable and support a long standing Hornby tradition. It has allowed many of our legacy community members to keep their family homes and remain deeply rooted on Hornby.
4. Our data demonstrate that STVRs are not growing out of control, if fact, right now, there is a demonstrable decline in visitors planning to stay in STVRs in 2023
5. The Temporary Use Permit is time consuming for both the applicant and the LTC.
    - TUP decisions must be made based on clear, measurable and fair criterion, applied openly and evenly.
    - Without these attributes in the process the LTC leaves itself open to legal challenges on any decision.
6. We do not have large number of investors in our STVR owners (under 10% of the current STVR owners say they are investors vs. almost 50% in the Vancouver condo market). STVR Owners are largely long term community members who use the income to allow them to remain on Hornby. We need to protect this for the future community members who will need it to remain on Hornby.
7. 45% of STVR properties have some form of rainwater collection as a water source.

We believe that the statement made at the LTC meeting in September, that as a community we need to start with the things we agree on, must guide our actions and behaviours.

With that in mind we offer some other ideas that could have broad community support to enable the creation of affordable housing and greater water security:

1. Any new/changes to commercial developments must provide some staff accommodation as a condition of application.
2. Encourage/streamline rezoning for existing commercial properties to build staff accommodation.
3. Proactively zone sites to allow affordable housing (crown land or specified large lots where the neighbors agree to the change).
4. Fast track any proposal (non-profit, government, private, etc.) for developments that propose affordable housing.
5. Lobby government to provide funds for affordable housing.
6. If the changes to add Additional Dwelling units cannot be limited to long term rentals, use a modified Temporary Use Permit (TUP) like process to support the creation of long term rental housing.
    - For owners who wish to put secondary units on their property, including appropriate water and septic systems, with a requirement that the unit can only be used for residential long term rentals.

7. Island Trust should lobby for themselves or through their associated Regional Districts, to be allowed to issue business licenses. STVRs could then be licensed creating both an inventory and the potential for local revenue to support community needs
8. All dwellings on Hornby, new or established, should have appropriate water and septic systems, including STVRs, but not only STVRs.
9. Require all new builds to have rainwater harvesting systems, at least as well augmentation.
10. The LTC actively assist and support in the transition to rainwater harvesting for water systems. The HIRRA funds for this transition could be promoted more broadly to help make this happen.
11. Set a target for 50% (or more) of all Hornby residences to have at least rainwater augmentation of groundwater wells by 2030. Develop programs to support this transition.
12. Non-food garden water systems should transition away from ground water wells to rainwater harvest or grey water reclamation systems by 2035.

We call on the consultants and the LTC put their limited resources into recommendations, actions and policies that the community can come together to support and that can help to solve housing and water security for our beloved home.

Sincerely the HISTRA Board, representing our 100+ Hornby Island Community members

Ray Therrien, President, Patrick Lui, Michael Williams, Angela Hudson, Karen Ross, Arifin Graham, Michelle Easterly, Karen Young, Donna Tuele, Eulala Mills

March 6, 2023

To:

Timothy Peterson, Chair Hornby Island LTC

Alex Allen, Hornby Island Trustee

Grant Scott, Hornby Island Trustee

CC:

Patricia Maloney, Consultant

Sharon Horsburgh, Consultant

Sonja Zupenec, Islands Trust

Wendy Burton, APC Chair

HIRRA

Re: Taking Leadership to Address Short Term Vacation Rentals

I have just read HISTRA's letter, dated March 2, 2023, regarding any changes to the HI Bylaws for STVRs. In response, I believe it must be understood that HISTRA is a lobby group for a particular commercial sector that is unwilling to consider **any** restraints being placed on their businesses. Sadly, they seem completely unwilling to recognize or consider any other local concerns. I believe **HISTRA has been given more than enough opportunity to be heard**, including all the time that their representative spent at the APC table participating in the process!

The reality of the well-researched APC report and its suggestions, is that there will be no changes or restrictions applied to the large number of STVRs currently operating on Hornby, as long as they follow our local Islands Trust Bylaws. Despite their earlier claims that that the APC was trying to put them out of business, it does appear from their Mar. 2 letter that HISTRA now understand this.

The APC recommendations would simply require new STVRs to apply for a permit. and would enable the local trust committee, if it chooses, to cap the number of permits issued. Apparently, it is the simple possibility of having future STVR numbers **controlled, in any way**, that HISTRA finds so very onerous.

*When a property is sold on Hornby Island, new owners can currently choose among:
a) using the dwelling as a primary residence;
b) renting to residential tenants;
c) using the dwelling part-time;
d) using the dwelling part time + doing STVRs
e) using the dwelling for STVRs

*Options d) and e) are not available in other areas of BC - including the Gulf Islands, all of Central Vancouver Island and the Sunshine Coast (or they at least require a business license or temporary use permit). Where Hornby Island differs is by allowing home owners to derive income from operating a vacation rental. The practise of doing private vacation rentals began to increase substantially in the 1980s when a local real estate agent worked to aggressively market Hornby properties by encouraging buyers to rent their properties during the summer season to offset the cost of their house purchase. With the advent of the internet and property management, vacation rentals morphed into more of a business activity, using residential property for commercial tourist accommodation.

For anyone observing both the STVR increase and the changes in the residential rental market on Hornby over the past 40 years, this practice has clearly affected the affordability and accessibility of housing for residential ownership and tenancies. It became common practice for local renters to have to leave their homes for weeks or months during the summer to accommodate the land owners choice to market the space to summer visitors willing and able to pay a much higher rent during the summer season. **This practice has, in effect, pushed local people into homelessness for the summer season**, the same season in which they are working the hardest. As rates for summer rentals have continued to rise this situation has intensified and we now have a much lower % of residential rentals available here than the BC average.

I am very appreciative of Tony Law's very detailed letter of March 3, 2023 written in response to HISTRA's Mar.3 letter. His thorough articulation of how and why STVRs were made a permitted use on all Hornby residential properties and the results regarding local rental housing availability as compared to the BC averages. I am also grateful for his detailed assemblage of how other communities have come to deal with vacation rentals, as well as the stands now being taken by such organizations as the Province of BC Advisory Group and the Union of BC Municipalities. He makes a very good case for the need for our Hornby LTC to take leadership in addressing STVRs through the methods presented in the APC report released a year ago. Tony has done such a thorough job that I feel no need to further articulate the points that he has made; I simply agree with his experience and his conclusions and recommendations to you, our LTC.

It is now time for the LTC to be fully in control of the process and to take leadership in the community by affirming the need to control current STVRs not following Bylaw rules and any future STVRs. The "wild west" atmosphere on Hornby Island concerning STVRs, must be brought under control for the sake of addressing the negative impacts to our community on:

- Housing availability
- Nuisances
- Ferry waits and line-ups
- Garbage generation and waste disposal
- Freshwater resource use
- Septic capacity

It is my sincere hope that, in addition to implementing the APCs recommendations with the use of TUPs, our Bylaws will also be amended to include:

- **Proven** septic capacity for **ALL** vacation rentals, rather than just those in Zone A1. The majority of STVRs advertise for 6 or 8 people, with some even offering space to 10 or 11 people; far more people per residence than an average Hornby home. Septic fields

do not clear out excess summer effluent over the winter season; any excess loads on the septic field affects the surrounding ground health, and possible ground water, immediately.

In addition, I would be very happy to see the following points included in our local Bylaws:

- Rainwater collection to be used to supplement all water needs not met by an onsite well on any property housing a vacation rental. As stated above, the number of people using a vacation rental significantly exceeds the average Hornby household. The Climate Emergency is upon us, and water needs have the potential to figure strongly in food security, fire prevention, etc.
- Owner/operator of a STVR must reside onsite throughout the rental period. (I suspect that this may be impossible to implement given the ramifications of STVRs being a legal land use up to now, but it is on my wish-list.)

I believe strongly in the mandate of Islands Trust, as a unique land-use planning agency, acting for residents of both the Trust Area and the province generally, and having a special conservation-oriented responsibility - to preserve and protect the Trust Area and its unique amenities and environment.

We are a finite island community with limited infrastructure and amenities. Our peaceful rural way of life on this beautiful island is precious. Our ground water aquifers are vulnerable and need protection. Our local residents deserve stable year-round housing. The Climate Emergency is becoming an ever more clear and present danger. We cannot continue to “hope” that everything will turn out OK without our taking action, and in some cases, drastic actions. While we cannot solve all these big problems by ourselves, we can, as the “back to the landers” of the 1970 and 1980s were committed to doing, endeavor to make right what we can on our corner of this planet.

Sincerely,
Jan Kennedy

Tony Law
2435 St Johns Point Road, Hornby Island, BC V0R1Z0
250-335-1155 tlaw1@telus.net

04 March 2023

Dear Alex, Grant and Tim:

re: Taking Leadership to Address Short Term Vacation Rentals

It is a year since the APC presented its recommendations. Time has been lost due to the intense lobbying and misrepresentation with respect to the APC's recommendations and the failure of the consultants to effectively deal with this.

In June 2022, the Hornby LTC endorsed a project charter to review and update the Hornby Official Community Plan (OCP) and Land Use Bylaw (LUB) regulations with regards to housing, short term vacation rentals, First Nations acknowledgements, and riparian areas.

The charter notes:
The APC spent much of 2021 and early 2022 meeting and providing recommendations regarding amendments.

Since then, the following deadlines have been missed:

Community workshops - September, October
(workshops were conducted in October and February but did not go beyond the topic of short term vacation rentals)

Consultants report and recommendation – November
(No report or recommendations from the consultants– just a memo in January indicating that the deliverables will not be completed)

First reading February
(Nowhere close!)

It is now time for the LTC to be fully in control of the process and to take leadership in the community by affirming the following:

1. **Short term vacation rentals are supported in the Official Community Plan and are not going to be eliminated.**

2. **There is no clear evidence to indicate that Hornby Island has been, and will continue to be, immune to the impacts of short term vacation rentals upon the affordability and availability of residential housing.**
(As described in reports prepared for the Province of BC, the Union of BC Municipalities, and the Federation of Canadian Municipalities).

3. **There is no clear evidence to indicate that Hornby Island has been, and will continue to be, immune to the trend of increasing numbers and commercial character of short term vacation rentals across the country.**
   (As described in studies by Statistics Canada and McGill University).

4. **Every other local government in our region has measures in place to protect their small communities from the impacts of a potential increase in the number and commercial character of short term vacation rentals.**
   (ie: Denman, Gabriola, Galiano, Gambier, Lasqueti, Mayne, North Pender, Salt Spring, Saturna, South Pender and Thetis Island Local Trust Committees** and **Comox Valley, Nanaimo and Alberni-Clayoquot Regional Districts** and the **municipalities of Bowen, Tofino, Ucluelet, Cumberland and Port Alberni)

5. **Hornby Island is the only jurisdiction in our region that allows short term vacation rentals on every lot in residential zones with no ability to address the future number of residential dwellings that might be used for this purpose over and above all those already operating.**

6. **The Hornby Island Local Trust Committee can regain the ability to address the number and character of any additional short term vacation rentals, by requiring that potential new operations apply for a Temporary Use Permit, while all existing vacation rentals can continue to lawfully operate (in accordance with part 12, division 14 of the *Local Government Act)* without requiring a permit.**

7. **Staff should work with the APC to draft amending bylaws that would enable Temporary Use Permits to be considered for any new short term vacation operations (plus those that might be operating in contravention of existing regulations) while clarifying that this will not impact the lawfulness of all existing operations or require them to apply for a permit. This will result in Hornby Island continuing to have the most favourable regime for existing vacation rentals in our region, but with more community control over growth.**

.....

Here is some supporting information for these statements:

1. Short term vacation rentals are supported in the Official Community Plan and are not going to be eliminated.

As with just about every other OCP and Zoning Bylaw in BC, the use of residential dwellings for short term vacation rentals was not mentioned historically in our land use documents because the activity was “off the radar”.

Vacation rentals were first officially identified as a practice happening on Hornby Island in a 1971 planning study conducted by the Comox Strathcona Regional District. They continued as a low-key activity that got little attention until the 1990s when they became a more widespread and commercial-style use due to the emergence of internet advertising and property management companies.

Concerns were brought to the attention of local government by neighbours who were being impacted by vacation rental activities and by residential tenants being displaced by short term rentals.

Short term rentals were not a permitted use in the Land Use Bylaw. The choice was to enforce against the operation of vacation rentals as they were complained about or to find a way to permit them.

The choice was made to permit vacation rentals, recognizing that they were an established and accepted use that was valued by much of the community, even if had not been officially permitted.

The process of legalizing was spread over four election terms, involving five different local trustees. Few local governments had begun to tackle this issue so there were not well-established models to follow.

There were two potential options: to permit through lot-specific temporary use permits or to allow them on every lot as an outright permitted use in zoning regulations. Staff recommended Temporary Use Permits (TUPs) as the only way for the community to have some control over the extent of the use and its cumulative impacts.

In 2009, a survey of residents and non-resident property owners indicated the majority (55%) supported either using Temporary Use Permits (42%) or not allowing vacation rentals at all (15%) while 40% supported allowing them as an outright permitted use in zoning regulations. The majority of respondents were non-residents.

TUPs were opposed by people who were conducting rentals. It was asserted that TUPs were unnecessary because so little money was to be made from vacation rentals that they would remain a low-key, low-number activity. People resisted having to apply for a permit to continue what they were already doing. In fact, it was indicated that there might be an organized refusal to apply for permits. This would have presented the Islands Trust with a huge enforcement issue.

OCP policies and land use regulations to permit the use through zoning were carefully crafted with significant community input considered. Draft bylaws were taken to public hearing. The Executive Committee raised concerns about potential impacts on water supply, community character, and residential housing. They were informed that such potential impacts had been considered but were not anticipated under the regulatory framework that had been developed.

The amendments to the Official Community Plan included policies to implement these objectives: *(1) to allow vacation home rental use while ensuring that the residential use of property and its residential character are retained, and (2) to address potential impacts of vacation home rentals.*

The amendments to the Land Use Bylaw allowed vacation home rentals as a permitted use in residential zones and the agricultural zone with regulations designed to keep occupancy at the levels already permitted for B&Bs, plus other measures to protect residential character.

Planning staff made it clear that once these regulations were adopted the LTC could not rescind them without vacation home rentals operating under them continuing to be a lawful non-conforming use.

2. There is no clear evidence to indicate that Hornby Island has been, and will continue to be, immune to the impacts of short term vacation rentals upon the affordability and availability of residential housing.

Here are some recent conclusions about the impact of vacation rentals on housing costs:

"A Home for Everyone: A Housing Strategy for British Columbians"
- Union of BC Municipalities, 2018

The proliferation of short-term rental opportunities through platforms such as Airbnb has had the impact of contributing towards demand by making investment in residential real estate more desirable, and further drawing down already limited long-term rental stock in communities across the province.

"Priorities for Action on Short-Term Rentals"
- Province of BC Advisory Group and Union of BC Municipalities, 2021

The potential for earning revenue from short-term rental use of properties (whole or in part) often supports higher property prices than local incomes can support.

From 2001 to 2016:
On Hornby Island, median prices of dwellings sold increased 106% - from $250,000 to $514,000
- Across Canada, the increase was 60% - from $150,000 to $241,000
On Hornby Island, median household incomes increased 18% - from $29,997 to $35,328
- Across Canada, the increase was 60% $52,548 to $84,000

Here are some recent conclusions about the impact of vacation rentals on rental housing:

"Priorities for Action on Short-Term Rentals"
- Province of BC Advisory Group and Union of BC Municipalities, 2021

The use of housing units for travellers has reduced long-term rental housing capacity at a time when housing availability and costs are already under pressure.

"Regulating Short-Term Rentals -A Toolkit for Canadian Local Governments",
- Federation of Canadian Municipalities, 2021

The short story is that the proliferation of STRs leads to a worsening of both housing availability and affordability system-wide and over time, with non-principal dwelling unit STRs being the main culprit.

if an operator is listing any dwelling unit other than their principal dwelling unit, whether or not they ever use the unit themselves, a potential long-term home is being lost.

The communities and neighbourhoods experiencing the greatest negative impacts of STRs on housing availability and affordability will often be those with a high concentration of non-principal dwelling unit STRs

> *STRs are growing faster, concentrating faster, and removing housing from the long-term market faster in rural areas.*

Hornby Island is a rural community with a significant proportion of non-principal dwelling units.

According to the 2018 Housing Needs Assessment for Hornby Island, out of 1,104 dwellings, 470 are principal dwellings occupied by owners. A further 11 units were rentals provided by Elder Housing.

That leaves 623 units that were secondary dwellings owned by people whose primary dwellings are on Hornby Island or (more likely) elsewhere.

Both residential tenancies and short-term vacation rentals come from this pool of secondary dwellings.

- With respect to residential rentals:

According to the 2008 Housing Needs Assessment for Hornby Island:
- In 2006, there were 93 residential tenancies from a pool of 414 secondary dwellings

According to the 2018 Housing Needs Assessment for Hornby Island:
- In 2016, there were 104 residential tenancies from a pool of 623 secondary dwellings

From 2001 to 2006:
The number of residential rental units had dropped by 40% (from 165 to 100)
This was during a period of significant growth in short term vacation rentals.

From 2006 to 2016:
The percentage of secondary dwellings used for residential tenancies decreased from 22% to 16%
(In BC, about 30% of dwellings are residential rentals.)

- With respect to vacation rentals:

In 2016, there were 519 secondary dwellings not being used for residential tenancies.
They were being used;
- for part time or occasional use by owners (unknown number), or
- for part time or occasional use by owners + vacation rentals (unknown number), or
- for vacation rentals (unknown number)

The total number of vacation rentals is not accurately known, nor is the breakdown between those being conducted in a primary residence, those being conducted in a secondary residence that is also being used by the owners, and those being conducted as the main use of the dwelling.

The “Priorities for Action on Short-Term Rentals” report states:

> *Where the available data or evidence falls short of the reliability necessary for conclusive analysis, governments should exercise caution but also act to prevent likely harms.*

Observations by local governments indicate there is a significant unmeasured threat to long-term housing. As 70% of B.C.'s renter households rely on secondary rental market housing, and in some communities up to 100% of rental housing is in the secondary market, there is a strong case for responding to the potential impacts of short-term rentals even in lieu of appropriate data sources.

About 91% of Hornby Island's renters rely on secondary rental market housing.

The Hornby Island Local Trust Committee cannot restrict or reduce the existing permitted vacation rentals happening using secondary dwellings. A cautious approach would be to at least have the ability to manage additional vacation rentals over and above what is already permitted.

3. There is no clear evidence to indicate that Hornby Island has been, and will continue to be, immune to the trend of increasing numbers and commercial character of short term vacation rentals across the country

From: "Measuring private short-term accommodation in Canada"
- Statistics Canada, 2017

Growth in private short-term accommodation in Canada has been rapid as total revenues increased nearly tenfold (940%) between 2015 and 2018.
(In BC, revenues grew from $92,000 in 2015 to $876,000 in 2018)

From: "Short-term rentals in Canada: Uneven growth, uneven impacts"
- Combs, et al, School of Urban Planning, McGill University, 2020

Active listings, total revenue, hosts with multiple listings, and frequently rented entire-home listings are all growing at substantially higher rates in small towns and rural areas.

On Hornby Island, the number of vacation rentals advertised increased from about 120 in 2009 to about 180 in 2019, a 50% increase.

The range of rental rates for advertised vacation rentals grew from between $500 and $2,000 per week in 2009 to between $1,000 to $5,000 per week in 2019 (with a few outliers in each case).
That is a 100% increase at the low end of the range and a 150% at the high end.
(Median household incomes grew from $32,000 in 2006 to $35,000 in 2016.)

In 2017, in a survey conducted by the LTC on Hornby Island, the majority of respondents perceived that vacation rentals conducted on the island were having negative impacts on:

- Housing availability
- Nuisances
- Ferry waits and line-ups
- Garbage generation and waste disposal
- Freshwater resource use
- Septic capacity

All this indicates that vacation rentals grew rapidly in number and in commercial character over the five years since they became a permitted use, creating perceived negative impacts in the community.

Five more years on, it is hard to predict if another period of growth might be ahead and what the impacts might be.

4. Every other local government in our region has measures in place to protect their small communities from the impacts of a potential increase in the number and commercial character of short term vacation rentals.

In the Islands Trust area and on Central Vancouver Island, this how local governments are addressing vacation rentals in order to have control over the type and number of operations in small and rural communities:

- Vacation rentals not permitted in residential zones:
  - *Comox Valley Regional District*
  - *Nanaimo Regional District*
  - *Denman Island*
  - *Lasqueti Island*
  - *Salt Spring Island*
  - *South Pender Island*

- Vacation rentals permitted only by Temporary Use Permit
  - *Alberni-Clayoquot Regional District*
  - *Gabriola Island*
  - *Galiano Island*
  - *North Pender Island*

- Vacation rentals permitted only as a home occupation
  (a resident in a primary dwelling renting out a permitted secondary dwelling on the same lot)
  - *Gambier Island*
  - *Maybe Island*
  - *Saturna Island*
  - *Thetis Island*
- Vacation rentals permitted by a Business Licence issued by a municipality
  - *Bowen Island*
  - *Tofino*
  - *Ucluelet*
  - *Port Alberni*
  - *Cumberland*

5. Hornby Island is the only jurisdiction in our region that allows short term vacation rentals on every lot in every residential zone with no ability to address the future number of residential dwellings that might be used for this purpose over and above all those already operating.

Unlike other jurisdictions in our region, Hornby Island's zoning regulations permit vacation rentals to be conducted on any lot in the residential zones and agricultural zone.

This means the LTC, unlike other jurisdictions, has no ability to limit the type and number of additional vacation rentals on Hornby Island, resulting in the potential for unchecked growth.

Additional vacation rentals could be established as a result of:

- a resident re-locating off-island for a period
  (eg for employment, education, etc)
- a non-resident property owner unable to use their property due to changed circumstances
  (eg economic, health, employment, relocation)
- a property changing hands
  (eg with the new owner seeing the dwelling as a source of income)

a new build or re-build
(eg maybe purpose-built as a vacation rental, as is happening elsewhere)

On Hornby Island, an owner has five choices of use for a residential property:

1) Primary residence
2) Residential tenancy
3) Part-time use or occasional use
4) Part-time use or occasional use + vacation rental use
5) Vacation rental use

In other rural communities in our region, choices 4) and 5) either don't exist or require an application for a Temporary Use Permit. This enables local governments to limit the number of vacation rentals in their communities. It encourages owners who are not using secondary dwellings to consider using them for residential tenancies.

6. The Hornby Island Local Trust Committee can regain the ability to address the number and character of any additional short term vacation rentals, by requiring that potential new operations apply for a Temporary Use Permit, while all existing vacation rentals can continue to lawfully operate (in accordance with part 12, division 14 of the *Local Government Act)* without requiring a permit.

If there is a need for the community to potentially have the ability to manage the future growth of vacation rentals, the only way to do this is to require all new operations to apply for a Temporary Use Permit. A Temporary Use Permit (TUP) can carry specific conditions. If necessary, the LTC can use a Standing Resolution to limit the number of TUPs issued or to restrict them to specified zones or areas of the island.

There has been some discussion about the potential use of Business Licences.

Business licenses are not available to local trust committees. They function under the *Islands Trust Act* which provides the authority of a regional district board, but only for planning and land use management. Business licences are not a planning and land use management tool. Regional districts do not have authority to issue business licences.

When I was a trustee, there was almost zero support among other trustees to pursue business licensing. In 2021, I wrote to the Minister of Municipal Affairs about the possibility of the Hornby Island Local Trust Committee being given this authority. Here is the response:

> *In your letter you requested that all regional districts, and all local trust committees, receive the additional authority to regulate business licensing. More specifically you expressed an interest in business licensing for short-term rental accommodations to address service challenges on Hornby Island.*
>
> *As you may know, local trust committees operate under the Islands Trust Act. The Islands Trust's objects (powers) and authorities in the legislation are in relation to land use and planning. If business licensing is to be pursued on Hornby Island, it would be through the regional district legislative framework.*

With respect to regional districts having business licensing authority, the response was:

> *The Ministry of Municipal Affairs (MUNI) continues to be interested and willing to work with regional districts that are wanting to explore this authority. There are many implications and considerations that would be involved in a legislative change to provide additional powers to regional districts. As such, a collaborative approach that involves working with a regional district to enable business licensing through a possible regulation would allow MUNI and the regional district to come to a common understanding of matters such as costs, impacts and enforcement implications of business licensing in a more rural context before a pursuing a more general authority.*
> *Currently, there is no regional district directly requesting the additional authority.*
>
> *A regional district board that is interested in requesting the additional authority is encouraged to provide the Minister of Municipal Affairs with a rationale for their request, which would include information about the need for the additional authority and how the business regulation would be used and implemented.*

For business licenses to be applied to Hornby Island a three-step decision process would be involved:

- The Comox Valley Regional District would have to decide that it needs this authority and to write to the Ministry requesting it;
- The Ministry would have to decide that the additional authority is warranted;
- If granted, the CVRD would have to decide whether to set up a business licensing service that would apply to vacation rentals on Hornby Island.

It is unlikely these decisions will be made because

a) the Hornby Island Local Trust has authority to use TUPs;

b) other local governments are already using TUPs to permit vacation rental uses, eg:

The Town of Gibsons
Alberni-Clayoquot Regional District
Regional District of Okanagen-Similkameen
Thompson- Nicola Regional District
Columbia Shuswap Regional District
Gabriola Island Local Trust Committee
Galiano Island Local Trust Committee
North Pender Island Local Trust Committee

If the CVRD did obtain business licensing authority and chose to set up a service, there would be a complex division of decision-making around vacation rentals, with the Hornby Island LTC making land use decisions and the CVRD Board making business license decisions.

Case law indicates uncertainty about whether a local government has authority to limit the number of business licenses it issues. If the CVRD chose to take a cautious approach, business licenses would not provide the ability to limit the potential growth of vacation rental operations on Hornby.

It seem that the main reason for some to prefer business licenses over TUPs is the assumption that TUPs involve a higher fee. Business licenses need to be applied for every year. A TUP lasts for 3 years and can then be renewed for a further 3 years (after which a new permit can be applied for).

> *In Tofino, a business licence is required with a fee of $495 in 2023 and $505 in 2024*
> *The annual cost is $500.*
>
> *On North Pender, a TUP is required with a fee of $900 fee and a renewal fee of $165*
> *The annual cost is $353.*

Thus the TUP process can be cheaper. It can also be made more efficient by batching applications.

If the LTC does adopt the requirement fot TUPs, it will have zero impact upon the ability of existing vacation rentals to continue operating legally under the regulations that have been in place for the past decade. Part 12, division 14 of the *Local Government Act* provides this assurance.

When the LTC was considering how to allow vacation rentals, there was strong lobbying on the part of operators against TUPs as they did not want to go through a permitting process. Their wish was granted, but with the result that the local government lost control over the future growth of vacation rentals.

Now, again, vacation rental operators are lobbying against TUPs because they don't want to go through a permitting process. Their wish will be granted again, because they will have a legal status that does not require this.

What is proposed here will be a win-win situation. Those who are concerned about continuing to operate vacation rentals and those concerned about having the possibility of managing future impacts will both have their interests met.

***7.* Staff should work with the APC to draft amending bylaws that would enable Temporary Use Permits to be considered for any new short term vacation operations (plus those that might be operating in contravention of existing regulations) while clarifying that this will not impact the lawfulness of all existing operations or require them to apply for a permit. This will result in Hornby Island continuing to have the most favourable regime for existing vacation rentals in our region, but with more community control over growth.**

There has been some advocacy around making no changes and abandoning attention to vacation rentals so that attention can be given to the priority issues of housing and water. I believe the community in general sees housing and water as priority issues and many of us, including those wanting to see vacation rentals appropriately addressed, are keen to see these issues being worked on.

Ironically, what has been delaying completion of the work on vacation rentals is the time and resources taken up responding to the lobbying and misinformation by those who are now saying that the time and resources should be applied differently!

Although they are incorporated, Tofino (with 1,205 dwellings) and Ucluelet (with 997 dwellings) are similar to Hornby Island (with 1,117 dwellings) in being small destination communities.

Housing and water seem to be even bigger challenges for those communities. Yet both have seen the importance, in the last year or so, of giving attention to the impact of vacation rentals on their communities.

Tofino is checking in on its local vacation rental supply to determine whether restrictions could help create residential affordability. Ucluelet is cracking down on the proliferation of short-term rentals in residential neighbourhoods as it grapples with a housing shortage.

So Hornby Island would not be out-of-step with its peer communities in completing the task that has been well started.

This completion should involve the APC and Island Trust planning staff working together to draft amending bylaws for the LTC to consider bringing to first reading.

The APC members worked on this for over a year and have developed an understanding of the issue, including by inviting representatives of HISTRA, HICEEC and Hornby Housing Society to attend.

Planning staff have an understanding of the islands and of Islands Trust policy, legislative framework and administrative processes. There is also in-house experience of establishing the use of temporary use permits for vacation rentals on other LTAs.

While, according to case law *(Saunders v. Langley)*, the onus is on a property owner claiming a lawful non-conforming use to establish that the lawful use was in place when new zoning regulations were established, it would be helpful if the Islands Trust could work with HISTRA to provide straightforward ways for the legality of existing vacation rentals to be ascertained and maintained. This could, perhaps, involve a registry. I imagine if operators to retain records, such as PST submissions and advertisements for their rentals, these provide evidence of their operation's lawful status.

Some clarity and reassurance could also be provided through OCP policies and an information note in the LUB.

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Possible changes to Hornby Island Official Community Plan policies:

Policies:

6.5.3.1 ~~Where a dwelling is permitted on a parcel by the land use regulations, the rental of that dwelling as a vacation home rental should be permitted in the zoning regulations:~~
~~a) provided that the owner or tenant of the parcel is ordinarily resident on the property and the vacation home rental use is occurring during the temporary absence of the owner or tenant; or~~

~~Hornby Island Official Community Plan, 2014 70~~
~~b) where the owner or a residential tenant of the parcel resides seasonally in the dwelling and the vacation~~
~~home rental use is occurring during the absence of the owner or tenant; or~~
~~c) where the owner or residential tenant is residing in another lawful dwelling on the property while the vacation home rental is occurring.~~
Vacation home rental use may be permitted upon application for a Temporary Use Permit

6.5.3.2 ~~Vacation home rental use should be subject to regulations which~~:
The conditions of a Temporary Use Permit should:
a) require a level of continuous occupancy that allows visitors to experience and develop an awareness of the local community and Hornby Island in general through a vacation experience;
b) limit the portion of year that a vacation home rental use may be in operation so as to ensure that the residential use of the property is retained;
c) limit the total number of bedrooms and beds which may be accommodated based on the area of the lot on which the dwelling is located so as to ensure that the scale of vacation home rental occupancy does not exceed what might otherwise be accommodated by normal residential use;
d) require adequate off-street parking spaces to limit vehicle crowding on public roadways;
e) ensure that the residential appearance and character of a property is not altered by the vacation home rental use; and
f) require that accommodation be within the permitted dwelling and prohibit camping or use of tents or recreational vehicles for vacation home rental use;
g) address supply of water and treatment of sewage
h) address the provision of contact information to visitors and neighbours and of timely response to issues that may be presented to them in relation to the vacation home rental use.

6.5.3.3 The local trust committee may, by Standing Resolution, cap the number of Temporary Use Permits that may be issued for vacation rentals and specify zones or locations where Temporary Use Permits may or may not be considered.

6.5.3.4 In accordance with part 12, division 14 of the *Local Government Act*, all vacation home rentals that were being lawfully conducted in accordance with the land use regulations in place before the amendment of the Hornby Island Land Use Bylaw to require Temporary Use Permits for vacation home rental uses will continue to be lawful proved they continue to be operated in accordance with those regulations.

6.5.3.~~3~~**5** Owners of vacation home rentals, especially those located in the Whaling Station Bay/Anderson Drive area and other small lot areas, are strongly encouraged to minimize impacts upon groundwater resources by:
a) utilizing a rainwater catchment and storage system;
b) installing water-saving fixtures; and
c) providing information about water conservation practices to all guests.

~~6.5.3.4 Vacation home rentals that do not comply with limitations imposed by land use regulations may be considered upon application for Temporary Use Permit.~~

6.5.3.~~5~~**6** Owners of vacation home rentals are encouraged to ~~form~~ **join** an association to establish bylaws or best practices that would be required of all members in good standing and to consider informing owners, visitors and other interested persons of Local Trust Committee regulations. Any

such association is encouraged to augment such regulations with other requirements that would assist in resolution of any potential issues that may arise such as requiring on-island contact information of association members or managers who could respond in a timely manner to neighbourhood issues.

~~6.5.3.6 Owners of vacation home rentals are encouraged, in the absence of any association membership, to provide contact information to visitors and neighbours and to provide timely response to issues that may be presented to them in relation to the vacation home rental use.~~

6.5.3.7 The Local Trust Committee should monitor the rate of use of vacation home rental development and be satisfied that such use is not increasing the commercial use of the housing stock so as to effectively displace the ability to provide residential housing.

~~6.5.3.9 The Local Trust Committee should consider reviewing with the community the regulations for vacation home rentals in 2017~~

.....

Possible changes to the Hornby Island Land Use Bylaw

Part 1.1 Definitions

- Retain the definition of “Vacation Home Rental Use”

3.2 Uses Prohibited in All Zones (1)

- Add:
(w) Vacation home rental use except where permitted by a Temporary Use Permit

3.7 Vacation Home Rental Uses

- replace this section with:

Vacation home rental uses are only permitted by Temporary Use Permit.

> **INFORMATION NOTE:**
> **The information in the rest of this section is not part of the Bylaw and is provided for information purposes only.**
>
> ***Vacation home rental uses that were operating in zones R1, R2, R4 and A1, in compliance with the definition of vacation home rentals, and in compliance with the regulations in place in this bylaw before the bylaw was amended to only permit vacation rentals by temporary use permit, will remain lawful according to what is specified in part 12, division 14 of the Local Government Act.***
> ***The lawful status will be lost if the use is continued on a scale or to an extent or degree greater than what was permitted by those previous regulations; a Temporary Use Permit will be required to resume operating.***

For information only, these were the previous regulations:

(1) Vacation home rental uses must be in accordance with the following limitations:

(a) A dwelling unit may only be occupied by paying guests during the months of May, June, July, August and September.

(b) Despite article 3.7(1)(a), on any lot permitted two dwelling units, one dwelling unit may be occupied by paying guests at any time, provided that an owner or tenant is resident in a second lawful dwelling unit on the lot during the vacation home rental occupancy.

(c) During any period of seven consecutive days a dwelling unit may be occupied by only one guest or guest party.
INFORMATION NOTE: The following information is
Regulation 3.7.1(c) permits the use of a vacation home rental for a period of less than seven days (for example a three night rental). As an example, the regulation does not permit a vacation rental unit to be rented for three days to one group and then three days to a different group during that same seven day period. Limiting rental turnover within a seven day rental period in a dwelling is important in helping maintain the rural residential character of Hornby's neighbourhoods, while allowing vacation home rental use to occur in a dwelling.

(d) A dwelling used for vacation home rental use shall not be used to accommodate more than two beds per bedroom or more than three bedrooms if the lot on which the dwelling is located has an area of less than 1.0 hectare, or more than four bedrooms if the lot has an area of 1.0 hectare or more.

(e) A vacation home rental use shall not alter the residential character or appearance of the lot in which the vacation home rental use is located, with the exception of required parking spaces and the sign required in Section 3.7, which may be posted only when a vacation home rental is occurring.

(f) On lots designated as Aquifer IA on Schedule D2 of the Hornby Island Official Community Plan Bylaw No. 149, vacation home rental use is permitted provided that an authorized person as defined in the Sewage System Regulations under the Public Health Act has stated in writing to the Islands Trust that the sewage disposal system to which the building accommodating the proposed vacation home rental use is connected to is capable of providing adequate sewage treatment for residential use and for the proposed vacation home rental use.

(2) 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.

Part 8 Zone Regulations

- Delete “vacation home rental use” from the permitted uses in the R1, R2,R4 and A1 zones

Part 10 Temporary Use Permit Areas

- Consider adding specific guidelines for vacation home rental use.

.....

Concluding words:

As a local trustee, I served through the four terms during which a long process, leading to the permitting of short term vacation rentals, was carried out. I also represented the Hornby Local Trust Committee in the meeting at which the bylaws were considered and approved.
I therefore feel a degree of responsibility for the current situation.

We listened hard to the community. But perhaps we heard too much from those loudly articulating immediate interests and less from those quietly speaking to future consequences, too often sidelined by the loud voices. Perhaps in listening to the community, we did not listen enough to professional advice.

We did not have any established models in BC to follow, We were breaking new ground.

It is very telling that not a single other local government has followed our path!

As more and more local governments are having to address vacation rentals, they are all taking a different, more cautious approach; there is now more understanding about the potential consequences for a community.

I regret that the present LTC now has less choice than in the past. Whatever the LTC does, the existing uses will continue in lawful non-conformity. But you do have the option to ensure the community has some measure of control over future growth of vacation rentals.

You have the diligent work of the APC to build upon. And you have probably heard enough from HISTRA and enough from people like me offering different perspectives.

I believe it is time to make a decision and to set a clear path forward.

I wish you well in this. I know how difficult it is.

I hope this input has been helpful.

Sincerely,
Tony Law

From: Cedar [redacted]
Sent: March 8, 2023 1:28 PM
To: Grant Scott
Cc: Timothy Peterson
Subject: STVR's

Writing to acknowledge the much overdue regulations on STVR's . Serious controls need to be put In place to stop any new STVR's and regulate the ones that have to be grandfathered in.
This has so many devastating effects on the island, where we now are over our capacity to cope.
Please make this number one priority for Islands trust and although I am not hopeful on how this regulation of existing one can be handled , any movement in the direction of limiting STVR's would be a small step in the right direction… Thanks you for your work Cedar Wallace Jeff Kass

From: Karen Elder [redacted]
Sent: March 8, 2023 1:31 PM
To: Grant Scott; Timothy Peterson
Subject: STVR's

We would like to let you know that both me and Sam Elder are in favour of all **current** STVRs being allowed to continue to operate as long as they follow the terms of operation spelled out in our Bylaws. We also feel that there are enough STVRs on Hornby Island (currently between 100 and 180) at this time.

Best regards, Karen & Sam Elder
[redacted] Hornby Island, BC

Tony Law
[redacted]

To: **Islands Trust Council** 09 March 2023
and **Hornby Island Local Trust Committee**

re: Temporary Use Permits for Housing and for Short Term Rentals - advocacy for changes to the *Local Government Act*

Temporary use permits (TUPs) are a potentially valuable tool for local trust committees, Bowen Island Municipality, and other local governments, to address non-permanent housing solutions and the use of dwellings for short term rentals.

However, provincial regulations governing the use of temporary use permits - *Part 14, Division 8, of the Local Government Act* - specify requirements originally put in place for commercial and industrial uses. These requirements create challenges in using TUPs for housing and short term rentals.

I encourage the Islands Trust to approach the Ministry of Municipal Affairs - and to work with other local government (such as through AVICC and UBCM) - to advocate for amendments to the *Local Government Act* to make TUPs a more useful tool for local governments to address the important issues of housing and short term rentals.

At the end of this letter are suggested amendments to the *LGA*.

First, here is some background and rationale.

- Housing and TUPs

Most LTA's and many other communities are facing housing challenges. Permanent solutions are hard to achieve.

In the meantime, desperate residents are seeking at least a short term option. There are owners of larger lots who are willing to provide an option by allowing a housing-challenged resident to temporarily place a removable dwelling unit (tiny home, mobile unit, caravan, recreational vehicle, etc) on their land as interim measure. Alternatively, an existing accessory building could be temporarily adapted for residential use.

In many cases, situations are so desperate, and landowners keen to help, that such solutions are being put in place despite not conforming with land use regulations. But non-permitted uses don't provide a secure situation. In other cases, landowners are holding off because the use is not permitted.

Generally, additional residential density on a property is considered through a rezoning application. But this is an onerous and expensive process for the applicant and the local government. A public hearing would likely reveal concerns about the inappropriateness of adding permanent density to a property in order to address a non-permanent arrangement between a current landowner and resident.

TUPs are a more appropriate permitting tool for this purpose. In fact, this option has been used by some local governments elsewhere. It is available in the Hornby Island and Denman Island LTAs, bur there have been few, if an applications in these LTAs.

These seem to be the barriers:

- the requirement for a public hearing;
- the limited term of TUPs (3 years + renewal for 3 years);
- the assumption that a subsequent TUP cannot be applied for.

- Short term rentals and TUPs

Local governments in the Trust Area and throughout BC are faced with the challenge of whether to permit the burgeoning activity of short term rentals and if so how. Some communities are deciding to not permit the use at all. Others are trying to find ways to manage it.

Many municipalities are using business licences enabled under the community charter. These are not available to regional districts or local trust committees. The Ministry of Municipal Affairs has made it clear that the Islands Trust's "authorities in legislation are in relation to land use and planning" (business licenses are not a land use planning authority) and that if a regional district were to request business license authority, the Ministry and the regional district would need "to come to a common understanding of matters such as costs, impacts and enforcement implications of business licensing in a more rural context before pursuing a more general authority."

As it is, there is a limit to what can be regulated by business licenses authority compared to what can be addressed through land use authority.

With respect to using land use authority to allow and manage short term rentals, there are two options:

a) to allow the use through zoning regulations;
a local government would have limited capacity to manage the vacation rentals because any tightening up of regulations or discontinuation of the permitted use would result in existing uses being lawfully non-conforming.

b) to allow the use on a site-specific basis through temporary use permits;
a local government would be able to manage the use through having the ability to decide when, where and how to issue permits that would eventually expire.

Some local governments are already using TUPs to manage vacation rentals, including:

The Town of Gibsons
Alberni-Clayoquot Regional District
Regional District of Okanagen-Similkameen
Thompson- Nicola Regional District
Columbia Shuswap Regional District
Gabriola Island Local Trust Committee
Galiano Island Local Trust Committee
North Pender Island Local Trust Committee

However, as with housing, there are issues that make them a much less-than-perfect fit for this use:

- the requirement for a hearing;
- the limited term of TUPs (3 years + renewal for 3 years);
- the assumption that a subsequent TUP cannot be applied for.

- Temporary Use Permits - background

In 1985, the *Municipal Amendment Act* added s.975 to the *Municipal Act* to enable local governments to issue "temporary commercial and industrial permits". These provided a way to consider allowing commercial and industrial uses that were not permitted in a zoning bylaw.

The legislation requires:

a) a hearing – on the basis that a proposed use would not have been subject to a public hearing in conjunction with establishing the OCP and zoning regulations;

b) a term limitation of 2 years for a permit – and a further two years for its renewal - on the basis that a particular use being proposed was expected to be of short duration or subject to potential rezoning if an applicant wished to continue it permanently after a test period.

In 1998, the legislated provision for temporary commercial and industrial permits was continued in the new *Local Government Act.*

In, 2010 , the *Miscellaneous Statutes Amendment Act ,* made a number of amendments to the *Local Government Act.* Temporary permit powers were amended to eliminate all references to commercial and industrial uses. What is now referred to as a temporary use permit (TUP) can allow any use that is not permitted by a zoning bylaw, including for example residential, agricultural and institutional uses. The maximum period for a TUP and a renewal were both increased from 2 to 3 years. All other regulations relating to TUPs remained the same.

- The changed context for Temporary Use Permits

The context for Temporary Use Permits has changed.

There are two meanings for the word "temporary": -

- "lasting for only a limited period of time";
- "not permanent".

When temporary commercial and industrial permits were first introduced, it was with the expectation that they would be applied to uses lasting for only a limited period of time.

Now, a number of local governments are utilizing TUPS to permit housing and vacation rentals as a valued alternative to permanently entrenching the use in zoning regulations.

TUPs are the only available land use planning tool for managing non-permanent uses.

- Suggested changes to Part 14, Division 8, Temporary Use Permits

In order to enable temporary use permits to be be more useful for permitting non-permanent housing and short term rentals, here are three suggested additions to the legislation.

These would not impact how the regulations would be applied to other uses.

- Suggested addition to address requirements for a hearing:

(6) Section 494 (1), (2), (3), (4), and (5) with respect to public notice and hearing requirements do not apply if a local government proposes to pass a resolution under section 493 (1) (a) with respect to issuing a temporary use permit that would:

> ***a) permit the short-term rental use of an existing permitted residential dwelling unit, provided the official community plan or zoning bylaw has designated areas where a temporary use permit may be may issued for this particular purpose and has specified general conditions regarding the issue of permits for this use.***
>
> ***b) permit one temporary dwelling unit to be used for residential purposes, provided the official community plan or zoning bylaw has designated areas where a temporary use permit may be may issued for this particular purpose and has specified general conditions regarding the issue of permits for this use.***

Section 494 was put in place to provide an opportunity for a hearing about proposed commercial and industrial uses that had not been subject to a hearing when an OCP and zoning regulations were established. Although an additional dwelling unit or the use of an existing unit for paying guest accommodation are not as significant uses as commercial and industrial activities, there is still a case to be made for an opportunity for public input on whether and how such uses should be permitted.

This public input can be considered at a public hearing for an OCP/LUB amendment to establish policies to specify where temporary use permits for non-permanent housing and short term rentals may be considered and guidelines for permit conditions in advance of any permits being considered.

For example,

- policies could make statements like:

> “Temporary use permits for non-permanent dwelling units shall only be considered on...lots larger than 2ha....or....on lots in the R2 zone....or.....on lots outside of areas known to have problems with the quantity and quality of water supply....or....?
>
> “Temporary use permits for short term rental of dwelling units shall only be considered on...lots zoned for residential use.....or....on lots in the R2 and Agricultural zones....or....?

- guidelines for non-permanent dwellings could include requirements such as

> ...the dwelling must be removable or an existing accessory building that can be reconverted for non-residential use...
> ....the dwelling must be no larger than xxx square metres....
> ....the dwelling must be set back at least xx metres from any lot line...

- guidelines for short term rentals could include requirements such as:

> ...the short term rental use should not involve more than x bedrooms...
> ...the short term rental should not operate for more than x months in a year...

Having such policies and guidelines in the OCP, subject to a public hearing, will eliminate the need for a public hearing for each individual application because there will have been public input into establishing where and how the use would be conducted (as would have been be the case in establishing zoning regulations).

- Suggested addition to address the term of a permit:

(2.1) Despite 497(2), a temporary use permit may be renewed up to 3 times if the permit permits either:

> ***a) the short-term rental use of an existing permitted residential dwelling unit;***
>
> ***b) one temporary dwelling unit to be used for residential purposes.***

Allowing a local government discretion to renew such a permit three times, rather than once, would provide an applicant with a sense that, while the use is not being permitted permanently there is an opportunity for it to be extended. This would also allow local governments to review the appropriateness of the permit on a regular basis, including consideration of evidence of non-compliance with permit conditions.

- Suggested addition address to possible subsequent permits:

(2.2) Following the expiration of a permit, the person to whom the temporary use permit has been issued may apply for a new permit to be considered for the same use.

A frequently stated reason for apprehension about the use of temporary use permits for non-permanent housing or for short term rentals is the assumption that when the permit expires, that's it – the use can not be subsequently re-permitted on the lot.

A I read it, the *Local Government Act* is silent on this matter. which suggests that there is no prohibition of a subsequent application. But this would be usefully clarified by a definitive statement.

- Local Government Act, Part 14, Division 8,

Here is the text of this division.

Suggested additions are inserted in ***bold italic.***

Temporary Use Permits

Designation of temporary use permit areas

492

For the purposes of section 493, an official community plan or a zoning bylaw may

(a) designate areas where temporary uses may be allowed, and

(b) specify general conditions regarding the issue of temporary use permits in those areas.

Temporary use permits for designated areas and other areas

493

(1) On application by an owner of land, a local government may issue a temporary use permit as follows:

(a) by resolution, in relation to land within an area designated under section 492;

(b) by bylaw, in relation to land within an area outside a municipality, if there is no official community plan in effect for the area.

(2) A temporary use permit may do one or more of the following:

(a) allow a use not permitted by a zoning bylaw;

(b) specify conditions under which the temporary use may be carried on;

(c) allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.

(3) If a local government delegates the power to issue a temporary use permit under this section, the owner of land that is subject to the decision of the delegate is entitled to have the local government reconsider the matter.

Public notice and hearing requirements

494

(1) If a local government proposes to pass a resolution under section 493 (1) (a), it must give notice in accordance with subsections (2) to (4) of this section.

(2) The notice must state

(a) in general terms, the purpose of the proposed permit,

(b) the land or lands that are the subject of the proposed permit,

(c) the place where and the times and dates when copies of the proposed permit may be inspected,

(d) the time and date when and, if applicable, the place where the resolution will be considered, and

(e) if the meeting at which the resolution will be considered is conducted by means of electronic or other communication facilities, the way in which the meeting is to be conducted by those means.

(3) The notice must be published in accordance with section 94 [requirements for public notice] of the Community Charter at least 3 days and not more than 14 days before the adoption of the resolution to issue the permit.

(3.1) If the local government has adopted a bylaw under section 94.2 [bylaw to provide for alternative means of publication] of the Community Charter, the notice must be published by at least one of the means of publication specified in the bylaw not less than 3 days and not more than 14 days before the adoption of the resolution to issue the permit.

(3.2) If the local government has not adopted a bylaw under section 94.2 of the Community Charter, the last publication of the notice must be not less than 3 days and not more than 14 days before the adoption of the resolution to issue the permit.

(4) Section 466 (4) to (8) [specific requirements in relation to notice of public hearing] applies to the notice as if the resolution were a bylaw.

(5) If a local government proposes to adopt a bylaw under section 493 (1) (b), the following sections apply:

(a) section 464 [requirement for public hearing];

(b) section 465 [public hearing procedures];

(c) section 466 [notice of public hearing];

(d) section 469 [delegating the holding of public hearings];

(e) section 470 [procedure after public hearing].

(6) Section 494 (1), (2), (3), (4), and (5) with respect to public notice and hearing requirements do not apply if a local government proposes to pass a resolution under section 493 (1) (a) with respect to issuing a temporary use permit that would:

> ***a) permit the short-term rental use of an existing permitted residential dwelling unit, provided the official community plan or zoning bylaw has designated areas where a temporary use permit may be issued for this particular purpose and has specified general conditions regarding the issue of permits for this use.***
>
> ***b) permit one temporary dwelling unit to be used for residential purposes, provided the official community plan or zoning bylaw has designated areas where a temporary use permit may be issued for this particular purpose and has specified general conditions regarding the issue of permits for this use.***

Permit conditions: undertakings respecting land

495

(1) As a condition of issuing a temporary use permit, a local government may require the owner of the land to give an undertaking to

> **(a)** demolish or remove a building or other structure, and
>
> **(b)** restore land described in the permit to a condition specified in the permit by a date specified in the permit.

(2) An undertaking under subsection (1) must be attached to and forms part of the permit.

(3) If the owner of the land fails to comply with all of the undertakings given under subsection (1), the local government may enter on the land and carry out the demolition, removal or restoration at the expense of the owner.

Permit conditions: additional security requirements

496

(1) In addition to any security required under section 502, a local government may require, as a condition of issuing a temporary use permit, that the owner of the land give to the local government security to guarantee the performance of the terms of the permit.

(2) If there is a requirement for security under subsection (1), the permit may provide for

> **(a)** the form of the security, and
>
> **(b)** the means for determining
>
> > **(i)** when there is default under the permit, and
> >
> > **(ii)** the amount of the security that forfeits to the local government in the event of default.

Term of permit and renewal of permit

497

(1) The owner of land in respect of which a temporary use permit has been issued has the right to put the land to the use described in the permit until the earlier of the following:

(a) the date that the permit expires;

(b) 3 years after the permit was issued.

(2) A person to whom a temporary use permit has been issued may apply to have the permit renewed, subject to the restriction that a temporary use permit may be renewed only once.

(2.1) Despite 497(2), a temporary use permit may be renewed up to 3 times if the permit permits either:

a) the short-term rental use of an existing permitted residential dwelling unit;

b) one temporary dwelling unit to be used for residential purposes.

(2.2) Following the expiration of a permit, the person to whom the temporary use permit has been issued may apply for a new permit to be considered for the same use.

(3) Subsection (1) and sections 495 [permit conditions: undertaking respecting land] and 496 [permit conditions: additional security requirements] apply in relation to a renewal under subsection (2).

.....

Thank you for considering this.

I hope it is helpful.

Sincerely,

Tony Law

Formerly:
- Hornby Island Local Trustee (1996-2018)
- Chair, Islands Trust Council's Task Force on Community Housing
- President, Islanders Secure Land Association (a Community Land Trust)
- Executive Director, Hornby Island Community Economic Enhancement Corporation
- Appointee, Comox Valley Regional District Select Committee on Homelessness and Housing

March 10, 2023

To Tim Peterson, Alex Allen, Grant Scott

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Wendy Burton

[redacted]

From: Gregg Sayer
Sent: Tuesday, March 21, 2023 5:07 PM
To: Alex Allen <aallen@islandstrust.bc.ca>; gscott@islandstrust.ca; Timothy Peterson <tpeterson@islandstrust.bc.ca>
Cc: pattheplanner54@gmail.com; northinfo <northinfo@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>
Subject: A plea for leadership

Dear Alex, Grant, Timothy, Patricia & Sonja,

I'd like to start by admitting my bias. My wife and I have a dream to rebuild our old cabin on our family lot that my father acquired on Hornby in 1990. Recent interest rate hikes have waylaid this dream for the time being while we reassess the financial feasibility, but the **only thing** that makes this dream *even remotely accessible* for a middle-class BC family like ours is the financial model of STVRs.

That's my personal bias, now here's my plea to Alex, Grant and Timothy: **Please demonstrate leadership and move the community on to more fruitful conversations.**

Clearly, there's common cause to tackle housing availability for residents and safe-guarding water supply, but this fixation on STVRs is divisive and distracting.

Some assertions:

- The exact impact of STVR on housing stock on Hornby Island has **not** been established. Let's put the pitchforks away, folks.
- Personally speaking, restricting or banning STVRs would **not** open up my family's cabin for use for resident accommodation. We'd just keep it for use by ourselves and family and friends.
- Those already currently operating STVRs would be grandfathered under current bylaws. This means any new restrictions on STVRs would only handcuff a slim percentage of people (i.e. young people coming up; the next generation that wants to re-build; retirees looking for extra income). This is an unflattering example of NIMBYism: Closing the gates to others once you get into the warm, safe castle.
- Water conversation efforts should be directed at 100% of residents, not a slim minority. This is simply common sense.

Lastly, although everyone (including HISTRA) agrees that the poll taken at the Feb. 27th, 2023 meeting is not statistically robust, I argue that it is still **hard data** that *Trustees are obligated to interpret*. Each side had a vested interest in rounding up their supporters for this meeting. It was well-promoted and well-attended. Also, being hosted via Zoom, the barriers for community members to access this meeting were all but non-existent (as opposed to, say, a poorly promoted meeting where you had to physically be in some room).

And what was the community's temperature on this issue?

Almost 2/3rds (62%*) of those polled want our community leaders to move on

In conclusion, I appreciate the Trustees' efforts and I also value the slow wheels of democracy and would want it no other way, but I again urge you to end this fixation on a minor group of community members and please, **lead the community** towards practical solutions that actually address housing supply and water conservation.

With gratitude and respect,

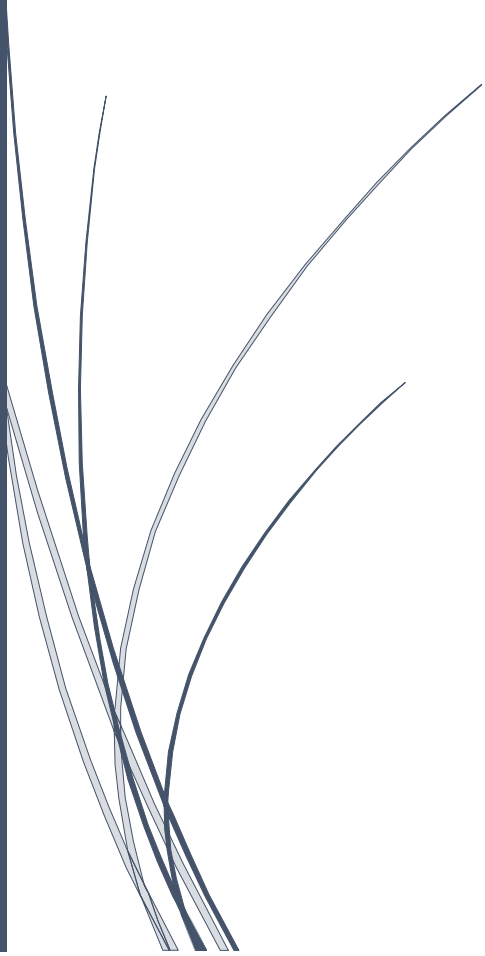
Gregg Sayer & Renske Werner

*No change (49%) + None of the above, need different approach (12%).

24/03/2023

Community First

Hornby Island Housing Report



Tara Channell and April Lewis
HORNBY ISLAND HOUSING SOCIETY

Acknowledgement

We respectfully acknowledge that we live and work on the unceded territory of the K'ómoks Nation and Pentlatch peoples. We also want to recognize that we are painfully aware that we benefit from their forced removal from this land and offer our gratitude and heartfelt respect for the willingness of all First Nations to enter into reconciliation processes with those who benefit from their loss.

Hornby Island Housing Report

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BACKGROUND

Hornby Island Housing Society

The Hornby Island Housing Society is a non-profit organization that has been in operation since 1992. During the past 30 years, the Society has built and operated the eleven-unit Elder Village, an affordable housing project for seniors who are able to live independently. There are currently 11 residents at The Village, with no vacancies and 32 community members who have applied to live there.

The Society has been working towards a 26-unit housing project with BC Housing and M'akola Housing Society since 2018. The project has been submitted to Islands Trust for approval of development permits.

Hornby Island Housing Network

The Hornby Island Housing Society became a member of the newly formed Hornby Island Housing Network in the fall of 2021. Once the member organizations began discussing the need for a co-created housing strategy for Hornby Island, it became apparent that although each organization had some data regarding the housing situation on Hornby Island, the data was agency specific, incomplete and dated. In order to create a housing plan for the island, with realistic goals and effective strategies, it was agreed that current and comprehensive data was needed.

Many categories of housing needs were identified by the Housing Network members including seniors who are living alone in their owned homes, but no longer able to manage independently, seasonal and year-round workforce housing, and supportive housing for those community members living with physical and/or mental well being challenges. However, because of the urgency involved and the depth of both the personal and community wide impact due to friends, neighbors and family members being either homeless or living in sub-standard housing, it was decided to first gather statistics regarding that population. The Hornby Island Housing Society agreed to be the lead organization applying for funding for that purpose.

Comox Valley Community Foundation and the Comox Valley Ending Homelessness Coalition

The Comox Valley Community Foundation (CVCF) has been a supporter of the Hornby Island Housing Society (HIHS) since 2011 and has granted over $15,000 to the Housing Society over the past 10 years. In 2019, the CVCF revised its granting process to include a significant portion of the available funds to be dispersed to qualified donees, to be granted to organizations who are focussed on the provision of affordable housing in the Comox Valley. Being familiar with the work being done by the Hornby Island Housing Society, the Comox Valley Community Foundation recommended that the Hornby Island Housing Society join the Comox Valley Coalition for Ending Homelessness. The Hornby Island Housing Society followed up on that suggestion and joined the Coalition in July 2021. In October, HIHS applied for a grant to the CVCF under the housing stream of funding that is administered by the CV Ending Homeless Coalition. The purpose of the grant was to gather current data about the numbers of people on Hornby Island who are homeless and/or precariously housed. This data, once collated, would be analyzed by the Hornby Island Housing Society and the Hornby Island Housing Network members and used to help inform a co-created housing strategy for Hornby Island.

Grant

The grant application was successful and HIHS was awarded $2500 to carry out the research and collation of the data. April Lewis, the Administrator for HIHS acted as the Project Coordinator. Tara Channell, a long-time community resident with extensive personal and professional networks on the island was hired. Tara brings with her almost 40 years of lived experience as a renter on Hornby Island who has been displaced countless times for different reasons, including the landlord's use of the residence as a short-term rental. Tara also brings her skills and years as an outreach worker in Victoria, who created and sustained relationships with youth living on the street in order to connect them with services and to assist them in finding a home.

Our goal was to interview 50 community members who would fit the definitions of homeless or precariously housed. The goal was surpassed: data was collected from 55 individuals.

METHODOLOGY

A questionnaire was developed utilizing the input from community members with lived experience along with that of the Project Coordinator. See Appendix A.

Fifty-five interviews were conducted, using the questionnaire as a guideline, with the interviewer reaching out at the following gathering spots:

- Hornby Island Co-op porch
- Ringside Market
- Little Tribune Beach
- The Kitchen
- The Ballpark
- Individual homes

In the sections that follow, the information gathered through the interviews is summarized by Demographics, Income and expenses, Owner/Renter, Accommodation type, Current living conditions, Times moved, Desired improvements and Ideal situation.

DEMOGRAPHICS

Self-identified gender and household composition.

Age	Demographic			
	M	F	Other	Couples
19 to 25	1	1	0	0
25 to 35	4	7	1	2
35 to 45	5	3	0	1
45 to 55	5	2	0	1
55 to 65	6	6	0	0
65 to 75	0	6	0	0
75 to 85	1	2	0	0
85+	0	1	0	0
Total	22	28	1	4

There are 12 children whose parents (all renters) were interviewed: 1 teen, 3 children 7yr to 12 yrs and 8 children under 6yrs of age.

INCOME AND EXPENSES

Average monthly income, rent/expenses and mortgage/expenses costs

Age	Income					Rent/Utilities				Mortgage/Expenses				
										Mortgage and/or Expenses				No Mort
	500 to 1000	1100 to 2000	2100 to 3500	3600 to 5000	5100 Plus	300 to 500	600 to 1000	1100 to 1500	1600 Plus	< 500	< 1000	< 2000	< 3000	No Exp
19 to 25	0	2	0	0	0	2	1	0	0					
26 to 35	0	9	3	1	1	8	3	1	1			1		
36 to 45	0	7	2	0	0	3	3	0	1		1			
46 to 55	1	3	3	0	0	5	1	1	0	1				
56 to 65	1	7	2	2	0	5	2	1	0	2		1	1	
66 to 75	0	3	2	1	0	1	0	0	0	1		1	1	2
76 to 85	0	2	1	0	0	0	0	0	0		1			2
85+	0	0	0	1	0	0	0	0	0			1		
Total	**2**	**34**	**13**	**5**	**1**	**24**	**10**	**3**	**2**	**4**	**2**	**4**	**2**	**4**

Note:

- **27 of 39 renters earn between $1000 and $2000 per month**
- **24 of 39 renters pay rent of less than $500 per month**
- **10 of 39 renters pay rent between $600 and $1000**

OWNERSHIP, RENTAL, TYPES OF RENTALS

Number of interviewees who own their own home, numbers who are renters and types of rentals.

Age	Home		Vehicle/Boat/Tent/ Chicken Coop	RV/Caravan	Cabin	Shared	Private House
19 to 25	2	0	1	1	0	0	0
26 to 35	13	1	3	2	3	2	3
36 to 45	8	1	2	2	2	0	2
46 to 55	7	1	2	3	1	0	1
56 to 65	8	4	0	2	4	1	1
66 to 75	1	5	0	0	1	0	0
76 to 85	0	3	0	0	0	0	0
85+	0	1	0	0	0	0	0
Total	**39**	**16**	**8**	**10**	**11**	**3**	**7**

Note:

- **7 of 39 renters live in a private house**
- **8 of 39 renters live in a boat, tent, their vehicle or unused chicken coop**
- **10 of 39 renters live in movable homes**
- **The remaining 14 renters live in cabins or in a shared house**

CURRENT LIVING CONDITIONS

Dwelling Has:	Renter Yes	Renter No	Owner Yes	Owner No
Inside Running Water	26	13	16	0
Inside Toilet	17	22	12	4
Electricity	28	11	16	0
Insulation	25	14	14	2
Shower/Bathtub inside	21	18	14	2
Laundry facilities	14	25	14	2
Workshop	10	29	6	10
Storage Space	18	21	7	9
Mould	11	28	5	11
Rodents	20	19	7	9
Muddy Site	19	20	6	10
Accessibility Issues	23	16	12	4
Water Damage	16	23	8	8

Note:

- **Accessibility refers both to having a driveway and to having a short distance from the driveway to the house, a challenge for aging owners.**
- **Rodents, mould, water damage and muddy lots are issues for both renters and owners with aging homeowners being especially challenged to address these issues, not only due to cost, but also due to the lack of available workers.**
- **All owners have inside running water and electricity, most have indoor toilets, indoor bathing and most have insulation and laundry facilities.**
- **Only half to two-thirds of all renters have running water inside, electricity, indoor toilets, indoor bathing, insulation and/or laundry facilities.**

TIMES MOVED

Please note only 31 of 39 renters are included in Stability section as 8 of 39 renters live in boats, tents or vehicles.

Age	Times Moved – Owners and Renters									Stability of Current Rental				
	0x	1x to 5x	6x to 10x	11x to 15x	16x to 20x	21x to 25x	26x to 30x	31x to 35x	35 x plus	< 6 months	1 year	2 to 5 years	5+ years	Yr round Duration Unknown
19 to 25	0	1	0	1	0	0	0	0	0	2	0	0	0	0
26 to 35	1	8	5	0	0	0	0	0	0	6	1	0	0	6
36 to 45	2	3	2	2	0	0	0	0	0	4	0	0	0	4
46 to 55	0	4	0	3	1	0	0	0	0	3	0	1	0	3
56 to 65	1	3	2	2	1	1	0	2	0	2	0	1	1	4
66 to 75	2	2	1	0	0	0	0	0	1 STVR* own	0	0	0	0	1
76 to 85	3	0	0	0	0	0	0	0	0	0	0	0	0	0
86+	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	**10**	**21**	**10**	**8**	**2**	**1**	**0**	**2**	**1**	**17**	**1**	**2**	**1**	**18**

** This person owns their own home and moves out during the summer in order to operate a Short Term Rental for the summer months.*

Note:

- **17 of 39 renters have less than 6 months stable housing (15 due to short term rentals and 2 due to owner use)**
- **4 of 39 renters have less than 5 years stable housing**
- **18 of 39 renters have unknown stability – no signed agreements, no guarantees and dependent on the decisions of the landlord and/or aging landlords**

DESIRED OPTIONS

Desired practical Improvements to current situation - Owners

1. Proper foundation, septic system
2. Gravel for driveway, finishing work inside, renovate bathrooms
3. Rodent proofing, load of gravel, better insulation, workers to help with maintenance
4. Finding workers
5. Changing bylaws so renting of outbuilding is permitted
6. Better water supply, easier access
7. Ramp, help sorting
8. Upgrade studio to rent it out
9. Bylaw changes, 2nd home on half acre
10. Siding, finish insulation, heat pump, cistern, get rid of rot
11. Redo bathroom, finish basement, age at home with daughter
12. Helpful young person
13. Heat pump
14. Laundry room, boot room, draining standing water
15. Change bylaws, have a studio that could be a dwelling, senior proof the house
16. Yard work help, would consider a tenant, has in-law suite

Desired practical Improvements to current situation – Renters

1. Year-round house
2. Buy a mobile home to move around for privacy
3. Bylaw changes, buy a house
4. Addition with more laundry space, workshop
5. Driveway redone, electrical overhaul, year round
6. Running water inside
7. Bigger space, bylaw change
8. Security year round
9. Water for garden, rodent proofing, get rid of mould
10. Load of gravel, indoor toilet, cistern
11. Workers to help build outdoor shower, hot running water, rodent proof
12. Year round house
13. Bedroom, better insulation, better plumbing, get rid of mould
14. 2 bedrooms, heated storage space
15. Own home, year-round, garden, chickens
16. Moor boat at Ford Cove
17. Siding, toilet
18. Cistern, outdoor shower, fully insulated
19. New foundation

Desired practical Improvements to current situation – Renters, cont'd

20. Year-round rental
21. Year-round rental
22. Year-round rental
23. Woofer
24. Parking, campsite
25. Long-term, year-round rental
26. Used to being in this situation
27. Change bylaws to build a shop on 10 acres where trailer is parked
28. Bed, desk (lives in van, chicken coop)
29. Live at dock, access to boat
30. Even heat distribution, fencing, clearing clutter
31. Stability, landlord threatening to sell, evict
32. Year round, affordable, adequate housing
33. Stability
34. Stability, load of gravel
35. Better electric, only has an extension cord
36. Lower rent, currently paying $1000, could afford $600
37. More storage, workspace

Note: 2 renters are happy with their current living situation

DESIRED OPTIONS

Type of Dwelling Preferred by Renter

Age	Happy as Is	Renter wanting to purchase home	Renter willing to Share	Renter wanting Private Dwelling	Owner willing to Share
19 to 25	**0**	**0**	**1**	**1**	**0**
26 to 35	**0**	**0**	**9**	**4**	**0**
36 to 45	**Happy as is**	**1**	**3**	**3**	**0**
46 to 55	**Very happy**	**0**	**2**	**4**	**0**
56 to 65	**0**	**1**	**2**	**5**	**1**
66 to 75	**0**	**0**	**1**	**0**	**4**
76 to 85					**1**
85+					**1**
Totals	**2**	**2**	**18**	**17**	**6/16**

Note:

- **No renters in the age groups of 76 to 85 and 85+ were interviewed.**
- **18 of 39 renters willing to share, live in group or cluster housing**
- **17 of 39 renters prefer own living space**
- **6 of 16 owners willing to make space for a tenant either in their house or on their property**

DESIRED OPTIONS

Private Dwelling -Size, Type and Affordable Rent

Age	Storage	Wkshop	Laundry	Bach/Cabin	1 Bed	2 Bed	3 Bed	Pets	Rent	Other *
19 to 25	1	1	1	0	1 share 1 private	0	0	1	400 500	
26 to 35	3	5	5	1 private	9 share 1 private	0	0	6	750 -2 500 -2 1300 700- 900 400 800 1100 300	2 NI
36 to 45	2	2	2	0	3 share 1 private	0	1	2	600 -2 500 -2 800	1 B 1 H 1 NI
46 to 55	3	4	5	1 private	2 share 3 private	0	0	3	500 -4 900 400	1 H
56 to 65	3	2	3	1 private	2 share	3 priv	0	5	700 600 500 -3 900	1 B 1 U
66 to 75	0	0	0	0	1 share	0	0	0	700	
76 to 85										
85+										
Totals	12	14	16	3	18 share 6 private	3	1	16		8

*** Other**

Renters who are happy as is – H
Renters who wish to buy – B
Renters who did not specify number of bedrooms or preference for laundry, storage, workshop, pets – NI
Renter used to current situation - U

Note:

- **2 renters wish to buy their own homes**
- **2 renters are content to remain in current living situation**
- **1 renter used to conditions**
- **3 renters did not specify number of bedrooms, or preference for laundry, storage, workshop space.**
- **24 renters preferred 1 bedroom, 18 of them willing to share kitchen and living room**
- **16 renters want pets**

DESIRED OPTIONS

Interest in moving to Beulah Creek

	Beulah Creek							
Age	**Yes**	**No**	**Maybe**	**Studio**	**1 Bedroom**	**2 Bedroom**	**3 Bedroom**	**Unspecified**
19 to 25	2	0	0	1	1			
26 to 35	9	3	2	3	3			3 Unspecified
36 to 45	4	4	1	1	1		1	1 Unspecified
46 to 55	6	2	0	3	2			1 Unspecified
56 to 65	5	6	1		3	1		1 Unspecified
66 to 75	1	2	3		1			
76 to 85	0	2	1		0			
85+	0	1	0		0			
Totals	**27**	**20**	**8**	**8**	**11**	**1**	**1**	**6**

Note:

- **16 owners and 4/39 renters uninterested in moving to Beulah Creek**
- **27 renters interested in moving to Beulah Creek**
- **8 renters might be interested depending on design, having a second story unit, garden space pets**
- **Most interest in the studio and 1-bedroom units, coinciding with the interest in sharing a living room and kitchen.**
- **6 interviewees did not specify size of unit**

DATA ADDITIONAL to the INFORMATION GATHERED THROUGH INTERVIEWS

Adult Mental Health

The following data has been shared by the Mental Health Outreach Counsellor for the Hornby Denman Community Health Care Society.

There are 23 of the current 66 clients (35%) who are insecurely or sub-standardly housed, negatively impacting their mental health and/or substance use for all 23 of those clients.

Families

The following data has been shared by the Family Counsellors for the Hornby Denman Community Health Care Society.

There are 6 of the current 7 client families (86%) who are housed in unsafe, unsuitable and/or precarious housing situations such as the following:

- There are families where parents have separated and they are forced to live on the same land (in different buildings) even though this is not ideal/preferred, due to lack of housing.
- Some parents are staying in negative or unsafe relationships because there is no housing to go to.

DATA ADDITIONAL to the INFORMATION GATHERED THROUGH THE INTERVIEWS

Families

- Some families are in negative intergenerational situations, living on the same land as their parents/grandparents even though there is conflict due to lack of other options.
- Many families are living in homes that are too small so children are sharing rooms with one another or with parents even though this is not preferred.
- Some families are living in situations where they are fearful of their housing being reported to Islands Trust as non-compliant.
- Some families and older youth (age 18-24) are living in unsuitable housing, such as uninsulated trailers, boats, lack of plumbing, lack of good place to take care of animals, lack of electricity and this is intersecting with mental health challenges to create difficult situations.

Food Security

The relationship between housing and food security is undeniable, with the capacity to store food safely and the ability to prepare and cook meals, interwoven with adequate housing. The following report has been shared by the Coordinator of the Food Program provided by the Hornby Island Educational Society.

The current **The Kitchen Hot Meal Program** serves a total of 58 to 66 meals per day on Mondays, Wednesdays and Fridays.

The core group of diners include the following 5 groups:

1. **Seniors:**
   - A proportion of this group do have reliable year round housing, often ownership, but not necessarily affordable, as many are on a fixed income which is not keeping pace with the costs of maintaining a home or affording the additional costs of upkeep; living; and eating.....
   - A significant proportion are home bound and/or unable to cook nutritious meals for themselves. Many do not qualify for ongoing Home Support Services or the Better At-Home-Meals, or if they do, the service does not totally meet the need of the clients.
   - Additionally, there are increasing numbers who are self sufficient until the last week of the month, when they have run out of money and cannot afford to buy groceries.
   - There are a few seniors who have banded together for physical survival, combining their financial resources, in an attempt to live their remaining time in their community on Hornby Island.

2. **Year-Round Workers**

   Two groups within this category are the most visible.
   - 25-40; single, male. The female equivalents are present but seem to be more resourceful or in the least, less visible.
     - Feed back from this group suggests that they are able to stay year-round because they do have housing, but that it is substandard; coupled with “seasonal employment” highs and lows.

DATA ADDITIONAL to the INFORMATION GATHERED BY THE INTERVIEWS

The Kitchen Hot Meal Program cont'd

2. Year-Round Workers

- The definition of sub-standard includes: lack of hydro, lack of running water, lack of plumbing, no kitchen facilities allowing for refrigeration, cooking, or adequate hygiene.
- While these inadequacies would be impossible for many, there is an ethic on Hornby which takes pride in the ability to survive without "modern conveniences". That said, most of the feedback we have received indicate those "renters" would prefer to have some access to those basics.
- There are those of the same age group who lose their housing to the "summer visitor" syndrome....

- 50 yrs + long term residents who work intermittently/seasonally; some with home ownership/marginal amenities; some renters with a "Hornby history" and so, are able to maintain housing, but again leaving little for food by month end.

3. Older Women

There is an increasing representation of older women; single, and some in partnerships, who have a degree of safe housing but which again, are not financially stable to month end.

4. Young Transients

Seasonally, we are also feeding the young transient group who are looking to find community on which to build a life.

- For the most part, they are a summer group, but we always see several who stay and try to survive year round on Hornby.
- These new residents appear to camp out in the forested areas of the Island as there is no other resource available to them.
- They utilize the Joe King showers and laundry facilities as best they can afford, and eat as they need, at The Kitchen.

5. Mental Well Being Challenges

This is perhaps the group of the homeless most in need here on Hornby, that we feed at The Kitchen.

- This is a seriously difficult group to identify accurately as they are inconsistent in accessing meals; extremely paranoid about asking for help, and/or being identified and targeted as "mental cases" and so understandably, reluctant to share details of their living situation.
- We do know that many simply "live in the woods" with zero amenities or basic comforts; some manage to make some friends and "crash" temporarily in homes or sheds.
- The extent of the numbers is often seasonal and weather dependent.

RECOMMENDATIONS:

- The Hornby Island Housing Society will use the information contained in this report to inform their long-term strategic planning.

- The Hornby Island Housing Network members will identify a lead organization(s) to host the following focus groups to brainstorm housing options, identify the level of interest and individual/organizational/community capacity to move forward:
    - Seniors who own their own homes who would consider adding a secondary suite/dwelling
    - Renters with financial assets to contribute who wish to share
    - Renters without financial assets to contribute who wish to share

- The Hornby Housing Network members will focus in the fall on the creation of a housing strategy plan for Hornby Island, using information gathered from the member organizations, the focus groups, this report and the following additional documents:
    - Stats Canada information
    - Trouble in Paradise – Sadie Chezenko
    - Nine Point Housing Plan – Tony Law
    - Comox Valley Regional District Housing Report
    - Comox Valley Coalition for Ending Homelessness Housing Strategy

CONCLUSION:

The intent of this grant was data collection only. There was an identified need to have current information about the state of affordable rental housing on the island and to determine the numbers of community residents living in housing that was sub-standard, unstable and/or not year round. It is our hope that the various agencies involved in addressing affordable housing on the island will meet in the fall to discuss the findings in this report as well as the other documents cited above, and will as a group, create a collaborative and comprehensive housing strategy that meets the needs of all members of the community.

APPENDIX A QUESTIONNAIRE

1. Background

a) Age: 20 to 30 30 to 40 40 to 50 50 to 60 60 to 70 70 to 80 80+

b) Self identified gender:

c) How long have you lived on Hornby Island?

d) How many times have you moved during that time?

e) Household monthly income: $500-1000 $1000-1500 $1500-2500 $2500-5000

f) Monthly rent: Monthly utilities Other household expenses

g) Stability of rental: 1 to 2yrs 2 to 3yrs 3 to 5yrs 5yrs+ unknown

h) Hidden costs: Ex. Having to purchase water, time off work to collect beachwood for stove, cost of batteries if no electricity……

2. Current Living Situation

a) Tent/tarp Car Van RV Trailer Cabin Shared House Private House

b) How old is your current dwelling?

c) How many square feet is your current dwelling?

d) How many rooms?

e) How many people living there?

f) Are pets allowed?

g) Does it have any of the following:
Muddy location Mould Rodents Water Damage Accessibility issues Other

h) Does your current dwelling have:

Insulation Electricity Generator Batteries Other

Electric cook stove Propane cook stove Wood cook stove

Electric heat Propane Heat Wood Heat (if so, where do you get your wood)?

Running water inside Running water outside

Potable water inside Potable water outside (if not, where do you get your drinking water)?

Private bathroom Shared bathroom Proper septic and greywater systems?

Toilet inside Toilet outside (if not, what facility do you use)?

Bathtub inside Bathtub outside

Shower inside Shower outside (if not, how do take care of personal hygiene)?

Washer Dryer (if not, how do take care of laundry)?

Storage Space (if not, where do you store extras)?

Workshop Space (if not, what space do you use)?

3. What realistic/practical changes could improve your existing situation?

Ex. lower rent, lower utilities, composting toilet, cistern, load of gravel, pet, electricity…….

4. Ideal Situation

a) Type of Dwelling
RV Trailer Cabin

Shared Dwelling: Willing to share: kitchen bathroom living room

Private Dwelling: How many square feet? How many bedrooms? How many floors?

b) Pets: Type Size Number

c) Affordable rent:

d) Affordable utilities:

e) Type of power: electricity propane generator batteries other

f) Bathroom: toilet shower bathtub

g) Laundry: washer dryer

h) Storage Space

i) Workshop Space

j) Other:

5. Are you interested in moving into the Beulah Creek Housing Project should it get approved? If so, what size unit?

---------- Forwarded message ---------
From: **Karen Ross** <[redacted]>
Date: Fri, Mar 24, 2023 at 3:52 PM
Subject: Referencing today's I.T. meeting
To: Grant Scott <gscott@islandstrust.bc.ca>, Alex Allen <aallen@islandstrust.bc.ca>
Cc: patriciaann maloney <pattheplanner54@gmail.com>, Hornby Island Short-Term Accomodation <hornbyshortterm@gmail.com>

Hi Grant, Alex and Pat,
i. At the I.T. meeting today I heard Tony Law make a recommendation for writing bylaws to limit STVR's, and then have discussions about those bylaws. In my mind, that is a waste of time and resources. The I.T. is not yet in a position to move forward with bylaws. Helen Grond's letter, which she read out today, certainly raised key points as to the lack of factual data being available for decision making.

ii. The references made today to UBCM recommendations for limiting STVR'S is apples and oranges. Under what other circumstances would we look to a municipal framework to guide rural policy?

iii. In my opinion, the work that needs doing here is for the I.T. to effectively lobby for the ability to do Business Licenses, and move in that direction. This was the same solution identified during those years that Tony Law was our Trustee. How many years has that been? T.U.P's have never been seen as a good solution.
The Island Trust needs to get this together, this is where potential consensus lies in the STVR discussions.

iv. It isn't easy for people to make a living on Hornby. Vacation rentals offer one of the "lowest barriers of entry" for a home owner to do a business. However, if you've never participated in this activity, you may not understand the time, effort, and sacrifices that people make to do it. The fact that none of the current APC membership have that experience casts a cloud on their ability to fully comprehend the subject.

v. Frankly, it is objectionable to hear the APC state that HISTRA had a seat at the table for the APC decision making. Attending a meeting where you can't speak or vote, does not make someone a party to that decision. It's like saying I attended the I.T. meeting today and thereby endorsed everything that was said.

vi. As you know me, I do like to look for solutions. Some suggestions:

1. pursue business licenses (legal or voluntary),
2. do an island wide survey or referendum to find out what other than "vested interest" people have to say,
3. do an advocacy document for the OCP that clearly outlines maximum occupancies for vacation rentals. (this is second choice to seeking the legal abilities to be able to define "head count" vs." bedroom count")

4. assign members to the APC with representation that includes vacation home renters, younger people, families, farmers, and the business community.
5. I have been involved in the discussion about STVR's on Hornby for way too long. One of the courses of action identified during 2010/11 was that the owners form an organization to help elevate the professionalism of the activity. This has been done. This is progress. My perception is that HISTRA is setting environmental and sustainability standards and encouraging zoning bylaw adherence. Part of a I.T. advocacy platform would be to encourage every short term rental home owner to be a member of that organization.
6. The APC has identified that part of their reasoning to control STVR's relates to providing long term housing rental stock. Surely it's time to recognize that most people don't own on Hornby in order to provide affordable housing to others. It's time to FOCUS "island planning" efforts on the provision of non-market housing - particularly for our workforce, seniors, and families.

Thank you for the many hours that you have dedicated to these discussions,
and other I.T. work,
Best,
Karen Ross
Personal opinion,

Grant Scott
Hornby Island Trustee

Alex Allen
Hornby Island Trustee

Chair Tim Peterson
Hornby Island Local Trust Committee

Sonja Zupanec
Islands Trust Planner

Margot (apologies Margot, I don't know your last name)
Islands Trust Planner

Dear Islands Trust staff and trustees,

I am writing for three reasons: two requests that I hope you can respond to and three is to share my experience as a community member and a Housing Society representative who attended all the APC meetings last fall and spring that were focussed on the tasks assigned by the Trust .

First Request: Could the Trust please issue a statement that responds to concerns about the proposed bylaws being an attempt to shut down STVR's. I believe that there is a need for clarification from the Trust about the proposed bylaws, as there still seems to be a great deal of confusion in the community about the recommendations brought forward by the APC to the Trust regarding proposed bylaw changes related to STVR's. I heard once again at the LTC meeting during the town hall portion of the meeting, concerns that the bylaw changes would shut down STVR's, causing financial hardship to the operators and that is not the case. The proposed bylaw changes would affect only new STVR's and any current STVR's that are non-compliant under the existing bylaws and/or that shut down for a period of time. I think that a great deal of the divisiveness that is being generated by very vocal STVR owners expressing their fear of being shut down could be eliminated if the Trust clarified the intention of the recommendations. I know first hand that the APC's intention is to regulate new STVR's in order to make way for properties to be used for year round rentals, to protect the environment by not overloading water and septic systems and to preserve the rural nature of the neighborhoods that are impacted by numerous STVR's. Please issue a public statement that reassures existing STVR operators that they will not be affected by the new bylaws. If they are not currently compliant, the current bylaws already in place, address that.

APC process:
I believe that unnecessary fear, leading to further community divisiveness is being created by the nature of the public statements made by some of the current STVR operators about the APC process and intention. I have heard and read references to the process carried out by the APC during their review of the OCP and land use bylaws as being biased, non-inclusive, insensitive, tokenism and other derogatory descriptors.

As stated above, I attended all the APC meetings that were focussed on the review as an invited representative from the Hornby Island Housing Society and witnessed first hand the conversations amongst the APC committee members and representatives from HISTRA and HICEEC. Although we were aware from the beginning of the process, that we as invited guests would have "voice but no vote", there was always ample opportunity to speak, express a concern, ask a question, state an opinion and/or offer a different perspective. Any concerns that were raised by any of the invited guests were addressed with the intent to gain a deeper understanding into the nature of the concerns. For example, the HISTRA representative took careful notes at each meeting and would bring back feedback from the HISTRA group to each meeting. These were heard point by point both at the request of the APC members and/or initiated by the HISTRA representative. Another example is that HIHS were strongly encouraged to submit written feedback and suggestions and the Chair was very supportive of allowing extra time for that to happen. I wanted to share my experience of the APC process as I am concerned that you and the community may be hearing only that of the folks who spoke and/or presented letters at the last few Trust meetings.

In closing, I want to thank you for reminding the public at each meeting that the meeting is a work space and to speak to and about staff and trustees accordingly. Respectful communication and the use of non-inflammatory language is important to me as a community worker. My second request is that the APC be included in that reminder at the next meeting and that any communication that is not respectful to the APC be interrupted immediately. The more folks are reminded to use constructive language, the sooner we can figure out how to work more collaboratively together.

Thank you for your attention to my requests. I look forward to your response.

April Lewis

Hornby Island Short Term Rental Association
Email: hornbyshortterm@gmail.com

April 10, 2023

To:

Timothy Peterson, Chair Hornby Island LTC

Alex Allen, Hornby Island Trustee

Grant Scott, Hornby Island Trustee

CC:

Patricia Maloney, Consultant

Sharon Horsburgh, Consultant

Sonja Zupenec, Islands Trust

Re: Islands Trust Hornby Island Official Community Plan Engagement Summary report

HISTRA strives to be an innovative, collaborative association that supports short term accommodation in a way that

- enables and encourages all owners, members or not, to be in full compliance with the bylaws and the official community plan,
- benefits the community as a whole and
- acknowledges the fragility of Hornby Island.

In reviewing the Consultant's Report we are heartened that the community as a whole is well reflected in both the narrative and the recommendations. There is a lot in the document that we hope can help bring our community together, on all four topics.

We have heard clearly that our community continues to have concerns and questions about the impact Short Term Vacation Rentals have on the carrying capacity of our Island. We support making real improvements in our understanding of Short Term Vacation Rentals in our community, their impact and their management.

- We support the need for real information about the number of legal and non-compliant Short Term Vacation Rentals on an annual basis.
    - Our community needs valid information to collectively understand the role Short Term Vacation Rentals play here. Creating that baseline of information is an essential starting point to understanding and good policy direction.

  - The MRDT revenues (pillow tax charged by Short Term Vacation Rentals and others starting in 2022) are being used to develop an understanding of the islands 'carrying capacity' and to try to shed some light on where our visitors stay (Camping, Family and Friends, Short Term Vacation Rental, Resorts, B and B etc.) in the busy summer months.

- We support the enforcement of our bylaws to ensure all operators are adhering to the Land Use Bylaws (LUB) and Official Community Plan (OCP) expectations.
  - HISTRA is dedicated to supporting our Short Term Vacation Rental community members to operate in a way that both meets all the requirements of the bylaws and the Official Community Plan and creates a strong and supportive community. It benefits no one, including the owner, when a Short Term Vacation Rental is not compliant.
- We support the current Land Use Bylaw and Official Community Plan. They were created and validated by our community in partnership with Islands Trust Staff and our council. These documents reflect what the majority in our community want their property rights to include.
- We support the need for enhancement to the Land Use Bylaw and Official Community Plan including:
  - adding the Official Community Plan expectations regarding Short Term Vacation Rental operation to the Land Use Bylaw;
  - requiring proper water and septic systems for all Hornby dwellings, including Short Term Vacation Rentals;
  - requiring all new dwellings, including Short Term Vacation Rentals, to have a rainwater harvesting component in their water systems.
- We support advocating for our LTC to have the ability to offer business licenses for all activities, including Short Term Vacation Rentals.
- We have always expected to work with the LTC and our community to help to support the positive contribution of Short Term Vacation Rentals to our whole Island.
  - In that spirit, we have developed an overview of what is needed to meet the requirements for Land Use Bylaw and Official Community Plan compliance, in partnership with Islands Trust staff. It will be published on our web site and sent to all of our association members by the end of this month.

- Our website has a list of best practices that include water and waste management, as well as operational and neighbourhood considerations. We welcome improvements and additions that help us support our community.
- We are happy to partner with the LTC on other actions or activities that can support positive contributions by and from Short Term Vacation Rental community members.

While we are not experts in the other topics, as members of the Hornby community we fully support greater inclusion of the Indigenous communities that have traditionally cared for Hornby. We support the need for better information in the community on all topics, including the Riparian zones and requirements. We believe that rainwater harvesting as a primary or additional water source must be supported, enabled and encouraged for all dwellings on Hornby. Lastly, any changes that will enable and support the creation of long term affordable housing should be seriously considered. This and water sustainability should be the major work of this and all future LTCs until they are demonstrably solved.

From the beginning of this process last spring, our focus has been to ask that the LTC and our community bring its collective focus and energy to bear on two very critical issues – water sustainability and affordable housing. We strongly believe that removing Short Term Vacation Rentals as a legal property use will not help us solve these issues and may well, in the future, force long term valued community members to leave our Island.

Sincerely,

The HISTRA Board, representing our 100+ Hornby Island Community members

Ray Therrien, President, Patrick Lui, Michael Williams, Angela Hudson, Karen Ross, Arifin Graham, Michelle Easterly, Karen Young, Donna Tuele, Eulala Mills

From: Meredith McEvoy

Sent: Saturday, April 22, 2023 1:07 PM

To: northinfo

Subject: Hornby LTC

Hi,

I support the Hornby APC's recommendations regarding densification and regulation of STVRs.

Thank you,

Meredith McEvoy

Hornby Island Resident

Hornby Island Short Term Rental Association
Email: hornbyshortterm@gmail.com

May 2, 2023

To:

Timothy Peterson, Chair Hornby Island Local Trust Committee

Alex Allen, Hornby Island Trustee

Grant Scott, Hornby Island Trustee

CC:

Sonja Zupenec, Islands Trust

Re: Islands Trust Hornby Island Official Community Project

This Friday the Local Trust Committee will, again discuss the Official Community Plan project, and provide direction to Islands Trust Staff about the scope of the work over the coming year, including potential of changes to our bylaws.

In the past year we have had 3 community meetings, many residents have come to Local Trust Committee meetings and many more have sent correspondence. In all of those the Local Trust Committee has seen a large and difficult difference on only one of the four topics that were to be addressed, between two, albeit small, groups in our community – those who vocally oppose Short Term Vacation Rentals and those who vocally support them. Yet, the referrals to the APC included Housing, Riparian Areas and Indigenous Language as well as Short Term Vacation Rentals.

There is real and pressing need in this community for affordable long term housing. The real and pressing need for us all, is climate change and water sustainability. We have consistently called on our Local Trust Committee to put its limited resources and attention on these essential, existential and critical issues. There is a limited amount of money and time for the Local Trust Committee and the islands trust to spend, we suggest these are the issues to be focused on.

We, both the HISTRA board and our members, have heard clearly that our community continues to have concerns and questions about the impact Short Term Vacation Rentals have on our Island. We support the need for enhancement to the Land Use Bylaw and Official Community Plan including:

- adding the Official Community Plan expectations regarding Short Term Vacation Rental operation to the Land Use Bylaw;

- the enforcement of our bylaws to ensure Short Term Vacation Rental operators are adhering to the Land Use Bylaws and Official Community Plan expectations.
- requiring proper water and septic systems for all Hornby dwellings, including Short Term Vacation Rentals;
- requiring all new dwellings, including Short Term Vacation Rentals, to have a rainwater harvesting component in their water systems.

These are real and impactful changes based on the work done to date, that can be implemented quickly, easily and with the support of the community. Along with the consultant's recommendations around access to long term affordable housing, this can be the work of the Official Community Plan update project.

The issue of Short Term Vacation Rentals, as a legal property use, could impact about 1,000 property owners on Hornby Island, presently and in the future. It would surely benefit the entire community to ensure that any changes in land use bylaws be based on a foundation of trusted, skilfully gathered, current and validated data.

It is important to make clear that neither the Trustees, nor HISTRA, nor the broader community actually know the real number of Short Term Vacation Rentals operating in any year. We opinions and perspectives but only limited data as to whether the numbers are growing, shrinking or stable. Nor do we know how many weeks of the season they operate nor how many are or are not in compliance.

Before the Local Trust Committee instructs staff to remove Short Term Vacation Rentals from our Land Use Bylaws please use the Official Community Plan update project to gather trusted and validated data about Short Term Vacation Rentals. We ask, that the Local Trust Committee and Islands Trust make the effort to truly understand the scope and determine the real impacts of Short Term Vacation Rentals on Hornby, negative and positive.

Sincerely,

The HISTRA Board, representing our 100+ Hornby Island Community members

Ray Therrien, President, Patrick Lui, Michael Williams, Angela Hudson, Karen Ross, Arifin Graham, Michelle Easterly, Karen Young, Donna Tuele, Eulala Mills

From: Anthony Law

Sent: Friday, May 19, 2023 11:46 AM

To: northinfo; Timothy Peterson; Alex Allen; Grant Scott

Subject: Secondary Accommodation Units in the Islands Trust Area

Attachments: Secondary Accommodation Units - A housing option for Gulf Islands and other small communities.pdf

To Hornby Island Local Trust Committee: Tim, Alex and Grant:

For interest, attached is a paper I wrote 15 years ago - which may still be of some use and relevance today.

Tony

AN act PROJECT

SECONDARY ACCOMMODATION UNITS:

A HOUSING OPTION FOR GULF ISLANDS AND OTHER SMALL COMMUNITIES

JANUARY 2008

Prepared by Tony Law
Hornby Island Economic Enhancement Corporation (HICEEC)
Hornby Island, British Columbia

FCM

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PREFACE

The project documented in this report received an Affordability and Choice Today (ACT) grant. ACT is a housing regulatory reform initiative delivered in partnership by the Federation of Canadian Municipalities (ACT administrator), Canada Mortgage and Housing Corporation (ACT funder), the Canadian Home Builders' Association, and the Canadian Housing and Renewal Association.

ACT, launched in 1990, encourages housing affordability and choice through regulatory reform. The United Nations Centre for Human Settlements recognized ACT in 1998 as one of the top global best practices for improving the living environment.

Over the years, ACT has created an impressive body of knowledge others can use to facilitate regulatory change in their communities. Projects range from innovative housing forms, secondary suites and streamlined approval procedures to NIMBY, alternative development and renovation standards, and more. ACT projects contribute in many ways to sustainable development. They have also served to enhance working relationships between local governments, the building industry and non-profit organizations.

In summary, ACT promotes regulatory reform through

- its database of solutions, which others may borrow from and adapt freely to meet their needs (see Web site address below).
- grants to local governments, builders, developers, architects, non-profit organizations and others across Canada to help facilitate the development of innovative solutions;
- other means of promoting regulatory solutions, such as workshops that highlight ACT solutions and address specific regulatory barriers.

For more information, visit ACT's website at www.actprogram.com, or contact: ACT Admin. c/o The Federation of Canadian Municipalities 24 Clarence Street, Ottawa, Ontario K1N 5P3
Phone: (613) 241-5221 ext. 242; Fax: (613) 244-1515; E-mail: info@actprogram.com

DISCLAIMER
This project was partially funded by ACT. The contents, views and editorial quality of this report are the responsibility of the author, and ACT and its partners accept no responsibility for them or any consequences arising from the reader's use of the information, materials or techniques described herein.

ACKNOWLEDGEMENTS
The following provided advice and consultation in the preparation of this report:

Tim Wake, Affordable Housing Consultant
Deborah Curran, Lawyer
David Marlor, Regional Planning Manager, Islands Trust
John Rowse, Executive Director, BC Onsite Sewage Association
Ed Hoeppner, Principal, Aquarian Systems Inc.

In particular, Tim Wake prepared a report on the Whistler experience and Deborah Curran, David Marlor, John Rowse and Ed Hoeppner participated in a technical workshop, as did Ron Emerson, Hornby Island Local Trustee. Ed Hoeppner, Ron Emerson and Ron Sitter (President of the Hornby Island Residents' and Ratepayers' Association) were involved in planning this project.

Tony Law (HICEEC), project co-ordinator – January 2008

EXECUTIVE SUMMARY

In the Islands Trust Area, 46% renters are in core housing need, more than three times the rate for all Canadians (13.7%).

At a conference on *Housing Solutions for Small Communities* in April 2007, a panel 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.

While secondary suites are being legalized in many urban communities, different circumstances are faced on islands and in other small communities. Units can take a wider range of forms and considerations include water supply, sewage treatment and maintaining rural character.

Following up on the conference, the Hornby Island Community Economic Enhancement Corporation received an *ACT* grant to address the regulatory framework for enabling secondary accommodation units on Hornby Island. A Hornby-specific report was prepared. This report addresses the same subject but in a more general way.

When considering whether and how to enable secondary accommodation units it is necessary to examine the community context, the benefits of such units, the barriers and the particular issues identified in order to determine the appropriate regulatory approach.

Good community consultation is important as the proposed introduction of secondary accommodation units is often met by concerns and fears.

Provincial legislation provides a small range of options for enabling secondary units. It is important to balance the need to address concerns with the need to avoid undue disincentives

Judicious use of zoning regulations can address many of the issues that are likely to come up. It is hard to address water supply through zoning regulations, though it may be possible to require water storage or even rainwater catchment systems. Areas that are known to have a particular problem with water supply may need to be excluded from having secondary units permitted.

Standard practices for sewerage systems require that a secondary suite (or similar unit) be considered as a separate residence with respect to provision for minimum daily design flow rates. Providing the required treatment capacity could be an obstacle for landowners considering establishing secondary accommodation units.

Permitting secondary accommodation units should be preceded by regulations to address short term vacation rentals. Concerns about enforcement could be addressed through introducing municipal ticketing.

Regulations could be accompanied by the provision of information on the zoning regulations, health regulations, best practices, building options and funding sources.

There are examples in British Columbia of communities that have taken a range of approaches in enabling secondary accommodation.

CONSIDERING SECONDARY ACCOMMODATION UNITS

INTRODUCTION

A conference on *Housing Solutions for Small Communities* was held on Hornby Island in April 2007. It was attended by 110 people from 30 communities and involved 24 presenters. The conference included a panel discussion on Secondary Accommodation Units. There was a consensus among the presenters that enabling such units is an important way to provide immediate housing opportunities in small communities. At the same time, concerns were expressed about the potential impacts of increasing density.

In 2003, a report prepared for the Islands Trust on *Affordable Housing Options* identified secondary suites and cottages as "the most readily available and inexpensive source of rental housing". However, there has been limited adoption of this solution in the Trust Area.

Secondary accommodation units (such as basement suites in urban areas or cabins/trailers in rural areas) are a significant source of affordable housing in British Columbia, though in many cases they are not permitted. An increasing number of urban jurisdictions are legalizing secondary suites and some smaller communities have taken similar steps.

One challenge in legalizing secondary suites in urban areas is the perception that this might change neighbourhoods. For islands and other small communities additional challenges have been identified, including concerns about water supply, sewage treatment and maintaining rural character.

In the review of *Best Practices in Affordable Housing* produced in 2007 by Smart Growth BC, 33 of the 68 jurisdictions surveyed had adopted secondary suite zoning. There is no indication in any of these jurisdictions, 19 of which are in British Columbia, that secondary suite zoning has resulted in problems of exceeding density estimates, overloading infrastructure or transportation modes, or changing the character of neighbourhoods.

In considering whether and how to enable secondary accommodation units the following need to be examined:

- the community context
- the benefits of secondary units
- the barriers to their use
- the issues to be addressed

COMMUNITY CONTEXT

Aging communities

The Gulf Islands and other small BC communities are experiencing a demographic shift towards older age groups resulting both from the resident population aging and from people moving to the communities for retirement. This creates two challenges: meeting the housing needs of an aging population and meeting the housing needs of younger people needed to provide services and maintain community vitality.

Resort communities

The Gulf Islands and many other small BC communities are resort destinations which creates a high demand for visitor accommodation and summer homes. This also contributes to a seasonal economy with work being available when there is a high occupancy of available accommodation.

Amenity migration

There is a migration to attractive locations by people whose source of livelihood and/or level of income enable them to work at home, telecommute or live in a second home part-time. This, along with the purchase of retirement and summer homes, puts pressure on the real-estate market, increasing the price of homes at a greater rate than local incomes which are usually derived from service industry jobs, seasonal or part-time employment and self-employment. Thus home ownership is becoming increasingly inaccessible to local workers.

Shortage of market rental housing

In rural areas, most housing is ownership housing. There are limited numbers of market rental units available and they are often of older stock and poorer quality. The limited economic return on rental housing is a significant barrier. Property, construction and maintenance costs are high. There is a limit to the level of rent that rural residents can pay. There is not easy access to landlord-tenant dispute resolution processes in rural communities. Vacation rentals can be more lucrative than residential tenancies. Rentals often involve dwelling units owned by future retirees or by residents who are absent from the community for. These do not provide continuing security.

Limited non-market rental housing

The provision of non-market rental housing requires an organizational capacity that is hard to achieve in smaller communities. Such housing is usually provided by a housing authority or corporation set up by a municipality or a non-profit society. The economics of rental housing is as challenging for the non-profit sector as for the market sector.

Housing need

Islands and other small communities do not experience the extensive homelessness or large special needs populations that urban areas do. Nevertheless, there can be a significant number of households in core housing need. (A household is considered in core housing need if they cannot find somewhere to live that is in reasonable good condition and is big enough for their household without spending more than 30% of their income.) In the Islands Trust Area, 46% of renters are in core housing need. (13.7% of Canadian households and 15.8% of BC households are in core housing need).

Renters in core housing need	Local trust areas
Under 20%	Mayne
20%-30%	
30%-40%	North Pender
40%-50%	Hornby, Lasqueti, Salt Spring, Saturna, Thetis
50%-60%	Denman, Gabriola
60%-70%	
70%-80%	Galiano

Household size

The average size of households in the Gulf Islands is generally below the provincial average of 2.3 persons; for most local trust areas it is below 2 persons.

Limited development potential

Increasing the housing pool can be restricted by limited development potential resulting from policy or physical restrictions. Policy restrictions can include the implementation of the Islands Trust object to preserve and protect the unique amenities and environment of the Trust Area. Physical restrictions can include water availability. The limited development potential can contribute to increasing property values and thus the unavailability of affordable housing.

Local governance

Unincorporated areas do not have the range of governance tools available to municipalities. In the Islands Trust Area, local trust committees have planning authority but regional districts have responsibility for building inspection.

BENEFITS OF SECONDARY UNITS

Achievability

Compared to other approaches to providing housing opportunities, secondary accommodation units can be more readily made available, particularly when they involve utilizing an existing building. Housing can be created without the need of public expenditures or the involvement of a community organization, as would be the case for non-market housing.

Low-impact

Secondary units can increase the rental housing stock by using existing buildings and existing residential lots. Where household sizes are two or less people, having two households occupying one lot does not result in significant densification.

Possible forms of units

Types of units, other than in-house suites, can be considered for rural lots.

These could include:

- use of existing guest cottages for residential housing
- residential units within detached buildings (eg carriage suites)
- garden suites (detached small residential units, usually removable)
- mobile homes

Detached units can provide more privacy than in-house suites, something that may be more desirable in a non-urban context. However, they can increase the built footprint on a lot.

Benefits to property owners

As noted above, the economics of renting do not provide an incentive to property owners to rent primary dwelling units. However, there may be benefits to having secondary units:

- Aging in place

An older single person or a couple may be able to continue living in their rural home through having a younger person living on the lot to provide help with physical tasks, etc. The rental income may also help someone on a fixed income facing high property costs. (Such a situation can also provide mentoring and access to garden space for a younger person.)

- Security, caretaking

A non-resident property owner may value having a full-time resident on a property to provide security and caretaking. Such owners often rent out their summer homes in the winter to local residents who have to move out in the summer; a secondary suite may enable year-round accommodation.

- Accommodation for family members

Residents may wish to provide accommodation that is on-site yet separate for a family member. This could be for an off-spring who has become an adult and wishes to stay in the community but cannot find appropriate accommodation. It could also be used to provide a degree of independent living for an aging relative.

- Accommodation for employees

Residents who operate a home or community business may wish to provide accommodation for an employee or apprentice.

- Altruism

A resident who has more space than he or she needs may be willing to provide accommodation to a community member whose housing needs are not being met.

- Funding

CMHC's Residential Rehabilitation Assistance Program provides funding to create a new rental unit in a single family home for a senior citizen or a person with a disability or to convert existing non-residential buildings into affordable rental units.

Avoiding a culture of non-compliance

It is worth noting that all the above scenarios are already happening, utilizing non-permitted secondary units. This need to achieve housing solutions can lead to a culture of non-compliance when legal options are not available. Allowing legal options can create a better context for addressing illegal situations which can often be unsafe, unhealthy or exploitative and do not provide security.

BARRIERS

Community resistance

Experience elsewhere indicates that residents tend to have strong opinions on the question of whether secondary units should be allowed. Thus a community consultation process is required to identify the specific issues of concern and to look at how they can be addressed.

Lack of uptake

Even if community resistance is overcome and secondary units are allowed, there could still be limited uptake of this housing option. It is important to ensure that the method for allowing these units does not include disincentives if the goal is to encourage their use. Uptake can be greater if there is flexibility in the forms of units allowed. Providing good information to simplify the understanding of regulations and processes can also help. However, there can be significant costs involved in meeting building code and sewerage requirements that might be a deterrent.

ISSUES

In urban communities that have addressed the issue of secondary suites, key issues that have come up include health and safety, impact upon the built environment and parking. There are also administrative issues with respect to costs, regulation, permitting, liability and enforcement.

On the islands and in other non-urban communities the following issues can also be anticipated:

Maintaining rural character

There can be strong attachment to the perceived character of a neighbourhood or community and fear that this may be compromised by “densification”.

Water supply

Water availability (such as through on-site groundwater wells or community systems) may be limited causing concerns about creating additional households.

Sewerage systems

Sewerage is generally dealt with on-site in rural areas and there needs to be adequate capacity for a second household.

Appropriate use

Secondary units should be used for their intended purposes and not to accommodate visitors.

ENABLING SECONDARY ACCOMMODATION UNITS

COMMUNITY CONSULTATION

An ACT Case Study of North Vancouver notes that: "secondary suites have such a long history of controversy in many parts of Canada that the issue is weighted with sensitivities and concerns that are purely local in nature." The study identifies "the need to seek common ground through public input and information."

Opposition to secondary accommodation falls into four categories: economic (decreased property values), social (apprehension about people that are different); environmental (impact on habitat and water resources) and physical (increased traffic, noise and parking).

It is helpful to establish the community's goals, values and planning policies. A needs assessment can be useful. Community processes should enable people's concerns to be heard, differing perspectives to be shared and information to be provided that addresses expressed fears and apprehensions.

A certain amount of time and discussion may be required for people to move from expressing denial or resistance to participating in planning and evaluating solutions.

POLICY

Allowing secondary accommodation units first requires a statement of policy in an Official Community Plan. This could be a general enabling policy or it could be more specific about the form of units, where they may or may not be located and how they may be allowed.

Examples of OCP policies

Comox Valley:

"The provision of affordable housing shall be encouraged in the Plan area."

"The following shall be permitted in the rural settlement area - residential, including a mix of housing sizes, types and styles."

Whistler:

"The Municipality will continue to support auxiliary residential accommodation as a source of residential accommodation."

Maple Ridge:

"Maple Ridge recognizes that secondary units and other detached dwelling units in residential neighbourhoods can provide affordable and/or rental housing in the community. Maple Ridge is committed to ensuring that bylaws and regulations are current and responsive to community issues and needs."

Metchosin:

"One secondary suite may be permitted per dwelling unit subject to the Land Use Bylaw"

Castelegar:

"Secondary suites are allowed on single family residential lots."

Gabriola Island:

"On parcels greater than 2.0 hectares or larger one cottage not exceeding 65 sq. metres shall be permitted accessory to a single family dwelling unit."

"Provision for an accessory cottage on a parcel of 2.0 hectares or larger shall be recognized as the Gabriola Island means of providing affordable housing in a rural context."

Salt Spring Island:

"In zones where single family dwellings are presently allowed, the Trust Committee should consider changing local zoning to also allow (as an alternative to a single family dwelling), a flexible unit dwelling that: a) has a maximum of two storeys, and b) has a maximum floor area of about 168sqm, and c) could contain between one and three dwelling units, depending on the needs and wishes of the property owner. Flexible unit dwellings should only be allowed on lots larger than 1.2 ha or on smaller lots in village areas. If zoning is changed to allow flexible unit dwellings, design guidelines and zoning regulations should be developed to ensure the dwellings fit into single-family neighbourhoods. If flexible unit dwellings are allowed, they should be allowed in only a few zones on a trial basis to find out if they do supply needed housing without having a negative effect on neighbouring properties. Flexible unit dwellings should not be allowed in zones within the Watershed-Islet Residential Designation unless they are shown not to increase population or sewage generation over that expected in single family dwellings. "

"Seasonal cottages should continue to be allowed wherever they are allowed by current zoning. The Trust Committee could consider rezoning applications from property owners who wish to convert their seasonal cottage to a small full time residence.

In considering any such applications within the boundaries of a community water system, the Trust Committee will ensure that the zoning change would not have a negative affect on the system's ability to supply water to all of the land uses that are allowed within its boundaries by current zoning. Comments from the affected water system's operators should accompany the rezoning application.

In considering any such applications on properties supplied by wells or surface water, the Trust Committee will request evidence that adequate water supplies are available, and that the wells on neighbouring properties would not be negatively affected by the zoning change.

Property owners applying to convert seasonal cottages into full time residences could be required to supplement their water supply with rainwater catchment systems or other forms of water conservation, if adequate water supplies are not available from their community water system or from wells or surface water. "

REGULATORY FRAMEWORK

Provincial legislation provides a small range of options for allowing and regulating secondary accommodation units. Legislators will have to balance the need to address concerns with the need to avoid undue disincentives.

Zoning regulations

Section 903 of the *Local Government Act* enables local governments to regulate the use and density of land and buildings, the siting, size and dimensions of buildings and permitted uses and the location of uses on the land and within structures. Regulations may be different, for different zones, different uses within a zone, different locations within a zone, different standards of work and services provided and different siting circumstances. This section provides a great deal of flexibility with respect to specifying where and how secondary accommodation units are permitted and under what circumstances.

The District of Metchosin has used zoning regulations to permit a secondary suite within a dwelling unit. Comox-Strathcona Regional District has used zoning regulations to permit a carriage house within the second storey of a building accessory to an existing residential use.

Zoning for amenities and affordable housing

Under Section 904 of the *Local Government Act,* a zoning bylaw may establish conditions that will entitle an owner to a higher density than the density otherwise specified in a zone. Allowable conditions include those relating to the provision of affordable and special needs housing, as defined in the bylaw, including the number, kind and extent of the housing. (The owner can be required to enter into a housing agreement before a building permit is issued.) This section can enable secondary accommodation units to only be permitted in accordance with specified conditions to meet defined affordable and special needs housing. Section 903 can be used to provide additional siting and use regulations.

The Resort Municipality of Whistler allows an additional 56 square metres of gross floor area to be added to a dwelling unit provided the housing is used to accommodate an employee working in Whistler.

Housing agreements for affordable and special needs housing

Under Section 905, a local government may (by bylaw) enter into a housing agreement with an owner regarding the occupancy of housing units. The terms and conditions may address the form and tenure of the units, to which classes of persons they may be made available, how they will be managed, and the rents charged (and rate of increase). The agreement cannot vary the use or density specified in the zoning bylaw. The agreement is filed on title, is binding upon future owners and can only be amended by bylaw with the consent of the owner. Although housing agreements are more commonly utilized for multi-unit developments, some local governments require housing agreements for individual secondary accommodation units.

While housing agreements enable site-specific rather than general permitting of secondary units, they do involve a significant amount of administrative work and would likely require a substantial fee to address administrative costs. Also, agreements can be as difficult to monitor and enforce as zoning regulations unless a special monitoring program is put in place with attendant costs.

The District of Maple Ridge uses housing agreements for secondary suites and for temporary residential units. The Town of Oliver uses housing agreements for secondary dwelling units.

Covenants

Under Section 219 of the *Land Title Act,* local governments can use covenants to address the use of land or buildings. These can be used to allow secondary accommodation units on a site-specific basis through property owners agreeing to grant a covenant with specified terms. Covenants can be used to allow temporary accommodation units with provisions for their removal. However, as with housing agreements, covenants are administratively burdensome and present challenges with respect to monitoring and enforcement.

The Township of Spallumcheen requires a covenant with respect to allowing a temporary residential unit for the medical care and nursing of an infirm person.

Site-specific zoning amendments

A local government can decide to only consider secondary accommodation units through an application for a site-specific zoning amendment. This provides for a high level of scrutiny for a proposed unit and enables issues such as water availability to be more specifically addressed. However, it involves a rigorous and expensive process which is likely to deter applications.

(A possible approach might be to bundle a number of site specific zoning amendments in one bylaw to reduce or eliminate the cost to applicants. However, the success of this approach depends upon property owners' interests in providing secondary units coinciding with the rezoning opportunity.)

Salt Spring Island Local Trust Committee requires an application for a zoning amendment for considering allowing a secondary suite or the use of a seasonal cottage as a full-time residential dwelling unit.

Discussion of options

The use of housing agreements, covenants and zoning amendments provide the greatest degree of control in that they are applied on a site-specific basis. In particular, housing agreements and covenants enable temporary units to be allowed for a specified use and period. However, they do not of themselves provide greater monitoring and enforcement; the costs and administrative requirements are likely to be a disincentive to people actually using these opportunities to provide affordable housing.

Allowing secondary accommodation units as a density bonus together with zoning regulations to address issues of concern is a more straightforward approach.

REGULATIONS

The following are suggestions of how issues of concern can be addressed through zoning regulations.

Appropriate use of units

Firstly, the appropriate use of secondary units can be supported by introducing regulations to address the short term vacation rental of dwelling units.

Secondly, by using Section 904 of the *Local Government Act*, a local government can specify that the additional density involved in establishing a secondary accommodation unit will only be permitted if the unit is used to provide affordable or special needs housing. This requirement will address concerns that such units might be used for other purposes, such as accommodating guests or visitors. Effective definitions of affordable housing and special needs housing will be required in the bylaw.

The Comox Valley Land Use Bylaw defines *affordable housing* as "any housing where the annual cost including taxes, condominium fees and mortgage, principal and interest payment, or gross rent, does not exceed 30% of the average annual individual income within the relevant Comox-Strathcona 'Subdivision' as defined by census Canada."

The Salt Spring Island Land Use Bylaw defines *special needs housing* as "housing that provides for the residential accommodation of an individual or individuals who require specific housing designs or services to enable them to live relatively independently or in a supportive environment."

Locations

Section 903 (3) allows for different regulations for different zones or locations within a zone.

A local government may want to exclude certain locations from the potential of having secondary units. In particular, secondary units could be excluded from areas known to have problems with water supply (which, in the Trust Area, would be necessary to comply with Policy 4.4.2 of the Islands Trust Policy Statement).

Locations within the Agricultural Land Reserve should be excluded from general regulations allowing secondary units because local governments do not have authority to allow more than one residence on ALR land unless an additional residence is required for farm use.

Secondary suites within an existing dwelling only could be allowed in some locations while detached units could be allowed in other locations.

Lot area

Whether or not secondary units are allowed and the type of unit that is allowed could be tied to lot area. For example, units could be prohibited on very small lots, in-house units only allowed on small lots while detached units could be allowed on large lots.

In Spallumcheen and Maple Ridge, secondary units are only permitted on lots over 0.4ha in area.

Form of units

Units can take the form of in-house suites, units attached to the principal dwelling unit, units incorporated into a non-residential accessory building (such as a carriage house), a stand alone unit (such as a cottage) or temporary units (such as a garden suite or mobile home). The temporariness of units can only be regulated through the use of housing agreements or covenants.

The following are some examples of definitions in use:

Secondary suite - a dwelling unit located within the structure of an owner-occupied single family dwelling. (Spallumcheen)

- a room or suite of rooms added to and contained wholly within a single-family detached dwelling unit, for use as a complete, independent living facility with provision within the secondary suite for cooking, eating, sanitation and sleeping. A secondary suite is an accessory use to the main dwelling unit. (Metchosin)

- an additional self-contained dwelling unit, having a separate entrance and containing kitchen and bathroom facilities, located within a residential building that contains only one other dwelling unit and is smaller than the primary residential unit. (Bowen Island)

Carriage house - a dwelling located on the second storey of an accessory building which contains no interior access to any part of the accessory building below the carriage house. (Comox Valley)

Cottage - a single family dwelling accessory to a principal single family dwelling (Gabriola Island)

Garden suite - a one-unit residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable. (Lanark On)

Size of units

Some jurisdictions address the size of a secondary accommodation unit through a maximum permitted floor area for the unit or through a maximum percentage of the gross floor area of the building in which it is contained or, in most cases, both. Some examples of maximum permitted floor areas used are:

- 60m2 (Metchosin, Gabriola)
- 70m2 (Spallumcheen)
- 70m2 (Oliver)
- 90m2 (Castlegar, Comox Valley, Maple Ridge, Bowen, Whistler)

The percentage of gross floor area used is usually 40%. (This lines up with Building Code requirements which specify that a suite must occupy less than 40% of the principal dwelling in order for the less onerous standards for secondary suites to apply.)

Whistler initially started with a 70 sq.m size for units but found this constrained those occupants with a child or needing a home office. Whistler, along with many other jurisdictions, now allows units of 90 sq.m.

Siting of units

Siting considerations could include limiting the footprint on the land by clustering buildings on a lot and utilizing only one driveway. Thus it would be desirable to have a secondary unit incorporated into (or at least adjacent to) an existing building. On smaller lots there can be limited siting possibilities due to septic treatment, water supply and set back requirements.

Site-specific flexibility

It may be desirable to enable site-specific flexibility with respect to size and siting through consideration of applications for Development Variance Permits. To provide for this, the bylaw should be structured so that size and siting regulations are separated from use and density regulations.

Occupancy

The level of occupancy of a secondary unit can be addressed by the number of bedrooms allowed. This number could be different for different zones or for lots of different areas.

Occupancy of the principal dwelling

Addressing the level of occupancy in a principal dwelling could be challenging as this could change seasonally and with ownership.

Some jurisdictions require that the owner of the lot occupy the principal dwelling unit in order to provide some level of supervision. This is perhaps of more concern in areas communities with a more intensive development pattern. In Port Coquitlam it has been demonstrated that legalizing secondary suites has not increased the number of complaints. In communities where a high percentage of residential properties being owned by non-residents a requirement for the principal dwelling to be occupied by the owner would significantly limit the potential opportunities for units to be established. It is possible that some non-residents would value having year-round residents on site.

Non-residential uses

Some jurisdictions do not allow uses over and above the principal residential use to be conducted if a secondary dwelling unit is in place. This would probably be desirable on smaller lots and, in particular, would help to limit demands on water use. Excluded uses could include visitor accommodation (bed and breakfast, vacation rentals) and home occupations involving employees or visiting clientele.

On Bowen Island a bed and breakfast cannot be operated in a residential building containing a secondary suite.

Parking

An additional household will, in most cases, involve an additional vehicle. Using Section 906 of the Local Government Act an additional parking space could be required for an additional household living in a secondary accommodation unit.

Provision of water

It has been observed that adding a separate housing unit occupied by only one person usually results in more water consumption than adding an additional person to a single household.

Water consumption can be a concern in areas where water supply from on-site groundwater wells or community water systems is limited.

Secondary units can be excluded from areas known to have a problem with water supply (as noted above, this would be required in order to comply with the Islands Trust Policy Statement).

While proof of water supply can be required at the time of subdivision it is not possible to require this through zoning regulations for an existing lot. However, s.903 (3) (d) of the *Local Government Act* provides for different regulations for different standards of works and services. It will be useful for jurisdictions to explore how this section can be used to enable requirements for the provision of water as a condition of additional density allowed under Section 904.

This could involve requiring on-site water storage to hold water pumped at high-flow periods. It could also involve requiring rainwater catchment and storage systems, particularly for new free-standing units rather than for suites being incorporated into existing residences where retro-fitting can be a challenge.

Water conservation measures cannot be addressed in zoning regulations but can be encouraged through regulation (although typically such measures only result in a 20% reduction in total domestic use).

Run off is another concern that arises from adding to the built environment. Section 907 of the *Local Government Act* enables regulations to be applied to address this.

Treatment of Sewage

A key concern for non-serviced lots is the treatment of sewage.

The *Sewerage System Regulation* of the *Health Act* requires that only a registered practitioner or professional can construct and maintain a sewerage system and must provide written assurance to the health authority that plans and specifications are consistence with standard practices. Standard practices are specified in the *Sewerage System Standard Practice Manual*. The manual specifies minimum daily design flow rates for residences according to the number of bedrooms and the floor area. While these rates may seem high in relation to the daily use of a small rural household, they are established protect against worse-case scenarios and to reflect peak loads (which can occur when summer visitors are present) and consider the life-span of the system.

The minimum daily design flow rate for a 1-2 bedroom unit less than 150sqm in area is 250 gallons and for a 3 bedroom unit less than 175sqm in area is 300 gallons. Thus the minimum

combined daily design flow for a small house plus a secondary unit is 550 gallons. The figure would be greater for larger primary dwellings.

The regulatory framework provides for engineered systems to address site-specific situations, but these can be expensive in terms of both initial costs and maintenance costs. Composting toilets are not covered by this regulation, but where such toilets are used the wastewater flow still needs to be treated by an approved sewerage system.

Where building permits are required, an Occupancy Permit can be withheld if proof of compliance with the Health Act is not provided.

Where building permits are not required, zoning regulations can include an information note highlighting the need to meet the requirements of the Sewerage System Regulation.

To provide greater assurance that sewerage requirements are being met, it may be possible to utilize to utilize Section 903 (3) (d) of the *Local Government Act* to include regulations in a zoning bylaw. These cannot involve a discretionary process nor can they involve delegating authority to another agency. Regulations would need to be prescriptive and should be the same as provincial requirements. It may or may not be possible to require some kind of evidence that this regulation has been met through the siting and use permit, but this should be investigated. Legal advice should be sought on the possible use of such regulations.

It is likely that sewerage requirements will limit the number of secondary accommodation units that will be established.

COMPLIANCE

Municipal governments have sometimes accompanied the legalization of secondary suites with a program to address illegal suites. In small and rural communities, local governments would not have the resources to take on such an approach.

In such circumstances, local governments rely upon voluntary compliance and upon making application to the Supreme Court for enforcement when efforts to achieve voluntary compliance have failed. Members of the public may want to see other ways to ensure compliance if they are to support the enabling of secondary accommodation units.

Municipal ticketing provides a more immediate compliance tool. In circumstances where there is reluctance to apply municipal ticketing to the whole zoning bylaw, this tool could be limited to specified regulations addressing the use of secondary units.

As noted above, while housing agreements and covenants may seem to provide more certainty than zoning regulations, compliance is no more readily achieved unless a specific monitoring program is established. Housing agreements and covenants require court involvement to be enforced.

Providing for legal secondary accommodation units may increase willingness to address illegal accommodation units, particularly those that pose environmental, health or safety problems.

INFORMATION AND EDUCATION

Regulations could be complemented by making information available in the form of a brochure and/or web page. This would serve to support compliance and to encourage uptake.

The following could be addressed:

- Zoning regulations
- Sewerage regulations
- Building code requirements
- Best practices, such as water storage and use
- Building options (eg Flex housing)
- Funding sources (eg CMHC)

UPTAKE

Once enabling legislation is in place it might well turn out to be that the number of units actually created is less than proponents hoped or opponents feared. Providing approved sewerage treatment may be a significant obstacle. High construction costs in relation to potential returns may mean that those units that are created are suites within an existing residence or the conversion of an existing accessory building rather than new construction. There will likely be a limited number of landowners interested in pursuing this option. It might not be in the interests of second home owners or those who have established a rural retreat for privacy and quiet to have other people living on their lot.

However, allowing secondary accommodation units would likely provide a valuable option for residents in particular circumstances and can be an important part of the mix of solutions required to address a community's housing needs.

APPENDIX I
RELEVANT LEGISLATION

The following sections of provincial legislation have relevance in considering the permitting and regulating of secondary accommodation units

Local Government Act

Section 877: Required content of Official Community Plans
The required content of an Official Community Plan (OCP) includes statements and map designations respecting the approximate location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least five years. The OCP can include policies regarding whether, where and how secondary accommodation units might be permitted in order to meet anticipated housing needs.

Section 903: Zoning bylaws
A local government may regulate the use and density of land and buildings, the siting, size and dimensions of buildings and permitted uses and the location if uses on the land and within structures. Regulations may be different, for different zones, different uses within a zone, different locations within a zone, different standards of work and services provided and different siting circumstances. This section provides a great deal of flexibility with respect to specifying where and how secondary accommodation units are permitted and under what circumstances.

Section 904: Zoning for amenities and affordable housing
A zoning bylaw may establish conditions that will entitle an owner to a higher density than the density otherwise specified in a zone. Allowable conditions include those relating to the provision of affordable and special needs housing, as defined in the bylaw, including the number, kind and extent of the housing. (The owner can be required to enter into a housing agreement before a building permit is issued.) This section enables secondary accommodation units to only be permitted in accordance with specified conditions to meet defined affordable and special needs housing.

Section 905: Housing agreements for affordable and special needs housing
A local government may (by bylaw) enter into a housing agreement with an owner regarding the occupancy of housing units. The terms and conditions may address the form and tenure of the units, to which classes of persons they may be made available, how they will be managed, and the rents charged (and rate of increase). The agreement cannot vary the use or density specified in the zoning bylaw. The agreement is filed on title, is binding upon future owners and can only be amended by bylaw with the consent of the owner. Although housing agreements are more commonly utilized for multi-unit developments, some local governments require housing agreements for individual secondary accommodation units.

Section 906: Parking space requirements
A local government may the provision of off-street parking. An additional parking space could be required for an additional household living in a secondary accommodation unit.

Section 907: Run off
A local government may require an owner who constructs a paved area or roofed area to manage runoff and also may limit the percentage of land covered impermeable material. This may be considered to address additional impacts of a secondary unit.

Section 694: Regional district building regulations
The board of a regional district may regulate the construction and alteration of buildings for the purpose of health, safety or protection and may require that building permits and occupancy permits be obtained. (The Regional District of Comox-Strathcona only applies building inspection to Electoral Areas A, B, C and D. Electoral K, which includes Hornby Island, is not included.) The British Columbia Building Code applies whether or not the regional district requires building permits.

Land Title Act

Section 219: Registration of a covenant as to use and alienation
A covenant in favour of a local trust committee may be registered against the title and may include provisions in respect of the use of land and buildings. An owner could be required to enter into a covenant respecting the use of all or part of a building as a secondary accommodation unit.

Agricultural Land Commission Act

Section 18: Rules for use and subdivision of agricultural land reserve.
A local government may not approve more than one residence on a parcel of land unless additional residences are necessary for farm use.

Health Act – Sewerage System Regulation

Part 3: Sewerage Systems
Only a registered practitioner or professional can construct and maintain a sewerage system and must provide written assurance to the health authority that plans and specifications are consistence with standard practices. (Standard practices are specified in the *Sewerage System Standard Practice Manual*).

APPENDIX II
SOME APPROACHES TAKEN BY BC COMMUNITIES

Bowen Island – in-house suite permitted by zoning regulations
Any single family dwelling can contain a secondary suite of not more than 90sqm provided it does not occupy more than 40% of the habitable floor space of the dwelling. A home occupation, bed and breakfast or commercial guest accommodation cannot be conducted in a residence containing a suite.

Metchosin – in-house suite permitted by zoning regulations
A secondary suite limited to 4 rooms (bedroom, Bathroom, living room and kitchen) and to 60sqm is permitted within a dwelling unit.

Castelegar – in-house suite permitted by zoning regulations
A one bedroom suite of not more than 90sqm is permitted provided that the owner of the dwelling is living in either the main unit or secondary suite.

Comox Valley – carriage house permitted by zoning regulations
A dwelling unit of not more than 90sqm is permitted on the second story of an accessory building.

Gabriola Island – cottage permitted by zoning regulations
A cottage of not more than 65sqm is permitted as an accessory single family dwelling on lots larger than 2.0 hectares.

Maple Ridge – temporary unit permitted through a housing agreement
A secondary suite of up to 90sqm is permitted in a one-family residence provided the owner enters into a housing agreement with the District of Maple Ridge and provided approval is provided by the appropriate health authority if the lot is not serviced by municipal sewer.

Salt Spring Island – secondary unit permitted through a rezoning application
The Official Community Plan enables property owners to apply for a zoning amendment specific to their property for a secondary suite to provide affordable housing and for those who need in-home care.

APPENDIX III
THE EVOLUTION AND IMPACT OF SECONDARY SUITES IN WHISTLER

Prepared by Tim Wake, Affordable Housing Consultant

Early History of Secondary Suites in Whistler

The Resort Municipality of Whistler was incorporated in 1975 with legislation that permitted secondary dwelling units (suites) in single family homes. It is interesting to note that suites were not permitted in the duplex zone, although this has not prevented the construction of what are, in effect, four-plexes (a suite in each side of a duplex) in the duplex zone.

The period from 1975 through to 1990 was marked by considerable residential development in Whistler, and during that period, according to realtor and former mayor Drew Meredith, about 50 secondary suites per year were being created at no cost to the municipality or the community. Most people building homes in that period were building to their maximum allowable gross floor area (GFA) and most were including a suite.

There were two main reasons that suites were popular. First of all, these homes were predominantly owned by Vancouver residents who liked the idea of having someone living full time at their 'cabin' in Whistler to keep an eye on the place, keep the pipes from freezing in the winter, and prevent vandalism or theft. Secondly, the revenue from a rental suite provided a 'mortgage helper', generating $800 per month or more to help pay for the house.

As the resort began to attract more visitors, more businesses and more employees, these suites became an important inventory of rental accommodation to help house the growing workforce. Some of these suites were occupied by permanent tenants, others only found use during the ski season. By the 1990's most of these suites were occupied year round.

Development after 1990 and Mandatory Suites

The pace of development in Whistler picked up in the 1990's but construction of single family homes subsided as commercial development began to pick up. The Employee Service Charge Bylaw was passed in 1990 requiring developers of commercial or tourist accommodation space to contribute restricted housing or cash-in-lieu (to a housing fund) but there was no similar requirement for developers of residential housing.

By 1995, the generation of suites in new single family homes was falling off, but the suites had created such an important inventory of affordable rental housing that the community looked for a way to ensure the number of suites would continue to grow. In 1997, the municipality began zoning for mandatory suites in all new single family neighbourhoods. Typically, in a new neighbourhood like Spruce Grove, every second single family lot would have mandatory suite zoning. The purchaser of one of these lots was required to construct a secondary suite (450 – 750 sq.ft.) as an accessory unit to the dwelling. The suite could only be rented to an "employee or retiree" as defined in the housing covenant registered on title, and the maximum rent was $1.25 per sq.ft. per month. In Spruce Grove, this created 38 secondary suites. Zoning of the Spruce Grove neighbourhood also included 10 price restricted single family lots for qualified locals and 42 price restricted town homes.

With mandatory suite zoning in Spring Creek and Nesters Hill and one more single family neighbourhood (Barnfield Farm) that included restricted suites, the total number of restricted suites created in Whistler was approximately 90 over a six year period from 1998 – 2003, for an average of about 15 per year. Meanwhile the private sector was still generating a small number of suites, but was also removing them through demolitions at about the same rate.

A 1999 study by the Whistler Housing Authority estimated there were 900 secondary suites in Whistler, and about 200 of these were non-conforming (had not been constructed with a building permit). If we assumed a production rate of 50 suites per year from 1975 to 1990 and 15 per year from 1990 to 2000, that would total 900, so the inventory does seem to confirm the anecdotal evidence of the rate of production.

Annual suite production today continues to fall. To the end of September 2007, there have been 5 building permits processed for new suites, and 2 for suite demolitions (this includes all suites, market and non-market) so we are at a net of three new suites for the year.

Lessons Learned with Suites in Whistler

With thirty years of secondary suites in Whistler what have we learned?

- Secondary suites have provided an essential inventory of affordable rental housing for seasonal and long term residents in Whistler.

- Initially suites were being created at a rate of about 50 per year, but as production fell off, a mandatory suite policy was instituted in an attempt to keep generating suites. While this policy did continue to generate suites, it was not nearly as successful as the market forces that created the first inventory of suites in Whistler.

- Most suites have maintained their affordability in spite of a six fold increase in single family house prices over thirty years. The reality is that the rental market, ie. those who are renting, will only do so at prices they can afford. Landlords who charge exorbitant rent for their suite or rental house are only able to achieve those values by over populating their rental property, a practice that is typically unsatisfactory for both landlord and tenant.

- The existence of secondary suites in Whistler has resulted in many successful landlord tenant relationships, but there is also a steady stream of landlord tenant disputes that are not satisfactorily resolved. Some sort of local housing ombudsman function has been considered for some time but to date has not been implemented.

- The initial production of secondary suites over 15 years in Whistler was driven by the benefit of having a permanent occupant in a second home and by the financial benefit of having a mortgage helper. As the community matured and house values exceeded $1 million (post 1990), owners seemed to value privacy and less complication over the initial benefits.

- We will likely see very few suites produced in the future in Whistler, in spite of an overwhelming demand for them in the rental market.

- An infill housing policy has recently been developed in Whistler. It is designed to encourage homeowners to consider adding a suite or an accessory dwelling unit in a separate building on their lot. To date it has not shown any increase in the production of affordable dwelling units.

- There is no sense in Whistler that allowing secondary suites in homes has had a negative impact on neighbourhoods, transportation challenges, infrastructure requirements, noise problems or livability. On the contrary, it has actually helped the community be more efficient, helped solve the affordable housing shortage, and provided a diversity of rental product on the market. If we could go back and do it all again, we probably would have tried to find a way to create more suites.

APPENDIX IV
REPORTS AND STUDIES

ACT Reports and Case Studies

Building community acceptance for secondary suites
A report on how the District of North Vancouver built community acceptance for the legalization of secondary suites. Key issues included costs building code, regulation and complaints. An extensive public consultation process was carried out. Although the issues may be different, elements of the process are transferable to provide a way to establish common ground.

Second dwelling units in rural and village settings
A report on how the Township of Roxburgh in Ontario enabled secondary dwelling units. This included creating a population review of the Township, reviewing policy and regulations, proposing amendments, establishing an implementation program and producing a handbook.

Permitting garden suites
There are a number of reports detailing how local governments such as those of Durham, Ontario, Cowansville, Quebec, Kings County, Nova Scotia and Tantramar, New Brunswick have addressed the permitting of garden suites. The regulatory framework is different in each province, but some principles and criteria are transferable.

Addressing sewage treatment
A project in Ontario looked at laying the groundwork for an approval process to keep garden suites affordable while addressing public health requirements for sewage treatment.

Reports on Secondary Suites in BC

Secondary Suites: A Guide for Local Governments
This BC Government publication addresses issues that local governments need to consider in looking at permitting secondary suites. It provides eight case examples: Abbotsford, Coquitlam, Kelowna, Nelson, New Westminster, North Vancouver, Whistler and Anmore. It notes that secondary suites are a form of rental housing that is typically affordable, ground-oriented and market-based. Suites can provide many benefits to homeowners, tenants and the community.

Barriers and Solutions: A Secondary Suites Workshop (Summary of Proceedings)
This 2003 workshop focused on four key areas: legal liability, health and safety and regulatory issues; financing of secondary suites, mortgages, utility fees and municipal cost recovery; design solutions for secondary suites; community acceptance, collaboration and consultation.

Other reports
Options for Affordable Housing: New Solutions to the Housing Crisis (Islands Trust)
Secondary Suites: A Call for Safe and Legal Housing (Tenants Rights Action Coalition)
Dimensions of Core Housing Need in Canada (Co-operative Housing Federation of Canada)
Secondary Suite Public Information Document (Bowen Island Municipality)
Planning for Housing (BC Housing Policy Branch)
Market Housing Affordability (BC Housing Policy Branch)
Housing Needs of Low-income People Living in Rural Areas (CMHC)
Planning Tools for Supportive Housing (BC Office of Housing and Construction Standards)
Smart Bylaws Guide (West Coast Environmental Law)
Review of Best Practices in Affordable Housing (Smart Growth BC)

From: Anthony Law [redacted]

Sent: Monday, June 26, 2023 9:25 PM

To: northinfo

Cc: Alex Allen; Timothy Peterson; Grant Scott; Wendy Burton

Subject: Hornby OCP/LUB Vacation home rentals? Short term rentals

To: Hornby Island Local Trust Committee

If/when you make amendments to the Hornby OCP/LUB with respect to "Vacation Home Rentals" I suggest you make changes throughout to refer to the use as "Short Term Rentals".

I don't know where the term "Vacation Home Rentals" came from*.
It doesn't make much sense.
No one calls them that.

The usual terms are:
"Short Term Rentals"
"Vacation Rentals"
"Short Term Vacation Rentals"

I suggest "**Short Term Rentals**" because:
- it is broadly used - from the Government of BC and UBCM to the Hornby Island Short Term Rental association.
- it is short
- it is sufficiently descriptive
(the Hornby Island Land Use Bylaw does not use the word "vacation" in describing the use)

*it was likely coined by an Islands Trust staff member and the rest of us were all too focused on other aspects of the issue to give it much attention!

Tony Law

From: Anthony Law [redacted]

Sent: Tuesday, July 25, 2023 4:29 PM

To: northinfo; Alex Allen; gscott@islandstrustbc.ca

Cc: Wendy Burton

Subject: OCP Schedule D2

To: Hornby Island Local Trust Committee

There is an error on the Hornby Island Official Community Plan Schedule D2 map of Aquifers.

It shows

the IIA Aquifer as being Lightly developed / high vulnerability and

the III/A Aquifer as being Moderately developed / high vulnerability

These should be the other way round.

https://islandstrust.bc.ca/document/hornby-island-schedule-d2-map-ocp-bylaw-149/

tony

Housing and Land Use Planning on Hornby Island

prepared by Tony Law, 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 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.

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 though 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 buy, or for, residents – often incrementally, and often using local lumber (including beach logs) and recycled material. Many becoming family-sized home 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 Bylaw104 (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 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 th 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

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:
Only8.8% 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 Horny Island carries 4 times as many passengers than in January and February;

Over 40% of dwellings on Horny 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 previously been vacationers on Hornby;
- parents wanting a better 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 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. 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 (section481) 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 (in1120732 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 - exisiting
- **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 with in 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 avaiable 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 nor 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.

5. 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.

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) – though a challenge is that a significant portion of each property is within the ALR.

The policy enabling properties over 4 hectares to be rezoned as co-operatives may not be very helpful given that there is a limited number of non-ALR residential lots over 4 ha remaining on the island. There is not the opportunity today for co-ops of the scale of Syzygy or The Shire to be created. 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 are 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 including 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 o 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 tenue; 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 300m?* 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 secial 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.

Prepared by:

Tony Law

formerly
- Hornby Island Local Trustee
- Vice Chair, Islands Trust Council
- Chair, Islands Trust Fund Board (now Islands Trust Conservancy Board)
- Chair, Islands Trust Community Housing Task Force
- Appointee, Comox Valley Select Committee on Housing and Homelessness
- President, Islanders Secure Land Association (ISLA)
- Executive Director, Hornby Island Community Economic Enhancement Corporation (HICEEC)
- Organizer, *Housing Solutions for Small Communities* conference
- Author, *Secondary Accommodation Units: A Housing Option for Gulf Islands and Other Small Communities*

August, 2023

From: Anthony Law

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.
.

Text of previous messages:

To: Hornby LTC re. Public Use zoning area

Inbox

Search for all messages with label Inbox

Remove label Inbox from this conversation

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.

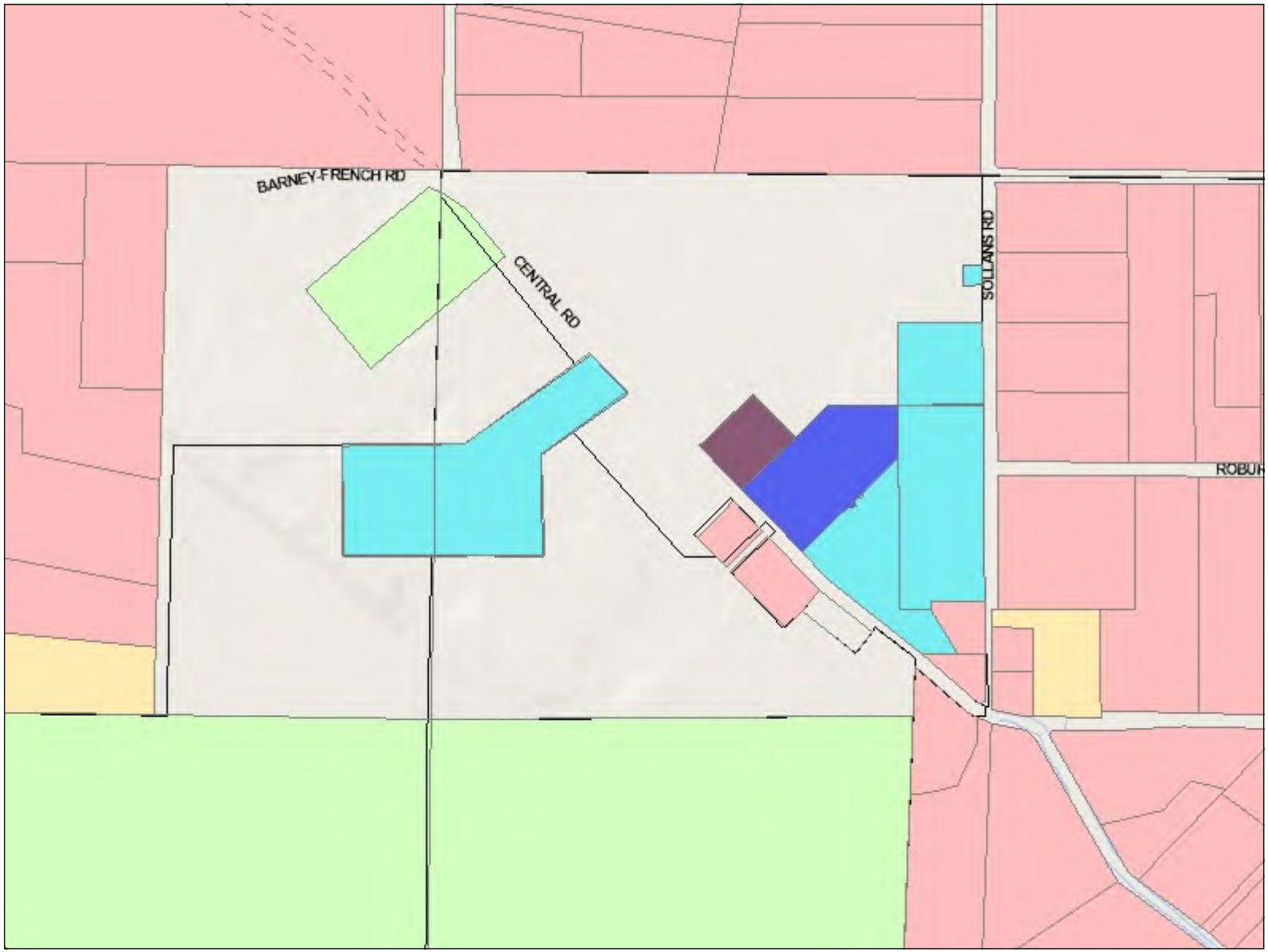
In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the specific regulations that apply:

Site-Specific Zone Site	*Specific Regulations*
PU(a)	*Despite 8.21(1), the only permitted uses are:* *(a) Cemetery;* *(b) Public utility storage yard;* *(c) Highways maintenance yard; and* *(d) Recycling depot.*

I hope this is helpful.

Tony

Community Services Area, Hornby



LEGEND
Operational Layers

Crown Tenures
- CROWN GRANT
- INCLUSION
- INVENTORY
- LEASE
- LICENCE
- PERMISSION
- PERMIT
- RIGHT-OF-WAY
- TRANSFER OF ADMINISTRATIC

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

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July 18, 2023

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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 though 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 buy, or for, residents – often incrementally, and often using local lumber (including beach logs) and recycled material. Many becoming family-sized home 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 Bylaw104 (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% or 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.

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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:
Only8.8% 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 Horny Island carries 4 times as many passengers than in January and February;

Over 40% of dwellings on Horny 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 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 (section481) 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 (in1120732 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 - exisiting
- **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 with in 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 avaiable 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 nor 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 are 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 including 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 o 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 tenue; 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 300m?* 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 secial 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.

Prepared by:

Tony Law

formerly
- Hornby Island Local Trustee
- Vice Chair, Islands Trust Council
- Chair, Islands Trust Fund Board (now Islands Trust Conservancy Board)
- Chair, Islands Trust Community Housing Task Force
- Appointee, Comox Valley Select Committee on Housing and Homelessness
- President, Islanders Secure Land Association (ISLA)
- Executive Director, Hornby Island Community Economic Enhancement Corporation (HICEEC)
- Organizer, *Housing Solutions for Small Communities* conference
- Author, *Secondary Accommodation Units: A Housing Option for Gulf Islands and Other Small Communities*

27 August, 2023

From: Wendy Burton

Sent: Tuesday, August 29, 2023 8:32 PM

To: Timothy Peterson; Alex Allen; Anthony Law; Grant Scott

Cc: northinfo; Sonja Zupanec; Renee Jamurat

Subject: Re: [EXTERNAL]Re: To Hornby LTC - Housing; Community Services Area (Public Use Zone)

I remind everyone that the key suggestion Tony makes, about correcting the omission of community trades and services as a permitted use in the "Public Use" zone was made 18 months ago by the APC as one of our recommendations. We also noted it as an omission in a previous set of recommendations to do with the bylaws governing Short Term Rentals.

Page 5

Zoning. Recommendation #4

Amend the bylaws governing Public Use Zone to add (e):

Despite 8.21(1), the only permitted uses are:
(a) Cemetery;
(b) Public utility storage yard;
(c) Highways maintenance yard;
(d) Recycling depot; and

(e) Community trades and services, including associated retail.

Wendy Burton, Chair

HOAPC

From: Timothy Peterson <tpeterson@islandstrust.bc.ca>
Sent: 28 August 2023 10:00 AM
To: Alex Allen <aallen@islandstrust.bc.ca>; Anthony Law ; Grant Scott

<gscott@islandstrust.bc.ca>
Cc: northinfo <northinfo@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>; Renee Jamurat <rjamurat@islandstrust.bc.ca>; Wendy Burton
Subject: [EXTERNAL]Re: To Hornby LTC - Housing; Community Services Area (Public Use Zone)

I am fine with adding it as new business.

Tim

From: Alex Allen
Sent: August 28, 2023 9:58:40 AM
To: Anthony Law; Grant Scott
Cc: northinfo; Sonja Zupanec; Renee Jamurat; Timothy Peterson; Wendy Burton
Subject: Re: To Hornby LTC - Housing; Community Services Area (Public Use Zone)

Would it suit you Tony to add as New Business which I have requested?

Alex Allen
Hornby Island Trustee
(250) 335-1129 Ext. 420

I respectfully acknowledge that I live, work and play on the Traditional Territory of the K'ómoks First Nation, the traditional keepers of this land and many Coast Salish People.

From: Anthony Law
Sent: August 28, 2023 9:55:19 AM
To: Grant Scott
Cc: northinfo; Sonja Zupanec; Renee Jamurat; Alex Allen; Timothy Peterson; Wendy Burton
Subject: Re: To Hornby LTC - Housing; Community Services Area (Public Use Zone)

Hi Grant:

It's a little unsettling to read your suggestion that getting the attention of the local trust committee requires being a delegate and bringing "supporters".

I had hoped that submitting written input in advance would provide members of the LTC an opportunity to consider it ahead of the meeting, rather than having to consider and respond to an oral delegation on the fly.

However, I will follow your suggestion and apply to be a delegate - though that will require re-scheduling a long-awaited medical appointment.

tony

On Mon, Aug 28, 2023 at 7:09 AM Grant Scott <gscott@islandstrust.bc.ca<mailto:gscott@islandstrust.bc.ca>> wrote:
Hi Tony
I suggest you do come on as a delegation specially with supporters. I think in this way it may get more attention.
Have you presented it to the APC?
Thanks
Grant

On Aug 27, 2023, at 12:38 PM, Anthony Law > wrote:

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.
.
*Text of previous messages:

To: Hornby LTC re. Public Use zoning area
Inbox
Search for all messages with label Inbox
Remove label Inbox from this conversation
[https://lh3.googleusercontent.com/a/AAcHTtf-Jt1SK2wFBSUTOUHgV3Py32vB7z4mgHlgqMRIhWk=s40-p-mo]
Anthony Law <tlaw1@telus.net<mailto:tlaw1@telus.net>>

Jan 6, 2022, 3:51 PM

[https://mail.google.com/mail/u/0/images/cleardot.gif]
[https://mail.google.com/mail/u/0/images/cleardot.gif]

to northinfo, aallen, Islands, Wendy, ronandesign, Sue
[https://mail.google.com/mail/u/0/images/cleardot.gif]

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

Site-Specific Zone Site	Specific Regulations
PU(a)	Despite 8.21(1), the only permitted uses are: (a) Cemetery; (b) Public utility storage yard; (c) Highways maintenance yard; and (d) Recycling depot.

I hope this is helpful.

Tony

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Date: September 28, 2023
To: Trustees: Hornby LTC; Denman LTC; Islands Trust Council
From: Sharon Small, Denman Resident/Retired Business College Professor

Subject: Support of APC Recommendations for Short-Term Vacation to Minimize Infrastructure Stress for Denman Islanders

The Hornby Economic Enhancement group's (HICEEC) resolve to keep the short-term rental bylaw unchanged and expand into the remaining months of the year would significantly impact an already overburdened infrastructure— Denman terminal-to-terminal roads and the *Baynes Sound Connector.* Thus, most Denman residents would support the Advisory Planning Commission's recommendations to reduce the months of operation from the current five to the original three and to require Temporary Use Permits. These changes would control and balance the number of economically valued short-term rentals with our shared preserve and protect mandate and Denman's OCP transportation bylaw on minimizing negative traffic impacts.

The following rebuttal to the HICEEC Vice Chair's claims illuminates the profound influence the present volume of Hornby tourist traffic has on the infrastructure.

The HICEEC Vice-Chair recommends keeping the OCP Bylaw on short-term rentals unchanged because self-regulation works.

> **Fact**: The number of short-term rentals since the 2014 bylaw was approved has increased from 14 to estimates of between 80 and 120, with many others operating illegally throughout the year and without oversight. In response to a concern that more short-term rentals would affect affordable housing numbers, the Vice-Chair (and Consultant Patricia Mulroney) claim there's no data linking short-term rentals with the affordable housing crisis. In fact, published university and B.C government research strongly contradict this view.
>
> **FACT:** In 2019 Dr. David Wachsmuth, Canada Research Chair of Urban Governance at McGill University, contributed to the first comprehensive study correlating the rapid growth of short-term rentals to the decline in affordable housing. His research, which focused on Tofino and a number of other B.C. communities, concluded that **too many short-term rentals are not licensed (one half, according to an Airbnb study); that they drive up rent; and that they are responsible for removing 19.1% housing rentals from the market (Sept. 21. 2023 Bloomberg). In addition to documenting the trend towards commercial operations, his data concluded that short-term rentals are increasing 17.8% each year and are responsible for renters paying 20% more for rent. In June of this year, he found that of 28,510 active listings, 16,810 were taken off the long-term rental market (CTVnews.ca September 21, 2023).**

The Joint Union of B.C. Municipalities and the Province of B.C. Advisory Group on Short-Term Rentals Report concludes that **short-term rentals have a "staggering" impact on affordable housing**. This report confirms that short-term rentals removed more than 16,000 B.C. homes from the residential rental pool (UBCM.ca June 30, 2021). Cortes Island, with a population similar to Hornby's, conducted a study that also directly links the decline in affordable housing and increases in rental instability to the growth of short-term rentals (CBC News, August 14, 2023). Anecdotal and circumstantial evidence on Hornby support these conclusions.

FACT: Given the dramatic effect short-term rentals have on the current housing crisis, the B.C. Minister of Housing is scheduled to introduce strong legislation this Fall implementing the Joint Advisory Group's recommendations. **Changes could include eliminating commercially run short-term rentals; requiring rental platforms like Airbnb to confirm business licences; and requiring communities to collect short-term rental data to be shared in a Provincial data base (June 30, 2021 Final Report of Priorities for Action UBCM.ca).**

FACT: The above statistics strongly argue that the steady increase in Hornby tourist vehicles travelling across Denman since 2017 is connected to increases in legal and illegal short-term rentals. The BCF Annual Report to March 2023 states that of the short routes, only Routes 21 and 22 showed a significant revenue increase. Traffic statistics from 2017 to the present show steady increases of up to 9.91%. In May 2023, 13,100 vehicles represented a 17.88% increase from 2022 and in June, 15,114 vehicles represented a 9.34% increase. Once the traffic statistics for the last three months are posted, they should support what ferry staff and Denman residents experienced —that the number of tourist related vehicles keeps increasing.

FACT: The tens of thousands of vehicles and numerous service trucks supporting the Hornby tourist economy generally race back and forth across Denman. Unless you live on the Denman speedway between the ferry terminals, you cannot imagine the assault such high numbers of vehicles— in July 2022 18,147 and in August 19,625–have on our formerly tranquil community. Also, too many drivers engage in reckless driving to get ahead of the ferry line even when the two ferries at Denman West were running. Service vehicles that cannot manage the Denman Road hill and many racing Hornby drivers render the alternative multi-use Lacon/McFarland route treacherous for local drivers, walkers, and cyclists.

FACT: The problem Hornby traffic is creating for Denman is recorded on the BCF Denman Community Page. The major concern of the 170 residents who attended the May 26 BCF facilitated roundtable event is **safety and quality of life**. A full summary and online survey of the experiences islanders shared about encounters with terminal-to-terminal recklessness, soon to be posted, will verify

the frustration, anger, and despair Denman residents feel about an escalating problem that violates our preserve and protect mandate and OCP bylaw on transportation.

THE HICEEC Vice-Chair questions whether short-term rentals have an effect on ferry space.

FACT: This question could be easily answered with a credible up-to-date survey of how many illegal and legal short-term rentals are currently operating and what percentage of the total tourist traffic volume short-term rentals represent. What is known, however, is that too many tourist vehicles towing trailers and RVs and tourist industry service vehicles take up from two to even four ferry spaces and that the wait times are excessive. Residents moved to Denman because of a desire to live in a tranquil, rural environment with easy ferry access to off island jobs, schools, services, and hospitals. However, residents who live on the speedway to Hornby no longer enjoy a tranquil environment and Islanders no longer have assured ferry boarding at Buckley Bay or at Denman West without long wait times.

FACT: The backed up traffic forces many residents to avoid ferry travel when Hornby tourist traffic is expected to be high. Particularly frustrated, are off island workers and families with children going to school or participating in off island activities. One summer Sunday when covering a three hour shift at the Art Centre, I observed the major intersection into Denman Village frequently clogged with Hornby vehicles that often reached to Lacon Road. The single remaining lane cannot accommodate coming and going local and offloaded ferry traffic. When traffic was moving, drivers continued to race through the Northwest intersection, violating the 30 mph speed limit. Most importantly, this backed up traffic and speeding creates peril for our ambulance and fire truck drivers, local drivers, and cyclists who are forced to use one single lane.

FACT: Businesses and artisans complain that excessive wait times at either Buckley Bay or Denman West have a strong negative effect on revenue. They are paying directly for increases in delivery and service costs and indirectly for wait times that cut into work time when making trips off island to pick up or deliver supplies. Excessive ferry wait time is also reducing day visitor revenue. Not so many years ago, large groups of senior cyclists regularly visited Denman in the high season to circumnavigate the island, visit craft studios, shop and eat. Most now avoid Denman as do many day visitors from the Comox Valley and Parksville area.

FACT: Since the round table meeting, BCF has made changes to mitigate the impact of Hornby tourist traffic on the infrastructure. They hired extra flaggers at the Denman West Terminal and often, but not consistently, monitor the flow of traffic so that it does not back up at both Denman terminals to gridlock major

intersections. Although the two ferry system improved service during the week, it did not alter the traffic volume problems.

The Friends of Denman Forests, the group that galvanized community support around the traffic volume issue last winter, emphasize that changes to the Gravelly Bay Terminal cannot be made until the infrastructure issue is managed. They support, along with those who attended the May round table event, the need for a direct ferry to Hornby as the only long-term option for Denman (see the BCF Denman Community Page). In the meantime, both islands are saddled with a dysfunctional and inadequate cable ferry until the next budget cycle in four years.

Pulitzer Prize winner Wallace Stegner writes, “All sins are sins of excess.” Denman is suffering from an excess of Hornby tourist traffic. Approval of the Advisory Planning Commission’s recommendations, therefore, should result in fewer short-term rentals and a significant reduction of traffic volume. Also, by enforcing licensing, Hornby would be in compliance with other Trust islands, communities and cities across Canada, and the forthcoming B.C. Ministry of Housing legislation on short-term rentals.

Until there is strong oversight and regulation of Hornby short-term rentals, Denman’s preserve and protect mandate and OCP remain compromised and the infrastructure dramatically overburdened.

Respectfully,

Sharon Small,
Denman Resident and Retired University Professor

From: Sonja Zupanec
Sent: Tuesday, November 14, 2023 11:01 AM
To: webposting
Cc: Ian Cox
Subject: FW: Request for a Meeting to Discuss some Proactive Ideas

For posting to OCP project page please.

Sonja Zupanec, RPP, MCIP
Island Planner, Northern Office, Islands Trust
T 250.247.2211

From: HISTRA Association <hornbyshortterm@gmail.com>
Sent: Friday, November 10, 2023 6:44 PM
To: Grant Scott <gscott@islandstrust.bc.ca>; Alex Allen <aallen@islandstrust.bc.ca>
Cc: Sonja Zupanec <szupanec@islandstrust.bc.ca>; Angela Hudson <[redacted]>; Arifin Graham <[redacted]>; Donna Tuele <[redacted]>; Ray Therrien <[redacted]>; Karen Young <[redacted]>; Karen <[redacted]>; Patrick Lui <[redacted]>; Michael Williams <[redacted]>; Michelle Metzelaar-Easterly <[redacted]>; Eulala Mills <[redacted]>
Subject: Request for a Meeting to Discuss some Proactive Ideas

Hi Grant and Alex.

We know that you both are trying to balance the interests of many and, in removing the option for new STVRs to be approved through a Temporary Use Permit (TUP) in September, you believed all of the currently operating, bylaw compliant STVRs would continue to support the residents, artists, businesses and overall economic stability of our community.

As you know, the Hornby Island Short Term Rental Association has been working hard to support all of the STVRs on the island to meet the requirements of our current bylaws. Among other standards, we have developed the Septic Certification Certificate, with an ROWP. This allows those in the IA areas to now meet that requirement.

We are confident in your statements, to us and many residents, that your intention in changing the OCP/LUBs in regards to short term rentals is not to close them but, primarily, to support the creation of affordable housing. That was also clearly stated by the APC in their report and meetings.

We fully support a focus on creating enough affordable housing for our community members. We all know that the STVRs on Hornby are almost all homes that will not be added to long term or affordable housing. They will not be rented long term as their owners use them throughout the year.

We now know that there is regular and annual funding that will directly support affordable worker housing on Hornby, funding from the STVR guests. Information about the funds from the Municipal and Regional District Tax (MRDT, the 3% tax charged on

the STVR and commercial accommodation provider properties fees, paid by visitors) shows that the currently operating STVRs, are expected to contribute at least $50,000 each year to the work of creating, expanding and maintaining affordable worker housing on Hornby.

This is predictable, annual revenue that our local housing programs can count on to do their work. It will also grow in three ways:

- First, all properties, current and any new ones allowed by a cap, will have to register to pay the MRDT, or risk becoming illegal.
- Second, we can, if the community agrees, direct even more of the MRDT funds to affordable worker housing, eventually reaching 100% of the tax, as Cortez has done. This could more than double the funding, generated by visitors and directly supporting affordable housing HERE.
- Third, as STVR rates charged to visitors increase over time, the amount of MRDT collected increases with it.

You can do more to support affordable housing on Hornby by ensuring $50,000 a year is dedicated to the effort, than removing the income hundreds of resident home owners use to maintain their homes, pay their taxes and contribute to our community will ever do.

Here is how we think you can help not just protect, but increase predictable affordable housing funding on Hornby:

1. Maintain the MRDT tax dollars coming to Hornby by directing that currently operating, registered (therefore bylaw compliant) properties will continue to operate legally, as part of the current OCP/LUB changes.
2. Supporti the Hornby Island Community Economic Enhancement Corporation (HICEEC) to work with the local ‘Fixed Roof Accommodation’ providers to direct more of the MRDT funds from the STVRs to support the creation, expansion and management of Affordable Worker housing on Hornby.
3. Engage the Comox Valley Regional District (CVRD) to develop and run a fee based licencing program for all Hornby STVRs, starting in 2025, and, that the licencing revenue, above the program costs, be returned to Hornby and directed solely to support affordable worker housing.

However, with the provincial regulations passed last month, we now have a few challenges to try and solve, we hope together.

The first priority for us all is to understand the number of Hornby residents that are offering STVRs and how often.

Based on our membership, the newly released Hornby community profile and the MRDT information, we think that the number of operating STVRs is about 130, 20% below the estimate included in the 2022 APC report. We also think about 60% of STVRs host visitors in any one week during the summer months, while the rest are occupied by the owners. This represents around 440 visitors a week and less than 10% of the ferry traffic.

However, we haven't yet properly gathered the information. It will help us all to have clear numbers that confirm what we think is true and allow that evidence to guide the whole community in reviewing and commenting on the coming OCP/LUB changes.

We would like to help do that and so we propose the following:

1. HISTRA could manage a simple registration process now (Winter and Spring 2024) to inform the LTC and provide confidence in the current number and volume of legally operating STVRs on Hornby.
2. The LTC include, at the December 13th meeting, direction to staff that currently operating, registered (therefore bylaw compliant) properties will continue to operate legally, as part of the current OCP/LUB changes.
3. A cap on STVRs be established at 10% above the number registered at the time the bylaw is enacted.
4. After the updated LUB/OCP is enacted, any new STVRs, up to the stated cap, be approved through a transparent set of criterion in a CVRD managed Licencing Program

We believe these three concepts: registering and legally allowing the currently operating, bylaw compliant, STVRs; creating a cap on STVRs slightly above the current number; and supporting the annual, predictable MRDT funds from STVRs and profits from the licensing STVRs, will directly improve Hornby's ability to create, expand and manage affordable housing.

These ideas and actions align with the recommendations from the APC and the commitments the LTC has made to maintaining and managing STVRs in our community. Together, they will make a real difference to addressing the need for housing.

We want to work with you both and with Islands Trust staff to accomplish the registration of legally operating STVRs by the Fall of 2024, establish a reasonable cap and ensure STVRs on Hornby generate direct funding for affordable housing in our community.

Can we plan a zoom meeting with you both, Islands Trust staff and some of our board to discuss this? If possible, we would like to talk ahead of our members meeting on November 20th.

Best,

The HISTRA Board

Michael Williams, Patrick Lui, Eulala Mills, Arifin Graham, Michelle Easterly, Donna Tuele, Karen Young, Angela Hudson, Ray Therrian, Karen Ross.

From: Sonja Zupanec
Sent: Tuesday, November 14, 2023 10:44 AM
To: webposting
Cc: Ian Cox
Subject: FW: We need short term vacation rentals on Hornby
Attachments: Hornby HIRRA.docx

For inclusion to the Hornby OCP project correspondence page please. Thanks!

Sonja Zupanec, RPP, MCIP
Island Planner, Northern Office, Islands Trust
T 250.247.2211

From: Jane Banks
Sent: Tuesday, November 14, 2023 8:40 AM
To: aallan@islandstrust.bc.ca; tpeterson@islandstrust.ca; Grant Scott <gscott@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>
Subject: We need short term vacation rentals on Hornby

-

To Whom This May Concern,

In 2000, after a lifetime of contemplation and yearning, we were finally able to put a down payment on a piece of land on Hornby. For the next 11 years, we visit Hornby, sat on our empty property, and fantasized about having our own cottage. I am a nurse, my spouse is a scientist, our incomes are middle. Thus our dream for a summer cottage on Hornby Island would not materialize without some extra income.

In 2011, we were finally able to start building. Once finished, we planned to enjoy our cottage every summer and some of the winter months. We had planned also to rent to other vacationers.

A small prefab, erected, cared for, and managed by locals, water from our own cisterns, and septic field to code, this is our paradise and it is sustained through short term summer rentals as well as our own incomes. Taxes are paid yearly on our rental income, it is closely managed by our local property manager, and we have had only positive feedback from renters and neighbors alike.

Our story is very similar to most short-term renters and I fail to understand why there is a motion to eliminate short term rentals on Hornby Island.

1. Who is going to fill the need for vacationers? Hotels? RV parks? Tour buses? Cruise ships? Is that really what the community wants to see?
2. Does it make sense that these homes sit vacant when they could be enjoyed by others while boosting the local economy?
3. Our home will never be available to long term renters. At 65, I plan to use it every day that I can, and rent it when I cannot. Banning short term rentals, will not help with the housing shortage.
4. Who will benefit from these proposed changes? Certainly there would be no advantage for the local tourist industry. Nor would British Columbians seeking 2 weeks of respite in the summer benefit if access to their beloved vacation property were to disappear. I can only think it would be the ultra-wealthy who do not need any supplemental income and don't want the extra people on the island. These entitled individuals will not stimulate the tourism and sustain local industry. Preventing sustainable short term rentals will simply cater to the rich.
5. We need consensus among all of our community to help manage the rapid rise in tourism. Tourism, which quite frankly, has overwhelmed us all and threatened our sense of seclusion, peace and safety.

I believe we need to determine how many tourists the island can sustain during the summer. Once that number is agreed upon, then we can decide what is the most appropriate way to accommodate them. We, Hornby Islanders, the provincial government and First Nations, need to work together to decide how we are going to manage and protect this beautiful, sacred place.

From: Sonja Zupanec
Sent: Tuesday, November 21, 2023 1:50 PM
To: webposting
Cc: Stephen Baugh
Subject: FW: Short Term Rental

Public correspondence for posting to the Hornby OCP project webpage please.

Sonja Zupanec, RPP, MCIP
Island Planner, Northern Office, Islands Trust T 250.247.2211

-----Original Message-----
From: Sybille Kretzmer
Sent: Friday, November 17, 2023 9:47 AM
To: aallan@islandstrust.bc.ca
Subject: Short Term Rental

Bruno Streicher

14.11.2023

To whom it may concern,

I came to Hornby Island in 1981 which is now 42 years ago. Since that time I am deeply connected with this Island. First I built a house on the Island together with my childhood friends from Germany and then I bought my own property in 1989. Since 1981 I have lived part time on the Island for an average of 6 to 9 months per year.

Hornby Island was/is my place, my home, my center of life, my friends
live(d) here. Even my mother spent some months here with me after she retired. In 2014 when my mother was diagnosed with dementia and needed my help in Germany, I rented my place long term to young Hornby families to cover the taxes and the fixed costs incurred.

In Germany it goes (normally) without saying that you should take care of a rented place as good as your own. I got bitterly disappointed when I had to realize how carelessly my house and place was treated, a lot of damage was left. I consciously decided to rent long term to young families, as long as I could not come regularly. To my great regret, I will not do it again.

My mother has since died. I am 71 and retired now and my plan always was to enjoy the island and my place for some coming years until I become too old for traveling so far. Short term rental is the only way to keep my house and to pay the costs incurred. I don´t make any profit from this.

During the summer months, when I am unable to come to my home on the island, I think it was and still is, a good thought to have the house occupied with families, kids playing during the summer months in

the garden and having the freedom and silence I enjoy so much when I am there. The house and property are in good condition again. Only short term rental will enable me to do so.

Sincerely
Bruno Streicher

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From: Sonja Zupanec
Sent: Tuesday, November 21, 2023 1:51 PM
To: webposting
Cc: Stephen Baugh
Subject: FW: Temporary Use Permits (TUP) and Short Term Rentals on Hornby

Public correspondence for posting to the Hornby OCP project webpage. Thanks!

Sonja Zupanec, RPP, MCIP
Island Planner, Northern Office, Islands Trust
T 250.247.2211

From: Edward Pierson
Sent: Friday, November 17, 2023 4:26 PM
To: Sonja Zupanec <szupanec@islandstrust.bc.ca>
Subject: Temporary Use Permits (TUP) and Short Term Rentals on Hornby

Dear Ms Zupanec,

I am the owner of the property at , Hornby Island which I purchased in 2005, I have been visiting Hornby Island for 20 years on a regular basis and believe I recognize, appreciate and respect it is one of the special places in the world.

A few years ago, I began renting the house out for 8-9 weeks in the summer months, when I was not able to be on island and enjoy the property. My family and I are using our Hornby home during the off season (when we are able to visit and it remains empty when we cannot) and I have not and am not making the house available for long term tenancy.

Once I did start short term rentals in 8-9 weeks of summer, I immediately and consistently took the rental money that was received (less local payments for Caretaker/manager, cleaning and lawn and tree services/costs) and hired local tradespersons to upgrade and improve the property (e.g.replacing decks, hot water heaters, upgrading the bathrooms).

Of the approximately $25,000 received in rentals, 100% stayed on Hornby Island and/or the region with all of it used for such local costs and local improvements.

Add to that, the amounts the renters spent on those 8-9 weeks, at the Co-Op, the bike shop, VORIZO, Sea Breeze, etc during their visits. Perhaps, I estimate, another $15,000 in community investment.

If I were not allowed to rent the house during these weeks in summer, when I am unable to visit, I would have to lock the house up, unused. $0 would go back into the community,

Again, (what I estimate to be) $40,000 a year invested in the community or 9 weeks of permitted rental

Vs

$0 if I were not permitted to rent.

I truly believe reasonable rental of properties enhances rather than harms this great community.

Thank you.

Sincerely,

Edward Pierson
[redacted]
Hornby Island, BC V0R1Z0

[redacted]

From: Karen Ross

Sent: Thursday, November 23, 2023 2:36 PM

To: Grant Scott; Alex Allen; tpeterson@islandtrust.bc.ca

Cc: Sonja Zupanec; northinfo; Hornby Island Short-Term Accomodation

Subject: Dec. 13th decision on Hornby Island re STVR's

Hi Grant, Alex and Tim,

As I am sure you have been receiving many letters on this subject, please add

my name to the list.

Two things are coming together that create the risk that Vacation Rentals on Hornby will become illegal:

A. The Hornby Island Local Trust Committee (LTC) began the formal process to remove Vacation Rentals as a legal property use from our Official Community Plan (OCP) and Land Use Bylaws (LUB) in the fall of 2022.

The changed land use bylaw was to include a Temporary Use Permit (TUP) for any new Vacation Rentals and there was a general understanding that those who were operating legally would continue because of the historic right of property ownership in British Columbia - if a legal use becomes illegal, it is entitled to continue.

Towards the end of the meeting in September 2023, citing too much growth in Vacation Rentals, the LTC removed the TUP as a means to approve new Vacation Rentals saying that they felt more growth wasn't needed.

B. In October 2023, the Province of BC passed into law new legislation regarding short term vacation rentals that, among other things, removes Legal Non-Conforming

(Grandfathering) protections specific to STVRs beginning in May 2024– this applies province wide with no exclusions.

If the Island Trust changes the Land Use Bylaws to remove Vacation Rentals as a legal use, combined with the Provincial changes to the Local Government Act removing grandfathering protections in relation to STVR's, Hornby will have no pathway to legal operation for any STVR's existing or new. In effect all STVRs will no longer be legally allowed.

The Provincial legislation has passed and the removal of 'grandfathering' for STVRS will come into force in May 2024

The changes to the Hornby Island Official Community Plan and Land Use Bylaws are underway but have NOT been drafted or passed yet.

What's at stake?

Here are a some facts about Vacation Rentals on Hornby,

- STVRS are a big part of the Hornby community and its economic stability.
- Like the rest of BC, Hornby has housing challenges.
- However, unlike in urban areas, making Vacation Rentals illegal will not have any measurable impact on affordable or long term housing on Hornby. 90% or more of STVR owners are established Island community members, full and part time residents. Even if they are no longer able to rent seasonally, they will not offer a long term rental, as they stay in their home throughout the year. Those that would be forced to sell would also not create affordable housing. Hornby real estate prices are too high, and residential rents too low, for new owners to rent out. Meaning, a further march towards gentrification. Many Hornby residents continue to afford to be on Hornby through sharing their homes with Island visitors.
- 75% of currently collected MRDT funds are derived from the Vacation Renters, collected by the property owner and remitted to the Provincial Government. The visitors are paying, the owners are doing the paperwork.
- About $50,000. ANNUALLY of MRDT money is currently contracted towards housing solutions for Hornby's "in-need of housing" workers.

- The Hornby Community profile (https://communityprofiles.ca/wp-content/uploads/2023/11/DRAFT-Hornby-Report-1.pdf) counted 131 Vacation Rentals in 2023, that's a little over 10% of the houses on Hornby.
- It is a myth that Hornby Vacation Rentals are not regulated. In fact, the community came together to agree on the regulations. Including limited vacation rentals to a maximum of 5 months/year. Many properties do not rent for that full time frame. According to the Short Term Rental Association, around half of the properties that host Vacation Rentals are occupied each week in the summer. This represents about 375 visitors to the island, less than 10% of the estimated 4-5,000 visitors.
- HISTRAs 2021 Owners survey showed that owners put at least 70% of the income they earn directly into their homes costs including maintenance work landscaping, cleaning, insurance, property taxes, and other businesses on Hornby.
- Between owners and the 300-400 weekly Vacation Rental visitors, Vacation Rentals put $2.4 million dollars every year towards the incomes of artists, craftspeople, boutiques, booze businesses, retailers, farm stands, restaurants, musicians, small businesses and workers on Hornby.
- Home sharing owners pay at least another million in taxes that support services all residents receive. (this is based on 2021 HISTRA Visitors survey estimates of weekly spending and Owners survey estimates of on island spending)
- $2.4 million is equivalent to the average annual income for almost 20% of Hornby's labour force. Vacation Rentals sustain our island by directly supporting our economy. Think of all the small entrepreneurs that will not survive the loss of this activity unharmed.
- The Coop itself would be dramatically different. 3/4 of its annual income occurs from June to September, and 70% of that spending is done by "visitors".

The LTC can do more to directly support affordable housing on Hornby by ensuring the right to continue the use for current legal Vacation Rentals and allowing small managed growth.

What the Vacation Rental Association on Hornby (HISTRA) thinks is reasonable, fair to all and addresses community concerns:

1. The LTC directs staff, at the December 13th meeting, to ensure that currently operating, bylaw compliant properties will continue to operate legally.

2. A simple process will be managed this winter and spring to inform the OCP/LUB changes and provide clarity about the current number of operating and bylaw compliant STVRs on Hornby, their capacity, their frequency of operation, and who is operating them.

3. A cap on STVRs be established at 10-15% above the number legally operating the time the bylaw is enacted.

4. There will be attrition from the current list of properties operating as STVR's. Simply put, many of the operators will "age out". After the updated LUB/OCP is enacted, any new STVRs, up to the established cap, be approved through a set of criteria in a CVRD managed licensing program.

With the Trust going in the direction of these 4 points, it protects the needed income for owners and islanders. It puts control of future growth in the hands of our elected representatives. It will also address community concerns about those that are not following the expectations and existing regulations for operating a Vacation Rental.

The crux of the matter: If we don't figure out how to allow vacation rentals, where will the visitors stay? Camping? Glamping? In large commercial developments? Beside the roads and in public beach accesses?

Could the income from vacation rentals be replaced by commercial operations? Possibly.

However, when we agreed to the activity in our community planning, many moons ago, we made a conscious community decision to spread the economic benefit of housing our visitors throughout our community, and not into the pockets of a few owners of large scale commercial developments.

With thanks to each of you for your reconsideration on how to best manage housing our visitors and supporting Hornby Islanders incomes.

Karen Ross

cc:

Sonja Zupanec, Planner szupanec@islandstrust.bc.ca

Correspondence: northinfo@islandstrust.bc.ca

HISTRA

From: Jane Banks [redacted]
Sent: Friday, November 24, 2023 8:55 AM
To: northinfo
Subject: Horny Island short term rentals

Dear Mr. Eby,

WE all understand the seriousness of the homeless and housing crisis in BC. Governments are grasping at strategies to improve the lots of many struggling to secure a place to live. However, my fundamental rights are being violated in this process.

We have owned a summer cottage on Hornby for 24 years. Both my hub and I work in Vancouver and enjoy visits to the cottage all year round. We offer our cottage for vacation rentals when we are not there. This rental income has allowed us to pay for and maintain our home. WE pay income taxes on the rent we receive, employ locals, ensure our home, septic, water is to code, we pay into Work safe- in short we do all that we should.
Our Islands Trust is currently in discussions about eliminating short term rentals. We would not put our cottage on the rental market so it would not improve the availability for long term housing for the island. WE rely on the income we receive through vacation rentals. This has been our long term, life's plan for retirement.
Why would the province want to squash this? This is our personal home. We have worked hard for it, What right does the government have to take this?

Thank you for taking the time to hear me.

Jane Banks

From:
Sent: Sunday, November 26, 2023 1:40 PM
To: Alex Allen; Grant Scott; Timothy Peterson; Sonja Zupanec; northinfo; premier@gov.bc.ca; ravi.kahlon.MLA@leg.bc.ca; Muni.minister@gov.bc.ca; lana.popham.MLA@leg.bc.ca; josie.osborne.MLA@leg.bc.ca
Cc:
Subject: Short Term Vacation Rental continuation on Hornby Island

November 26, 2023
TO: Sonja Zupanec, Representatives of the Islands Trust, and Staff, and MLAs

RE: Short Term Vacation Rental continuation on Hornby Island

Background:
Our mother, Bev Bullen, was a full-time resident of Hornby Island for many decades. She is still with us, at the respectable age of 97. She also actively did short term rentals through those decades and has a folder of the nicest thank you letters and notes from those who stayed at her Hornby Island home. A family decision was made for the next generation (Ian Bullen and Elizabeth MacIsaac) to purchase the Hornby Island property Bev can no longer stay in, and allow the purchase and its necessary funds to pay for her current life in Assisted Living care.

Decisions for mortgage and STVR plans made under legislative framework of Fall 2022:
Continuing the practice of renting the Hornby Island home for short-term rental (for periods up to a week, and approximately 8 weeks in the whole year) significantly assists us in overdue maintenance, and long term, in paying off the mortgage we willingly took on under legislative circumstances at the time, to be able to do this in Bev's final years. We wish to keep the Hornby Island property in the family, to spend our summers there, *and eventually to retire there ourselves.* But at this time, we must work off-island until retirement (and longer now too, with the mortgage).

Family island home, responsible STVR and water management:
Our time on Hornby Island is very precious to us and to our extended family. Among the approximate 8 weeks of STVR, we schedule ourselves in alternate weeks, so that we can make certain to be on the island during most of the summer months. And this makes it possible to ensure that our guests are respecting our occupancy rules, and to keep close watch of water and septic care. To our guests we supply bedding and swap it back to Victoria to wash, to conserve water. Water is a great concern on the island. Our rental documents very carefully delineate water conservation practices, including not flushing except when essential, and limiting shower frequency and duration. We have acquired flowmeters to track water use. We have bins in the sink for dishwashing water efficiency and re-use on plants outside, and surely have missing cutlery strewn in the garden, as those who also do this will know. We do have a well and it's not under stress - last year at the very dry end of the summer there was an excellent, normal level: more than 11 feet of water in the well, out of its 14-foot depth below surface, and in the Whaling Station Bay aquifer, too. We are very conservative with water even though Bev put decades of

love into a garden which we scantily water over the summer. This year we have plans to add a large roof rainwater collection cistern for the garden.

This house would never be rental stock:
We would never take on long term renters, as we live in Victoria and are *at our Hornby home EVERY month of the year*, either us or our daughter and son-in-law, as time on Hornby is extremely important and precious to us. Were STVR's effectively forbidden in cases like ours and for many like us (as it currently appears will be the case as with the planned official community plan changes and the provincial removal of 'grandfathering'), we would have difficulty being able to maintain and pay off that huge investment (decided under the legislative framework of Fall 2022), to keep our definitive family connection to Hornby Island that has continued since the late sixties, and we hope, will be ongoing through successive generations.

Economic hammer, hurting local island community:
But we are shocked that there is some desire to suspend every single STVR on Hornby, period. Surely Hornby's economy relies on SOME basic amount of tourist income. While there are camping and a very few commercial operations like Seabreeze Lodge, that is a hugely drastic cut in THE NEEDED SUPPORT for the Festival, Exhibitions, potters, artisans, artists, Saturday market, vendors, the Ringside, Ford's Cove, and so on. It is difficult to come as a day tripper to Hornby. Not only that, but also, some visitors, such as those with infants, the handicapped or the many elder visitors, simply cannot easily stay in campgrounds or other rustic places. And what about those Hornby families who want to marry there and need to find places for their extended friends and family to stay? These too fall under the current changes. While it is true that Hornby can only handle SO many visitors, **actively** used STVR's in any given week, with numbers from the many like us who may rent only 8 weeks in a season, lead to calculations by HISTRA to account for and average of <400 people A WEEK in the defined rental season (of outsize contribution to the local economy), and this combination of provincial loss of grandfathered usage, and current bylaws resulting in a complete STVR ban is draconian, in that there will be a huge negative cost on so many levels to the Hornby Island community, in taking such extreme steps.

Resolution:
So we're in support of what the association HISTRA (www.histra.ca) is proposing, continuing STVRs with a cap that manages growth, and incidentally, have found the association amazingly helpful in resources to help us understand bylaws and requirements, and to do things 'right', in responsibly sharing our Hornby Island home for about 8 weeks in the permitted period from May-to-September.

Request:
Please seek accurate data and rapidly structure our bylaws and land use planning to continue existing STVRs on Hornby for practitioners like us who are existing and compliant, and with a reasonable room for more STVRs. That would be for other younger generations trying to maintain connections…as they take over their generational family homes from elderly Hornby Island parents.

Sincerely,

Ian Bullen and Elizabeth MacIsaac

From: Jane Banks [redacted]
Sent: Tuesday, November 28, 2023 1:05 PM
To: northinfo
Subject: HISTRA letter- do NOT completely stop vacation rentals
Attachments: Hornby, HISTRA.docx

To Whom This May Concern,

In 2000, after a lifetime of contemplation and yearning, we were finally able to put a down payment on a piece of land on Hornby. For the next 11 years, we visit Hornby, sat on our empty property, and fantasized about having our own cottage. I am a nurse, my spouse is a scientist, our incomes are middle. Thus our dream for a summer cottage on Hornby Island would not materialize without some extra income.

In 2011, we were finally able to start building. Once finished, we planned to enjoy our cottage every summer and some of the winter months. We had planned also to rent to other vacationers.

A small prefab, erected, cared for, and managed by locals, water from our own cisterns, and septic field to code, this is our paradise and it is sustained through short term summer rentals as well as our own incomes. Taxes are paid yearly on our rental income, it is closely managed by our local property manager, and we have had only positive feedback from renters and neighbors alike.

Our story is very similar to most short-term renters and I fail to understand why there is a motion to eliminate short term rentals on Hornby Island.

1. Who is going to fill the need for vacationers? Hotels? RV parks? Tour buses? Cruise ships? Is that really what the community wants to see?
2. Does it make sense that these homes sit vacant when they could be enjoyed by others while boosting the local economy?
3. Our home will never be available to long term renters. At 65, I plan to use it every day that I can, and rent it when I cannot. Banning short term rentals, will not help with the housing shortage.
4. Who will benefit from these proposed changes? Certainly there would be no advantage for the local tourist industry. Nor would British Columbians seeking 2 weeks of respite in the summer benefit if access to their beloved vacation property were to disappear. I can only think it would be the ultra-wealthy who do not need any supplemental income and don't want the extra people on the island. These entitled individuals will not stimulate the tourism and sustain local industry. Preventing sustainable short term rentals will simply cater to the rich.
5. We need consensus among all of our community to help manage the rapid rise in tourism. Tourism, which quite frankly, has overwhelmed us all and threatened our sense of seclusion, peace and safety.

I believe we need to determine how many tourists the island can sustain during the summer. Once that number is agreed upon, then we can decide what is the most appropriate way to accommodate them. We, Hornby Islanders, the provincial government and First Nations, need to work together to decide how we are going to manage and protect this beautiful, sacred place.

From: Piers Drew

Sent: Tuesday, November 28, 2023 3:16 PM

To: Timothy Peterson; Alex Allen; Grant Scott

Cc: hornbyshortterm@gmail.com; northinfo; Madeleine Drew

Subject: STVR on Hornby

Dear Alex, Grant, and Mr. Peterson

I have heard that the Island Trust is considering further limiting or outright eliminating short-term vacation rentals. As the owner of a property on Hornby Island that is now my principle residence, I wanted to share my thoughts on the importance of STVRs.

Our residence has been rented out for a few weeks each summer since at least the mid 1980's, first by my parents, Elizabeth and Ivan Drew, and now by my wife, Madeleine and myself.

Having the ability to do STVRs has allowed us to share our cabin and provide a Hornby Island summer holiday to quite a number of people over the years who are not fortunate enough and in some cases, not wealthy enough, to own there own cottage here. It also enabled my parents, in their time, to own a vacation property on the island despite their somewhat modest financial situation. Currently, STVRs prevent our cabin from sitting unused during the several weeks we are away in the summer, which would constitute a waste of good housing stock and a loss for the families that have grown to cherish their Hornby summer holidays.

Please note that in the event that we are no longer able to do short term vacation rentals, our home would not become available for year-round rentals. It is our primary residence that we enjoy sharing with summer guests, but have no intention of moving out of permanently.

We support the current limitations on STVRs and would welcome a better, more thorough registration of Hornby STVRs and a more rigorous enforcement of the current regulations.

We believe that STVRs are an efficient way of using existing housing stock on Hornby Island to make the island available as a holiday destination for other people who do not have the good fortune to live here. Is this approach not preferable to the building of more lodges, hotels, and summer rental units? And is the renting out of a few cabins during the summer months and allowing other BC residents an opportunity to have a Hornby summer cabin experience better than locking Hornby down for the sake of a privileged few land owners? We think so.

It's not clear to me what problem STVRs pose to Hornby Island. The only arguments against them focus on the shortage of long-term rental stock on Hornby, and the need to limit water use. With our house on Hornby being our primary residence, and with a 26,000 litre cistern that harvests rainwater, neither of these problems will be solved by limiting my ability to rent. Government regulations should limit citizens rights only to the extent demonstrated as necessary.

I do support the island Trust in their mission to protect the special nature of the gulf islands. But an outright ban on STVRs would not be a useful or necessary limitation on something that my parents and I have been doing with very good results for the last forty years.

Yours truly,

Piers Drew

From: Thor Kuhlmann

Sent: Tuesday, November 28, 2023 7:01 PM

To: hornbyshortterm@gmail.com; northinfo

Subject: Letter (Vacation Rentals)

Here is a copy of the letter I sent to the Islands Trustees about the Short Term Vacation Rental issue. Thanks, Thor Kuhlmann

_____

Dear Trustees:

I am writing to you with respect to the proposed regulations to eliminate Short Term Vacation Rentals (STVR) on Hornby Island. I urge you to reject this proposal and allow STVR to continue.

I get it. We have an affordable housing crisis in BC. Is the elimination of STVR in Hornby Island the anwer? It hardly seems so. Hornby Island's tourism economy provides high income jobs to locals so that they can afford to rent, maintain, debt service, insure and pay property taxes on their own housing (as the case may be). The STVR rental sector enables property owners to maintain and improve their properties (with a not insignificant benefit back to the local economy). The current balance of short term rental, long term rental, owner occupancy and, yes, even non-profit housing is working for Hornby Island (even if it may not work that well elsewhere in, say, Vancouver or Kelowna; small communities have different economic ecologies than bigger cities and must be considered differently).

Thank you for your careful attention to this complicated matter!

Thor Kuhlmann

Hornby Island, BC

From: Elisabeth Eppich
Sent: Wednesday, November 29, 2023 4:10 PM
To: Alex Allen; Grant Scott; Timothy Peterson; Sonja Zupanec
Cc: hornbyshortterm@gmail.com; northinfo
Subject: Hornby Island Short Term Rentals

Dear Trustees,
I am Elisabeth Eppich, daughter and Power of Attorney of the owners Helmut and Hildegard Eppich. I write to you today to share with you our thoughts and experiences with short term rentals on Hornby Island.

My parents were fortunate enough to purchase property on Hornby Island over 30 years ago. Four generations of our family have have been spending time making unforgettable memories on Hornby Island. My nieces and nephews grew up spending summers there and now they are parents and continue to create and share memories with their children. Unfortunately my parents, now 87 and 90, are no longer able to come but wish for the families to be able to continue enjoying Hornby.

As everyone who owns a property knows, the costs continue to increase and we decided to try 4 weeks of vacation rentals per year to help us with the costs. It was a pleasant surprise when we learned that the tenants were not only respectful of our cabin but also of the island sensitivities such as water conservation and taking garbage off the island. We hired a local property management company, Wind and Waves to vet and educate tenants, manage the property and make sure we operated within the bylaws. We have been renting for 4 years now and we have repeat guests that are making their own family memories on Hornby Island.

I understand the need for long term housing on Hornby Island. Some of the people we have hired have had to leave their beloved island because they could not find affordable housing. It is a true crisis. In our case if short term rentals are stopped our cabin will not come up for long term housing.

I understand the need to find affordable housing but I do not believe that stopping short term rentals is the answer. Short term rentals offer a way for families such as ours to be able to continue to enjoy the Island and offer it to others that share in the Hornby Island lifestyle. It offers employment and the guests spend money at the various businesses, adding to the Island economy. It also holds off another older cabin from being sold and torn down for a new larger house which is changing the character of the Island.

Thank you for your time.

Elisabeth Eppich

From: Henry Touwslager [redacted]

Sent: Thursday, November 30, 2023 6:56 PM

To: Alex Allen

Cc: northinfo

Subject: Urgent Concerns Regarding Proposed Changes to Short-Term Vacation Rentals on Hornby Island

Subject: Urgent Concerns Regarding Proposed Changes to Short-Term Vacation Rentals on Hornby Island

Dear Trustee Alex Allen,

I trust this letter finds you well. I am writing to express my deep concerns regarding the proposed changes to short-term vacation rentals (STVRs) on Hornby Island. As a resident and property owner deeply invested in the community, I believe it is crucial to voice the potential impact of these changes on our island's residents, businesses, and overall vitality.

I have been a proud property owner near Whaling Station on Hornby Island for the past eight years. While I am a part-time resident, spending approximately four months on the island annually, my commitment to the community extends beyond property ownership. I actively engage in volunteer work, collaborating on projects such as securing the old fire hall with Spark, contributing to specific initiatives with the trail crew and invasive plant eradication committee, acting as a (past) member of the recreation committee and a current member of the emergency preparedness committee. With respect to my career, I am a retired professional engineer specializing in Building Envelope Consulting.

I rent out my house for part of the summer and utilize it for the rest of the year. My guests, 95% of whom are residents of British Columbia, hold a deep fondness for Hornby Island. I do not consider them a burden on the island. Most feel at least somewhat part of the community. They are careful with their footprint and all are well aware of the water conservation requirements. With respect to water, I measure their usage, and it consistently remains below 500 gallons per group per week which I would consider low. I personally witnessed their positive contribution to the island and community.

I am certain that my past and future guests and all those others who visit the island will be devastated if they find out they cannot stay on Hornby Island. Many are from the Victoria area and Metro Vancouver

and cannot make a short day trip. They need at least three or four days to make it worth their time and weekly visits are perfect for them. I considered getting them involved so please believe I could get about 15 past guests to sign a petition or write letters indicating their strong desire and even a need to continue to visit the island they love. Many tell me that the week on Hornby Island is the highlight of their year. I spared you their extra letters for now but please let me know if you consider the quantity of contacts you have and I will happily make the requests for their opinions.

With respect to background facts and assumptions, I am quite certain that you have received one or more letters from the Hornby Island Short Term Rental Association (HISTRA) and its members, of which I am one. Therefore, I will not repeat what you already know.

I find myself skeptical about the core rationale behind the removal or restriction of short-term vacation rentals (STVRs), especially the idea that such measures would contribute to increased homeownership for those less fortunate. I have reservations about the practicality of this objective without addressing more extensive economic and income-related challenges. I hold the view that eliminating STVRs will likely not enable a single family to attain homeownership as property values will not drop much if at all, based on these actions. I expect its impact on the long-term rental market will be minimal. Moreover, any perceived benefits in terms of available long-term rental housing might be overshadowed by the adverse effects on various businesses in our community, many of which will suffer significant reductions in revenue and several which will end up shutting down. I understand the coop makes all its profits in the summer and something will have to change there to the detriment of full-time residents.

I might add that in a recent interview with the former Governor of the Bank of Canada, Stephen Poloz stated (something to the effect that) politics and government mandates cannot fix housing issues and the only real solution to the housing shortage is special projects such as the wartime housing project (and perhaps developments like Beulah Creek).

It's disconcerting to note the absence of professional and independent studies supporting the proposed changes. The potential unintended consequences of such a decision could be far-reaching and affect the very fabric of our community. I urge you to consider the long-term effects and thoroughly evaluate the decisions' impact on the diverse residents of Hornby Island. Clearly, the role of STVRs goes beyond individual property owners; it sustains local businesses, supports festivals, and enhances the overall vibrancy of our community. Limiting STVRs could have a ripple effect, impacting not only property owners but also guests, local businesses, and the island's accessibility.

Considering the extensive recreational land and parks on Hornby Island, it's crucial to recognize that all residents of BC have a rightful share in these public spaces. If short-term vacation rentals (STVRs) are reduced or cancelled, it would limit taxpayers' access to these amenities. This consequence, on its own, appears simply unfair. Is it the role of Islands Trust to hoard the land for the current owners and residents or keep the spaces open to the residents of BC and others?

In conclusion, I urge you to approach this matter with utmost prudence, taking into account the diverse perspectives of Hornby Island residents. A decision of this magnitude requires careful consideration of its broader implications. I appreciate your dedication to serving our community and trust that you will weigh these concerns thoughtfully.

Thank you for your time and attention to this matter. I look forward to a fruitful discussion on December 13th.

Sincerely,

Henry Touwslager

From: Diana Ellis
Sent: Friday, December 1, 2023 7:09 PM
To: Alex Allen; Grant Scott; Timothy Peterson; Sonja Zupanec
Cc: northinfo; Hornby Island Short-Term Accomodation
Subject: Hornby Island Short Term Rentals - the saga continues!

Sent from Mail for Windows

Dear Trustees Allen, Scott and Peterson, IT Planner Zupanec – with copies to Islands Trust and HI Short Term Rental Association:

We (Diana Ellis, Keith Wilkinson) own an 800 square foot home on 2.2 acres of land on Hornby Island, situated on the NE shore of the island next to Sea Breeze Lodge. We have owned this home since 2002, but have been coming to Hornby to visit family and friends for a longer time: one of us since 1958, the other since 1977. Through Wind and Waves Holiday Homes, we rent out our place annually for the months of July and August and have done so since 2002. Most of these renters are families who have been returning to our place for years. We live full time in Vancouver, happily using and tending to our Hornby land and home at various times for the rest of the year.

This could be a long letter, full of numbers and data the from the research we have read so far about the impact of short term rentals on the Hornby Island economy. However, we know you are already familiar with that data, and will be receiving letters from other folks, as well as from the Hornby Island Short Term Rental Association (HISTRA). Instead, we will briefly tell you our story of being Hornby homeowners.

But first, we want to say we are in support of the work undertaken by HISTRA that makes the case for continuation of a certain number of short term rentals. We particularly support the four key ideas that HISTRA thinks will work together to accomplish the continuation of legal Vacation Rentals, the management of their growth to address community concerns, and support for affordable housing in the community. You will be familiar with those. We find them fair and thoughtful ideas worthy of serious consideration by the Hornby Island LTC.

So – what is our story of being Hornby Island homeowners? It's pretty simple. After coming to Hornby for decades – visiting family who live here full time - we had, in 2002, the opportunity to purchase a place of our own. Dream come true! We initially thought to eventually retire to Hornby, but other life events intervened and the idea of island retirement came to an end. Thanks to the then newly emerging possibility of doing summer rentals, we were able to undertake such rentals to earn funds to cover key costs. These earnings meant we could afford to keep this lovely place for our own use September through to June. We've been doing that for the past 22 years and we would like to continue.

What do we do with the money earned through summer rentals? *Our aim in doing rentals is not to make a profit, per se, but to cover the taxes and capital costs related to owning and caring for our Hornby home*. That means:

- we pay the annual (now) $6,000+ provincial taxes

- we hire a local person to do the weekly security visits required by our insurance company;

- we hire the local tree-care professionals when needed over the years;

- we hire local carpenters as needed (complete initial construction, deck re-build etc.);

- we have a long relationship with Rick Morritt who so ably handles issues related to plumbing and water;

- we avail ourselves of regular professional water testing;

- we hire local folks to take on other tasks when we cannot do them – wood-cutting, lawn care, and more recently, some heavier maintenance tasks.

Meanwhile, we have also kept up a 20+ year satisfactory relationship with Wind and Waves who manage all aspects of the rentals for us. We shop at the Co-op, we buy plants at the nursery, we use the Credit Union, we buy gas at the Gas Bar, we treat ourselves to eating out at The Breeze and other local food-providers. Over the years, we have filled our Hornby and Vancouver home with local art and pottery. As well as 'teaching' our summer rental folks about the importance of wise water use etc. we encourage them to support businesses and artists. And now, in this digital age, we follow Island news through the HI community Facebook page.

We don't 'live aboard' the island and know that we are considered outsiders - part of those called off-island owners. But we have decades-long roots here, and care deeply about the island and all that it means to those who live here, and those who visit.

In closing, we think that an LTC decision to shut down vacation rentals on Hornby Island (a) will not help solve affordable housing challenges in the Hornby community, and (b) will have a deleterious impact on the local economy. And (c), our own future here would also become uncertain if no-rentals are permitted.

Thank-you for taking our Hornby story into account as you deliberate on these matters affecting the island's future.

Sincerely,

Diana Ellis

Keith Wilkinson

Hornby Island: , Hornby Island BC V0R 1Z0

Vancouver:

Sent from Mail for Windows

From:
Sent: Friday, December 1, 2023 6:44 AM
To: Alex Allen; Grant Scott; Timothy Peterson
Cc: Sonja Zupanec; northinfo; hornbyshortterm@gmail.com
Subject: Short Term Vacation Rentals on Hornby Island

Dear Local Trust Committee,

My family has been vacationing on Hornby Island for over 25 years, staying at various short term vacation rental properties on Anderson Drive and in the Whaling Station and Sandpiper neighborhoods.

Over those years we have developed very deep connections to Hornby and it's wonderful community.

We were delighted when we were able to purchase our own recreational property in July, 2023 and looked forward to building many family memories there as our adult children began to raise their own families.

Part of our ability to purchase our dream property was the assumption that we would be able to partially support the home financially through STVRs. In fact, we were able to rent the property for some weeks during the summer with the assistance of Wind and Waves Holiday Homes.

Needless to say, recent developments, particularly the elimination of 'grandfathering' for legal non-conforming use by the provincial government which we expected to rely on should the current Official Community Plan/Land Use Bylaw review change existing STVR provisions, has caused much concern in our family as the prospect of continuing to be able to afford to own our dream property is now in jeopardy.

Although it would be wonderful to reside on Hornby year-round, this is currently not possible for our family due to work, school and other commitments. However, we use our Hornby home regularly year-round and therefore are not in a position to rent the property on a long-term basis. I am sure this is likely the case for most recreational properties on Hornby and therefore the elimination of STVRs would do little, if anything, to address the long-term housing issues on Hornby.

While we recognize there are challenges created by the level of tourism during the summer months on Hornby, the significant positive economic impact is essential to support the Hornby community of local businesses, artisans, restaurants, the Coop store, and local tradespeople.

Much of the net revenue derived from STVRs is reinvested in the properties resulting in employment for property managers, cleaners, grounds maintenance trades, as well as property improvements that employ local tradespeople. In addition, the monies spent in the community by guests of STVRs is essential to the economic well being of the community. Moreover, the contribution to community funding from the MRDT creates a predictable, annual funding to affordable worker housing. A very significant portion of the funding would be eliminated if STVRs could no longer contribute.

We also recognize that STVRs can contribute to issues of water conservation and environmental impacts. As good Hornby citizens we can do our part to address those concerns by requiring guests to bring their own linens and not allowing the use of laundry facilities, installing a monitoring system so guests are aware of their water use, installing low water use appliances and installing rainwater

harvesting systems to supplement existing water sources. Environmental impacts can be minimized by ensuring our permitted septic system is maintained according to required standards and installing a recycling and composting centre. We also use a professional local property management company to ensure guests adhere to all good neighbour practices and local contacts are available in case of any issues.

These are examples of some of the actions STVRs can take to minimize impacts on water conservation and the environment. We believe most recreational homeowners would welcome reasonable guidance on how to minimize their impact; we all wish to be good Hornby community members, albeit parttime.

In addition, we have joined HISTRA to support their activities and we follow their best practices guidelines. In this regard, our family supports the four key ideas that HISTRA thinks will work to accomplish the continuation of legal STVRs, the management of their growth to address community concerns and support for affordable housing in our community:

1. The LTC directs staff, at the December 13th meeting, to ensure that currently operating, bylaw compliant properties will continue to operate legally.
2. A simple process be managed this winter and spring to inform the OCP/LUB changes and provide clarity about the current number of operating and bylaw compliant STVRs on Hornby, their capacity and their frequency of operation.
3. A cap on STVRs be established at 10-15% above the number legally operating the time the bylaw is enacted.
4. After the updated LUB/OCP is enacted, any new STVRs, up to the established cap, be approved through a set of criterion in a CVRD managed Licencing program

We do not believe the current Official Community Plan/Land Use Bylaw review should eliminate legally operating STVRs due to the significant negative impacts on the Hornby community, which far out weight the impacts on issues of water conservation and the environment of STVR (which can be mitigated), and would do little, if anything, to address the long-term housing issues on Hornby.

It is unfortunate that the issue of STVRs appears to have become an adversarial one between fulltime and parttime Hornby residents. Instead the issue should be considered as a symbiotic one that allows both parties to enjoy Hornby and the community benefits it can afford to offer.

Thank you for your consideration.

Duncan White & Deneen Baron

From: Ken A-N [redacted]

Sent: Friday, December 1, 2023 10:20 PM

To: Sonja Zupanec

Cc: northinfo

Subject: Short term rentals

Attachments: submission in favour of Short term rentals 2023 KeAN MaFin .pdf

Hi Sonja,

Attached is my submission to the trustees.

best wishes,

Ken Agar-Newman

I acknowledge and respect the Cowichan peoples on whose traditional territory I live. Their historical relationship with the land continues to this day.

The Cowichan Tribes annually fished the Fraser River, as far away as Yale, and in fact, Lulu Island – now the site of Vancouver International Airport – was their traditional summer base camp.

Ken Agar-Newman (he, him)

I am urging you to continue to allow limited short-term rentals on Hornby Island. I agree that there should be a cap and this cap should allow at least current levels of rentals.

We have a legacy property in the grassy point area.

This is a log framed family cottage built by my Mom and Dad forty-six years ago, a block in-land, from hidden beach. They harvested the logs from the property. My three siblings and their families continue to visit the cottage. My three children, their spouses and children also stay at the cottage too.

Since my wife and I have purchased the property, we renovated it in 2019. This renovation cost us $150,000.00. We have added a top of the line waterless Sun Mar centrix 3000 compost toilet as well as a rain water harvesting system designed by an ASSE Certified: RWH Designer/Installer/Inspector Mr Ken Nentwig. The cottage is meticulously kept and is not winterized, though we love staying for hardy holidays all year. We have devised Short Term Rentals during the summer as our solution to mediate the expenses of keeping our cottage in the family. Financialy STR's permit us to break even with not much more money to spare. We rely on Wind and Waves as our Management Team for this period.

We employ Hornby Island locals frequently for more professional maintenance of our cottage.

I have been a landlord in my primary residence off Island for about thiry-five years. I would NOT be converting our cottage on Hornby to a long term rental. My experience as a long-term rental landlord has been negative for many reasons. Conversely, my experience as a Short Term Rental landlord is positive. Our cottage is thoroughly cleaned and maintained in a highly standardized quality assurance manner, at least once a week. I have never seen a long-term renter achieve this high standard of care. In addition, the Team maintains the compost toilet as well as ensures rodents do not invade our cottage. I have an electric fence secured underneath the cottage as well as snap traps under the bathroom to help in this constant battle. These measures would NOT be maintained in the high standards of the Management Team if it was up to long term renters in my experience. Few long term renters would be able to keep rodents from entering the premises in my experience.

We have a friendly loyal cadre of regular reliable Short Term Renters that holiday in our cottage. They spend most of their day outside enjoying Hornby Island and not in our cottage, with the wear and tear associated with long term living. Moreover, Short Term Rentals have enabled my wife and I, as well as our children, to keep the cottage, due to the offset of the high dollar expenses of owning this Hornby Island dwelling. Since COVID we have noticed that prices have skyrocketed. We would NOT be able to keep our cottage with a long term rental financial plan due to these expenses and a low rate of return for long term rents. Nor would we be able to holiday in our cottage with the long term rental time-line.

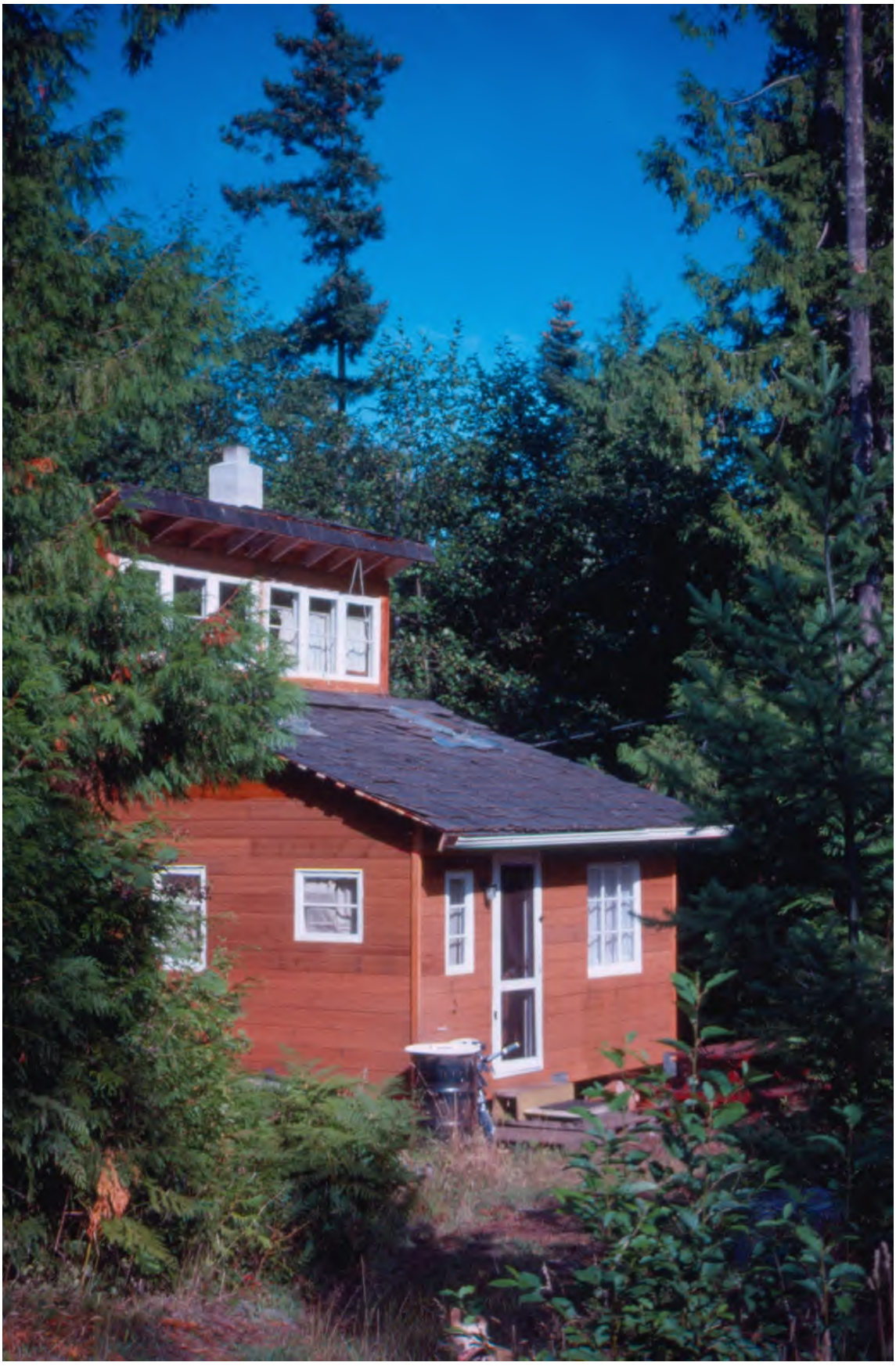
Therefore Margaret, my wife and I urge that all decisions about Hornby Island's future allow us to continue with Wind and Waves and Short Term Rentals in the summer.

Thank you

Ken Agar-Newman and Margaret Finnis

2019 after we did renovations. The concrete blocks my Dad had used as the foundations were steadfast, dug right into the hard-pan, but the wood blocks on top of them, holding the weight of the log frame of the cottage, had decided to “walk” eastward. Therefore renovations were essential.

(see next page)



1977 immediately after my Dad and Mom built the cottage

From: Ken Stobbart

Sent: Friday, December 1, 2023 12:04 PM

To: Sonja Zupanec

Cc: northinfo

Subject: Hornby Island Vacation Rentals

Dear Sonja,

We have written with our concerns to the Island Trustees and as planner, we wanted to make our thoughts known to you as well.

We have been visiting Hornby Island with our family for over 25 years. Having access to rental accommodation over the years has allowed us to give our children the experience of Hornby life and all the natural beauty that it has to offer. Our family has had a lifelong dream of owning our own small piece of the island to spend more time together as we grow older. We were finally able to purchase a property a number of years ago and the only way it is sustainable for us is to offer some part time rentals when we are not here in order to help cover some of the maintenance and tax expenses. Regardless, we would never consider a long term rental situation as we would be unable to spend time on Hornby ourselves.

We have always run our rentals transparently, above board and within the rules and we directly employ a number of residents between management services, cleaning, gardening, landscaping and maintenance. We have also invested in a 5000 gallon rainwater harvesting cistern to eliminate any effect on the groundwater resource and we educate our guests on the precious groundwater supply as well as the fragility of the natural environment.

When you are considering amendments to the Official Community Plan and the Land Use Bylaw, we are asking you for your support to allow the continuation of a legal pathway to operate controlled, professionally run vacation rentals on Hornby Island for the following reasons:

- Vacation rentals positively support the local economy, local businesses, artisans, and local workers.
- The Municipal and Regional District Tax generated contributes tens of thousands of dollars a year to local affordable housing with the potential to increase over time.
- Making vacation rentals illegal would not have a positive impact on affordable long term housing as most owners are part time residents staying in their homes throughout the year.
- Without vacation rentals many families (some multigenerational families) with deep roots in the community could be displaced.

Thank you in advance for your positive support.

Sincerely,

Ken and Katrina Stobbart

From: Lee-Anne Marshall [redacted]

Sent: Friday, December 1, 2023 1:16 PM

To: Timothy Peterson

Cc: Sonja Zupanec; northinfo

Subject: Seasonal cabin

Dear Mr Peterson,

I own a small seasonal cabin on Shinglespit Road on Hornby Island which I purchased three years ago from friends of mine. I have been a regular visitor to the island for 20 years.

Having retired early myself due to serious illness, I have found peace and respite on Hornby Island. I have a mortgage on the property, and due to a reduced income as a result of my illness, I rent my cabin to friends and family for approximately 10 weeks in the summertime to offset the mortgage payments and I stay there myself for another 10 to 20 weeks each year. Many of my friends and family have been coming to Hornby for 20 years and more (most of them renting the cabin from the previous owners).

If STVRs were to be banned on the island I would be forced to sell my property as I could no longer make the mortgage payments.

In the scenario of me being forced to sell, it is very likely that the cabin would be purchased by an off-island buyer, thus not addressing the housing crisis anyway.

But, besides that, my cabin is seasonal and not set up for year round living anyway. It can't be lived in year round therefore can't be rented out.

I believe that the loss of STVRs on Hornby Island will have a detrimental affect on the tourist revenue for the entire island in terms of restaurants, farm stands, shops and loss of income for those offering STVRs.

I am in support of grandfathering in those existing STVRs, which indirectly support the community.

Sincerely,

Lee-Anne Marshall

Sent from Yahoo Mail on Android

From: Eulala Mills

Sent: Saturday, December 2, 2023 2:10 PM

To: david.eby.MLA@leg.bc.ca; premier@gov.bc.ca

Cc: HISTRA Association; Rachel Diment; Paul Diment; northinfo; lana.popham.MLA@leg.bc.ca; josie.osborne.MLA@leg.bc.ca

Subject: Urgent Appeal to Preserve Community Stability and Property Rights

Dear Premier Eby:

I write to you today not merely as a constituent, but as a member of both the Hornby Island and Saanich communities, seeking to convey the profound personal impact that recent legislative changes pose to our way of life.

The removal of long-standing property rights protection, specifically Legal Non-Conforming status for Short-Term Vacation Rentals (STVRs) across British Columbia, has caused more than just sleepless nights; it has ignited a palpable sense of uncertainty and concern within our community. Unfortunately, it seems that the plight of Vacation Rental families, who are predominantly deeply rooted Hornby community members, has not received the consideration it merits.

Allow me to illustrate the real-world consequences of these proposed changes through my own narrative. My mother spent two decades tirelessly searching for a place to call home on Hornby. In 1987, at the age of 60, she secured an undeveloped lot and built her home, realizing a dream she had pursued with determination and considerable sacrifices.

We lost Mom two years ago. Over the last 10 years of her life, she was able to do less and less physically and to afford less and less of the maintenance work needed to keep a rural, remote home safe and secure. Since I took on responsibility for the house I have had to repair septic, electric, plumbing, roof, cisterns and water collection, fencing and decks. Not to mention the work that was needed inside. It is a labour of love and we feel Mom in every board of her home, we look out the window and see where her ashes were spread, we know her sprit visits in the Herons at the shoreline.

Our community shares the urgent need for stable, long-term, and affordable rental housing felt across BC and Canada. However, ending Vacation Rentals on Hornby Island is not the solution to our local challenge. They cannot be long term rentals as they are almost all homes that owners occupy throughout the year. What they can do is provide crucial funding for affordable housing through the Municipal and Regional District Tax (MRDT). With only a very small number of rustic resorts, 75% of the MRDT

funds come from Vacation Rentals on Hornby. This year, Hornby expects to receive around $50,000 from the MRDT, offering our housing efforts, for the first time, a regular, predictable, and annual financial lifeline. Allowing the continued legal operation of Vacation Rentals does more for affordable housing in our community than anything we have been able to do so far.

Now, faced with a local change that was predicated on the protections offered by 'Grandfathering', the Province's removal of Legal Non-Conforming property rights, makes the potential of losing the ability to offer our home as a Vacation Rental very real. This income is not a luxury; it is a lifeline that allows us to preserve my mother's dream. Without it, I fear I may struggle, and likely fail, to uphold her legacy for our family. Importantly, our home will never be affordable housing, and forcing our family out will not contribute to meeting urgent housing needs on Hornby. Yet the tax (MRDT) dollars it generates actually will. I gladly contribute these dollars and fully support a move towards the full amount supporting affordable housing needed in our community.

I understand the need to address housing, but I implore you to reconsider the changes to Legal Non-Conforming property rights. The removal of this protection leaves property owners vulnerable to significant harm. If complete retraction is deemed untenable, I propose a compromise—revise the changes to have Legal Non-Conforming rights expire upon the sale of the property, ensuring that rights do not extend in perpetuity while still protecting current owners.

The other critical issue for communities like Hornby, that have a seasonal and project-based workforce who need to be housed while they work on the island is the 90 day minimum for long term rentals. We often house workers for 4 to 8 week projects, and, because they have not been ‘short term’ , have been allowed throughout the year. Hornby, like other rural and remote islands, relies on these temporary housing arrangements to keep its economic and workforce engines running. The Provincial changes to make rentals below 90 days ’short term ’along with our current bylaws limiting short term rentals to May to September means that this would not be possible starting next year, creating real hardship for our community and all of its citizens.

I close with this, each community is unique in many ways and should determine where and how Vacation Rentals fit into their tourism and housing. At the same time, property owners must be protected from harm when, through no fault of their own, legal frameworks change. The context of real estate in urban centers is very different from that in rural, remote communities. Your legislation has gone part way in recognizing these realities. Fixing the harms on rural remote communities inflicted by removing the 90 day limit and on owners by continuing legal non-conforming regulations for current owners, removing those rights at the time of a sale can take you the rest of the way.

Thank you for your time and consideration. I trust that you will move this forward acknowledging the nuanced realities of our unique circumstances and communities.

Sincerely,

Eulala Mills

President, LevelHeaded Thinking

From: Eulala Mills

Sent: Saturday, December 2, 2023 1:29 PM

To: Alex Allen; Grant Scott; Timothy Peterson

Cc: Sonja Zupanec; northinfo; HISTRA Association; Rachel Diment; Paul Diment

Subject: The Hornby community is varried and we all need your representation and support

Dear Alex and Grant,

I hope this letter finds you well, and I appreciate your time in considering the concerns I am about to express. As a devoted member of the Hornby community, I write to you today not just as a member of the community but as a custodian of a cherished legacy and a stakeholder in our island's future.

I understand that the LTC believed that the Provincial 'grandfathering rules' would allow the 130 or so legal Vacation Rentals to continue after the OCP/LUB changes. The removal of that long standing property right protection across all of BC is the creation of the Province, not the LTC.

Nonetheless the two things – the LTC direction for the OCP/LUB changes and the new Provincial legislation - combine to make the end of all Vacation Rentals on Hornby certain – unless you, the LTC, make a change.

This has caused me considerable distress, leading to countless sleepless nights as I grapple with the potential ramifications for not only my family but also for the very fabric of our community.

Allow me to personalize the impact of these changes and shed light on the narrative that often goes unnoticed—the story of families deeply rooted in Hornby, who have actively contributed to the essence of our island and offer Vacation Rentals to visitors.

My Mom spent two decades searching for a place she could call home. Her love affair with Whaling Station Bay started in 1967, and despite several setbacks, she persisted in her dream of making Hornby her permanent residence. In 1987, at the age of 60, she finally secured an undeveloped lot on Whaling Station Bay, a dream she pursued with unwavering determination and substantial sacrifices.

Over the last 10 years of her life, Mom was able to do less and less physically and to afford less and less of the maintenance work needed to keep a rural, remote home safe and secure. Since I started taking care of the house I have had to repair septic, electric, plumbing, roof, cisterns and water collection, fencing and decks. Not to mention the work that was needed inside. It is a

labour of love and we feel Mom in every board of the home she created, we look out the window and see where her ashes were spread, we know her sprit visits in the Herons at the shoreline.

Vacation Rentals, operating legally, contribute significantly to our community. Aside from the support for the artists, farmers, restaurants, distilleries and breweries, the co-op, and almost every one of the 155 home businesses here, the Municipal and Regional District Tax (MRDT), with 75% of its funds coming from Vacation Rentals, presents an invaluable opportunity to fund affordable housing initiatives. By enabling legal Vacation Rentals, the Local Trust Committee (LTC) has the power to safeguard this new funding stream—a $50,000 (or more) a year lifeline that could, for the first time, provide predictable and annual financial support to housing efforts on Hornby.

Now, faced with the proposed changes to the OCP/LUB, the prospect of losing the ability to offer our home as a Vacation Rental has severe consequences. This rental income is not a luxury; it is a lifeline that allows us to continue preserving my mother's dream. I am only able to honour her sacrifices because I can offer the house to visitors for 10-12 weeks each season. Without that income I will struggle, and likely fail, to hold on to Mom's legacy for her family. This home will never be affordable housing, rental or otherwise. Forcing our family out of the community will not help those who need housing. Yet the tax (MRDT) dollars it generates actually will, at least half of that money will go to affordable housing on Hornby. I gladly contribute these dollars and fully support the move towards the full amount supporting affordable housing needed in our community .

I implore you to recognize that the members of our community who choose to rent their homes to guests are not wealthy or disconnected, we are putting money into, not taking it out of, the community, we are community members who stay in our properties enough of the time that we have no long term rental to offer. I am on the Island at least half time, 10 months of the year.

We are the polar opposite of faceless 'investors' with no connection to the people or land.

I implore you to reconsider the current direction. By allowing legal Vacation Rentals to continue, enabling a small managed amount of growth by setting a reasonable maximum, slightly above the current number and supporting a licensing system, the LTC has the chance to make a real impact on the creation of affordable housing and protect not just our homes but the economic stability of our community. The potential fallout from ending Vacation Rentals, would be devastating to countless families, local businesses, and the island as a whole.

In closing, please consider the tangible impact these decisions will have on families like mine, who are deeply invested in the well-being and future of Hornby.

Thank you for your time and consideration.

Sincerely,

Eulala Mills

From: Gregg Sayer

Sent: Saturday, December 2, 2023 1:08 PM

To: Timothy Peterson; Alex Allen; Grant Scott

Cc: northinfo; Sonja Zupanec

Subject: A balanced approach

Dear Trustees and Staff,

I am writing to urge our elected representatives to continue your appreciated efforts to find a balanced solution that allows responsible owners of short-term vacation rentals on our beloved Hornby Island a *predictable* and *legal* way to continue to operate. A balanced approach is more fair, more effective and better for community harmony.

Specifically, I support the following actions:

1. Allow those currently running STVRs that comply with bylaws to be grandfathered in the OCP and LUB. Any new STVRs must then go through a suitable licensing process with reasonable caps on the number of STVRs allowed to operate.
2. Task HISTRA with compiling a list of known STVRs (to provide Trustees with good data as well as encourage responsible owner & guest behaviours, such as water conservation).
3. Use any or partial revenue generated from licenses and permits to directly fund or subsidize the construction of affordable housing.

I believe the above actions are balanced, reasonable and fair for the following reasons:

- **HOUSING SUPPLY:** Prohibiting STVRs will not add housing supply and will likely only push some activity underground. On the other hand, using revenue from licensing/permits to fund new dedicated housing will definitely add housing supply.
- **AN EVERYONE PROBLEM:** If effectiveness is the goal, then water conservation efforts need to target 100% of residents, not just 10%.
- **COMMUNITY UNITY & FAIRNESS:** A complete prohibition on allowing responsible owners to operate STVRs unfairly punishes community members in this group. It would go too far in infringing on individual property rights and would crater the livelihoods of residents that depend on tourism; restricting the rights of one minority group to the benefit of another. I find this deeply unfair, undemocratic and divisive.

- **MY PERSONAL STAKE:** We're a middle-class family living in a very expensive province at a very expensive time. The modest income we generate from renting to responsible guests affords us the ability to maintain our cabin and cover property taxes. My father recently handed down our lot to me and running an STVR allows me to see a future where I can pass it on to my kids. A complete prohibition would threaten this possible future and makes me angry and sad to even contemplate it.
- **BALANCE IS A GOOD THING:** A balanced approach, while likely making no one group 100% satisfied, would be good for community unity (instead of, for example, a community where neighbours snitch on neighbours or one where STVRs run amok without limits).

With gratitude and respect for your service.

Gregg Sayer & family

From: HISTRA Association <hornbyshortterm@gmail.com>

Sent: Saturday, December 2, 2023 2:51 PM

To: david.eby.MLA@leg.bc.ca; premier@gov.bc.ca

Cc: Patrick Lui; Michael Williams; Michelle Metzelaar-Easterly; Arifin Graham; Eulala Mills; Karen Young; Angela Hudson; Karen; Donna Tuele; Ray Therrien; northinfo; josie.osborne.MLA@leg.bc.ca; lTACS.Minister@gov.bc.ca

Subject: Urgent Appeal to Preserve Community Stability and Property Rights

Good Afternoon Premier Eby,

We represent more than 80 legally operating Vacation Rentals on Hornby Island. Most of us are full or part time residents with deep roots in this community. We are the opposite of the 'Investor 'Vacation Rental owners your recent legislation was designed to affect.

On Hornby, in our current zoning bylaws, Vacation Rentals have a limited window for operation, May to September, host guests on average less than 10 weeks of the year, cannot rent to multiple groups in a single week, have limits on capacity and require appropriate signage and parking. They are well managed by current bylaws and do not remove housing from the community. Our Local Trust Committee is considering changes to these bylaws that, combined with the new Provincial law, could end ALL vacation rentals on Hornby Island. This will devastate our community – residents, workers, artists, food services, businesses and the community members who use short term rental to keep and maintain their family properties.

Our members, combined with those who have not yet joined our Association, and our guests, annually contribute $4 million to the local economy as well as 75% of the expected $50,000 or more in direct funding that supports affordable worker housing, through Municipal & Regional District Tax Program (MRDT) funds.

Hornby has a very long history of vacation rentals as visitor accommodation. We have only a few small cabin-style resorts and the community does not want more. The workers of Hornby also have limited access to off-island work. It is too far from Vancouver Island to commute and, at this point, we have poor internet and cell phone coverage. Many here depend on Vacation Rental visitors for their livelihoods. Removing the Vacation Rental contribution to our island will be the equivalent of removing 20% of our workforce's average income.

Vacation Rentals on Hornby are offered by a mix of full and part time residents; more than 90% say they are homes not investments. We are not the 'commercial 'investors the provincial regulations are aimed at removing. We are residents who use a currently legal property right to stay in our homes in the face of rising costs.

We also have a seasonal and project-based workforce that need to be housed while they work on the island. These are often 4 to 8 week projects, and, because they have not been 'short term', have been allowed throughout the year. Hornby, like other rural and remote islands, relies on these temporary housing arrangements to keep its economic and workforce engines running. The Provincial changes to make rentals below 90 days 'short term 'along with our current bylaws limiting short term rentals to May to September means that this would not be possible starting next year, creating real hardship for our community and all of its citizens

Unlike in urban areas, homes no longer allowed to offer Vacation Rentals will not create long-term housing on Hornby. Most owners live full or part time in their properties, so these homes are not available for long term rental. Many are 'family legacy' properties, having passed through two, often three generations. These families use Vacation Rentals to enable them to remain in the community. If forced to sell, most of these properties will become rarely used vacation properties, which will not create any housing. On Hornby, 95% of Vacation Rentals say they do so to pay their, largely unreduced, property taxes, 82% to allow them to support more local stores and business. More than 90% report they will not become long-term rental properties if the Vacation Rental option is closed to them.

The MRDT, added to Vacation Rentals on Hornby in 2022, provides regular and annual funding that supports affordable worker housing on Hornby. That was our main purpose in joining the MRDT program. Information about these visitor paid dollars shows that the currently operating Vacation Rentals, contribute 75% of the $50,000 a year that will support the work of creating, expanding and maintaining affordable housing in our community. If Vacation Rentals can no longer operate that will drop to around $10,000 and seriously damage the efforts to address our community's pressing housing needs.

We strongly support the requirement for Vacation Rental registration and the enabling of Regional Districts to provide business licensing. This is an important change that will create transparency for Vacation Rentals on Hornby and throughout the province.

We also understand there is a need to return some housing to long-term tenure. However, we strongly urge you to reconsider the changes to legal non-conforming use principle. This principle has been confirmed in case law across Canada and we feel the dollars spent defending it against class action and other lawsuits would be far better used to fund affordable and subsidized housing.

The reason the legal non-conforming use is embedded in the zoning process is to prevent retroactive injustice from being imposed upon the landowner. By removing that protection you leave every property owner in BC open to significant harms from the loss of rights they legally exercised and held when they purchased the property. We believe these protections must be upheld.

If, however, as many are loudly calling for, retracting the Vacation Rental specific change to legal non-conforming property rights is a step too far, then we urge you to consider the following:

> Revise the changes to legal non-conforming rights to have them end when the property is sold at arm's length. This then protects the current family, who have operated in good faith and according to the laws, at the time a property use change is implemented. It

also ensures that governments at all levels can affect a policy shift in housing as legal non-conforming rights would not continue in perpetuity with the property.

We close with this: each community is unique in many ways and should determine where and how Vacation Rentals fit into their tourism and housing. Property owners must be protected from harm when, through no fault of their own, legal frameworks change. The context of real estate in urban centres is very different than that in rural, remote communities. Your legislation has gone partway in recognizing these realities. Fixing the harms inflicted on landowners by mitigating the change to the legal non-conforming regulations for current owners, and returning the property to current bylaw requirements at the time of an arm's length sale, can take you the rest of the way.

Sincerely,

The Hornby Island Short Term Rental Association (HISTRA) Board (www.histra.ca)

Michael Williams, Patrick Lui, Eulala Mills, Arifin Graham, Michelle Easterly, Donna Tuele, Karen Young, Angela Hudson, Ray Therrien, Karen Ross.

From: Donald Gutstein

Sent: Sunday, December 3, 2023 7:59 PM

To: Alex Allen; Grant Scott; Timothy Peterson

Cc: Sonja Zupanec; northinfo; hornbyshortterm@gmail.com

Subject: Short-term vacation rentals

Donald and I bought our Hornby place at in 1991, the year our son Josh was born. We have been part-timers, more than 'summer people', since that time. Our son was able to partly grow up on Hornby with many Hornby friends and learned the ways of the forests, creeks, rocks and ocean. While we've never been among the privileged who can earn a living on Hornby, we've had jobs that allowed us to compress our work weeks and eek out time so that we have been on Hornby consistently over three decades. We've worked hard to afford Hornby; the vacation rentals helped us along the way.

We started to do vacation rentals when Josh was a toddler at day-care. We would put up hand-written signs on the bulletin board and other families started their vacation experiences on beautiful Hornby. Three of those families bought properties on Hornby and are now solid parts of the community.

Other ways we advertised was word-of-mouth at work, and then more recently through Hornby Island Accommodations. We carefully interview people who want to stay to make sure they fully understand the water conservation issues, respect for neighbours and the community, support the Co-op, local arts and craft and food people, and leave the place better than they found it. We keep our rent on the lower side to enable working people and their families to have a chance to enjoy the clean air and positive vibes.

We have good relationships (friendships) with our neighbours, never had a complaint or problem, have their consent to carry on with whatever level of summer rentals we want to engage in. We cheerfully pay our local taxes even though we don't access all the services, and we generously give to local charities and non-profits. We support the Hornby community.

We have a large extended family and are delighted to report that our three generations of cousins love Hornby. We are so happy to share our place with them and are thrilled at how much the little ones love nature, the forests, the ocean and the bike and Frisbee facilities at Joe King Park, just a short walk down the back trail. We come up a good part of the year as does our son with his friends. People are seriously mistaken when they assume our place is “empty” except for the summer. Far from it.

As a result, there’s not a snow-ball’s chance in hell we would rent our place full-time should short-term vacation rentals be banned. We have tried longer term rentals and sadly things have largely gone badly for us: collecting damage deposits that don’t cover damage, taking loads of garbage to the depot. And I can hardly imagine trying to run a rental and keep up maintenance while living away, especially with problems of getting Hornby tradespeople to fix things.

In conclusion, we have worked long and hard for our Hornby place; we will not rent it full-time should short tern vacation rentals be banned; our immediate and extended families will continue to use the place much of the year. And we will continue to support the Hornby community, merchants, charities, municipal services, and the environmental ethic that drew us to Hornby in the first place.

Banning all short-term vacation rentals is overkill and will not begin to solve Hornby’s housing problems.

Thank-you for considering our views as a long-time, short-term vacation rental family.

Mae Burrows and Donald Gutstein

From: Don Sheppard

Sent: Sunday, December 3, 2023 9:42 PM

To: Alex Allen; Grant Scott; Timothy Peterson; Sonja Zupanec

Cc: northinfo; hornbyshortterm@gmail.com

Subject: Proposed changes affecting short term vacation rentals on Hornby Island

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We are the Sheppard family of four siblings and families. Our property, , was purchased in 1978 and for the past 40 plus years, is used year round.

Since 2008, we have offered our property for STVR for 7 weeks during the summer period each year. Over the years, our visitors have brought tourism dollars to Hornby businesses, artists and restaurants helping the local economy. We believe that tourism spending is one of the cleanest industries that any community can support.

We have employed local talent for construction projects, annual septic maintenance, lawn mowing and house cleaning, all of which keeps our property up to building and safety standards. We use the STVR income to pay for these services, funneling income into the community.

We understand the collected pillow tax on vacation rentals is limited to those dwellings with fixed roofs which excludes camping and glamping sites from contributing to this pillow tax fund. We understand this tax generated approximately $50,000, during the 2023 season, and will be returned to Hornby Island for affordable housing initiatives. We support the tax as it specifically contributes to Hornby Island needs and should continue to be collected from STVR's. We also support the regulation of septic fields to help ensure the quality of the lodgings offered.

We agree with limiting the growth of STVR's as a reasonable way to keep Hornby Island from being overdeveloped.

Hornby Island, while not our permanent home, is our escape throughout the year from our busy urban lives. We appreciate and value the lifestyle of the community. While we love sharing this experience with our vacation renters for 7 summer weeks, we would never rent our property long term as it is constantly being used by our family.

Thank you for taking the time to understand our family's 45 year connection to the island and our strong support for continuing STVR's on Hornby Island.

Sincerely,

Don Sheppard

Debbie Sheppard

Dave Sheppard

Darcie Jensen

From: Nancy Harrison [redacted]

Sent: Sunday, December 3, 2023 9:45 AM

To: Timothy Peterson; Alex Allen; Grant Scott; Sonja Zupanec

Cc: 'Paul Buitenhuis'; northinfo; hornbyshortterm@gmail.com

Subject: Short term rentals on Hornby Island

Dear Tim, Alex, Grant and Sonja

We are writing this letter in support of short-term vacation rentals on Hornby Island and to speak to some of the recent proposed changes made by representatives on the Island.

Our family's history on Hornby Island goes back over 20 years as a place that our immediate and extended family and friends have gathered for summer vacations with our parents, children and now grandchildren. We feel very fortunate to be able to spend time year-round on the island and enjoying the community, land and culture during every season on Hornby. We are avid mountain bikers, hikers, kayakers and enjoy all the Island offers in this regard.

For the first 15 years, we rented various short term vacation rental homes on the Island and had the opportunity to experience various locations (Whaling Station, High Salal, and Grassy Point). As short term weekly renters we were always respectful, clean and conscious of the community – we made good friends during our time renting. We had great experiences getting to know the people and the island.

With that in mind, we were fortunate enough 6 years ago to be able purchase a home on Hornby which we currently use part time. We are planning on spending more time on Island as we move into the retirement phase of our lives. We feel honoured to be becoming part of the community making friends, being involved and to be able to spend time year-round on the island. We enjoy the people, community, land and culture during every season. We are avid mountain bikers, hikers, kayakers and enjoy all the Island offers in this regard.

Until we retired and can spend more time on Hornby, we have been renting our home out for the wedding seasons and when possible, a few weeks during the summer. We have also donated the house for artists when they have come for various events such as the Jazz Festival.

We are very conscious of the resources on Hornby and care deeply about the impact our footprint has on the Island, we have therefore implemented many "improvements" over the last five years to make our property more sustainable including:

- Installing water storage and collection tanks which allow us to not use well water during the summer months;
- Replanting the garden to draught resistant plants;
- Heat pumps to ensure low energy use; and
- Increased insulation to the house.

When renting out our house on the Island we have implemented many practices for our guest to follow including water conservation and environmental protection including fire bans and removal of all garbage as well as a bringing their own linens policy to be washed when they return to the primary residence. We have found that once educated people are more than respectful and do adhere to theses polices.

Many of our guests are “generational” i.e. families traveling with parents, children and often other family members. Some have been coming to Hornby for decades and respect, love and appreciate Hornby as much as we do. They come to the Island because of its culture and community.

We also have made it a point to hire locals for all of our help on island including care takers, rental agency, gardeners, septic tank monitoring repair, water systems, plumbing etc. In so doing we support the local economy. We are excited to see younger families move to Hornby to help build a vibrant diverse community.

We are very concerned that recent changes contemplated by the local Island Trust , with what seems to be very little consultation with the Hornby community, will have a major impact on short term rentals and could result in short term rentals on the island no longer being legal. We do not agree nor support these actions and do not believe these changes are supported by the Hornby community in general.

If short term rentals are no longer legal on Hornby Island, we believe there will be several negative impacts on the Island including:

- A substantial reduction in money coming into the small businesses in the community during the summer months including artists, restaurants, seasonal workers, and local shops. The 4 months of summer rentals keep the Hornby businesses alive and thriving;
- A reduction in funds created by the Hornby short term rental business which flows back to the Island through taxes gathered the short-term rentals can and will assist with finding solutions for affordable housing on the island.

We do think that Hornby Island, like most communities in BC, need to consider how to support sustainable local affordable housing. However, this is not an issue unique to Hornby Island and it is not a result of short-term rentals. Nor will the removal of short-term rentals result in any solution to the problem.

We also want to make it clear that eliminating short term rentals will not, in our opinion free up any housing to provide additional longer term rental housing to the community. In our case, we would not rent the house out for longer term rentals as it would then not be available for use by ourselves and/or our family.

We support HISTRA and its ideas to support vacation rentals in a respectful and legal manner for the betterment of the community including:

- The LTC directs staff, at the upcoming December 13th meeting, to ensure that currently operating, bylaw compliant properties will continue to operate legally.

- A simple process be managed this winter and spring to inform the OCP/LUB changes and provide clarity about the current number of operating and bylaw compliant STVRs on Hornby, their capacity and their frequency of operation.

- A cap on STVRs be established at 10-15% above the number legally operating the time the bylaw is enacted.

- After the updated LUB/OCP is enacted, any new STVRs, up to the established cap, be approved through a set of criteria in a CVRD managed Licencing program

We believe that the right approach is to come together and have consultive dialogue with each other to help find ways to support finding solutions to affordable housing which respect all the community members. We would be happy to work on this with people in the community.

We will be present at the upcoming Dec 13 Island Trust meeting and look forward to a dialogue to find a way to move forward and help each other continue build a strong caring respectful community on Hornby Island.

Regards,

Nancy & Paul

Nancy Harrison & Paul Buitenhuis

From: Angela Hudson [redacted]

Sent: Monday, December 4, 2023 1:23 PM

To: Alex Allen; Grant Scott; Sonja Zupanec; Timothy Peterson; northinfo

Subject: Short Term definition changed by Province to be less than 90 days

Attachments: Letter to Trustees 12 04 2023 .pdf

Dear Trustees and Sonja,

Please find a letter attached expressing concerns regarding the current LUB and the new definition of short term rental which has been changed from under 30 days to now under 90 days.

Without changes to the LUB this will have a drastic impact on Hornby from October 1 to April 30 regarding property owners renting to temporary workers who visit the island for work for less than 3 months at a time.

As it stands right now with the new definition, it will be illegal for Hornby property owners to rent a home to any temporary worker who can not commit to a minimum 3 month rental between October 1 and April 30.

Home owners who do, will be subject to Short Term Rental fines and penalties imposed by the Province.

Please see the attached letter expressing my concerns in greater detail.

Sincerely,

Angela Therrien (Hudson)

November 30, 2023

Hornby Island Trust Committee

- Trustee Alex Allen: aallen@islandstrust.bc.ca
- Trustee Grant Scott gscott@islandstrust.bc.ca
- Timothy Peterson tpeterson@islandstrust.bc.ca
- Sonja Zupanec, Planner szupanec@islandstrust.bc.ca

Dear Trustees and Sonja,

RE: SHORT TERM DEFINITION CHANGED BY PROVINCE TO BE LESS THAN 90 DAYS

I am writing to raise the concern regarding the BC Government recent amendment to the definition of short-term rental from less than 30 days to now less than 90 days and the repercussions for Hornby Island to be able to provide temporary workforce housing between October 1 – April 30.

I have provided the link to the BC government website where the new definition is found and also cut and pasted the new definition below for ease of reference.

> *https://www2.gov.bc.ca/gov/content/housing-tenancy/short-term-rentals#definitions*
>
> ***Short-term rental***
>
> *Short-term rentals 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. They are generally tourist accommodations that are often found in residential or resort areas. They may be advertised via online platforms such as Airbnb, VRBO, Expedia and FlipKey, but may also include short-term rental offers on other web forums including Facebook Marketplace, or found in classified ads in newspapers.*

With the new classification of short-term rental by the Province to be any rental less than 90 days that will virtually eliminate any property owner from renting their property on Hornby for temporary workforce housing during October 1 – April 30. Anyone on Hornby who does, will be subject to the new enforcement and increased STVR fines to be levied by the provincial government if the stay is less than 3 months.

As you are aware, Hornby relies on these temporary worker housing arrangements to keep its infrastructure running and support to the residents going. Examples of the need currently would be the Summit fibreoptics workers, City West workers, construction workers, roofers, temporary ferry workers, nurses, caregivers etc. None of these people would be able to find temporary accommodation on Hornby without something written into the STVR Land Use bylaws on Hornby to permit it. They would have to sign a long-term rental agreement in excess of 90 days, and many people coming to Hornby for temporary work could not commit to renting for that length of time.

A quick review of the current land use bylaws for Hornby does not separately define what short term accommodation is by number of days. I believe at the time the LUB was written there was reliance was placed on the BC province definition of short-term accommodation - which was less than 30 days. Therefore, what the province has defined now will be the rule moving forward.

Focus on this area by the trustees is critical as the definition has already been changed and enforcement of increased fines etc. will go into effect May 1st, 2024 resulting in significate penalties charged to owners who rent to temporary workforce housing after September 30 2024.

Timeline from BC Website:

- ***Immediately after Royal Assent:*** *Increased fines and tickets, business licensing authority for regional districts*
- ***May 1, 2024:*** *Principal residence requirement (including definition of exempt areas or accommodations), changes to legal non-conforming use protections*
- ***Summer 2024****: Data sharing*
- ***Late 2024:*** *Provincial registry launch, requiring platforms to remove listings without valid provincial registry numbers*

Without planning by the trustees, regarding this much-needed workforce housing, the rules will fall under whatever is decided in the LUB for Hornby regarding STVR. Unfortunately, workforce housing for less than 3 months at a time is now considered to be a short-term rental. Depending on what is decided by the trustees it could have the unintended consequence of eliminating a much-needed support within our community for the day-to-day life of its residents year round.

Please consider this concern when discussing next steps regarding the STVR bylaws.

Sincerely,

Angela Therrien

Hornby Resident and Property Owner

Cc: northinfo@islandstrust.bc.ca

From: Donna >
Sent: Monday, December 4, 2023 9:18 AM
To: Grant Scott; Alex Allen; Timothy Peterson; Sonja Zupanec
Cc: northinfo
Subject: A few thoughts from us on Hornby Island and Short Term Rentals

Hello,

We have been coming to Hornby every summer for over 34 years, since we first camped at Brad's Dad's Land in 1989. We were able to buy a little "fixer upper" cabin in 1992 and try to spend as much time as we can on Hornby, although it is a summer cabin and not really comfortable for year round living.

We have always rented our cabin out for 3 or 4 weeks in the summer to help pay our taxes, do repairs and upkeep on the cabin and the trees, and to be able to support the businesses and artists on Hornby.

We think of Hornby and our community here as a healthy, sane, and very healing home and don't mind letting a few others also experience what we love about this island. When we rent our cabin, we go off island. Our guests are limited to 4, and they take our place while we are away. We have always used Wind & Waves and Albini La Pierre to help manage our property. By and large, our guests have always been very respectful of our home, our neighbours, and the fragile ecosystem of the island.

We agree that the increase in the popularity of Hornby (social media has had a huge impact) must be managed well to preserve the quality of all our lives here. That said, people do need to make a living. As the elders have retired, many of the younger ones on the island have started businesses that do rely on the summer visitors for their livelihood. If we didn't have Short Term Rentals, it would greatly affect the income of these businesses and services. It may open up the possibility of large hotels or resorts starting up and we would see more and more motorhomes and RVs on our roads and already crowded campgrounds.

We would like to see the "Pillow Tax" which is collected on all rentals go directly to a fund to help create Co-op housing to address the lack of year round affordable housing on Hornby. Also, easing restrictions on the building of additional dwellings, where septic and water supply is adequate, specifically for year round housing, may be another solution.

We believe that well managed, transparent, Short Term Rentals are a positive and meaningful way to provide visitor accommodation on our island. They have helped many full time slanders to keep and maintain their homes and have an improved quality of life in so doing. We believe that with proper oversight, and a good plan for the future, the Short Term Rental system does work.

Thankyou for taking the time to listen to our thoughts and also thankyou for the work you do as our Islands Trust Representatives.

Sincerely,

Horst and Donna Abreder

Hornby Island, B.C.

From: Lindsay Burch

Sent: Monday, December 4, 2023 8:22 PM

To: Alex Allen

Cc: northinfo; Dave Burch

Subject: In Support of Controlled and Managed Vacation Rentals on Hornby Island

Trustee Alex Allen

Hornby Island Local Trust Committee

Dear Mr. Allen,

Thank you for taking the time to read and fully understand the following letter.

I have always had a connection to Hornby Island, starting from the times staying at the Big Tribune Campground as a kid, to when my older sister spent her summers there, to when our family started renting weekly homes there every summer to now, when I am finally a Hornby Island homeowner! I absolutely love the island, the relaxed vibe of the locals and the incredibly unique environment it offers. We are so excited to be Hornby homeowners and tax payers and to raise our kids coming to this special place.

After losing my dad and receiving the proceeds of the sale of our family cabin, we finally had the funds to purchase a family cabin for ourselves, to grow our own memories, away from our busy home life with our kids. Covering the costs of ownership was never going to be easy, but with the option to rent our property during the busy summer months, we could get help covering some of the mortgage and operating costs. Plus we could provide summer vacation housing to our friends and family who already had connections to Hornby of their own. This was a win-win for us, our friends and family and to Hornby Island businesses and community. This respectful group of families also loves coming to Hornby, to support local businesses and artists and take

part in the amazing events, ride and hike the trails, swim in the clear gorgeous ocean and gain a deeper connection and respect for the environment.

While it is our ultimate goal to spend close to 6-months of the year on Hornby, this is not a reality for us right now. We are at a busy stage in our lives, working and raising our active and involved kids. A move to the island is not in the cards for us for at least another 10 years. We do, however, make the effort to spend long weekends, holidays and the occasional school week off throughout the year on Hornby. We cherish all this family time together, enjoying the nature and quiet that Hornby offers.

Since purchasing our house, we have installed a large water cistern. This pulls slowly from our well throughout the year, to ensure we are not stressing the system in the dryer months. We have had our septic inspected and ensured that we can handle guests, when they come. We are mountain bikers, hikers and runners. We love coming to Hornby and parking our cars for the duration of the stay. We absolutely love supporting local Hornby artists, restaurants, stores, produce stands, the farmers' market, etc. We ask the same of our renters. We do not advertise our property on any rental platform. It is done all through word of mouth.

It is our understanding that Hornby Local Trustees are considering a change to the way Short Term Property rentals happen on the island. We are in support of regulating Short Term rentals. We do not want the tourism to grow exponentially and affect the Hornby way of life. We are members of HISTRA and follow all the Rental Bylaws. We are totally in support of the Island Trust gaining a clearer picture of the rental market, understanding who is complying with bylaws, understanding total amount of rentals, etc. We agree that the growth should be controlled in order to maintain the magic of Hornby. The overall benefits to Hornby Island full-time residents, businesses and the community of allowing controlled, managed and legal short-term rentals far outweigh the drawbacks. We are NOT in support of the removal of Vacation Rentals as a legal property use from our Official Community Plan and Land Use Bylaws.

We also understand there is a serious affordable housing concern on the island. Unfortunately, if we are no longer allowed to rent our property out during the 10 weeks of summer, we will still not be in a position to rent our property out to local residents. We purchased the property to use it as a family. Our extended family gathers here. We love to use it as much as we can. We were very pleased to learn that, in part, the MRDT that we collect and remit will help support local affordable housing on the island and we welcome further exploration into how this group of homeowners offering

legal vacation rentals to like-minded Hornby enthusiasts can help with affordable housing for local full-time Hornby residents.

Thank you for taking the time to understand our story and our longterm commitment to the vitality of Hornby Island. We look forward to sitting in on the Land Trust meeting on November 13th.

Kind regards,

Lindsay, Dave, Stella and Sebastian

Lindsay Burch

From: Lee Goral

Sent: Monday, December 4, 2023 11:02 PM

To: Alex Allen; Grant Scott; hornbyshortterm@gmail.com; northinfo; szupenac@islandstrust.bc.ca; Timothy Peterson

Subject: Citizen's Response - SHORT TERM RENTALS

To whom it may concern and every Citizen of British Columbia, Canada.

British Columbia has long relied on tourism and hospitality as pillars of our provincial economy. Our province has been marketed to the world as "Beautiful BC", relying on slogans like "Supernatural British Columbia" and "Keep it Local". Recognizing tourism and all related aspects of tourism shall promote BC B&B to help collect necessary revenues and taxes to solve the problems of housing in our province.

The issue: Recently, the BC government decided to radically restrict province-wide the rights of citizens to determine the use of their private property for SHORT TERM RENTALS.

Problem: BC needs more Affordable Housing for lower income residence of BC, and for new immigrants and refugees arriving to BC.

Solution: Restrict private, profit SHORT TERM RENTAL platforms, such as Airbnb & VRBO, etc.
Institute our own provincial platform for SHORT TERM RENTALS (BCBNB), similar to the BC Provincial Park Camping reservations.
This would allow BC government to collect the fees from a Provincial Vacation Rental Platform, creating a stream of income for much needed affordable housing, while considering the needs of citizens, who are often senior long-term property owners, to augment their incomes in order to continue to afford their homes by running B&B on their private property.

Problem: Multiple properties owned solely for the purpose of SHORT TERM RENTALS
Solution: Reduce to a maximum of five Airbnb properties per one owner.
For those investors who have invested in more than five Airbnb properties allow a five-year grace period this will allow a redirection of their investment properties and

incomes i.e. full-term rentals or sale of property. This grace period would also add to taxes collected, bridging any sudden tax losses from an effective shut down.

Solution: Restricting vacation rental use in any single building to 15% of occupancy. Issue licenses and using these collected fees towards affordable housing, counseling, and integration and support programs to introduce new immigrants and refugees to life in Canada.

Collecting all taxes earned by SHORT TERM RENTALS, including the pillow tax and the government tax and the fees of the rental platform into an accountable funding a source income for future Affordable Housing.

At this point, I would like to put forward a personal point of view, that the government is implementing programs that affect the people of British Columbia without asking the people of British Columbia, what they want to do. It is not fair to come back to the individual citizen and make us responsible for the program that you have autocratically instituted. Instead go to large corporations that rob our province Return the income to local programs and be progressive rather than regressive while facing this problem.
Sincerely,
Lee Goral

Sandra Lee Goral

From: Ryan Denomme

Sent: Monday, December 4, 2023 8:37 PM

To: Timothy Peterson; Alex Allen; Grant Scott

Cc: hornbyshortterm@gmail.com; northinfo; Sonja Zupanec

Subject: Opposing the proposed Bylaw changes to STRs on Hornby Island

Dear Mr. Allen, Mr. Scott, and Mr. Peterson,

I am writing to communicate my serious concern over the consequences of the proposed changes to the Hornby Island Bylaws in relation to Short Term Rentals (STRs). As many letters have already stated, the combination of changes proposed by both the LTC and the Province of BC will effectively remove any possibility of legally operating a STR on Hornby Island.

I strongly support and agree with the communications that have been sent on behalf of HISTRA members, of which I am one, so I will not re-iterate all of the factual, researched, and data supported points they have communicated to you. HISTRA has been working hard to ensure that Hornby Island can continue to prosper and balance the needs of both visitors and residents, and should be applauded for the real work they are doing in getting the facts and proposing solutions. They have always had the long term, best interests of the Island as their first priority and its members are contributing their time to ensure it remains the Island everyone loves by putting forward productive suggestions that balance the needs of everyone on the Island, not just a single group.

I came to Hornby many times after meeting Jake Berman while studying Engineering at the University of Waterloo. I fell in love with the Island and was able to finally afford to own a home there after 10 years of hard work building my own business from the ground up. I am not a full time resident on the Island as I travel back and forth between my company's headquarters and Hornby. When I am not able to work remotely from Hornby, I rely on the income from STR guests to afford the mortgage, while also having my friends and family be able to visit and experience Hornby. However, I am confident that if I were no longer able to supplement the mortgage with STR guests, I could not afford the home and neither could most residents of Hornby, especially with current interest rates. The current cost of a mortgage on my home would be $6000-$7000. Removing my property as an STR will therefore not have ANY impact on affordable housing on Hornby. If I am forced to sell my property because of the changes being proposed by the local and provincial governments, it will not be purchased by a local Hornby resident looking for an affordable place to live, as they simply cannot afford it. It will be

purchased by a wealthy individual/family from Vancouver, Seattle, or another major city who wants a vacation home on Hornby. It will sit empty for 8-9 months of the year, and we will have the same housing problem we have now while removing hundreds of thousands of dollars and many jobs from the Island. This is just 1 example - you can expect similar results from many that are in similar positions as myself and it will have a devastating effect on the Island, and it will be a direct result of the Bylaw changes being proposed.

A concept that was in the APC report that I would be more than happy to participate in, that would actually help with affordable housing, would be secondary dwellings for long-term rentals. I have wanted to do this for some time on my property and on the adjacent vacant property I also own to help provide affordable, long term housing, but the uncertainty in the future of STRs has made me hesitate taking this financial risk. This is a real example of the negative impact these restrictive, invasive Bylaw changes are having on affordable housing on Hornby. You still need people to take the risk with their own time and money to build homes on Hornby. Who is going to invest $100k-$200k building affordable homes on Hornby if you remove the very people who have already shown they are willing to invest in and contribute to the community? You are at risk of driving away the people that actually have the passion, desire and means to actually help solve the housing crisis on Hornby.

This is just one example of the negative impact these changes will have on Hornby. There are many others. We have regularly rented to longer term guests who are here for work on the Island when we are away. We also have rented to those who don't have the means to stay anywhere else on Hornby but have dreamed of visiting it, subsidizing their trips to help them experience it. We spend tens of thousands of dollars a year with local trades, hospitality workers, business, and artists, and our guests spend even more. We have a detailed guidebook recommending many of the local businesses, and provide our guests with a welcome basket of items from these businesses to help encourage them to go. We spend thousands directly helping affordable housing through the MRDT tax. We ensure our guests respect the environment, the land, and the Hornby way of life or we do not let them back (which has never happened). Who is doing more to help Hornby and its people to prosper, or even just survive, in the current economic reality we live in? Where else will people stay when they visit the Island? There is no alternative, and any other option would involve large corporations building commercial resorts/hotels. You cannot stop people from visiting Hornby, but you can make sure they have the most positive impact on the local economy and environment possible while they are here.

I have yet to see any cohesive plan for how the Island will survive if you proceed with the changes being proposed. These changes proposed are one sided yet will negatively impact the majority of those on Hornby. The community is more than willing to come together to co-operate and help address the concerns of tourism, affordable housing and STRs on the Island. I support the recommendations HISTRA is putting forward and believe they will help to ensure STRs do not get out of control, while also ensuring that people visiting Hornby have a place to stay, and that the people who live here maintain the legal rights they have to the use of their land.

Please seriously consider my letter and those you have received from others. The amount of heart warming messages we have received from family, friends, and guests after they have visited the island is proof that we are doing a good thing by sharing this beautiful Island with the world, which will be destroyed if these proposed changes are taken forward.

Thank you for your service.

Ryan Denomme

From: Ruth's Country Retreat [redacted]

Sent: Monday, December 4, 2023 9:30 PM

To: Alex Allen

Cc: Grant Scott; Sonja Zupanec; northinfo; hornbyshortterm@gmail.com; Timothy Peterson

Subject: Letter for the upcoming Dec 13 LTC meeting

Attachments: Letter for Dec 13 LTC meeting.pdf

Please find attached a letter from myself regarding the upcoming December 13th LTC meeting.

Sincerely,

Ruth Goldsmith

To whom it may concern,

Re: The impact that the loss of Vacation Rentals would have on me.

I am writing this letter as I am concerned about the proposed changes to short term rental on Hornby Island B.C. Changing the current Short Term Vacation Rental regulations would put me in financial distress. Please let me tell you a little about myself.

In 1977 my husband and I came to visit Hornby, fell in love with it, and bought a piece of property. For 2 years we lived on Hornby Island while we worked on building the house. From 1979 to 1982 we lived here part time as we had to live elsewhere to raise funds to finish the house. We returned in the summer of 1982 and I have lived here full time since then.

This is the only property I own and it is my home.

Shortly after moving to Hornby Island I became a single mother and money was tight. Over the years I worked many different jobs, home support, cleaning, baking for the local store and so on, in order to be able to earn enough to stay on Hornby.

I was fortunate to get a part time job as a teacher's aid for the Hornby Island School (which I worked at for 29 amazing years). For years, I was laid off every summer with hopes that I would be re-hired in September. That left me with over 2 months where I did not have an income. I had to become creative to survive and stay on the Island. In the late 80's I opened a bed and breakfast which evolved into a short term rental. The money from short term rentals also helped me raise my two daughters and continues to make it possible for me to stay living on Hornby Island.

I do not have a big pension. The income from my short term rentals helps pay my property tax, my house insurance, and sometimes helps cover minor repair expenses. I now pay more in taxes and insurance annually than what I originally paid to purchase the land. Without the rental income, these expenses alone would take up more than ⅓ of my annual income.

With a fixed pension I have had to become creative, which is why I also bake and sell cookies and cakes at the local Co-op store. Without the extra income I receive from the rental it would be increasingly difficult for me to be able to continue living here with a decent quality of life. I would have trouble covering my increasing medical expenses, have a car so I can stay independently mobile, and enjoy a few small extra things now and then. I tend to live a very simple lifestyle overall.

My practices for rental are as follows;

- I rent out a small part of my house which was originally an in-law suite. When it is not being rented it is part of the regular household.
- The average number of renters at any time is between 1 - 4 people, normally 2.
- The renters bring their own bedding and towels, so I do not have to wash laundry, which saves on the amount of water being used. I also encourage renters to bring their own drinking water. They are told they can only have one very short shower per person per day. There are no laundry facilities offered on our property for them. Having my guests conserve water is very important to me as the well is also my water supply.
- I ask that they recycle and that they take their garbage with them when they leave.
- The minimum rental time I offer is 1 week, with many of my renters staying 2 weeks.

Many of my renters have been staying with me for over 10 years. I have one family who has been coming continually for almost 24 years. After so many years my renters have become friends. They are low impact, quiet people, and they do not come to the island to party. They truly love Hornby Island and value their precious time spent here. I would hate to see them lose the opportunity to enjoy and appreciate the beauty and uniqueness of the island.

I live on the property at all times during the rental season so am able to keep a close eye on things. I have off road parking which means that there are no cars parked on the side of the road. I intentionally keep my rates low in order to give low and middle income families a chance to have a nice holiday on Hornby. Many of my renters save up for this special trip to Hornby and it is often the only holiday they are able to take. I am not trying to make a big profit, I am just trying to cover my taxes and insurance.

I leave out brochures and maps and encourage my renters to visit our local shops and artists as well as take in local events and the Farmers Market. I also encourage them to take the bus, as well as hike or cycle to lessen their impact. I have spoken to many artists who have told me that the sales to summer visitors make up a large portion of their annual income.

Since the space I rent out is an integral part of my household during most of the year, I would never rent it out full time.

I am aware I am not the only resident on Hornby who uses short term rental income to help them be able to stay here. I have spoken to people like myself who have also stated that their rental unit would not become available as full time rental. Many of us

move out of our residences, some into trailers or garages on their property, for the time that they are renting out their place in the short term. The rest of the year they move back into their home and live in it.

I have noticed through the years that there has been a change in short term rentals from locals supplementing their income to people buying property to create a profit. I feel strongly that there is a big difference between year round residents like myself who live on our property and wish to be able to continue to do so, and people who are buying property as an investment.

I am a long term year round resident of Hornby Island. If this change goes ahead, it would greatly reduce my income and put me in financial hardship. It would also have a negative effect on the overall quality of my life.

Please consider the voices of the people who rely on short term rental income to stay on the Island and contribute to the community. Many of us are long time residents and have contributed, and continue to contribute, to this community.

Sincerely,

Ruth Goldsmith

From: Arifin Graham [redacted]

Sent: Tuesday, December 5, 2023 4:50 PM

To: Alex Allen; Grant Scott; Timothy Peterson; northinfo

Cc: Sonja Zupanec; HISTRA Association

Subject: Letter regarding STRs on Hornby Island

Attachments: Arifin Graham – IT re STRs.pdf

Greetings — please find attached a submission regarding the upcoming December 13th meeting.

With many thanks, Arifin

… . .. . … . .. . … . .

Arifin Graham MA

[redacted]

“The river is within us, the sea is all about us” — T.S. Eliot, from *Four Quartets*, 1941

ARIFIN GRAHAM, M.A.

[redacted]

December 5, 2023

Re: Short-term vacation rentals on Hornby Island

To the Islands Trust Hornby Island LTC:

I write on behalf of the Graham family, with regard to our property at Dunlop Point, Hornby Island, and the issue of short-term rentals on the island.

Our parents, Pip and Nicky Graham, purchased the property in 1975, and retired to Hornby in the early 1980s. Over a 30-year period, they became deeply engaged in many ways with the life and community of Hornby Island, and loved living there.

In order to be able to defray the considerable costs of keeping the home, the family began doing some vacation rentals in 2003 through a highly reputable rental agency (Wind and Waves). Since 2016, we have been with the MyHornbyStay.com agency, which continues to manage our vacation rentals to the highest professional standards. It has been important to us, and to our local agents, that we always respect and work within Islands Trust guidelines and regulations. We educate and encourage our guests to conserve water and to "tread lightly" in the Hornby community.

Our family loves Hornby, we love the property, and we love to opportunity to share its wonders with visitors to the island. We also appreciate that this is our opportunity to support the island economy in many ways, and at many levels, from management, to maintenance, gardeners, cleaners, and other services; and to the artists, artisans, restaurants, grocery stores, and many other businesses all around the island.

Without the opportunity to do vacation rentals at our property, we would not be able to maintain it, or to pay the annual taxes and insurance. Indeed, we would reluctantly need to sell it. Due to the nature and value of the property, it would become neither affordable nor long-term housing for island residents.

We appreciate the need to balance the housing, social, environmental, economic and other aspects of the Hornby Island community. It is our view that, managed wisely, short-term vacation rentals can and should remain a vibrant part of the Hornby Island "ecosystem" for many years to come.

Sincerely, and with thanks,

[redacted]

Arifin Graham

From:
Sent: Tuesday, December 5, 2023 3:04 PM
To: Alex Allen; Grant Scott; northinfo; Timothy Peterson; Sonja Zupanec
Cc: Karen Ross; HISTRA Association
Subject: Changes to Hornby Island Short Term Rental Rules and Zoning
Attachments: Little Trib 1979.jpg

Hello Alex, Grant, Timothy, and Sonja

I don't know any of you, but I understand you're my Island's Trust Representatives for the Island or involved in the long-term planning of the island. My name is Alexander Wardle and I have been coming to Hornby Island since 1978 (photo attached). Initially we came each summer as campers through to the Mid 80's. We then started to rent the Graham property on Little Tribune Bay Road, then known as Brigadier Farm, as short-term vacation renters well before the invention of Air B&B and Hornby Island.com.

In 1988, my Dad purchased the rental house and I have been on the Island every summer since that time. I have watched the Island and Islanders grow and thrive since that time. Yes, there has been change to the Island but considering the immense change to the cities that surround us it has been relatively mild.

In 2020, my wife and I purchased a second property on Seawright Road as a short-term rental investment for our kids as they get older. I feel we are now going to be punished for this should the Island vote to "opt out" of having short term rentals. At the time of purchase this property was already a short-term rental with Wind and Waves and had been for almost a decade.

To say that Hornby Island has had a strong effect on my love of the environment or a quest to maintain its strong community would be an understatement. My wife and I, along with our 3 kids, are committed to seeing the environment of this Island protected. We have, for the past 15 years, cleaned the beach (Little Trib) by hauling garbage off the beach three times per summer to have it recycled. In 2017-18 my kids walked Beulah Creek to prove to the Ministry Fisheries and Transportation that there were fish in there to be able to have to the steam course upgraded and re-vamped to improve Salmon habitat. This stream runs across our property, and we value it greatly. We also re-planted the trees along this river course along with kids from the school in fall of 2020.

This fall we planted 17 Trees on our Seawright property and many more at our property on Little Tribune Bay Road to help minimize our carbon footprint and improve the environment. For years Paula and I have donated personally to various causes on the island. Paula and I have never sought personal recognition, nor have we asked for anything back and I like to feel that we have done a very small part to contributing to making Hornby's environment at better place for all residents and visitors.

Our kids Madeleine and Spencer have worked at the Co-op and the realty office for the past two summers and our youngest, Audrey, runs her lemonade stand at the golf course. We feel we are part of the community and between the two properties we would pay over 16,000 per year in property taxes, so we are well vested emotionally and financially in making sure the Island is a great place.

From an economic standpoint we have supported many Island vendors over the years by purchasing art, pottery, clothing, books, food, plants, and such from the local businesses. We have eaten at the many

restaurants, hired locals to baby sit our kids and we have visited the cidery and numerous other distilleries. When we built our house, I hired as many locals as we could to help support the island economy.

Ending Short term rentals on the Island would be devastating for locals and will do nothing to improve the rental housing stock on the Island. The impact of losing this economic contribution to the local economy would have a significant impact of many businesses. Sadly, given the polarization of the local population I am sure many of the local business owners are reluctant to fight for this given the potential impact to them personally and their businesses within the community if they speak out. Hornby has been known for its small-town justice if your perceived to be on the wrong side of the loudest of voices, as such many voices just remain quiet.

Our Guests, either at the "Barn Suite" or "Tribune Bay Get-away", spend money, and lots of it when they come to the Island. My guess is that many other members in HISTRA would say the same thing and many members of Hornby Island business community would say that they depend on the revenue from summer visitors. That revenue/spending flows to the local businesses and their staff and this then provides for their own ability to pay their mortgage and or rent on the Island. This also helps improve the quality of all the businesses on the Island. We charge GST, PST are the MRDT and we have brand new septic fields to ensure that we are compliant with local regulations. These taxes, along with the income tax that I pay on the revenue contribute to the overall regional and provincial tax base.

When short term renters come to our property, we promote many local companies for them to visit. These businesses are part of the fabric that makes Hornby so great. As an example, the Market is successful in large part due to tourists and those who have greater economic means generally tend to purchase more than the locals. The festival is successful based on the people coming to the island. My family has raised money for the Island's causes for well over 30 years and many of the contributors have been from renters who visit in the summer. When our visitors arrive, we also stress the fragility of the environment, and we promote water conservation with low flow toilets and other items to help minimize our impact. We limit the impact on our properties to 6 guests at Tribune Bay Get-away and 2 guest at the Barn suite.

If we lose this economic impact, then business will start to slow, and jobs will be lost. The Co-op is successful based on the summer trade and their sales would shrink without the visitors that rent. Dale and his coffee store would have less customers and then he would hire fewer young people. Mellissa in the pottery store would sell less poetry and thus this would impact the local potters. The festival would see less victors and be unable to support local artists. The impact would go on and on and the compound impacts would be great. A strong Island economy benefits many people on the Island and a strong local economy allows for contributions to help protect the local environment.

I would agree that there is a major housing problem in many areas of the province including Hornby. This, however, is not the fault of landowners who can rent their properties for a few months a year. This really is a zoning problem and a problem with the way the residential tenancy act is written as its next to impossible to rent a home on the island to a local for a few months year until the owners want to use it.

It is my belief that many homes will just sit empty until their owners come up for their annual visits or they will just end up being sold in time to others for their summer homes. I know our two will just sit empty as I would never consider renting them out long term as it would impact my personal us on each property. I am sure we are not alone, and it is my belief that changing the short-term rental policy will

really have very little impact on housing and will have a detrimental problem on the local economy and jobs.

If zoning was changed, I could build a coach house or even place a trailer on the back of my property on Seawright. This could then house someone who could look after my property and hold down a job on the island to help contribute to the Island. The rent on something like this would be far more in the market range than a full house. This could be a win/win for all. I don't do this now as the zoning does not permit me to.

I know there are many on the Island that wish they could go back in time and have no visitors but that is not possible and with the expansion of the provincial park we will only attract more visitors. What we all should be working on is a plan to use the new Hornby Rental tax to help provide housing for those who need it or to protect the environment as I feel that we really don't need to put much more effort into "marketing" the island. We should also be working on a plan to bring visitors to the Island all year in the short-term rentals to help spread the economic impact out year-round. We have many people wanting to rent our homes year-round and we must tell them sorry we are not allowed to. This not only effects our income from the property, but it also lessens the economic prosperity on the Island.

As Trustees you have a duty to represent all voices on the Island and work to preserve the natural environment. I would urge you to consider the large impact on the island should there be a change to the current ability to rent. Renters have been coming to this Island for over fifty years and real change on the island will come from changing density and zoning on properties.

Sincerely

Alexander Wardle

Property Owner

Little Trib 1979.jpg

From: Dave Burch
Sent: Tuesday, December 5, 2023 3:32 PM
To: Alex Allen; Dave Burch
Cc: northinfo
Subject: We LOVE Hornby. Support of Controlled and Managed Vacation Rentals on Hornby Island

Trustee Alex Allen
Hornby Island Local Trust Committee

Dear Mr. Allen,

Since 1st experiencing Hornby in May 2003, I have felt an affinity for the island and had a dream to be a part of Hornby some day. As a young family we began spending short stays, renting various homes in different neighbourhoods of Hornby, for 1 – 2 weeks in May and eventually very memorable family vacations in summertime as well.

Our kids love swimming, biking, hiking Halliwell, stargazing, Saturday market, coop ice cream, wandering in the ferns in the forest, fresh vegetables and treats as well as artists. We've got to know so many amazing local artists, painters, farmers, plumbers, handyman, water/well experts, landscapers, ice cream scoopers, retirees, fisherman, etc. etc.

Our dream came true 2 years ago and we now own a piece of paradise. Knowing that short term rentals were allowed in the zoning and taking a large mortgage we rely on a number of rentals throughout the May – Sept season to help cover (not fully) our mortgage, tax and other costs.

We have employed over a dozen locals to work, maintain, clean and care for our property. We, and our guests, spend money at Coop, at farm/food stands, support artists and musicians, etc.

We know many similar owners on Hornby who do STR. We are NOT the greedy, evil, vacation rental owners that just want to make money at expense of Hornby community.
In fact, the opposite is true.

Our guests are all families and friends who love Hornby and/or share common values of respectful tourism, respect for the environment and a love of everything Hornby.
I installed a cistern so that we draw slowly from out well and conserve water throughout the year in numerous rain barrels.

We feel that the overall benefits to Hornby Island small businesses, community members, locals and overall vitality of community favours allowing legal, managed, controlled feel that the Short Term rental allow should be done legally, controlled, environmentally and respectfully. We do not feel the removal of legal property use from the OCP is right thing to do.

There are many ways STR's and the owners that own them can and will support local Hornby affordable housing. In fact, in speaking with other neighbours on Hornby that do some STR rentals, the conversations is that WE want to help Hornby with financing, building AFFORDABLE housing on island.
There is an incredible amount of potential for volunteers, raising money, from the 'second' homeowners that own and love Hornby.

Appreciate your time and the work you put into the Hornby Island community.

Regards,

Dave Burch
Lindsay, Stella, Sebastian

From: Robin Sydneysmith

Sent: Tuesday, December 5, 2023 8:57 PM

To: Alex Allen; Grant Scott; Timothy Peterson; Sonja Zupanec; northinfo

Cc: HISTRA Association

Subject: STVRs on Hornby

Dear Trustees;

We are writing to express our concern about the potential impact on the Hornby Is. community of the Local Trust Committee's new limits on STVRs introduced in September - which in itself came as a surprise to us.

Of particular concern is the effect of LTC's decision in combination with the recently tabled provincial legislation to limit short term vacation rentals (STVRs) to principal residences only.

It appears that an unintended consequence of these two apparently disconnected policy decisions may serve to eliminate STVRs on Hornby entirely.

We understand that the elimination of STVRs is the goal of some members of the community, but we do not think it is the wish of the majority of residents and ratepayers on the Island. We believe that STVRs are a vital component of the local economy. We ourselves benefited from having access to STVRs of various types when we first started visiting the island in the late '90s with our young family. We stayed in many different places and got to know different parts of the island.

We took the plunge in 2010 and bought our own cottage which was already being used as an STVR. We continued the practice renting for 4-5 weeks per summer, less in

recent years as we spend more time there ourselves. The revenue helps us afford to pay the many ongoing annual costs of upkeep, insurance, and taxes.

We have had more or less the same guests coming back year after year, there has been very little turnover in ten+ years.

We have a modern six-chamber septic and a rainwater collection system.

It goes without saying that we love the island and its people. We hire local Hornby trades and services almost exclusively (Just paid a $2K bill to someone the other day).

However, were STVRs to stop tomorrow there would be no rental gain for island residents. We use our place all year round so there simply isn't the opportunity.

We support the MRDT and the predictable, annual funding it has the potential to help contribute towards affordable worker housing.

We support the four key ideas that HISTRA is proposing to accomplish the continuation of legal Vacation Rentals, the management of their growth to address community concerns, and support affordable housing on Hornby including:

1. The LTC directs staff, at the December 13th meeting, to ensure that bylaw-compliant STVRs are allowed to continue to operate legally.
2. A simple process be managed this winter and spring to inform the OCP/LUB changes and provide clarity about the current number of operating and bylaw-compliant STVRs on Hornby, their capacity and their frequency of operation.
3. A cap on STVRs be established at 10-15% above the number legally operating the time the bylaw is enacted.
4. After the updated LUB/OCP is enacted, any new STVRs, up to the established cap, be approved through a set of criterion in a CVRD managed Licencing program

Deirdre Hay & Robin Sydneysmith

From: HISTRA Association <hornbyshortterm@gmail.com>

Sent: Tuesday, December 5, 2023 8:48 AM

To: josie.osborne.MLA@leg.bc.ca

Cc: northinfo; Arifin Graham; Angela Hudson; Donna Tuele; Eulala Mills; Karen; Karen Young; Michael Williams; Michelle Metzelaar-Easterly; Ray Therrien; Patrick Lui

Subject: A Request for Support in a Critical Issue for Hornby Island

Good Morning Minister Osborne:

We represent more than 80 legally operating Vacation Rentals on Hornby Island. Most of us are full or part time residents with deep roots in this community. We are the opposite of the 'Investor 'Vacation Rental owners the Provincial recent legislation was designed to affect.

As you may know, on Hornby, in our current zoning bylaws, Vacation Rentals have a limited window for operation, May to September, host guests on average less than 10 weeks of the year, cannot rent to multiple groups in a single week, have limits on capacity and require appropriate signage and parking. They are well managed by current bylaws and do not remove housing from the community. What you may not know is that our Local Trust Committee is considering changes to these bylaws that, combined with the new Provincial law, could end ALL vacation rentals on Hornby Island. This will devastate our community – residents, workers, artists, food services, businesses and the community members who use short term rental to keep and maintain their family properties.

Our members, combined with those who have not yet joined our Association, and our guests, annually contribute more than $4 million to the local economy as well as 75% of the expected $50,000 or more in direct funding that supports affordable worker housing, through Municipal & Regional District Tax Program (MRDT) funds. Many here depend on Vacation Rental visitors for their livelihoods. Removing the Vacation Rental contribution to our island will be the equivalent of removing 20% of our workforce's average income.

Vacation Rentals on Hornby are offered by a mix of full and part time residents; more than 90% say they are homes not investments. We are not the 'commercial 'investors the provincial regulations are aimed at removing. We are residents who use a currently legal property right to stay in our homes in the face of rising costs.

As we are sure you are also aware, we have a seasonal and project-based workforce that need to be housed while they work on the island. These are often 4 to 8 week projects, and, because they have not been 'short term' , have been allowed throughout the year. Hornby, like other rural and remote islands, relies on these temporary housing arrangements to keep its economic and workforce engines running. The Provincial changes to make rentals below 90 days 'short

term 'along with our current bylaws limiting short term rentals to May to September means that this would not be possible starting next year, creating real hardship for our community and all of its citizens

We strongly support the requirement for Vacation Rental registration and the enabling of Regional Districts to provide business licensing. This is an important change that will create transparency for Vacation Rentals on Hornby and throughout the province.

We also understand there is a need to return some housing to long-term tenure. However, we strongly urge you to reconsider the changes to legal non-conforming use principle. Unlike in urban areas, homes no longer allowed to offer Vacation Rentals will not create long-term housing on Hornby. Most owners live full or part time in their properties, so these homes are not available for long term rental. Many are 'family legacy' properties, having passed through two, often three generations. These families use Vacation Rentals to enable them to remain in the community. If forced to sell, most of these properties will become rarely used vacation properties, which will not create any housing. On Hornby, 95% of Vacation Rentals say they do so to pay their, largely unreduced, property taxes, 82% to allow them to support more local stores and business. More than 90% report they will not become long-term rental properties if the Vacation Rental option is closed to them.

The MRDT, added to Vacation Rentals on Hornby in 2022, provides regular and annual funding that supports affordable worker housing on Hornby. That was our main purpose in joining the MRDT program. Information about these visitor paid dollars shows that the currently operating Vacation Rentals, contribute 75% of the $50,000 a year that will support the work of creating, expanding and maintaining affordable housing in our community. If Vacation Rentals can no longer operate that will drop to around $10,000 and seriously damage the efforts to address our community's pressing housing needs.

We would like your help and support for three things:

1. 1.Support a refinement of the change to the Legal Non-Conforming Property rights as follows:
    a. Revise the changes to legal non-conforming rights to have them end when the property is sold at arm's length.
    b. This protects the current family, who have operated in good faith and according to the laws, at the time a property use change is implemented. It also ensures that governments at all levels can affect a policy shift in housing with legal non-conforming rights no longer continuing in perpetuity with the property.
2. Support the CVRD in quickly establishing a licensing program that will allow new and existing Vacation Rentals on Hornby to be licensed through an administrative process with transparency.
3. Support our request to the Local Trust Committee that at their December 13th LTC meeting they:
    a. Allow currently legally operating Vacation Rentals to continue

b. Enable a count or registration process soon to determine how many there are, their capacity and how often they operate to inform changes to our Official Community Plan

c. Establish a cap on the number of Vacation Rentals at 10-15% above the number that are legally operating now.

We close with this: Vacation Rentals are the core of Hornby's vacation history and future and these property owners are deeply rooted members of our community. They contribute millions to our isolated economy and enable 100's of families to remain on our island. Ending them on Hornby, as is possible right now, will displace many many families and will not create the affordable housing we need. We urge you to help our community to resolve this challenge in a way that strengthens and heals our island and supports us to focus on creating and expanding urgently needed, locally appropriate, affordable housing. We would be happy to meet in person or on Zoom to discuss this further.

Sincerely,

The Hornby Island Short Term Rental Association (HISTRA) Board (www.histra.ca)

Michael Williams, Patrick Lui, Eulala Mills, Arifin Graham, Michelle Easterly, Donna Tuele, Karen Young, Angela Hudson, Ray Therrien, Karen Ross.

From: HISTRA Association <hornbyshortterm@gmail.com>

Sent: Tuesday, December 5, 2023 8:47 AM

To: Alex Allen; Grant Scott; Timothy Peterson

Cc: Sonja Zupanec; northinfo; Angela Hudson; Arifin Graham; Donna Tuele; Michael Williams; Michelle Metzelaar-Easterly; Patrick Lui; Ray Therrien; Karen; Karen Young; Eulala Mills

Subject: Vacation Rentals and thier importance to our community

Dear Alex and Grant

We know that the LTC believed that the Provincial 'grandfathering rules' would allow the 130 or so legal Vacation Rentals to continue after the OCP/LUB changes. The removal of that long standing property right protection across all of BC is the creation of the Province, not the LTC.

We also respect that you both, as well as the APC, have stated clearly that you do not want to end Vacation Rentals on Hornby, that you want to manage them reasonably and address affordable housing for our community.

Nonetheless the two things – the LTC direction for the OCP/LUB changes and the new Provincial legislation - combine to make the end of all Vacation Rentals on Hornby certain – unless you, the LTC, decide to make a change.

We believe there are solutions that meet the range of community needs.

1. Allow all bylaw compliant Vacation Rentals to continue legally.
2. Support a simple process this winter and spring to inform the OCP/LUB changes that will provide clarity about the current number of operating and bylaw compliant Vacation Rentals on Hornby, their capacity and their frequency of operation. HISTRA is prepared to support or manage this.
3. Set a cap on the number of Vacation Rentals at 10-15% above the number that are legally operating.
4. Going forward, direct that new Vacation Rentals, up to the established cap, be approved through a set of criterion in a CVRD managed Licencing program

The other challenge Hornby now faces, as a result of the Provincial legislation, is the change which now defines short term as anything less than 90 days.

You know better than most, that we have a seasonal and project-based workforce that need to be housed while they work on the island. These are often 4 to 8 week projects and because they have not been 'short term' have been allowed throughout the year. We rely on these temporary housing arrangements to keep our economic and workforce engines running.

The Provincial changes, which now make any rental below 90 days 'short term', combined with our current bylaws limiting short term rentals to May to September means this kind of needed worker housing would no longer be legal as of next May. While you cannot override the Provincial legislation, we hope you can find ways to address it in our OCP/LUB.

Like the rest of BC, Hornby has real affordable housing challenges. Ours centers around renter households that are precariously housed (39) and those that pay more than 30% of their income in housing costs (35), just under 60 in total. These are families and individuals, most of whom are paying less than $500 a month in housing costs, who need our community to focus its energy on the creation of housing solutions that can meet their needs. Making Vacation Rentals illegal will not have any impact for those who need low cost, long term housing on Hornby.

The MRDT funds, 75% of which come from legal Vacation Rentals, will be available to us for the first time this year. This money will enable Hornby to focus more of its energy on the creation of much needed affordable housing. It will provide $50,000 that will be directed to housing efforts here. That money can be available every year, it can even grow, but only if Vacation Rentals remain legal on Hornby.

Taking away needed income from more than a hundred families, families that are your constituents, friends and neighbours, cannot and will not help those in our community who are precariously housed or in need of low cost housing. However, you can put us on the road to solving the affordable housing needs of our community.

You can decide to maintain the legally operating Vacation Rentals, and thereby the MRDT funding, set a cap on Vacation Rentals that allows a small amount of growth but contains the number that can operate and work with the CVRD to create a licensing program for Hornby Vacation Rentals.

By setting this direction you will:

- protect a significant financial support for our housing efforts;
- contain Vacation Rentals to a reasonable number that reflects both the needs of the 130 families who currently offer them and the expectation they must not grow unfettered; and
- establish a transparent licensing program that ensures Vacation Rentals follow the requirements in our community and potentially generates more funding for Housing on Hornby.

Sincerely the HISTRA Board

Michael Williams, Patrick Lui, Eulala Mills, Arifin Graham, Michelle Easterly, Donna Tuele, Karen Young, Angela Hudson, Ray Therrien, Karen Ross.

From: James Gallinger

Sent: Tuesday, December 5, 2023 7:36 PM

To: northinfo; Alex Allen; Grant Scott; Timothy Peterson

Subject: STVR changes

Attachments: To_ Hornby Islands Trustees.docx

To: Hornby Island Local Trust Committee

Please find attached My letter of support for Short Term Vacation Rentals on Hornby Island, with respect to the meeting on December 13th

Regards

James Gallinger

Hornby Island,B.C

To: Hornby Islands Trustees

We have been visiting Hornby island for more than 25 years , We have a deep connection with Hornby Island and its many wonderful places.Both our children worked at the Coop when going to University, When we first visited ,we rented homes from residents .Speaking with the owners, many of them said rentals supplemented their incomes and allowed them to stay on Hornby.

And then 14 years ago we were lucky enough to purchase a property on Anderson Drive. The cabin was in sad condition,totally overgrown and in need of repair. Our cabin has a rainwater collection , and a septic system.Over the years we have repaired the cabin, cleared land, and planted gardens. We have hired many local trades to replace skylights, repair plumbing, electrical upgrading, and tree work. We also frequent the Farmers market and various eating establishments on the island.

Restricting short term rentals will be a huge blow to the island economy, not only to the people who rent out their homes, but also the artisans, potters, crafts people, trades people, eating establishments, the list goes on

It is a fallacy that eliminating short term rentals will open more long term rentals up , if you surveyed the owners, it would only be a tiny percent who convert to long term rental. The owners want to be on the island for some of the nice times also.

The idea that eliminating vacation rentals will solve the long term housing issue is very misguided. If affordable housing is to be built, it will need support from all levels of government. Vacation rental taxes can help build affordable housing.There has been donated land on Hornby designated for affordable housing project that has been stalled for many years . When is that going to happen?

Hornby Island Short Term Rental Association has created a framework for renters to be bylaw compliant, and follow best practices

This is a local solution to a local issue by people who care about Hornby.

We hope to leave our cabin as a legacy to our children , and vacation rentals may be the only way they can afford to continue ownership.

Regards

James Gallinger

Kathryn Bell

Hornby Island, B.C.

From: John Humphrey [redacted]
Sent: Tuesday, December 5, 2023 2:32 PM
To: Alex Allen; Grant Scott; Sonja Zupanec
Cc: northinfo; Timothy Peterson; hornbyshortterm@gmail.com
Subject: Hornby Short Term Rentals

Hello!
My aunt, Joane Humphrey, a CBS radio journalist and Vancouver's first female DJ, purchased a 1/2 acre lot on Hornby in 1972 on payments (Shingle Spit area).
She had a small cabin built by her Hornby neighbor Hal Arnold. Her cabin on Hornby was her sanctuary and she would get away to visit whenever possible.
Many years later, she was able to have the cabin improved and added on to.
When she passed unexpectedly in 2008, she left the property to her niece Lesley, and nephews John, Paul, Mark and Andy.
We are a family of musicians and actors. With the exception of one brother who owns a house he has to rent out, we're none of us home owners.
When we pay our Hornby property tax it's without the ability to apply for the home owner grant. We are paying almost twice as much as we would be when/if we can live in the cabin year round. But only able to use the cabin for about 6 months a year.
We are typically on Hornby May, June, with rentals July, August, and back from September and October.
Now that we are all approaching retirement age, it is hoped that one of us would be moving to live in the cabin year round.
But in the meantime it is only through our 2 month summer rental season's income that we are managing to keep the cabin in the family!
All repairs and maintenance go to service people on Hornby and I have thousands of dollars in receipts to show that.
I follow a lot of discussion around the short term rental issue.
I only ever hear it assumed that people doing summer rentals are fat cats cashing in on second homes.
I never hear anyone representing anything at all that sounds like our family situation. A family of creatives barely hanging on to their beloved Hornby roots.
Sincerely,
John Humphrey

From: Peter Orr
Sent: Tuesday, December 5, 2023 4:22 AM
To: northinfo; Timothy Peterson; Alex Allen; Grant Scott
Cc: hornbyshortterm@gmail.com;
Subject: RE: Letter to the Hornby Island Local Trust Committee
Attachments: Letter to the Hornby Island Local Trust Committee_Dec 5 2023_V2.pdf

Please replace with this version and accept my apologies for an error in the earlier draft.

Regards,

Peter Orr

From: Peter Orr
Sent: Monday, December 4, 2023 10:00 PM
To: 'northinfo@islandstrust.bc.ca' <northinfo@islandstrust.bc.ca>; 'tpeterson@islandstrust.bc.ca' <tpeterson@islandstrust.bc.ca>; 'aallen@islandstrust.bc.ca' <aallen@islandstrust.bc.ca>; 'gscott@islandstrust.bc.ca' <gscott@islandstrust.bc.ca>
Cc: 'hornbyshortterm@gmail.com' <hornbyshortterm@gmail.com>; 'carolmadsen@shaw.ca'
Subject: Letter to the Hornby Island Local Trust Committee

Please accept this letter as input to the upcoming Dec 13 meeting of the Hornby Island Local Trust Committee.

Best Regards,

Peter Orr

Peter Orr

[redacted]

5 December, 2023

Timothy Peterson. Lasqueti Island Trustee, Executive Committee Vice-Chair.
Alex Allen. Hornby Island Local Trustee.
Grant Scott. Hornby Island Local Trustee.
Hornby Island Local Trust Committee

Dear Committee Members,

I write concerning the impact of recent legislative changes by the BC Government in the Short Term Vacation Rentals Act upon STVRs operating on Hornby Island. For the sake of clarity, please allow me to summarize these changes and accept my apologies for reviewing aspects with which you are likely already familiar.

As the Committee is doubtless aware, the BC STVR Act of October 2023 makes sweeping changes to the legal framework governing STVRs in the Province. These changes, under the Local Governments Act, Include:

1. implementing a provincial principal residence requirement which will restrict short-term rentals to the host's principal residence (or attached secondary suite)
2. 'Grandfathering' of STVRs, protections for non-conforming use of property, will no longer apply to short term rentals.
3. The Province will establish a short-term rental registry to ensure that short-term rental hosts and platforms follow the rules and provide local governments and the Province with the information needed to follow up.

According to government communications, it is anticipated that in future the legislation may be amended to exempt certain areas, including the Islands Trust, from the Principal Residence requirement. Further the legislation provides that certain areas may 'opt out' of the principal residence requirement.

The mechanism by which a member of a body like the Islands Trust might 'opt out' of the principal residence requirement is not clear to me. As the local government body, the Trust Committee is likely better placed to understand or seek clarification of such mechanisms.

What seems clear to me is that the Hornby LTC should act promptly to seek an exemption to the principal residence requirement for STVRs on Hornby Island, for the following reasons:

1. The intent of the BC STVR Act is to enable a transition of some 15,000 short term rental units to long term rental accommodation. Removing STVRs on Hornby will not have this effect. I expect that people, like my family, who live primarily off-island and own a second home on Hornby do NOT desire to become full time landlords. My family and I will continue to spend time at our home on Hornby, regardless of whether we can provide short term accommodation in the

summer months. We will not simply turn our home into a long term rental unit. I suspect this is the case for the majority of off-island owners of properties rented on a short term basis.

2. The availability of short term rental accommodation is essential to the tourism industry on Hornby. A substantial part, if not the lion's share, of Hornby's economy depends on tourism.
3. Independent of the local economic importance of STVRs, this accommodation allows families from across the Province and beyond to enjoy the wonder of Hornby Island. The investment of taxpayer funds in infrastructure such as the ferry network has not been made for the exclusive benefit of permanent Island residents.

It is my conviction that short term rentals can make a greater contribution to the Hornby economy. For example, the MRDT is in my view too low and should be raised to 6%. Owners of STVRs share responsibility for stewardship of Island, must support changes to reduce environmental impacts, and continue to contribute to the community.

Thank you for your attention and your dedicated service.

Yours Sincerely,

Peter Orr &
Family

From: Sonja Zupanec

Sent: Tuesday, December 5, 2023 12:45 PM

To: webposting

Subject: Fw: Correspondence for LTC meeting December 13,2023

For the Hornby OCP project page, thanks!

From: Jane Bryson
Sent: Tuesday, December 5, 2023 12:23 PM
To: aallan@islandstrust.bc.ca; Grant Scott; Timothy Peterson; Sonja Zupanec
Cc: HISTRA Association
Subject: Correspondence for LTC meeting December 13,2023

December 5, 2023

Hello.

I have been a part time resident of Hornby Island for the past 15 years. We were fortunate to discover the island in 1979 and spent many summers with our young family camping and renting cabins for our annual summer holiday.

In 2006 we were able to purchase our own cabin, lucky us! In 2010 my husband died and I needed to pay the bills primarily on my own so I started my vacation rental. I was actually surprised to hear that the previous owners of the cabin also did vacation rentals.

We continue to use the cabin frequently as family and my 4 grandchildren now look forward to their time on Hornby, the tradition continues. We enjoy off season and special events like the Herring and Blues festival and feel privileged to be able to come at any time and tend the gardens and do the yard and house maintenance as needed. The month of August is our summer family month on Hornby.

Renting our cabin full time is not an option for us but continuing to offer our cabin to guests is essential. We follow all guidelines for STVR's. Over 80% of guests are repeat. Guests are families that like ours look forward to coming to Hornby to continue their own traditions; generational families; and older adults who have come to Hornby for years. These guests are respectful, they understand how to tread lightly on the environment, they know how to conserve water and respect septic requirements and yes they do love Hornby!

The monetary importance of continuing legal STVR's for Hornby Island helps provide income for a short time of the year to many services (individuals and businesses), restaurants, artists, Hornby Co-op, and the ripple effect of educated tourism is felt beyond the above.

I do agree some changes need to be discussed but I believe owners/managers of STVR's should continue as a legal property use and be grandfathered into any potential new OCP and LUB changes.

Thank you for reading my story and thoughts.

Jane Bryson

From: Karen Ross

Sent: Tuesday, December 5, 2023 4:47 PM

To:

Cc: Alex Allen; Grant Scott; northinfo; Timothy Peterson; Sonja Zupanec; HISTRA Association

Subject: Re: Changes to Hornby Island Short Term Rental Rules and Zoning

Hi Alexander,

Thank you for including myself in your letter, outlining your deep love and commitment to Hornby in such a positive and supportive manner.

Your suggestion for legalizing lane-way homes for year round rentals, on properties that can prove compliant septic systems, adequate

water, and presumably off-street parking, is a viable approach to helping deal with the housing shortages on Hornby and concurrently protecting the environment.

Best of the season to you and your family,

Karen Ross

On Tue, Dec 5, 2023 at 3:03 PM > wrote:

> Hello Alex, Grant, Timothy, and Sonja
>
> I don't know any of you, but I understand you're my Island's Trust Representatives for the Island or involved in the long-term planning of the island. My name is Alexander Wardle and I have been coming to Hornby Island since 1978 (photo attached). Initially we came each summer as campers through to the Mid 80's. We then started to rent the Graham property on

Little Tribune Bay Road, then known as Brigadier Farm, as short-term vacation renters well before the invention of Air B&B and Hornby Island.com.

In 1988, my Dad purchased the rental house and I have been on the Island every summer since that time. I have watched the Island and Islanders grow and thrive since that time. Yes, there has been change to the Island but considering the immense change to the cities that surround us it has been relatively mild.

In 2020, my wife and I purchased a second property on Seawright Road as a short-term rental investment for our kids as they get older. I feel we are now going to be punished for this should the Island vote to "opt out" of having short term rentals. At the time of purchase this property was already a short-term rental with Wind and Waves and had been for almost a decade.

To say that Hornby Island has had a strong effect on my love of the environment or a quest to maintain its strong community would be an understatement. My wife and I, along with our 3 kids, are committed to seeing the environment of this Island protected. We have, for the past 15 years, cleaned the beach (Little Trib) by hauling garbage off the beach three times per summer to have it recycled. In 2017-18 my kids walked Beulah Creek to prove to the Ministry Fisheries and Transportation that there were fish in there to be able to have to the steam course upgraded and re-vamped to improve Salmon habitat. This stream runs across our property, and we value it greatly. We also re-planted the trees along this river course along with kids from the school in fall of 2020.

This fall we planted 17 Trees on our Seawright property and many more at our property on Little Tribune Bay Road to help minimize our carbon footprint and improve the environment. For years Paula and I have donated personally to various causes on the island. Paula and I have never sought personal recognition, nor have we asked for anything back and I like to feel that we have done a very small part to contributing to making Hornby's environment at better place for all residents and visitors.

Our kids Madeleine and Spencer have worked at the Co-op and the realty office for the past two summers and our youngest, Audrey, runs her lemonade stand at the golf course. We feel we are part of the community and between the two properties we would pay over 16,000 per year in property taxes, so we are well vested emotionally and financially in making sure the Island is a great place.

From an economic standpoint we have supported many Island vendors over the years by purchasing art, pottery, clothing, books, food, plants, and such from the local businesses. We have eaten at the many restaurants, hired locals to baby sit our kids and we have visited the cidery and numerous other distilleries. When we built our house, I hired as many locals as we could to help support the island economy.

Ending Short term rentals on the Island would be devastating for locals and will do nothing to improve the rental housing stock on the Island. The impact of losing this economic contribution to the local economy would have a significant impact of many businesses. Sadly, given the polarization of the local population I am sure many of the local business owners are reluctant to fight for this given the potential impact to them personally and their businesses within the community if they speak out. Hornby has been known for its small-town justice if your perceived to be on the wrong side of the loudest of voices, as such many voices just remain quiet.

Our Guests, either at the "Barn Suite" or "Tribune Bay Get-away", spend money, and lots of it when they come to the Island. My guess is that many other members in HISTRA would say the same thing and many members of Hornby Island business community would say that they depend on the revenue from summer visitors. That revenue/spending flows to the local businesses and their staff and this then provides for their own ability to pay their mortgage and or rent on the Island. This also helps improve the quality of all the businesses on the Island. We charge GST, PST are the MRDT and we have brand new septic fields to ensure that we are compliant with local regulations. These taxes, along with the income tax that I pay on the revenue contribute to the overall regional and provincial tax base.

When short term renters come to our property, we promote many local companies for them to visit. These businesses are part of the fabric that makes Hornby so great. As an example, the Market is successful in large part due to tourists and those who have greater economic means generally tend to purchase more than the locals. The festival is successful based on the people coming to the island. My family has raised money for the Island's causes for well over 30 years and many of the contributors have been from renters who visit in the summer. When our visitors arrive, we also stress the fragility of the environment, and we promote water conservation with low flow toilets and other items to help minimize our impact. We limit the impact on our properties to 6 guests at Tribune Bay Get-away and 2 guest at the Barn suite.

If we lose this economic impact, then business will start to slow, and jobs will be lost. The Co-op is successful based on the summer trade and their sales would shrink without the visitors that rent. Dale and his coffee store would have less customers and then he would hire fewer young people. Mellissa in the pottery store would sell less poetry and thus this would impact the local potters. The festival would see less victors and be unable to support local artists. The impact would go on and on and the compound impacts would be great. A strong Island economy benefits many people on the Island and a strong local economy allows for contributions to help protect the local environment.

I would agree that there is a major housing problem in many areas of the province including Hornby. This, however, is not the fault of landowners who can rent their properties for a few months a year. This really is a zoning problem and a problem with the way the residential tenancy act is written as its next to impossible to rent a home on the island to a local for a few months year until the owners want to use it.

It is my belief that many homes will just sit empty until their owners come up for their annual visits or they will just end up being sold in time to others for their summer homes. I know our two will just sit empty as I would never consider renting them out long term as it would impact my personal us on each property. I am sure we are not alone, and it is my belief that changing the short-term rental policy will really have very little impact on housing and will have a detrimental problem on the local economy and jobs.

If zoning was changed, I could build a coach house or even place a trailer on the back of my property on Seawright. This could then house someone who could look after my property and hold down a job on the island to help contribute to the Island. The rent on something like this would be far more in the market range than a full house. This could be a win/win for all. I don't do this now as the zoning does not permit me to.

I know there are many on the Island that wish they could go back in time and have no visitors but that is not possible and with the expansion of the provincial park we will only attract more visitors. What we all should be working on is a plan to use the new Hornby Rental tax to help provide housing for those who need it or to protect the environment as I feel that we really don't need to put much more effort into "marketing" the island. We should also be working on a plan to bring visitors to the Island all year in the short-term rentals to help spread the economic impact out year-round. We have many people wanting to rent our homes year-round and we must tell them sorry we are not allowed to. This not only effects our income from the property, but it also lessens the economic prosperity on the Island.

As Trustees you have a duty to represent all voices on the Island and work to preserve the natural environment. I would urge you to consider the large impact on the island should there be a change to the current ability to rent. Renters have been coming to this Island for over fifty years and real change on the island will come from changing density and zoning on properties.

Sincerely

Alexander Wardle

Property Owner

From: Erian Baxter

Sent: Wednesday, December 6, 2023 11:22 AM

To: Erian Baxter

Cc: northinfo; Timothy Peterson; Alex Allen; Sonja Zupanec; HISTRA Association; Kevin Dubois; Hannah Dubois; Quinn

Subject: Re: Hornby Island Housing, Tourism, STVR and economic concerns with BC Provincial issue

Sorry - just spotted an important typo - our car is an EV not an RV - big difference as far as the environment goes and we are very thankful for the EV chargers on the island too!

All the best once again,

Erian

Sent from my iPhone

On Dec 6, 2023, at 2:25 AM, Erian Baxter wrote:

Dear Hornby Islands Trust

We're writing to express our concern over how the upcoming BC Provincial changes to Short Term Vacation Rentals in May of 2024 will severely affect the Short Term Vacation Rental modifications that you, as Hornby Island Trust, have planned for later in 2024.

It's our understanding that the Hornby Island Trust plans were reasonable and relied upon "grandfathering" to preserve the current regulation abiding Short Term Vacation Rentals on Hornby, while modifying the process for any new Short Term Vacation Rentals (STVR).

From meetings we've attended it seems the implications of the upcoming BC Provincial change will potentially be catastrophic to Hornby Island Tourism overall, let alone to many of those that rely on STVR to assist with their ability to live or vacation regularly on Hornby. It appears that the new BC Provincial changes will remove the protection provided by any previous bylaws or permitted uses that would have be protected under the "grandfathering" clause. We sincerely hope that the Hornby Island Trust revise their proposed changes to STRV bylaws with the new BC Provincial changes top of mind.

We're hoping our story of our varied connections to Hornby over the years will illustrate the value of maintaining STVR as an option on Hornby as we would not have kept our 37 year relationship with Hornby or our friends here if we couldn't have availed ourselves of STVR over many many of those years.

If you're not into stories, or getting to know us, then skip the following and just know, we are VERY concerned about how the BC Provincial changes will affect the Hornby Island Trust's planned changes to the Short Term Vacation Rentals regulations. We are also extremely concerned about how this will impact those that earn their livings through tourism, whether that be rentals or sales of artisan items or restaurant businesses, all will be gravely impacted if there are NO short term vacation rentals in Hornby's future as Hornby does NOT have enough other accommodations available to sustain the level of visitors to the island now experienced and relied upon by the various tourism businesses that have grown over the years. You don't need me to give you a list of those from us as I'm sure you can just look in the Hornby Island Tribune.

Ok, Now, here's the story part … a little about us…and our many ways of coming and going and coming again to Hornby Island.

Our story…

We are Kevin Dubois and Erian Baxter, and our children, Gabriel, Hannah and Quinn. We currently have the honour of being in the old Savoie home at 70 Central Road, above Phipps Point, but we've experienced many versions of owning and short term renting on Hornby over our 37 years of coming here!

We've been coming to Hornby since 1986, the year we met (wow - we've been together so long now!!) We were lucky enough to be introduced to Hornby Island through the Pantages family (Tony Jr. or Hoagey if you know him well) that has been coming here forever it seemed then.

We first stayed at Seabreeze in a cabin for a blustery birthday getaway in December of 1986 (yes, we're both Sagittarians!) and walked a rainy, windy Helliwell Park path - and fell in love with Hornby (and with each other). We then had the good grace to come up with Tony P the next spring and stay in the old little home at the edge of High Salal, before it was fully High Salal. We slept on the old front porch overlooking Big Trib… we had no idea back then how fortunate we were!

We were both very connected to Vancouver for our work so only dreamed of maybe one day getting an "island getaway". Then we actually made that happen faster than we would have dreamed - because we sorted out living in a tiny home in Vancouver- a float home in Coal Harbour - so that gave us the grace to buy an island property- except we bought on Denman Island because we couldn't quite afford Hornby.

So, we had an awesome unfinished small home on 14 acres on Lacon road and we could race up anytime, as the Denman ferry ran late, and we could get to our Denman place late - not only on Fridays!!

Well, then the next day, after a sleep in on Denman, we'd get organized and take the ferry to Hornby and sleep in our VW van for the rest of our time away … haha… we truly loved Hornby more than Denman and all our friends were here in Hornby too.

So, our Denman place soon got sold and Fast Eddie's half finished house on a 1/2 acre on Porpoise Crescent, Hornby Island, became ours. Then, the fixing up started! We now no longer had to sleep in our VW on Hornby as we had our very own Hornby fixer upper … and we could welcome friends as guests too. Back in those days, even though interest rates were super crazy, the initial purchase price was less so we didn't have to even consider asking friends for any monetary

compensation for staying - maybe just help stack some firewood while you're there please - the good old days!

You probably remember them too!!

We loved our Hornby place, and our Float Home in Coal Harbour (which Erian had been on the board for over 6 years to secure the Float Home community so it still exists today as alternative housing options in Vancouver) and then, our daughter Hannah was coming along… so we made the difficult choice to sell our Hornby getaway home and our Float Home, and with family help, we then bought a home in Deep Cove, North Vancouver to raise our family as we were both fully connected to Vancouver for our work and family - and we're still there today as Erian's work is tightly connected to Deep Cove.

So, we now became Short Term Vacation Rentals people … on Hornby… for the next 25 years…and our very first rental was our own old home on Porpoise. That taught us, quite quickly, the difference between owning and summer renting, as we actually ended up going to the beach every day with baby Hannah rather than having to build, fix or clean various things at home!!

So, we continued to summer rent… either our old place from the current owner, or from close friends, or through wind and waves or word of mouth...even from Frank and Pat Savoie one summer too. Possibly a foreshadowing to where we are now! All those experiences had their ups and downs however they meant we were here every summer since our early days and that's irreplaceable and priceless in our family memories!

Whenever we looked at buying again, we reminded ourselves about the freedom of "just renting" for our couple of weeks in the summer - and for those couple weeks we also ate out at many restaurants (including the Thatch back in those days), shopped the markets and studios, and explored all the various activities we could on the island - rather than shopping in the coop hardware department for "fix stuff broken at your house" like we did when we owned our own place in the old days and what we do now as we fix up our current place now!! (See next paragraph)

So, against our better judgment, we chose to buy again on Hornby a couple years ago, March of 2022. We are completely honoured to now own the old Savoie home above Phipps Point. It's a lovely "fixer upper" that we feel so pleased to call our own. It was also probably one of the most affordable houses on the market at that time.

However, if you factor our new Hornby home into the "no affordable housing on Hornby" conversation then it's an example of housing that SHOULD have been purchased by full time year round Hornbyites in desperate need of housing … it's sort of a duplex and could have been a shared purchase for those struggling for secure housing on Hornby … except, instead, it sat on the market for 6 months … no one here on Hornby saw it's potential- yes - it needed work - lots of it - but it could have been a chance for secure housing for two families if they had vision and the where-with-all to go out on a limb to purchase it.

The example of our recent Hornby house purchase shows us that the lack of secure housing on Hornby is so much more complex than STRV properties taking over available housing opportunities on the island, and making it impossible for Hornby families to buy secure housing. It's truly a community based - government included solution that is needed to provide some sort of housing options - like the Isla plan - or a tiny home community but without all the waiting and setbacks and government red tape etc.

We understand that it's so complex and we appreciate the struggle Hornby Islands Trust must have trying to balance all options - we have experienced so many different options on Hornby and feel fortunate to have started, once again, our journey with a vacation/home here.

We'd like to shed light on the varied circumstances of quote unquote "vacation properties" or "second homes" owners on Hornby as we feel that they get misrepresented in many conversations that take place on the island, and in social media, in particular to how vacation homes rentals negatively affect secure housing.

Our situation is that Kevin was "accidentally retired" 7 years ago when a car hit him on his bicycle- on a bike route! So, we are a one income family with Erian

still working in Vancouver to support us all. Every family has an interesting story though so ours is just one of many. In our circumstance with our Hornby home - we need to share it in the summers with friends in order to afford for us to be here too on and off all year round - Kevin is here more than the rest of us, as he has more free time. Our affordability issues were challenging even before the increase in interest rates (don't get us started on those or you'll get a few more chapters!), as, with Kevin's accident, we are also still paying for our home in Vancouver from one income.

We understand that some Hornbyites view those with second homes as "flush with money" but that's not always the case - we are more "flush with love" for our Hornby home and "creative" as to how to make that work!! We suppose many others have their own versions of how they afford to have a second home here - or even their prime home that they rent out in the summers so to supplement their income in order to live full time on Hornby. (Yes, we know that occurs as well!)

We know the above info as we have jumped "all feet in" once again to the Hornby community as best we can and we've learned again the pressure facing those that live here year round - and the opportunities they take to subsidize their costs too. Opportunities that would disappear if the Hornby Islands Trust STVR changes go through with the Provincial changes layered on top, which means there would end up being NO STVR allowed in the long run.

You've heard enough from us - and hopefully you'll understand that we have a very broad perspective on housing alternatives in general and a deep concern for Hornby Island and its housing pressures in particular. We do NOT agree that disallowing STVR will contribute to solving Hornby's need for full time housing opportunities as in our case, and many others, it would not work for us to rent our home out full time as we come here at various times of the year - and that's why we have moved from being STVR people to now again, owners, so we can come up anytime throughout the year, and not just in the summer. We even upgraded our RV car so it can make it here and back - keeping the environment top of mind as well. (I'm currently writing you from our vintage living room with a fire going and my fingers crossed the power stays on long enough for me to get this letter to you on time!)

Thank you for reading this far…if you did you now know more about us than you would if you met at Phipps beach… if you skipped all the reading and prefer a chat you can call Erian at [redacted] anytime!

We LOVE being a part of our Hornby community once again - now as owners who provide STVR to people just like we were for 25 years - happily making family memories year after year … on Hornby Island, with their families!

(funny story - our youngest, Quinn, thought the house we came to most often in the summer was ours, as he knew it's comfort each and every summer for so many years - he was surprised to hear it was our friend's home - not sure why he didn't put two and two together as to her also being there every year - however, it shows the value of consistency and the feeling of belonging in a child's experience and if the Hornby Islands Trust takes away the STVR opportunities then it will also be taking away those family memory making opportunities too for others.)

Again, thank you for all that you do, (I'm the volunteer type but definitely NOT at your level so you have our respect). We appreciate the complexity of the issues you must balance, especially when it comes to housing, and we hope you fully understand how the BC Provincial government has added a bit of a "trump" (no relation intended) card to your plans that will send your proposed plans a direction you likely didn't intend.

All the best to you and yours over the holiday season,

Erian Baxter and Kevin Dubois

[redacted]

(Virginie's place or Doris and Leo's place or Mary and Jack's place depending on who you knew the best - we preserved all the height measurements in the kitchen doorways so you're always welcome to come by for tea (Doris's favourite) or wine (Erian's favourite) and check your height against many of the Savoie's over the years!!

From: Jan Kennedy

Sent: Thursday, December 7, 2023 3:38 PM

To: northinfo

Cc: Alex Allen; grantscott@islandstrust.bc.ca

Subject: Letter in Support of Hornby Is. Bylaw changes

Attachments: 2023.Dec.Ltr to IslandsTrust.ReSTVRBylawChanges.docx

Hi,

Please find attached my letter of support for moving forward in changing our Hornby Bylaws in order to limit/cap the numbers of STVRs allowed on Hornby Island.

Best,

Jan Kennedy

Islands Trust
Northern Office
700 North Road
Gabriola Island, BC V0R 1X3
E: northinfo@islandstrust.bc.ca
T: 1-250-247-2063

December 4, 2023

I write in support of updating our local Islands Trust Bylaws to restrict Short Term Vacation Rentals.

The BC government website, referring to it's "New Rules for Short Term Rentals", to come into effect in May, 2024, states:
"The number of short-term rentals (which may include, for example, rentals listed on Airbnb, VRBO, Expedia and FlipKey) have expanded rapidly over recent years, in B.C. and around the world.
Data shows that short-term rentals are diverting thousands of long-term rentals onto the short-term market in B.C., taking away homes people need.
Like many jurisdictions around the world, B.C. is responding to this growing challenge by taking action to regulate short-term rentals and return homes back to the long-term rental market."*
*https://www2.gov.bc.ca/gov/content/housing-tenancy/short-term-rentals

While the tourist economy is personally lucrative to many who own property on Hornby Island and is an important part of the Hornby economy, I believe unrestricted growth is also a significant liability when also considering the need to maintain a peaceful rural lifestyle, affordable year-round housing for local people and sufficient and uncontaminated groundwater. Unfortunately, the areas within the Island Trust appear to be exempt from the coming provincial regulations, requiring each island to address the needed changes through local Bylaw changes. The Island Trust has a mandate is to preserve and protect the beautiful and fragile islands. I feel very strongly that we must move, as the BC government, and countless communities, towns and cities across Canada and the world have begun, toward better regulation of short-term rentals for the good of the entire Hornby community's functions.

As a regular attendee of our local Hornby Island Islands Trust meetings, I feel very strongly that those Hornby property owners opposing any change or even the enforcement of our already existing local Bylaws regarding Short Term Vacation Rentals have been given a very full and complete hearing!

Our Local Trust Committee has sought and received recommendations regarding Short Term Vacation Rentals from a vetted local Advisory Planning Commission which did a very thorough investigation of the topic through monthly meetings over a 6-month period to which all stakeholders were invited, and did attend, and spoke to. In addition, an independent consultant firm was also hired to review the issue and produced a report for our LTC.

I believe, through my own observations and the 2 comprehensive studies done, that our LTC has done an excellent job of seeking, and reviewing, a wide range of study on STVRs, prior to requesting draft Bylaws to be drawn up with the purpose of controlling the numbers of Short Term Vacation Rentals operating on this small rural island. It is now time to move forward on this issue.

Sincerely,
Jan Kennedy

From: Patrick Lui

Sent: Thursday, December 7, 2023 4:47 PM

To: Grant Scott; Alex Allen

Cc: northinfo; sonja.zupanec@islandstrust.bc.ca

Subject: The MRDT funding as it applies to Affordable Housing on Hornby

Dear Alex and Grant,

As I sit inside and write this letter an atmospheric river is pounding against my windows. I'm thinking about all the people, both in our community and elsewhere, who are housed insecurely and how important a safe and warm home is to each and everyone of us. I expect this sounds a strange way to ask you to support the continuation of Short Term Rentals on Hornby so I ask for you patience while I explain myself.

As you may know, my husband Michael and I manage 13 vacation homes on Hornby. It is my deep conviction none of these homes will ever become long term rental stock because I know the owners use them throughout the year for their own holidays and special occasions. They didn't buy them with the intention of using them as income earners although some definitely need their rentals now with variable mortgage rates so high. I know of 4 full time community members who have started or hope to start renting their properties short term from the need to pay their own escalating mortgages. For all owners though, rentals provide a way to pay for their home maintenance and employs many local community members.

Where Short Term Rentals can actually help affordable housing though is through generating the MRDT. Karen Ross from HICEEC recently confirmed the MRDT collected this year will contribute $50,000 towards affordable housing. 75% of the MRDT on Hornby comes directly from STVRs. Losing STVRs would mean a loss of almost $40,000 annually towards housing, a staggering loss too big to ignore. Please note this $50,000 is just a percentage of the total money generated through the MRDT.

I was one of the primary stakeholders HICEEC consulted when they originally proposed the MRDT Program. I supported it because it was my understanding we were working towards

workforce housing. This year we learned Cortez uses 100% of their MRDT towards affordable housing and I strongly believe we should do the same here on Hornby. Although this will take time, the first step apparently is as easy as having the six original stakeholders agree to redeveloping the program. Please know I am committed to making this bold and worthwhile initiative happen.

If the goal is to create housing, then we need your help to stabilize STVRs and this important revenue stream. With the recent Provincial Legislation, we now have a unique opportunity to better regulate Hornby's STVRs. Registration and licensing will lead to better enforcement and control and may even create better MRDT reporting. As you reevaluate the changes you're making to the OCP/LUB regarding STVRs, please consider they have many positive impacts on our community.

In short, I believe the MRDT funding STVRs provide plays a valuable role in the wellbeing of our community and we have the opportunity to make it an even larger role. Wisely administered, we have the power to make real and positive change.

I wish you both the best of luck as you move forward. I know you have a difficult task in front of you so please know I am willing to do everything I can to help, especially if it means protecting people from suffering another cold and wet night.

Thank you for taking the time to read my letter and consider its ideas.

Be well,

Patrick Lui

From: Sheila Morissette [redacted]

Sent: Sunday, December 10, 2023 6:38 PM

To: Alex Allen; gscott@islandstrust.bc; Timothy Peterson; Sonja Zupanec

Cc: northinfo

Subject: short term rentals

Attachments: Islands Trust letter .docx

please find attached my letter in favour of short term rentals on behalf of Hornby Arts

thank you

Sheila

Sheila Morissette

Board Chair

Hornby Arts

Dec. 10, 2023

Islands Trust

Attention Grant Scott
And Alex Allen

Regarding Short Term / Vacation Rentals on Hornby Island

Dear Grant and Alex,

I am writing on behalf of Hornby Arts to speak in favour of having short term vacation rentals on Hornby Island. Hornby Arts represents artists in this community who make their livelihood creating art and selling to locals and to tourists. The impact of arts and culture on Hornby Island is an integral part of the island economy.

Hornby Arts is involved in an ambitious project to build a new Arts Centre on Hornby Island that we expect to have completed by the spring of 2024. We anticipate that the Arts Centre will have a positive impact on the arts and culture scene not only on Hornby Island but throughout the Comox Valley. The many artists on the island who present their work to the public rely on it as their sole source of income. There is clearly an economic impact to further developing the arts community. These artists rely on tourists and short term visitors to the island to buy their art. Without short term vacation rentals on Hornby Island there would be not nearly enough accommodation and nowhere to stay.

We hope that short term vacation rentals will stay on Hornby Island especially as we are anticipating many visitors to our new Art Centre and that they will participate in our programming and studio tours. The effect of limiting or abolishing short term rentals would have a deleterious effect on the grassroots economy that artists rely upon and would pose an enormous economic challenge to the livelihoods of the local arts community.

Sincerely,

Sheila Morissette
Board Chair
Hornby Arts

Hornby Arts respectfully acknowledges that the land we gather on is part of the unceded traditional territory of the K'omoks First Nation, the traditional keepers of this land.

From: Sonja Zupanec
Sent: Tuesday, December 12, 2023 4:14 PM
To: webposting
Subject: FW: STVR

For posting to OCP project page. Thanks!

Sonja Zupanec, RPP, MCIP
Island Planner, Northern Office, Islands Trust T 250.247.2211

-----Original Message-----
From: Alex Allen <aallen@islandstrust.bc.ca>
Sent: Tuesday, December 12, 2023 4:12 PM
To: Hornby Island Local Trust Committee <HornbyIslandLocalTrustCommittee@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>
Subject: Fw: STVR

Alex Allen
Hornby Island Trustee
(250) 335-1129 Ext. 420

I respectfully acknowledge that I live, work and play on the Unceded Traditional Territory of the K'ómoks First Nation, the traditional keepers of this land and many Coast Salish People.

_____
From: nancyada [redacted]>
Sent: December 11, 2023 7:59 PM
To: Alex Allen
Subject: STVR

i have expressed many times at trust meetings my extreme concern for the threatened state of our islands ecology and culture and the danger of continuing our out of control SYVR...this is not sustainable...i am in favor of severely restricting and managing STVR, only permitting rentals of primary residencies and opting in with provincial legislation...it is time to rethink, be creative and come up with better solutions before there is nothing left of our island and culture...

nancy adams

aallen@islandstrust.bc.ca
gscott@islandtrust.bc.ca
tpeterson@islandstrust.bc.ca

Hello Alex, Grant and Timothy Pearson,

Re: letter dated December 2nd Feb, 2024 on page 3 & 4 of the agenda from a group of 4 farms called the Hornby Island Agricultural Association.

I agree that the rules should be clear. In the ALR or outside the ALR short term vacation rentals are for the local government to regulate. Glamping are short term vacation rentals, or campgrounds, so need to be covered by whatever rules we want to have about that, regardless whether they are in the ALR or not. Even within the ALR farms must have “farm status” to have either an Agri-Tourism Accommodation (glamping might be an example) or a Tourist Accommodation (a B&B). The ALC says "the accommodation is in relation to an “agri-tourism activity”. Agri-tourism uses must be secondary to, incidental to and compatible with the agricultural production activities." and it goes on to have quite a limited list of activities that are considered "agri-tourism activities".

And it specifically says that local governments can restrict the numbers of sites to less than 10 agri-tourism activity accommodations or refuse to allow it. Though agri-tourism accommodations are light on the imprint on the soil the people staying there still use water and create waste products and add to the total number of visitors on the island.

I would think all the regulation around short term vacation rentals would apply to parcels that happen to be in the ALR along with the additional restrictions required in the ALR, which could be included, or referenced in the LUB.

It is still difficult to buy Hornby grown food on Hornby Island, so it would be great if more land was devoted to food production. And it would be great if we put effort into trying to create a more representative organization of agricultural producers to co-operate in food production.

SarahDavidson

References:
https://www.alc.gov.bc.ca/assets/alc/assets/legislation-and-regulation/policies/alc_-_policy_l-04_-_agri-tourism_activities.pdf

https://www.alc.gov.bc.ca/assets/alc/assets/legislation-and-regulation/information-bulletins/information_bulletin_6_accommodation_for_tourists_in_the_alr.pdf

https://www.countrylifeinbc.com/producers-wary-of-housing-bylaw-implications/

From: Alex Allen
Sent: Friday, February 2, 2024 9:31 AM
To: northinfo
Subject: Fw: Hornby Island Agricultural Association

Alex Allen
Hornby Island Trustee
(250) 335-1129 Ext. 420

I respectfully acknowledge that I live, work and play on the Unceded Traditional Territory of the K'ómoks First Nation, the traditional keepers of this land and many Coast Salish People.

_____

From: katy
Sent: February 2, 2024 9:21 AM
To: Alex Allen; gscott@islandtrust.bc.ca; Timothy Peterson
Subject: Hornby Island Agricultural Association

Dear Trustees,

I am writing you to express my concern regarding the newly formed Hornby Island Agricultural Association, of which I'm sure you are all well aware.

I wanted to write to you about the delegation reporting at Fridays Trust meeting, the newly formed Hornby Island Agricultural Association and my concerns about who they are representing.

As a member of the community garden, a project of the Farmlands Trust, who maintains relationships with a number of island producers, I was surprised to hear that a new agricultural association had been formed. I have not heard about any engagement or consultation with many Hornby growers and producers. My concern is that with a name like the Hornby Island Agricultural Association one may be led to believe that this group represents Hornby Islands agricultural community. However, the information in their letter to you leads me to believe this group represents and lobbies for their own interests in making money from tourist accommodation. So, I ask that you take that in consideration when looking at what this association is asking for and who they may be representing.

Glamping and other of agri-tourism activities as listed in HIAA's letter, are ancillary activities as per the Agricultural Land Commissions. Ancillary by definition means, "providing necessary support to the primary activities or operation of an organization, institution, industry, or system." Primary activities which are agricultural. The ALR, A1 zoned land is meant to protect farmland and support local food production. I understand the Agricultural Land Commission allows for ancillary activities to support farming, it is extremely difficult to make a living as a farmer.

I would however, encourage the Trustees to support and encourage the agricultural uses of all A1 zoned properties in their Land Use Planning decisions for the purpose of local food security on Hornby Island.

Thanks for your consideration,

Katy Dewinetz

From: Diana Ellis [redacted]
Sent: Monday, March 18, 2024 3:09 PM
To: Alex Allen; Grant Scott; Timothy Peterson; Sonja Zupanec; northinfo; reachme@danielarbour.ca
Cc: Hornby Island Short-Term Accomodation
Subject: Upcoming and ongoing decisions re Hornby Island and vacation rentals

Dear people:

First, I want you to know how much I appreciate the amount of research, thinking and work that has gone, so far, into the materials related to how to improve/deal with the short term vacation rental matter on Hornby Island. No small feat! Thank-you.

However, I have to say, that I now find the amount of material and number of options quite obfuscating! So, to keep things simple:

- keeping in the allowance for an owner to rent their home when it is not their prinicipal residence would be most helpful. Otherwise, we will have to sell. (We visit our home September through to June and give it over to summer vacation folks for July and August.)

-licensing seems a fair and good idea – keep working to get that right.

-I/we are in support of the equally excellent research/recommendations carefully developed by HISTRA.

As noted in many previous letters sent to you, we have owned our home on Hornby for 25 years, and have been visiting full-time resident family on Hornby for 35 years prior to owning. We are not speculators. We love Hornby Island and support the economy here in whatever ways possible.

I will be attending the March 21st meeting via zoom, with great interest.

Sincerely,
Diana Ellis
[redacted]
Hornby Island BC
V0R 1Z0

[redacted]

Sent from Mail for Windows

From: Henry Touwslager [redacted]

Sent: Tuesday, March 19, 2024 9:36 PM

To: Alex Allen; Grant Scott; Timothy Peterson; Sonja Zupanec; northinfo; Daniel Arbour

Subject: Support for Vacation Rental Licensing & Concerns about Principal Residence Requirement

Dear Trustee Alex Allen, Trustee Grant Scott, Hornby Island Local Trust Committee Chair Timothy Peterson, Area A Director Daniel Arbour, and Islands Trust Staff:

I am writing as a concerned Hornby Island part-time resident, homeowner, and vacation rental operator to express my views on the proposed changes to the Official Community Plan (OCP) and Land Use Bylaw (LUB) regarding vacation rentals.

I am a member of the Hornby Island Short-Term Rental Association (HISTRA) and support their initiatives and preferences.

I support the establishment of the licensing program for vacation rentals on Hornby Island. I believe licensing provides the most effective framework for ensuring responsible management, minimizing negative impacts, and protecting the unique character of our community. I understand the Comox Valley Regional District is taking proactive steps to develop a licensing program. Hopefully, this program can be discussed at the upcoming meeting.

I am opposed to the inclusion of a principal residence requirement for vacation rentals. This requirement would unfairly penalize many longstanding homeowners and families who deeply value their connection to Hornby Island. It would disrupt well-run, bylaw-compliant vacation rentals that contribute to our local economy while causing undue hardship for owners. Vacation home owners contribute significantly and positively to the island and should have the same rights.

My short-term recommendations (and preferences) are below:

1. Define "Short Term Vacation Rental" as rentals of 30 days or less. This clarifies the situation for existing rental properties and protects other seasonal housing needs.

2. Outline clear criteria for which vacation rentals could continue to operate under a future licensing program. This should include factors like bylaw compliance, operational history, and property suitability.

3. Establish a registry for currently operating, bylaw-compliant vacation rentals. This registry will provide a baseline for transitioning to a formal licensing system.

4. Enable vacation rentals in the registry to continue operation until a full licensing program is implemented. This maintains the status quo for responsibly operated vacation rentals while respecting the development of the licensing process

In the long term, my recommendations (and preferences) are:

1. Establish and maintain a registry as noted above.

2. Retain the five-month rental season. Not only does this help vacation homeowners, but it also helps local businesses. It gives visitors a chance to vacation on their favorite island at a lower cost and with fewer crowds.

I'd like for you to consider these carefully and prioritize the development of a licensing program that benefits our community as a whole.

Thank you for your attention to this important matter.

Sincerely,

Henry Touwslager

Hornby Island, BC

henrytouwslager@gmail.com

604-618-4367

From:	HISTRA Association <hornbyshortterm@gmail.com>
Sent:	Tuesday, March 19, 2024 11:17 AM
To:	Alex Allen; Grant Scott; Timothy Peterson
Cc:	northinfo; reachme@danielarbour.ca; Sonja Zupanec; Ian Cox; Michael Williams; Eulala Mills; Patrick Lui; Karen; Ray Therrien; Arifin Graham; Donna Tuele; Michelle Metzelaar-Easterly; Angela Hudson; Karen Young
Subject:	Feedback regarding the Staff Report and Reccommendations for the March 22nd Community Meeting
Attachments:	Suggested Actions for Vacation Rental - Revised Document 03 02 2024.pdf

Dear Alex, Grant and Tim;

We are writing ahead of the Community Meeting on March 22nd regarding the Staff Report and the potential of a Licencing program to create a management system for Vacation Rentals on Hornby that, as Trustee Allen has said, “Can make everyone happy”.

We want to acknowledge the work that has gone into this issue by the APC, the IT staff, the LTC and many members of the Hornby Community. Many minds have come together and we believe as a community, we are close to creating a system that addresses the complexity of Vacation Rentals on Hornby. We have also worked hard with our members, the APC Recommendations and the feedback and concerns expressed by the LTC and across our community, to develop a robust framework for how a licencing program could work (the document, endorsed by the HISTRA members representing the majority of Hornby Vacation Rentals and first sent to you and the CVRD in February, is attached again here). Our suggestions and recommendations are drawn from several effective Vacation Rental licencing systems in BC and the San Juan Islands.

Last week, as you asked them to, the CVRD approved the first step towards creating a robust licensing program for Hornby Island Vacation Rentals. While we acknowledge the development of this program will take time, once in place it will accomplish the goals set out by the LTC, the recommendations of the APC and community expectations for managing Vacation Rentals on Hornby.

In looking at the staff report we are surprised to see that the options provided have no reference to how they might fit with the program you have asked the CVRD to investigate. We hope that discussion will be added to the document ahead of the meeting or at least brought forward at the meeting. It is so important that the community knows that there is work going on to address these very important community concerns. The Trustee's have been proactive in requesting the licencing program and HISTRA supports a licencing framework that would address the APC recommendations.

We think it is important to make a correction to the analysis in the staff report.

· The Provincial Legislation states that the Principal Residence requirement does not apply to communities under 10,000. Therefore Hornby Island IS ALIGNED with the Provincial Legislation.

· The Province anticipated and intended for smaller communities to be exempt from the Principal Residence requirement.

· It is therefore incorrect to state that our regulations are 'not aligned' because Vacation Rentals are allowed in dwellings that are not a Principal Residence.

· It is accurate to state that our Vacation Rental regulations, as currently written, are more restrictive than, or fully aligned with, the Provincial legislation.

As you are aware from the letters you have received from so many residents of Hornby, Vacation Rentals are offered by a wide range of our community members. We are full time residents, long term legacy families, and part time residents. Regardless of the option chosen, opting-in to the Principle Residence requirement will cripple the community's Vacation Rentals and cause real harm to the workers, businesses and artists in our community who depend on them for their living. It will also cut more than half of the annual MRDT funds, now set aside to support affordable worker housing on Hornby.

A robust licencing program will create a contained, strong and fair management system, which reflects Hornby's values and the diversity of its community.

We support:

- Option 1 - Make no changes to Vacation Rental provisions in the OCP and LUB, review the number and density of Vacation Rentals once the provincial registration information is available and determine next steps at that time -
- or Option 3 - Make changes to the regulations related to Vacation Rentals (e.g. expand water and septic requirements, allow only one per property, make the season shorter, and other changes, with no opt in to the Principal Residence requirement.

Both fit well with a licencing program and can meet the needs of the community as a whole, while asking for compromise to better manage Vacation Rentals, including capping the number.

We believe that the LTC can meet the expectations of, and be aligned with, the Provincial legislation, and enable a licencing system with the following actions:

1. **Define "Short Term Vacation Rental"** – definition should read that a Short Term Rental are rentals on Hornby are for periods of 30 days or less.

    - The Province has defined short term rentals as anything less than 90 days. That makes the rental of any home on Hornby for less than 90 days (even in off season) subject to the provincial fines.
    - The Province made a provision[1] that a local government could create a different definition of short term.
    - Hornby provides workforce housing off season, teachers, health care workers, City West, Summit etc., most of which are less than 90 days.

2. **Define who is able to continue offering Vacation Rentals once a Licencing program is operational**

    - An **owner/family/family trust/home** that would have been considered a 'legal non-conforming' use prior to the provincial legislation, at the date of the bylaw change:

        - The owner/family/family trust had operated their Hornby home as an vacation rental in the last year/season; and
        - The property is bylaw compliant or actively resolving identified Vacation Rental infractions.

3. **Define "Bylaw Compliant"** – The Vacation Rental owner must meet OCP/LUB or legal requirements:

    - Displaying a sign (name and number to contact while renting);
    - Meet the minimum number of parking stalls (one per bedroom);
    - Offer no more than the maximum number of bedrooms (3 if the property is less than 10 acres and 4 for 10 acres +);
    - Have an septic certificate if the property has a septic system in designated IA (Whaling Station, Anderson Drive and High Salal);
    - Operate as a Vacation Rental only from May 1 to Sept 30 in each year;

- No unresolved or not in active resolution Vacation Rental Bylaw infractions; and
- The owner is registered for MRDT/PST on Vacation Rentals.

4. **Use the Provincial Registry or Establish a Vacation Rental Registry** to capture all operating and bylaw compliant Vacation Rentals on Hornby.

5. **Enable the Vacation Rentals in the Registry to continue operation until a Licensing Program is established and operating.**

6. **Cap the Number Vacation Rental licences** at those in the Registry, as at a specific date.

Both Option 1 and 3, with no opt in, combined with a licencing program can:

- Cap the number of licences available thereby limiting the number of Vacation Rentals on Hornby.
- Meet your stated intention of allowing the current bylaw compliant Vacation Rentals to continue operation.
- Set criterion for Vacation Rentals that addresses community concerns including septic, water, guest capacity, unaddressed bylaw infractions and parking.
- Enable Full time, part time and legacy family community members while eliminating off-island investors.
- Protect the $50,000 or more each year generated by Vacation Rentals from the MRDT and dedicated to supporting Affordable Workforce Housing.
- When combined with licencing, uncouple Vacation Rentals from property values.
- Improve fire safety and emergency preparedness.

We also want to reiterate our support for separating the Housing changes to the OCP from the Vacation Rental discussion. HISTRA shares the concerns about the needs for affordable worker housing on Hornby and separating these two issues allows the focus on providing affordable housing to stand alone.

There appears to be a misunderstanding in the community. While the Province has permitted secondary accommodation in its legislation, it DOES NOT automatically apply here. The Trustee's can bring Hornby into alignment on this issue by changing the land use bylaw to provide for it. Doing so would immediately legalize many secondary dwellings (provided they meet lot line setback, septic and water approvals) and create caretaker/ affordable housing solutions quickly.

HISTRA also supports the approval of one secondary legal long term living accommodation on 1/2 acre lots with minimum sq. footage for long term affordable housing and/or owner accommodation provided there is approved septic and water servicing to the secondary accommodation.

Combined with moving forward on the critical housing issues, the willingness of the CVRD to move ahead with Licencing gives the LTC an opportunity to make real progress on housing and meet the expectations it had for Vacation Rentals before the Legal Non-conforming legislation was changed by the Province. You can move ahead and meet the needs of the community for well managed Vacation Rentals into the future. We urge you to include licencing in the discussion and considerations on March 22, 2024.

Sincerely, the HISTRA Board

Michael Williams, Patrick Lui, Donna Tuele, Ray Therrien, Karen Young, Karen Ross, Angela Therrien, Michelle Easterly, Arifin Graham and Eulala Mills, Directors

Hornby Island Short Term Rental Association
Email: hornbyshortterm@gmail.com

Recommendations for Capping and Managing Vacation Rentals on Hornby Island

Community Issues Addressed by These Recommendations

The community has expressed several concerns about the impact of Vacation Rentals on our neighbourhoods, environment and resources. At the same time, the Advisory Planning Commission (APC) and Local Trust Committee (LTC) along with much of the community have recognized the importance of properly managed Vacation Rentals to Hornby. The actions and changes outlined below can address many of these concerns and will enable well-managed and controlled Vacation Rentals. Hornby Island Short Term Rental Association (HISTRA) is recommending the following actions to address identified concerns and support previous recommendations from the community.

1) A Vacation Rental Registry is established
    - This will ensure that we have an agreed to and reliably determined number of Vacation Rentals. It is from this that the cap can be set.
2) Vacation Rentals are capped (APC Recommendation)
    - This ensures Vacation Rentals do not expand beyond the current number operating within the bylaws but also allows for new offerings as Licenced owners move out of offering Vacation Rentals.
    - Capping at the current number operating in compliance with bylaws is fair to owners as Current/continuing owners and families have their rights to operate preserved and ensures growth is contained.
3) Vacation Rentals are Licenced (APC Recommendation);
    - This meets the requirements of the provincial legislation and the Province has enabled the CVRD to create and maintain a licencing program. .
4) Consideration is given to full time permanent Residents of Hornby Island (HISTRA Recommendation, reflects aspects of APC recommendations);
    - Reduced fees, priority access to licences (after the first year of licence operation) and more flexibility in how and when Vacation Rentals operate help to support those who live full time on Hornby.
5) Consideration is given to 'Legacy' families, current and future (HISTRA Recommendation);
    - Many Vacation Rentals are offered by second and third generation Hornby families. Family groups, siblings, immediate family, family trusts and those 'on title', many of whom who rely on Vacation Rentals to remain a part of our community, are enabled to retain a Vacation Rental licence when ownership changes within the family group.
6) The licence applies to owner/family not property;
    - The intention here is to allow changes of ownership among families, or groups who share ownership of the property in some way. Enabling the license to remain when ownership is 'continuous' in a family, partnership group, or other arrangement on title, but not when the property is sold at arms length and to an unrelated and non-continuous new owner.
    - By enabling owners to operate a Vacation Rental but not tying it to the property, there is no potential increase in property value due to a property offering Vacation Rentals.

- Current/continuing owners and families have their rights to operate within the bylaws protected and families are enabled to continue to offer Vacation Rentals through generations.

7) Investors who spend no time in their home on Hornby are not eligible for a Vacation Rental Licence (HISTRA Recommendation)
    - This closes the door on investors who are not directly connected to Hornby and who do not spend any time on the island.
8) Removes impact on property values
    - By enabling owners to operate a Vacation Rental but not tying it to the property, there is no potential increase in property value due to a property offering Vacation Rentals. Denying off island (those who spend no time at their Hornby property) investors a Vacation Rental licence also removes Vacation Rental as a local driver of property values.
9) Water Sustainability plans are required (APC Recommendation);
    - Addresses water use concerns, shared across the Island.
    - We support the LTC to move towards rainwater augmentation for all properties on Hornby, over time.
10) Septic System maintenance is required (APC Recommendation);
    - We recommend this be developed in line with the new CVRD requirement (coming in spring 2024)
11) Easy to reach contacts are required during the rental period. The contact information is posted on sign at the entrance to the property. (HISTRA Recommendation);
    - This supports a 'good neighbour' philosophy and allows for concerns to be addressed quickly and locally.
12) Capacity of the Vacation Rental is limited, and one rental per week is continued, (current bylaw);
    - This is an important aspect of managing the impact within neighbourhoods as well as the whole island and it should be maintained.
13) Off street parking is required (current bylaw);
    - This is part of a 'good neighbour' philosophy and limits direct impacts on a neighborhood.
14) Those that have open or are not working actively on resolution for Vacation Rental bylaw infractions must resolve them for them to retain their Vacation Rental Licence (HISTRA Recommendation);
    - This ensures that Vacation Rental infractions are corrected or the Licence is revoked.
15) Emergency Management and Fire Safety tools are required (HISTRA Recommendation); and
    - This addresses safety both on site and in the event of a larger emergency. The Emergency Management information has already been developed in partnership with HIRRA and is available to download from the HISTRA website.
16) Vacation Rental Insurance is required (HISTRA Recommendation).
    - This ensures that guests, neighbours and owners are protected if there is an accident or damage.

Hornby Island Short Term Rental Association
Email: hornbyshortterm@gmail.com

First Steps Needed

1. **Hornby Island LTC to Define "Short Term Vacation Rental"** – definition should read that a Short Term Rental are rentals on Hornby are for periods of 30 days or less.
   - Hornby provides workforce housing off season, teachers, health care workers, City West, Summit etc., most of which are less than 90 days.
   - The Province has defined short term rentals as anything less than 90 days. That makes the rental of any home on Hornby for less than 90 days (even in off season) subject to the provincial fines.
   - The Province did make a provision[1] that a local government could create a different definition of short term.
2. **The CVRD establish a registry** of all operating and bylaw compliant Vacation Rentals on Hornby (APC Recommendation, enabled by Provincial Legislations).
3. **Hornby Island LTC to Define who is able to continue offering Vacation Rentals**
   - An **owner/family/family trust/home** that would have been considered a 'legal non-conforming' use prior to the provincial legislation, at the date of the bylaw change:
     - The owner/family/family trust had operated their Hornby home as an vacation rental in the last year/season; and
     - The property is bylaw compliant.
4. **Hornby Island LTC to Define "Bylaw Compliant"** – The Vacation Rental owner must meet OCP/LUB or legal requirements:
   - Displaying a sign (name and number to contact while renting);
   - Meet the minimum number of parking stalls (one per bedroom);
   - Offering no more than the maximum number of bedrooms (3 if the property is less than 10 acres and 4 for 10 acres +);
   - Have an septic certificate if the property is in designated IA (currently Whaling Station, Anderson Drive and High Salal);
   - Operate as a Vacation Rental only from May 1 to Sept 30 in each year;
   - The owner has no unresolved or not in active resolution Bylaw infractions specific to Vacation Rental; and
   - Registered for MRDT/PST on Vacation Rentals.

[1] Refer to pages 11 & 12 in the BC Government STR Policy Guide updated December 2023. https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/tools-for-government/short-term-rentals/str_policy_guidance_2023.pdf

Hornby Island Short Term Rental Association
Email: hornbyshortterm@gmail.com

Recommendations for the Hornby Island LTC for updates to the OCP/LUB

1. **A cap on Vacation Rentals implemented at the number established by a CVRD managed Registry.**
2. **Require all Vacation Rentals to have a Licence**
    - Licences to be issued through the Comox Valley Regional District. (Similar to San Juan as enabled by Provincial Legislation, requires CVRD to develop this program).
    - A licence is issued once and remains, as long as a Certificate of Compliance is submitted annually and by the deadline.
3. **Enable the Vacation Rentals in the Registry to continue operation until a Licensing Program is established and operating.**
4. **The Vacation Rental Licence for those whose residents whose homes meet the Principal Residence requirements for property tax purposes would:**
    - Be permitted to operate Vacation Rentals at any time throughout the year, to a maximum of 22 weeks per year (the current number of permitted weeks); and
    - Be permitted to operate vacation rentals in accessory buildings other than the main house (with approved septic and water) on properties 5 acres and greater.
5. **The Vacation Rental Licence for those who DO NOT meet the Principal Residence requirements for property tax purposes would:**
    - Be permitted to operate vacation rentals between May 1 and September 30.
    - Be permitted to operate one Vacation Rental per property
    - Be permitted to operate Vacation Rentals in the main house only
6. **Require all Licensed Vacation Rentals to have an Annual Certificate of Compliance** once the Vacation Rental has a Licence to operate (Similar to San Juan)
    - The process would be managed by the CVRD;
    - The Annual Certificate of Compliance would be completed and submitted online or by mail; and
    - The process would be form based and easy to complete.

H.I.S.T.R.A.

Hornby Island Short Term Rental Association
Email: hornbyshortterm@gmail.com

Recommendations for the scope and content of CVRD Operation and Management of a Vacation Rental Licence and Certificate of Compliance:

1. **Initial Vacation Rental Licences would be granted to owners who:**
   a. Meet the LTC definition of bylaw compliant outlined in first steps above; and
   b. Are registered as a Vacation Rental in the CVRD Registry at the time of the initial granting of the Licence.
2. **Licence is in place until surrendered or rescinded**
   a. A licence is issued once and remains in place as long as a Certificate of Compliance is submitted annually and by the deadline and the owner has no outstanding Short Term Rental bylaw infractions.
   b. New Vacation Rental Licences can only be granted if there are unassigned Licences within the LTC established cap on Vacation Rentals. New applicants would be required to meet the conditions of a New Licence.

   Unassigned Licences will become available if:

   a. The property is sold to an 'arm's length' purchaser (see definition in number 5 below).
   b. The current Vacation Rental owner does not offer short term rentals for a period of 24 months (as identified on the annual certificate of compliance).
   c. The Vacation Rental owner is in violation of the conditions of the Vacation Rental Licence.
   d. The Vacation Rental owner did not submit their Annual Certificate of Compliance by the deadline (see 4 below).

3. **Priority of Issuing New Vacation Rental Licences**
   1) For the first year of licence program operation only:
      - Owners who meet the 'legal non confirming' definition outlined above and are in the CVRD Registry.
   2) All subsequent New Vacation Rental Licences:
      1. First priority - Owners whose Vacation Rental is in/at their principal residence; and then
      2. Owners/family (immediate family, and/or anyone already registered on title, family trusts) who live on Hornby part of the year.

      Investors who spend no time at their home/property on Hornby are not eligible for a Vacation Rental Licence.

4. **Licence fee**
   a. The Vacation Rental is the owner's Permanent Residence: $250 (actual cost, TBD, program cost dependent on the costs of CVRD Licencing program)
      - The principal of this recommendation is that owners whose Vacation Rental is their 'Principal Residence' pay 50% less than that charged to those owners who are part time residents of Hornby Island.
   b. Vacation Rental Licence fee for at all other property owners: $500 (TBD, program cost dependent on the costs of CVRD Licencing program.

5. **Licence is given to the owner/family/family trust not the property**
    a. If the property is sold at arm's length, new owners will need to apply for a new licence when one is available; and
    b. Licence can continue if ownership changes within a family (immediate family of those on title, inside a family or ownership trust or other ownership structure, as an inheritance and/or to anyone previously registered on title.
    c. The intention here is to allow changes of ownership among families, or groups who share ownership of the property in some way. Enabling the license to remain when ownership is 'continuous' in a family, partnership group, or other arrangement on title, but not when the property is sold at arms length and to an unrelated and non-continuous new owner.
6. **Licences are revoked** where:
    a. the property is sold at arm's length
    b. the owner listed on title has notified the CVRD they have ceased Vacation Rental use (must be done by October 31st); or
    c. the Certificate of Compliance is not filed by the established deadline; or
    d. the property has not been used as a Vacation Rental in the previous 24 months.
7. **New Licences** are issued:
    a. in December of each year for the subsequent year, up to the cap set by the LTC in the OCP/LUB;
    b. on a first come first served basis; and
    c. in the priority sequence outlined above (see #3 in this list).
8. **Annual Compliance Certification**
    a. Annual Compliance Certificate is required to keep a Licence active;
    b. Certificate must be submitted by the owner between June 1 and October 31 for the subsequent year;
    c. Certificate is considered approved unless staff contact the owner, which must be within 4 weeks of submission date or by November 15th, whichever comes first.
9. **Compliance Certification Requirements:**
    a. Payment of fee: $200 (actual cost, TBD, program cost dependent on the costs of CVRD Licencing program);
    b. Submitted between June 1 and October 31 for the following year;
    c. Maximum Capacity (2 persons per bedroom);
    d. Maximum weeks offered for Vacation Rental (up to 22 weeks)
    e. Only one rental to one family group in a 7 day period
    f. Has a minimum number of off street parking stalls (one per bedroom);
    g. Demonstrated Septic Maintenance - consistent with CVRD regulations, to be in place soon;
    h. Copy of Water sustainability guest instructions/tools;
    i. Proof of Vacation Rental Insurance;
    j. Easy to reach contact during rentals;
    k. Proof of Posted Sign 6"x12" minimum (current requirement) – with on island contact information posted;
    l. Description of Fire safety - smoke and CO^2 Alarms, fire suppression tools in place; and
    m. Copy of Emergency Management information accessible to guests.

If a CVRD registry and licencing program is not an option – a simple, administrative process to create a registry and then mirroring the Certificate of Compliance requirements will need to be developed and operated by Islands Trust using the criteria outlined above.

Hornby Island Short Term Rental Association
Email: hornbyshortterm@gmail.com

Some Notes on Housing on Hornby

1. The Housing recommendations for the OCP/LUB should be separated and managed independently from the Vacation Rental discussions.
2. All dwellings, non-conforming, existing or new should be supported to move towards appropriate water and septic systems including expanding rainwater augmentation/collection.
3. Allow caretaker suites or Additional Dwelling Units on all R1 properties PROVIDED there is septic approval and a water sustainability plan. The units are only for personal or property caretaker, long term rental or owner occupation, NOT Vacation Rental.
4. Through the established processes, request that MRDT monies support specific housing activities on Hornby.

From: Eulala Mills

Sent: Wednesday, March 20, 2024 5:42 PM

To: Alex Allen; Grant Scott; Timothy Peterson

Cc: Sonja Zupanec; northinfo; reachme@danielarbour.ca

Subject: Housing, Affordability and Vacation Rentals

Dear Alex, Grant and Tim:

I've written before about the personal impact changes to Vacation Rentals on Hornby could have for my family and I. You've heard similar stories from many others. You know the seriousness and the impact of the choices you are making. My purpose in writing today is to support you in making decisions that most of our community can rest easy about.

I believe you can accomplish this if you:

1. Separate the Housing and Vacation Rental aspects of the OCP/LUB project and move ahead each independently.
2. Support Option 3 in the Vacation Rental staff report and add additional water, septic (using the coming CVRD requirements) and vacation rental insurance requirements to the existing Vacation Rental rules
3. DO NOT opt in to the Principal Residence requirement, and
4. Work with the CVRD to develop a robust licencing program that includes a cap on the number of licences available.

In the short term this will allow the housing discussion to move ahead, tighten the Vacation Rental regulations, already more restrictive than the Provincial legislation in many areas, address the most serious community concerns while allowing those who are bylaw compliant to continue and collect needed information through the Province's coming Vacation Rental registry.
In the longer term, it will enable a fair and balanced licencing program that supports well managed Vacation Rentals at the level you expected when you anticipated the legal non-conforming rules would allow current legally operating Vacation Rentals to continue.

For so many years we have, as a community, wrestled with the challenges we face in housing. We have, collectively, mixed this conversation together with Vacation Rentals and allowed ourselves to be affected by information that is not reflective of the unique values and concerns on Hornby. We need to move away from divisiveness, allow time to develop and

implement a robust licensing program and focus our energy on moving forward on housing and environmental sustainability.

I believe that option 3 with no opt-in is supported by what we do know, will move us to answering what we don't yet know and will allow us to move forward with housing actions.

Here is what the data and studies have told us:

- there are 40-50 families or individuals on Hornby who are precariously housed;
- many of them can afford less than $500 a month in housing costs, so need some kind of subsidized or alternative housing option;
- housing costs on Hornby are well below that of BC and the Comox Valley;
- there will be 26 new housing units coming to the island at Beulah Creek, hopefully soon, to meet a range of needs for families and individuals;
- more property owners are moving to Hornby and no longer offering long term rentals;
- almost all of the Vacation Rentals are long term and deeply connected members of our community who come to the island throughout the year and so will not create any housing if vacation rental is no longer open to them;
- Many businesses, workers, artists and artisans rely on Vacation Rentals for their livelihood, taking away that income would create more precariously housed community members;
- the MRDT is creating consistent and annual funding, set aside for work to create and/or support affordable worker housing;
- 75% of the MRDT funds are from Vacation Rentals;
- no more than 30% of Vacation Rentals are also full time residents (2022 HISTRA survey), so opting into the Permanent Resident requirement would create the same problems as outright banning Vacation Rentals
- only about 10% of visitors in any week are generated by Vacation Rentals
- yet, based on the average annual income on hornby reported by the 2023 Community Profile, about 20% of our workers income is represented by spending from Vacation Rental owners and visitors

We need to solve our housing challenges and to do that we need to:

- separate the housing aspects of the OCP/LUB changes
- recognize that the data and studies clearly show that changes to Vacation Rentals will not affect housing or affordability on Hornby
- allow for ADUs in all zones with proper set back, septic and water that are strictly for long term rental, caretaker or family use
- protect the MRDT funds so affordable worker housing can move forward and be supported with predictable annual funding

- determine how many Vacation Rentals there are, how often they have visitors and set a cap to manage growth
- decouple Vacation Rentals from property values through a licencing program

I know that this has been a long and difficult journey for most, if not all, of us involved. I believe you are on the precipice of making a decision that addresses most community concerns expressed about Vacation Rentals. One that enables well managed and regulated Vacation Rentals to continue to support so many in our community and allow us to move our focus to the critical needs and actions around creating housing that our community members need and can afford.

best,

Eulala Mills

[redacted].

From: Karen Ross

Sent: Wednesday, March 20, 2024 8:07 PM

To: Grant Scott; Alex Allen; Timothy Peterson; northinfo; Daniel Arbour

Cc: Hornby Accomodation; Eulala

Subject: In agreement:Housing, Affordability and Vacation Rentals

Hi Alex, Grant, and Tim,

May I express my appreciation for your dedication, as Trustees, in seeking the best course of action for the Island housing situation.

I was given a copy of the email below, and believe that it is accurate, well reasoned, well informed, and reflective of my own observations.

I would endorse this letter as reflecting my own personal views and encourage the Hornby LTC to act accordingly.

With best wishes,

Karen Ross

Sent from my iPhone

Begin forwarded message:

> **From:** Eulala Mills
> **Date:** March 20, 2024 at 5:44:25 PM PDT

To: Arifin Graham <arifin@alarisdesign.com>, Michelle Easterly <mishae@uniserve.com>, Ray Therrien <raythe84@gmail.com>, Michael Williams <michael.williams4296@icloud.com>, Patrick Lui <patrick.lui@me.com>, Karen Young <kgarton@outerisland.bc.ca>, Angela Hudson <ahudson6250@gmail.com>, Karen Ross <karenross@telus.net>, Donna Tuele <DonnaTuele@telus.net>
Subject: Fwd: Housing, Affordability and Vacation Rentals

Hi all - thought i'd share my letter to the LTC....

---------- Forwarded message ---------
From: **Eulala Mills** <eulala@telus.net>
Date: Wed, Mar 20, 2024 at 5:41 PM
Subject: Housing, Affordability and Vacation Rentals
To: Alex Allen <AAllen@islandstrust.bc.ca>, Grant Scott <GScott@islandstrust.bc.ca>, <tpeterson@islandstrust.bc.ca>
Cc: <szupanec@islandstrust.bc.ca>, northinfo <northinfo@islandstrust.bc.ca>, <reachme@danielarbour.ca>

Dear Alex, Grant and Tim:

I've written before about the personal impact changes to Vacation Rentals on Hornby could have for my family and I. You've heard similar stories from many others. You know the seriousness and the impact of the choices you are making. My purpose in writing today is to support you in making decisions that most of our community can rest easy about.

I believe you can accomplish this if you:

1. Separate the Housing and Vacation Rental aspects of the OCP/LUB project and move ahead each independently.
2. Support Option 3 in the Vacation Rental staff report and add additional water, septic (using the coming CVRD requirements) and vacation rental insurance requirements to the existing Vacation Rental rules
3. DO NOT opt in to the Principal Residence requirement, and
4. Work with the CVRD to develop a robust licencing program that includes a cap on the number of licences available.

In the short term this will allow the housing discussion to move ahead, tighten the Vacation Rental regulations, already more restrictive than the Provincial

legislation in many areas, address the most serious community concerns while allowing those who are bylaw compliant to continue and collect needed information through the Province's coming Vacation Rental registry.
In the longer term, it will enable a fair and balanced licencing program that supports well managed Vacation Rentals at the level you expected when you anticipated the legal non-conforming rules would allow current legally operating Vacation Rentals to continue.

For so many years we have, as a community, wrestled with the challenges we face in housing. We have, collectively, mixed this conversation together with Vacation Rentals and allowed ourselves to be affected by information that is not reflective of the unique values and concerns on Hornby. We need to move away from divisiveness, allow time to develop and implement a robust licensing program and focus our energy on moving forward on housing and environmental sustainability.

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- protect the MRDT funds so affordable worker housing can move forward and be supported with predictable annual funding
- determine how many Vacation Rentals there are, how often they have visitors and set a cap to manage growth
- decouple Vacation Rentals from property values through a licencing program

I know that this has been a long and difficult journey for most, if not all, of us involved. I believe you are on the precipice of making a decision that addresses most community concerns expressed about Vacation Rentals. One that enables well managed and regulated Vacation Rentals to continue to support so many in our community and allow us to move our focus to the critical needs and actions around creating housing that our community members need and can afford.

best,

Eulala Mills

From: Ann Murphy

Sent: Wednesday, March 20, 2024 1:56 AM

To: Grant Scott; tpeterson@islanstrust.bc.ca; Sonja Zupanec; reachme@danielarbour.ca; hornbyshortterm@gmail.com; northinfo; Alex Allen

Cc: hornbywindwaves@gmail.com

Subject: STVR's on Hornby island

Dear Trustees,

We are writing this letter to voice our concerns regarding the proposed elimination of STVR's on Hornby Island. We agree that STVR"s should be monitored on Hornby and are grateful to have our home managed by Wind and Waves, who insure proper rental procedures are in place. We rent for approx 4-5 weeks (total) in the summer and for the rest of the year our home is for our personal use.

Regarding the different options put forward by Islands Trust to deal with STVR's we are in agreement with the HISTRA recommendations of Options 1 and 3 . We would also kike to make the trustees aware that opting into the Prinipal Residence requirement would affect many non resident home owners in many ways and still will not free up housing stock..We believe that eliminating STVR's is a flawed solution to the long term housing problem as the majority of people who own a vacation home have no desire to rent their homes for long periods of time.The HISTRA survey of vacation home owners confirms this fact. "Elimination" will also have a negative economic impact on people in the Hornby community who rely on seasonal employment and the spending power of visitors to assist with their livelihoods. Hornby Island has always been a vacation destination for many families and short term rentals are an integral part of the island economy.

The year 1978 was the occasion of our first visit to Hornby, and it was love at first sight.

In the 46 years that we have made Hornby part of our life, we have seen many changes. However the essence of Hornby stays the same. It is still a beautiful magical place, loved by so many.

As homeowners on Hornby island, we have a vested interest in keeping this island pristine and

unspoiled for future generations. Proper licensing of STVR's and compliance with bylaws for all homeowners should assist in this endeavour.

Regards, Tom and Ann Murphy

From: Toby Krell
Sent: Wednesday, March 20, 2024 12:08 PM
To: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; reachme@danielarbour.ca; Sonja Zupanec <szupanec@islandstrust.bc.ca>
Subject: hornbyshortterm@gmail.com

Prior to the meeting March 22 I wish to submit my thoughts at this time. Thank you in advance for considering.

I have re-read our current Community Plan section regarding vacation rentals and think it resonates well with me as is. Hornby Island is my principal residence and has been for 50 years, same property.

My thoughts are basically go slow with any formal changes. I am against opting into the new government regulations as there are always unintended consequences of new legislation.

Working over time toward improving water protection, e.g. catchment systems over time, prevention of septic pollution, parking availability, noise bylaws, fire prevention all are essentials to community safety and comfort year round for all properties

Rigid rules re licensing and registration immediately bring up the question of who will enforce. There are multiple levels of governance involved already creating complex management, making it hard to understand and be in so-called compliance. If complaint driven, pits neighbours against each other. Following online conversations about this topic demonstrates how much depth of entrenched feeling there already is. Different rules for different families and even a different charge for proposed licenses continues to classify neighbours into class categories.

If I understand correctly, there are 4 options under consideration March 22. I vote for " Make no changes to Vacation Rental provisions in the OCP and LUB, review the number and density of Vacation Rentals once the provincial registration information is available and determine next steps at that time."

In healthcare the motto for new treatments is "start low, go slow". Nothing should be implemented for the coming summer season at minimum given that arrangements of many kinds are already in place. Many of the summer visitors, those who would know to book early, have been coming for years. They are actually part of the community socially and in terms of being visitors who understand our limitations and create stability during the summer by their behaviours. They want to spend time and money within the Hornby community supporting artistic and other creative businesses, including of course food and beverage. They have developed a culture within their families and community of preservation and respect which benefits society in general.

Side notes re housing issues -I would imagine that most of us on Hornby want to continue with autonomy and a creative flexibility for solving issues that arise. We are dependent on tourism. Workforce housing needs will not be solved by rigid regulation and oversight. Possibly will be worsened if people become even more entrenched in their perceived 'rights' one way or another in response to regulated changes. I can imagine a separate stream of regulatory conversation that promotes businesses of a certain size/type required to provide some means of housing for its staff. In the summer I meet young adult visitors who come and camp on the beaches and certain access areas. Probably same for some cars/camper vans: they choose the experience as part of their culture. They are not doing so because of lack of rentals. We do need to consider this in some way. Once ferries cease, they must be accommodated somehow. It's important to me to spend our resources to ensure outhouse availability and have a patrol to ensure fire safety for these areas.

Sincerely,

Ms. Toby Krell

From:
Sent: Thursday, March 21, 2024 7:13 AM
To: Alex Allen; Grant Scott; Timothy Peterson; Sonja Zupanec; northinfo; reachme@danielarbour.ca
Cc: 'HISTRA Association'
Subject: Hornby Island Special Community Meeting March 22nd

Good Day,

We were happy to learn that the Comox Valley Regional District will be moving ahead with first steps towards developing a licencing program for vacation rentals on Hornby.

We believe that licencing is the best route to a strong and fair management system for vacation rentals and is supported by many in the community you represent.

Therefore, we were disappointed to see that the document outlining the Islands Trust staff options for the LTC to consider did not include licencing as one of the options.

Our hope is that because the decision was made by the Comox Valley Regional District very recently, it was too late to be included in the document, and licencing will be added to the options before the meeting.

If not, of the options staff have developed, our opinion is that Option One or Option Three without the Principal Residence opt in, fit best with a fair and robust licencing program.

Certainly, opting into the Principal Residence Requirement would hurt many deeply connected community members and does not allow currently operating and bylaw compliant Vacation Rentals to continue.

We think the actions the Local Trust Committee should take in the short term, as the Licencing program is developed by the Comox Valley Regional District, are as set out by the Hornby Island Short Term Rental Association as follows:

1. **Define "Short Term Vacation Rental"**
   - Short Term Rental are rentals on Hornby are for periods of 30 days or less.
   - Hornby provides workforce housing for teachers, health care workers, City West, Summit etc., most of which are less than 90 days even in the off season.
2. **Define who will be able to continue offering Vacation Rentals under a Licencing program**
   - An **owner/family/family trust/home** that would have been considered a 'legal non-conforming' use prior to the provincial legislation, at the date of a bylaw change and:
     - The owner/family/family trust had operated their Hornby home as a vacation rental in the last year/season; and
     - The property is bylaw compliant.
3. **Define "Bylaw Compliant"** – The Vacation Rental owner must meet OCP/LUB or legal requirements:
   - Displaying a sign (name and number to contact while renting);
   - Meet the minimum number of parking stalls (one per bedroom);

- Offering no more than the maximum number of bedrooms (3 if the property is less than 10 acres and 4 for 10 acres +);
- Have a septic certificate, if the property has a septic system, in the designated IA (Whaling Station, Anderson Drive and High Salal);
- Operate as a Vacation Rental only from May 1 to Sept 30 in each year;
- No unresolved, or not in active resolution, Bylaw infractions specific to Vacation Rental; and
- The owner is registered for MRDT/PST on Vacation Rentals.

4. **Use the Provincial Registry or Establish a Vacation Rental Registry** to capture all operating and bylaw compliant Vacation Rentals on Hornby.
5. **Enable the Vacation Rentals in the Registry to continue operation until a Licensing Program is established and operating.**
6. **Cap the Number Vacation Rental licences** at those in the Registry, as at a specific date.

Furthermore, we suggest that the Housing recommendations for the OCP/LUB should be separated and managed independently from the Vacation Rental discussions and request that MRDT monies, which are largely generated through short term vacation rentals, support specific housing activities on Hornby.

This step should be taken as it was very apparent from public correspondence that, as most recreational property owners use their Hornby home regularly year-round, they are not in a position to rent the property on a long-term basis and therefore the elimination of STVRs would do little, if anything, to address the long-term housing issues on Hornby.

We look forward to learning that the LTC has requested staff to prepare draft amendments to the OCP and LUB Review Charter to reflect the above licensing option.

Yours Sincerely,

Duncan & Deneen

From: Erian Baxter
Sent: Thursday, March 21, 2024 1:27 PM
To: Alex Allen; gscott@islandstrustbc.ca; Timothy Peterson; Sonja Zupanec; northinfo; reachme@danielarbour.ca
Cc: HISTRA Association; Kevin Dubois; Hannah Dubois
Subject: Hornby Island Trust Meeting Mar 22, 2024

Dear Island Trustees, and Island Trust Staff et al,

Thank you for organizing a special meeting to further create understanding and a plan around STVR on Hornby Island and how they can hopefully continue to responsibly operate and contribute to the Hornby Island Community and economy.

We recognize that the new BC Provincial guidelines for STVR threw a bit of a curveball into your already well researched and well thought out plan so definitely appreciate the extra efforts this has caused.

In reading the IT Staff recommendations it seems like the very recent support received from CVRD around supporting a study into the creation of licensing system specifically for STVR on Hornby Island came in after those recommendations were finalized and we hope the Mar 22nd Meeting Agenda will be able to be updated to add this possibility to the agenda as well. A licensing system could greatly assist whichever version of the guidelines chosen and could work well managing STVR's impact and contribution to the Hornby community, as per outlined in the most recent HISTRA letter to Island Trustees and Staff.

We also agree with the suggestion to try to separate, as much as possible, the STVR issues from the ongoing discussion about how to create affordable housing alternatives on Hornby so the STVR doesn't distract from valuable efforts to move forward with housing solutions. We are definitely a family that relies on STVR to get by but would not end up turning our home into long term housing if STVR was removed.

We look forward to a positive and productive meeting and greatly appreciate all the efforts from so many.

All the best,
Erian Baxter and Kevin Dubois

Hornby Island

Sent from my iPhone

From: C & S Aitchison [redacted]
Sent: Friday, March 22, 2024 9:03 AM
To: Alex Allen; Grant Scott; Timothy Peterson; Sonja Zupanec; northinfo; reachme@danielarbour.ca
Subject: Hornby Island Community Meeting

Hornby Island has for decades been a welcoming place for families to come and enjoy a wonderful summer holiday. Many happy memories made as families have been able to gather under one roof to reconnect and enjoy each other's company. As there are few commercial accommodation options on the island with one being unaffordable for most and many can't or have no desire to camp, these cottages have filled a necessary void. It would be a sad loss if people were no longer able to open their homes to these families.

Banning short-term rentals on Hornby Island may not increase long-term and / or affordable housing and may instead create undue economic hardship for many residents whose income is heavily dependent on the tourist families who visit during the summer months.

Regulating homes, both primary and secondary, via property management companies and limiting the number of short-term properties may enable the balance the island needs to ensure it is not over run while allowing the economic benefit of tourists to continue.

Thank you for your time and consideration.

Christina Aitchison
Hornby Island

From:
Sent: Friday, March 22, 2024 9:18 AM
To: Alex Allen; Grant Scott; Timothy Peterson; Sonja Zupanec; northinfo; reachme@danielarbour.ca
Cc: 'Elizabeth MacIsaac'
Subject: Today's meeting STVR: we are aligned with HISTRA / no permanent residence requirement

Importance: High

Dear email-inundated people.

STVR.

Representing a 2nd generation Hornby Island family with a home built over 50 years ago on the island, we don't reside on Hornby now while making our living. We are on island every month and extensively in the summer.

We are aligned with HISTRA's recommendations and fervently **do NOT want a residence requirement** attached as we are greatly assisted by about 8 weeks of STVR in the season to afford and maintain our family property which has many years ahead to work on paying down the cost of our generation acquiring it from elderly family.

We're spending approx. $8000 this spring on implementing rainwater collection to augment our well and island workers are the beneficiaries.

Sincerely,
Ian Bullen & Elizabeth MacIsaac

From: Sarah Davidson

Sent: Friday, March 22, 2024 3:48 PM

To: Alex Allen

Cc: Grant Scott; Timothy Peterson; northinfo

Subject: STVR - the meeting today

Hi Alex,

I live streamed today's meeting. I thought your idea of having a principal residence requirement along with allowing TUP's for others deserved more attention then it got. I thought everyone got confused, about the term "opting in" to a principal residence requirement.

Can't the Hornby OCP/LUB limit short term vacation rentals to principal residences? Or is that illegal in some way? I didn't think you had to opt into the Provincial legislation to decide to do that - it was, after all, a recommendation from the APC before this provincial legislation was proposed.

So, if we could do that and, basically, adopt the relevant parts of the Provincial legislation (including the definition of principal residence) into our OCP/LUB without opting into the legislation we could then allow TUP applications for people who don't comply. Then anyone who is being caught in an unexpected change can have three years to get used to the idea and decide what to do. You could announce that the trustees would be very reluctant to renew the TUP, or that the trustees foresee opting into the legislation in 3 years..

I don't know how hard TUP's are to apply for or administer. But you've asked staff to tell us.

Take care,

Sarah

From: Sonja Zupanec
Sent: Tuesday, March 26, 2024 12:21 PM
To: webposting
Cc: Ian Cox
Subject: FW: Today's LTC Meeting - vacation rental use

For the HO OCP project page please.

Sonja Zupanec, RPP, MCIP
Island Planner, Northern Office, Islands Trust
T 250.247.2211

From: Anthony Law
Sent: Friday, March 22, 2024 7:29 PM
To: Grant Scott <gscott@islandstrust.bc.ca>
Cc: Alexander Allen ; Timothy Peterson <tpeterson@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>
Subject: Today's LTC Meeting - vacation rental use

Hi Grant:

In your email to me on March 20th you stated:

" Something you may not be aware of but CVRD has agreed to issue business licenses on Hornby for STVRs so that alters the discussion. "

My understanding is that this is a far from accurate statement.

I do hope you and Alex and Tim did not go into today's meeting believing it!

Before the regional district can "agree" to issue business licenses on Hornby for STVRs, the CVRD's Board would first have to vote on a bylaw to establish a business license service.

The steps involved in establishing such a bylaw would involve:

1. A service-establishing bylaw is drafted and the board gives it three readings.

2. The electoral area director provides consent.

3. Provincial review and statutory approval is undertaken by the Inspector of Municipalities (6-8 weeks)

4.Approval of the electors is required either through a referendum or alternative approval process (8-11 weeks)

5. Adoption of the bylaw by the board

6. Period during which bylaw can be challenged by applying to Supreme Court (1 month)

7. Adopted bylaw submitted to the Ministry of Municipal Affairs for their records

8. The regional district would then need to adopt a regulatory bylaw.

A business regulation service establishment bylaw must identify
- the purpose of the service,
- how it will be delivered,
- what the maximum cost will be, and
- how the costs will be recovered.

Thus, before the 8-step process can begin, the regional district would need to undertake a feasibility study (which would first have to be costed and funded) to address these issues.

With respect to a feasibility study: Comox Valley Regional District staff have stated:

"Added complexity is noted by the separation of regulatory and land use policy jurisdiction."

"The policy and regulatory framework (i.e. land use authority of Islands Trust) and related public engagement regarding the land use is a key consideration that is needed to inform feasibility study work."

I certainly hope that you and Alex and Tim did not go into today's meeting basing your decisions on the assumption that the CVRD has "agreed to issue business licenses" , as you stated to me.

It has only agreed to consider the possibility, with the outcome based on:
- the results of a feasibility study,
- elector approval, and
- a majority vote of the whole board.

I was not at today's LTC meeting, but have been informed that the LTC voted to implement the APC's recommendations and voted to not utilize TUPs for vacation rentals.

Tell me if I have got this wrong, but if I haven't, this is not going to work!!

In its report dated March 29, 2022, the APC recommended:

1. Short Term Rentals as a permitted use is revoked in all zones.

2. At the same time all STR operators apply for TUP effective [date of bylaw change]
a.) provide water and septic certification and maintenance plan (part of TUP)
b.) TUP for STR be batch processed and the fee adjusted to $250 and to $0 if the permit is to provide a community benefit, ie community housing
c.) Current occupancy limits be confirmed as part of TUP process

3. Rental period defined as three months, for example June 15 to September 15

Thus, if the LTC ***is*** to implement the APC's recommendation #1 that "Short Term Rentals as a permitted use is revoked in all zones" but ***not*** implement the recommendation #2 that "at the same time all STR operators apply for TUP", then there will be no way to legally operate short term rentals on Hornby Island.

(Which may please some, but will make others very angry!!!).

It seems that maybe the LTC and others are prematurely relying on business licenses being THE way to address vacation rentals.

But,....

As noted above, whether and when the CVRD gets into a position to issue business licenses for Hornby Island is by no means certain at this point.

THe CVRD may or may not decide to adopt a business licensing regime that the community considers reasonable and affordable.

Costs will have to be recovered through fees and/or taxes.
(In Tofino, a business license for a vacation rental involves an annual fee of $504.59 for one sleeping unit and a $116.46 fee for each additional unit plus a $73.44 application fee. The Hornby Island APC is recommending a reduced TUP of $250 for a three-year permit with administrative costs being reduced through batching applications.)

So what to do?

I suggest the following:

1) Short term (immediately)
Implement the APC's recommendations by amending the OCP* and LUB to:
- delete vacation rentals as a permitted use in zoning regulations;
- permit vacation rental use through TUPs.

2) Medium term (coming months or more)
Work with the CVRD as it explores the feasibility of a business licensing service that would include business licences for vacation rentals on Hornby Island.

3) Long Term (year ++?)
If and when the CVRD adopts a business licensing service, zoning regulations can be amended to permit vacation rentals conditional upon a business license being issued.*

**** A policy can be included in the OCP supporting a subsequent amendment to land use regulations to allow vacation rentals as a permitted use if and when the CVRD is able to issue business licences with respect to that use.***

I hope this is helpful.

Take good care.

Tony Law

Tony Law
[redacted]

To: Hornby Island Local Trust Committee 2 April 2024

I imagine the LTC's 22 March meeting was very challenging with difficult decisions to be made.

But I am very worried that the directions given to staff at that meeting will lead to undesirable consequences. I am inclined to believe that they do not reflect the intent of the LTC.

I am writing to support you in revisiting those directions to provide more clarity about the LTCs intentions.

As I see it, if the March directions stand unchanged they will result in:
- the APCs recommendations not being implemented,
- the LTC not having the ability to cap the number of short term rentals (STRs) on Hornby Island,
- continuing compliance challenges, and
- Hornby Island being the only jurisdiction in our region without effective management of STRs.

I believe it is premature to base the LTC's responsibility to address its STR land use policy on the uncertain future possibility that CRD might adopt a business licensing service to regulate this particular land use.

An examination of Temporary Use Permits suggests that they do not compare as unfavourably with other options (zoning regulations, business licenses) as some are suggesting.

I hope the information in this submission will assist the LTC in adjusting its directions.
At the end of this letter is a suggestion of possible steps for a way forward.

1. The March 2024 Directions

My understanding is that the following resolution was carried:

> **That the Hornby Island Local Trust Committee request staff to prepare draft amendments to the Official Community Plan and Land Use Bylaw Review Project Charter to reflect: *Option 3*:* not opting in to the principal residence requirement and incorporating the Advisory Planning Commission recommendations *but excluding the temporary use permit**.***
>
> *Option3:
> *Amend existing vacation home rental regulations and choose whether or not opt-in/out of principal residence requirement.*
> ** Advisory Planning Commission recommendations:
> *Short Term Rentals as a permitted use is revoked in all zones.*
> *At the same time all STR operators apply for TUP effective*

2. Consequences of the March 2024 Directions

I believe the consequences of these directions are as follows:

a) The APC recommendations cannot be implemented

The APC recommendations are based upon using Temporary Use Permits (TUPs) to permit STRs rather than allowing them as a permitted use in zoning regulations.

By deciding to not use TUPs, the only option to allow STRs is by continuing to permit them in zoning regulations.

This negates the core recommendation of the APC upon which all the others are predicated. This means that the resolution, as stated, cannot be readily implemented by staff as it is not possible to both exclude TUPs and implement the APC recommendations.

b) The LTC cannot cap the number of STRs on Hornby Island

A local government can cap the number of operations, such as STRs, by limiting the number of TUPs issued for that activity.

The only land use planning alternative to TUPs is to permit the use in zoning regulations which apply to every property in a zone. The use can be limited by, for example, not permitting STRs in some zones or by only allowing them on properties over a certain size. But this does not enable a cap on the total number.

The number of advertised STRs has increased by about 50% since they were permitted in Hornby Island's zoning regulations. It seems prudent for our local government to use TUPs to have the ability to cap this activity to a level that is considered acceptable to the community.

c) Rampant non-compliance cannot be effectively enforced

The Islands Trust has not had the enforcement capacity to address the widespread non-compliance with zoning regulations. Common violations are: over-occupancy, advertised use outside the permitted months, lack of signage, and absence of proof of sewage treatment capacity where required. If STRs continue to be permitted through zoning regulations these enforcement challenges will likely persist.

If TUPs are required, enforcement can be addressed through non-compliance resulting in a permit being revoked, not renewed or not reissued.

c) Hornby Island will be the only jurisdiction without effective STR management

Other local governments have taken measures to protect rural and small town communities from excessive STR activity. Some have not permitted the activity. Some have not permitted the use in zoning regulations, but allow it through a TUP. Some have permitted it in zoning regulations, but only when it is a home based business (ie on lots with two permitted dwellings and a resident operator of the STR living in one of them). Some municipalities have permitted the use in zoning regulations, but require a business license.

Only Hornby Island allows STRs as an outright permitted use on residential lots in zoning regulations.

Local governments - Islands Trust Area, Central Vancouver Island, the Sunshine Coast	
Regulation of STRs:	**Jurisdictions:**
Not permitted in zoning regulations	Denman Island, Salt Spring Island, Lasqueti Island, Courtenay, Qualicum, Comox, Parksville, Comox Valley Regional District, Nanaimo Regional District, Sunshine Coast Regional District
Not permitted in zoning regulations, **but** allowed through TUPs	Gabriola Island, *North Pender Island, South Pender Island, Galiano Island, Alberni-Clayoquot Regional District
Permitted in zoning regulations, **but** only when a resident is living on the lot	Saturna Island, *North Pender Island, Mayne Island, Gambier Island, Thetis Island
Permitted in zoning regulations, **but** only if a business license is obtained	Bowen Island, Tofino, Ucluelet, Port Alberni, Cumberland, Nanaimo, Powell River, Sechelt, Gibsons
Permitted in zoning regulations on any lot	Hornby Island

* On North Pender Island: where a resident is living in a permitted dwelling on the lot, STRs are permitted as home-based business in zoning regulations; all other STRs require a TUP.

.....

How did Hornby Island end up being so out of line with other jurisdictions?

Hornby Island was one of the first jurisdictions in BC to tackle short term rentals. There were no established models to follow of similar communities in the province addressing the issue. STRs had been happening a non-permitted land use on Hornby Island for a long time in a low-key, off-the-radar, word-of-mouth kind of activity. But the availability of property management and internet advertising had cranked them up to a hard-to-ignore level as impacts on neighbourhoods were being reported.

The LTC began exploring, with planning staff and the community, ways to legalize and regulate them.

Planning staff recommended using Temporary Use Permits. A survey of residents and non-residents indicated that 55% supported using TUPs for short term rentals of a dwelling that is not a primary residence, or not permitting the use. 57% supported using TUPs for short term rentals on small lots, or not permitting the use.

A strong lobby objected to TUPs, stating a) that the objective was to simply legalize existing operations, and b) there was very little money to be made from short term rentals so the number was unlikely to grow beyond those already operating.

A review of what was happening elsewhere in the world indicated that growth in this activity had become problematic for affected communities. But there were strong feelings expressed that this should not be a concern for Hornby Island.

The LTC decided to permit vacation rentals at a limited level through zoning regulations while requiring TUPs for a more commercial level.

Because of uncertainty of how the regulatory framework would play out, the LTC included a policy in the OCP to review the regulations in 2017. The review has not yet been completed.

Since then...

STRs have become an issue for many other communities which have had to find ways to address it. It is worth noting that none have followed Hornby Island's model, presumably because they want to have more control over the activity than we have been able to achieve.

...Now...

The present LTC is in a much better position to address this issue in an informed way because:

- there is evidence of how the regulations have actually worked – or not worked:
- the number of vacation rentals have drastically increased;
- a considerable proportion of operations are exceeding regulatory requirements;
- none of these have applied for a TUP;
- enforcement is a challenge.

- there are models of how other local governments have managed short term rentals:
- none have followed Hornby Island's "pioneering example";
- all have either prohibited the use or limited it to where a resident is on the property – and/or are requiring a TUP or business licence

- there are studies on the impacts of vacation rentals and options for addressing them

- the provincial government has enacted legislation to support local governments to address short term rentals, recognizing the seriousness of the challenge.

- the APC has provided recommendations resulting from a diligent, consultative process.

.....

3. Permitting STRs cannot be based on business licence availability

Some local governments permit STRs in zoning regulations based on the requirement that the use can only be conducted if a business license is obtained. Hitherto, this option was only available to municipalities. A recent change in provincial legislation enables regional districts, but not, local trust committees, to establish business license services.

However, whether or not the CVRD will establish a service that could issue business licences for STRs on Hornby Island is yet to be determined – and that determination could take some time.
Although one trustee emailed me this statement just before the March LTC meeting:

" Something you may not be aware of but CVRD has agreed to issue business licenses on Hornby for STVRs so that alters the discussion",

the reality is that on March 11, the 3-member Electoral Area Services Committee (not the full 10-member CVRD Board) carried the following motion:

> *"That staff be directed to engage with Islands Trust staff to explore the concept of a business regulation service on Hornby Island for the regulation of short-term rental accommodations; and further that staff report back on the broad findings respecting the potential establishment of such a regulatory service, including considerations for a formal feasibility study."*

There is a long process involving many steps from this explorative direction to the possibility of an actual service being in place:

Step 1. Feasibility study

- Scope and funding for the study will have to be established

- There is no precedent of a regional district establishing a business licensing service

- There is no precedent of one local government using business licenses to manage the land use regulations of a different local government (CVRD Staff Report: "Added complexity is noted by the separation of regulatory and land use policy jurisdiction.")

- Division of responsibilities between the two local governments will have to be agreed upon:
- who will be responsible for monitoring and enforcement?
- what input will the CVRD have on the land use regulations they would be licensing?
- what input will the Hornby LTC have on the licensing regulations?

- These requirements for a business licensing service will have to be determined (according to the CVRD Staff Report)
- *the purpose of the service,*
- *how it will be delivered,*
- *what the maximum cost will be,*
- *how the costs will be recovered*
- *how fair and lasting arrangements can be put in place.*

- The policy and regulatory framework (i.e. land use authority of Islands Trust) and related public engagement regarding the land use is a key consideration to inform the feasibility study (according to the CVRD Staff Report.

Step 2. Possible CVRD Board consideration?

The results of the feasibility study will be reported back to the Electoral Areas Services Committee. The Committee would then likely consider whether to:
a) require more information;
b) direct further discussions with the Islands Trust
c) proceed no further with this possible service
b) support options and a recommendation being presented to the CVRD Board

Step 3. Establishing a Business Licensing service

If the CVRD Board does decide to proceed with this possible service, the provincial government identifies details that needs to be considered in establishing a new service and specifies these steps:

- *a service-establishing bylaw must be drafted*
- *the board must give it three readings*
- *the electoral area director must provide consent*
- *the Province will conduct a review*
- *the Inspector of Municipalities must approve the bylaw*
- *elector approval must be obtained, such as through a referendum*
- *the bylaw can then be adopted by the board*
- *a period of one month must be allowed for possible court challenges*
- *the adopted bylaw must be submitted to the Ministry of Municipal Affairs*

Step 4. Setting up the service

Before the service could be implemented:

- *a regulatory bylaw must be drafted*
- *the board would give it readings (as is or amended)*
- *the public would be given notice of an opportunity to make representations*
- *the board could then consider approval*
- *policies, procedures, budgeting, fees and staff resources would need to be determined*

In other words:

CVRD business licensing to manage STRs on Hornby Island is a distant and uncertain possibility.

It is distant, because of the many steps involved.

It is uncertain because:

- the feasibility study may not be favourable;
- cost recovery might make fees unattractively high;
- there is no precedent of a local government regulating another government's land use activity;
- responsibilities for monitoring and enforcement may be hard to establish.
- it is unlikely to be a top priority of the CVRD Board;
- it is unlikely to be a top priority for the Islands Trust; other LTCs use IT planning authority;
- the CVRD may note that the LTC has authority to use TUPs to permit STRs.

In these circumstances, it would be inappropriate to establish zoning regulations for STRs based on the possibility that at some point in the future another local government will go to significant lengths to establish a new service in order to regulate one particular land use in one particular community.

4. Temporary Use Permits are a viable option

After careful consideration, the Advisory Planning Commission has recommended the use of Temporary Use Permits to allow STRs. TUPs were originally recommended by planning staff and generally supported by the community when legalizing STRs was first being explored in communities.

TUPs have been characterized as being more expensive, having an onerous application process burdensome and more restrictive than business licenses. Business licenses are not currently available and may or may not be available in the future. But how do Tups actually compare with business licenses?

- Cost

A TUP only needs to be applied for every six years ((involving a 3-year renewal after 3 years, which may or may not require a fee. A business licenses need to be applied for every year and the required fee paid. The total fees for a short term rental TUP over 6 years are $800 in Alberni-Clayoqut Regional District and $1,065 on North Pender Island. The municipalities in our region who issue business licences for short term rentals charge an annual fee of between $210 (Cumberland) and $505 (Tofino). That amounts to total fees for a short term rental business licence of between $1,260 and $3,030 over 6 years.

Thus a TUP can be significantly cheaper than a business licence.

- Application process

A TUP has a statutory notification* requirement that is not needed for a business licence. However, a TUP only needs to be applied for every six years while an annual application is required for a business licence. The licensing authority may have additional requirements such - as health and safety inspections, proof of sewage treatment capacity.

Thus a TUP's application process can be less onerous than for a business license, particularly if the application process is streamlined through batching.

- Restrictiveness

On North Pender Island, a TUP is only required for situations where there is not a resident living on site. (An STR where a resident is living on the lot is permitted in zoning regulations as a home-based business).

On the other hand, all the nearby jurisdictions that use business licenses only issue them to operations involving a principal residence and/or a resident living in a permitted dwelling on the lot and operating the STR.

TUPs can be less restrictive than business licenses. Guidelines for issuing them can be similar to requirements for a business license.

(*The notification requirement for TUPs can be of value when a subsequent TUP is being applied for to identify any problems the operation has been causing in the neighbourhood.)

Short Term Rental Use permitted by Business License or Temporary Use Permit				
Jurisdiction	**Permitting tool**	**Fees**		**Requirement for short term rental use**
North Pender Island (Local Trust Committee within the Islands Trust)	**TemporaryUse Permit** - Valid for 3 years - Renewable for a further 3 years	Year 1	$900	**Required <u>except</u> when operator is living on site** *"Short term vacation rentals, shall not be permitted as a principal use except where authorized by a Temporary Use Permit." "Short term vacation rentals may be permitted [without TUP] as accessory home businesses where the operator or other person responsible for the vacation rental is living on the same property in a permitted dwelling or cottage."*
		2		
		3		
		4	$165	
		5		
		6		
		Total:	**$1,065**	
Tofino (Municipality)	**Business License** - Valid for 1 year *(Fee is for one sleeping unit. There is a $166 fee for each additional unit.)*	Year 1	$505	**Must be conducted by a permanent resident** *("Short Term Rental use is permitted only where a Residential Use, occupied by a Permanent Resident, is occurring in a dwelling unit on the lot other than the dwelling unit in which the Short Term Rental use is occurring; Short Term Rental use is only permitted on a lot that contains two dwelling units."*
		2	$505	
		3	$505	
		4	$505	
		5	$505	
		6	$505	
		Total:	**$3,030**	
Ucluelet (Municipality)	**Business License** - Valid for 1 year *(There is an additional $10 fee for each additional sleeping unit)*	Year 1	$245	**Must be conducted by a permanent resident** *("A vacation rental use must be "accessory to a permanent residential use and administered by the full-time and present resident")*
		2	$245	
		3	$245	
		4	$245	
		5	$245	
		6	$245	
		Total:	**$1,470**	
Cumberland (Municipality)	**Business License** - Valid for 1 year *(Including $100 for fire and safety inspection)*	Year 1	$210	**Must be conducted by a permanent resident** *("A vacation rental use is permitted only when a Residential Use is occurring, with a permanent resident present, on the same lot")*
		2	$210	
		3	$210	
		4	$210	
		5	$210	
		6	$210	
		Total:	**$1,260**	
Bowen Island (Municipality within the Islands Trust)	**Business License** - Valid for 1 year	Year 1	$300	**Restricted to principal residence** *(On 25 March 2024, Council voted to:* *- "opt in to the "principal residence requirement";* *- "amend the Land Use Bylaw, Business Licence Bylaw, and Bylaw Notice Enforcement Bylaw to include a principal residence requirement for the Residential Guest Accommodation Use.")*
		2	$300	
		3	$300	
		4	$300	
		5	$300	
		6	$300	
		Total:	**$1,800**	

5. A course correction

In my view, a course correction is required because the directions provided at the LTC's March 2024 meeting would move things in a direction that does not reflect what I assume to be the LTC's intent.

- Permitting STRs as an outright use through zoning regulations will not provide effective management; it is not being used by any other jurisdiction.

- Permitting STRs using business licences is not available, may never be available, and if it becomes available will take a long process to establish and may not be acceptable.

- TUPs are a viable option that is recommended by the APC.

I support the LTC in finally implementing the APC recommendations, made two years ago.

Here are my suggestions:

1. Amend the OCP by including a policy requiring that short term rentals be addressed either:
a) by requiring a Temporary Use Permit, or
b) by permitting the use in zoning regulations, only if and when the CVRD has established a service whereby a business license is required for the use.
Include a policy stating in general terms the issues (as identified by the APC) that should be addressed through either a Temporary Use Permit or zoning/licensing regulations.

(Such a policy will mean that the OCP will not have to amended if, in the future, business licensing becomes available.)

2. Amend the LUB by
a) deleting short term rentals (aka "vacation home rentals") as a permitted use in zoning regulations, and
b) adding specific TUP guidelines to address the identified issues.

(This will implement the APC recommendations)

3. Continue explorations with the CVRD with respect to possible business licensing, and if/when this appears to be likely, consult with the community and CVRD on drafting zoning regulations that address identified issues.

(The LUB could then be amended to include new zoning regulations for short term rentals to be in place if and when business licensing becomes available.
It may turn out that business licensing is not needed if a well-administered TUP process is in place.

I also encourage replacing the term *"vacation home rentals"* (I don't know where that came from!) with *"short term rentals"* which provides an accurate description of the use and is now broadly used.

Thank you for considering this input I hope it is helpful.
Sincerely, Tony Law

From: Sonja Zupanec
Sent: Friday, April 5, 2024 9:02 AM
To: northinfo; Ian Cox
Subject: Fwd: Hornby Island LTC change of direction regarding Vacation Rentals
Attachments: HO-LTC-RWM-2024.01.pdf

For posting to the HO OCP project webpage.
I anticipate quite a volume in the coming week.

Sonja Zupanec
Sent from my iPhone

Begin forwarded message:

> **From:** les Brown [redacted]
> **Date:** April 4, 2024 at 9:18:32 PM PDT
> **To:** Alex Allen <aallen@islandstrust.bc.ca>, Grant Scott <gscott@islandstrust.bc.ca>, Timothy Peterson <tpeterson@islandstrust.bc.ca>, Sonja Zupanec <szupanec@islandstrust.bc.ca>
> **Cc:** HISTRA Association <hornbyshortterm@gmail.com>
> **Subject: Fwd: Hornby Island LTC change of direction regarding Vacation Rentals**
>
> Hi
>
> I just received this information with regards to the action of trustees Alan and Scott to say I'm shocked is an understatement.
> You had a plan at the community meeting at the conclusion of the meeting option three was the path forward which satisfied most everyone with the exception of the small opposition group that will stop at nothing to shut down STR.
>
> How can you go behind everyone's back and have a private meeting to change the direction and deny STR (you might say well you can apply) but the truth of the matter is this was and is a behind the back move when you were both sworn in to represent EVERYONE on Hornby as trustees, an oath that should be foremost in your mind and decisions serving the entire population of Hornby.
> I want an explanation on why you did this, it is unbelievable and in my opinion I don't understand how your conscience allowed you to do this or was this the plan all along …. Explanation please
>
> Regards
> Les Brown
>
> Sent by carrier pigeon
>
> Begin forwarded message:

From: HISTRA Association <hornbyshortterm@gmail.com>
Date: 5 April 2024, 2:52:10 p.m. GMT+12
Subject: Hornby Island LTC change of direction regarding Vacation Rentals

Good evening members.

We wanted to let you know that the LTC, in a closed meeting, changed its direction regarding Vacation Rentals yesterday.

They have now approved Option 4 instead:

- Short Term Rentals as a permitted use be revoked in all zones.
- At the same time all STR operators apply for Temporary Use Permit (TUP) indicating approved septic and water."

At the well attended public meeting on March 22nd, the LTC had, after a difficult discussion, asked staff to draft land use bylaw and official community plan project charter to reflect Staff Option 3 (add the APC recommendations to the bylaw and retain vacation rental as a legal property use). We do not know how or why they decided to make this change.

The process they used is called a Resolution without Meeting and it is legal. Given the public interest and participation on this topic, it is surprising, at best, that such a critical and impactful change was made outside of a public meeting.

We will provide our thoughts on the impacts of this change next week, but wanted to make sure you knew about it as quickly as possible.

Feel free to express your thoughts about this to:

Trustee Alex Allen: AAllen@islandstrust.bc.ca

Trustee Grant Scott: GScott@islandstrust.bc.ca

Hornby Island Local Trust Committee Chair, Timothy Peterson: tpeterson@islandstrust.bc.ca

Islands Trust Planner, Sonja Zupanec: szupanec@islandstrust.bc.ca

Islands Trust: northinfo@islandstrust.bc.ca

The document that outlines the direction and the vote is attached.

Sincerely,
your HISTRA Board
Michael Williams, Patrick Lui, Donna Tuele, Ray Therrien, Karen Young, Karen Ross, Angela Therrien, Michelle Easterly, Arifin Graham and Eulala Mills, Directors

The Hornby Island Local Trust Committee

CALLING FOR A RESOLUTION

(SECTION 26 RESOLUTION-WITHOUT-MEETING)

It was MOVED and SECONDED

"That the Hornby Island Local Trust Committee request staff to prepare draft amendments to the Official Community Plan and Land Use Bylaw Review Project Charter to reflect:
1. Short Term Rentals as a permitted use be revoked in all zones.
2. At the same time all STR operators apply for TUP indicating approved septic and water."

ALL MEMBERS OF LTC NOTIFIED OF RWM THIS 2ND DAY OF APRIL, 2024

Alex Allen

_____

MOVER's Signature or Approval in writing or by phone

April 2, 2024

_____

Date of Approval

Grant Scott

_____

SECONDER's Signature or Approval in writing or by phone

April 2, 2024

_____

Date of Approval

Complete by either:

- signing and returning the Calling for a Resolution Form - Attention: Secretary

OR

- replying to the Secretary in writing (by email), in person or by phone

THE CHAIR DIRECTS STAFF TO CONDUCT A VOTE ON THE ABOVE NOTED RESOLUTION.

Tim Peterson

_____

CHAIR's Signature or Approval in writing or by phone

April 3, 2024

_____

Date of Approval

Nadine Nourao

_____

Signature of Recording Staff (*if applicable*)

The Hornby Island Local Trust Committee

CONDUCTING OF THE VOTE

FOR A

SECTION 26 RESOLUTION-WITHOUT-MEETING

Section 26 RWM No.

HO-RWM-2024.1

(Staff to complete)

April 3, 2024

Date Chair Directs Conduct of Vote
(Staff to complete)

It was MOVED and SECONDED

"That the Hornby Island Local Trust Committee request staff to prepare draft amendments to the Official Community Plan and Land Use Bylaw Review Project Charter to reflect:
1. Short Term Rentals as a permitted use be revoked in all zones.
2. At the same time all STR operators apply for TUP indicating approved septic and water."

All members of the LTC requested to vote:

April 3, 2024

Date transmitted to Trustees

PLEASE VOTE ON THE ABOVE MOTION BY COMPLETING THE BALLOTS BELOW:

IN FAVOUR	X	**IN FAVOUR**	X	**IN FAVOUR**	X
OPPOSED		**OPPOSED**		**OPPOSED**	

Tim Peterson

Response in writing or by phone

April 3, 2024

Date

Alex Allen

Response in writing or by phone

April 3, 2024

Date

Grant Scott

Response in writing or by phone

April 3, 2024

Date

Nadine Nourse

Signature of Recording Staff
(*if applicable*)

The Hornby Island Local Trust Committee

RECORDING OF THE VOTE

FOR A

SECTION 26 RESOLUTION-WITHOUT-MEETING

1. RECEIVED BY ISLANDS TRUST SECRETARY THIS 3RD DAY OF APRIL, 2024

Nadine Nourao

_____

Secretary's signature

2. SECRETARY TO COMPLETE ONLY WHERE SECTION D(3)(xiv) - (referenced below) APPLIES:

D(3)(xiv) The Recording of the Vote portion of the form will indicate:
a) when a Local Trust Committee member did not participate in the vote due to a declaration under Section 100(2) of the *Community Charter*;
b) 'Absent' where a Local Trust Committee member has not responded to the Conducting of the Vote as noted in Section D(3)(xii); or
c) Abstained from the vote if the Trustee has so indicated.

a) Trustee _____ did not participate in the vote on RWM _____ due to a declaration under Section 100(2) of the *Community Charter*. (Declaration attached)

b) Trustee _____ was deemed absent from the vote as he did not respond to the Conducting of the Vote as noted in Section D(3)(xii).

c) Trustee _____ indicated that he/she abstained from the vote.

3. CHAIR DECLARES VOTE COMPLETE AND LTC MEMBERS NOTIFIED OF THE RESULTS OF THE VOTE THIS 3RD DAY OF APRIL, 2024

Nadine Nourao

_____

Secretary's signature

From: Henry Touwslager
Sent: Friday, April 5, 2024 5:57 PM
To: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>; northinfo <northinfo@islandstrust.bc.ca>; Daniel Arbour <reachme@danielarbour.ca>
Subject: Re: Support for Vacation Rental Licensing & Concerns about Principal Residence Requirement

Dear Trustee Alex Allen, Trustee Grant Scott, and Hornby Island Local Trust Committee Chair Timothy Peterson:

I am writing with all due respect as I appreciate your effort as Island Trustees. I also recognize the difficulties and awkwardness that must come with your role.

That said, I would like to express my surprise and deep concern about a recent closed meeting held following the public Islands Trust meeting. It has been brought to my attention that discussions continued behind closed doors after the opportunity for public participation at the open meeting had concluded and a particular direction was taken with respect to Short Term Vacation Rentals.

This practice disrespects the time and energy invested by myself and many other citizens who prepared for, attended, and/or viewed the public meeting. We participate in good faith, expecting the opportunity to contribute to the decision-making process and observing how our input is considered. Holding a closed meeting immediately following a public forum undermines this core principle of transparency.

Furthermore, convening a closed meeting after a public session raises questions about potential bias. The lack of public attendance and input suggests a desire to provide special consideration for certain parties or groups, and such an action does not inspire confidence in the professional approach of the trustees.

I urge you to clarify the following:

- The specific reasons justifying the closed meeting after the public session.
- The legal basis for holding this closed meeting.
- The topics discussed and any decisions made during the closed session.
- A list of those who attended the meeting and method of meeting (Zoom, phone, in person)

Transparency and open communication are essential for building trust with the public. Moving forward, I strongly recommend adhering to a process where all discussions and decisions are conducted openly, allowing for full public participation.

I would like to add that Zoom video participation is also highly desired at all the public meetings and ask that you consider such.

Thank you for your time and attention to this important matter.

Sincerely,

- Henry Touwslager

cc: Area A Director Daniel Arbour and Islands Trust Staff

On Tue, Mar 19, 2024 at 9:36 PM Henry Touwslager [redacted] wrote:

> Dear Trustee Alex Allen, Trustee Grant Scott, Hornby Island Local Trust Committee Chair Timothy Peterson, Area A Director Daniel Arbour, and Islands Trust Staff:
>
> I am writing as a concerned Hornby Island part-time resident, homeowner, and vacation rental operator to express my views on the proposed changes to the Official Community Plan (OCP) and Land Use Bylaw (LUB) regarding vacation rentals.
>
> I am a member of the Hornby Island Short-Term Rental Association (HISTRA) and support their initiatives and preferences.
>
> I support the establishment of the licensing program for vacation rentals on Hornby Island. I believe licensing provides the most effective framework for ensuring responsible management, minimizing negative impacts, and protecting the unique character of our community. I understand the Comox Valley Regional District is taking proactive steps to develop a licensing program. Hopefully, this program can be discussed at the upcoming meeting.
>
> I am opposed to the inclusion of a principal residence requirement for vacation rentals. This requirement would unfairly penalize many longstanding homeowners and families who deeply value their connection to Hornby Island. It would disrupt well-run, bylaw-

compliant vacation rentals that contribute to our local economy while causing undue hardship for owners. Vacation home owners contribute significantly and positively to the island and should have the same rights.

My short-term recommendations (and preferences) are below:

1. Define "Short Term Vacation Rental" as rentals of 30 days or less. This clarifies the situation for existing rental properties and protects other seasonal housing needs.

2. Outline clear criteria for which vacation rentals could continue to operate under a future licensing program. This should include factors like bylaw compliance, operational history, and property suitability.

3. Establish a registry for currently operating, bylaw-compliant vacation rentals. This registry will provide a baseline for transitioning to a formal licensing system.

4. Enable vacation rentals in the registry to continue operation until a full licensing program is implemented. This maintains the status quo for responsibly operated vacation rentals while respecting the development of the licensing process

In the long term, my recommendations (and preferences) are:

1. Establish and maintain a registry as noted above.

2. Retain the five-month rental season. Not only does this help vacation homeowners, but it also helps local businesses. It gives visitors a chance to vacation on their favorite island at a lower cost and with fewer crowds.

I'd like for you to consider these carefully and prioritize the development of a licensing program that benefits our community as a whole.

Thank you for your attention to this important matter.

Sincerely,

Henry Touwslager

--
- Henry Touwslager

From: Chloe Straw
Sent: Thursday, April 11, 2024 2:31 PM
To: northinfo
Subject: FW: Change after Mar 22 meeting

Please post to Hornby OCP project page, if it's not there already! Thanks.

From: northinfo <northinfo@islandstrust.bc.ca>
Sent: Wednesday, April 10, 2024 12:04 PM
To: Chloe Straw <cstraw@islandstrust.bc.ca>
Subject: FW: Change after Mar 22 meeting

Another web posting.

From: Sonja Zupanec <szupanec@islandstrust.bc.ca>
Sent: Wednesday, April 10, 2024 11:57 AM
To: northinfo <northinfo@islandstrust.bc.ca>
Subject: Fw: Change after Mar 22 meeting

For webposting to Hornby OCP project page under correspondence. Thanks!
Sonja

From: Toby Krell [redacted]
Sent: Wednesday, April 10, 2024 9:59 AM
To: Grant Scott; Alex Allen; Timothy Peterson; Sonja Zupanec
Cc: Hornby Island Short-Term Accomodation
Subject: Change after Mar 22 meeting

I sat through a 2 hour zoom meeting thinking I finally had some better understanding of the complicated issues around short term vacation rentals and moving forward. TUP was never discussed as it had been previously ruled out, other than the 2 trustees for Hornby disagreeing about it.

It is disappointing and disturbing that that is now the plan signed in writing to move forward. The waste of time and energy of all attendees at the actual meeting is one issue, but why a different option was chosen with no community members present and no explanation suggests that 2 or 3 people are making a major decision for Hornby Island at their personal discretion or having been privately lobbied after the meeting.

Toby Krell

[redacted]

-----Original Messag-
From: David Nelson
Sent: Monday, April 22, 2024 12:12 PM
To: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; northinfo <northinfo@islandstrust.bc.ca>
Cc: hisTRA Association <hornbyshortterm@gmail.com>
Subject: LCT closed door meeting April 3/24 (proposed cancelling legal STR)

Attention: Island Trust Staff including Hornby Island Trustees, Chair Person and Planners

It has come to my attention that your staff in an April 3/24 closed door meeting has reversed the decision of the previous LCT Special Meeting on March 22/24 which planned to adopt option 3 for continuing the use of the potential of authorized short term rentals.

It seems this reversal is in disregard of previous meetings and general consensus. Furthermore this meeting was held closed door, without attendance of the community, without minutes taken and without video documentation. It was conducted with complete lack transparency and should be considered an invalid meeting.

I am concerned how and why the trustees have reversed STR direction and who are they claiming to serve as the trust committee does not seem to respect the wishes of community and homeowners.

Please respond.

Yours truly
David Nelson

[redacted]

[redacted]

[redacted]

From: Jan Kennedy [redacted]
Sent: Monday, April 22, 2024 7:57 PM
To: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; northinfo <northinfo@islandstrust.bc.ca>
Subject: Support to move ahead with APC recommendations concerning STVRs

Dear Trustees,

We would like to express support to the Hornby Island Local Trust Committee in response to the recent decision to ask the Planners to draft language in support of the Advisory Planning Commission (APC) recommendations, released in March 2022.

We, the undersigned, representing longtime year round residents, and others, wish to make our collective voice heard. We support the Local Trust Committee to stay the course of Temporary Use Permits and therefore the set of recommendations made by the Advisory Planning Commission.

Respectfully,

Nancy Adams, Jonni Anderson, Vicki Bale, Barb Biagi, Alsoon Brine, Arne & Judith Coleman, Sarah Davidson, Donna Du Plessis, Karen Etheridge, Don Geppert, Bill Hamilton, Gale Hansen, Joan Harris, Angeleah Hoeppner, Sue Horner, John & Cathy Howard, Tom Howard, Nym Hughes, Barb Inglis, Tara Ireland, Joy Jeffries, Jan Kennedy, Pat Kennedy, Landys Klyne, Tony Law, Butch & Ellen Leslie, Mary MacKenzie, Sheila Macpherson, Rob McCreary, Sheila McDonnell, Cheryl Muir, Kathy Mukai, Annie Nagle, Helen Onorah, Joanne Ovitsland, Ilze Raudzins, Rory Redford, Daniel Siegel, Muggs Sigurgerison, Bill Smith, Diane Smith, Bonita Wexler, Mette Wullum, Oakley Ranken

Hornby OCP and LUB Review Project - Charter v 2.3

Hornby Island Local Trust Committee — Endorsement Date: *xxx, 2024*

Purpose: To review and update the Hornby Official Community Plan (OCP) policies and Land Use Bylaw (LUB) regulations to increase housing options, regulate vacation rentals in residential zones through Temporary Use Permits and incorporate First Nations engagement recommendations.

Background: The Local Trust Committee (LTC) prioritized a "Comprehensive OCP/LUB Review" project in 2021 and requested the Hornby Island Advisory Planning Commission to provide recommendations for OCP and LUB amendments related to four specific topics. The APC spent much of 2021 and early 2022 meeting and providing recommendations regarding amendments. A consultant was hired in 2022 and prepared a report of final recommendations for LTC consideration of next steps in the 2023/24 fiscal year. In April 2024 the LTC confirmed the scope and purpose of the project to: 1) update policies and regulations related to secondary suites/dwellings, regulating short term vacation rentals through the use of Temporary Use Permits and other minor amendments; and 2) updating the OCP and LUB to better address the First Nations concerns and interests regarding land use planning on Hornby Island.

Objectives

Amend the Hornby Island OCP and LUB by incorporating select recommendations of the Hornby Island Advisory Planning Commission; consultant's recommendations; targeted engagement with First Nations and comprehensive public input.

In Scope

-Updating OCP language, references to include First Nations and incorporate First Nations recommendations for policy and regulatory updates.
- Add the Islands Trust Reconciliation declaration to the OCP.
-Draft OCP and LUB Bylaw amendments:

- Supporting cooperative and purpose built rental housing;
- Supporting rezoning applications for 'Large Lot Residential' parcels to multi-family development for residential rental tenure;
- Permitting secondary suites in all small lot zones within the principle dwelling where septic capacity allows and sufficient groundwater is available;
- Permitting secondary suites or attached/detached secondary dwelling on lots over 2ha where septic capacity allows and sufficient groundwater is available;
- Prohibiting vacation rentals as an outright permitted use in residential zones and requiring a valid Temporary Use Permit;
- Designating all small lots in the Galleon and Sandpiper area as within the heavily developed aquifer (IA).
- Update PU(a) zone to include community housing.
- Explore option to exclude cisterns from all setback requirements.
- Explore options to amend residential zoning to permit keeping of chickens for personal/commercial use and prohibit keeping of roosters.

Out of Scope

Public engagement beyond legislative requirements (one major community information meeting and one minor CIM immediately prior to the two anticipated public hearings).

Amended to:
Short Term Rentals will continue to be a permitted where authorized through a Temporary Use Permit. Alternatively, Short Term Rentals would be permitted where authorized by a Business License if the Comox Valley Regional District agrees to establish a service to enable this and the local trust committee agrees that this would be a better approach."

Deliverables

- **2024/2025:** One OCP and one LUB amendment specific to updating regulations for housing, vacation rentals, chickens in residential zones and cisterns in setbacks;
- **2024:** Comprehensive First Nations Engagement Process
- **2025/2026:** First Nations Engagement Summary Report. One OCP and one LUB Amendment Bylaw specific to First Nations engagement recommendations;
- **PENDING:** Post Bylaw adoption community communication materials.

[redacted]

[redacted]

From: HISTRA Association <hornbyshortterm@gmail.com>
Sent: Tuesday, April 23, 2024 12:56 PM
To: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>; northinfo <northinfo@islandstrust.bc.ca>

[redacted]

Subject: HISTRA Feedback regarding: OCP Project Charter wording and A time frame clarification in the definition of Short Term Rental

Good Afternoon Alex, Grant and Tim;

We've taken a look at the OCP material that Staff developed for Friday's meeting. We think that, with a change in the perspective but not the direction, the wording in it can set us on a path to getting draft bylaw language we can all work with. We have two suggestions:

1. OCP PROJECT CHARTER: Please consider changing the language in the Project Charter: Located in the Project Charter (Agenda package page 66) under Vacation Rentals language in the yellow/In Scope column. (see attachment)

From: "Prohibiting vacation rentals as an outright permitted use in residential zones and requiring a valid Temporary Use Permit;"

To: "Short Term Rentals will continue to be a permitted where authorized through a Temporary Use Permit. Alternatively, Short Term Rentals would be permitted where authorized by a Business License if the Comox Valley Regional District agrees to establish a service to enable this and the local trust committee agrees that those Licences would be a better approach."

RATIONAL

This wording change makes it clear to the community that:

- Vacation Rentals will continue to be allowed;
- TUPs will be required for them to operate legally; and
- Working with the CVRD on developing licencing is supported by the LTC.

2. SEPARATE MOTION BY LTC: Revise the definition of Vacation Home Rental Use in section 1.1 of the Definitions in the Land Use Bylaw:

To include:

"A short term rental use is the rental of a permitted dwelling for a period of less than 30 days."

RATIONAL:

It is critical for the LTC to clarify that vacation home rental use is less than 30 days as the Province has defined short term rentals to be anything less than 90 days. This applies to Hornby Island unless the LUB has its own definition (which is permitted by the Province).

Hornby Island provides workforce housing on a month to month basis in the off season so it is important to get this done as soon as possible. City West will be coming back to the island in the fall, and they will need places to stay.

We believe the LTC can make and approve these wording changes during the April 26th meeting and not delay the drafting of the OCP and land use bylaws.

Sincerely,

The HISTRA Board of Directors

Michael Williams, Patrick Lui, Donna Tuele, Ray Therrien, Karen Young, Karen Ross, Angela Therrien, Michelle Easterly, Arifin Graham and Eulala Mills, Directors

From: Dean Ellis [redacted]
Sent: Monday, March 18, 2024 12:53 AM
To: Grant Scott <gscott@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>; Alex Allen <aallen@islandstrust.bc.ca>
Subject: str restrictions aquafer 1A

please see enclosed

Dean Ellis [redacted]

March 15, 2024

Dear Hornby Island Trustees

Concerning restrictions in Aquifer 1A (Whaling Station Bay Aquifer)

I see you are drafting a permit regulation concerning septic re inspection in aquifer 1a re STR's. Living in 1a I have a few observations and questions.

I suspect you are using 6.10.4 to justify these restrictions:

> 6.10.4 A professional assessment of hydrological impacts may be required when the proposed use is within an identified groundwater recharge area or an aquifer classified as heavily developed as shown on Schedule B or D2 and if the proposed use involves more than minimal potential impacts upon the groundwater resource.

I see this problematic in 8 ways.

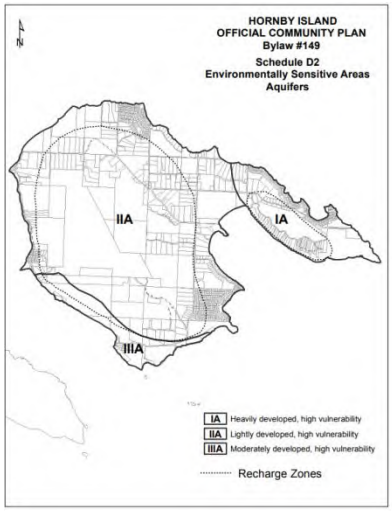
1. The 2 professional assessment reports used to establish Aquafer 1a were general reports.
    - ***BRITISH COLUMBIA MINISTRY OF WATER, LAND AND AIR PROTECTION - 2002 - 1 - Environmental Indicator: Groundwater in British Columbia*** but it does not designate the same area as Bylaw 149 nor does it give any recommendations .
    - I also have ***Results of the Groundwater Geochemistry Study on Hornby Island, British Columbia Final Report Prepared by: D.M. Allen and G.P. Matsuo Department of Earth Sciences Simon Fraser University Burnaby, B.C. V3Y 2L4 Prepared for: Islands Trust Victoria, B.C*** but it does not give any recommendations that would support sensitive area 1a restrictions.

2. The reports measured the age of the water and made up sample wells that **never existed**. They would not stand a legal review.
3. The reports concerning the High Salal (circled 1a area) contradicted the findings of the Ministry of Highways subdivision requirements, Highways originally and under an later Ombudsman review accepted that the strata was supplied by wells supplying an aggregate total of over 2000 gals per day for 37 dwellings this was also confirmed by the Supreme Court. **Are you disputing this information?**
4. To state that this aquifer is heavily developed is inaccurate, on the 400 acre aquifer (1A circle) there are at most 9 fulltime residences and 12 summer residences. As a result of a certain summer water paranoia, there is a lot of water, (besides the communal strata wells 2000 gal/d/lot proven legal requirement), there is 60000 gallons in communal storage, another 20000 storage spread on individual lots and 2 lots have private wells producing over 150 gallons per day.
5. The professional assessment requirement 6.10.4 makes no mention of septic fields. **Does Islands Trust have any authority to legislate overtop the Provincial Septic authority? What does provincially approved septic fields have to do with a recharge area?**

6. My STR makes less “minimal potential impacts on the ground water resource”, my STR limits occupancy to 5 persons (mostly less) when I have family and friends it is far more. Maybe STRs actually limit water impacts.
7. The requirement to hire a contractor who has far less expertise than Dave Colley (septic contractor being inspected by Dave Cherry of Health departments who did my field) seems merely like a rude and manipulated payoff scheme. If you can legally use this septic stipulation you may want to ask for the Provincial Septic approval documents (a provincial requirement is the tank is pumped every 2-3 Years). **Is it the Health Department’s requirement to police this not Islands trust?** We can gladly provide Provincial septic documents.
8. I find the limiting of small scale development on the basis of water rather silly, water is cheaply trucked or stored; even trucking 100 gallons of water per day per lot is almost nothing compared with food, building, taxes etc. For 8 months of the year water is readily available by roof catchment or shallow well. People conserve water when it becomes scarce. Maybe you could limit development by the number of carrots a property grows. The bureaucratic time and legal time the Trust wastes on water rules may be better spent elsewhere.

Dean Ellis

As a 50 year resident on the island I expect the usual no reaction from Trustees or planners, but I would like this discussion included in the record.



Under the Islands Trust Act, Section 8(6), an Official Regional Plan will empower the General Trust Committee to adopt special protective Zoning and Subdivision By-laws or regulations in regard to those areas of land or water considered to be of special importance. Although these areas are roughly defined on the Map accompanying this Plan the precise location of these areas, and the measures needed to deal with them will be the subject of site specific studies and consultation with the Local Trust Committees having jurisdiction.

From: Angela Hudson (personal) [redacted]
Sent: Tuesday, August 6, 2024 9:17 PM
To: Sonja Zupanec; Alex Allen; Grant Scott; northinfo; Timothy Peterson
Subject: A Therrien response to LUB/OCP draft 08 06 2024
Attachments: A Therrien comments to OCP LUB 08 06 2024.docx

Dear Trustees and Sonja
Please find attached my comments regarding the draft changes to the LUB and OCP most specifically related to the housing piece. In summary I have the following comments:

1. The definition of short term rental has been eliminated in the definition section of the LUB and the staff note references that it will be in the TUP but does not show up there in the draft TUP language. This could be because this part has not been drafted yet however some language needs to be included so that it can be commented on by the community as it has been eliminated in the LUB. I believe that it should be in the definition section and again in the TUP as it is important to indicate that STR are rentals are defined as less than 30 days or it will be the provincial less than 90 days and that affects workforce housing in the fall etc.

2. The way the bylaws are now drafted Sandpiper and Galleon can not have any secondary suites because of the proposed IA designation for those areas. The section of the bylaw that creates this issue is highlighted in the attached document with a comment. I think this is a big concern as the development of affordable housing is a priority. Septic and water concerns can be addressed through other means (and have been in the bylaw revisions). I don't believe this was the intention of the trustees, to make all the current non conforming affordable housing illegal.

3. Secondary suites should be attached **or detached** as long as they are for long term rental or owner use and currently the way the LUB is written only permits attached secondary suites. Adjustments to the current square footage should be permitted to add a secondary suite above the current sq. ft for the main dwelling ensuring that enough water and proven septic are provided. It could even be that attached could be a certain size and detached could be a tiny home size for example. Carriage houses/Laneways homes are already the norm in many areas and secondary suites are already permitted to be detached on certain gulf islands. This should be considered on Hornby and it would be much more acceptable to the culture here. Many renters have dogs and prefer to have a little bit of separation from the owners and it should be permitted with appropriate safeguards to the environment.

4. The OCP should include a statement that commercial developments should incorporate affordable housing in the air space above the buildings. This is also something that is the norm in other parts of BC - above grocery stores, fire halls, libraries and other commercial areas. This is not mentioned anywhere in the OCP and should definitely be. The days of one story buildings are gone and we should be keeping a smaller footprint by adding a second story for affordable housing and encouraging it. Also the inclusion of workforce housing in resorts etc. zoning should be stated and supported by IT in the OCP.

The way the bylaws/OCP has been drafted currently all of the illegal secondary units in Sandpiper and Galleon will not meet the criteria outlined and may never be able to (specifically

about potable water) including the requirement to have the units inside the existing dwelling footprint. I understand that the owners could probably apply for a TUP but they will not if it is too onerous and costly and will never conform to the OCP guidelines etc.

Those individuals currently in illegal secondary suites/housing will be displaced and the only places that can even consider secondary suites would be areas outside the 1A which do not provide for many opportunities especially if the units have to be in the dwelling unit or attached to it. More dialog or consideration should be done before proceeding with this language. I believe it is the intention of the Trustees to create housing as well as preserve and protect and we can do both with more thought regarding the language and the intent of the Trustees.

I have other thoughts but these are the biggest concerns. I do have some questions that I am hoping that Sonja can answer in the comment section of the attachment.

I can also not find the bylaw referred to in staff comments Bylaw 173 and can not fully review the documents without that bylaw to refer too.

Thank you for your consideration.
Angela (Therrien)

August 6th, 2024

Below please find Angela Therrien comments regarding the Draft OCP and the LUB language. I have referenced the agenda package page numbers for ease of reference. My comments are inserted in a comment section of the highlighted area.

Draft Official Community Plan

PAGE 97

6.3.1 Residential—General (IT staff cross-reference Bylaw 173 item 1.2)

6.3.1.4 Vacation home rental use is permitted ~~through the issuance of~~ with a valid temporary use permit.

6.3.2 Small Lot Residential (Agenda package page 97) (IT staff cross-reference Bylaw 173 item 1.3)

Background:
Lots in this category are smaller than 0.8 hectares and generally range around 0.24 hectares in some subdivisions to 0.1 hectares in areas on the peninsula of the island. As these lots become increasingly developed and used, the already evident problems with sewage disposal and water supply could become more acute.

The Anderson Drive/Whaling Station Bay aquifer areas are classified as the highest vulnerability in the province as 1A (heavily developed with high vulnerability). This is reflected in the area's water quality and quantity problems, including saltwater intrusion, sulphuroeus water and poor-yielding wells. In 202X the Local Trust Committee added the Galleon and Sandpiper neighbourhood areas to this aquifer classification. ~~The peninsula at the north–east end of the island, which includes the Anderson Drive/Whaling Station Bay area, has a separate aquifer which has the highest vulnerability classification in the Province: 1A (highly developed with high vulnerability). This is reflected in the area's water quality and quantity problems, including saltwater intrusion, sulphurous water and poor-yielding wells.~~

6.3.3 Rural Residential (Agenda package Page 100) (IT staff cross - reference Bylaw 173 item 1.10)

Only one principal dwelling unit and one secondary suite should be permitted on lots smaller than 2.0 hectares. A maximum of two dwelling units and two secondary suites should be permitted on lots 2.0 hectares or larger. ~~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.~~

6.3.4 Forest (Agenda package page 101) (IT staff cross-reference Bylaw 173 item 1.13)

6.3.4.3 Only one principal dwelling unit and one secondary suite should be permitted on lots smaller than 2.0 hectares. A maximum of two dwelling units and two secondary suites should be permitted on

lots 2.0 hectares or larger. ~~Only one dwelling unit should be permitted per parcel and two dwellings if the parcel is over 4.0 hectares.~~

Draft Bylaws

1.1 Definitions (Agenda package page 142 to 147)

MISSING definition for Vacation Home Rental? Should be rentals under 30 days.
IT Staff Commented [SZ4]: This definition can be removed as the TUP objectives and guidelines apply and a definition is not required.

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).

3.7 Secondary Suites (Agenda package page 157)

(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 or attached to ~~the principle a~~ the permitted 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~~ permitted residential 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 secondary suite is connected to is capable of providing adequate sewage treatment for the principal dwelling and secondary suite.

(3) Where a secondary suite is permitted in Part 8 of this Bylaw, an authorized qualified professional must state in writing to the Islands Trust that the potable water system to which the building accommodating the secondary suite is connected to, is capable of providing adequate quantity and quality of potable water.

(4) 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.

PART 8 ZONE REGULATIONS (Page 170)

8.1 Residential 1 – Small Lot (R1) Zone (Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot)

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) residential use of a dwelling;
(b) residential use of a recreational vehicle;
(c) accessory uses, buildings and structures, including but not limited to home occupations; and
(d) ~~vacation home rental use~~ secondary suite as per Section 3.8 of this bylaw.

Permitted Buildings, Structures and Density (page 170)

(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) a maximum of one residential dwelling unit with one secondary suite or one recreational vehicle used for a residential use per lot; and
(b) 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

(4) The minimum setback for any building or structure or recreational vehicle used for a residential use, 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, or 6.0 metres in the case of a lot having an area less than 4000 m2;
(c) 6.0 metres from any interior side lot line, or 3.0 metres in the case of a lot having an area less than 4000 m2; and
(d) 8.0 metres from any exterior side lot line, or 6.0 metres in the case of a lot having an area less than 4000 m2.

(5) The floor area of a residential dwelling unit must not exceed 200 m2.

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

8.2 Residential 2 – Large Lot (R2) Zone (Agenda Package page 172)

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) residential use of a dwelling;
(b) residential use of a recreational vehicle;
(c) secondary suite ~~in a dwelling on lots 2.0 hectares or larger~~ as per Section 3.8 of this bylaw;
(d) horticulture accessory to a principal residential use;
(e) agriculture accessory to a principal residential use on lots 2.0 hectares or larger;
(f) silviculture accessory to a principal residential use on lots 2.0 hectares or larger;
(g) accessory uses, buildings and structures, including but not limited to home occupations; and
~~(h) vacation home rental use~~.

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) a maximum of one residential dwelling unit and one secondary suite per lot having an area less than 4.0 hectares;
(b) a maximum of two dwelling units and two secondary suites per lot having an area of 4.0 hectares or larger; and
(c) accessory buildings and structures.

From: HISTRA Association <hornbyshortterm@gmail.com>
Sent: Wednesday, August 7, 2024 3:32 PM
To: Alex Allen; Grant Scott; Timothy Peterson
Cc: Sonja Zupanec; northinfo; Michael Williams; Eulala Mills; Patrick Lui; Ray Therrien; Arifin Graham; Michelle Metzelaar-Easterly; Angela Hudson; Karen Young; Kim Luteijn; Jan Radford;
Subject: Comments and Questions related to the OCP and LUB drafts for August 9, 2024 LTC Meeting

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon Alex, Grant and Tim,

We have taken a fairly thorough look at the draft changes to the OCP and LUB prepared by Staff for this Fridays LTC meeting. The Vacation Rental changes are largely what we expected and we offer our thanks to staff for their hard work in creating the draft documents.

We have some comments and questions to offer as you consider the content you want to refer for review by other organizations.

- There is no definition of Short Term Rental in the drafts of either the OCP or the LUB. If this is not added, the Provincial 90 day definition will apply on Hornby. This will have a very negative effect on workforce housing for essential projects such as CityWest in the winter months.
- We are concerned that there is no reference to the potential for licensing in the future, we would have hoped to see that reflected as a possibility. We had expected to see wording similar to the following in the OCP:

  > Vacation Rental use could also be permitted by a Business License in accordance with Hornby Island zoning regulations, if the Comox Valley Regional District agrees to establish a service to enable Business Licensing and the local trust committee agrees that it would be an effective approach.

- We have always supported the requirement for appropriate water capacity as defined by cistern size and/or well flow measures, to support vacation rental and residential uses, as recommended by the APC. We urge you to remove the term 'potable' from that requirement. Testing companies do not assess potability, they measure substances. Island Health does not monitor water supply for single properties, further, is it not a criterion that helps with the issue of water resources or conservation on Hornby. This can also be an issue for Rain Water Harvesting, which is a practice we believe should be strongly encouraged.

- To streamline the application process for both staff and residents, we suggest that the site survey and site plan requirements in the Islands Trust Schedule K TUP Application be waived for Hornby Island Vacation Rental TUP Applications. Given no changes to buildings or lots will be a part of Vacation Rental TUP requests, the information in these expensive and complex documents is not related to the decisions being made.
- We suggest that a requirement for Home Insurance that covers Vacation Rentals should be added to the TUP requirements.
- The sign and parking requirements for Vacation Rentals remain in those sections of the Land Use Bylaw, while the rest of the Vacation Rental requirements are in the TUP section. For ease of applicants understanding it would be helpful to also reflect those two requirements in the TUP section.
- The final Vacation Rental TUP guideline (10.2.10(j), page 210 in the agenda) seems open ended. If it is intended to reflect the ability to add to the list of requirements in the bylaw if it becomes necessary, could that be made more clear?

We also have two questions about the referrals:

- Will the K'omoks be consulted through a different process or are they not being consulted on these changes?
- Are you planning to send this to the APC to review?\

As this process moves forward we would like to discuss with staff ideas related to implementation and timing. Our aim is to offer our knowledge to help make the transition to TUPs as efficient as possible and to ensure that the change runs as smoothly as it can. We request that you help to enable these discussions between staff and HISTRA.
We offer the ideas and suggestions above with the intention of strengthening Vacation Rental TUPs for both the community and Vacation Rental Owners.

best,
The HISTRA Board
Ray Therrien, Arifin Graham, Patrick Lui, Eulala Mills, Michelle Easterly, Karen Young, Jan Radford, Kim Luteijnand, Jenessa Tuele

From: Karen Ross [redacted]
Sent: Wednesday, August 7, 2024 12:21 PM
To: Alex Allen; Grant Scott; Timothy Peterson; Sonja Zupanec; northinfo
Subject: Proposed STVR reg.s on Hornby

Hi,
In preparation for the Hornby Trust meeting this Friday, will you have a report on the current status of the collaboration with the Comox Valley Regional District to institute a Business Licensing program for Vacation Rentals on Hornby Island?

Many of us have talked about a "made on Hornby" approach, and what it can look like to dovetail it into the current directives, and direction, that the Provincial Government is taking on this matter. As part of addressing regulating Vacation Rentals, the Provincial Government granted the Regional Districts the right to issue business licenses, and opened that door to rural communities. Meaning, after years of asking for it, that Hornby Island now has the opportunity to issue Business Licensing as a way to manage Short Term Rentals. Local control and a transparent and equitable set of criteria, backed by an organization with the resources to implement and manage the program. (with the enforcement support of the Provincial Government). Going this route means that Vacation Rentals can continue to be a legal entity on all properties on Hornby Island, and that every homeowner has the opportunity to rent their home in times of need, upon the successful issuance of the Business License.
A business license is issued to that specific owner, if the property were to sell, the new owner would have to apply for a license to continue the use. This could take real estate speculation out of the equation, if there were no available licenses to be issued in the system. (i.e. a cap on the number of available licenses).

This is very different than Temporary Use Permits which form part of the Zoning. They are issued on the land itself, independent of ownership and transfers of ownership. Having a TUP, and the resulting guarantee of an income stream, contributes to adding value to properties.

In my brief review of the TUP draft that is being proposed on Friday, I wonder how these proposed changes fit into a "made on Hornby" approach. How is the delicate balance between the positive economic realities and curtailing accommodation units being accounted for? The original "made on Hornby" approach was that revenues from visitor accommodation would be available on a household by household basis, that Hornby would not have large resorts, hotels, motels, etc. where the economic benefit accrued to one entity.
"A grass roots benefit" was the approach. Need a new roof? Rent out for a season to make enough money for your home repairs.

Is there now a shift towards larger entities, and those that have the aptitude/resources for dealing with bureaucracy?

Thank you for your attention to this inquiry specifically regarding an update on the Business Licensing program opportunities with the CVRD.
Regards,

Karen

--
Karen Ross

From: Shannon Warwick
Sent: Monday, November 4, 2024 10:57 AM
To: Grant Scott; Alex Allen; Timothy Peterson; Sonja Zupanec; northinfo
Subject: OCP bylaw revision concerns

I know I'm quite late weighing in, but would like to share a few thoughts on the revisions.
My acreage is 4.75. I have long dreamed of applying for a variance to convert it into a land trust with cooperative housing for no more than what is going to be allowed for properties over 2 hectares: 2 principal and 2 secondary suites. So close and so far away!!! I'm .19 hectares from not having to go through the expensive convoluted process of applying for a variance. Can there be some wiggle room in there? Like properties within .30 hectares be considered as being over 2 hectares?

Im also very concerned with the limitations within IA designated areas, of which I may be, as I am in the , though half of the property is dedicated to protecting the aquifer. This seems like a blanket designation with no consideration for just short of 2 hectare properties where half the property is protective of IA.

Help!

Shannon Warwick, MA, RCC candidate

I humbly acknowledge that I live, work and play upon the unceded territories of the Lək^{w}əŋən speaking peoples of the Songhees, Esquimalt and W̱SÁNEĆ nations, who have tended these lands historically for thousands of years and continue to this day.

Be The Change~

Hornby Island Community Economic Enhancement Corporation

November 26, 2024

To: Islands Trust Hornby Local Trust Committee

Cc: James Warren, CVRD
Daniel Arbour, Area A Regional Director
Josie Osborne, M.L.A.

Subject: Request for Reconsideration of Proposed STVR Regulation on Hornby Island

Dear Hornby Local Trust Committee,

We are writing on behalf of the Hornby Island Community Economic Enhancement Corporation (HICEEC) to respectfully request that the Islands Trust reconsider its currently indicated new approach to regulating short-term vacation rentals (STVRs). Specifically, we urge you to revisit the motion from February 2, 2024, which directed staff to explore the potential for business licensing for STVRs, rather than pursuing a new policy that would render this longstanding community practice illegal.

It seems that the current direction, which centers on Temporary Use Permits (TUPs) and a ban on STVRs, deviates from the intent behind the original motion and raises several concerns that we believe need to be addressed.

1. The Provincial Government's Support for Business Licensing Through Regional Districts

It is important to note that the provincial government has explicitly opened a pathway for communities like Hornby Island to benefit from business licensing programs through their Regional Districts. While the Islands Trust does not have the authority to implement business licensing directly, this should not be viewed as a negative reflection on the concept itself. The Comox Valley Regional District (CVRD) has the capacity to oversee such a program, and this option provides an efficient and viable solution for Hornby Island.

The provincial government's decision to provide business licensing as a tool through Regional Districts is an opportunity that should not be overlooked. The CVRD has the staffing and expertise necessary to manage business licensing without burdening the Islands Trust with additional administrative complexities. This partnership would allow Hornby Island to regulate short-term vacation rentals effectively, while relieving Islands Trust of added bureaucracy and resource strain.

2. The Longstanding Tradition of Home Rentals on Hornby Island

Renting one's home for short-term use is an established and deeply embedded practice on Hornby Island. Many homeowners rely on this practice to maintain their properties or meet

temporary financial needs, such as home repairs. Forcing homeowners to navigate complex and punitive regulations could create unnecessary obstacles for our community members, many of whom are already stretched thin by the realities of island living.

Rather than outlawing this practice, a more reasonable approach would be to regulate it through a clear business licensing framework. This would allow homeowners to continue renting their properties legally while also addressing concerns about the impacts of short-term rentals on our island.

3. Avoiding Unintended Consequences

Making short-term rentals illegal risks pushing this activity underground, where it would be difficult to regulate or track. Homeowners may continue renting to "family and friends," bypassing tax obligations (such as PST, MRDT, and income taxes) and eroding the ability of the community to benefit from a responsible tourism framework. The Hornby Island Short Term Rental Association (HISTRA), which was created with support from HICEEC and the Islands Trust, has made significant strides in encouraging best practices for rentals, including guidelines on water usage, septic systems, and noise management.

Eliminating this framework would not only harm the local economy but also undermine these efforts to maintain responsible rental practices. We believe that a business licensing approach could achieve the goals of both regulating short-term rentals and preserving the positive contributions that this sector makes to the community.

4. The Need for a Tailored Approach

Hornby Island is a unique and diverse community that does not fit into a one-size-fits-all regulatory model. We have always valued creative, grassroots solutions that reflect the needs and desires of our community. By adopting a business licensing model through the CVRD, Hornby Island would have the flexibility to craft regulations that are tailored to our specific circumstances, without imposing unnecessary restrictions or burdens on our residents.

This approach would also respect the history and culture of Hornby Island, where short-term rentals have long been a part of the local fabric. We urge you to consider this alternative as a more effective and community-sensitive way to manage short-term vacation rentals, rather than imposing an outright ban that could have wide-ranging negative impacts.

5. A Call for Collaboration with the CVRD

We are encouraged by the CVRD’s openness to discussing a potential pilot project for business licensing on Hornby. The collaboration between the Islands Trust and the CVRD could be a model for other islands, enabling Hornby to manage short-term rentals in a way that is both effective and community-friendly. We urge the Hornby Local Trust Committee to take

advantage of this opportunity and work together with the CVRD to develop a practical, tailored solution that ensures the responsible regulation of vacation home rentals on Hornby Island.

6. The Mandate of the Islands Trust

We would also like to remind the Local Trust Committee of the Islands Trust's founding mandate, as established in 1974 under the Islands Trust Act, which directs the organization to:

"...preserve and protect the trust area and its unique amenities and environment for the benefit of residents of the trust area and of the province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of British Columbia."

In line with this mandate, we believe the Island Trust has an obligation to support solutions that not only protect the environment and community but also enable local residents to thrive economically. By collaborating with the CVRD to establish a business licensing framework, the Island Trust can both preserve Hornby's unique character and address regulatory concerns in a way that benefits all parties involved.

Conclusion

We respectfully ask that the Island Trust reconsider the current direction of regulating short-term rentals and explore the potential of a business licensing program through the Comox Valley Regional District. Such a program would enable the Hornby Island community to continue renting homes legally, provide a clear framework for regulation, and ensure that Hornby's tourism industry remains sustainable and responsible. This approach would reduce the burden on Islands Trust staff and resources while achieving the regulatory goals that are important for the community.

We hope that the Islands Trust will follow through on its February 2, 2024 motion and consider this alternative approach that reflects the values and needs of Hornby Island. Thank you for your attention to this important issue. We look forward to your response and working together to find a solution that benefits both the community and the environment of Hornby Island.

Sincerely,

John Heinegg
Chair, Hornby Island Community Economic Enhancement Corporation

From: HISTRA Association <hornbyshortterm@gmail.com>
Sent: Thursday, January 23, 2025 10:53 AM
To: Alex Allen; Grant Scott; Timothy Peterson
Cc: [redacted]
Subject: HISTRA Support for APC Referral Recommendations

Good Morning Alex, Grant and Tim.

We wanted to take a moment to let you know that HISTRA and its membership are fully supportive of the following APC Vacation Rental referral recommendations:

- Define STR on Hornby as less than 30 days
-

- Licensing is the better option for managing STRs, particularly because they do not transfer with ownership, but TUPs are needed until a licensing system is developed.
- Clarify that a TUP is a 3 year permit, with a 3 year extension, for a total of 6 years and then can be reapplied for after each permit, with the extension, ends.
  - Keep TUP application fees affordable and batch process them (both applications and extensions)
  - Include alternative septic (outhouse or composting toilet) and potable water (rainwater harvesting) options
  - The signage and parking requirements be listed in the TUP requirements section, whether they are elsewhere in the bylaws or not. We urge that all of the TUP requirements be included in that section of the bylaw.

We also suggest that you remove the lot and site plan requirements in a Hornby STR TUP. There is no change to the lot, existing buildings or site when an STR is offered, both water and septic will be certified separately and these plans are difficult to create and can be very expensive..

We believe HISTRA can support the success of a TUP program. However, the Islands Trust staff have confirmed that in order for HISTRA to support its further development, Trustees will need to specifically direct them to work with us. We respectfully request you do so, once the OCP/LUB is ready for more robust development. Being both well-versed in the TUP requirements and well-connected to over 80 STR owners, we have valuable ideas and resources to contribute to the smooth and successful implementation of the program, including creating realistic and achievable timelines, requirements and processes. From furthering cooperation and compliance, understanding and explaining the TUP details and viable implementation timelines, we believe we could positively affect the smooth implementation of the TUP application to the benefit of the Hornby community.

STRs contribute more than 75% of the MRDT monies and 2/3 of the MRDT collected on Hornby is earmarked for housing (FYI this the second highest MRDT amount dedicated to housing in the Province). That fund, managed by HICEEC, is now substantial and is waiting for a project and legal framework that it can support. With that in mind, we also want to lend our support to any revision or expansion of the housing bylaws that support the development of the housing most needed on Hornby - affordable family and workforce housing and housing that meets the needs of those members in our community who are unstably housed, most of whom can afford $500 or less in monthly housing costs.

In closing, we would like to thank and congratulate the APC for their good work in their recommendations.

Best, The HISTRA Board (Ray, Arifin, Patrick, Eulala, Michelle, Karen Y, Jan, Kim and Jennessa) and its members

From: Sonja Zupanec
Sent: Tuesday, February 18, 2025 11:59 AM
To: webposting
Subject: FW: Clarification of HOAPC Referral Response re TUP

For posting to the HOLTC major project webpage under correspondence please. Thanks!

Sonja Zupanec, RPP, MCIP
Island Planner, Northern Office, Islands Trust
T 250.247.2211

From: Wendy Burton [redacted]
Sent: Monday, February 17, 2025 4:12 PM
To: Grant Scott <gscott@islandstrust.bc.ca>; Alex Allen <aallen@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>
Cc: Sonja Zupanec <szupanec@islandstrust.bc.ca>; Joanne Ovitsland [redacted]
Subject: Clarification of HOAPC Referral Response re TUP

I am communicating with you all to clarify a paraphrased statement in the Referral Response Summary in the HOLTC agenda package for January 24, 2025.

The summary of the HOAPC recommendations, provided in the draft minutes of the meeting of November 29, 2024, include this statement:

[the APC has recommended]: Support vacation rental business licenses rather than TUP

The Planning Staff Comments enforce this statement: "The LTC has received recent public correspondence and APC recommendation encouraging the business license approach to authorizing vacation rentals."

The summary omits the rest of the HOAPC recommendation: "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."

The HOAPC does not recommend delaying regulating Hornby Island short term rentals until business licenses can be managed by CVRD.

We recommend that TUP, our only available tool for regulating STR, be used as soon as possible. We recommend that if/when business licenses become a possibility, the HOLTC and planning staff engage in the process to investigate CVRD-administered business licenses.

From our Rationale: "The HOAPC encourages Island Trust to pursue licencing for Hornby Island." We did not intend this to be read as we recommend delaying implementing the use of TUP to regulate STR on Hornby Island.

As you all know, the pressure to "wait" to license Hornby Island short term rental businesses has been considerable for many years. As the Referral Response Summary indicates, CVRD staff are "interested to learn how LTC proceeds to regulate vacation rentals before further investigation into the feasibility of a business license function is conducted." This fact has been made clear several times.

In other words, we are the egg to their chicken.

Wendy Burton, Chair
HOAPC

Hornby Island Community Economic Enhancement Corporation

February 27, 2025

To: Hornby Island Local Trust Committee

Dear Trustees

The HICEEC Board of Directors writes to express our concerns about the possible designation of the Sandpiper and Galleon Beach subdivisions as Highly Developed High Vulnerability Aquifer (IA) zones. We consider the IA designation an outdated concept and a blunt tool regarding sustainability of water resources that would create very serious barriers to creating affordable year-round rental housing and maintaining housing for current homeowners.

We believe that the IA proposal reflects ignorance of local housing realities and questionable assumptions about local hydrology, and that its implementation would not only worsen the housing crisis on Hornby but, ironically, prevent investment in environmentally beneficial improvements. Consequently, we wish to add our voice in support of recommendations to suspend adoption of this measure.

First, there's the issue of density. The Hornby Island Community Profile shows that the average household size on Hornby is 1.9 persons, well below the 2.2 persons in the Comox Valley as a whole, and 2.4 persons in BC and Canada. Of the 655 residential properties, 285 or 43% were occupied by a single person. These units were built as single-family houses, assuming 4-6 people would occupy them—and thus assuming much higher water use.

Second, our population is older: 44% over 65 years on Hornby, compared to 28% Comox Valley; 20% BC; 19% Canada. We have many elderly islanders, living alone in aging housing, who would benefit from having a secondary suite for year-round tenants. The suites could house a caregiver or be rented to generate revenue to supplement often meager income from pensions.

Unfortunately, the IA designation, if applied to all properties in these areas, would preclude the possibility of a secondary suite as proposed with provisions in Bylaw 3.7(4). We believe further research is needed to identify areas of significant concern and fine-tune use of the designation, with consideration of water conservation technologies. We encourage including these areas under Bylaw 3.7(4), with careful permitting of secondary suites that use market solutions to meet housing needs while maintaining environmental standards. This would increase the housing supply without requiring land clearing, road building, and other infrastructure needs.

Another important issue is that many of the houses in these areas are in poor repair. As Hornby was exempt from building codes, homes often were constructed without perimeter foundations. Many houses have outdated electrical panels and wiring, single-pane windows, inadequate insulation, and unsafe stairs and decks; they need upgrades for safety and

accessibility. These deficiencies may make the property ineligible for insurance, which is required for loans and mortgages.

Many long-term Hornby owners who purchased their home decades ago on the limited incomes possible on the island now find themselves “wealthy” on paper, due to the escalation of property values in recent years, but unable to access that wealth in the form of loans or lines of credit to upgrade their homes, as their incomes are insufficient to meet repayment. A secondary suite could generate income to fund upgrades and meet repayment thresholds—but our credit union and other banks will not provide that financing unless this is a legally permitted use. Thus, not only is a property capable of housing 2-3 additional people unable to meet urgent housing needs, but the current owner-occupants struggle to maintain their own use of the home. Keeping people who are housed able to stay and age-in-place may be as significant as creating good year-round rental possibilities for young islanders.

Finally, it is an open secret that many secondary suites within homes, separate structures, and tiny homes already exist. Having a process to obtain legal permission for these would, as above, allow the owner to obtain insurance and funds for upgrades and ensure that existing buildings do meet the necessary standards.

We support Bylaw provisions that do not create barriers, but instead empower applications that can be considered, approved if appropriate, and monitored on a case-by-case basis. The approval criteria should include meeting clear guidelines for water and septic systems. The guidelines should endorse current and innovative practices in water catchment and storage, grey-water systems, and composting toilet options, and ensure compliance with methods that can be supported on specific lots. Alternatives for permitting that are clear but not onerous, supported by agreements for year-round, affordable rental, with enforcement through regular renewals and checks, would be desirable. We believe there is strong community support for creating housing solutions for owners and year-round local tenants that use the existing stock and infrastructure in ways that do not increase the impact beyond what would be expected with a single-family house.

The Suitable Land Analysis, which was presented recently, seems promising as a planning tool for sustainable development. But it is in early stages and will need refinement and nuanced consideration of the specific situations of each island before it can be applied with any confidence. At present it makes assumptions regarding the significance of identified indicators that ignore variations in underlying geology and current land use. For example, proximity to shore might be an indicator of likelihood of salt-water intrusion along the sandy banks of Whaling Station or Gabriola, but not in the bedrock underlying Sandpiper. The density of wells is an important indicator of water supply in areas with subsurface aquifers, but not in areas with deep rock fissures, such as we have on much of Hornby. Finally, the SLA needs to take into

Hornby Island Community
Economic Enhancement Corporation

account the effect of water collection, storage, and disposal methods that are not based on well and ground water use. We look forward to discussions about the refinements needed for our specific circumstances.

In summary, we encourage you to suspend implementation of the blanket IA designation in Sandpiper and Galleon Beach and develop flexible and innovative language, based on further development of the Suitable Lands framework and hydrological mapping**,** to update our zoning to reflect our existing community structure and make both environmental protection and housing solutions work together. This is possible – let's make it so.

Many thanks for your work on these challenging issues and for working hard with advisors, professionals, and community members to make the OCP and Bylaws reflect the very best solutions for a sustainable, thriving Hornby Island.

Regards,

John Heinegg
HICEEC Chair
www.hiceec.org

From: Peter Devette [redacted]
Sent: Tuesday, March 18, 2025 10:59 AM
To: Alex Allen; Grant Scott; Timothy Peterson; Sonja Zupanec; northinfo
Cc: HISTRA Association
Subject: Vacation rentals Hornby

Dear Alex, Grant, Timothy Sonja and Island Trust,

I'd like to call your attention to the following :

- The APC **did not recommend** the setting of a Vacation Rental cap in its response to the OCP/LUB bylaw changes
- The APC **did recommend** that any discussion of a cap should be community based

- Any discussion of a cap must be community based and include real, unbiased information

- We have moved a long way towards a consensus in our community on what well managed Vacation Rentals require. Ask the trustees not to set us back and reignite community division

- I'm asking the Trustees to **defer the whole OCP/LUB** until the K'omoks referral is received and the staff have had good discussions with the Comox Valley Regional District (CVRD) on both Vacation Rental Licensing and Building Inspection services.

- At minimum, I'm asking the Trustees to reject the staff recommendation (that is not from the community) to add a Vacation Rental Cap without a comprehensive community consultation.

As a faithful tax payer and responsible property owner on Hornby, I believe it to be reasonable to expect proper representation from you in these matters.

Peter Devette.

From: les Brown [redacted]
Sent: Tuesday, March 18, 2025 3:27 PM
To: Alex Allen; Grant Scott; Timothy Peterson; [redacted] Sonja Zupanec; northinfo
Subject: LTC meeting March 21st 2025 ... cap on number of vacation rentals

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon,

It has come to my attention that the Islands trust staff are looking at setting a cap on the number of Vacation Rentals and the materials prepared for the trustees suggest that this a recommendation of the APC.....It is Not !.

As a long time Hornby island resident and home owner and also some one that rents during the summer to offset the mortgage and home improvements .. hiring Hornby residents for these improvements.
I am in disagreement with the cap and any discussion about a cap must be a community based decision and it should *include valid and unbiased information .*

The APC *did not* recommend the setting of a Vacation Rental cap in its response to the OCP/LUB bylaw changes.
The APC did recommend that any discussion of a cap must be must be community based and include real, unbiased information.
We have moved a long way towards a consensus in our community with regards to what a well managed Vacation Rentals require....as trustees you should be continuing to build consensus and not reigniting community division that has gone on for far too long.

I ask that you as Trustees, reject the staff recommendation (that is not from the community).
As Trustees I ask that you *defer the whole OCP/LUB* until the K'omoks referral is received and staff have had good discussions with the Comox Valley Regional District in regards to both the licencing and building inspection services in regard to Vacation rentals.

As I will not be able to attend the meeting on March 21st at 11:30 please make my opposition noted, thankyou.

Regards
Les Brown

From: John Humphrey [redacted]
Sent: Tuesday, March 18, 2025 11:03 AM
To: Alex Allen; Grant Scott; Timothy Peterson; Sonja Zupanec; northinfo
Subject: Cap on STRs on Hornby

Dear Trustees,
Our family (we're 5 siblings who inherited a cabin on Hornby) depends on two months of STRs to pay taxes and insurance. We're concerned that without that income we'll be forced to sell.
It does not seem fair to be adding a cap to STRs to the ByLaws without further input from the community. Many of us are still trying to wrap our heads around what is even going on. What with the changes in the B.C. laws as well.
My sense is that parties representing all sides of the STR argument have been making progress towards a consensus/compromise that could work well for Hornby.
I encourage you to not add a cap to STRs without further community discussion.
Best,
John Humphrey
[redacted]

From: [redacted]
Sent: Wednesday, March 19, 2025 1:02 PM
To: northinfo
Subject: OCP / LUB Vacation rentals cap

Dear Islands Trust:

I understand that very soon we will have the most accurate possible count of STVR properties on Hornby Island, because listings on all rental platforms will be banned/removed, unless they have registered and display an authenticated registration number.

I have heard that:

- The APC did not recommend setting a vacation rental cap in their recent submission to you.
- The K'omoks referral is not yet received
- Licencing and Inspection specifics are soon expected from CVRD and other.

But I also heard that, without this most useful information and completion of process which would include community discussion of a cap faced with complete and accurate data:

Staff have recommended a cap on STVRs.

Why? I'd encourage you to delay that consideration entirely, until useful information is on that table, and the community, with that useful information, has an informed discussion for best guidance.

Sincerely,
Ian Bullen
w/ Property responsibly STVR'd ~ 9 weeks in 2024.
My wife and I are working and living off island but whenever we can make it, we are at our family's Hornby home (built by Cal Witt) -- 28 times last year.
There is no conceivable circumstance, given that extensive family use, that it would convert to a rental.
Any barrier to that light STVR use as above would just make our hiring of Hornby help for improvements less affordable, and we'd have to do less each year, reducing full-time Islander income.
[redacted]

From: [redacted]
Sent: Thursday, March 20, 2025 12:11 PM
To: northinfo; Sonja Zupanec; Timothy Peterson
Cc: Alex Allen; Grant Scott; Timothy Peterson; Lindsay Burch
Subject: FW: LTC Meeting March 21, 11:30 AM -

Dear Islands Trust, Trustees,

I am writing in response to
We are owners of a Hornby property that is our magical/family gathering place. We support the Hornby community, economy, full time residents, housing and tourism.

Regarding Vacation Rental cap and OCP/LUB bylaw changes:

We would like to request that a full comprehensive community consultation is done to engage Hornby community in deciding on direction to take on any Vacation Rental Cap.
We do support APC recommendation that any discussion of a cap should be community based.
We do feel that important discussions need to happen with the CVRD on both Vacation Rental Licensing and Building Inspection services.

We are asking the trustees to reject the staff recommendation (that is not from the community) to add a Vacation Rental Cap without a comprehensive community consultation.
This will facilitate proper community decision.

Thank you,

Dave and Lindsay Burch
[redacted]

From: [redacted]
Sent: Thursday, March 20, 2025 5:42 PM
To: Alex Allen; Grant Scott; Timothy Peterson
Cc: Sonja Zupanec; northinfo
Subject: Opposition to a Vacation Rental Cap – Community Consultation Needed

Dear Alex, Grant, and Tim,

We are writing to express our strong opposition to the proposed cap on vacation rentals on Hornby Island. While we understand the need for thoughtful regulation, imposing a cap without comprehensive community consultation would be a step backward and risk reigniting division on an issue where we have made great progress toward consensus.

The **Advisory Planning Commission (APC) did not recommend** setting a cap on vacation rentals in its response to the OCP/LUB bylaw changes. In fact, the APC specifically recommended that any discussion of a cap **must be community-based**, relying on real, unbiased data rather than arbitrary limits. It is critical that any decisions regarding vacation rentals reflect the will of the community, not a top-down staff recommendation that does not come from local input.

Over the past several years, vacation rental operators on Hornby have significantly improved their management and compliance, including:

- Certification of septic systems for most vacation rentals in the IA area.
- Implementation of provincial short-term rental regulations, ensuring all rentals are registered and comply with local bylaws.
- The introduction of strict enforcement measures, including penalties for non-compliant listings.
- Contributions of $60,000–$75,000 annually through the MRDT tax, funding projects aimed at affordable workforce housing.
- A growing workforce housing fund now exceeding $300,000, largely supported by vacation rental revenue.
- Increased awareness and adherence to existing bylaws by vacation rental owners, ensuring responsible operations.
- Strong environmental stewardship, with a focus on water and septic management.
- Local contacts for on-island issue resolution.
- No formal community complaints to Islands Trust bylaw enforcement in the past season.

With these improvements, our community has already moved a long way toward a **clear consensus on what well-managed vacation rentals require**. Introducing a cap now would **set us back, undoing progress and reigniting unnecessary division**.

Furthermore, we urge you to **defer the entire OCP/LUB process until the K'ómoks First Nation referral has been received** and staff have had meaningful discussions with the **Comox Valley Regional District (CVRD) regarding Vacation Rental Licensing and Building Inspection services**. Rushing this process without these critical inputs will only create further complications and uncertainty.

At **minimum**, we ask that you **reject the staff recommendation to introduce a vacation rental cap**, as it **does not come from the community** and has not undergone proper consultation. Any decision of this magnitude must be made **with full community involvement and based on accurate, unbiased data**—including how many vacation rentals currently exist, what the right number should be, and the broader implications for Hornby Island.

We urge you to **listen to the community, prioritize collaboration, and take the time necessary to make informed, community-driven decisions**. We would be happy to discuss this further.

Thank you

Ryan

From: HISTRA Association <hornbyshortterm@gmail.com>
Sent: Thursday, March 20, 2025 9:46 AM
To: Alex Allen; Grant Scott; Timothy Peterson
Cc: [redacted]
Zupanec; northinfo
Subject: Rationale for Deferring All of the OCP/LUB, if the housing aspects are deferred.

Dear Alex Grant and Tim.

We thought it was helpful to explain why, if you choose to defer the other aspects of the OCP/LUB, we think you can also defer the sections on Vacation Rentals as well.

There will always be those who think Vacation Rentals should not exist or that they should not be controlled. Yet, collectively, we have come to a real consensus on Hornby about what well managed Vacation Rentals must do and the extent to which they support the community.

Over the 5 years since the LTC referred the Vacation Rental challenges to the APC there have been many clear improvements in the management of Vacation Rentals on Hornby. Here are a few of them:

- most Vacation Rentals in the current IA area have now had their **septic systems certified**.
- the Province has enacted the Short Term Rental regulations which:
    - requires **all Vacation Rentals be registered** with the province (by May 1, 2025)
    - penalizes heavily (up to $50,000) any platform, large or small, advertising a Vacation Rental that does not meet the local bylaw requirements such as capacity limits or seasonal restrictions, and
    - has its own enforcement wing to help communities manage bylaw compliance;
    - will provide clear, unbiased information about the number of Vacation Rentals
- **$60-75,000** a year is generated in the MRDT **by Vacation Rentals** to support projects aimed at affordable workforce housing.
    - there is currently a **workforce housing fund over $300,000, largely generated by Vacation Rentals.**
- many more Vacation Rental owners have a clear understanding of their responsibilities and requirements under the existing bylaws and work hard to follow them.
- water and septic management and environmental protection are core values, strongly communicated to guests and the importance is well understood.
- most Vacation Rentals have on-island contacts to address concerns.
- there were **no formal community complaints** to Islands Trust bylaw over the past season

- wew know that **preventing Vacation Rentals in these homes will not help provide affordable housing**, in fact it will take away funding for it.

All this adds up to a **very different environment than existed in 2020**.

We think this means that you can, in all good conscience, **defer the Vacation Rental aspects of the OCP/LUB,** if you also choose to defer the housing aspects as Islands Trust staff have recommended.

Moving forward, if you defer all aspects of the OCP/LUB project, it opens an opportunity, **outside of the OCP/LUB project, to move forward with Vacation Rental licencing**, create certainty for the community, **strengthen the management of Vacation Rentals**, and **shift the costs and time** required to manage the TUP process from the LTC and Islands Trust to the province and a user supported licencing program.

By choosing to go in this direction, **the LTC acts on its own initiative**, creates a 'made on Hornby solution' and moves the Vacation Rental changes to conclusion. You can direct staff and follow a course set by and for Hornby.

Most of the Hornby community would welcome the certainty and enhanced regulations, without the cost, time and LTC distraction required by a TUP process. It would be seen as a good solution that builds on the community consensus, meets most, if not all, of the issues and worries that have been raised, and respects the APC ideas proposed to solve them.

We would be happy to talk with each of you about how we think this could be accomplished quickly.

Best, The HISTRA Board (Ray, Arifin, Patrick, Eulala, Michelle, Karen Y, Jan, Kim and Jennessa) and its members

From: Patrick Lui [redacted]
Sent: Thursday, March 20, 2025 1:32 PM
To: Grant Scott; Timothy Peterson; szupenac@islandstrust.ca; northinfo; Alex Allen
Subject: Deferring OCP/LUB Changes

Dear Trustees and Planner Zupenac,

As a caring and contributing member of the Hornby community, I am asking you to please delay moving forward with any decisions on creating a cap on Short Term Vacation Rentals until you provide the forum for a fulsome and fair community consultation. The imminent arrival of the Provincial Short Term Registry on May 1 will provide critical data on the number and nature of Rentals on the island. Setting a cap without this data is premature and dismissive of the effort STR owners have made, and continue making, to follow bylaws.

This past February I attended the latest APC meetings to review their STR recommendations. They specifically deferred discussions of a cap because it was beyond their scope. I find it confusing that the IT staff are making this recommendation at this time when the APC didn't.
As the owner/operator of a Short Term Rental Management Company, I greatly appreciated how the APC meetings showed me first hand how far the conversation has progressed and evolved in the 3 years since the APC delivered their 2022 Recommendations. The community is more aligned and calmer in this discussion.
As a Board member of HISTRA, I can tell you we have worked hard over these last three years to promote STR Bylaw compliance and support owners to understand, and hopefully eventually achieve, the TUP process. In good faith, I ask you now to please take the time to wait for the forthcoming data and the chance for the community to discuss this together. After such a long road, it makes no good sense to rush now and risk the time and good work invested from everyone involved.

Thank you for your service and consideration.

Be well,
Patrick Lui
[redacted]

Sent from my iPhone

From: Robin Sydneysmith [redacted]
Sent: Thursday, March 20, 2025 10:30 PM
To: Alex Allen; Grant Scott; Timothy Peterson
Cc: northinfo; Sonja Zupanec
Subject: Proposed cap to the number of Vacation Rentals on Hornby

Dear sirs;

I am a home owner on Hornby Island. Unfortunately I am off island and unable to attend the meeting tomorrow evening. I am therefore writing to register my opposition to the proposed cap on vacation rentals on Hornby.

The suggestion that the APC recommended a cap be set in response to the OCP/LUB bylaw changes is false as such a recommendation was outside of their scope. The recommendation was that should a cap be considered it needed to be the subject of a community consultation process before any decision is made. I would add that in the interest of upholding our democratic Canadian values which we are so proud of these days, that such a process must be fair, unbiased, transparent and inclusive.

Furthermore, such a discussion should only take place once all the facts are known, such as how many active vacation rentals there actually are. This will soon be known once the provincially mandated registration process is completed in May.

A lot of good work has been done by the LTC, APC, HISTRA, HIRRA and others over the past few years. And while the LTC, in my opinion, has played a little fast and loose with due process and has been at times a little bias in its treatment of different points of view, a workable consensus seems to have emerged. I implore you not to set us back and reignite divisions within the community once again.

Ideally I would like you to please defer the whole OCP/LUB **u**ntil the K'omoks referral is received and staff have had good discussions with the Comox Valley Regional District (CVRD) on both Vacation Rental Licensing and Building Inspection services.

At minimum, I urge you to reject the recommendation to add a Vacation Rental Cap and adhere to the actual recommendation to consult the community first.

kind regards,

Robin

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Robin Sydneysmith
[redacted]

Proposed cap to the number of Vacation Rentals on Hornby

From: [redacted]
Sent: Thursday, March 20, 2025 11:06 AM
To: Timothy Peterson; Sonja Zupanec; northinfo
Subject: Hornby STVR Meeting March 21, 2025

---------- Forwarded message ----------
From: [redacted]
Date: Thursday, March 20, 2025
Subject: STVRs
To: "AAllen@islandstrust.bc.ca" <AAllen@islandstrust.bc.ca>, gscott@islandstrust.bc.ca

For decades vacation rentals were a home occupation.
Many residents wanted to keep them. One never knows if a partner will die or if there is a divorce, that extra income would mean the difference between staying in one's home or community, or having to sell.
I am facing this decision now.
My home will never be available for the rental market if I stop short term rentals
Real estate agents have expanded ownership on Hornby , not as principal residences, but telling buyers about the high summer rental income.
There is more to the story, but many places have tried solutions between a free for all and draconian rules. PEI for example, made rules banning absentee owners from summer rentals. In less than a year, the residents could again afford a home.
We have not tried or discussed nuanced solutions.
2 by laws were passed, ushering in short term rentals. This was needed to make the Thatch time shares financially viable. People were upset a Trustee said " I feel the majority is behind this decision".
Not true, 98% spoke against it". I went to every meeting and kept all the paperwork.
Please consider the solutions that come from community up. If they don't work, we can go draconian.
I am not a fan of a top down directive, time shares dictating rules, nor people who don't notice any of this.To have a home occupation, it should be your home. Easy to track.
Thanks,
Jane Talbot
Harby Rd
Hornby Island
BC

From: Liz Thurbide [redacted]
Sent: Thursday, March 20, 2025 10:51 AM
To: Alex Allen; Grant Scott; Timothy Peterson; Sonja Zupanec; northinfo
Subject: No cap please on Hornby vacation rentals

Good morning,
As a licensed very small time vacation rental family on Hornby we would kindly request that you don't cap the number of vacation rentals on Hornby. We rent our cottage out to friends in the summer when we are not able to use our cabin ourselves and the income is used to pay the property taxes, upkeep and insurance on the cabin. Our cabin is not insulated and has no heat source other than a fireplace so it is not a candidate for a long term rental. If you limit rentals on the island, our concern is the small time rentals such as ours will be 'bumped' to accommodate those that run an actual business.

Kind regards,
Liz Thurbide

From: Henry Touwslager [redacted]
Sent: Thursday, March 20, 2025 1:08 PM
To: Alex Allen; Grant Scott; Timothy Peterson; Sonja Zupanec; northinfo
Cc: HISTRA Association
Subject: Support for HISTRA's Recommendations and a Balanced Approach

Dear Trustees Allen, Scott, and Peterson:

I appreciate the work you're doing on Hornby Island's Official Community Plan (OCP) and Land Use Bylaw (LUB)

I have read HISTRA's recent email dated March 18 and fully endorse their recommendations and the spirit in which they've been made.

It is my opinion that HISTRA is not advocating for short-term rental homeowners at the expense of everyone else. Vacation renters support our local economy—including artists, restaurants, and, especially, the Hornby Island Co-op store and gas bar. They also contribute to and participate in local non-profit societies such as Hornby Arts and the Herring Festival—groups that might struggle to stay viable and funded without support from these part-time visitors, many of whom remain engaged throughout the year via social media and memberships in various community organizations. The success of these businesses and groups benefits full-time residents as well, and HISTRA's approach reflects a balanced view of what's best for the community as a whole.

I urge you to give HISTRA's letter the serious consideration it deserves, including their caution about imposing new limits on Vacation Rentals without comprehensive community consultation and complete data. Thank you for your ongoing efforts to shape policies that work for all of us.

Sincerely,

- Henry Touwslager

[redacted]

From: webposting
Subject: FW: HOAPC Recommendation about STVR Caps

From: Wendy Burton [redacted]
Sent: Thursday, March 20, 2025 3:54 PM
To: Timothy Peterson <tpeterson@islandstrust.bc.ca>; Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>
Cc: Sonja Zupanec <szupanec@islandstrust.bc.ca>; Joanne Ovitsland [redacted]
Subject: HOAPC Recommendation about STVR Caps

I note several recent letters to the local trustees, declaring that the APC did not recommend caps on short term vacation rentals on Hornby Island.

HOAPC were asked to consider, by the most recent referral to the HOAPC, the proposed bylaw amendments and OCP revisions gathered from our recommendations of March 29 2022, the consultants' reports, and other suggestions gathered over the past three years. Because the HOLTC had made no decisions about our recommendation to consider capping STVR, we did not comment. We could not comment. It was not part of our 2024 referral.

Our 2022 recommendations still stand, however. In March 29, 2022, the HOAPC DID recommend a cap on stvr:

Copied from HOAPC Recommendations to HOLTC March 29, 2022 (page 4)

SHORT TERM RENTAL (STR)

Rationale

The members of the APC recognize the connection between affordable, available housing, increased tourism, and short term rental accommodation. When STR became a permitted use, and bylaws were created to regulate this use, few could have foreseen the proliferation of STR. The hypothetical STR operator, described in 2009, was an older woman living alone in a large home, endeavouring to rent part of her home for a few weeks in the summer to earn enough money to pay her taxes and finance home repairs. Regulations on how long and how many were put in place to preserve the rural nature of the community and protect the eco-systems of the Island. Water capacity and septic capacity were intended to be part of the protect mandate.

The growth of tourism, while appreciated by many, is a source of concern for a sustainable, viable future for all who live on the Island. The community has to be given an opportunity to discuss how much is too much and/or how much is not enough.

These recommendations govern all Short Term Rentals (STR) that are operating currently and would therefore be legally non-conforming and all STR authorised by approved TUP.

Recommendations

1. All STR (including those advertised on AirBnB and any other advertising platform) must register with Islands Trust. A registry will be maintained by Islands Trust.
2. All STR have proven septic and water capacity. The Province regulates septic capacity and identifies water use requirements, based on science-based evidence.
3. STR are conducted within the principal residence on the property (not a secondary building) where permitted.
4. The rental period is reduced from five months to three months, for example, from May 1 - September 30 to June 15 to September 15
   This is a contentious recommendation. The existing period was the result of extensive community consultation in the 2000's before the bylaws were created. Many community members now believe the period is too long. Other community members, especially those in the visitor accommodation sector, now believe it is too short. Many STR are in non-compliance, that is, they operate year round or outside the rental period of May 1 to September 30. The argument that shortening the period would affect MRDT funds coming to the community is one that has to be put to the community.
5. One STR per property
6. Enforce bylaws about STR in secondary dwellings where permitted.

This recommendation is to do with STR provided in secondary dwellings in zones where such a use is permitted. Addressing the bylaw compliance of secondary dwellings that are not being used for STR in all zones is outside our referral. Year round dwellings / housing should not have enforcement even when moratorium on enforcement is discontinued. It would be next to impossible for enforcement of year round housing as there is no reliable way to monitor availability and use and the threat of enforcement could diminish available residential housing stock

7. Proactive enforcement of all Visitor Accommodation (inclusive of resorts, campgrounds, glamping).
8. Require all platforms to list only those properties in compliance.
9. Require all platforms to provide data (*cf* Union of BC Municipalities stakeholders report, June 2021).[1]
10. Clarify the occupancy limits by zone for STR

    i. Tie advertising to occupancy, i.e. the advertised occupancy conforms to bylaws

11. Number of STR on Hornby Island be capped.

While STR are a permitted use on Hornby Island, the number cannot be capped

12. Permit limited number of long-term residential occupancy of seasonal campgrounds

[1] This report makes several recommendations. The Province is urged to require STR operators to register as business; platforms advertising STR be required to provide a section for hosts to display business licenses or permits; platforms advertising STR be required to collect data and make data available to the province and available to local governments; and platforms advertising be required to refuse advertisements from non-compliant businesses.

_____

Wendy Burton, Chair
HOAPC

From: Alex Allen

Sent: Friday, March 21, 2025 8:18 AM

To: northinfo; Hornby Island Local Trust Committee

Subject: Fw: Short term rentals

Follow Up Flag: Follow up

Flag Status: Flagged

Alex Allen
Hornby Island Trustee
(250) 335-1129 Ext. 420

I respectfully acknowledge that I live, work and play on Hornby Island,
the unceded territory of the K'omoks and other Coast Salish Peoples.

From: Ken A-N [redacted]
Sent: March 20, 2025 6:26 PM
To: Alex Allen
Cc: Margaret Finnis
Subject: Short term rentals

Dear Sir:

We have a family cottage near hidden Beach. Currently we are exploring
the fabrication of a septic field
and flush toilet. Jed is in charge
of this endeavor and it will require
a pump, tank, and lots of soil.
We will install a flush toilet and remove
trees.

We are not raking in the dough
from short-term vacation rentals.
We are improving our property and
employing local workers.

Moreover my mom and dad's ashes
are left in the vicinity in the ocean and my

family is deeply tied to Hornby.
Hornby Island is connected to our hearts

Though I'm skeptical that the decision
about short term rental properties
has already been made by you and this decision is the opposite from what you told us, that the short-term rentals existing now
would be grand fathered in: I thought
I would write you. It is disappointing
that you have likely changed your mind
from your original assurances.

Our recommendations:

Any discussion of a Vacation rental cap must be community based and include real, unbiased information.

We have arrived at consensus in our community on what well managed Vacation Rentals require. Please look these findings with a fiduciary framework and open mind about all of us.
There are not two tiers of people that
own property on Hornby Island. We
all deserve a voice to be heard.

Defer the whole OCP/LUB until the K'omoks referral is received and the staff have had clear discussions with the Comox Valley Regional District (CVRD) on both Vacation Rental Licensing and Building Inspection services.

Please eject the staff recommendation to add a Vacation Rental Cap without a comprehensive community consultation.
We want to be heard.

I acknowledge and respect the K'omoks peoples on whose traditional territory I live. Their historical relationship with the land continues to this day.

Thank you Mr Allen.

Ken Agar-Newman and Margaret Finnis
[redacted]

From: Alex Allen
Sent: Wednesday, April 2, 2025 3:07 PM
To: northinfo; Hornby Island Local Trust Committee
Subject: Fw: Short-Term Vacation Rentals on Hornby Island BC

Follow Up Flag: Follow up
Flag Status: Flagged

A letter

Alex Allen
Hornby Island Trustee
(250) 335-1129 Ext. 420

I respectfully acknowledge that I live, work and play on Hornby Island, the unceded territory of the K'omoks and other Coast Salish Peoples.

_____

[redacted]
Sent: March 31, 2025 3:08 PM
To: Alex Allen
Subject: Short-Term Vacation Rentals on Hornby Island BC

Hello there!
I have owned on Hornby Island since 2009 and have observed islanders & how most of them make a living ...watched from the sidelines for the most part. And earned my living in Vancouver or Victoria.
For certain... folks coming to this island love it & need somewhere to stay in July & August. Two months of the year. Many islanders make their living for the rest of the year from those 2 months' of activity.
I feel that capping the rental market to prevent issues around water usage, sanitation & adequate food supply is perhaps now appropriate. However, halving the number of existing STR operators is unfair.
I am on board for capping it at its current operator number i.e. issuing no more permits than are already issued. As operators cease to participate, perhaps that attrition may be the fairest route to reducing rentals.
Livelihoods are at stake and people are important.

Thanks for your attention !
Kindest
Amanda L. Wilkinson
[redacted]

Sent from my iPhone

From: [redacted]
Sent: Tuesday, April 1, 2025 5:56 PM
To: Alex Allen; Grant Scott; Timothy Peterson; Sonja Zupanec; northinfo
Cc: Association HISTRA
Subject: Short term vacation rentals

Dear Trustees,

Once again we are writing to express our 100% agreement to allow short term rentals on Hornby Island.

Presently we are concerned the number of STR properties is proposed to be capped at 67. How is this number arrived at? Has consideration been given to the visitors who will no longer be able to find accommodation on Hornby and will stay on Denman or close to Buckley Bay and do day trips instead?
This will congest the ferry traffic with daily increases rather than weekly and impede local residents in their travels.

Our property on Hornby has been in the family since 1978 and we now have a third generation actively involved in both decision making and being a part of the Hornby community. The property will never be available as a year round rental as it is used constantly through the year by family, except for the summer rental period.
We have obtained our STR registry with the BC government.

Renting our property out for 7 weeks in the summer allows multitudes of Hornby Island residents to enjoy the tourist dollars generated supporting the restaurants, Co-op, Ford Cove, boat rentals, wineries and distillery, market vendors, artists and artisans, Hornby Festival events, house cleaners, maintenance and security, etc. This clean resource money sustains many of the folks here for the rest of the year.

Hornby Island is unique in its lack of corporate stores and lodging. Keeping life simple, beautiful and real as the nature around us on Hornby is important to all of us. Let's license and supervise STRs so we have a consistent good product that works for owners, neighbours and all of the Hornby Island community.

My husband Don and I will be attending the May 16, 2025 meeting and look forward to meeting both Hornby Island Trustees. Please reply to this letter prior to the meeting and answer the question on how the number cap of 67 was arrived at. I have been disappointed that no reply was sent to my previous letters regarding STRs.

Regards,
Peggy and Don Sheppard
[redacted]

From: [redacted]
Sent: Wednesday, April 2, 2025 9:30 AM
To: Alex Allen; Grant Scott; Timothy Peterson; Sonja Zupanec; northinfo; [redacted]
Subject: Hornby Island proposed zoning changes

Hello all
My name is James Ingrey. I am a family physician and owner/Medical Director of Port Augusta Family Practice. I live with my wife and 3 children in Comox and we are fortunate enough to own an old waterfront property on Anderson Dr on Hornby Island. Having watched developments evolve regarding the work being done by Island Trust, I wanted to share our ownership experience since acquiring our cabin in 2016. I have some specific insights into the issues facing the Trust and, probably, some unique contributions. I will be as brief as I can, but bear with me!

We moved to Comox in 2010 and in 2013, I opened up a new family practice in Courtenay, The Crown Isle Clinic. As owner, I facilitated the recruitment of 5 GPs leading to the attachment of over 7000 patients. These were new physicians to practice and a net gain to the community. The ball was well and truly rolling, but the clinic experienced the typical recruitment/retention ebb and flow that is now all too familiar in primary care in BC. Despite these challenges, our new clinic in Comox has continued to grow to 12 physicians and an RN, and has facilitated the attachment of over 13,500 patients. I consider us a successful and 'stable unit' presently and we are currently the biggest primary care facility by patient volume in the North Island..... I believe the involvement of Hornby Island has been instrumental to our success.

The challenges faced in physician recruitment is mirrored by the challenges that exist for our clinic support staff/my employees, who I consider 'essential workers' and are the most wonderful people!

With recruitment and retention at the forefront, Hornby has been vital. From the time we have owned our Hornby cabin [redacted], it has been shared and available for my staff and physicians to use, along with their families. This arrangement, or 'perk' of being attached to the clinic, is at no cost to these 'guests'. It is massively appreciated by all users and has played a positive role in retention of physicians especially. It has been commented that it also contributes to maintaining a happy, healthy working environment....we can typically spot who has just had some time on Hornby in the office! With the summer rental season, these additional users ensure the cabin is occupied for 34-40 weeks per year. With this comes disproportionate 'vacation spending' benefitting Hornby businesses for this prolonged period of time. In addition to the R&R offered by 'Island Life', the physicians are increasingly using the cabin as an extension of the clinic and working remotely by telehealth.

In addition to these 'guests', the cabin has also been used by patients with multiple sclerosis and terminal cancer. I have received some of the most incredible emails following their stay about how magical the old cabin is and it's location overlooking 'lunar beach'.

I am personally aware of the current housing challenges also, as they relate to physician recruitment/essential workers. Most of our physicians are from overseas and their entry process is complex and lengthy. Most are arriving with young families and I am involved with all aspects of their arrival and orientation into the community. This can be overwhelming. With the pending arrival of a physician in late 2022, it was clear there was a massive lack of family housing for rent. In response, I (the clinic) was able to buy a family home in early 2022 that would be used exclusively for newly arriving physicians or new staff members arriving in town. Myself and my wife painstakingly renovated it and the physician arrived with his family with the paint still drying on the doors! They moved in, settled into the community and have since said that having the house upon their arrival was instrumental in their successful integration into the community. The house has so far served 3 physician families and a 4th is set to arrive in September this year. They all have registered patients who live on Denman/Hornby Is. This incentive has turned out to be essential for recruitment and is a unique initiative to our community.

As an extension of my work with the Comox Division of Family Practice, in 2023, I was involved in integrating Dr Jody Taylor into family practice on Denman Island. My clinic was able to provide the Denman clinic with examination instruments and a host of essential medical office equipment to replace outdated versions. Many of my patients live on Hornby and Denman and I am acutely aware of the specific 'nuances' relating to primary care on the islands. Upon the arrival of a new physician in September to Port Augusta, I intend to reassign a portion of my list, with the intention being to spend more time on Hornby. My work will become a combination of telehealth and some GP work at Hornby Island Community Health Clinic. I am liaising with Evan Humphries to explore opportunities.

Regarding [redacted] we have been diligent in maintaining all property services including well and septic and have paperwork for their overhaul in 2023. We use local trades when available and will continue to do so. All users are fully appraised of the need to minimise our environmental impact and are diligent regarding water use. That being said, the cabin is old (1973), built from old beach lumber (according to the building inspector but not true!), drafty and without insulation. It's fitness for year a year round residence would be questionable at best.....our clinic staff appreciate it's glamping 'quality' during the colder months!

In summary, our intention is to maintain our cabin for the purposes highlighted above, including the summer rental component which is essential to our ownership. I appreciate everyone will have their story and I truly believe they should be heard. Given my public role, I typically prefer flying under the radar, but I feel this was a time to speak up in an effort to preserve what our ownership and my clinic have contributed to Hornby which is significant. Our continued support for the foreseeable future is without question and I hope 'stories' like this can guide your decision making process.

I will be attending the meeting on May 16th and would be pleased to introduce myself should the opportunity arise.

Best regards
Dr James Ingrey

From: Thor Kuhlmann [redacted]
Sent: Wednesday, April 2, 2025 3:13 PM
To: Alex Allen; Grant Scott; Timothy Peterson; Sonja Zupanec; northinfo; HISTRA Association
Subject: Re: Support for HISTRA's Recommendations and a Balanced Approach

Dear Commissioners:

I am writing with regard to the proposal to limit the number of short term vacation rentals on Hornby to half their current number. I am an owner of a property on Hornby that rents the space out for several weeks in the summer when I am not using it.

Vacation renters play a crucial role in sustaining our local economy, supporting artists, restaurants, and, notably, the Hornby Island Co-op store and gas bar. They also contribute to local non-profits like Hornby Arts and the Herring Festival—organizations that might struggle to survive without the backing of these part-time visitors. Many of these renters stay involved year-round through social media and memberships in community groups. The prosperity of these businesses and organizations ultimately benefits full-time residents as well, and HISTRA's approach takes a well-rounded perspective on what serves the entire community best.

I hope you will reconsider the aforementioned proposal. I believe a less drastic approach to regulating short term rentals is possible without compromising important community interests such as affordable housing and water management. Please continue to work with community partners to develop a more moderate approach.

Many thanks,

Thor Kuhlmann

From: Miranda-Jo Andersen [redacted]
Sent: Thursday, April 3, 2025 6:20 AM
To: Alex Allen; Grant Scott; Sonja Zupanec; Timothy Peterson; northinfo; [redacted]
Cc: HISTRA Association; Miranda-Jo Andersen
Subject: Hornby Island Vacation Rental Cap
Attachments: April 2025 - [redacted]

Good day,

Re: Vacation Rental on Hornby Island

Please take a few minutes to read my attached letter regarding possible zoning changes on Hornby Island that will cut the number of legal vacation rentals in half.

Thank you,
Miranda-Jo Andersen
[redacted]
Hornby Island, BC

April 2, 2025

[redacted]
Hornby Island, BC

Re: Vacation Rental on Hornby Island

To Whom It May Concern,

I am unable to attend in person meetings you hold on Hornby Island because I work full time off Island, but please accept this letter in lieu of.

I inherited our family home on Hornby Island, on Texada Drive at [redacted], when my Dad passed away 15 years ago. My parents first purchased one of the 11 resort cabins in that area back in the 1970's. The cabin had a 2-piece bathroom and there was a shower house on the water well lot for all to use. Property taxes were extremely manageable at $108.00 per year! These days we have one well that services 28 homes in our area and our AGM each summer always highlights the importance of water conservation which we take very seriously with our guests and our own family. It is in all our written material and we do not offer guests laundry facilities and they must bring all their own linens and take them home to launder.

Because my own family of three adult sons and their families live on Vancouver Island, when Dad passed away we certainly wanted to keep the home in our family. At that time, I had to buy my sister's half of the home from her as she lives in the UK and has no interest in it. That required putting a big mortgage on the property.

And so as of now, I've been visiting Hornby regularly for 55 years. We treasure our time on Hornby and cannot imagine not being there. My parents retired in 1985 and lived there full time until Dad passed away 15 years ago. You may have known him, Jim Smith? And my Mom, Jose Smith who, upon moving to Hornby immediately got involved in directing a play right here in The Hall. Mom passed away in 1995. One of my sons, Jared Teschke and his wife, Melanie Linka lived full time on Hornby a few years ago and brought their RMT (Registered Massage Therapists) practice to Hornby which was most needed and welcome. Unfortunately however, there simply was not enough business for them to live at the house and pay the mortgage, so they ended up relocating to Cumberland.

My husband and I plan to retire to our home on beloved Hornby, but are unable to for a few years yet. We are long-time, very good friends with many of our neighbors that have been going to Hornby for many, many years and we know they'd also be devastated if we ever have to sell our home because we can't afford to manage it.

So, with a large mortgage and super hefty land taxes and house insurance, we must rent it out for the summer months if we have any hope of keeping our beloved family home of 55 years, in the family for generations to come. We can't rent our home full time as our family spends many weekends there. Also, my husband and one son do a fair bit of construction work on Hornby and provide their own accommodation by staying in our home there.

We rent our home by the week only, which puts less strain on our ferries and the Island in general and only through July and August. Our guests absolutely love their holiday on Hornby and we have many repeat each year. They not only enable us to financially keep the home, but love spending their holiday money at all the vibrant business' that rely heavily on the summer holiday makers. I know many business owners and artisans rely wholly on the summer visitors and would not be able to stay and work on Hornby if it wasn't for guests to the Island spending.

If you know the area we are in, you'll notice that most of the older homes that have sold have been torn down and very large, lavish homes have been built in their place. These homes are what has helped drive the property taxes up, which makes it more and more difficult for blue collar workers such as us to keep up. Never could we own anything on Hornby if it wasn't for inheriting. You can be sure the owners of these lavish homes do not rent to summer guests or full-time residents and also that the homes are empty a large part of the year. The owners are more 'weekend warriors' and they can afford to be such. I can imagine that if we are ever forced to sell our home, it would be bought by another wealthy family who would also demolish our humble home that Dad built slowly, never taking out a loan or mortgage, and they would build yet another massive, lavish home in its place, certainly never renting out short-term or long term to full-time residents. And, they would not be paying any MRDT, which apparently is to better the life style of full time residents and help build infrastructure such as low income housing for said residents. Imagine how much taxes Hornby will lose if the MRDT is being paid by less than half of what is presently being paid!

We kindly ask that the proposed zoning changes do not come to fruition as we *must* rent our home out short term, a week at a time, for the two summer months to have any hope or chance of keeping our family home that Dad built. We have done all that we've been asked by filing MRDT and PST and also acquiring the new Provincial Registry Number.

Thank you, Dave and Miranda-Jo Andersen
[redacted]

From: Anthony Law [redacted]
Sent: Thursday, April 17, 2025 3:07 PM
To: northinfo <northinfo@islandstrust.bc.ca>
CC: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Wendy Burton <wendy.burton@ufv.ca>; ronandesign[redacted]
Subject: To: Hornby Island LTC - Significant Uncorrected error

To Hornby Island Local Trust Committee:

Seven years ago, at the February 18, 2018 meeting of the Hornby Island Local Trust Committee, I drew attention to a significant error in the regulations for the "Public Use" zone in the Hornby Island Land Use Bylaw - Bylaw 150 that needed to be corrected.

Almost six years ago, on May 28, 2019, I sent an email ***(below)*** to trustees and staff providing details of this error and asking "when will this error be corrected?"
No response.

Three years ago I sent an email ***(below)*** to the Hornby Island Local Trust Committee asking "what is being done to correct this?"
No response.

I have pretty much given up on the Islands Trust being a functional organization, ...but here I go again!!

Why hasn't this error been corrected?
When will it be corrected?

I know things take a l o n g t i m e t o g e t do n e at the Islands Trust (hence I was a trustee for about twenty years!) - but I believe this is not something that should have been put off for seven years.

Thank you.

Tony Law

.....

Anthony Law [redacted] Jan 6, 2022, 3:51 PM

Jan 6, 20

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

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

To: Hornby Island LTC - Significant Uncorrected error

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.

Tony Law

.....

From: "Tony Law" [redacted]
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:

Site-Specific Zone Site	*Specific Regulations*
PU(a)	*Despite 8.21(1), the only permitted uses are:* *(a) Cemetery;* *(b) Public utility storage yard;* *(c) Highways maintenance yard; and* *(d) Recycling depot.*

I hope this is helpful.

Tony

Tony Law

I respectfully acknowledge I am living on unceded traditional territory of K'òmoks First Nation.

To: Hornby Island LTC - Significant Uncorrected error

From: Sonja Zupanec
Sent: Tuesday, April 22, 2025 9:14 AM
To: webposting
Subject: Fw: Vacation Rental Cap

From: Maurice Bloch [redacted]
Sent: Friday, April 18, 2025 3:27 PM
To: Alex Allen; Grant Scott; Timothy Peterson; Sonja Zupanec; northinfo; [redacted]
Cc: Karen Ross
Subject: Vacation Rental Cap

Dear Trustees

I am writing with disappointment and concern that there is consideration being given to limiting summer rentals on Hornby Island.

I am an off-island property owner. My family and I have been visiting Hornby every year since 1983 and many times a year since we became property owners in the early 1990s.

In addition to visiting Hornby frequently during the year we stay for at least five weeks during July and August. We have for many years rented out our house for 3 or 4 weeks in the summer months and occasionally a week in June or September. Our summer renters are by and large the same people every year. The renters who stay in our home adore Hornby. Many of them have family or friends on Hornby and have a strong love and affinity for the Island. I would hate to have to tell these island lovers that they are no longer welcome to rent my beautiful home.

I limit the number of renters to 6 persons at any one time and to week long rentals. I have a rain water collection system so we do not draw on that precious underground resource, so important and scarce on Hornby.

From an economic standpoint I can imagine that limiting summer rentals on Hornby would be a significant hardship to the businesses which rely on summer trade. I don't know how they would make up for that loss of patronage - the co-op, the restaurants, the rentals, (and sadly I believe that the bike shop has shut down which is a significant loss to visitors), Ford Cove store, the water taxi service, the artists and crafters, the Festival, the donors to the island charities, and more.

In many respects limiting rentals would have the kind of economic effect that placing a tariff on visiting might have. It would almost certainly create economic hardship and strain the financial viability of many islanders. Some islanders already living on the financial margins would be forced to move. Thereby creating a downward economic and social spiral.

I appreciate that many of the islanders have an ambivalent feeling toward the summer visitors but it is with both appreciation and a sigh of relief that the Big Wave happens on Labour Day.

I would say to you "DON'T DO IT"

With respect

Maurice Bloch

Vancouver and [redacted] Hornby Island

From: Sonja Zupanec
Sent: Tuesday, April 22, 2025 9:11 AM
To: webposting
Subject: Fw: Short term rentals on Hornby Island

there will be a series of these emails that I'll forward this morning for posting to tthe Hornby OCP/LUB project page under correspondence. thanks!!

From: Thomas Klinkhamels [redacted]
Sent: Sunday, April 20, 2025 3:39 AM
To: Alex Allen; Grant Scott; Sonja Zupanec; Timothy Peterson
Subject: Short term rentals on Hornby Island

Dear Members of Hornby Island Local Trust,

Short term vacation rentals allow many families as we are one of them to afford a house on Hornby Island. Please leave the rental unit number as they are now,
Thank you very much for your great work in favor of all Hornby Island lovers.

yours truly
Thomas Klinkhamels

From: Sonja Zupanec
Sent: Tuesday, April 22, 2025 9:12 AM
To: webposting
Subject: Fw: Short term rental

From: Alexander Mohr [redacted]
Sent: Sunday, April 20, 2025 3:35 AM
To: Sonja Zupanec
Subject: Short term rental

Dear Members of the Island Trust,

short term vacation rentals allow many families as we are one of them to afford a house on Hornby Island. Please leave the rental unit number as they are now,

Yours truly

Alexander Mohr
Owner

Von meinem iPhone gesendet

From: Sonja Zupanec
Sent: Tuesday, April 22, 2025 9:12 AM
To: webposting
Subject: Fw: short term rentals

From: [redacted]
Sent: Sunday, April 20, 2025 3:26 AM
To: Alex Allen; Grant Scott; Sonja Zupanec; Timothy Peterson
Subject: short term rentals

Dear Members of the Island Trust,

short term vacation rentals allow many families as we are one of them to afford a house on Hornby Island. Please leave the rental unit number as they are now,

Yours truly
Dr. Thomas Mohr

From: Sonja Zupanec <szupanec@islandstrust.bc.ca>
Sent: Tuesday, April 22, 2025 7:32 AM
To: webposting <webposting@islandstrust.bc.ca>
Subject: Fw: Short Term Rental

Please post to the Hornby OCP/LUB project page under correspondence. Thank you!

From: Angelika Mohr [redacted]
Sent: Monday, April 21, 2025 3:50 AM
To: Alex Allen; Grant Scott; Sonja Zupanec; Timothy Peterson
Subject: Short Term Rental

Dear Members of the Island Trust,

short term vacation rentals allow many families as we are one of them to afford a house on Hornby Island. Please leave the rental unit number as they are now.

Yours truly
A. MohrVon meinem iPad gesendet

From: Sue Van Helvoirt [redacted]
Sent: Friday, April 25, 2025 12:25 PM
To: Alex Allen; Grant Scott; Timothy Peterson; [redacted] Sonja Zupanec; northinfo
Cc: Carmen Fletcher; Mark Van H; Kirk Van Helvoirt
Subject: A letter to the Islands Trust re: STVRs

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon

I write to you to share my family's story of Hornby Island, and how we have come to be in this place of Hornby home ownership, and participation in the Hornby Island Short Term Rental Association.

I first came to Hornby with my parents and siblings in the late 1980s. We camped at Tribune Bay Campground then, and for every summer then on, for the next 30+ years. It was our favourite week of the year. In 2008, when I met my now husband, I brought him to the island and he too, fell in love with all it has to offer. We talked every summer of one day being able to afford a small place that we could visit at will, create lasting memories with our children in, and one day, perhaps retire to. In 2022 while staying on Hornby for our annual summer vacation, we walked past a home for sale on Gunpowder Trail that had everything our family had hoped for. Together with my husband's brother and his wife, who had also begun visiting Hornby more than 15 years ago, we managed to jointly purchase a home on Hornby.

We are in our 40s, with four children between us ranging from aged one to 15. We pay childcare costs, sports costs, and home ownership costs both in Victoria and Hornby. We recognize that we are exceptionally privileged to be able to have two properties, but it is through hard work, scrimping, and saving that we have been able to do so. Our long-term goal is not to continue having a rental property, but to be able to gradually rent less and less until we are able to spend months at a time on Hornby, when our children are finished school and are independent. Being able to gain an income through renting out our home on Hornby through the rental season has taken some of the financial burden off of us as we move through the expensive child rearing years. We have never intended to be ex parte landowners with a sole purpose of making money through an investment property; we rent our home out to both help us in being able to afford the property we wish to retire to, while also being able to offer visitors a place to stay as they visit this beautiful island and stimulate it's tourist-based economy.

We are extremely cognizant of water saving; we have signage in our home requesting guests be mindful of usage, we request that all linens are brought from home, we do not provide access to laundry facilities, and we have a composting toilet for guest use. We have ample off-street parking to keep roads clear, and we strictly adhere to guest limits and weekly rentals, to alleviate burden on the ferries, and to be respectful of our neighbours, with whom we have built wonderful relationships. We employ an incredible property manager, a lovely house cleaner, and a thorough landscaping company, all of whom reside on Hornby, and all of whom would feel a negative financial impact from no longer having the contracts that STVR properties provide. We have an informational pamphlet suggesting visits to all of the wonderful local Hornby businesses, and we proudly display in our home the artwork and pottery of Hornby affiliated artists. We know that when guests stay with us, they are putting income into the hands of local Hornby residents.

We would not rent out our home long-term.

A letter to the Islands Trust re: STVRs

We want to continue being able to get away to Hornby whenever we can, and for our few weeks in the summer over the Hornby festival to continue our Hornby tradition of over 30 years, until we are able to be there long term if not permanently, and as such would not take on long term tenants. Removing our home from the STVR pool would not put a house back into the market for a Hornby resident. All it would do is take away tourist dollars from local families, and decrease income for those who rely on STVRs for contract work.

I truly hope you will listen to these personal stories, and realize that reducing the number of STVRs will not have the positive impact to the lives of Hornby residents in the way you hope it will. I would have attended the meeting on May 16 in person, but our home has been rented over that time by a wonderful doctor who is coming to work at your clinic on the island. What will happen when they cannot find a short term place to stay that is amenable to their needs?

I urge you to consider our story, and those like it, and allow the current STVR properties to continue operating.

Thank you,

The Van Helvoirts

Hornby Island Community Economic Enhancement Corporation

To: Local Trust Committee
Re: Review of Short-Term Rentals and Zoning for In-Law Suites
Date: April 29, 2025

Dear Trustees,

Thank you for your ongoing commitment to the stewardship of Hornby Island. As representatives of the Hornby Island Community Economic Enhancement Corporation (HICEEC), we share the Local Trust Committee's (LTC) goal of ensuring that our community remains vibrant, resilient, and inclusive. In that spirit, we write to request a **pause** on the decision to cap short-term vacation rentals (STVRs) at 67, and to suggest a collaborative approach that allows for broader consultation and clearer, community-supported solutions.

Hornby Island's economy has long depended on seasonal tourism, which directly and indirectly supports a large portion of our local businesses, tradespeople, artisans, and residents. Reducing visitor accommodation through a significant cut to STVRs—without first securing alternative economic and housing solutions—could have serious unintended consequences. These include the loss of vital income for homeowners, a decline in small business revenues, and an increased strain on an already limited local workforce.

To illustrate the complexities involved, consider the experience of Tofino, a resort municipality that opted into the provincial Principal Residence Requirement in 2024. This decision aimed to balance the benefits of STVRs with the need for long-term housing. However, following extensive community engagement—including town hall meetings, community roundtables, and a petition urging a referendum—the Tofino council chose to reverse their decision in 2025.

To avoid such an outcome, we encourage the LTC to take the following steps during a pause in this process:

1. **Expand Community Engagement**
   Many homeowners and stakeholders are working individuals—often off-island—who are unable to attend Friday morning meetings. In 2011, the Trust successfully held evening Community Information Meetings in multiple locations, including Victoria, Vancouver, and Hornby. We suggest a similar approach now to ensure broader participation and a more inclusive decision-making process.
2. **Separate STVR Discussions from Long-Term Housing Needs**
   While the housing crisis must be addressed, reducing STVRs does not equate to creating long-term housing. We urge the LTC to move forward swiftly with zoning changes that support housing development, such as allowing secondary suites in appropriately serviced homes within small-lot subdivisions.

3. **Prioritize Workforce Housing Zoning**
   The 10-hectare parcel of Crown land identified by HICEEC for workforce housing is ready for rezoning. Advancing this initiative would demonstrate a proactive step toward resolving the island's affordable housing shortage and supporting essential services.

We want to be clear: the community is united in the desire to see meaningful progress on affordable and workforce housing. HICEEC is committed to working alongside the LTC to find balanced, thoughtful, and lasting solutions.

We urge the LTC to focus on actionable strategies that address root issues, rather than reacting to symptoms in a way that may fracture the community or weaken the local economy. By working together—with transparency, care, and respect—we believe we can build the kind of future that Hornby Island deserves.

Thank you again for your service and your attention to these matters.

On behalf of the HICEEC Board,

John Heinegg
Chair, HICEEC

From: John Grayson [redacted]
Sent: Wednesday, April 30, 2025 10:57 AM
To: Timothy Peterson
Cc: Grant Scott; Alex Allen; northinfo
Subject: Hornby Island Draft Bylaw No. 176 - pause request - revision request

Dear Trustees,

The map (Schedule D2) on page 5 of Draft Bylaw No. 176 is based on a 24 year old Report. This report has been replaced by a new Report, commissioned and issued by the Islands Trust Council in 2021, which provides much more accurate mapping of the Environmentally Sensitive Areas on Hornby Island.

Review of the new Report shows that the Draft Bylaw is based on obsolete information. Unless the approval process is immediately paused and Draft Bylaw No. 176 is revised to reflect the actual state of Hornby Island groundwater, the Local Trust Committee will be unable to make informed decisions on the many important land, property, vacation rental, and secondary suite uses that are governed by Schedule D2.

Put simply, you cannot make the right decisions if you have the wrong information.

In particular, the new maps issued by the Islands Trust Council indicate that "Aquifer 1A", as shown on the current Schedule D2, does not exist. The new maps are also much more precise and can be used to map Environmentally Sensitive Areas on a property-by-property basis. The map excerpts below illustrate this new accuracy, especially with regard to the Whaling Station Bay Peninsula (where Aquifer 1A is purported to be located).

It is my understanding that Islands Trust Council paid over $100,000 for this Ground Water Mapping Report. The Hornby Island Local Trust Committee should be provided with up-to-date and accurate Ground Water mapping information before any further decisions are made.

Sincerely,

John Grayson

[redacted]

Affiliations:

Winemaker/owner
Hornby Island Estate Winery & Farm
hornbywine.com

Treasurer

New Wave Wine Society - a province wide organization
newwavewine.ca

Director
Hornby Island Farmlands Trust Society
hifarmlandtrust.org

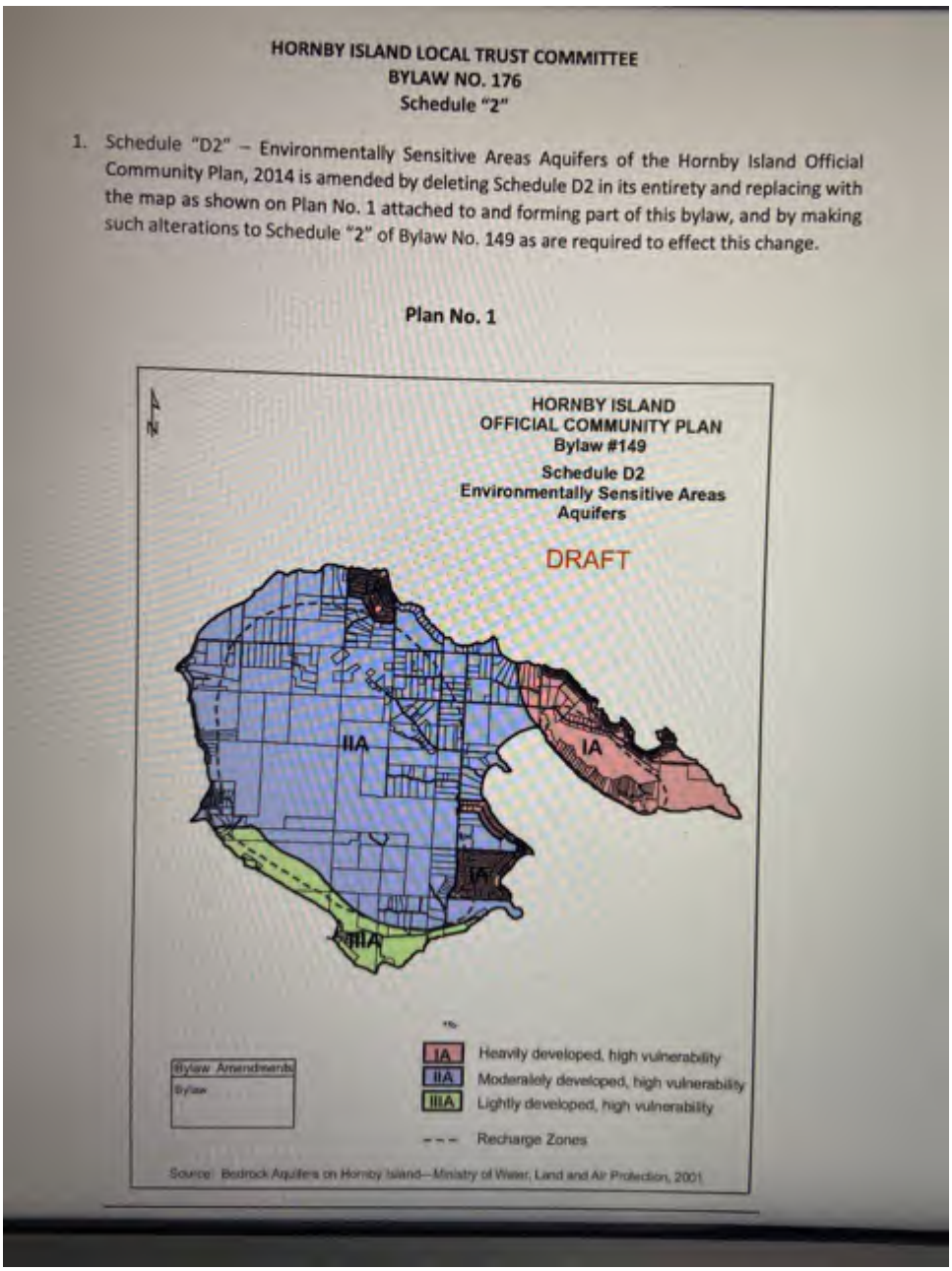
Co-Chair
Hornby Island Economic Enhancement Corporation
hiceec.org

Committee Member & Internet Lead
Hornby / Denman Islands Internet Committee
hornbydenmaninternet.com

MAPS:

Below:

Page 5 of Draft Bylaw No. 176
The pink portion on the right is Whaling Station Bay Penninsula.
The pink portion is marked “1A”.



HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 176
Schedule "2"

1. Schedule "D2" – Environmentally Sensitive Areas Aquifers of the Hornby Island Official Community Plan, 2014 is amended by deleting Schedule D2 in its entirety and replacing with the map as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "2" of Bylaw No. 149 as are required to effect this change.

Plan No. 1

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

IIA
IA
IA
IIIA

Bylaw Amendments
Bylaw

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

Source: Bedrock Aquifers on Hornby Island—Ministry of Water, Land and Air Protection, 2001

Below:

Historic Map from 1984 (41 years old) that influenced the creation of the map above. Compare Whaling Station Bay Penninsula in each map - for all intent and purpose they are identical.
See the number "4" on the map below.

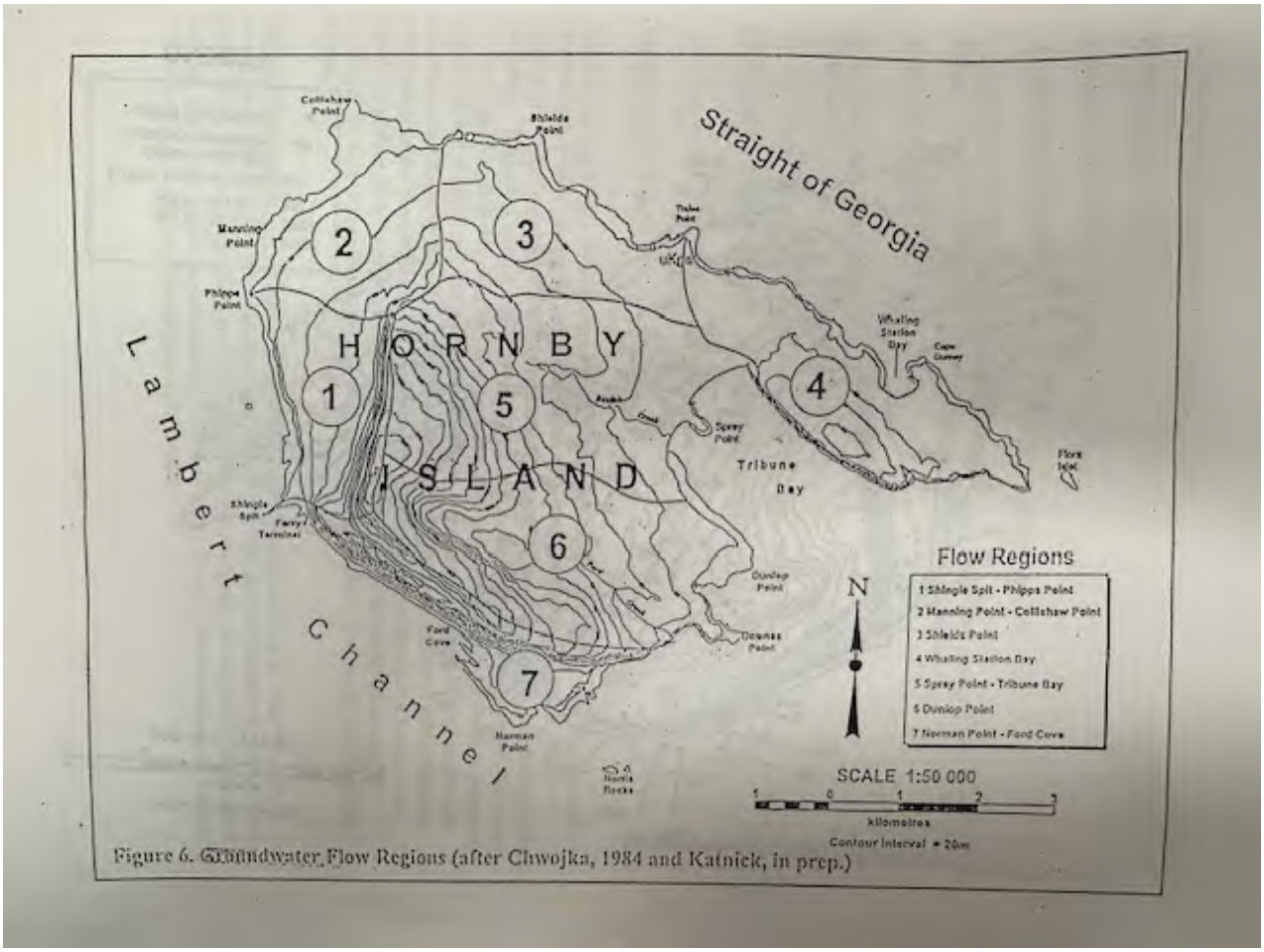
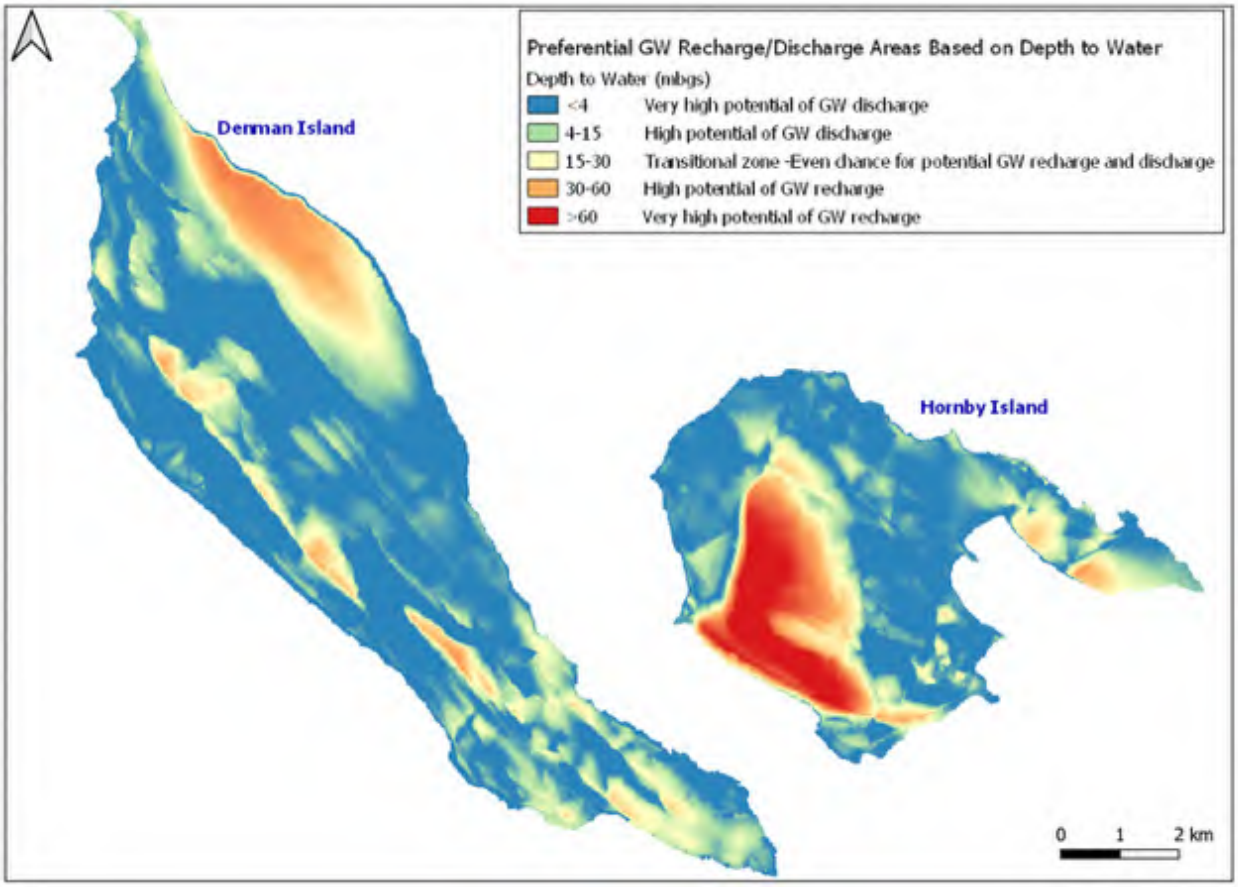


Figure 6. Groundwater Flow Regions (after Chwojka, 1984 and Katnick, in prep.)

EXCERPTS FROM ISLANDS TRUST COUNCIL COMMISSIONED REPORT (2021)

APPENDIX 5: Potential Zones for Groundwater Recharge and Discharge based on Depth to Water

Groundwater Recharge Potential Mapping for Study Islands
October 18, 2021



APPENDIX 10: Groundwater Recharge Potential Maps

Precipitation Interception Potential - See Below

NOTE TO READER:

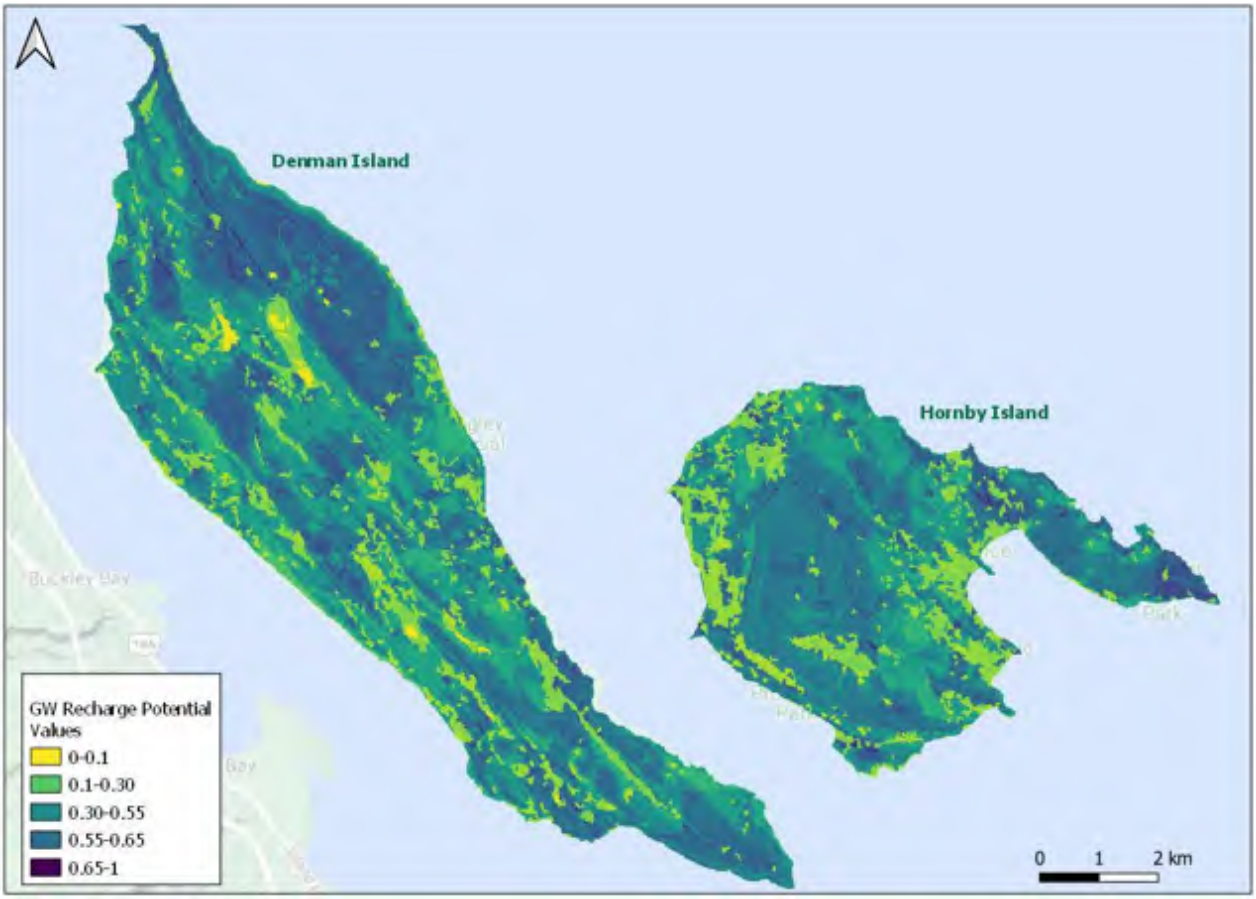
THE COLOURS COVERING the majority of the Whaling Station Bay Penninsula area:

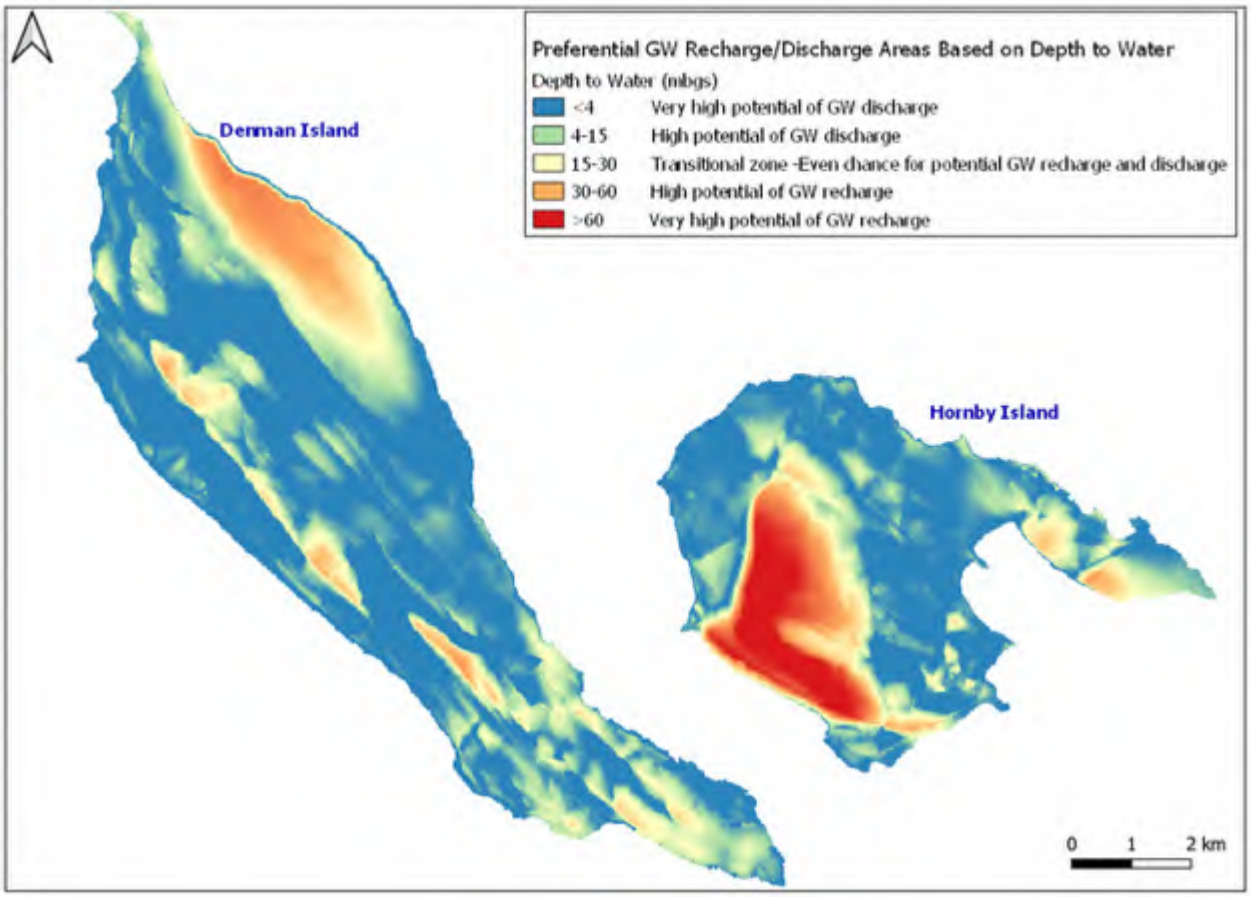
BLUE AREAS = High
PURPLE AREAS = Very High

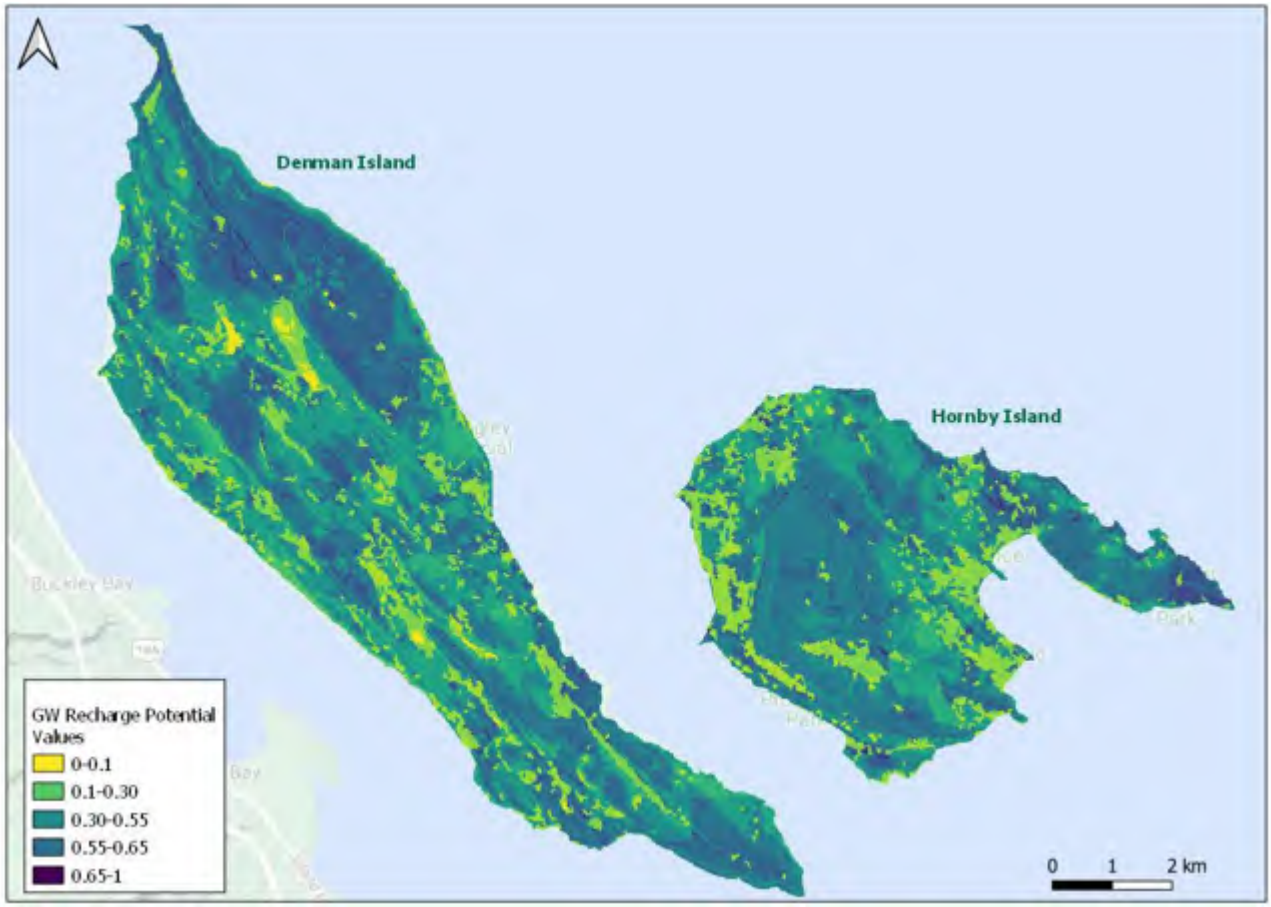
The readings quoted (above) indicate that “Aquifer 1A”, as shown on the current Schedule D2 does not exist.
See the first map (Schedule D2) at the start of this section for comparison.

JG

Groundwater Recharge Potential for Denman Island and Hornby Island




Preferential GW Recharge/Discharge Areas Based on Depth to Water
Depth to Water (mbgs)
<4 Very high potential of GW discharge
4-15 High potential of GW discharge
15-30 Transitional zone -Even chance for potential GW recharge and discharge
30-60 High potential of GW recharge
>60 Very high potential of GW recharge
Denman Island
Hornby Island
0 1 2 km


Denman Island
Hornby Island
Buckley Bay
GW Recharge Potential Values
0-0.1
0.1-0.30
0.30-0.55
0.55-0.65
0.65-1
0
1
2 km

From: Jan Kennedy [redacted]
Sent: Sunday, May 4, 2025 4:35 PM
To: Timothy Peterson; Grant Scott; Alex Allen; northinfo
Subject: Feedback regarding STVRs on Hornby Island

Re: Addressing Short Term Vacation Rentals

HISTRA (Hornby Island Short Term Vacation Association) has recently circulated an article regarding proposed local Bylaw changes concerning STVRs. I was very happy to note that:
- they now "believe the Temporary Use Permit (TUP) bylaw requirements proposed for managing Vacation Rentals are reasonable and good for Hornby."
- they now feel that "the Hornby community benefits from well-managed Vacation Rentals adhering to established water and ecological standards….."
- they also acknowledge that "unfettered growth is not healthy for the island and a reasonable cap will help protect what we all hold dear."
Well done, HISTRA, making your way to these conclusions!

The overwhelming bulk of their article, though, is focused on pleading for the cap on the numbers of HI STVRs to be maintained at the current level, conservatively estimated at 135.

In their intent to convince Hornby Islanders not to reduce the current number of STVRs here, they have made several assertions, listed below, that lack credibility; my response to each point is in orange font.
- "Investors are not a part of Hornby's Vacation Rentals"
Where is their evidence of this assertion?
- The MRDT pillow tax "goes toward workforce housing on Hornby".
The pillow tax monies cannot be spent exclusively on workforce housing. The actual percentage available for workforce housing is still very unclear.
- "Once those TUPs are granted, the need for and size of a cap should be decided in a community process, not by the Trustees alone."
The structure and implementation of our local Bylaws IS a community process

Many years ago, STVRs were made a permitted use on ALL Hornby residential properties, and this largely unfettered growth has resulted in the current high number of HI STVRs, and much lower % of residential rentals available than the BC average.
The former "wild west" atmosphere must be brought under control for the sake of addressing and improving the negative impacts to our community on:
- Housing availability
- Freshwater resource use

- Septic capacity
- Peaceful rural life
- Ferry waits and line-ups
- Garbage generation and waste disposal

The adverse effects of too many STVRs in any given community has now been recognized, and regulatory steps have been introduced by the Province of BC Advisory Group and the Union of BC Municipalities. There is a momentum building around what is seen as much needed change.

I support your proposal, coming after a long and painstaking study of the issue with input from the local APC, to establish a cap on Hornby STVRs . I believe that a cap of 67 STVRs, established via the issuance of TUPs, is appropriate. While perhaps reducing the number of Hornby STVRs by half, this number is still significantly higher, per capita, than many other island communities within the Islands Trust area.

In addition, I would be very happy to see the following points included in our local Bylaws:

- Rainwater collection to be used to supplement all water needs not met by an onsite well on any property housing a vacation rental. The number of people using a vacation rental significantly exceeds the average Hornby household. The Climate Emergency is upon us, and water needs have the potential to figure strongly in food security, fire prevention, etc. Extracting and trucking water to accommodate visitor needs is now having adverse effects on local wells.
- Owner/operator of a STVR must reside onsite throughout the rental period. (I suspect that this may be impossible to implement given the ramifications of STVRs being a legal land use up to now, but it is on my wish-list, as a simple way to encourage feedback and compliance with local Bylaws, as well as keeping STVRs as a local resident activity.)

I believe strongly in the mandate of Islands Trust, as a unique land-use planning agency, acting for residents of both the Trust Area and the province generally, and having a special conservation-oriented responsibility - to preserve and protect the Trust Area and its unique amenities and environment.

We are a finite island community with limited infrastructure and amenities. Our peaceful rural way of life on this beautiful island is precious. Our ground water aquifers are vulnerable and need protection. Our local residents deserve stable year-round housing. The Climate Emergency is becoming an ever more clear and present danger.

Significant change in the numbers of STVRs allowed on Hornby IS needed and I fully support your proposal to cap the number at 67.

Sincerely,
Jan Kennedy

TO Islands Trustee ‘s Re Short term rental May 5/25

I cannot do public meetings, this is my submission.

This whole STR thing is really about small lots and proximity to neighbors.I is not a large lot problem.

Water “highly vulnerable aquafers”. I suspect you are basing this on the 2 Provincial Reports…neither of them specifically suggest bylaw restriction, (this is not science its a Tony Law over reach). These were not reports just discussions.

Obviously there is a summer water issue, but why pick on STR’s. If you have any seriousness about this issue you need to do what local governments are supposed to do and that is start the process of community water and septic services ie solve an identified problem. That is why we have governments, not to blame a real problem on a small group. I realize it would actually take some positive difficult work on your part.

Governance it is embarrassing to watch our local government corrupt policies (yes Alex this could be written up in the first edition). The APC is an advisory body yet you have used them to make and guide policy. Has one trustee stated they do not want STR’s in their neighborhood? Is there a conflict of interest here? Short term rentals have been legal and a part of this island long before you came here.

Political Suicide -A Cap on Rentals this will be difficult to do with any kind of fairness. If you just opt into the *Provincial principle resident requirement* you eliminate the need to directly hurt residents or set up TUPs with all its needless bureaucracy (which you cannot do effectively.)

Limiting STR’s to summer. What’s the point? Off season rentals are very different than summer rentals (when you can rent anything). Off season we are competing with Qualicum, Tofino etc there is a much higher standard and maybe 5% of the tourists, but there are still different off island workers etc

Upcoming recession as we are entering a difficult time you want to limit tourism and employment?? Really…Much of this island lives in a survival situation, most jobs (including our co-op) are connected to tourism, it may not be what we envisioned when we came here but it is the reality now. Maybe help economic activity on Hornby, we pay taxes.

Requirements for professional evaluation. Please define professionals that will accredit water and septic, and specifically what you are requiring, we all know half these “professional” guys are idiots with their hands out. The province has already made these determinations. Just use theirs.

My experience with TUPs is the Trust can manipulate the process (or just not answer the application). Do you have an experienced staff to handle these? If the inexperience and slowness of handling SUPs is any indication -you do not.

Maybe it is time for our trustees to leave a positive legacy. On this one --Just accept the *Provincial principle resident requirement* and walk away.

Thank you

Dean Ellis

From: Sonja Zupanec
Sent: Wednesday, May 7, 2025 8:22 AM
To: webposting
Subject: FW: HO-2025-012 - proposed bylaw No. 176 and No. 177 amendments

For the HO OCP project page posted under correspondence. Thanks!

Sonja Zupanec, RPP, MCIP
Island Planner, Northern Office, Islands Trust
T 250.247.2211

From: Lea Elliott [redacted]
Sent: Tuesday, May 6, 2025 7:56 PM
To: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>
Cc: Sonja Zupanec <szupanec@islandstrust.bc.ca>; northinfo@islandtrust.bc.ca; [redacted]
Subject: HO-2025-012 - proposed bylaw No. 176 and No. 177 amendments

Dear Trustees,

Hornby Island is a special place for our family. For a week each spring for the last 15 years it has revived and held us. It's the place our kids experienced the wonder of a herring run; the joy of sea lions, river otters and seals; rainbows of spring flowers; the beauty of soaring eagles; and experientially learned about caring for the land and water.

We can't afford to own recreational property nor can we make Hornby Island our permanent home due to family and work commitments. Fortunately, Hornby vacation rental hosts have welcomed us to the island. Over the years we've stayed at Acre on the Waterfront, Above Tide Waterfront Cottage, A Wild Bluff, and Ford's Cove.

Acre on the Waterfront has been our most recent and consistent host. We appreciate their thoughtful care of the water and land. There are commitments in our signed agreement and reminders on the fridge about water conservation, septic management, waste management, and ecological conservation.

We take care each day as we visit the diverse and rich natural areas on the island, use water with care, and separate, collect and bring home our recycling, compost, and very limited garbage. We appreciate that we can make our own footprint light when we visit by walking or cycling to the Ringside Market. Each visit we shop for our food at the Co-op and Ford's Cove Store. We connect with friendly checkout staff, learn about the latest nature highlights from locals, enjoy meals, sip drinks and support the creativity and talent of Hornby's artists and artisans.

Please reconsider H0-2025-012 and please maintain the current number of short-term rentals permitted on Hornby Island.

We also hope you'll consider allowing rentals during the off season. We used to visit in late fall, early spring and winter. We deeply appreciated the joy and quiet of Hornby during these months. During these times water resources are less stretched, we don’t burden ferry access for residents, we don’t disrupt nesting birds and flowers, and we don’t contribute to the summer surge of visitors. We look forward to continuing to visit and support your neighbours with thoughtfulness and care of this land. Land that we respectfully acknowledge is on the Unceded Traditional Territory of the K’ómoks First Nation, the traditional keepers of this land.

The Patten & Elliott Family
Vancouver, BC

From: [redacted]
Sent: Wednesday, May 7, 2025 7:42 PM
To: northinfo
Cc: Alex Allen; Grant Scott; Wendy Burton
Subject: Hornby Island LTC Cap on TUPs for STVRs

To: Hornby Island Local Trust Committee

Establishing a cap on the number of Temporary Use Permits (TUPs) for Short Term Vacation Rentals

I support the establishment of a cap on the number of TUPs being issued for STVRs on Hornby Island

I believe the rationale for a cap should be informed by:
- considering approaches taken elsewhere on the Gulf Islands to limit STRVRs;
- determining an appropriate percentage of the total number of dwellings on Hornby Island that may be used for commercial visitor accommodation;

Canadian Gulf Islands (Islands Trust Area)

There is no uniform approach.
Each island has its own regulations. For example:
- Denman and Salt Spring prohibit STVRs
- Bowen and Gabiola limit STVRs by only allowing them in an owner's principal residence (Gabriola uses TUPs for this purpose;only a handful have been issued);
- Galiano and Mayne limit STVRs by only allowing them as a home occupation on lots vaving two permitted dwellings, with a resident living in one of the dwellings.
- North Pender Island limits the number of TUPs issued for STVRs by requiring that a) no more than one STVR TUP may be approved within the radius of an existing STVR, b) no more than 20 STVR TUPs should be issued for Magic Lake Estates (North Pender's equivalent of the Sandpiper / Galleon / Whaling Station Bay small lot subdivisions).

American Gulf Islands (San Juan County)

San Juan County has implemented caps on the number of vacation rental permits for each island.
- San Juan Island: 337
- Orcas Island: 211
- Lopez Island: 135
- Outer islands: 10

This equals a cap of 693 STVRs permitted in the San Juan Islands.
There are 14,171 dwellings in the San Juan Islands.
The cap limits the number of STVRs to less than 5% of dwellings.

Hornby Island

The approaches taken on the other islands in the Trust Area (although not involving an overall cap) are much more limiting than the approach being developed on Hornby Island.

The approach taken on the San Juan Islands - with a cap of 5% of dwellings being available for STVRs - provides a model for Hornby Island to follow.

The *2021 Census Profile for Hornby Island* states that there are 1,117 dwellings on the Island.
In 2023, there were 128 STVRs advertised on Hornby.
That is 11% of the Island's residential housing stock.

Having over 10% of the housing stock permitted for commercial visitor accommodation seems excessive when:
- 15% of Hornby Island's residents are in core housing need,
- 41% of renters are precariously housed, and,
- home ownership by local people dependent on local incomes is becoming increasingly out of reach. .

This level of commercial rentals can also erode the residential character of residential neighbourhoods....
.....unless Hornby Island is to be prioritised as a tourist destination rather than a residential community.

Recommendation:

As there is not a suitable model in the Islands Trust Area for Hornby Island to follow, I suggest the LTC follow the approach of the San Juan Islands of capping the number of TUPs issued to 5% of the number of dwellings on the Island.

If we round up the 2021 census figure of 1,117 dwellings to 1,200, that means a cap of 60 Temporary Use Permits for Short Term Vacation Rentals.

Thank you for considering this.

Tony Law
Hornby Island

From: Helen Onorah [redacted]
Sent: Thursday, May 8, 2025 10:37 AM
To: northinfo
Subject: Re: str - clarification

ps. Hornby island

On Thu, May 8, 2025 at 10:34 AM Helen Onorah [redacted] wrote:
I was referring to the Short Term Rental issue which is coming up shortly. I see the damage that has been done to many over tourist laden places and worry that too many visitors will kill what they hoped to see upon arrival.

On Thu, May 8, 2025 at 9:11 AM northinfo <northinfo@islandstrust.bc.ca> wrote:

Hi Helen,

Can you please give a bit more context to what you are writing about? Which island is this in regards to? What number – is this related to short-term rentals?

Thanks,

Michelle Backé (she, her, hers)

Office Administrative Assistant

Islands Trust

700 North Road | Gabriola BC V0R 1X3

T 250-247-2203 | www.islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOḰEĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEŁ, Qualicum, scaẃaθən, səlilwətaɬ, SEMYOME, shíshálh, Sḵwx̱wú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SȾÁUTW̱, Stz'uminus, ɬaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, W̱JOŁEŁP, W̱SIḴEM, Xeláltxw, Xwémalhkwu, Xwsepsum, and xʷməθkʷəy̓əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.

From: Helen Onorah [redacted]
Sent: Thursday, May 8, 2025 9:09 AM
To: northinfo <northinfo@islandstrust.bc.ca>
Subject: str

Please keep the number at 67 or at least under 100 so that we do not end up in the same horrible condition many European places have arrived. We should learn from them.

Re: str - clarification

From: Peter Orr [redacted]
Sent: Friday, May 9, 2025 5:08 PM
To: Alex Allen; Grant Scott; Timothy Peterson; Sonja Zupanec; northinfo; [redacted]
Subject: Proposed Cap on Short Term Vacation Rental Units

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Committee Members:

We write to oppose a proposed change to vacation rental unit policy on Hornby Island. It is our understanding that the proposed measure would significantly reduce the available number of short term vacation rental units, through a system of Temporary Use Permits (TUPs), issued and regulated by the ITC.

As owners of a short-term vacation rental home, we share responsibility for stewardship of the Island, support continued changes to reduce environmental impacts, and to contribute to the community. We consider ourselves a part of the Hornby community, as well as providers of a valued service to off-Island visitors.

1. Hornby Island is a treasure shared by all British Columbians, indeed all Canadians. **It is not a private preserve**. Witness the significant investments made by the Province in expansion of the ferry system serving Hornby Island. This investment of taxpayer dollars is to benefit British Columbians by improving access and facilitating Island tourism.
2. The **availability of short-term rental accommodation is essential to the continued access to the Island by visitors**. In the summer, even with the current number of available rental units, visitor accommodation is oversubscribed. Reducing the number of available vacation rentals would prevent hundreds of families from visiting Hornby each year.
3. **A cap administered by the ITC is arbitrary and poses obvious issues of transparency and fairness**. By what criteria will the ITC select the chosen few? Will temporary use permits, as the name suggests, be "temporary", so a given unit is available one year, but not the next? What protections does this proposal include to guard against undue influence in the allocation of these arbitrarily scarce permits?

Thank you for your consideration.

Peter Orr & Carol Madsen
Owners of Grassy Point Retreat
[redacted]

Grant Scott gscott@islandstrust.bc.ca

Alex Allen aallen@islandstrust.bc.ca

Chair Timothy Peterson tpeterson@islandstrust.bc.ca

Northern Trust Office Staff northinfo@islandstrust.bc.ca

May 9, 2025

Subject: Short-Term Vacation Rentals on Hornby Island

Dear Trustees,

I am writing to express my concern regarding the proposed changes to the Official Community Plan (OCP) that would limit or prohibit short-term vacation rentals (STVRs) on Hornby Island.

We purchased our home on Hornby in 2015 and, like many others, rely on seasonal short-term rentals of our principal residence during June, July, and August to help manage the substantial mortgage required to purchase property here in the last decade. We operate fully within all existing regulations, listing only on Airbnb to ensure appropriate tax collection and remittance, and maintaining an active provincial STVR registration, which is clearly displayed on our listing.

Our rental is thoughtfully managed. We provide guests with water conservation guidelines, extensive compost and recycling systems, and have even commercially registered our well—paying the associated fees to ensure responsible usage and compliance.

We were led to believe that by following the rules and operating respectfully, we could continue to share our home this way into the future. The potential removal of "grandfathering" for existing legal STVRs is troubling and, in my view, misguided.

Capping or eliminating STVRs will not produce the desired increase in affordable housing stock. Many families like ours, who earn upwards of $10,000 per summer through vacation rentals, simply cannot afford to rent their homes long-term for $500–$600 per month while continuing to pay mortgages ranging from $1,500 to $4,500 per month, in addition to insurance and utility costs. The math doesn't work.

Beyond the personal impact, this proposal risks harming the broader island economy. Seasonal visitors are a key pillar of our local economy—supporting restaurants, shops, and services that struggle through the off-season. As a small business owner on Hornby, I witness firsthand how vital these guests are. They return each summer, contribute significantly to our revenue, and form a real part of the island's culture and community.

If the goal of limiting STVRs is environmental—relating to water or septic system concerns—those are issues best addressed through education, well registration, and septic system maintenance, not a blanket cap. These matters are already being tackled at the provincial level and should not be duplicated or contradicted by local policy.

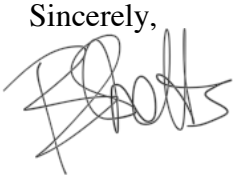
If the goal is simply to reserve the island's beauty for full-time residents, I would ask you to reflect on how many people, including yourselves or your neighbours, first discovered Hornby. For many of us, it was through a short-term rental. Removing that access would limit not only economic opportunity but the future vibrancy and diversity of our community.

Should the Trust proceed with a cap, how will fairness be ensured? Who gets to continue renting and who doesn't? Many owners made life and financial decisions in good faith under the current rules. Removing the ability to rent seasonally could force some to sell, while others will choose not to rent at all—resulting in little to no benefit for affordable housing.

This is a complex issue, and I do not envy the responsibility you carry. However, I urge you to prioritize continuity and fairness. Let the existing BC provincial registration system stand, and allow currently legal and compliant operators to continue under the current OCP and bylaws—supported by Temporary Use Permits where necessary.

Thank you for considering this perspective and for your continued service to the community.

Sincerely,



Bree Stotts
[redacted]

From: S McDonnell [redacted]
Sent: Monday, May 12, 2025 10:30 AM
To: Grant Scott; Alex Allen; Timothy Peterson
Cc: Sonja Zupanec; northinfo
Subject: Letter from HICEEC re Hornby accessory dwellings
Attachments: IA designation letter.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Please find attached a letter that was drafted and approved to be sent by HICEEC for inclusion in the March meeting agenda. It does not appear to have been sent. So I am sending it for your information as a personal communication while the HICEEC board determines what happened in the process.
I plan to attend the meeting Friday and will speak to it if the opportunity presents. I know this is not in the formal process, but provide it for background information.
I understand that consideration of the bylaw provisions pertaining to secondary dwellings is paused, pending consultation with KFN. The issue of water licenses for commercial use is also undergoing review and delays at the provincial level because of issues relating to indigenous access. I suggest that many factors apply equally to short-term vacation rental use. For those that are not in primary residences as quasi-home occupations, they are clearly full commercial uses and should have water license- requirements and be subject to other KFN concerns re density, alienation of land etc.
I am not suggesting that the STVR consideration process be paused as it is time to wrap up this process with some clear rules, caps and enforcement. But following bylaw changes to something clear, I think TUPS or other permits for non-primary STVRs should not be considered until the issues impacting accessory suites for year-round are also resolved.
thanks for all your work.
Sheila

--
I gratefully acknowledge that I reside on the traditional unceded territory of the K'omoks First Nation, the Eitsen, Pentlach, Sasitla and Sahtloot peoples

HICEEC

January 19, 2025

Hornby Island Local Trust Committee

Dear Trustees

The Board of Directors of the HI Community Economic Enhancement Corp is writing to express our concerns about the possible designation of the Sandpiper and Galleon Beach subdivisions as Highly Developed High Vulnerability Aquifer (IA) zones. This designation, if applied to all properties in these areas, would preclude the possibility of allowing a secondary suite as proposed with provisions in Bylaw 3.7(4). We wish to add our voice in support of recommendations to suspend adoption of that measure. We believe further research is needed to identify areas of significant concern and fine-tune (ground truth) use of the designation, to understand the conservation and water-smart measures such as cisterns, approved composting toilets and grey-water systems. We encourage including these areas under Bylaw 3.7(4) and empower careful permitting of secondary suites that use market solutions to meet housing needs while maintaining environmental standards.

Hornby Island faces many very significant challenges. At the top of the list are protection of the environment in these times of climate change and the urgent need for affordable year-round housing for residents. We are concerned that the IA designation is an outdated concept and blunt tool regarding sustainability of our water resources and will create very serious barriers creating affordable year-round rental housing and maintaining housing for existing home-owners.

There are many advantages to using secondary suites on existing residential properties to address a sector of our year-round housing needs. Hornby's non-profit, subsidy and grant funded projects, the Elder Village and Beulah Creek project, help address the problems but have taken enormous efforts and should rightly be aimed to support low-income, non-home-owning residents. Permitting secondary suites on half-acres in the two subdivisions is a smart, market-based solution that uses existing infrastructure and density for absorb and support additional units without moreland clearing, road building and other infrastructure needs.

The Hornby Island Community Profile shows that the average Household size on Hornby is 1.9 person, well below the 2.2 person in the Comox Valley as a whole, and 2.4 persons in BC and Canada. We see that of the 655 residential properties, 285 or 43% were occupied by a single person. These units were built as single-family houses, assuming 4-6 people would occupy them when built in past decades. Our population is also older – 44% over 65 years on Hornby, compared to 28% Comox Valley; 20% BC; 19% Canada. We have many older islanders, living alone in aging housing, that would benefit from having a secondary suite for year-round tenants. These include being able to have company near at hand while maintaining privacy, to house a caregiver, and generate additional revenue to supplement often meager income from pensions and other subsidies.

There are other benefits to having secondary suites in the two subdivisions. Many houses are in poor repair. As Hornby was exempt from building code, homes often do not have perimeter foundations. Houses have outdated electrical panels and wiring, single-pane windows, lack of wall and floor insulation, unsafe stairs and decks and need upgrades for safety and accessibility of the occupants. Many cannot obtain insurance, which is required for loans and mortgages. Long-term Hornby owners, who purchased their home mnay years ago on the limited incomes possible on the island, now find themselves “wealthy” on paper, due to the escalation of property values in recent years, but unable to access that wealth in the form of loans or lines of credit to upgrade their own homes without sufficient incomes to meet repayment. Secondary suites would be good investments that would generate income to upgrade their quarters and meet repayment thresholds but which our credit union and other banks would not undertake unless this is a legally-permitted use. Thus, not only is a property capable of housing 2-3 additional people unable to meet urgent housing needs, but the current owner-occupants struggle to maintain their own use of the home. Keeping people who are housed able to stay and age-in-place may be as significant as creating good year-round rental possibilities for young islanders.

We also know that many secondary suites within homes, separate structures and tiny homes already exist. It is our position that offering a process to obtain legal permission for these dwellings would be a good step. This would, as above, allow the owner to obtain insurance and funds for upgrades such as water conservation, capture, cisterns and disposal and ensure the existing buildings do meet the necessary standards. At present, as most operate “below the radar”, short cuts and potentially harmful practices are not identified and remedied.

We support Bylaw provisions that do not create barriers, but empower applications to be considered, approved and monitored on a case-by-case basis. The approvals should include meeting clear guidelines for water and septic requirements, including current and innovative practices in water catchment and storage, separate grey-water and composting toilet options, but ensuring compliance with methods that can be supported on specific lots. Alternatives for permitting that are clear but not onerous, supported by agreements for year-round, affordable rental and enforcement through regular renewals and checks would be desirable. We believe that there is a high degree of community support for creating housing solutions for owners and year-round local resident tenants using the existing stock and infrastructure in ways that do not increase the impact from what would be the normally expected use of a single-family house.

The development of the Suitable Land Analysis presented recently seems promising as a planning tool for sustainable development. But it is in early stages and will need refinement and nuanced consideration of the specific situations of each island. For instance, assumptions are made regarding the significance of identified indicators. The variations in underlying geology and in current land-use will be important considerations in applying the tool. Proximity to shore might be an indicator of likelihood of salt-water intrusion along the sandy banks of Whaling Station or Gabriola for instance, but not in the bedrock underlying Sandpiper. Subsurface aquifers could be heavily impacted and at risk from density of wells, but in areas with deep rock fissures rather than groundwater, such as we have on much of Hornby, water supply is impacted by well proximity very differently. The assumptions behind these factors would need to be evaluated to consider current methods of water collection, storage and disposal not based on well and ground water use. We look forward to discussions about the

refinements needed for our specific circumstances and feel the IA designation cannot at this point be applied with any confidence.

Our community demographics, in age and family make-up, have changed significantly and the single-family per half acre model no longer works for a significant portion of our population. We encourage you to suspend implementation of the blanket IA designation in Sandpiper and Galleon Beach and develop flexible and innovative language, **based on further development of the Suitable Lands framework and hydrological mapping,** to update our zoning to reflect our existing community structure and make both environmental protection and housing solutions work together. This is possible – let's make it so.

Many thanks for your work on these challenging issues and for working hard with advisors, professionals and community members to make the OCP and Bylaws reflect the very best solutions for a sustainable, thriving Hornby Island.

Sincerely,

HICEEC

From: Anthony Law [redacted]
Sent: Monday, May 12, 2025 4:15 PM
To: Grant Scott
Cc: northinfo; Alex Allen; Wendy Burton; Timothy Peterson
Subject: Re: Hornby Island LTC Cap on TUPs for STVRs

Hi Grant:

I provided my input to the LTC for Wednesday's meeting in writing, because I have a medical appointment on that day and cannot attend in person.

But now I understand that Michelle Backé of the Islands Trust has stated:
"None of the letters regarding the STR cap were included in the agenda package as we were not given direction to do so by the LTC, in spite of requests from the public. Project-related correspondence is typically not included in agenda packages but is posted to the project website by staff." !!!!

Damn!
Why did I waste hours doing research and giving considerable thought to provide input to the LTC when I already suspected the Islands Trust has become a hopelessly dysfunctional bureaucracy!!

I give up!

tony

On Mon, May 12, 2025 at 6:03 AM Grant Scott <gscott@islandstrust.bc.ca> wrote:
Tony
I hope you can come and express this at the meeting as you well know there will be many pro STVR Folks at the meeting
Grant

On May 7, 2025, at 7:41 PM, Anthony Law [redacted] wrote:

To: Hornby Island Local Trust Committee

Establishing a cap on the number of Temporary Use Permits (TUPs) for Short Term Vacation Rentals

I support the establishment of a cap on the number of TUPs being issued for STVRs on Hornby Island

I believe the rationale for a cap should be informed by:
- considering approaches taken elsewhere on the Gulf Islands to limit STRVRs;
- determining an appropriate percentage of the total number of dwellings on Hornby Island that may be used for commercial visitor accommodation;

Canadian Gulf Islands (Islands Trust Area)

There is no uniform approach.
Each island has its own regulations. For example:
- Denman and Salt Spring prohibit STVRs
- Bowen and Gabiola limit STVRs by only allowing them in an owner's principal residence (Gabriola uses TUPs for this purpose;only a handful have been issued);
- Galiano and Mayne limit STVRs by only allowing them as a home occupation on lots vaving two permitted dwellings, with a resident living in one of the dwellings.
- North Pender Island limits the number of TUPs issued for STVRs by requiring that a) no more than one STVR TUP may be approved within the radius of an existing STVR, b) no more than 20 STVR TUPs should be issued for Magic Lake Estates (North Pender's equivalent of the Sandpiper / Galleon / Whaling Station Bay small lot subdivisions).

American Gulf Islands (San Juan County)

San Juan County has implemented caps on the number of vacation rental permits for each island.
- San Juan Island: 337
- Orcas Island: 211
- Lopez Island: 135
- Outer islands: 10

This equals a cap of 693 STVRs permitted in the San Juan Islands.
There are 14,171 dwellings in the San Juan Islands.
The cap limits the number of STVRs to less than 5% of dwellings.

Hornby Island

The approaches taken on the other islands in the Trust Area (although not involving an overall cap) are much more limiting than the approach being developed on Hornby Island.

The approach taken on the San Juan Islands - with a cap of 5% of dwellings being available for STVRs - provides a model for Hornby Island to follow.

The *2021 Census Profile for Hornby Island* states that there are 1,117 dwellings on the Island.
In 2023, there were 128 STVRs advertised on Hornby.
That is 11% of the Island's residential housing stock.

Having over 10% of the housing stock permitted for commercial visitor accommodation seems excessive when:
- 15% of Hornby Island's residents are in core housing need,
- 41% of renters are precariously housed, and,
- home ownership by local people dependent on local incomes is becoming increasingly out of reach. .

This level of commercial rentals can also erode the residential character of residential neighbourhoods....
.....unless Hornby Island is to be prioritised as a tourist destination rather than a residential community.

Recommendation:

As there is not a suitable model in the Islands Trust Area for Hornby Island to follow, I suggest the LTC follow the approach of the San Juan Islands of capping the number of TUPs issued to 5% of the number of dwellings on the Island.

If we round up the 2021 census figure of 1,117 dwellings to 1,200, that means a cap of 60 Temporary Use Permits for Short Term Vacation Rentals.

Thank you for considering this.

Tony Law
Hornby Island

From: Shari Westaway [redacted]
Sent: Monday, May 12, 2025 5:26 PM
To: Timothy Peterson; Alex Allen; Grant Scott; Sonja Zupanec; northinfo; [redacted]
Subject: Hornby Island vacation rentals/home sharing.

(I apologize for any repeat emails to tpeterson and reachme. It was an error in the IP addresses on my part).

To whom it may concern,

I am writing as a concerned person who has enjoyed visiting Hornby Island over the duration of my lifetime and more recently have enjoyed renting from Jane Bryson of AOW several times per year (2-3 weeks total) usually during the shoulder season. We appreciate her commitment to following the island's guidelines on conservation and use of the property.

What makes our stay most enjoyable is not only the location and type of accommodation provided at the property but the fact that it is accessible to my husband who is legally blind. Her home and property is easy and safe for him to navigate. To stay at another accommodation or camp as we used to would be quite difficult for him and likely we would not be able to come over and enjoy our stay.

We live on Vancouver island (Nanoose Bay) and Hornby Island is our vacation destination. We enjoy the restaurants available on the island and use the COOP store frequently. Having said that we do miss both the Thatch and the bakery!! As a mountain bike rider, kayaker, paddle boarder and hiker I love the outdoor pursuits offered on the island. Staying at AOW allows me to easy access to all these activities and we would love to continue visiting as now seniors.

In brief, I hope to continue our patronage to Jane Bryson with the short-term rental of AOW and would like to continue to rent from her over the next 5-10 years if possible.

Kind regards,

Shari Westaway and Jeffrey Frost of Nanoose Bay, BC

From: Ryan Denomme [redacted]
Sent: Tuesday, May 13, 2025 2:43 PM
To: Timothy Peterson; Alex Allen; Grant Scott
Cc: HISTRA Association; northinfo; Sonja Zupanec
Subject: Important Data on Hornby Island STVRs
Attachments: Hornby rental analysis (1) (1).xlsx

Follow Up Flag: Follow up
Flag Status: Flagged

Hi all,

With the upcoming LTC meeting, Ian Thomson's letter to the editor provided some good starting points to make a comparison of where Hornby stacks up against other gulf islands. I really appreciate someone trying to take un-biased look at this issue as the "right" number for the cap is debated. However I believe the analysis is flawed and only part of the story, and we should avoid making any conclusions or recommendations based on such limited analysis. I think it's important we provide another perspective rather than just relying on one that seems to support the narrative of the writer of the article. Note - I've included the tables of data for the below analysis in the file attached. I used ChatGPT to generate these numbers so there is a chance they are not perfect.

Ian compares the number of STVRs per capita on different islands. Hornby comes out ahead as having the highest number of STVRs per capita of the islands surveyed (Table 1), which would suggest that there is room to reduce the cap to be more in-line with other islands. However, this is only one way of looking at the problem, and there is a lot of important context missing from this simple analysis. Making conclusions off of a single data point could be very misleading.

For example, shouldn't we consider how many other types of accommodations are available on the islands? STVRs are one type but what about resorts and hotels? Why would we treat this any differently? Hornby has very few other accommodations, so having a larger number of STVRs would not necessarily mean that it has an overall higher amount of short term rental units available per capita. Performing this analysis (Table 2) shows that Hornby has the 2nd fewest number of "non-STVR" rentals at only 45, compared to Orcas which has the most at 150. By factoring this into the analysis, Hornby still remains the most dense, but it makes the numbers for Orcas, Lopez and Pender much closer to Hornby. For example Pender drops from 24.8X less dense than Hornby to 3.1X less dense than Hornby. This is critical context missing from the analysis and makes Hornby's numbers

seem much more reasonable than Ian's analysis would suggest.

Probably the most important consideration is the actual number of nights available for rent. Hornby has a limited season over which STVRs can be offered for rent - May to Sept. Some islands have similar restrictions, while others don't. If we don't factor this in, we are ignoring one of the key bylaws that prevents a significant amount of tourism throughout the year on Hornby, which is the entire point of the cap. By factoring this in, Hornby actually drops from first place to second, with Orcas having a higher density of nights available per resident, followed closely by Hornby and Lopez. Hornby actually has the **3rd lowest number of nights available** of all of the islands when you look at it this way.

So from the above analysis I would find it hard to argue that Hornby is a massive outlier when it comes to the number of STVRs. Going just slightly deeper than the surface shows that Hornby provides a similar number of rental nights available per resident as Orcas and Lopez. Yes, it is on the higher side compared to some of the islands, but given the limited number of residents on the island this is critical to maintaining Hornby's basic businesses and amenities. This is a significantly different conclusion than what one would take from Ian's article and so I think it is important to provide this analysis to everyone during the meeting this week, and in your future decision making around this extremely important issue.

I'm happy to provide any other analysis you think is helpful.

Thanks
Ryan

Table 1 - STVR Only

Location	Population	Total Fixed Accom	Resident-to-A	Compared to Hornby
Hornby Island	1,225	135	9	
Orcas Island	5,387	211	26	2.8
Lopez Island	3,156	135	23	2.6
Pender Island	2,250	10	225	24.8
Gabriola Islanc	4,500	10	450	49.6
City of Nelson	11,198	110	102	11.2

Table 2 - STVR + Other Rentals

Location	Population	Total Fixed Accom	Resident-to-A	Compared to Hornby
Hornby Island	1,225	180	7	
Orcas Island	5,387	361	15	2.2
Lopez Island	3,156	185	17	2.5
Pender Island	2,250	106	21	3.1
Gabriola Islanc	4,500	50	90	13.2
City of Nelson	11,198	129	87	12.8

Table 3 - STVR + Other Rentals - Number of Rental Nights

Location	Population	Fixed Accomr	Total Rental N	Rental Nights per Resident
Hornby Island	1,225	180	27,000	22.0
Orcas Island	5,387	361	131,765	24.5
Lopez Island	3,156	185	67,525	21.4
Pender Island	2,250	106	15,900	7.1
Gabriola Islanc	4,500	50	18,250	4.1
City of Nelson	11,198	129	47,085	4.2

From: HISTRA Association <hornbyshortterm@gmail.com>
Sent: Tuesday, May 13, 2025 9:02 AM
To: Alex Allen; Grant Scott; Timothy Peterson
Cc: northinfo; Sonja Zupanec; Eulala Mills; Patrick Lui; Ray Therrien; [redacted] Kim Luteijn; Jan Radford; Arifin Graham; Michelle Metzelaar-Easterly; Karen Young
Subject: Moving the Bylaws Forward — A Balanced Approach

Follow Up Flag: Follow up
Flag Status: Flagged

Alex, Grant and Tim:

We support responsible vacation rental management and controlled growth to help preserve Hornby's natural environment and rural character.

To move ahead with broad community support, HISTRA and its members recommend the following:

A. **Fairness to Existing Operators**

Allow all legally operating vacation rentals to continue with a TUP.

B. Support for Full-Time Residents

Consider changes that support principal residents. This may warrant deferring second reading and directing staff to revise the bylaws to include ideas such as:

- Exemption from the cap, but not the TUP, for full-time residents
- Extended rental seasons
- Reduced or deferred TUP fees

To meet these priorities, we request four **changes to the bylaws:**

1. **Make Changes that help full time residents**

   Add provisions that help full time residents and do not harm part time residents

2. **Introduce a Cap, But Set it Later**

   Add: "A maximum number of vacation rentals operating under TUPs may be set at a future date."

3. **Enable Transition to Licensing**

   Add: "If CVRD Vacation Rental licensing becomes available, TUP rules and caps may transition to that system."

4. **Define Short-Term as less than 30 days**

Additionally, we ask you confirm your intentions and **pass a resolution** to confirm:

a) All legally operating, provincially registered rentals that apply within 12 months of the TUP program's start and meet requirements will receive a TUP.

b) The cap will be set through community consultation.

c) If the number of granted TUPs exceeds the cap, no new TUPs may be issued until numbers fall below the cap.

These changes balance environmental and community goals with fairness for current operators. They allow for a natural reduction in rentals over time, giving families and workers time to adjust without disruption.

By accepting our ideas, you can support full-time residents, manage Vacation Rental growth, move the changes forward with community support and uphold values of fairness, community, and sustainability.

Sincerely,

The HISTRA Board

Ray Therrien, Arifin Graham, Patrick Lui, Eulala Mills, Michelle Easterly, Karen Young, Jan Radford, Kim Luteijn and Jenessa Tuele

From: Henry Touwslager [redacted]
Sent: Tuesday, May 13, 2025 3:05 PM
To: Alex Allen; Grant Scott; Timothy Peterson
Cc: Sonja Zupanec; northinfo; Executive Admin
Subject: Re: Proposed Changes to Short-Term Vacation Rentals on Hornby Island
Attachments: Touwslager Letter to Island Trust Committee May13-25 Rev01 Pg Brk Fixed.pdf

(revised letter attached, only to fix page breaks)

Dear Trustees:

Please find attached my letter regarding the proposed cut to short-term vacation rentals. I'm sorry it is coming late relative to the meeting date, but I've spent a big chunk of time writing it and much longer thinking about the topic and preparing.

I think you will find my attached letter to be balanced and helpful so I strongly urge you to read it all before the meeting on Friday. It may help provide a template for your future actions.

I also offer my services if it will help you with your decision-making, as this is obviously a difficult and time-consuming process.

I will likely attend the meeting on Friday, but it does require significant changes and the rearrangement of about 10 days of my life so I have not made a final decision. I hereby request more than two minutes if I can make it.

Thank-you.

On Tue, May 13, 2025 at 2:53 PM Henry Touwslager <[redacted]> wrote:

Dear Trustees:

Please find attached my letter regarding the proposed cut to short-term vacation rentals. I'm sorry it is coming late relative to the meeting date, but I've spent a big chunk of time writing it and much longer thinking about the topic and preparing.

I think you will find my attached letter to be balanced and helpful so I strongly urge you to read it all before the meeting on Friday. It may help provide a template for your future actions.

I also offer my services if it will help you with your decision-making, as this is obviously a difficult and time-consuming process.

I will likely attend the meeting on Friday, but it does require significant changes and the rearrangement of about 10 days of my life so I have not made a final decision. I hereby request more than two minutes if I can make it.

Thank-you.

--
- Henry Touwslager

--
- Henry Touwslager

May 13, 2025

Henry Touwslager
[redacted]
Hornby Island, BC [redacted]
[redacted]

To: Hornby Island Local Trust Committee
c/o Trustees Alex Allen, Grant Scott, and Timothy Peterson
Islands Trust

Subject: Proposed Changes to Short-Term Vacation Rentals on Hornby Island

Dear Members of the Local Trust Committee:

Introduction

I recently watched the Island's Trust meeting from March 21, 2025. I actually watched certain parts several times in order to confirm what was said and to contemplate. There is a proposal to reduce the number of short-term vacation rentals on Hornby Island to 67 homes. This proposal seems to stem from an unverified estimate of around 135 current vacation rentals and a hasty decision at the meeting to cut it in half.

The Chairperson, Trustee Peterson, suggested they did not need to decide on a cap value at this meeting and said, "This is not picking a number today".

Trustee Allen disagreed and provided some comparison locations and then suggested half the vacation rentals be permitted but without any discussion on how he decided that was fair and how it was going to resolve any problems. There was little discussion about any related problems on Hornby Island although he said our commercial options cannot accommodate visitors (which I don't understand since they seem to thrive in the summer). There were no reports discussed, no expert or consultant opinions, and no indication about how this cap was going to make anything better. It is not even clear why this is being done.

Trustee Scott did not speak about the issues or formulation process. He just stated the cap number, "I think we can set a cap…If we said 65 or 70… we have something to take to community …People can beat on it".

I am going to beat on it.

Executive Summary

The proposed reduction of short-term vacation rentals (STRs) to a cap of 67 units on Hornby Island, as drafted and advanced by Trustees Scott and Allen, presents a policy shift with the potential for serious negative consequences. This proposal was made without any apparent formal research, professional consulting, reporting, or formal community engagement.

This proposal:

1. Imposes a disproportionate burden on law-abiding short term vacation rental homeowners.
2. Does not adequately identify and address broader issues such as potentially illegal and/or oversubscribed properties, dwellings, campgrounds, resorts, and glamping areas, nor does it significantly attempt to address existing community complaints like noise bylaw infractions, speeding, or other impacting factors, despite existing bylaws covering these issues.
3. Poses a substantial risk of economic harm to Hornby Island businesses.
4. Limits access for responsible visitors who have long contributed to and enriched our community.
5. Raises concerns about the Islands Trust's approach to its mandate to balance the interests of all stakeholders, including part-time residents and the broader, tax paying public of British Columbia.
6. Does not provide the source for the initial estimate of approximately 135 vacation rental units (so the most basic information is not even verified).
7. Uses comparisons to other jurisdictions and the relative land area without rationale. Those locations differ significantly from Hornby Island in zoning structures, accommodation options, and policy history. Also, my research indicates significant inaccuracies and omissions in the reported number of permitted rentals in these other jurisdictions. (See Appendix 2.)
8. Fails to incorporate grandfathering even though all the jurisdictions in Trustee Allen's list appeared to incorporate this provision. At least one jurisdiction has a cap above the existing number of rentals.

After significant personal investment including research, preparation, and writing this letter over several weeks, it is, in my opinion, reasonable to **consider** a policy outcome that involves **capping** the number of **all accommodation types** at the existing level. Such an approach would allow current homeowners, as well as lodges, campgrounds, and similar establishments, to maintain their operations and continue contributing to a harmonious island community. However, pursuing policies that disproportionately target STRs may prompt more calls for more comprehensive enforcement and regulation across a wider range of activities and property uses on the island, potentially leading to community discord.

That said, to ensure a truly evidence-based and responsible path forward when considering significant policy changes, it would be most beneficial for the Local Trust Committee to adopt a basic planning framework, structured to meticulously detail:

1. The precise issues to be addressed (objective),
2. Their evolution over time (background),
3. The specific studies required (methodology),
4. The groups and qualified experts best suited to conduct them (personnel),
5. A clear plan for structured community input and engagement (participation), and
6. A timeline for analysis and conclusions (schedule).

To complete this process fairly, the Islands Trust Committee should implement strategies to ensure balanced representation and minimize the undue influence of vocal minorities or special interest groups."

My Background

I am writing not just as a property owner, but as a long-time, active member of the Hornby Island community. For many years, I have been deeply involved in various aspects of island life, volunteering my time and energy and enjoying the diverse and talented community and its beauty.

I have had a connection to Hornby Island since my first visit in about 1978. I was later a vacation home renter for over 20 years and then bought my own property near Whaling Station Bay about seven years ago. It required a massive renovation which took years, was well over budget, and was more difficult than building a new home. I now list it for rent in the summer which helps justify that pain and suffering. Rentals also allow other families to enjoy my space and Hornby Island. It only makes sense.

As you are likely aware, the time and cost to just maintain a property is significant and I also use short-term vacation rentals to justify the ongoing time commitment and to offset annual costs like insurance, maintenance, utilities, mortgage interest, and property taxes. It is my second home and I worked very hard and long hours for my entire life to be able to take the risk of owning and maintaining a second home. My income comes from an engineering career and saving money by doing a lot of renovations and maintenance personally. Home ownership was certainly earned in my case.

During my part-time residency on Hornby Island:

- I've served on the Recreation Committee, working to enhance the recreational opportunities for residents and visitors alike.
- I've been a member of the Emergency Preparedness Committee, dedicating myself to ensuring the safety and resilience of our community in times of need.
- I've collaborated with SPARKs in their efforts to revitalize the old fire hall, contributing to the preservation of a vital community asset.
- I've participated directly in the physical labor of maintaining our island's beauty, from invasive plant removal to the improvement of our beloved trails.
- I have volunteered to store equipment and supplies for the Hornby Island Arts Council for many years while the new art center is under construction.

- I have volunteered for other groups and made financial contributions to various groups and associations.

My professional background as a retired engineering consultant, specializing in failure investigations (especially leaky condos) has allowed me to formulate a disciplined approach to problem-solving. I consider where something may go wrong in the future and try to address it in the planning stage. I always want to be fair and minimize the negative impact. As such, to ensure fairness and effectiveness, I know that any desired outcome must be based on calculated, fair, and specific decisions and rules that are set in advance. There should also be a means to monitor the results for success.

Local Trust Committee's Approach

The March 21, 2025, Local Trust Committee (LTC) meeting minutes reveal a concerning lack of thorough research and analysis preceding the proposal. Trustee Tim Peterson, the Chair of the Committee, acknowledged that there was no staff recommendation to set a cap on STRs. Despite this, Trustee Alex Allen introduced the idea of a 50% reduction in STRs, with the specific number of 67 units seemingly determined during the meeting itself, lacking a clear rationale or methodology.. This raises serious questions about the foundation of the proposal. Major policy changes with the potential for significant economic and social impacts should be grounded in data, studies, and professional analysis, not ad-hoc decisions made without discussion. The predictable result is a community that has been disrupted, vacation homeowners who are extremely stressed, and many people spending significant and unanticipated time preparing letters and meeting speeches. There are also businesses, long term residents, and workers who are very concerned about an impending upheaval.

Trustee Allen's decision and recommendation for a cap was based on "people say maybe we have 135", so not even the most basic value had been determined. Presumably, the province will provide quantities and perhaps other data is available. Regardless, there is no indication why "half" is relevant, regardless of where we started. Even one extra rental cut is a very significant event for that property owner.

The proposed cap of 67 Short Term Rental units appears to be arbitrary. Trustee Scott's statement that the number was something the community could "beat on" further emphasizes the absence of a well-defined justification. Again, it remains unclear how this specific number was chosen and what it is intended to achieve. There was no evidence presented to demonstrate that reducing the number of STRs to 67 would solve the perceived problems or lead to the desired outcomes.

Trustee Allen briefly discussed complaints at the March 21 meeting. He stated that HISTRA stated there were no complaints. I believe that statement referred to 2024 and to formal complaints. Trustee Allen disagreed with the lack of complaints and stated that he "did a little walk around" and then was presumably quoting what some people told him spontaneously. It was frankly hard to follow although he said a lot were to do with noise and the character of the neighbourhood. The point is that informal

interviews by one trustee and of the people he chooses to contact should not be the basis for major decisions.

This approach of actively "looking for a problem" raises serious questions about the objectivity of the information being used to justify such a significant policy shift. It's also important to remember that existing noise bylaws are in place to address such issues when formally reported and should be the primary mechanism for dealing with them.

Trustee Allen attempted to justify the proposed cap by simply drawing comparisons to other jurisdictions, such as Palm Springs, Lincoln County, Sante Fe, Maui, Nelson, and Whistler. However, these comparisons are problematic for several reasons:

1. Selective Information: The comparisons often focus on specific regulations without considering the broader context of each location.
2. Lack of Relevance: The chosen comparison points, such as land area, may not be the most relevant factors for determining appropriate STR policies. Factors like population density, tourism patterns, economic reliance on tourism, and the history of the legalities of the rental properties may be more pertinent. (Many areas only started to get rentals when AirBNB became popular and they are not always long-standing rentals or even legal rentals.)
3. Distinct Characteristics: Hornby Island has unique characteristics that set it apart from other jurisdictions. For example, it lacks any hotels and has a significant portion of its land base designated as parkland.

There was also no verification or discussion about the number of resort units, glamping units, campsites, campers, bed and breakfasts, and any other legal or illegal accommodations. If the goal is to reduce the summer population on the island, there are so many more ways to address it.

At the meeting and in the draft policy wording, I do not believe there were limits put on other accommodations. There was no discussion about future development at existing resorts or at provincial campgrounds.

I recently learned that there may be changes to agri-tourism coming. Will these businesses bring in the summer guests that STRs will lose? Can these be capped immediately at zero?

Has everything been considered? This is a massive decision.

Clarification of the Islands Trust Mandate

I tried to determine the role of Islands Trust. What is their mandate? Who does the Local Trust Committee represent? Do the proposed STR policies align with the Trust's legal obligations? This is all presented in **Appendix 2** and summarized here.

The Islands Trust operates under the Islands Trust Act which states:

> "The object of the trust is to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally…"

This statement establishes two key responsibilities:

1. Preserving and Protecting the Trust Area: This emphasizes the Trust's role in safeguarding the environment and unique character of the islands.
2. Benefit of Residents and British Columbia Generally: This highlights that the Trust's concern extends beyond local residents to the broader public or, "the residents of British Columbia generally". In other words, visitors from B.C. (I can state that almost every rental guest I have is from B.C.)

To define "Residents", I did an AI search. The Islands Trust Act does not explicitly define the term "residents." However, "residents" typically includes:

1. Full-time residents: Individuals who live year-round on the islands.
2. Part-time residents: Those who own property and spend part of the year on the islands.
3. Non-resident property owners: Individuals who own property but may not reside there regularly.

The Residents of British Columbia are included, in part, because they are tax payers and the Gulf Islands have significant roads and parks that must be built and maintained. It certainly broadens the Trust's responsibility beyond the immediate community.

It is my opinion that the Islands Trust Committee needs to:

1. Ensure that regulations are directly linked to preserving the islands' ecology.
2. Equally weigh the interests of full-time residents, part-time residents, property owners, visitors, and the broader public of British Columbia.
3. Avoid Overreach: Refrain from using land-use regulations to address issues that could be better managed through other means, such as bylaw enforcement.

Economic and Community Impacts of STR Policies

Many homeowners on Hornby Island rely on income from short-term rentals to offset the significant costs of property ownership. These costs include:

1. Property taxes
2. Mortgage payments
3. Utilities
4. Insurance
5. Maintenance

For some homeowners, this rental income is not a luxury but a necessity to maintain their presence on the island. The proposed restrictions could place a substantial financial burden on these homeowners, potentially forcing them to sell their properties. This is particularly concerning for those who have inherited family homes or invested a lifetime of savings to own property on Hornby Island.

Some of these people also need to recover inheritance, probate, and property transfer taxes. Others have made very difficult financial decisions to buy on Hornby Island because they can subsidize their costs by legally renting their home sometimes, using the well-established and legal rental policy that they experienced while visiting the island.

Short-term rentals play a vital role in supporting the local economy by driving traffic to island businesses. Visitors staying in STRs contribute to revenue for:

1. Restaurants and cafes
2. The Coop, gas bar, and Ford's Cove store
3. Ringside stores
4. Vendors at the Community market
5. Produce and other artisan stands
6. Artisan shops and studios
7. Musicians, concert events, and other shows
8. The meadery, wineries, brewery, and distillery

A reduction in STRs will lead to a significant decrease in visitor spending, negatively impacting the viability of these businesses, especially during the peak season. Those that stay in homes likely spend significantly more than campers and most others.

This reduction will almost certainly result in reduced operating hours, job losses, and decreased income for local workers

Lost Revenue to Hornby Island Residents

I prepared some numbers based on my experience and estimates. I am not an accountant but I do understand some accounting and I am good with numbers. There are many ways to review this issue so it is only one projection or order-of-magnitude calculation. That said, it does raise serious concerns.

Let's says that each vacation home owner spends $5,000 annually on local services and maintenance related to the rental. Then their guests spend $5,000 total at the Co-op and Farmers Market, $3,000 on local art and goods, and $3,000 at restaurants for the entire year. That's $16,000 per year to the community, not counting any money the property owner may spend for his own purposes or maintenance. If we count 67 rental properties, the total is over $1 million that would be lost.

I made some extremely simplistic assumptions:

1. A multiplier of 1.75 will be used as earned money is spent in the community and the recipient will, in turn, spend a portion and that repeats. (Known as a "multiplier effect" in economic terms.)
2. Many people on Hornby Island have more than one job or skill and therefore half the people work full time to earn the revenue described above and the other half supplement their income with part-time work.
3. All this money pays wages or goes to contractors.
4. The average pay is $40 per hour with an average net income of $25 per hour after taxes and expenses. Then an annual salary is $60,000.

My calculations are as follows:

1. The estimated $1 million puts $1.75 million into the Hornby Island economy.
2. Half the money is for full timers at $60,000 per year or 15 full time jobs which will be lost.
3. The other half is for part-timers. At $40/hour, 22,000 work-hours are lost. Let's say people work 25% of their time or two hours a day on extra jobs or 520 hours a year. That means 42 people have lost (520 x $25 =) $13,000 per year. This is highly likely their discretionary income for the entire year. They may have the cash to pay for essentials but will not have extra money.

In summary, 15 people could lose full-time jobs and another 42 people will feel "broke".

I also visualize more competition for jobs and goods which could lower wages and hourly rates and further reduce spending in the community.

I am fine if people want to beat on all these numbers. Cut it in half if you want. Or double it. It is just to show there will be a significant effect on the local economy. (On further review, I found new information to adjust the input values but the outcome was almost the same.)

Some people may be looking for work if these rental cuts occur and certainly many people will not have any discretionary income.

Unintended Consequences or Predictable Outcomes?

Short-term rentals also contribute to the social fabric of Hornby Island. Many visitors who stay in STRs are families and groups who have been coming to the island for years and individuals who develop a strong connection to the community. Many return annually and are capable of preserving the culture and diversity. Perhaps a little more education will make their presence even more benign but they are nonetheless, valuable guests. Most, if not all, residents were once guests and we should not close the door behind us without extremely good and verified research and evidence of the problem they cause.

I understand the goal of this process may be to increase the number of long term rentals that are available. I have heard that some hope the process will reduce the cost of properties to their affordable level. It is probably impossible to predict the exact outcome except that it will certainly cause extensive damage to a select group of homeowners and that seems very unfair and perhaps reckless.

Consider some unintended consequences. If the number of short-term rentals is significantly reduced, there will be fewer places for visitors to stay. This creates a shortage of visitor accommodation on the island, especially during peak season.

1. Visitors who can no longer find STRs may seek alternative accommodations, such as long-term rentals. This increased demand puts upward pressure on the prices of the remaining long-term rentals.
2. There may be attempts to overcrowd the remaining rentals.
3. Visitors with friends and family on Hornby Island will switch to trailers and tents on these others' properties.
4. Some visitors, particularly those who have been coming to Hornby for years, may decide to purchase property instead of renting if short-term options are limited. This added demand can further inflate property values on the island.
5. Those that can no longer collect rental fees will hang on and still not provide vacation rentals. Most of the STR owners use the property throughout the year and cannot have somebody in the house full-time.
6. The owners of STRs most lose their ability to rent but that may not free up homes for year-round rental to support local workers as most short-term rental owners live in their homes part-time and are unlikely to rent year-round at low rates.
7. Guests that could not obtain vacation homes will try to find other places, increasing the density at other types of accommodations.
8. Other types of accommodations will expand as they will certainly get more inquiries.

In essence, restricting STRs could have unintended ripple effects that worsen the overall conditions on the island.

Reducing STRs doesn't address the underlying factors that make Hornby Island unaffordable for many people. These economic forces are largely outside the island's control.

Regardless of what is decided, if there is a change, how will the result of the decision be monitored? Will the Local Trust Committee be able to compare the benefits to the unintended consequences? Will they consider the losses and damage it caused to so many homeowners and the many more regular visitors who have had their annual vacation cancelled?

Comparative Review of Short-Term Rental Regulations

To support the proposed short-term rental (STR) cap, Trustee Allen presented comparisons to other jurisdictions, including Whistler, Palm Springs, Lincoln County, Santa Fe, and Lopez Island. However, a careful examination of this comparative approach reveals significant flaws and raises serious concerns about its suitability as a foundation for policy decisions on Hornby Island.

1. The selection of these specific jurisdictions was not accompanied by any explanation of why they were deemed relevant or comparable to Hornby Island. There was no discussion of shared characteristics or similar challenges that would justify drawing parallels.
2. Trustee Allen's reliance on land area as the primary factor for comparison lacks any demonstrated logical or economic justification. Alternative metrics, such as population density (which was discussed slightly), visitor volume, economic dependence on tourism, or infrastructure capacity, were not considered, despite potentially offering more relevant insights.
3. My research, DETAILED IN THE APPENDIX, has uncovered numerous inaccuracies and omissions in the information presented about the selected jurisdictions. For example, the data on allowable rental numbers, the presence of grandfathering clauses, and the scope of STR regulations was frequently misrepresented or incomplete.
4. The comparisons often ignored crucial differences between Hornby Island and the cited locations. Factors such as zoning structures, the availability of alternative accommodations (like hotels), economic drivers, and the historical evolution of tourism and vacation rentals were largely overlooked.
5. The overall pattern of the comparisons suggests a selective use of information to support a predetermined policy goal, rather than an objective analysis of best practices.
6. The significant example of Tofino's decision to reverse its vacation rental cuts due to concerns about economic harm was not addressed in the comparisons.
7. Omission of Grandfathering Policies: A crucial discrepancy is the absence of any mention of grandfathering clauses in the proposed policy. Nearly all the jurisdictions named by Trustee Allen incorporate such provisions to safeguard existing legal rental operations, a practice that the proposal disregards. We did not find a case where legal rentals had to be closed down. Instead, the number of actual licenses is slowly reduced by attrition until the cap is met. We

found at least one case (Nelson) where the cap was above the existing number so licenses are still available.

While comparisons to other locations could be considered as one tool, given these serious shortcomings, the comparative analysis presented by Trustee Allen is inadequate and should not be used to justify the proposed STR cap. Hornby Island and the Island Trust Committee need to do its own homework and not blindly copy some other jurisdictions, at least not until we have valid reasons to compare.

Alternative Solutions

To find a better balance between welcoming visitors and protecting Hornby Island, we should consider some **alternatives** to simply restricting short-term rentals. Here are a few ideas:

1. Strict enforcement of noise bylaws, with clear guidelines and prompt responses to complaints.
2. Adequate resources and staffing should be allocated to bylaw enforcement to ensure its effectiveness.
3. Enforcement of occupancy limits in all types of accommodations and properties to prevent overcrowding and strain on infrastructure.
4. Active enforcement of parking restrictions to minimize parking on roadways, traffic congestion, and safety hazards.
5. Consideration to request visitors take their garbage and recycling home.
6. Water conservation education and recommendations for water storage in the winter.

A well-designed Short Term Rental **licensing** system can provide a framework for responsible operation and community benefit. I understand the Province is keeping track with the new registration system and perhaps the CVRD will create a system. This process could include:

1. Define requirements for parking and neighborly conduct.
2. Maintain the existing standard of having a sign at the street with a contact name and phone number for the rental.
3. Establishing a clear and transparent process for addressing complaints from neighbors and resolving disputes.
4. Providing for the revocation of licenses for repeated or serious violations.

Investing in **visitor education** can promote responsible behavior and minimize negative impacts on the island. Some ideas include:

1. Send visitors clear instructions about island customs, how to use water wisely, fire prevention, protecting wildlife, and managing pets.
2. Place new, uniquely formatted signs in important spots to remind visitors to behave well (like keeping noise down and respecting local ways).
3. Work with online booking websites to give guests information about being a good visitor.
4. Have local volunteers greet visitors or work on the ferries and explain how to be considerate of the island.
5. Place education signage at the ferry terminals at Buckley Bay and Gravelly Bay (where visitors are a captive audience anyhow).
6. Create an oath of perhaps ten items that can be sent to every visitor. The person making the booking agrees in the oath to distribute to all others in their party and discuss it with minors. (The wording should be such that they feel welcome and part of the community.)

Engaging STR owners in a collaborative dialogue can foster a sense of shared responsibility and promote best practices. This could involve:

1. Developing a voluntary code of conduct for STR operators, outlining expectations for responsible management. (The Hornby Island Short Term Rental Association already does this type of work.)
2. Establishing a mediation process to resolve disputes between STR owners, neighbors, and other stakeholders.
3. Creating a professional and respectful platform for sharing information and resources related to responsible STR management.

The difficulty in finding year-round housing may not result from a simple lack of available homes, but rather affordability or renter reliability. Full-time workers on Hornby Island should be able to afford reasonable rent if working consistently. With steady employment opportunities available, including reliable year-round and significant availability of extra seasonal work, addressing employment consistency and renter reliability might be more effective than reducing vacation rentals.

The proposed policies may lead these STR homeowners to feel unfairly targeted and used as a scapegoat for broader Hornby Island issues. This perception could diminish their willingness to volunteer time and resources for community initiatives and reduce their financial contributions to local charities and organizations.

By implementing a combination of these alternative solutions, the Islands Trust can create a more balanced and sustainable approach to visitor accommodation on Hornby Island. This addresses community concerns while minimizing negative impacts on homeowners and the local economy.

Fairness and Community Cohesion

The proposed short-term rental policy change has clearly raised concerns in the community, perhaps intentionally, to solicit input and is already disrupting the community. We are finding out who is taking what side and how passionate some people are about the topic. It is extremely import that the Island Trust Committee pull in the reins and prioritize fairness and equity in its decision-making. All stakeholder groups are to be treated with respect and consideration so we do not have a harmful division within the community.

By focusing mainly on short-term rentals to solve the island's problems, we are creating an 'us versus them' situation such as:

1. Full-time residents vs. part-time homeowners
2. Locals vs. visitors
3. People who want STR rules vs. people who don't

To ensure fairness, any burdens must be applied consistently across all types of businesses and properties. This includes:

1. Campgrounds
2. Lodges
3. Glamping sites
4. Short-term rentals
5. Bed and Breakfasts
6. Any other form of visitor accommodation
7. Private properties with camping and/or large groups
8. Homeowners with additional dwellings on their property
9. Event providers
10. Agri-tourism operations

Regulations should not disproportionately burden any particular group that is operating legally under the current laws.

The most effective and sustainable solutions to community challenges are often those developed collaboratively with input from all stakeholders and with a willingness to compromise and find common ground.

Conclusion

Hornby Island has a long established history of legal vacation rentals. Many people have used the Official Community Plan and Land Use Bylaws to make significant life decisions and financial plans, sometimes over generations. Vacation home rental is a legitimate aid for many people and creating a

cap must be taken very seriously. Disrupting (or ruining) the lives of these owners to presumably benefit others is not a reasonable approach. Those with STRs are law abiding and desired Hornby Island residents, both full and part-time, and it is imperative to treat them fairly.

The long-standing regulations have served as the standard upon which homeowners have made financial decisions. Should it be determined through a proper process and after enforcing existing bylaws to address perceived issues, that changes in the number of summer guests needs to be capped or even reduced, then a more equitable approach would involve considering a cap or proportional reduction in the number of all types of visitor accommodations, including campgrounds, lodges, glamping sites, short-term rentals, agri-tourism, and bed and breakfasts, rather than disproportionately targeting one specific group operating legally under current regulations.

I hope that my letter is beneficial to all interested parties. I am an owner of a vacation rental but I tried to create a letter with ample background information to help everybody understand the situation and better manage the process going forward. I offer my assistance to the trustees if they think I can be of value but otherwise, please just give this the effort and time it deserves. And **be fair to all the different types of residents of Hornby Island and to the residents of British Columbia generally**.

Yours truly,

Henry Touwslager

[redacted]
Hornby Island, BC
[redacted]

APPENDIX 1 – Vacation Rental Caps in Other Jurisdictions

I reviewed the short term vacation rental cap data provided by Trustee Allen at the meeting of March 21, 2025, and provide my comments below. My research gives a different set of facts and/or perspective for most locations. In general,

1. The caps are sometimes higher than stated by Trustee Allen and in some cases the difference is very large.
2. In some places, the caps only apply to certain neighbourhoods and unlimited rentals are permitted in the other areas.
3. Some places still have openings for new applicants as there are fewer rentals than the cap allows.
4. I did not find a location where the existing rentals were not grandfathered in. (No new permits are issued until the number of vacation rental permits is reduced to the cap value.)

Palm Springs

Trustee Allen: "20% cap in each neighbourhood."

Research:

No more than 20% of the homes in any given residential neighborhood can be used as short-term rentals. This cap applies to all STR permits received by the city after October 17, with the caveat that existing permits issued prior to this date are grandfathered in.

There also appears to be "Junior permits" (6 rentals/year) not included in cap.

https://www.palmspringsca.gov/government/departments/special-program-compliance/vacation-rentals-1098

Lincoln County, Oregon

Trustee Allen: "Cap of 181."

Research:

There are seven districts on both sides of a highway. To date, there is a moratorium on new permits and still approximately 469 licensed vacation rentals. That number is supposed to drop via attrition to 181 licenses under the new density requirements.

https://lincolnchronicle.org/56621-2/

Sante Fe

Trustee Allen: "Doing caps"

Research:

Santa Fe appears to have many condos in the mix. The information suggests that Santa Fe's 2020 ordinance included clarifications on "grandfather" clauses. The new density requirement of a 50-foot radius for new permits from existing ones effectively grandfathered in existing operators in denser areas. Santa Fe County also supported grandfathering in all currently permitted STRs with a non-transferable clause in their 2024 update.

https://santafe.primegov.com/meeting/attachment/8922.pdf?name=Short-Term%20Rental%20Changes%20(Planning%20Commission%20Public%20Comments

Maui

Trustee Allen: "Doing caps"

Research:

Maui is complicated as they permit short term vacation rentals in tourist and commercial areas but have limits in predominantly residential zones.

https://www.mauicounty.gov/1874/Short-Term-Rental-Home-STRH-Application

Nelson, BC

Trustee Allen: "Nelson has a cap of 110."

Research:

Since 2017, the City has capped the number of year-round (annual) licences at 110. This cap was reached in 2024. It is therefore not possible to apply for an annual, year-round licence at this time. (If your property is commercially zoned and you would be applying for a commercial tourist accommodation licence, there is no cap in place and you are free to apply. This cap concerns properties in residential and some mixed-use zones.)

There are still spots available for a four-month licences before the cap of 40 is reached.

There are no caps in place for 31-day licences (each eligible property/applicant may apply for up to two 31-day licences per year.)

https://www.nelson.ca/615/Short-Term-Vacation-Rentals

Tofino, BC

Trustee Allen: Did not comment on Tofino at the last meeting.

Research:

The District of Tofino Council voted to make changes to vacation rentals in March 2024. Tofino Council reconsidered its position and, in March 2025, reversed the decision.

There does not appear to be a limit on the number of vacation rentals.

Lopez Island, WA

Trustee Allen: "They have a cap of 135."

Research:

A significant aspect of the regulations on Lopez Island is the establishment of a cap on the number of vacation rental permits, set at 135. If the number of active permits reaches this limit, no new permits will be issued until the number falls below the cap through abandonment, revocation, or other voluntary attrition.

https://www.sanjuancountywa.gov/1579/Vacation-Rentals-Information-and-Applica

Orcas Island, WA

Trustee Allen: Not discussed.

Research:

Orcas Island has a cap of 211 vacation rental permits. As with Lopez, no new permits are issued if the cap is met until the number decreases through attrition. (Grandfather clause.)

https://www.sanjuancountywa.gov/1579/Vacation-Rentals-Information-and-Applica

Whistler, BC

Trustee Allen: "Whistler doesn't allow STVRs in residential neighbourhoods."

Research:

Tourist rentals are not allowed in areas defined as "residential neighbourhoods", however, privately owned dwelling units located in areas zoned for "tourist accommodation" or "temporary

accommodation" are eligible for short-term rental and there are hundreds or thousands. These rental homes are typically condominiums and townhouses. The tourist zone is very large.

In addition, there are limitations for owner usage, not rental restrictions. Phase 2 covenants are the most common in Whistler and limit owner usage to a total of 56 days per year, split between 28 days in summer and 28 days in winter14. The rest of the time, the property must be made available for short-term visitor rentals.

https://www.whistler.ca/business-development/business-licenses/tourist-accommodation-requirements/

https://www.bnbcalc.com/blog/short-term-rental-regulation/Whistler-Canada-guide

North and South Pender

Trustee Allen: "10 vacation rental cap".

Research:

First, these are two separate Local Trust Areas so should not be combined. My initial research indicates that both North and South Pender Islands primarily manage short-term rentals through a system of Temporary Use Permits, requiring detailed applications and adherence to specific conditions. I did not find any evidence of a cap of 10 rentals on either island.

APPENDIX 2 – The Mandate of the Islands Trust

(Assisted by AI and this section is to be verified.)

Purpose

The foundational purpose of the Islands Trust is explicitly stated in the Islands Trust Act:

> "The object of the trust is to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, First Nations, other persons and organizations and the government of British Columbia."
>
> — Islands Trust Act, Section 3

This mandate emphasizes a balance between environmental stewardship and the well-being of both local residents and the broader provincial community.

Responsibilities of Trustees

Upon election, each trustee assumes specific responsibilities as outlined in the Trustee/Staff Responsibility Guidelines:

1. "Provide leadership"
2. "Set political direction"
3. "Make decisions - choose between alternatives"
4. "Establish policy"
5. "Review Management Performance"
6. "Keep informed on Trust affairs"
7. "Reconcile political/constituent conflict"
8. "Establish cooperative protocols with other agencies at a political level"
9. "Communicate with constituents"
10. "Provide/solicit public feedback on services"

— Trustee/Staff Responsibility Guidelines, Section 1.1

These responsibilities underscore the importance of informed decision-making, community engagement, and inter-agency collaboration.

Standards of Conduct

Trustees are also bound by a code of conduct to ensure integrity and public trust:

> "A trustee elect, by their declaration, is obliged to execute the duties of their office."

— Standards of Conduct, Section 1.0

This commitment requires trustees to act ethically, transparently, and in the best interests of the Trust Area.

Decision-Making Authority

Local Trust Committees (LTCs), comprising elected trustees, are empowered to:

> "Regulate the development and use of land in their local trust area by exercising powers conferred by this Act, including powers that would otherwise belong to the regional district for each area."

— Islands Trust Act, Section 4(4)

This authority enables LTCs to make land-use decisions tailored to their specific communities, within the overarching framework of the Trust's mandate.

Application to Island Decision-Making

In the context of decisions affecting the island, such as those related to short-term vacation rentals (STRs), trustees are obligated to:

1. Base Decisions on Comprehensive Data: Utilize accurate and complete information to assess the impacts of STRs on the community and environment.
2. Ensure Fairness and Equity: Consider the implications for all stakeholders, including homeowners, renters, businesses, and visitors.
3. Maintain Transparency: Clearly communicate the rationale behind decisions and how they align with the Trust's mandate.
4. Engage in Meaningful Consultation: Involve the community and other affected parties in the decision-making process.

By fulfilling these obligations, trustees uphold the integrity of the Islands Trust and ensure that their decisions contribute positively to the preservation and protection of the Trust Area.

From: Anthony Law [redacted]
Sent: Thursday, May 15, 2025 6:55 PM
To: northinfo; Grant Scott; Alex Allen; Timothy Peterson
Subject: Re: Vacation rentals - proposal for a two-tier approach

There was an error in the message I just sent you (corrected version below)

It said:

Guest House

(37) Where a bed and breakfast home occupation is permitted in any zone subsections 3.6(38) to 3.6(41) inclusive apply.

This should read;

Guest House

(37) Where a guest house home occupation is permitted in any zone subsections 3.6(38) to 3.6(41) inclusive apply.

Corrected version:

Dear Hornby Island Local Trust Committee:

This is a proposal to take a dual approach to permitting the use of residential dwellings for accommodating paying visitors, recognizing the distinctiveness of operations carried out by residents.

Background
Near the beginning of this century, when a previous LTC began to look at how to permit and regulate vacation rentals, bed and breakfasts were a permitted home occupation. There was strong community interest in also allowing vacation rentals as a home occupation.

However, a home occupation use has to be carried out by a person whose home is on the property and who is resident while the use is carried out. This would have excluded non-resident property owners from carrying out vacation rentals because a resident would not be present on the property.
After considerable community discussion, bylaw amendments were adopted to allow vacation home rentals to be operated through land use regulations, like bed and breakfasts, but not as a home occupation.

Despite the regulations being more permissive than in similar jurisdictions, the majority of vacation home rentals have exceeded what was permitted. The number has also increased by about 50%.

At the same time, there has been a growing awareness of the potential negative impacts of the uncontrolled growth of residential dwellings being used for non-residential commercial purposes – including by the Province of BC, which adopted legislation to address the issue.

The legislation included enabling local governments to choose the option to limit vacation rentals to properties that are a principal residence. The Hornby Island Local Trust Committee chose to not adopt this option, but to instead require Temporary Use Permits for all vacation rentals, including those that are operated on a principal residence.

Rationale
There have always been a number of low key visitor accommodation operations conducted in our community by residents in a style and scale that have not presented problems for the community. It is unfortunate that they have been lumped in with problematic non-resident operations with the result of being subjected to an onerous permit process.
Because of their continuing presence in their neighbourhoods and the community, residents have far more accountability than part-time or non-resident property owners. Unlike people who own two or more homes, full-time residents can need supplementary income from visitor accommodation to sustain their valued contributions to their home community.
Proposal
I propose that residents of Hornby Island who are providing visitor accommodation on a property that is their principal residence be allowed to do so as a home occupation through land use regulations, without requiring a permit. This could be done by replacing Bed and Breakfast regulations with Guest House regulations.
The Land Use Bylaw defines “Bed and Breakfast” as follows:

Bed and Breakfast *means a home occupation use that provides bedrooms within a dwelling unit for the temporary accommodation of the travelling public, and the provision of breakfast meals to those guests, but does not include boarding house.*
It could be replaced by something like this:

Guest House *means a home occupation use, conducted by a resident, that provides temporary accommodation within a dwelling unit for paying guests and may or may not include the provision of meals.*

The Land Use Bylaw has the following zoning regulations for Bed and Breakfast

Bed and Breakfast
(37) Where a bed and breakfast home occupation is permitted in any zone subsections 3.6(38) to 3.6(41) inclusive apply.
(38) The operator of the bed and breakfast home occupation must:
(a) provide only temporary accommodation for the travelling public;
(b) use only rooms that are located in the dwelling unit in which the home occupation is operated, for the accommodation of the travelling public;
(c) provide no more than two beds per bedroom; and

(d) serve breakfast meals to guests who have been accommodated overnight.
(39) Bed and breakfast home occupations are not permitted on lots with areas of less than 0.1 hectares.
(40) The number of bedrooms used to accommodate the travelling public in a bed and breakfast home
occupation must not exceed:
(a) one if the lot is 0.25 hectares or less in area;
(b) two if the lot is greater than 0.25 hectares and 1.0 hectare or less in area;
(c) three if the lot is greater than 1.0 hectare in area.

These could be replaced by something like this:

Guest House
(37) Where a guest house home occupation is permitted in any zone subsections 3.6(38) to 3.6(41) inclusive apply.
(38) The operator of the Guest House home occupation must:
(a) provide only temporary accommodation for the travelling public;
(b) use only rooms that are located in the dwelling unit in which the home occupation is operated, for the accommodation of the travelling public;
(c) provide no more than two beds per bedroom; and
(39) Guest house home occupations are not permitted on lots with areas of less than 0.1 hectares.
(40) The number of bedrooms used to accommodate the travelling public in a guest house home occupation must not exceed:
(a) one? if the lot is 0.25 hectares or less in area;
(b) two? if the lot is greater than 0.25 hectares and 1.0 hectare or less in area;
(c) three? if the lot is greater than 1.0 hectare in area.
I hope you will give this consideration.
Thank you.

Tony Law

On Thu, May 15, 2025 at 5:34 PM Anthony Law <tlaw1@telus.net> wrote:

Dear Hornby Island Local Trust Committee:

This is a proposal to take a dual approach to permitting the use of residential dwellings for accommodating paying visitors, recognizing the distinctiveness of operations carried out by residents.

Background

Near the beginning of this century, when a previous LTC began to look at how to permit and regulate vacation rentals, bed and breakfasts were a permitted home occupation. There was strong community interest in also allowing vacation rentals as a home occupation.

However, a home occupation use has to be carried out by a person whose home is on the property and who is resident while the use is carried out. This would have excluded non-resident property owners from carrying out vacation rentals because a resident would not be present on the property.

After considerable community discussion, bylaw amendments were adopted to allow vacation home rentals to be operated through land use regulations, like bed and breakfasts, but not as a home occupation.

Despite the regulations being more permissive than in similar jurisdictions, the majority of vacation home rentals have exceeded what was permitted. The number has also increased by about 50%.

At the same time, there has been a growing awareness of the potential negative impacts of the uncontrolled growth of residential dwellings being used for non-residential commercial purposes – including by the Province of BC, which adopted legislation to address the issue.

The legislation included enabling local governments to choose the option to limit vacation rentals to properties that are a principal residence. The Hornby Island Local Trust Committee chose to not adopt this option, but to instead require Temporary Use Permits for all vacation rentals, including those that are operated on a principal residence.

Rationale

There have always been a number of low key visitor accommodation operations conducted in our community by residents in a style and scale that have not presented problems for the community. It is unfortunate that they have been lumped in with problematic non-resident operations with the result of being subjected to an onerous permit process.

Because of their continuing presence in their neighbourhoods and the community, residents have far more accountability than part-time or non-resident property owners. Unlike people who own two or more homes, full-time residents often need supplementary income from visitor accommodation to sustain their valued contributions to their home community.

Proposal

I propose that residents of Hornby Island who are providing visitor accommodation on a property that is their principal residence be allowed to do so as a home occupation through land use regulations, without requiring a permit. This could be done by replacing Bed and Breakfast regulations with Guest House regulations.

The Land Use Bylaw defines "Bed and Breakfast" as follows:

Bed and Breakfast *means a home occupation use that provides bedrooms within a dwelling unit for the temporary accommodation of the travelling public, and the provision of breakfast meals to those guests, but does not include boarding house.*

It could be replaced by something like this:

Guest House *means a home occupation use, conducted by a resident, that provides temporary accommodation within a dwelling unit for paying guests and may or may not include the provision of meals.*

The Land Use Bylaw has the following zoning regulations for Bed and Breakfast

Bed and Breakfast

(37) Where a bed and breakfast home occupation is permitted in any zone subsections 3.6(38) to 3.6(41) inclusive apply.

(38) The operator of the bed and breakfast home occupation must:

(a) provide only temporary accommodation for the travelling public;

(b) use only rooms that are located in the dwelling unit in which the home occupation is operated,

for the accommodation of the travelling public;

(c) provide no more than two beds per bedroom; and

(d) serve breakfast meals to guests who have been accommodated overnight.

(39) Bed and breakfast home occupations are not permitted on lots with areas of less than 0.1 hectares.

(40) The number of bedrooms used to accommodate the travelling public in a bed and breakfast home

occupation must not exceed:

(a) one if the lot is 0.25 hectares or less in area;

(b) two if the lot is greater than 0.25 hectares and 1.0 hectare or less in area;

(c) three if the lot is greater than 1.0 hectare in area.

These could be replaced by something like this:

Guest House

(37) Where a bed and breakfast home occupation is permitted in any zone subsections 3.6(38) to 3.6(41) inclusive apply.

(38) The operator of the Guest House home occupation must:

(a) provide only temporary accommodation for the travelling public;

(b) use only rooms that are located in the dwelling unit in which the home occupation is operated,

for the accommodation of the travelling public;

(c) provide no more than two beds per bedroom; and

(39) Guest house home occupations are not permitted on lots with areas of less than 0.1 hectares.

(40) The number of bedrooms used to accommodate the travelling public in a guest house home

occupation must not exceed:

(a) one? if the lot is 0.25 hectares or less in area;

(b) two? if the lot is greater than 0.25 hectares and 1.0 hectare or less in area;

(c) three? if the lot is greater than 1.0 hectare in area.

I hope you will give this consideration.

Thank you.

Tony Law

From: HISTRA Association <hornbyshortterm@gmail.com>
Sent: Monday, August 18, 2025 9:18 AM
To: Alex Allen; Grant Scott; Timothy Peterson
Cc: [redacted]; Eulala Mills; Patrick Lui; Ray Therrien; [redacted]; Kim Luteijn; Jan Radford; Arifin Graham; Michelle Metzelaar-Easterly; Karen Young; Sonja Zupanec
Subject: HISTRA's Recommended Land Use Bylaw Amendments & Resolutions

Alex Grant, and Tim

Since the May 16 LTC meeting, we've engaged with the Hornby community to confirm there is broad support to refine the Land Use bylaw recommendations for Vacation Rentals ensuring they're effective, enforceable, and equitable.

The goal is to finalize a clear, broadly supported and effective draft for the fall Community Information Meeting.

Key Recommended Amendments to the Draft Bylaws

1. **Enable a Cap** on Vacation Rentals in the bylaws (with specific number to be determined later, see the suggested resolutions).

2. **Limit**: One TUP/license per person or business at a time.

3. **TUP Continuity**: specifically state ongoing TUP applications and renewals in 6-year cycles will be allowed.

4. **Application Timing**: Permit renewals/new applications within 6 months of a TUP's end.

5. **License**: enable the potential to move to CVRD licensing once a viable program exists.

6. **Remove**: lot and site plan requirements from the TUP.

7. **Permanent Residents**:

- Allow staying on-site while home is rented.
- Exempt them from the cap.
- Defer or subsidize TUP fees

8. **Short-Term Rental Definition**: Define as stays **under 30 days** to protect workforce housing (30–90 day stays) in the off season.

Resolutions Needed to Support the Bylaw Amendments

1. **Cap-Setting Process**: Established through a transparent, community-based process led by APC and specifically including HISTRA and HIRA (within 1 year of bylaw Implementation).

2. **Water & Septic**: Direct Islands Trust staff to collaborate with HISTRA, Hornby Water Stewardship and the APC to develop practical standards and processes to meet the TUP requirements.

3. **TUP Continuation**: Guarantee all currently operating and legal Vacation Rentals a TUP within 12 months from bylaw adoption.

o If the cap is set at a lower number, reduction would occur organically over time.

4. **Acknowledge the process and timing of Vacation Rental agreements** – most bookings are made 6 to 9 months early, owners who meet the criteria and requirements need to be provided TUPs 6 to 9 months before the rental season begins.

Next Steps

We would like the opportunity to discuss these recommendations before the September 5th LTC meeting. April Lewis is happy to join the conversations as well, bringing the perspective of the larger community. We will reach out to find an acceptable time for individual meetings with you to outline the thinking behind these changes and to answer any questions you may have.

If these adjustments are supported, you can **direct staff at the September 5th LTC meeting** to draft the necessary amendments and resolutions to ensure they are included in the discussion at the fall Community Information Meeting.

Why These Changes Matter

The current draft of the bylaws is missing these 8 items each of which add clarity and improve effectiveness and control. These changes stop Vacation Rental growth, support full-time residents, and prioritize fairness to those who follow the rules, and support environmental protection and community stability—while allowing for organic adjustments.

Respectfully,
The HISTRA Board
Ray Therrien, Arifin Graham, Patrick Lui, Eulala Mills, Michelle Easterly, Karen Young, Jan Radford, Kim Luteijn, Jenessa Tuele

From: Valerie Pagnier
Sent: August 19, 2025 1:28 PM
To: Alex Allen
Cc: Grant Scott; Timothy Peterson
Subject: Caping tourism

Dear trustees,

I do support the caping of short-term rentals for our overly used island during the summer months.

We simply do not have the infrastructures to support that many extra people.

Sincerely
Valérie Pagnier

From: April Lewis

Sent: Thursday, August 21, 2025, 3:59 PM

To: Alex Allen; Grant Scott; Timothy Peterson; Sonja Zupanec; Eulala Mills; Patrick Lui

Subject: Short Term Rental Letter Clarification

August 21, 2025

Good afternoon to All,

I am writing to clarify wording that was included in the August 18th letter from HISTRA to the Trustees and Staff.

I apologize for not bringing the need for clarification to the attention of the HISTRA folks prior to the letter being sent and my failure to do so is my responsibility, but I do see the need to correct any unintended misconceptions that may arise from the part of the letter that refers to me and my role.

Clarification 1:

The letter mentions that I am happy to attend meetings with the Trustees as a person representing the "community at large" and I need to clarify that in my conversations with HISTRA Board members, I was only representing myself as a neighbor of a short-term rental and as a community member with my own viewpoint, one that I know is shared by some, but I do not know how many. The wording in the letter to the Trust, in my interpretation, infers that I would be participating as representative of the community at large. It is important to me for all to know that I do not see myself as a representative of the community at large, and I am clear that no part of the community has not asked me to take on that role.

Clarification 2:

The proposed bylaw amendments contained within the letter are from HISTRA only, not from me. Although there are some points of agreement in what HISTRA is proposing, I personally, actually want a CAP on the number of STVR's without exclusions in the requirement to apply for a TUP. Since a TUP is the only tool available to the community at this time that can ensure that all STVR's are in compliance with septic and water regulations and other criteria that will be included in the TUP, I want all current STVR operators to be obligated to apply for permission to operate one STVR at their full time or part time residence and one STVR only, through a TUP process. My definition of all current STVR operators include both year-round residents who rent out their

primary residence as an STVR and part time residents who have inherited a house from long term residents and rent it out part time as an STVR. My current thinking is that whatever CAP is determined by the community is granted though a TUP process that is tiered; highest percentage and first priority to year-round residents using their primary dwelling; a low percentage of the CAP and second priority given to part time residents who have inherited their family home and use it themselves for part of year and demonstrate the need to operate an STVR to cover expenses to maintain this second home and keep it in the family.

More importantly, aside from my current opinion and thoughts, I want to see the community input process around STVR's and CAP's begin sooner rather than later so that all community members have an opportunity to provide their viewpoint to inform future decisions. I think that is the only way we are going to reach a solution that benefits the community as a whole.

Clarification 3:

In the spirit of working together to help move this whole process forward and building on the deeper understanding that was generated by my conversations with HISTRA Board members, I agreed to join HISTRA in meeting with the Trustees prior to the Sept. 5th LTC meeting to raise some issues that we had discussed together and to share my viewpoint with the Trustees.

But I have since discovered that is not appropriate for organizations to meet privately with the Trustees even one at a time prior to a meeting to discuss the Trust business at hand. As individuals, we can do that, but organizations cannot. I have let HISTRA know that I would not be able to participate in such a meeting as I do not want to do anything that could be seen to compromise, jeopardize, confuse and/or delay this already lengthy and sensitive process.

Thank you for your attention to my clarifications.

April Lewis

Tuesday January 6th, 2026

To: Tim Peterson (LTC Chair), Alex Allen and Grant Scott (Hornby Island Trustees)

We have been privileged and fortunate to own property for decades on Hornby and to support and respect the values of the Island.

We are appreciative for the opportunity to comment on the proposed short-term vacation rental bylaw (STVR) . In addition to this letter, 4 of us will be attending the information meeting being held at the Community Hall on January 23rd, 2026 and look forward to speaking to our concerns.

We respectfully oppose the proposed cap on qualifying Temporary Use Permits. A cap is arbitrary and unnecessarily restrictive. If a Short-Term Vacation Rental meets all permit requirements and remains in compliance that should be sufficient without imposing an artificial limit. We do support maintaining a stock of existing long-term rental housing and would support measures to reduce conversions to STVRs.

We are also concerned about limiting short-term rentals to May through September. This creates inequity among property owners and has unintended economic consequences for some. In our case, we use our home during the summer, which means it cannot be rented then. Limited off-season rentals simply help offset ongoing costs, just as summer rentals do for others.

Our rentals are modest and well managed. We rent only to vetted friends or referrals, do not advertise publicly, employ a local cleaner and trades people, and have had on-site oversight through long-term renters in a secondary dwelling. This approach has worked responsibly for over 40 years and would continue under any STVR permitting.

We strongly oppose any regulation respecting potable water tied to a temporary use permit. We have sufficient water for household needs, and drinking water is readily available on Hornby Island.

Finally, guest limits should be tied to septic capacity, not bed count. As long as occupancy stays within septic limits, room configuration should not be regulated.

We and our guests actively support Hornby Island businesses and artisans. We shop at the Co-op and Ford Cove. We eat at the Ford Cove pub, Seabreeze, Forage, VORIZO and Fossil Beach Farm. Purchases are made at Middle Mountain Mead, Hornby Heart Vineyard and Island Spirits Distillery and from local craftspeople. As written, the bylaw would reduce this local economic contribution without creating long-term rental housing, as our home will never be available for that purpose.

We respectfully ask our trustees to revise these provisions and adopt a more flexible, equitable approach that protects housing while allowing responsible, low-impact rentals to continue.

Thank you

Kim and Joanie Hesketh

Pia and Ralph Archibald

Mike Fenger

Jon O’Riordan

[redacted]

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Thank you

Kim and Joanie Hesketh

Pia and Ralph Archibald

Mike Fenger

Jon O’Riordan

[redacted]

Another Perspective on Hornby STVRs

As a full-time resident and property owner who has rented out our small guest cabin occasionally, I have watched with growing dismay the current Islands Trust process of approving STVRs on Hornby over the last few years. While attempting to solve a thorny situation of excessive summer visitors and a shortage of year-round homes, I believe there are big gaps in the current strategy that shut out a significant percentage of the island's population.

I heartily agree that all short-term rentals should have adequate, clean water and approved septic services, and I agree in principle with most of the recommendations of the APC regarding this issue. However, I have found that the recent process of determining what makes a legal STVR has bypassed a significant percentage of the resident population and will primarily reward off-island property owners who can afford second homes that often sit vacant. We are missing an opportunity for vacation home rentals that already exist, often on small lots, with on-site resident managers. Looking at our Islands Trust Land Use by-law 150, eliminating the restriction of the one-dwelling unit per small lot could alleviate some of our housing demand, while allowing STVRs managed by resident owners.

I am aware there are many full-time Hornby residents, living on lots less than 1.0 hectare (but greater than .1 hectare) who have accessory buildings suitable for long-term or short-term rentals on their properties. These dwellings are currently not legal as housing or vacation rental. Many of these residents, me included, would like to be able to provide short term rentals to summer guests to supplement retirement income. According to the zoning regulations, these secondary units could be used legally as a bed & breakfast home-based business, if the principal (or secondary) residence is occupied by the property owners. This seems to me to be an excellent model for small units of STVRs and they have the added bonus of an on-site manager, which would greatly reduce the problem of over-renting and noise by-law complaints.

By changing the land use by-laws to permit a secondary dwelling unit on smaller lots, Hornby Island would be able to legally accommodate small groups of summer vacation rentals (particularly singles and couples who don't need a large home) and may also provide long-term rental to some residents in need of better housing. It is no secret that many, many people here are housed in sub-standard and illegal accommodations. By legalizing up to one extra small dwelling on every lot of at least 0.1 hectare, we could bring property owners with these existent dwellings into compliance, provide much-needed accommodations to summer visitors, seasonal workers or caregivers, and prevent problematic STVRs.

From the by-law: 3.7 Vacation Home Rental Uses (
1) Vacation home rental uses must be in accordance with the following limitations:
(b) … on any lot permitted two dwelling units, one dwelling unit may be occupied by paying guests at any time, provided that an owner or tenant is resident in **a second lawful dwelling unit** on the lot during the vacation home rental occupancy.

I understand some folks may think that relaxing the zoning regulations to allow two dwellings on small lots may spur on a building boom and create urban style crowding on our rural island. This is far from what I am suggesting, given that up to 30 dwelling units could be built on a half-acre lot in Vancouver. Aside from the exorbitant cost to build a dwelling today, I think we could set reasonable limits to this density increase. Two dwellings per half-acre, respecting the lot coverage restriction, is not high-density housing. If caps on STVR numbers go into effect, it is reasonable to think that some of these second dwellings would become much-needed long-term housing.

I see that Mayne Island has adopted Flexible Housing Zoning and I suggest Hornby Island look at doing something similar, that would include our majority of small, approximately half-acre lots, and allowing proportionately appropriate short-term rentals. Of course, ensuring adequate water and septic service would also apply.

From the By-Law: PART 8 ZONE REGULATIONS
Permitted Uses (1) The following uses are permitted… (a) residential use of a dwelling; (b) residential use of a recreational vehicle; (c) accessory uses, buildings and structures, including but not limited to home occupations; and (d) vacation home rental use… 3) Lot coverage must not exceed …15% of any lot having an area of less than 1.0 hectare.

The benefit of having on site vacation rental management cannot be overstated. In all the Islands Trust discussion of what will make a legal STVR on Hornby Island, I have not seen anything that addresses problematic over-filling of rental houses and excessive noise from vacationers. Having property owners on site would be a good way to mitigate these problems.

I would suggest postponing the decision about STVR permits, cap numbers and such until the option of adopting flexible density is examined more closely and put to a public vote. If these issues are too disparate to be combined in any one session, then I request the zoning density be looked at separately, and as soon as possible. I see revising our land density regulations as a practical way to address housing shortages.

Liz Earle
Owner of a Small Lot in the Galleon Beach Area

From: Sybille Kretzmer <[redacted]>
Sent: Wednesday, February 4, 2026 4:14 AM
To: northinfo <northinfo@islandstrust.bc.ca>
Cc: Wind & Waves Holiday Homes <[redacted]>
Subject: Summer Rental on Hornby Island

Bruno Streicher Winddance [redacted] Hornby

To the Island Trust Members

Ladies and Gentleman,

with regard to the proposed new regulations of short term rentals, I would like to describe to you how it is for me.

I am very sorry I could not attend the meetin 23rd January, I will be back on Hornby Island in March.

For more than 40 years Hornby Island is my home now.

I have no feeling than beeing more at home somewherelse than here on my property Winddance with the house, the trees, nature around, the see, the community, my friends.

I am and I was a parttime resident of the island each year, minimum for half the year, in earlier times often longer when it was easier to get the visa.

Except the years in which I cared for my mother, who had developed dementia, until her death, I lived on Hornby for 6 plus months and worked as a truck driver in a Swiss Company to earn my living for the rest of the year.
When I am in Germany I live in the house of a friend.

The center of my life always was and is Hornby.
I participate(d) in community life, help(ed) my neighbours, was and am with my friends.
I always paid all my taxes (which are way more as not having a canadian passport).
In the summer months I rent(ed) my house since many years to manage the costs.
I never could afford a living with the property without summer rental, now that I am retired even less so.
I have always worked towards spending my retirement in my house on Hornby until I am no longer physically able to do so.

Now I am retired.
Everything works fine.
With Wind&Waves I can do the summer rental in an easier way than before.

And now I must fear, the Island Trust will kick me out?
Am I a 2nd class person now, discriminated?
Do I now have to fear that I will not be allowed to do any summer rental of my own and only home?

You know what that means?

Without the summer rental I can not cover all the expenses,
means I can not keep my house,
means I can not live on Hornby Island anymore,
means I loose my home,
I loose my living place,
I loose my community,
I loose my friends.

And all that in old age?
All that after more than 40 years as a parttime resident?

I am in my 74th year.

For whom are rules and laws?
Aren t they for protection?
For a community to function well?

I am absolutely sure that is your intention.
And I know sometimes it s difficult to regard all sides.
I am convinced you are doing your best to find a solution in which I am also included.

Thank you for your attention.

Bruno Streicher

From: les Brown <[redacted]>
Sent: Wednesday, January 21, 2026 4:46 PM
To: Alex Allen <aallen@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>; HISTRA Association <hornbyshortterm@gmail.com>
Subject: Bylaw community information meeting Friday Jan 23rd Les Brown

Good morning all,

In regards to the upcoming meeting I will not be able to attend but I do have questions for the two trustees and the chair and would like some answers to my questions, as this meeting is not available on zoom, looking forward to the answers, thank you 😊.

In my opinion I think that the current system is and has been working fine and I see no reason foe the TUP program first off….All of us that belong to HISTRA follow the guidelines that the HISTRA board has arrived at septic, water, parking, guest numbers etc.

In regards to the septic system certification / inspection proposed, I believe all property owners on Hornby have a responsibility in regards to stewardship of the water system and any requirement should also be met by *ALL* home owners on the island and if there is a disagreement in this regard please state the reasons….I am doing my part (I have spent tens of thousands of dollars to meet govt standards) why should others be exempt from following the same rules just because they may not be renting their home. There is no difference in the septic output… what is good for one is good for all in the interests of Hornby.

How and why would you prepose a cap before identifying how many existing, legal operators are eligible? Do you have a proposed cap in mind, and what evidence supports it as appropriate for Hornby? If you are proposing to cap the number of rentals, first off do you have an accurate verifiable number of homes that are renting and how did you get this number, facts please ….. …..Grant was heard to say that he has a number in his head…that is not the job of the trustees it is the job of the people.

Secondly who gets to select the number that it is set at…. Who will be involved in setting and reviewing the cap (APC, HISTRA, community, staff), will it be reviewed over time and how would decisions be made between equally qualified applicants? I have people, friends, that have stayed with me for ten / twelve years that love coming on their annual trip to Hornby that book 12 months in advance how much notice will there be if the TUP does go ahead ?

Both trustees Alex and Grant are here to represent the homeowners and people on Hornby they are not here to represent their own opinions and views… they are to be impartial and follow the will of the majority. Please follow this doctrine, this has not always been the case in the past but going forward with important issues such as this, this absolutely needs to happen.

There are many very important questions in regards to the Proposed TUP's if this happens.

Is there a cost of submitting such a TUP and what is that cost and how will it be arrived at ?.. proof is required, not just… oh I think we need this to cover the cost. There is no need to mimic other places. The cost should be minimal if implemented… When will requirements be made public if this goes forward? What will be required for a renewal as opposed to the initial application, why is a site plan required?

In my opinion there should be no cost associated with the submission of a tup if you are not assured of receiving the TUP.… I propose that the numbers be the same as are currently operating legally and meeting all conditions as per the HISTRA board recommendations. The effects on reducing the current numbers will have a dramatic effect on all businesses on the island…think of Sea Breeze for example and wedding guests, artists of all stripes, restaurant's, the CO- Op that makes a large part of its money during the summer. Not to mention various trades people and other help that we all employ to do projects that we will otherwise delay or not do. You have a small minority pushing this issue that will not be affected and again any action going forward should be the will of the majority of the people.

Regards, Les Brown

From: HISTRA Association <hornbyshortterm@gmail.com>
Sent: Friday, February 13, 2026 3:12 PM
To: Alex Allen; Grant Scott; Timothy Peterson
Cc: northinfo; Sonja Zupanec; Eulala Mills; Patrick Lui; Ray Therrien; [redacted] Kim Luteijn; Jan Radford; Arifin Graham; Michelle Metzelaar-Easterly; Ticara Derose Coertze; Karen Young
Subject: Vacation Rental Bylaw Special Meeting Input and Requests

Dear Tim, Grant and Alex,

Thank you for hosting the Community Information Meeting on January 23, 2026 and taking the time to hear from community members. We hope you were as impressed as we were with the support for the bylaw revisions including a cap on vacation rentals - provided current and future TUP applicants are treated fairly.

We hope you will allow a public comments section at the Special Meeting. It is important for the community to be heard as you consider such important and impactful changes.

After the CIM, we have the following questions and concerns:

1. How will applicants meet the TUP requirements, particularly those with non-standard systems (e.g. composting toilets, rainwater harvesting, guests bringing drinking water)?
2. Will you also permit owners to live on-site during their rentals?
3. How much will the TUP cost and can fees vary based on rental income, weeks rented or residency?
4. To keep things equitable for all legally operating owners, will you please set the cap after everyone currently operating is given a fair opportunity to achieve a TUP?

Other important considerations worth noting:

1. A site plan can cost upwards of $3,000 and add little value when water, septic, and parking are already regulated. Can this requirement be waived?
2. To support Hornby based businesses and groups, will you direct staff to accept Hornby Water Stewardship for water testing and local septic servicing and certification, given no ROWP lives on island?

Without allowing on-site residency, accepting non-standing septic and water systems, and removing site-plan requirements, full-time residents may be disproportionately excluded from receiving a TUP, which we believe is not the intent of these bylaws.

We are including below a set of recommendations we hope will help in your decisions. Thank you for your service and care for our community.

Sincerely yours,

The HISTRA Board

Jan Radford, Arifin Graham, Eulala Mills, Jenessa Tuele, Karen Young, Kim Luteijn, Michelle Easterly, Ray Therrien, Ticara Coertze, Patrick Lui

Policy Statements/Standing Resolutions:

1. Retain Existing Rentals: Clearly state the LTC intends to grant a TUP to all currently operating, legal, and compliant vacation rentals who meet the new regulations a Temporary Use Permit in the 12 months after the bylaw comes into force. If the cap is set lower than the initial number of TUPs granted, while existing TUPs will be renewed or approved for a subsequent TUP, no new TUPs will be issued until the number operating falls below the cap.
2. TUP Continuity: confirm it is intended that TUP applications and renewals, in six-year cycles, will be accepted, provided the rental meets the TUP requirements.
3. Application Timing: Allow renewals and subsequent TUP applications up to six months before the end of an existing TUP, to help reduce the impact on staff and the LTC, by spreading out the workload.
4. Licensing: Support for the potential transition to Comox Valley Regional District (CVRD) licensing when a viable program exists.
5. Local Benefit: Encourage the use of Hornby based services to meet the water and septic requirements by stating you will accept the detailed ($75) testing done by Hornby Water Stewardship and septic certification and maintenance by Hornby businesses who work with ROWPs but are not certified themselves.

Suggested Bylaw Revisions and Additions:

1. Enable the setting of a cap on the total number of Vacation Rentals, but leave the number open/unset until the end of the first year TUPs are in place.
2. Remove lot and site plan requirements from the TUP process requirements, as these are very costly and water, septic, and parking standards are separately regulated in the TUP requirements.
3. Allow residents/owners to stay on their property while renting their home as a Vacation Rental.
4. Include 'non-standard' water and septic systems as acceptable for the water and septic requirements. (e.g., composting or combustion toilets, rainwater harvesting, providing bottled drinking water or requiring guests to bring their own drinking water).
5. Define short-term rentals as stays under 30 days so as not to adopt the Provincial definition of 90 days and to protect needed year-round temporary workforce housing (often 30–90 days).
6. Set TUP fees relative to Vacation Rental gross income or weeks rented, with a floor of $250 and a ceiling of $3000.
7. Allow rentals all year and cap the number of weeks allowed for each rental at 22.
8. Exempt from the cap, but not the TUP, full time residents and those whose vacation rentals support front line workers in health care
9. Exempt from the seasonal restrictions/maximum weeks rented, but not the TUP, full time residents or those whose vacation rentals support front line workers in health care

Shalini Nakai

From: Peggy Sheppard <[redacted]>
Sent: Sunday, February 15, 2026 12:19 PM
To: northinfo
Subject: Fwd: Short term rentals on Hornby

>>> Hello ,
>>>
>>> Once again the Sheppard family, with our legacy property on Harwood Road, appeals to you to vote pro short term rentals.
>>>
>>> We have been able to employ local building contractors who live full time on Hornby for four major projects over the past ten years because of the extra income earned from short term rentals. In addition to that employment we pay for locally based housecleaning and yard maintenance services during the rental season.
>>>
>>> Businesses on Hornby benefit from having visitors staying on the island for a minimum of a week, giving them the time to really explore the variety of shops, studios, markets and make purchases. These summertime sales are what sustain the Hornby economy through the rest of the year. Day trippers have limited time to spend money on the island.
>>>
>>> The Sheppard family supports capping the short term rentals to the existing number of properties with TUPs. The capping will create balance with long term rentals.
>>>
>>> The Sheppard family supports regulating the short term rentals, with the TUP, ensuring the properties meet the requirements for water and septic.
>>>
>>> Thank you for taking our viewpoint into consideration.
>>>
>>> Regards,
>>> Don Sheppard
>>> Debbie Sheppard
>>> Dave Sheppard
>>> Darcie Jensen
>>>
>>>
>>> Sent from my iPhone

From: [redacted]>
Sent: Sunday, February 22, 2026 4:17 PM
To: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; northinfo <northinfo@islandstrust.bc.ca>
Subject: Hornby Island Vacation Rental Bylaws

We have been closely following the Hornby Island Vacation Rental Bylaws review process.

We understand there is a Special Meeting scheduled for March 3rd and wanted to take the opportunity to voice our support for some of the proposals of the Hornby Island Short Term Rental Association namely;

- **Retain Existing Rentals:** Grant all currently operating, legal, and compliant vacation rentals who meet the new regulations a Temporary Use Permit within 12 months of bylaw adoption.
- **Enable a Cap on Vacation Rentals:** Set a cap on the number of rentals, determined through a transparent, community-led process—including the Advisory Planning Commission (APC), HISTRA, and other community groups and members— within one year of bylaw implementation.
- **Support for Permanent Residents:** consider exempting them from a cap and offering TUP fee deferrals or subsidies.
- **Simplify Requirements:** Remove lot and site plan requirements from the TUP process, as these are costly and unnecessary given water, septic, and parking standards are separately regulated.
- **Encourage the use of Hornby based services** to certify that a rental will meet the water and septic requirements.
- **Enable flexibility and affordability**: including the ability to remain on site during rentals, the inclusion of non-standard water and septic systems, removing the requirement of a site plan.
- **Future Licensing and Definitions:** Enable the potential transition to Comox Valley Regional District (CVRD) licensing when a viable program exists and clearly define

short-term rentals as stays under 30 days to help protect workforce housing (30–90 days) in the off season.

- **Fairness in costs**: create a sliding scale for TUP fees dependent on rental income and/or the number of weeks an individual home is rented.

Thank you for the extensive time and effort you have expended on this process to ensure short term vacation rentals continue to support local artisans and small- businesses within the Hornby community.

Duncan White & Deneen Baron

From: les Brown <[redacted]>
Sent: Monday, March 2, 2026 6:40 AM
To: Alex Allen <aallen@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>; HISTRA Association <hornbyshortterm@gmail.com>
Subject: Vacation rental bylaw special meeting Friday March 3rd 2026 Les Brown

Good morning all,

In regards to the upcoming meeting I will not be able to attend but I do have questions for the two trustees and the chair and would like some answers to my questions, i will be watching on zoom thanks for making that happen. looking forward to the answers, thank you 😊.

In my opinion I think that the current system is and has been working fine and I see no reason for the TUP program first off....All of us that belong to HISTRA follow the guidelines that the HISTRA board has arrived at septic, water, parking, guest numbers etc. If the TUP program goes ahead I think that all currently operating legal and compliant vacation rentals that meet the regulations should be granted a permit.

In regards to the septic system certification / inspection proposed, I believe all property owners on Hornby have a responsibility in regards to stewardship of the water system and any requirement should also be met by *ALL* home owners on the island and if there is a disagreement in this regard please state the reasons....I am doing my part (I have spent tens of thousands of dollars to meet govt standards) why should others be exempt from following the same rules just because they may not be renting their home. There is no difference in the septic output... what is good for one is good for all in the interests of Hornby.

How and why would you prepose a cap before identifying how many existing, legal operators are eligible? Do you have a proposed cap in mind, and what evidence supports it as appropriate for Hornby?. If you are proposing to cap the number of rentals, first off do you have an accurate verifiable number of homes that are renting and how did you get this number, facts please ....Grant was heard to say that he has a number in his head...that is not the job of the trustees it is the job of the people....It should be a transparent community led process involving HISTRA and APC.

Secondly who gets to select the number that it is set at.... Who will be involved in setting and reviewing the cap (APC, HISTRA, community, staff), will it be reviewed over time and how would decisions be made between equally qualified applicants? I have people, friends, that have stayed with me for ten / twelve years that love coming on their

annual trip to Hornby that book 12 months in advance how much notice will there be if the TUP does go ahead ?

Look at enabling the transition to CVRD licencing when a viable program exists.. hopefully in the not too distant future.

Both trustees Alex and Grant are here to represent the homeowners and people on Hornby they are not here to represent their own opinions and views... they are to be impartial and follow the will of the majority. Please follow this doctrine, this has not always been the case in the past but going forward with important issues such as this, this absolutely needs to happen.

There are many very important questions in regards to the Proposed TUP's if this happens.

Is there a cost of submitting such a TUP and what is that cost and how will it be arrived at ?.. proof is required, not just... oh I think we need this to cover the cost. There is no need to mimic other places. The cost should be minimal if implemented... When will requirements be made public if this goes forward ? What will be required for a renewal as opposed to the initial application, why is a site plan required ?

In my opinion there should be no cost associated with the submission of a tup if you are not assured of receiving the TUP.... I propose that the numbers be the same as are currently operating legally and meeting all conditions as per the HISTRA board recommendations. The effects on reducing the current numbers will have a dramatic effect on all businesses on the island...think of Sea Breeze for example and wedding guests, artists of all stripes, restaurant's, the CO- Op that makes a large part of its money during the summer. Not to mention various trades people and other help that we all employ to do projects that we will otherwise delay or not do. You have a small minority pushing this issue that will not be affected and again any action going forward should be the will of the majority of the people.

Regards, Les Brown

From: Erian Baxter <[redacted]>
Sent: Tuesday, March 3, 2026 4:59 PM
To: Timothy Peterson; Alex Allen; Grant Scott
Subject: Hornby Island STVR concerns

Dear Island Trustees, and Island Trust Staff et al,

Thank you for organizing a special meeting to further create understanding and a plan around STVR on Hornby Island and how they can hopefully continue to responsibly operate and contribute to the Hornby Island Community and economy.

We recognize that the STVR on Hornby continue to be a complicated conversation and appreciate all your efforts to review this and try to come up with a plan to address all the various concerns.

We are one of the BC registered STVR on Hornby and we have been following all the guidelines from the province as well as all the Hornby Island suggested extra info and guidelines too. The creation of a Temporary Use Permit to further regulate the STVR on Hornby seems like a good approach and we appreciate the thought that has been put into this plan. We'd like to speak about the concept of Island Trust setting a STVR CAP # for Hornby and how that # might be derived. It seems only logical to go from the data you have from the BC Province on those properties that are currently registered and following up on the commitments that come with being registered with the Province for STVR, rather than setting an arbitrary CAP # lower than the amount registered and then possibly having to turn the application for TUP's into a "lottery" situation which could easily cause a lot of stress amongst the island community..

We welcome the consideration of basing the TUP fee on how many weeks one does rent their property out as some of us only do rentals for a minimal # of weeks rather than every week from May 1 - Sept 30, potentially up to 20 weeks and for us, as an example, we only rent for 8 weeks in the summer. If the TUP fees are really high we might need to consider renting our place out more than that though and that's probably not the preferred outcome from the licensing process but might be the inadvertent result for us and others that only rent for less that 50% of the allowed time frame.

Another observation from us is that looking at "advertised or listed" places isn't really accurate as, for instance, we have never ever listed or advertised our home as we only have rented to friends or friends of friends rather than creating a listing and having people we have no connection to come to our home. Also, if the opportunity to do STVR's at our home was removed for us we would like to recognize that our home would NOT turn into long term housing as some of our community think would happen

if the STVR option is removed for people like us. We and our family do spend lots of time there ourselves throughout the year so we would never rent our home out full time. If the STVR option is removed we would need to figure out some other way to make our home affordable for us though as the STVR income definitely has helped us become more fully engaged Hornby community members once again, rather than just summer tourists. Just a reflection on that as well is that some of our summer tourists, like us, do become some of our most engaged community members so STVRs do definitely have that benefit!

Thank you again for all the attention and efforts you have all, Island Trustees and staff and more, put into this situation. We greatly appreciate your time and consideration as we also greatly appreciate the board of Histra for all the information that they have shared and balanced consideration they have given to all the concerns on this issue. We look forward to a positive and productive meeting once again and greatly appreciate all the efforts from so many.

All the best,
Erian Baxter and Kevin Dubois
[redacted]

From: [redacted]
Sent: Tuesday, March 3, 2026 6:30 PM
To: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>; northinfo <northinfo@islandstrust.bc.ca>; premier@gov.bc.ca; ravi.kahlon.MLA@leg.bc.ca; Muni.minister@gov.bc.ca; lana.popham.MLA@leg.bc.ca; josie.osborne.MLA@leg.bc.ca
Cc: [redacted]
Subject: March 3rd 2026 mtg: RE: Short Term Vacation Rental continuation on Hornby Island
Importance: High

So, folks**, without any data on what fraction of existing STVR's currently belong to principal residents or not**, the latest proposal to restrict all STVR TUP's to Hornby Residents is irresponsible.

And "let's see what happens" – as I quote—is also not responsible ***planning***. By definition.

The new motion for permanent resident/principal residence TUP restriction feels like a betrayal of 50+ year Island families like mine, **who would LOVE** to be able to be in the category of Principal Residence Hornby residents one day … and still have our property there, supported by an annual ~ 8 weeks of rental to an annual total of about 30 people only, May through September… and thus have our Hornby home still there **when retirement arrives**.

But for now, we have to work the jobs we have elsewhere, while getting to Hornby every chance we can. And so, we're not Principal Residents of that fairest isle, *except in spirit*.

I respect your efforts, frustrations, and the very considered responses I've had in the past, but this feels like **what-the-heck behaviour** because you might not be on the committee in the next iteration, tired of it all – **OK** – but abandoning responsible actions– **not OK**.

It's just an irresponsible condition to put forward, without any information on what the numbers might be. I'm at a loss for further words and starting to repeat myself, but you get my drift.

I truly hope you review amongst yourselves and revisit your committee decision on the final version of that motion and the principal residence requirement of a TUP.

Sincerely,

Ian Bullen

[redacted]

From: [redacted]
Sent: November 26, 2023 1:40 PM
To: aallen@islandstrust.bc.ca; gscott@islandstrust.bc.ca; tpeterson@islandstrust.bc.ca; szupanec@islandstrust.bc.ca; northinfo@islandstrust.bc.ca; premier@gov.bc.ca; ravi.kahlon.MLA@leg.bc.ca; Muni.minister@gov.bc.ca; lana.popham.MLA@leg.bc.ca; josie.osborne.MLA@leg.bc.ca
Cc: [redacted]
Subject: Short Term Vacation Rental continuation on Hornby Island

November 26, 2023
TO: Sonja Zupanec, Representatives of the Islands Trust, and Staff, and MLAs

RE: Short Term Vacation Rental continuation on Hornby Island

Background:
Our mother, Bev Bullen, was a full-time resident of Hornby Island for many decades. She is still with us, at the respectable age of 97. She also actively did short term rentals through those decades and has a folder of the nicest thank you letters and notes from those who stayed at her Hornby Island home. A family decision was made for the next generation (Ian Bullen and Elizabeth MacIsaac) to purchase the Hornby Island property Bev can no longer stay in, and allow the purchase and its necessary funds to pay for her current life in Assisted Living care.

Decisions for mortgage and STVR plans made under legislative framework of Fall 2022:
Continuing the practice of renting the Hornby Island home for short-term rental (for periods up to a week, and approximately 8 weeks in the whole year) significantly assists us in overdue maintenance, and long term, in paying off the mortgage we willingly took on under legislative circumstances at the time, to be able to do this in Bev's final years. We wish to keep the Hornby Island property in the family, to spend our summers there, *and eventually to retire there ourselves*. But at this time, we must work off-island until retirement (and longer now too, with the mortgage).

Family island home, responsible STVR and water management:
Our time on Hornby Island is very precious to us and to our extended family. Among the approximate 8 weeks of STVR, we schedule ourselves in alternate weeks, so that we can make certain to be on the island during most of the summer months. And this makes it possible to ensure that our guests are respecting our occupancy rules, and to keep close watch of water and septic care. To our guests we supply bedding and swap it back to Victoria to wash, to conserve water. Water is a great concern on the island. Our rental documents very carefully delineate water conservation practices, including not flushing except when essential, and limiting shower frequency and duration. We have acquired flowmeters to track water use. We have bins in the sink for dishwashing water efficiency and re-use on plants outside, and surely have missing cutlery strewn in the garden, as those who also do this will know. We do have a well and it's not under stress - last year at the very dry end of the summer there was an excellent, normal level: more than 11 feet of water in the well, out of its 14-foot depth below surface, and in the Whaling Station Bay aquifer, too. We are very conservative with water even though Bev put decades of love into a garden which we scantily water over the summer. This year we have plans to add a large roof rainwater collection cistern for the garden.

This house would never be rental stock:
We would never take on long term renters, as we live in Victoria and are *at our Hornby home EVERY month of the year*, either us or our daughter and son-in-law, as time on Hornby is extremely important and precious to us. Were STVR's effectively forbidden in cases like ours and for many like us (as it currently appears will be the case as with the planned official community plan changes and the provincial removal of 'grandfathering'), we would have difficulty being able to maintain and pay off that huge investment (decided under the legislative framework of Fall 2022), to keep our definitive family connection to Hornby Island that has continued since the late sixties, and we hope, will be ongoing through successive generations.

Economic hammer, hurting local island community:
But we are shocked that there is some desire to suspend every single STVR on Hornby, period. Surely Hornby's economy relies on SOME basic amount of tourist income. While there are camping and a very few commercial operations like Seabreeze Lodge, that is a hugely drastic cut in THE NEEDED SUPPORT for the Festival, Exhibitions, potters, artisans, artists, Saturday market, vendors, the Ringside, Ford's Cove, and so on. It is difficult to come as a day tripper to Hornby. Not only that, but also, some visitors, such as those with infants, the handicapped or the many elder visitors, simply cannot easily stay in campgrounds or other rustic places. And what about those Hornby families who want to marry there and need to find places for their extended friends and family to stay? These too fall under the current changes. While it is true that Hornby can only handle SO many visitors, **actively** used STVR's in any given week, with numbers from the many like us who may rent only 8 weeks in a season, lead to calculations by HISTRA to account for and average of <400 people A WEEK in the defined rental season (of outsize contribution to the local economy), and this combination of provincial loss of grandfathered usage, and current bylaws resulting in a complete STVR ban is draconian, in that there will be a huge negative cost on so many levels to the Hornby Island community, in taking such extreme steps.

Resolution:
So we're in support of what the association HISTRA (www.histra.ca) is proposing, continuing STVRs with a cap that manages growth, and incidentally, have found the association amazingly helpful in resources to help us understand bylaws and requirements, and to do things 'right', in responsibly sharing our Hornby Island home for about 8 weeks in the permitted period from May-to-September.

Request:
Please seek accurate data and rapidly structure our bylaws and land use planning to continue existing STVRs on Hornby for practitioners like us who are existing and compliant, and with a reasonable room for more STVRs. That would be for other younger generations trying to maintain connections…as they take over their generational family homes from elderly Hornby Island parents.

Sincerely,

Ian Bullen and Elizabeth MacIsaac
[redacted]
[redacted]

[redacted]

From: Annissa [redacted]
Sent: Tuesday, March 10, 2026 2:50 PM
To: northinfo <northinfo@islandstrust.bc.ca>
Subject: STR owner Hornby Island

Dear Islands Trust Committee,

I am writing to respectfully request consideration for the continued use of my home on Hornby Island as a short-term rental.

My family and I have been coming to Hornby Island for more than 30 years, and it holds a very special place in our lives. Over the decades we have developed a deep appreciation and respect for the island's natural beauty, its quiet character, and the strong sense of community that makes it so unique. When we purchased our home, it was always with the intention that one day it would become our permanent residence.

Until that time, renting the home on a short-term basis allows us to maintain and care for the property while still ensuring it remains a place our family regularly enjoys. Our children and extended family spend time there throughout the year, and it continues to be an important gathering place for us.

During our many years visiting the island, we have come to value and support the local community in meaningful ways. We regularly purchase from local farmers, visit the farm stands and markets, restaurants, and support the island's talented artisans and small businesses whenever we are there. These connections are part of what has deepened our love for Hornby Island and, strengthened our commitment to being respectful stewards of the place we hope to call home full-time one day.

We also take great care to ensure that anyone staying in our home understands and respects the island. We are committed to responsible hosting, maintaining the property carefully, and ensuring that guests appreciate the quiet nature of the island and the importance of protecting its environment and community.

Wind and Waves has been an integral part of our Hornby rental experience for years. At first, we were the renters, and then we became owners. They really take the time to make sure that our renters are the right fit for our precious home. Most of my renters have been repeat customers for years. I have one renter that stays for 3 - 4 weeks every summer. So these people also have a deep rooted love for this beautiful island, and its community.

Our home is not simply an investment property; it is a place that holds decades of memories for our family and represents our future on Hornby Island. We are grateful for the opportunity to continue caring for it until the day we are able to live there permanently.

Thank you very much for your time and consideration. We sincerely appreciate the work the Trust does to protect the unique character and sustainability of Hornby Island.

Warm regards,

Annissa Done, and family

[redacted]

From: Sybille Kretzmer [redacted]
Sent: Tuesday, March 10, 2026 6:13 AM
To: aallan@islandstrust.bc.ca; Grant Scott <gscott@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; northinfo <northinfo@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>
Subject: Vacation Rentals

Bruno Streicher 2026-03-10
[redacted]
[redacted]
Hornby

Hello Alex, Grant, Tim and all I don t know personally,

I am sorry that I can not attend the LTC meeting March 10th, my friend is sick and needs help, so I will be on Hornby from April onwards.
I will let you know how your decisions will impact my whole life.

For more than 40 years Hornby Island is my home now.
I have no feeling than beeing more at home somewherelse than here on my property Winddance with the house, the trees, nature around, the see, the community, my friends.

I am and I was a parttime resident of the island each year, minimum for half the year, in earlier times often longer when it was easier to get the visa.
Except the years in which I cared for my mother, who had developed dementia, until her death, I lived on Hornby for 6 plus months and worked as a truck driver in a Swiss Company to earn my living for the rest of the year.

When I am in Germany I live in the house of a friend.

The center of my life always was and is Hornby.
I participate(d) in community life, help(ed) my neighbours, was and am with my friends.
I always paid all my taxes (which are way more as not having a canadian passport).
In the summer months I rent(ed) my house since many years to manage the costs.
I never could afford a living with the property without summer rental, now that I am retired even less so.
I have always worked towards spending my retirement in my house on Hornby until I am no longer physically able to do so.

Now I am retired.

Everything works fine.

With Wind&Waves I can do the summer rental in an easier way than before.

And now the Island Trust will kick me out?
Am I a 2nd class person now, discriminated?
Suddenly I should not be allowed to do any summer rental of my own and only home?

You know what that means?

Without the summer rental I can not cover all the expenses,
means I can not keep my house,
means I can not live on Hornby Island anymore,
means I loose my home,
I loose my living place,
I loose my community,
I loose my friends.

And all that in old age?
All that after more than 40 years as a parttime resident?
I am in my 74th year.

Is that what you want?

Is that humane?
Is that the new spirit of my island?
I will not believe so.
For whom are rules and laws?
Aren t they for protection?
For a community to function well?

I am absolutely sure that is your intention.
And I know sometimes it s difficult to regard all sides.
I am convinced you are doing your best to find a solution in which I am also included.

Thank you for your attention.

Bruno Streicher

From: Ken A-N <[redacted]>
Sent: Tuesday, March 10, 2026 2:36 PM
To: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>
Cc: northinfo <northinfo@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>; Hornby Island Short-Term Accomodation <[redacted]>; Wind & Waves <[redacted]>
Subject: Fwd: Principal Residence - related to STR

Alex Allen: aallen@islandstrust.bc.ca,

Grant Scott, gscott@islandstrust.bc.ca,

Tim Peterson, tpeterson@islandstrust.bc.ca,

Islands Trust Staff northinfo@islandstrust.bc.ca, szupanec@islandstrust.bc.ca

Regarding: 1. All residents, fulltimers and parttimers, should be permitted to apply

and if appropriate hold a Temporary Use Permit (TUP).

2. The Cap of 65 Short Term Rentals (STR) is too restrictive and this should be expanded.

3. The charge to rent a specific STR, must be taken into account with the cost of a

TUP for the specific STR. We as owners try to keep our prices down and we propose

that the TUP have a sliding scale. Furthermore, there should be some coordination

and reforms for the cost of a license imposed by the Provincial Government.

Dear Trustees and Islands Trust Team,

Thank you for your ongoing diligence on behalf of Hornby Island.

I am a legacy cottage owner at [redacted]. My family has held this property for fifty years;

My parents built the cabin themselves using logs from the land. While we currently reside near Skutz Falls to be

close to family, our Hornby cottage remains a vital part of our lives.

We are currently working toward installing a new septic system as our budget allows, utilizing a Sun-Mar compost toilet in the interim.

I am writing to express my concern regarding the proposed regulations. Restricting Temporary Use Permits (TUPs)

exclusively to principal residents is overly restrictive and invasive. Furthermore, the proposed cap of 65 Short-Term Rentals

(STRs) threaten the local economy. I have seen firsthand the distress this causes, including a local cleaner moved to tears at a

meeting last summer over the potential loss of livelihood. I also recall Trustee Allen's prior assurances that existing STRs would be grandfathered in.

Under the current proposal, we would be unable to obtain a TUP.

Beyond the economic impact on the staff and tradespeople I employ for my STR, my rainwater collection

system—designed by expert Ken Nentwig—would also fail to meet the new criteria.

Finally, as you introduce new layers of bureaucracy, I urge you to be mindful of the cumulative financial burden on constituents.

I encourage the implementation of a sliding scale for TUP fees and better coordination with

Provincial licensing costs to ensure Hornby remains accessible for legacy owners and those owners who are trying to keep

their prices low.

Sincerely,

Ken Agar-Neman

I acknowledge and respect the K'omocks and Cowichan peoples on whose traditional territory I live. Their historical relationship with the land continues to this day.

Ken Agar-Newman

From: **Ken A-N** <[redacted]>

Date: Tue, 3 Mar 2026 at 18:14
Subject: Principal Residence - related to STR
To: Alex Allen <aallen@islandstrust.bc.ca>

Dear Trustee Allen,

We have our STR with our family cottage managed by Wind and Waves.

Tonight you mentioned permanent residents and keeping the money from STR on Hornby Island. I interpreted that you were implying non-permanent residents are not utilizing the local economy as much as permanent residents in terms of STR's and therefore should not be permitted to qualify for a STR.

My permanent residence is in the Skutz Falls area, so I do not live on Hornby Island.

With the costs of taxes, insurance upkeep and up-grades, I make barely enough money from

STR's to afford our legacy cottage at [redacted] Moreover, if it's sold on Hornby and if a trades person is from Hornby, I purchase and utilize local. Our management team, Wind and Waves is another example of us utilizing the local economy. This is the most cost effective way to manage our cottage.

I believe that in relation to STR's I utilize the local Hornby Island economy just as much as a permanent resident does in terms of their STR. Please correct me if I am missing something, otherwise please acknowledge our equal contribution to the local economy even though we aren't permanent residents.

Secondly we are replacing our compost toilet with a septic field even though we have a half acre lot. We have garnered a local Hornby Island expert for this work. We have planned to continue with rain water collection due to its conservative water use. Were you implying that half acre lots cannot meet the TUP due to sewer and water regulations? I believe our strategy regarding water and sewer should meet the TUP regulations.

Finally I believe that a 65 STR cap will be too restrictive.
This number appears to not be backed up with downstream analysis of the consequences. The ferry statistics that you mentioned did not divide day tourists, locals, or STR rentals users, and therefore wasn't helpful for any cap number you decided. It's frustrating for me, not to have the tools to survey these ferry travellers.

The Galapagos Islands example of 14 visitors you gave, while

interesting, was also not relevant to Hornby Island due to the fact that

97 percent of the Galapagos Islands are a national park. Permanent

residents (30,000 people) are only permitted to live on 3 percent of the Galapagos Islands land mass.

Were you also suggesting that permanent residents should live on only 3 percent of

the Hornby Island landmass? I think not. While all these islands need protection, Hornby Island and the

Galapagos Islands from all the facts are very dissimilar places.

Thank you for your thoughtful deliberations with this important matter.

With best wishes,

Ken Agar-Newman

I acknowledge and respect the Cowichan peoples on whose traditional territory I live. Their historical relationship with the land continues to this day.

Ken Agar-Newman

From: Miranda-Jo Andersen [redacted]
Sent: Tuesday, March 10, 2026 9:12 PM
To: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; northinfo <northinfo@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>
Cc: Miranda-Jo Andersen <[redacted]>; HISTRA Association <[redacted]>
Subject: Vacation Rental Bylaws

Good day,

We left the last in-house Vacation Rental Bylaw meeting of January 23, 2026 at the Hornby Hall, with hearts a bit lighter due to the final words as the meeting came to a close...'how about we set the cap at 100', and we all clapped 'YES', and went on our way. Now we're told our trusted Trustees have changed their minds again and the new possible bylaws will be laid out at the next HISTRA meeting on Friday, March 20, 2026.

We implore you to STOP the process of allowing only permanent Hornby residents to be allowed to do vacation rental and cap it at 65!

We have written to you before stating our position, but we will state it again. We inherited our home on Hornby when my parents passed away. My parents purchased a cabin at Whaling Station Bay Estates in the mid-1970's. I've been going to my beloved Hornby for my holidays for 55 years now, far longer than most permanent residents have been there, I'm sure. We are simple blue collar workers and we must rent during the summer months as it is the only possible way we can manage to keep our home due to a hefty mortgage (having to buy my sister out when Dad passed away), and the constant escalating land taxes and house insurance. We don't like to rent out our home for obvious reasons, we'd far rather *we* could be there all summer. We spend a lot of time there during the off season.

If you force us to stop renting for 8 weeks of the year, we will definitely have to sell our home on Hornby and I can assure you the only people rich enough to buy it will **a)** hardly ever be there, **b)** certainly not be shopping at all Hornby has to offer like our renters and we love to

do (I wonder how the Co-op will survive), and **c)** consider our home a 'tear down' and build yet another huge monstrosity which will not only drive up the land taxes even more, but be an awful eyesore for all the permanent residents that get to be on and enjoy Hornby (not us!). Your decision is HUGE for our family and, by the sounds of it, many more families in the same position as us. **It will be devastating!**

Please do the right thing and STOP this process you are suggesting. We would like to humbly suggest 'capping' the number of rentals where they are now.

We hope to stop renting in a couple of years when my husband retires (I have just retired), and we plan on selling our primary home and downsizing, paying off our Hornby mortgage and spending much, much more time at our Hornby home, and we won't have to rent anymore.

Thank you for taking the time to read our plea and taking great consideration.

Regards, Miranda-Jo and Dave Andersen

From: EG Eppich <[redacted]>
Sent: Wednesday, March 11, 2026 5:53 PM
To: northinfo <northinfo@islandstrust.bc.ca>
Subject: Hornby Island vacation rental bylaw

To whom it may concern,

thank you for the time and effort you are putting into addressing housing challenges in our community. We understand that one of your key goals is to support affordable housing and ensure that Hornby remains a place where people can live and work year-round. We appreciate that this is not an easy balance to strike.

Many of us who own cabins here are not operating large vacation rental businesses. Our cabins are primarily family places that are used throughout the year, and we rent them occasionally simply to help offset rising costs such as property taxes, insurance, and maintenance.

The proposed changes—particularly the principal residence requirement and the cap—create a real concern for families like ours. If occasional rentals are no longer possible, some owners may feel pressure to sell. In many cases the likely buyers will be wealthier second-home purchasers who do not need rental income and who may rebuild larger homes. Those properties would likely be used only periodically and would not contribute to the rental housing stock.

Even if existing cabin owners choose not to sell and simply stop renting, those cabins will not become long-term housing. They are seasonal properties, often small and remote, and they will remain family cabins rather than housing units for the local workforce.

Our concern is that the policy may unintentionally reduce the diversity of ownership on Hornby without meaningfully increasing the amount of housing available for residents. At the same time, it may lead to the loss of many of the modest, locally built cabins that give this community its character.

We respectfully ask that the Islands Trust consider an approach that distinguishes between full-time commercial vacation rentals and low-intensity family cabin rentals that occur only occasionally. Allowing some limited flexibility for these situations could help families continue to keep their properties while still supporting your broader housing objectives.

We appreciate your willingness to listen and to consider the impacts of these changes on long-time cabin owners, the broader community, and the character of Hornby.

Thank you for your service and for considering these perspectives.

Elisabeth Eppich

From: Eulala Mills <[redacted]>
Sent: Wednesday, March 11, 2026 3:49 PM
To: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>
Cc: Sonja Zupanec <szupanec@islandstrust.bc.ca>; northinfo <northinfo@islandstrust.bc.ca>
Subject: The Devistating Impact of the Decisions made by the LTC March 3rd

Dear Alex, Grant and Tim

My family first came to Hornby in 1967 when I was a very small child. For 20 years we were 'Summer People,' renting various houses every summer and sometimes in the fall and winter too.

In 1987 my mom, Opal Clarke, finally found her oasis. She bought an uncleared lot, built her home and lived in it until 2019.

After her fall, having broken her hip, she was unable to return, and we began to offer Vacation Rentals to help offset the exorbitant cost of her care. She was adamant that her home was to go to me and then to my daughter, it was written in her final wishes. Selling was, to her, a betrayal, renting in the summer was a gratefully accepted option to keep her house for her family.

Since she passed in late 2021, her beloved home – we still call it 'Grammas' – has come to me to maintain and care for so that it can then pass along to my daughter.

Over the past 5 years I have done well over $200,000 of maintenance work to catch up on the many things that were needed, and there is a lot left to do. Wherever I can, that work goes to locals, supplies come from local businesses, rentals are managed by a local company, cleaners are local, garden support is local, plumbers, electricians, septic service – all Hornby workers.

I offer our family home for rentals 10-12 weeks between late June and early September. The rest of the year I am on the island about half time.

I am not wealthy. While I've worked hard all my life, I cannot afford a second home, especially one needing so much work, unless I am able to offer it to select and responsible guests.

I am provincially registered, have a certified septic system, and a rainwater harvest water system. My guests have an enforced water usage limit, and they are required to bring their

own drinking water. My capacity is six. I have proper parking and signage, and all my neighbours know to reach out to me or my on-island property managers if they have any concerns. I have never had a complaint, and I check in with all my neighbours at the end of every season to ensure nothing of concern happened.

I do everything I can to be a model Vacation Rental host and ensure my rentals benefit my neighbours, the Island community and the Hornby economy.

Don't you want the Vacation Rentals to be open and visible instead of secretive and unmanaged?

Why do you want a system that punishes me and those like me, who do everything they can to rent responsibly and respectfully, while those renting illegally and underground face no consequences, given the state of bylaw resources?

I will be forced from the Island, and my mother's legacy to her family will be lost, if the permanent resident requirement is added to the Vacation Rental TUP.

Even if you fix that, I could still lose her home if I'm not one of the 'lucky winners' with a cap set at 65, a number that is certainly below the current number of legal Vacation Rentals.

If I am forced to sell my mother's home, it won't help to create affordable housing, it won't reduce the summer population - just because it's not rented doesn't mean it will be empty—and it's unlikely to be owned by someone who grew up then raised their family in the community and has Hornby in their bones.

Please remove the Permanent Resident requirement from the TUP requirements and allow every currently operating, legal Vacation Rental that meets the TUP requirements to continue with a TUP.

I understand that you have a duty to protect the rural character of the Island.

I don't understand how you can believe that I, and all the other legal and responsible Vacation Rental hosts, hurt it.

Sincerely,

Eulala Mills

[redacted]

From: Liz Thurbide [redacted]>
Sent: Wednesday, March 11, 2026 5:32 PM
To: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>; northinfo <northinfo@islandstrust.bc.ca>
Cc: Association HISTRA <[redacted]>
Subject: Hornby Island Proposed changes to Vacation Rental bylaws

Dear Trustees Alex, Grant and Tim and Island Trust Staff,

I have quietly followed the Vacation Rental Bylaw drafting and approval process and was struck by the change in tone of the proposed changes from the March 3rd meeting. The previous meetings were all about compromise and what made the sense for the collective island, both permanent residents and part-time residents.

A little about us. We have been the proud owners of a small cottage on Hornby since 2018 that is only suitable for seasonal occupancy as it is built on stilts and has a limited heat source. When we are not using it ourselves in the summer months we have rented to four families annually for a maximum of five rented weeks a year.

We do not advertise our cottage on any of the rental platforms. We are registered for and have paid both PST and MRDT on this rental income. We have registered with BC STVR and paid the fee of $461.50. We paid to become compliant with the septic tank and water requirements. To summarize, we have done everything that was asked of us to continue to rent our cottage under the existing framework.

By limiting the rentals to Principal Residents you will effectively eliminate the PST and MRDT income on our cottage as well as income that our guests provide to our cleaner (a Hornby Island permanent resident), the vendors at the Wednesday and Saturday community market, and the Co-Op, Lix, Verizo, Sea Breeze and Ford Cove to name just a few businesses. The knock-on effect of closing all the part-time resident vacation rentals will be a disaster to the Hornby economy.

Please reconsider your requirement to limit vacation rentals to only Principal Residents. We are great part time residents and our guests look forward to supporting Hornby annually.

Please reconsider your cap of 65 rentals for Hornby. Until you know how many are actually on the island and how many are registered, making an arbitrary cap is flawed.

May I suggest that you consider grand-fathering in those that are registered and paying taxes annually to support the community.

Sincerely,

Liz Thurbide

From: Joan Hesketh [redacted]>
Sent: Thursday, March 12, 2026 2:10 PM
To: Grant Scott <gscott@islandstrust.bc.ca>; Alex Allen <aallen@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; northinfo <northinfo@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>
Subject: Proposed ByLaw Changes

Dear Trustees

I have owned property on Hornby Island for over 30+ years and use it as our vacation home. While I am not directly impacted by the Trustee's proposed bylaw changes, I am very concerned with the tone of the discussion at the most recent meeting (attended by zoom).

If the Trustees proposed bylaws restrict short-term vacation rentals to permanent residents only, the Trustees are effectively creating a large class of second-tier property owners. According to the 2021 Census, there were 1,117 total private dwellings on Hornby Island of which 654 were permanent residents. The remaining 463 dwellings were seasonal, recreational, or vacation properties. A bylaw which restricts Temporary Use Permits (TUPs) to permanent residents only, discriminates against 42 percent of Hornby Island tax payers.

In my view this is not a constructive way to build a respectful and inclusive community.

As a retired senior executive of the BC government I am acutely aware of the administrative law principles of fairness and justice and feel that these latest changes proposed by the Trustees do not reflect two key administrative law principles:

1. No bias on the part of decision makers
2. Reasons for decision that are detailed and transparent so the individuals concerned know the facts that were relied on and the reasoning behind the decision.

At the public meeting held on January 23, the majority of opinions expressed a desire that if there is to be a cap that the cap number be supported by empirical evidence . Specifically, empirical evidence that a higher cap would be detrimental to the Island. Also, that the decision for restricting short term vacation to summer months seems contrary to common sense and that the issuance of TUPs be done in a fair and transparent manner.

At the zoom meeting on March 3, Trustees recommended that the cap for TUP would be 65 down from the 79 initially proposed at that meeting.

Bias by decision makers: The decision makers appear to have changed their position from the January 23 public meeting where they were open to a cap for all who met the criteria for sustainable renting. Trustee Alex Alan said he has heard from many who use the gas bar that they want to restrict rentals. This suggests bias on the part of Trustees in that they appear to have given more weight to private comments made subsequent to the public meeting.

Adequate reasons for decisions: The Islands Trust Staff Sonia Zupanek said at the March 3 meeting that there was no data supporting the need for either decision - ie. the cap or issuance of TUPs to permanent residents only. Sonia also said that Trustees can make any decision which they feel is in the best interests of Hornby Island. I question whether a decision that disenfranchises 42 percent of tax payers is in the best interest of Hornby Island.

I urge Trustees to consider the following:

- TUPS should be open to all residents not just permanent residents. It's likely non permanent residents who rent their Hornby property use their rental revenue to pay property taxes and employ local islanders to do maintenance on their properties. We have seen no evidence that this rental income "leaves the island" as the Trustees have suggested.

- The cap should be based on successful applications for TUPs which meet all reasonable environmental and social criteria
- Short term rentals should be permitted all year round, not just in the summer months.

Respectfully,

Joan Hesketh

From: John Reid <[redacted]>
Sent: March 12, 2026 12:44 PM
To: aalen@islandstrust.bc.ca; Grant Scott
Cc: Timothy Peterson
Subject: Hornby Island STVRs: principal residents + TUP cap at 65

Alex and Grant:

I have been following Islands Trust issues around changes to STVRs for some time, and I recently witnessed the most recent closed meeting online, March 03 2026.

I fully endorse your motions to restrict vacation rentals to principal residents only, and to cap the temporary use permit at 65 (or less).

I do, however, take issue with relaxing fresh water and/or waste water methods. I believe that STVRs should be held to the same standards as commercial concerns, such as Seabreeze: no pits, no composting toilets, no surface grey-water disbursement; professionally inspected on a reasonably regular basis. I also think a survey of the property is a reasonable request; to eliminate candidates that transgress current property bylaws.

Be that as it may, given the new motion is to include 'principal residence', I encourage the Trustees to consider reviewing (again?) British Columbia's Short Term Rental Accommodations Act. The current TUP limit to 65 + principal residents only is very much approaching the terms of that act. Perhaps a discussion with peers at islands that have opted in (Gabriola, Bowen, and Saltspring) may be in order. There are benefits to be had - including enforcement - to opting in to the act, and its terms can act as the 'floor' for Hornby island i.e. HI can still install a TUP system, restrict secondary residences on small lots, etc.

I believe your next public meeting will be difficult, however it's not your first rodeo with a disagreeable audience. I encourage you to hold fast, breath deeply, and continue on the path you have chosen. Furthermore, I urge you to accelerate your efforts, as your terms are nearing their end.

I will do my utmost to attend the upcoming meeting to support your position. Furthermore- anecdotally - I believe you have the (quiet) support of a majority of residents. However, many if not most of them would rather not engage the issues within a tense live public discourse.

I have included HISTRA's most recent note to its membership below.

Sincerely,

John Reid

[redacted]

[redacted]

Good evening HISTRA Members,

For those who didn't see it live, the LTC asked staff to make three changes to the Vacation Rental bylaws on March 3rd:

1. Only Principal Residents (full time residents) can apply for a TUP - introduced by Trustee Scott.

2. Set the cap at 65 - Trustee Scott suggested 79 and Trustee Allen reduced it to 65.

3. Allow for Alternative water and septic systems to meet the TUP requirements.

The staff will now draft these amendments for the March 20th meeting.

To say this is not what we expected from the meeting is a big understatement - there was no mention of the Principal Residence requirement at the January 23rd meeting, and we thought they had agreed that the cap should allow for all legal Vacation Rentals to receive a TUP if they met the requirements at the end of that meeting.

This is not done yet.

We have seen, every time we are in the room in good numbers, they have moderated their position.

So, **this is our last chance** - it is essential that as many of us as possible turn up and speak out at the March 20th LTC meeting (It will start at 11AM, in person, at the Hall). The Trustees can amend the current changes at that meeting.

You also need to write to them as soon as possible and let them know how this will impact you, your families and the people whose jobs you support on Hornby. Here are the emails

Alex Allen: aallen@islandstrust.bc.ca,

Grant Scott, gscott@islandstrust.bc.ca,

Tim Peterson, tpeterson@islandstrust.bc.ca,

Islands Trust Staff northinfo@islandstrust.bc.ca, szupanec@islandstrust.bc.ca.

We will update you with more if we hear anything and will send a link to the meeting recording once it is available, but please **make plans now** to be on Hornby to attend the March 20th meeting in person and write as soon as you can - your presence and statements are the only thing that might get this changed.

Yours in stunned solidarity

the HISTRA Board

From: Kim Hesketh <[redacted]>
Sent: Thursday, March 12, 2026 2:50 PM
To: Grant Scott <gscott@islandstrust.bc.ca>; Alex Allen <aallen@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; northinfo <northinfo@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>
Subject: Hornby Island Bylaw Changes

Dear Trustees

I have owned property on Hornby Island for over 30+ years and while Hornby is not our permanent residence, we enjoy using our home year round. And while I am not directly impacted by your proposed bylaw changes, as a property owner and taxpayer on the Island, I can't sit idly by without expressing concern with the tone of the discussion at the most recent meeting (attended by zoom).

I attended the January 23rd meeting where there seemed to be a respectful discussion about short term vacation rentals, but based on your recent March meeting, it appears that you have largely ignored suggestions that were put forward at the January meeting.

If the Trustees proposed bylaws restrict short-term vacation rentals to permanent residents only, the Trustees are effectively creating a large class of second-tier property owners. According to the 2021 Census, there were 1,117 total private dwellings on Hornby Island of which 654 were permanent residents. The remaining 463 dwellings were seasonal, recreational, or vacation properties. A bylaw which restricts Temporary Use Permits (TUPs) to permanent residents discriminates against 42 percent of Hornby Island tax payers.

In my view this is not a constructive way to build a respectful and inclusive community.

As a retired senior executive in the private sector, I am acutely aware of the administrative law principles of fairness and justice and feel that these latest changes proposed by the Trustees do not reflect two key administrative law principles:

1. No bias on the part of decision makers
2. Reasons for decision that are detailed and transparent so the individuals concerned know the facts that were relied on and the reasoning behind the decision.

At the public meeting held on January 23, the majority of opinions expressed a desire that if there is to be a cap that the cap number be supported by empirical evidence . Specifically empirical evidence that a higher cap would be detrimental to the Island. Also, that the decision for restricting short term vacation to summer months seems contrary to common sense and that the issuance of TUPs be done in a fair and transparent manner.

At the zoom meeting on March 3, Trustees ended up recommending that the cap for TUP would be 65 down from the 79 cap first proposed at the meeting by Grant Scott.

Bias by decision makers: The decision makers appear to have changed their position from the January 23 public meeting where they were open to a cap for all who met the criteria for sustainable renting. Trustee Alex Alan said he has heard from many who use the gas bar that they want to restrict rentals. This suggests bias on the part of Trustees in that they appear to have given more weight to private comments made subsequent to the public meeting.

Adequate reasons for decisions: The Islands Trust Staff Sonia Zupanek said at the March 3 meeting that there was no data supporting the need for either decision - ie. the cap or issuance of TUPs to permanent residents only. Sonia also said that Trustees can make any decision which they feel is in the best interests of Hornby Island. I question whether a decision that disenfranchises 42 percent of tax payers is in the best interest of Hornby Island.

I urge you to consider the following.

- TUPs should be open to all residents not just permanent residents. It's likely non permanent residents who rent their Hornby property use their rental revenue to pay property taxes and employ local islanders to do maintenance on their properties. We have seen no empirical evidence that this rental income "leaves the island" as the Trustees and some of permanent residents have suggested.
- The cap should be based on successful applications for TUPs which meet all reasonable environmental and social criteria
- Short term rentals should be permitted all year round, not just in the summer months. As noted by Grant Scott at the January 23 public meeting it didn't seem to make sense to exclude winter month rentals given that there are special events at Christmas and herring fest that visitors might wish to participate in.

Respectfully

Kim Hesketh

From: Lee-Anne Marshall <[redacted]>
Sent: Thursday, March 12, 2026 6:26 PM
To: aallan@islandstrust.bc.ca; Grant Scott <gscott@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; northinfo <northinfo@islandstrust.bc.ca>
Subject: Reduction in STVR on Hornby

Dear Hornby Island Trustees,

I am writing to you a second time to urge you to reconsider your decisions made at the HISTRA meeting on the 3rd March, 2026.
The impact of these decisions seriously affect myself as a property owner and the Hornby Islanders, employed by me.

I have been coming to Hornby for decades, and was finally able to purchase my dream - a small seasonal cabin on the ocean (in a low density STVR area). I am surrounded on all sides by owners (who are now my friends) who do not rent out their properties. I purchased this little two-bedroomed cabin from the people I had previously rented from and who had run it as a STVR. I still rent each Summer to the same group of people that rented it before I owned it. I have kept the weekly rent still affordable. I have registered it with the province and pay all the taxes.

Being in a position to recoup some revenue from the property was the only way I could get a mortgage and afford it.
Then, I was forced to retire early as I had a serious cancer diagnosis followed by extensive surgery and treatment. I am now been in remission for 5 years.
My reduced pension (because of early retirement) only covers the mortgage for my cabin, and the means for food and gas. I live in Duncan with my husband, who is still working. We enjoy weekends at the cabin on Hornby in the off-season.

I employ a Hornby Islander to clean the cabin weekly during the busy summer months. I employ a Hornby Islander to do all the required work on the cabin during the off-season. He recently put on a new metal roof, rebuilt two retaining walls, rebuilt the deck, removed two old outhouses (the cabin has a new septic system) and installed a new shower Insert. I have a local clean my chimney and do the WETT inspection, another replaces my filters for the well, and a local arborist that manages the trees.

Consequences of March 3rd Decision

If I am no longer able to rent out my cabin, I will be forced to sell it, probably at a significant loss given that there will likely be multiple listings by people in the same situation as myself, and, given the current market situation.

My cabin is seasonal and not suitable for year round living, therefore will not be an option to the unhoused people on Hornby. Nor for my husband and I for that matter, once he retires. The local Hornby Islanders that I employ will no longer have my business, or the business of other owners like myself.

I urge you once again to reconsider your decision. Please permit current owners to continue running their legal STVRs, provided they meet all the requirements that you have set for the TUP.
Allow attrition (or as a penalty for non-compliance with the bylaws or TUP requirements) to gradually reduce STVR numbers over time.

Yours respectfully
Lee-Anne Marshall

[redacted]

Hornby Island Short Term Rental Association
Email: hornbyshortterm@gmail.com

Dear Alex, Grant and Tim,

At the Community Information Meeting on January 23, it felt as though the Local Trust Committee and the community had made meaningful progress toward a shared understanding and support of the proposed Vacation Rental bylaw changes. Many of us left that meeting believing we were close to a balanced approach that worked for everyone.

So, the decisions made at the March 3 special meeting came as a shock and have left many in the community distressed and confused about how things changed so dramatically.

The potential impact of these decisions is devastating.

Vacation Rental hosts are long-time members of the Hornby community—most have been neighbours for over a decade, and some families have been connected to the island for two or three generations.

The amendments target residents who operate legally and responsibly, and who contribute to the social and economic fabric of Hornby. Requiring hosts to be permanent residents excludes almost all these families, despite their ties and contributions to our Island.

There are also significant economic implications for the island's year-round residents, local businesses, service providers, and artists who depend on the activity generated by Vacation Rentals to survive. The permanent residency requirement will significantly reduce their incomes, and even if you reverse that, removing 30-35 currently operating rentals would take away wages and jobs many full-time Hornby families rely on.

Each legal Vacation Rental, on average, supports roughly $20,000[i] *(please see the end notes for sources and calculations)* in local spending annually—income that represents months of work for someone living on the island. The cumulative effect will be felt across the community.

While the amendment to include safe water and septic alternatives in the TUP requirements is welcomed, we respectfully urge the Trustees adopt changes to the Vacation Rental bylaws that respect all residents, protect the community's character and its economic stability:

1. Remove the permanent residence requirement.
2. Set the cap at 100, while allowing for all currently legal and qualifying Vacation Rentals to obtain a Temporary Use Permit (TUP), with any needed reduction occurring through attrition.
3. Define short-term rentals as stays of less than 30 days.

Our hope is that the bylaw can move forward in a way that honours the longstanding contributions of the many families who responsibly host visitors in our community, regardless of their residency status.

We believe there is still an opportunity for a solution that works for the entire Hornby community.

Sincerely,
The HISTRA Board
Jan Radford, Arifin Graham, Eulala Mills, Jenessa Tuele, Karen Young, Kim Luteijn, Michelle Easterly, Ray Therrien, Ticara Coertze, Patrick Lui

and the 95 Vacation Rental Hosts we represent

Hornby Island Short Term Rental Association
Email: hornbyshortterm@gmail.com

Context and Facts

100 Vacation Rentals on Hornby:

- Are a reduction of 40% from the 162 counted in 2018 and of 25% from the 131 counted in the 2023 Community Profile – there has been **no growth**[ii] in legal Vacation Rentals for five years.
- Are primarily operated by people who spend significant time[iii] on Hornby throughout the year, even if they do not meet the definition of a permanent resident.
- Contribute roughly $2 million[iv] annually to **local workers, businesses, and artists**.
    - Fees paid to owners are not included in that amount, nor are the taxes paid on fees. $2M is a calculation of the **local spending** that comes to Hornby residents from the existing Vacation Rentals every year.
- Account for less than 10% of weekly summer visitors, while part-time homeowners, who don't offer legal vacation rentals, represent closer to 60%[v].
    - Homes no longer rented won't be empty, reducing Vacation Rentals will create little or no reduction in ferry traffic, E. coli contamination or water consumption.

Regarding Septic and Water

- Vacation Rental owners clearly support the new Water and Septic requirements and have been investing in needed upgrades to meet them.
- Close to half of Vacation Rentals have some kind of rainwater capture system[vi].
- The highest E. coli counts are found in winter – this is not caused by Vacation Rentals but by housing that does not have effective septic systems.
    - Everyone on Hornby should be supported to ensure dwellings on their properties have safe septic and water. This is an issue for the whole community, not one specific to Vacation Rentals.

Regarding comments made during the March 3rd meeting about illegal operators:

- In late 2025, the Islands Trust bylaw team identified and sent warnings to 10 Vacation Rentals potentially renting out of season.
- A scan of current viewable listings showed that 95% indicated they were not available for short-term rental out of season.
- The calendars on Hornby Accommodations do not automatically block the October–April period. Listings can appear available or rented when they are not.
- A small number of operators rent outside the permitted season, exceed bed limits or contravene other requirements, those activities place them outside compliance and therefore will make them ineligible for a TUP.

Regarding comparisons to Hornby:

- The jurisdictions noted in LTC meetings as having set a cap or reduced Vacation Rentals, including the San Juan Islands, Whistler, California, and Maui have done so by:
    - allowing existing and legal Vacation Rentals to continue by setting the cap at the current number;
    - allowing all existing and legal Vacation Rentals to continue and the cap be reached by attrition; or
    - giving a 5 or more year phase out period to allow for fair and reasonable adjustments.

- Ocas Island invested in a three-year study to determine the size of a cap that protected their water, their economy and their community. **The Orcas model was local, data-driven, and island-specific. Their cap is reached though attrition; all legal operators were able to continue.**
- Since we don't have large hotels and resorts as these other jurisdictions do, Vacation Rentals generate the majority of Hornby's 'Service Income'. Removing almost all Vacation Rentals would devastate the small labour force[vii] on island.

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[i] Yearly Vacation Rental generated spending ON HORNBY: Upkeep and Maintenance: $535,000, Cleaners, caretakers etc., $820,000, Guest Spending $775,000 -Total $2,130,000. Average Direct Spending on Hornby per Vacation Rental, $21,130. (Source 2022 HISTRA Owners and Guests Surveys and 2023 community profile, does not include rental fees paid to owners).

[ii] Individual houses shift in and out of offering Vacation Rentals, the net number operating has declined steadily since 2021. (Source, APC report 2022, Community Profile 2023, HISTRA count of unique provincial registration numbers 2025)

[iii] Source, HISTRA Owners Survey 2022.

[iv] Yearly Vacation Rental generated spending ON HORNBY: Upkeep and Maintenance: $535,000, Cleaners, caretakers etc., $820,000, Guest Spending $775,000 -Total $2,130,00. (Source 2022 HISTRA Owners and Guests Surveys, does not include rental fees)

[v] 5,500 weekly Ferry passengers and two out of three of the 100 Vacation rentals hosting 6 guests, 430 part time homes with an average of 6 people each. 400/5500=9%, 2580/5500=59%. (Source: Ferry data 2023 community profile, guest and visitor information based on average capacity of Vacation Rentals in 2025 and 2022 HISTRA owners survey)

[vi] 43% have some Rainwater Harvesting, (Source, HISTRA 2022 Owners Survey).

[vii] Two in 3 of Hornby's full-time residents are not in the labour force. Hornby's labour force is 485, 250 of which are self employed, (Source 2023 Community Profile)

From: Patrick Lui [redacted]>
Sent: Friday, March 13, 2026 2:42 PM
To: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>
Cc: Sonja Zupanec <szupanec@islandstrust.bc.ca>; northinfo <northinfo@islandstrust.bc.ca>
Subject: Hornby Island Short Term Rental Bylaw Revision; Principal Residency and Cap

Dear Grant, Alex, and Tim,

After attending IT meetings for the last 4 years, I was stunned to hear you reverse direction without warning to propose the Principal Residency requirement and reduce the cap to 65 at your electronic meeting on March 3. While I appreciate your consideration for full time Hornby residents, I encourage you to reconsider treating part time residents as somehow less than other members of our community. These people are our friends and neighbours; we celebrate milestones, birthdays, marriages, and mourn deaths together. To cast them as strangers is both misguided and hurtful. Part time residents volunteer, donate, and contribute to our society, right down to our taxation system. Without the support of part time residents, full time residents would bear a heavier load for our tax funded services, including the Islands Trust. In short, our part time residents deserve fair treatment for TUP status because they directly contribute to our shared way of life. While you may take examples from other municipalities, countries and societies, your decisions must take into account the uniqueness of Hornby's special character and make up.

Grant, you mentioned Principal Residency as a way to "keep the money on Hornby island". While I don't have numbers, I ask you to consider how our visitors who stay in STRs hugely and favourably impact our local economy and how the MRDT, which Vacation rentals generate 75% of, does stay on the island. At the March HIRRA Assembly meeting HICEEC reported there is $200,000 collected from MRDT funds so far dedicated to creating affordable housing. Of course, the most direct way money stays on the island is the many local jobs STRs generate. On a personal note, the Principal Residency requirement will close my rental management business, something I've spent 10 years of my life building.

I urge you to remember everyone who has spoken at the last few Trust meetings about vacation rentals have unequivocally agreed to the proposed regulations, including septic certification and potable water. It shows Vacation Rental owners are actively investing in the Islands Trust mandate to Preserve and Protect the island. Vacation Rentals will hopefully serve as the forerunners and set precedent for homes island-wide to adopt these regulations, a better strategy to Preserve and Protect the environment and groundwater than Principal Residency or Severe Capping.

Planner Zupenac reported there are 87 Provincially Registered Vacation Rentals on Hornby and HISTRA counted 98. By capping the number at 65 you are reducing the number of Provincially Registered STRs by 25%-35%, a drastic reduction by most people's reckoning which could have untold consequences across our community. If you still think it necessary to reduce the number of rentals, it makes better sense to stay close to the number registered to first test the waters and avoid doing more harm than good.

Please do not adopt the Principal Resident Requirement and reevaluate the cap.

Thank you for your time and service to our community.

Be well,

Patrick Lui

From: Peter Orr [redacted]
Sent: Friday, March 13, 2026 9:51 PM
To: northinfo <northinfo@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>
Cc: hisTRA Association <hornbyshortterm@gmail.com>
Subject: Island Local Trust - STVR Policy

Hornby Island Local Trust Committee

As I am unable to attend the Committee's meeting of March 20th, email notice only having been sent March 13, I wish to raise several concerns in writing. From communication provided by HISTRA I gather that the focus of the upcoming meeting (none being identified in the Committee's official notification) is, again, STVRs. It is my understanding that the Committee now proposes to reverse the policy outlined at the conclusion of the meeting of Jan.23, specifically the agreement to provide TUPS to all existing STVRs that operate within regulations and to now issue local permits only to Island residents.

To my knowledge the Committee has never articulated its objectives in limiting the number of STVRs on the Island, so one can only infer.

One possible goal is to address the shortage of affordable housing on the Island. This change will do nothing toward that objective. In major cities the Province restricts short term rentals to those operated in the owner's principal residence, because short term rentals in cities cannibalize long term rentals. Applying this restriction on Hornby Island will not make available affordable long term rentals. Owners of vacation homes of Hornby still want to vacation there. Nor do they buy property on Hornby to become landlords. (Returns for long term rental property are much higher elsewhere.) Off-Island owners will not permanently abandon their homes to long-term rental regardless of whether short-term rentals are permitted.

From the tone of Committee meetings I've attended, the Committee's main objective is to curb the volume of visitors to the Island. This the proposed restriction will certainly do. By my estimate Island visitors will drop by about 1/3rd.

The impact on local businesses will be substantial. The thousands of visitors to be barred are predominantly the highest spending visitors. The effect on operators of restaurants, artisans and service providers will be significant. The largest business on the Island is of course the Co-op. Having embarked the replacement of co-op building, a major capital project, the Co-op can ill-afford a drop of more than 30% of its summer cash flow.

The decline in visitor numbers will of course bring a decrease in summer ferry volume. The multiple sailing waits we've all experienced in the summer months give a misleading impression. BC Ferries Financials 2025 (p.16) reports the Denman East-Hornby Island route operated at a capacity utilization of 55.3% on an annual basis (up from 47.3% in FY2024.) Low operating capacity is a reason BC Ferries minor routes, Buckley Bay to Hornby among them, collectively generated a loss of $145 million in FY2025. If the Hornby Trust choses to severely restrict access to the Island, BC taxpayers will ask why they should subsidize ferry service to a place they cannot visit.

I am under no illusion that this note will influence the Committee's policy decisions. I believe that the Local Trust will continue to serve the interest of a vocal minority. I provide this input merely for the record. So that if the restrictive policy is adopted and local businesses are severely affected, the Committee cannot say we did not know. Only we did not care.

Peter Orr

Vancouver & Hornby

March 4, 2026

Dear Alex, Grant, and Tim,

As a 31-year resident, farm and B&B operator on Hornby, whose family has been deeply involved in community projects for decades, I write to you from a place of sincere connection to this island and its economic sustainability.

I have closely followed the multi-year discussions on proposed STVR bylaw changes, believing the core objective was to achieve **BALANCE** for our community—balancing density, environmental sensitivity, and the local economy.

I was genuinely shocked by the drastic shift in position taken by the Trustees at the March 3rd meeting. The decision to drop the cap from the proposed 100 (as stated at the January 23rd Community Information Meeting), to 65 and add a permanent resident requirement is a severe blow to many community members. Property owners who are not full-time residents remain vital members and contributors to our community and the local economy. These overly restrictive measures will inevitably lead to negative impacts on local businesses and create further divisiveness on the island.

I urge you to reconsider these changes. Specifically, I request that you drop the permanent resident requirement and reinstate the cap of 100 to acknowledge and allow all currently legally operating STVR's to get Temporary Use Permits (TUPs) to continue operating. I feel that it's important to acknowledge these people for their compliance and integrity.

While I appreciate that one of the intended outcomes of developing new STVR regulations is to help address the housing crisis, these overly restrictive regulations are likely to be counterproductive. Vacation home owners, many of whom have held their properties for generations, will face one of two outcomes: being forced to sell or, for a lucky few, simply hosting more friends and family. Neither of which will create housing, reduce the summer population (private homes do not have occupancy restrictions), water usage or ferry waits. The reality is that many vacation home owners will likely be forced to sell. Displacing one group of homeowners in an attempt to create homes for another is short-sighted and discriminatory.

There are currently several groups, including HISTRA, Wind & Waves, and My Hornby Stay, who actively advocate and monitor for STVR bylaw compliance. Understanding their practices—which also address environmental impact and density—could really continue to help foster community confidence that a successful and balanced model for STVR's is being built.

I feel that these current proposals are just too restrictive, unbalanced, and discriminatory and they are failing to align with the mandate of the Islands Trust to achieve community balance.

Respectfully,

Karen Young

From: Michael Fenger [redacted]
Sent: Sunday, March 15, 2026 3:30 PM
To: Grant Scott <gscott@islandstrust.bc.ca>; aallen@islandstrust.bc; Sonja Zupanec <szupanec@islandstrust.bc.ca>; northinfo <northinfo@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>
Subject: Short term vacation rentals - Letter of Concern.

Dear Hornby Island Trustees March 14, 2026

I have owned property on Hornby Island for 49 years and have used it as a vacation home/get away with my three growing children for all these decades. Now fully grown with partners of their own, we all enjoy time at our Hornby home, with extended family and friends too. We've maintained and enjoyed friendships over these decades with full-time Islanders who love this place as well. I believe that paying property taxes over these decades has benefited those who live here year-round as well as myself and other non-resident property owners. I have rented to help defer the costs of maintaining this property but it also means that not just my family and I, but also those who have rented from me have provided economic benefit on Hornby year-round.

In past Trustee meetings it has been mentioned that the economy of Hornby was doing just fine 20 years ago and it is implied it will be fine once Short-Term Vacation Rentals (STVRs) are capped, limited to summer months and eligibility restricted to only permanent Hornby Island residents who pay property taxes.

I would argue that the economy of 20 years ago was just fine because it **was** supported by the STVR year-round renters like those who have rented yearly from me over many decades. I no longer look for new renters as those with a history of staying at my Hornby home in the past plan to continue to come to Hornby with their families yearly when they too need a getaway or family time at Christmas, spring break etc. This letter is urging Trustees to reconsider the current capping system, seasonal prohibition for renting and discriminatory restrictions against non-resident property owners being placed into draft Hornby bylaws.

I am deeply concerned with the instructions given to Island Trust staff on limiting rentals to only those who own property and live full time on Hornby. I don't think the long-term regular clients who plan their get-away time on Hornby and who have enjoyed renting from me will understand that my house must sit empty and they cannot come to Hornby as they have done for decades simply because I don't live on the island.

I think the residency requirement is a red herring and as such should not distract the Trustees from the task of limiting rentals from properties that do not have adequate septic systems which could be polluting the groundwater—a common shared resource that needs protection. I support limitations on renting based on: the number of people a septic system can handle, rules that prohibit rentals/renters that cause noise-related disturbances, and the requirement that a STVR property has an appropriate renter management system in place. Limits on the number of guests should be based on septic capacity, not bedroom configuration and criteria such limitations on the number of beds in a room. If septic systems are designed to handle the occupancy, I believe that is sufficient and controlling room layout and bed count seems unreasonable.

According to the 2021 Census, there were a total of 1,117 private dwellings on Hornby Island of which 654 were permanent residents. The census did not disclose if all permanent residents owned their properties or were renting. The census classified 463 dwellings as seasonal, recreational, or vacation properties. As the proposed bylaw will restrict Temporary Use Permits (TUPs) to permanent residents only, it would discriminate against 42 percent of Hornby Island property owners who also pay property taxes.

Those of us non-residents who do STVR do so to help offset the costs of maintaining our properties and I, for one, provide access to Hornby year-round for other well-screened, nature-loving friends to respectfully enjoy too. My family and our friends and friends of friends who rent contribute to the local economy (and local employment) with our purchases of food, items from the shops and offerings from local artists such as pottery. We collectively provide ongoing employment to those who work and create on the Island, and those who do up-keep and cleaning of our properties.

For me, and other moderately-incomed off-island owners, without a source of rental income to defer operating expenses/taxes, there will likely be some of us who are forced to sell if we aren't allowed to rent. The buyers could potentially be very rich off-islanders who don't need rental income and they would only come for Hornby a couple of times a year, and therefore would not be supporting the local economy much. If the intent of the proposed bylaw is to create mostly vacant houses owned by very well-off non-residents, that seems a likely outcome.

If the bylaw passes, forty percent of the properties could be vacant except when the wealthy owners come for their holiday time, and the stores, businesses, and artists will have fewer sales. Is that consistent with the long-term vision for the Hornby Islanders? I thought the long-term vision is more along the lines of protecting the environment and building a sustainable community, including providing jobs for Hornby Island residents.

The proposed regulations would include a cap on short term rentals in addition to the limitation to residents only but also be capped at a particular number? *I urge the Trustees* to *abandon the cap approach*. The proposed cap on Temporary Use Permits (TUPs) feels arbitrary and in the long-term has possible negative ripple effects. Limiting rentals with those restrictions seems not fully studied and could render sweeping financial challenges for the people who work, live and create on Hornby. The results of a cap-system are not fully studied and I don't think they can be. Many of us off-island owners would be devastated if due to financial hardship we had to sell our homes. Our family, friends and friends of friends would be devastated, as well as the friends we've made on Hornby. If a homeowner meets all the requirements, follows the rules, and operates responsibly, why should they be turned away simply because a 'cap' number has been reached? I support preventing long-term rentals from being converted into short-term ones — but I think a hard cap punishes good actors without solving the housing problem.

If STVR caps are to be pursued, the onus is on the Trustees and those who support caps to bring empirical evidence that STVR are detrimental without a cap.

Instead of an arbitrary STVR cap I suggest the Trustee focus on whether the rental property has a properly functioning and maintained septic system, adequate water for the number of people who will be using the property and that the building/property is otherwise sound and well-maintained so that well-managed rentals are kept within the carrying capacity of the building(s) and land. In addition, the Temporary Use Permit (TUP) can also focus on property management so there is assurance that there is adequate management regarding noise or overcrowding, etc. I feel these criteria will be sufficient to control vacation rentals.

Also, the issuing of TUPs should be done in a fair and transparent manner. I have clients that specifically come for the herring season and also rent over Christmas to maintain family connections. The current proposed regulations would make renting illegal during these times.

I share the island-wide concern and the need to protect a supply of long-term rental housing and safeguard a rental supply to prevent conversion of existing long-term rentals to STVR. This means inclusion of criteria on future STVR conversions needs to be in place to limit the number of STVRs coming from long-term renter evictions. I support preventing long-term rentals from being converted into short-term ones — but a hard cap punishes well-established good actors without solving the housing problem.

The proposed restriction limiting rentals to May through September is particularly troubling in my case, because I have used this home during the summer and have been doing so with my three now-grown children and their partners and my extended family for decades. If

renting is restricted to summers, that means we can't enjoy the home in summer as we have for decades. Off-season rentals are the only way we can help offset rising costs like taxes, insurance, and maintenance, so that my family and I can enjoy the summers there. Taking that away doesn't create housing — it just makes it harder for long-time owners to keep their homes.

In earlier Trustee meetings the concept of restricting tourism through limiting rental options was considered reasonable because it happened on other islands specifically Maui and the Galapagos Islands. Drawing these two examples as a rational for STVR caps for Hornby is a stretch for me. Many people lost their lives due to a wildfire in Maui. A web search reveals there are restrictions and outsiders are not welcome in the *Burn Zone of Lahaina as it is for residents and Maui area businesses still need support, but its crucial visitors be respectful, reverent, and helpful*.

A web search also provides insight to why and how the *Galapagos limits tourism to protect its fragile ecosystem by enforcing strict visitor rules, including mandatory certified guides, required park fees ($200 for most foreigners as of August 2024), and limitations on boat sizes (maximum 100 passengers). Key restrictions include staying on marked trails, keeping 2 meters from wildlife, no single-use plastics, and a 60-day maximum stay*.

I suggest that comparison of Hornby with Galapagos is an apple-to-oranges comparison. Tourists come to Hornby Island to enjoy the natural environment and there are a number of rare and endangered species which have safeguards in place to protect them from pressures from human degradation by residents and non-residents. There are marked trails and signage to stay on them. STVR policy with seasonal rental bans and number of rental unit caps limited to resident property owners is not the appropriate tool to safeguard the environment and species at risk. Education is.

Finally, for over 40 years, my rentals have been quiet, modest, and carefully managed. I don't advertise online. I rent only to friends or trusted friend referrals. I hire local cleaners and tradespeople. For the past 15 years or so I've had the same on-site caretaker who is a long-term renter and who lives with his small family in a secondary dwelling on my property. Prior to that, since the late 70's I've had other long-term renters living there to help maintain and enjoy the property. This isn't absentee speculation — it's stewardship.

I'm also deeply concerned about regulations tying potable water to temporary use permits. I have sufficient water for household needs, and safe drinking water is readily available on the island. This feels like an added burden that doesn't reflect how people actually live here. I've spent a lot of time on Hornby over the decades, have many local friends, and my

daughter and her husband have rented and lived on the Island for many years. I have a well-established understanding of how people live here.

Importantly, (as I stated earlier) my guests support Hornby businesses. They shop at the Co-op and Ford Cove, eat at local restaurants, visit farms, wineries, distilleries, and buy from local artisans. That economic activity matters — especially outside the summer months. As written, this bylaw would reduce that support without creating a single new long-term rental, because my island home will never be available for that purpose.

I am asking for balance. For fairness. For regulations that reflect the realities of this island and respect for those who have cared for it responsibly for decades. Please revise these provisions and adopt a more flexible, equitable approach — one that protects housing and allows low-impact, well-managed rentals to continue.

I urge Trustees to:

- Reconsider the current approach entirely. TUPs should be open to all property owners not just permanent resident land owners. It's likely non-permanent residents who rent their Hornby property use their rental revenue to pay property taxes and employ local islanders to do maintenance on their properties. I have seen no evidence that this rental income "leaves the island" as Trustees have suggested.
- The cap should be based on successful applications for TUPs which meet all reasonable environmental and social criteria, some of which were suggested above i.e. on adequate septic systems, management of renters (noise) on site etc.
- Short term rentals should be permitted year-round, not just in the summer months. Hornby businesses benefit from this.

Thank you for your time.

Mike Fenger,

[redacted]

From: [redacted]
Sent: Sunday, March 15, 2026 6:47 AM
To: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; northinfo <northinfo@islandstrust.bc.ca>; szupanec@islandstrust.bc.ca.
Cc: hornbyshortterm@gmail.com
Subject: Hornby Island - Vacation Rental Perspective

Dear Islands Trust Council,

I would like to begin by expressing my appreciation for the work the Islands Trust undertakes to preserve and protect the Gulf Islands. These values are deeply important to our family, who have been connected to the Hornby Island community for twenty years. I am writing to share our experience as you consider the future of short-term rental regulation on Hornby and other islands.

My connection to Hornby Island began in the late 1980s when I first visited through a friend who had once been a long-term resident. Like many others, I was immediately drawn to the island's natural beauty and its distinctive sense of community. Years later, when my German wife and I were looking for a place where our family could experience a strong connection to nature and community life, we chose Hornby and purchased a home.

Life eventually took us abroad. My engineering work brought our family to Hamburg, Germany, where we have lived since 2012. Despite this move, we made a conscious decision to keep our home on Hornby and remain connected to the island.

During the years when our children were young, we regularly spent extended periods of several months on the island. All three of our children attended Hornby Island Preschool, and our family life there allowed them to develop a deep appreciation for nature, creativity, and community. During these visits and until recently when it was no longer possible, my parents would stay with us so they could build close relationships with their grandchildren. My mother, who lived with post-polio syndrome, even received home care through the Hornby Island program. Today, our children—now teenagers and adults—continue to insist

on spending their summers with us on Hornby. The island continues to play an important role in shaping our family.

Maintaining a home on Hornby while living overseas, however, presents financial realities. In order to keep the property and continue returning to the island, we began renting our home periodically to visitors who wished to experience Hornby Island themselves.

Importantly, the majority of the income generated through these rentals flows directly back into the local community. We rely on local residents for cleaning, gardening, lawn care, and maintenance, and we regularly hire local tradespeople for property upkeep. In practice, approximately 80 percent of the rental income is reinvested locally. We also regularly provide off-season accommodation to island residents or workers; for example, a Hornby Island school teacher is currently renting our cabin.

For families like ours, responsible short-term rentals make it possible to maintain our homes and continue contributing to the island community, even when our work requires us to live elsewhere. If non-resident owners were required to cease rentals entirely, we would likely still visit Hornby. However, the local employment and economic activity generated through our property would decline, and the off-season housing we provide would disappear.

I fully appreciate that the Islands Trust is trying to address legitimate concerns about housing availability and community sustainability. These are important issues for any small island community. At the same time, I hope that policy solutions will consider the diversity of situations that exist among property owners and the many ways in which responsible rentals contribute to the local economy and community life.

Our experience suggests that there may be room for balanced approaches that address housing pressures while still allowing families like ours to maintain long-standing connections to Hornby Island and continue supporting the local community.

Thank you for considering our perspective as part of your deliberations. I would be happy to provide further information about our experience if that would be helpful.

Sincerely,

Martin Rempel

and family:
Kerstin Wulff, Amelie Rempel, Philip Rempel & Kiara Rempel

Martin Rempel

[redacted]

From: Peter Devette [redacted]
Sent: Sunday, March 15, 2026 5:34 PM
To: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; Patrick Lui <[redacted]>; Sonja Zupanec <szupanec@islandstrust.bc.ca>
Cc: HISTRA Association <hornbyshortterm@gmail.com>; northinfo <northinfo@islandstrust.bc.ca>
Subject: Re: March 20th Local Trust Comittee Meeting 11:30 AM FRiday March 20th at the Hall

Good evening, in regard to everything including the reasonable changes HISTRA is proposing, the following might not have been considered to date. I am not able to attend the meeting, but would like to convey the following :

The Canadian Charter of Rights and Freedoms

The *Canadian Charter of Rights and Freedoms* protects a number of rights and freedoms, including freedom of expression and the right to equality. It forms part of our Constitution – the highest law in all of Canada – and is one of our country's greatest accomplishments.

Every year on April 17, we celebrate the anniversary of the Charter which was signed in 1982.

Equality rights

Equality rights are at the core of the Charter. They are intended to ensure that everyone is treated with the same respect, dignity and consideration (i.e. without discrimination), regardless of personal characteristics such as race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability, sexual orientation, **residency**, marital status or citizenship.

The current path the trustees are on discriminates against the non-permanent residents of Hornby island.

I believe this to be an important argument. Something that can have legal considerations and consequences.

Respectfully,

Peter Devette

[redacted]

On Sat, Mar 14, 2026 at 6:53 PM HISTRA Association <hornbyshortterm@gmail.com> wrote:

Hello HISTRA Members:

We hope you have been able to arrange things to come to the LTC meeting on March 20th, at the Hall starting at 11:30 - for anyone who wants to speak, you have to attend in person, and we need as many of you as you can to speak to impact of both the permenant resident requirement and the cap of 65 on your families and futures. They will either move forward with the March 3rd meeting decisons or adjust them. We need to be in the room to have any chance to impact the outcome.

HISTRA has asked the Trustees for three changes:

1. Remove the permanent residence requirement.
2. Set the cap at 100, while allowing all currently legal and qualifying Vacation Rentals to obtain a Temporary Use Permit (TUP), with any needed reduction occurring through attrition.
3. Define short-term rentals as stays of less than 30 days

Many of you have shared your amazing and hearfelt letters to the Trustees - we thank you for them, they are inspiring! We've attached the letter HISTRA sent yesterday For those that are wanting to write - those letters need to be sent **by the 19th** for the Trustees to see them before the meeting - here are some of the themes that are running though the letters we've seen:

- We beleived we had were in alignment on Vacation Rental bylaws that worked for the whole community, not perfect but a reasonable compromise, the decisions made March 3rd were a shock
- We have deep connections to Hornby
- Houses not rented will not be empty in the summer, they will be sold to vacationers who will still be here in summer months, or for those who can afford it, filled with family in the summer
- Responsible managment helps to protect Hornby
- We are one community, treating the 41% who are part time not full time residents as, essentaily, less valuable to the community is unfair, divisive and wrong.
- We invest in the local ecomomy, hireing many locals throughout the year, the money from Vacaton Rentals offered by Part Time residents doesn't leave hornby, much of it goes to full time residents working here.
- Many intend to retire here if they can hold on until retirement by renting
- These changes do not create affordable housing, reduce the summer population or make the ferries less busy

For those who just can't get here on a Friday morning, here is the link to watch the meeting: March 20th LTC Meeting Link. We also now have the recording of the March 3rd meeting where these decisions were made: March 3rd LTC Special Meeting recording

We hope to see lots of you on Frday the 20th.

Your in solidarity

The HISTRA Board

Jan Radford, Arifin Graham, Eulala Mills, Jenessa Tuele, Karen Young, Kim Luteijn, Michelle Easterly, Ray Therrien, Ticara Coertze, Patrick Lui

From: Ryan Denomme [redacted]>
Sent: Sunday, March 15, 2026 5:24 PM
To: Timothy Peterson <tpeterson@islandstrust.bc.ca>; Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; northinfo <northinfo@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>
Subject: Concerns Regarding Proposed Vacation Rental Bylaw Changes

Dear Trustees Allen, Scott and Peterson,

I am writing regarding the proposed changes to the Vacation Rental bylaws discussed at the March 3 meeting.

Like many others, my impression from the January 23rd community meeting was that we were moving toward a balanced approach that would address concerns about water, septic systems, and responsible management while still allowing existing legal vacation rentals to continue operating. The introduction of both a permanent residency requirement and a significantly reduced cap was therefore **surprising and concerning**.

I am not a permanent resident of Hornby Island, primarily because my professional responsibilities require me to live elsewhere for most of the year. However, Hornby is deeply important to my family and me. Between ourselves, our friends, and extended family, our home is occupied a significant portion of the year. The remaining time it is used for vacation rentals, allowing others to experience the island while helping offset the significant costs of maintaining the property.

Importantly, these rentals are not replacing local housing or sitting empty when they are not rented. If the ability to operate a vacation rental were removed, the likely outcome would not be an increase in housing availability for full-time residents. Instead, many properties would simply become seasonal homes for owners and their guests—resulting in little change to summer population levels while eliminating important economic activity that currently benefits local residents.

Vacation rentals generate meaningful spending within the Hornby community. According to data compiled by the Hornby Island Short Term Rental Association, existing vacation rentals contribute over **$2 million annually** in direct local spending through cleaning, maintenance, caretaking, and visitor purchases at local businesses. Removing a large number of legal operators would therefore have significant downstream effects on the livelihoods of many full-time residents who depend on this seasonal activity.

I also believe it is important that decisions about caps and restrictions be grounded in careful analysis. A recent comparison of short-term rentals per capita across Gulf Islands suggested that Hornby may have the highest density of vacation rentals. However, that comparison did not consider several critical contextual factors.

For example, Hornby has very few alternative forms of accommodation such as hotels or resorts compared to other islands. When these are included in the analysis, the difference between Hornby and comparable islands becomes much smaller. Additionally, Hornby's existing bylaws already limit vacation rentals to a relatively short seasonal window (May–September), which significantly reduces the total number of rental nights available compared with jurisdictions that permit year-round short-term rentals. When the analysis is adjusted to consider available rental nights rather than simply unit counts, Hornby is no longer an outlier with the current number of rentals that are available.

Given these factors, I would respectfully encourage the Trustees to **reconsider the permanent residency requirement and the proposed cap of 65 units**.

A more balanced approach would be to:

- Remove the permanent residency requirement.
- Set a cap that allows all currently legal and qualifying vacation rentals to obtain a Temporary Use Permit.
- Allow any future reductions in total numbers to occur gradually through attrition.

This approach would protect the community from unchecked growth while also recognizing the contributions of responsible operators who have invested in Hornby and followed the existing rules.

Finally, I would note that part-time residents represent a significant portion of the Hornby community. Many of us contribute economically, maintain properties responsibly, and have long-term plans to spend more time on the island in the future. Policies that effectively exclude this group risk creating unnecessary division within what is ultimately **one shared community.**

I appreciate the difficult balance the Trustees must strike in making these decisions and thank you for taking the time to consider these perspectives.

Sincerely,
Ryan

From: Rassamee Ling [redacted]
Sent: Monday, March 16, 2026 5:40 PM
To: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; northinfo <northinfo@islandstrust.bc.ca>
Cc: hornbyshortterm@gmail.com
Subject: March 20th LTC meeting on Hornby - request to speak and letter

Dear Trustees,

I am writing to share some background information about our family's connection to Hornby and our concerns with the proposed bylaw changes pertaining to short term rentals. I also wish to request an opportunity to speak in person at the upcoming March 20th, 2026 meeting at the Hornby community hall.

Our family own's property on Hornby Island, which has been passed down from our grandparents. The property was bought in 1958 and our grandparents were one of the early property owners on Hornby Island. Over the years, we have taken pride in caring for the property and Hornby Island. We care deeply about preserving the unique character of Hornby and ensuring that our actions do not significantly impact the island or the enjoyment of its use.

The proposed motion to limit property rentals to only resident owners would severely impact our ability to keep the property since we are nonresident owners. We use our limited rental income to only fund the property taxes, and maintenance of the property. Our concern is that, if we are forced to sell, future owners would not share the same long-term commitment for caring for Hornby and the community as we have demonstrated over many years. We have already seen changes to our area where a house was sold and was replaced by a newer house that did not reflect the character of the neighborhood. This type of decision risks altering the qualities that make Hornby special.

We support several aspects of the vacation use proposal such as upgrades to septic systems and potable water supplies. We also agree with limiting the rental season, and

limiting camping and recreational vehicle use on residential property. However, we are concerned that targeting short term rental limitations to non residents only would unintentionally lead nonresident owners to sell to other nonresident owners who may not have the same care or long term connection to Hornby Island.

We respectfully ask that you engage in good faith with non resident property owners and consider the impact on families like ours who have responsibly cared for property on Hornby for generations and are committed to the stewardship of Hornby.

Sincerely,

Marshall Cheng

March 16, 2026

To: The Islands Trust/ Alex Allen, Grant Scott, Tim Peterson

From: The Graham Family, Hornby Island.

Subject: Support for Continued Responsible Vacation Rental Use – Longstanding Hornby Island Property

Dear Trustees,

I am writing regarding our property on **Hornby Island** and the importance of allowing it to continue operating as a **responsible vacation rental** consistent with the island's **long-standing tourism economy and community values**.

Our family has owned the **Dunlop Point property for more than 50 years**, and for over **20 years** we have responsibly rented the home to visitors in a manner that respects the **character of the island and surrounding community**. Our guests are primarily **families who return year after year**, drawn by the island's **natural beauty, artistic culture, and close-knit community**. The property has been carefully **managed and maintained** throughout this time, reflecting the values that make Hornby Island such a special place.

This **long-standing activity represents an established use** that has been part of **Hornby Island's visitor-supported economy for decades**. We believe **historic, responsibly operated rentals** such as ours should be **recognized and allowed to continue**, particularly where they have contributed positively to the community. **Rental income also helps support the upkeep of the property**, and without it we may ultimately be **forced to sell**.

The **Islands Trust mandate** emphasizes preserving the **unique amenities and environment** of the Trust Area while supporting **sustainable island communities**. On Hornby Island, the **seasonal visitor economy** has long helped sustain the **local arts community, farms, markets, and small businesses** that define the island's culture.

In addition to supporting the broader island economy, the property directly contributes to **local employment**. Each summer we employ **six Hornby residents** for **housekeeping, gardening, and property maintenance**, providing **seasonal income and circulating economic activity within the community**.

Using the **Islands Trust 2021 own census survey (enclosed)**, there are two significant statistics that point out the value that a **reasonable seasonal rental strategy** benefit:

Demographics: Hornby Island's median age is **62.8**, with **55% of residents over age 60**, compared with a **Canadian median age of about 40 and roughly 20% of Canadians over 65**. A healthy seasonal visitor economy helps support this aging population by sustaining local services, businesses, and tax revenues while also introducing potential future residents who contribute to the island's long-term community sustainability.

Economics: Hornby Island has approximately **475 households that own their property**, with a **median home value of about $600,000**, representing **over $200 million in residential value**. Seasonal rental potential can help support **property values and economic stability**, particularly for older homeowners.

Hornby Island is also experiencing several major community initiatives, highlighting continued investment in Hornby as the community evolves to support both residents and visitors, helping strengthen the local economy while preserving the island's unique character.

- **$18M Beulah Creek Village** – 26 affordable homes for residents.
- **$10M Hornby Co-op redevelopment** – expansion of the island's primary grocery store.
- **$6.6M Tribune Bay Campground redevelopment** by the Ministry of Environment and Parks.
- **$4M Hornby Island Resort at the Thatch** – adding 15 visitor suites.

Responsible vacation rentals such as ours also represent a **low-impact form of visitor accommodation**. By utilizing **existing homes rather than encouraging larger-scale resort development**, the island can continue to welcome visitors while preserving its rural landscape and community character—an outcome that aligns closely with the broader goals of the Islands Trust.

After more than **five decades of stewardship of this property**, our intention remains to operate it responsibly and in a manner that contributes positively to the Hornby Island community. We respectfully ask that the Trustees recognize the role that **longstanding, responsibly managed vacation rentals play in supporting Hornby's cultural and economic vitality**, and that historic uses such as ours be permitted to continue.

Thank you for your continued stewardship of the Gulf Islands and for your thoughtful consideration.

Sincerely,

Nick Graham

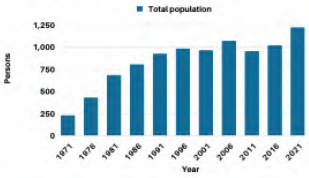
The Graham Family
[redacted]

2021 Census Profile

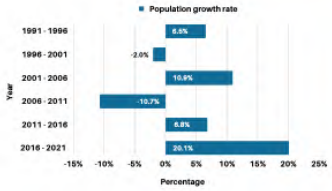
Hornby Island Local Trust Area

Total population

The total population of Hornby Island Local Trust Area was 1,225, with a median age of 62.8 in 2021.

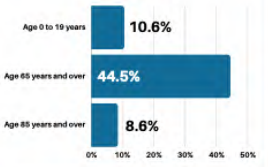


Total population growth rate

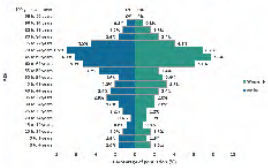


Between 1991 and 2021 the population of Hornby Island Local Trust Area grew by 32.4%.

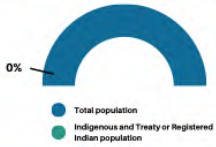
Population of children versus seniors, 2021



Total population by gender, 2021

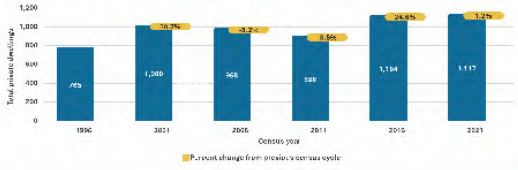


Population by Indigenous and Registered or Treaty Indian status, 2021

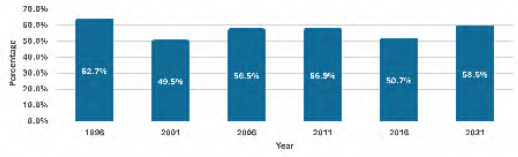


In 2021, 0% of the total population identified as Indigenous or Registered or Treaty Indian.

Total number of private dwellings and percent change between 1996 and 2021



Percentage of private dwellings occupied by usual resident between 1991 and 2021



Notes:

- 1971 and 1976 Census, Hornby Island Local Trust Area split into Denman Island Local Trust Area and Hornby Island Local Trust Area by using the 1981 population and dwelling proportion.
- 1981 Census, about five sixths of EA 59005252 included here and about one-sixth of EA 59005252 included here.
- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of "5" or "10." To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.

Sources: Statistics Canada, 1971 to 1986 Census of Population, Geocoding; Statistics Canada, 1981 to 2021 Census of Population, 100% Data; Statistics Canada, 2021 Census of Population, 25% Sample-based Data

Islands Trust

Hornby Island Housing Profile

Population and Dwelling Characteristics	2021 Census
Total population	1,225
Population over 60+	675
Population change 2016-2021	+ 20.6%
Total private dwellings	1,117
Change in dwellings 2016-2021	+ 1.2%
Private dwellings occupied by full-time residents	654
Private households	655
Household couples with children	80
One parent households	25
Median income of individuals**	$26,000
Median income of households of 2+**	$70,500
Households spending 30% or more of total income on housing *	85
Households in housing that is unsuitable or in need of repair*	115
Households in core housing need***	75
Renter Households	
Full-time Households who rent*	120
Median monthly shelter costs*	$700
% tenants in subsidized housing*	0%
% tenants spending 30% or more on shelter*	30.4%
Owner Households	
Full-time Households who own*	475
Median monthly shelter costs*	$424
Median value of properties	$600,000

59%
Full-time Occupied Dwellings

55%
Population of age 60+

42%
Households spending 30% +; in housing unsuitable or in need of repair; in core housing need.

20%
Households who rent

80%
Households who own

* Based on 25% sample data (Census)
** Before tax income (Census)
*** When a private household's housing falls below at least one of the indicator thresholds for housing adequacy, affordability or suitability, and spends 30% or more of its total before-tax income to pay the median rent of alternative local housing that is acceptable (attains all three housing indicator thresholds)
Source: https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/prof/index.cfm?Lang=E
For more information on the Trust Area: Statistics Canada 2021 Census Infographics https://islandstrust.bc.ca/programs/trend-monitoring/

From: Susan Donnecke [redacted]
Sent: Monday, March 16, 2026 9:54 PM
To: Alex Allen; Grant Scott; Timothy Peterson; HISTRA Association
Subject: Our hornby home

Dear Hard Working Members of Hornby LTC,

We would like to let you know about our Hornby home and why we would like to continue with our short term renting of it during July and August.

My brother loved Hornby, and came here when he retired and fell in love with a Seawright property we came to know as "Act V" . With his blessings, my family came to be full time residents in 2006, enrolled our three children in the school and participated in local groups and made many friends here. We have a strong connection to Hornby, but employment needs made it necessary to move to Victoria. However, every holiday we celebrated on Hornby together and to this day we try to come up throughout the year, Daniel loves the birds and has led some local birdwalks during migration season.He spends his mornings doing a seawatch from St John's point.

We continue to rent to folks who have a long history with Act V, always coming for a week or two during the summer. We have made many improvements to the home including a heat pump, a kitchen upgrade, and the taking down of dying Alders this fall. Renting made these expenses manageable, along with the increased property tax. . We would like to retire on Hornby one day, the ability for us to do a short term rental in July and August will certainly help to make that dream possible.

Thank you for your concerns to keep Hornby as unique and special as it is,

Susan and Daniel Donnecke

From: Alice-Ann Bandoni [redacted]
Date: March 17, 2026 at 3:20:52 PM PDT
To: Grant Scott <gscott@islandtrust.bc.ca>, Alex Allen <aallen@islandstrust.bc.ca>, Tim Peterson <t.peterson@islandstrust.bc.ca>
Subject: Comments on the March 3, 2026 meeting

Attention to the Island Trust

I strongly feel your motion that only full time residents can apply for TUP is not in the island residents (full and part time) best interest. We do need the tourists in the summer months and I am sure at the ferry prices they will not be "day trippers ". Maybe the number of permits at 100 is too many ? And should be reduced? Priority
being given to people who have rented before. Upgrading the water system before renting should be a must. Each rental property should be inspected as to space, health standards and water system specifications.
Thank you for your attention,

Alice-Ann Bandoni
[redacted]

FYI: we have owned property on Hornby Island since 1968 and someday hope to move there permanently.

From: Byron Corner [redacted]
Sent: Tuesday, March 17, 2026 3:26 PM
To: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; northinfo <northinfo@islandstrust.bc.ca>
Subject: STVR Bylaws

Hello Alex, Grant and Tim

Happy St. Patrick's Day.

I appreciate the work you are doing. Thank-you.

I am a relatively recent full-time resident. I bought my place at market terms, didn't inherit it as it appears is the case for many STVR property owners. Lucky them although I am certainly blessed to have been able to buy a seaside property here on Hornby Island.

I try to sympathize with the statements about having a long-term family connection with Hornby Island by those who have inherited properties but I am unswayed by the argument that you need to allow me to rent as it is the only way I can keep a treasured family place. There is also the argument about the contribution made to the island by the STVR property owners. One of the foundations of Hornby Island I really like that influenced our decision to move here is the sense of community and the community involvement fueled by volunteers. I am a member of Hornby Fire & Rescue, on the Board of the Hornby Island Community Fund, a member of the HIRRA Recreation Committee and head of the WSBID well committee (private well for the benefit of various landowners in the Whaling Station Bay area). I gotta learn to say no. In any case, there are very few STVR owners on the volunteer committees and Boards of which I'm aware (a couple on the Community Fund Board), yet they want the character of Hornby Island to continue. I get it is hard to participate in the non-profit world without meaningful presence but not impossible.

As to what is currently being proposed, I'm not unhappy with a cap of 65. It seems like it is in the ballpark of comparables that Ian Thomson prepared and distributed last year. I'd need to understand your rationale for STVR owners to be full-time residents as I'm not against seasonal residents having one. I also want to understand "policing" and enforcement of a new bylaw as I expect what you propose will lead to a lot of non-compliant, non-TUP rentals. And finally, I'm not a fan of indefinite grandfathering. If you limit the TUPs for what is a dear, valuable resource like a STVR on Hornby Island, you drive up the intrinsic value of having a TUP. I can see offering those who currently have a complying rental the first opportunity to get a TUP with a term (5-10 years, staggered renewal dates), but when those TUPs expire I see no reason why I should be able to bid for one if I have a compliant offering and want to enter the STVR ownership world. Let the market dictate value and SVTR owners pay … well actually, they won't pay, it will be factored into the rental price (unless you believe Donald Trump's argument that consumers don't pay tariffs LOL).

Thanks for taking the time to read this and see you on Friday.

Byron

From: Dave Burch [redacted]>
Sent: Tuesday, March 17, 2026 7:58 PM
To: Alex Allen <aallen@islandstrust.bc.ca>
Cc: Dave Burch <[redacted]>; Sonja Zupanec <szupanec@islandstrust.bc.ca>
Subject: March 20th. Important decisions/responsibility for Hornby Island residents, locals and for the future of Hornby Island families and economy

Dear Trustee Alex,

Please accept and read this letter, in lieu of us being physically present for the important meeting Friday, March 20th.

I am writing on behalf of my family as secondary homeowners who deeply value, support, and contribute (and LOVE) the Hornby community.

We have been closely following the proposed OCP amendments (Vacation rental) and have discussed with a wide range of community members—full-time residents, part-time residents, long-time homeowners, as well as local artists, tradespeople, and small business owners. There is broad agreement on the need for thoughtful, well-planned, and community-beneficial regulation of vacation rentals.

I feel the Trustees must take the necessary time to gather accurate data, consult experts, and proceed with a measured, balanced approach before making any amendments.

Acting without this information risks unintended and potentially harmful consequences for entire community of Hornby.

Vacation rentals are a critical part of Hornby Island's economy. They support full-time residents, families, small businesses, and the broader local community. When we purchased our property, vacation rentals were a permitted use, and we rely on that income. In addition, we contribute over $22,000 annually to the local economy through our spending. We feel good about supporting locals and a community we feel is special to be a part of.

As Trustees, you have great responsibility on deciding on policies/OCP amendment this March 20th.

If you write into bylaw the proposed policies (cap of 60 / limiting rentals to principal residences), there is responsibility for potential serious negative impacts, including:

- Loss of income for full time residents, local families, tradespeople, and small businesses

- Reduced economic activity that supports year-round residents
- Harm to the long-term sustainability and vibrancy of the Hornby community

At this March 20th meeting, specifically:

- Do not RUSH this bylaw to implement a restrictive cap on vacation rentals without sufficient data to support that decision. If a cap is deemed necessary, it should be set at a level that reflects current realities (e.g., 120 rather than 60).
- Allow all currently legal and qualifying vacation rentals to obtain a Temporary Use Permit (TUP).
- Do not restrict vacation rentals to principal residences only, as this would significantly limit participation (alienate community members) and economic contribution.

We ask that you take a careful, informed, and community-minded approach to ensure decisions support the long-term health and prosperity of Hornby Island.

We do love Hornby and care for the island, nature, locals/residents and the community.

Sincerely,

Dave and Lindsay (Stella and Sebastian) Burch

From: Ken Stobbart [redacted]
Sent: Tuesday, March 17, 2026 4:22 PM
To: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>
Cc: northinfo <northinfo@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>
Subject: Proposed Vacation Rental Bylaw Changes

Dear Alex, Grant, and Tim,

Our family has enjoyed over thirty years of memories on Hornby Island, and we remain committed to community stewardship so future generations can continue to appreciate its unique beauty. We responsibly manage part-time rentals on our property, following all regulations and best practices, and depend on them to help maintain our home.

We were shocked by the latest proposed changes to the vacation rental bylaw and we urge you to consider how many good, hard working families will have their dreams destroyed with the latest changes. And to what end?

We respectfully request the following changes to the draft bylaw:

1) Remove the permanent residence requirement.

2) Allow all currently legal and qualifying Vacation Rentals to obtain a Temporary Use Permit, and allow any proposed reduction in the maximum allowable number of units to occur gradually through natural attrition.

Thank you for your consideration and for your dedication to Hornby Island's future.

Sincerely,

Ken and Katrina Stobbart

From: C & S Aitchison [redacted]
Sent: Tuesday, March 17, 2026 3:24 PM
To: northinfo <northinfo@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>
Subject: Hornby Matters

To the Island Trust Staff,

We write to you as property owners and community members who care deeply about the future of Hornby Island. First and foremost, we wish to express our sincere gratitude for the considerable time, dedication, and personal commitment you invest in serving this community. The work of the Islands Trust is not taken lightly, and we recognize that each decision you make is undertaken with the well-being of the island in mind.

As a demonstration of our commitment to responsible stewardship, we have followed the Trust's guidance diligently in bringing our cabin into full compliance. We have invested substantially in upgrading our water systems, septic infrastructure, and rainwater collection in accordance with current bylaws and best practices. We mention this not to seek recognition, but to illustrate the good faith with which many property owners approach their responsibilities on this island. We are proud to contribute to the environmental integrity that makes Hornby Island such a remarkable and cherished place. For context, we rent our cabin for an average of seven weeks per year over the allowed period; the remainder of our time is split between Hornby and our home in Victoria, and the island is very much a part of our family’s lives, not simply an investment.

It is with this same spirit of good faith that we raise a question we hope the Trust will consider constructively: we are not certain that the full body of research and data needed to support a decision of this magnitude has yet been made available to the public. We recognize that the Trust will have given this matter considerable thought, and we do not doubt the sincerity of that effort. However, to our knowledge, no study has been formally presented or made accessible to the public that quantifies the economic impact of short-term rental activity on Hornby Island, or that establishes a clear relationship between short-term rentals and the island's housing challenges. We would welcome the opportunity to review any such analysis, and we gently encourage the Trust to share the evidence base

upon which this decision rests — both to build community understanding and to ensure that the policy is as well-grounded as possible.

This concern is made more acute by a figure cited during the Trust's recent zoom meeting: by one trustee's own estimate, approximately 51(?) short-term rentals on Hornby Island are currently operating illegally — in violation of existing bylaws that are already on the books. We do not raise this to be adversarial, but because it points to a straightforward and far less disruptive course of action that has not yet been meaningfully pursued. If the Trust's intent is to reduce the number of active short-term rentals on the island, enforcing existing bylaws would, by that same estimate, reduce the rental pool by over half — without penalizing a single property owner who has played by the rules. We respectfully submit that before introducing sweeping new restrictions that will impact compliant operators and the broader island economy, the Trust should first demonstrate a commitment to enforcing the regulations that already exist. To do otherwise is to ask law-abiding property owners to bear the burden of a problem created by those operating outside the law.

We also wish to draw attention to the broader economic ecosystem that short-term rentals support on Hornby Island. The revenue generated by these properties does not leave the island in the way that was suggested. On the contrary, it circulates directly and meaningfully through the local economy — sustaining the livelihoods of housekeepers, property managers, maintenance trades, landscapers, local grocery and hardware stores, restauranteurs, and a host of other small businesses and independent operators who depend on visitor activity to remain viable year-round. Many of these individuals are permanent island residents who rely on this income to live and work here. A policy that sharply curtails short-term rental activity will have a cascading effect on this network of community members, and that impact deserves careful and thorough consideration before any regulation takes effect.

We also urge the Trust to reconsider the current seasonal restrictions on short-term rentals, as the current framework appears to produce outcomes that are contrary to both environmental and community interests. Restricting short-term rentals to summer months and some shoulder season — precisely when the island's water resources are at their most constrained and the population / ferry pressure is already at its peak — runs counter to sound environmental stewardship. If the goal is to manage the island's carrying capacity, concentrating visitor accommodation into the driest and most stressed period of the year

is not the solution. A more thoughtful, year-round approach would aim to distribute visitor impact more evenly and alleviate pressure during the critical summer season.

Furthermore, restricting short-term rentals to summer months entirely overlooks the vital role that off-season accommodation plays in supporting Hornby Island's year round cultural and community events. Events such as the Herring Festival and the recently established 50K trail run draw visitors who are deeply aligned with the island's values — people who come specifically for what makes Hornby Island unique. Without accessible, regulated short-term rental accommodation during these periods, visitors and event participants will have extremely limited options - especially those without a tent. The practical consequence is not that these events will go unattended or that guests will stay elsewhere — it is that accommodation will simply go underground, operating outside any regulatory framework, beyond the reach of the very bylaws and oversight mechanisms the Trust has sought to establish. A policy that inadvertently drives accommodation activity into informal and unregulated channels serves no one's interests.

Beyond the questions of data, enforcement, and seasonality, we are concerned that the decision to restrict short-term rentals to principal residences only is overly broad in its design. While we understand and appreciate the intent to address housing availability and community character, this policy fails to distinguish between meaningfully different categories of property. Non-principal residence properties — including seasonal cabins and recreational holdings that have existed on Hornby Island for generations — have never competed with the residential rental market. They are not the source of the housing pressures the Trust has identified, and treating them as such risks penalizing property owners for a problem they did not create. We urge the Trust to revisit this distinction and craft a more targeted approach that addresses the actual drivers of housing concern without casting so wide a net.

We would also like to take this opportunity to acknowledge the important role that Hornby Island's professional vacation rental companies and property managers play in the short-term rental landscape. These hardworking operators have served as genuine ambassadors for this island — introducing ferry weary visitors to its unique character, natural beauty, and community values. Equally important, they have acted as responsible stewards of the properties in their care and of the Island, educating guests on conservation and waste, actively monitoring guest behaviour, enforcing compliance with local bylaws, and

addressing concerns before they escalate. They are, in a very real sense, the first line of accountability for short-term rental activity on Hornby Island. A policy that eliminates or severely restricts their operating environment does not simply affect their businesses — it removes the very people who have been doing the work of ensuring that short-term rentals are managed responsibly, legally and in keeping with community expectations. They are your good neighbours.

In light of the above, we respectfully urge the Trust to pause implementation of this policy and undertake a genuine, data-driven review before it takes full effect. Specifically, we ask that any economic research or evidence informing this decision be made publicly available for community review, that existing bylaws be actively enforced as an immediate and proportionate first step, and that a formal consultation process — inclusive of property owners, local business operators, and professional rental managers — be established prior to finalizing any new regulatory framework.

We remain committed to working constructively with the Trust toward policies that protect the island's environment, support its permanent residents, and sustain the vibrant community that makes Hornby Island so special. We thank you again for your service and for the consideration you will give to the concerns raised in this letter.

Respectfully,

Scott and Christina Aitchison

[redacted]

[redacted]

From: **Angela Hudson** [redacted]
Date: Wed, Mar 18, 2026 at 6:17 PM
Subject: Fwd: Bylaw Enforcement Clarification Please ASAP
To: Alex Allen <AAllen@islandstrust.bc.ca>, Grant Scott <gscott@islandstrust.bc.ca>, Timothy Peterson <tpeterson@islandstrust.bc.ca>, Sonja Zupanec <szupanec@islandstrust.bc.ca>

Alex, Grant, Tim and Sonja

Please see the response from Warren Dingham to my questions regarding the Principal Residence requirement for STR's on Hornby Island. If you read my question and Warren's answers from the first email in the chain attached, permanent residents will be severely limited on acreages less than 10 acres to rent STR's at all under the proposed changes to the LUB. The only way to support the permanent residents who rent STR's on acreages less than 10 acres is to permit those residents to remain on their property in a separate dwelling for up to 5 months through permission in the TUP. This goes against all the reasons that the Trustees have said they need the TUP - to protect the groundwater and the density.

Please fully understand the challenges of the full time residents to the changes to the LUB you are making before you amend the bylaws. Take the time to fully understand that it will not accomplish what you think it will. It will severely limit the full time residents from renting out their home for STR's at all and therefore limit one of their income sources. It puts the full time residents at a disadvantage which is not what you are trying to do.

I am not sensationalizing, please read what Warren said below, it is self explanatory.

This is very important information to consider and Warren did attend a meeting of HISTRA a few years ago and explain this very thing to the HISTRA Board at the time.

For the record I am in support of regulated STR's that follow the bylaws and capping the number of STRs on Hornby at the number that are Provincially registered STR's. With 1200 approx homes on Hornby and somewhere around 100 legal STR's, Hornby has less than 10% of the residences on Hornby that are STR's. Please consider limiting the number of allowed STR's to what is legally operating and ensure proactive enforcement by IT of illegal rentals. That way there is no growth in the number of STR's.

Sincerely,

Angela Therrien
[redacted]
[redacted]

---------- Forwarded message ---------
From: **Warren Dingman** <wdingman@islandstrust.bc.ca>
Date: Wed, Mar 4, 2026 at 9:00 AM
Subject: RE: Bylaw Enforcement Clarification Please ASAP
To: Angela Therrien [redacted]

Hi Angela:

These are valid concerns that you raise and the Local Trust Committee will need to decide what terms and conditions they want for TUPs if they decide to issue them for STR.

Planning staff will advise them on the issues around density, water use, and septic, and then they will need to make a decision based on that advice.

Regards,

Warren Dingman
Manager of Bylaw Compliance & Enforcement
250.405.5196

From: Angela Therrien [redacted]>
Sent: Wednesday, March 4, 2026 8:54 AM
To: Warren Dingman <wdingman@islandstrust.bc.ca>
Subject: Re: Bylaw Enforcement Clarification Please ASAP

Thank you Warren

Last question....I appreciate uoir quick response. I am understanding then that If perminent residency was required as part of the new proposed LUB for STR... an owner/owner family would only be allowed to stay on the property as legal use if the TUP permitted it on any properties less than 10 acres. It is currently not permitted based on current LUB.

I would assume that since water and septic are a priority of the trust that would mean if an owner moved into an accessory dwelling for 5 months on property less that 10 acres the TUP would require that the accessory building would require proper septic/water and permit a kitchen so the owners could cook? Wouldn't this increase the density on properties having a rental family and the owner/owner family for up to 5 months?

I would have thought having one family on the property in the legal residence and limiting the number of guests would have been more in line with the intent of the trust re density/ground water etc. not opening it up to have two dwellings for up to 5 months on less than 10 acres through this potentional new TUP process.

Thank you

Angela

Sent from Outlook for Android

From: Warren Dingman <wdingman@islandstrust.bc.ca>
Sent: Wednesday, March 4, 2026 8:24:38 AM
To: Angela Hudson [redacted]
Subject: RE: Bylaw Enforcement Clarification Please ASAP

Hi Angela:

A temporary use permit is typically used because the proposed use does not comply with the zoning regulations in a land use bylaw.

Sometimes it is referred to as temporary zoning.

This means that a temporary use permit could allow the use of an accessory building as a residence while the STR is being operated and the actual STR itself. Some Local Trust Committees has authorized the use of accessory buildings for actual STR use.

Please let me know if you have any further questions.

Regards,

Warren Dingman
Manager of Bylaw Compliance & Enforcement
250.405.5196

From: Angela Hudson [redacted]
Sent: Tuesday, March 3, 2026 6:13 PM
To: Warren Dingman <wdingman@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>
Subject: Bylaw Enforcement Clarification Please ASAP

Hi Warren,

I attended a meeting that you came to virtually with HISTRA a few years ago where we discussed that if someone was a renting their principal residence on Hornby Island for

short term rentals, that under the current land use bylaw they could not reside from May to September in a camper, studio, trailer or tent on the same property if it was under 10 acres. The only properties that would permit the owners to stay on the property in separate dwelling would be those properties 10 acres and above that permit two dwellings.

Can you please confirm my understanding given the current land use bylaw or correct me. This is a very important piece of information that those that are currently renting their principal residence on Hornby need to know. We have some STR's where the owner moves into a tiny home on 1/2 acre and rents out the principal dwelling and there is an understanding that would be permitted if they applied for a TUP with the new proposed changes to the LUB. Unfortunately, I believe they would have to be bylaw compliant to be issued a TUP and living in an illegal dwelling for 5 months would not meet that threshold.

Thank you for your assistance. I am sure we will all appreciate when these changes are behind us.

Sincerely,

Angela Therrien

Colleen Ellison

[redacted]

March 18, 2026

Hornby Island Local Trust Committee

I understand that three changes have been proposed to the Hornby Island Vacation Rental Bylaws. I am writing in support of part-time residents and, more broadly, all residents given the economic implications.

Although we do not currently rent our property or intend to apply for a Temporary Use Permit, I strongly disagree with the proposed changes:

1. Restricting TUP eligibility to principal (full-time) residents is discriminatory. Our family has owned property on Hornby since the 1950s, and as part-time residents we pay full property taxes while only accessing services intermittently. All residents benefit from these taxes. Rental income helps many owners offset rising costs; preventing part-time residents from renting creates unnecessary financial hardship.
2. Reducing the cap from 100 to 65 appears arbitrary and lacks clear evidence of benefit. This change could negatively impact both residents and the broader local economy. Vacation rentals currently contribute approximately $2 million annually to local workers, businesses, and artists. A reduction would likely decrease economic activity across the island.

In summary, I respectfully request that the bylaws be revised to:

1. Remove the permanent residence requirement.
2. Maintain the cap at 100, allowing existing qualifying rentals to obtain a Temporary Use Permit.
3. Define short-term rentals as stays of less than 30 days.

Thank you for your consideration,

Colleen Ellison

Hornby Island Community
Economic Enhancement Corporation

March 18, 2026

Dear Alex, Grant and Tim,

The Hornby Island Community Economic Enhancement Corporation (HICEEC) has been following the discussions regarding proposed changes to Vacation Rental bylaws with interest. As the organization responsible for administering the Municipal and Regional District Tax (MRDT) program and supporting economic development initiatives on Hornby Island, we hope HICEEC's perspective can be considered as these decisions move forward.

The Province has already established a Short-Term Rental Registry, which provides a clear and verifiable record of operators complying with provincial regulations. Those who have registered have demonstrated a willingness to operate transparently and within the law. Using this dataset could provide an objective starting point for understanding the number of responsible short-term rental operators currently serving the island.

The registry also distinguishes between local property owners and non-resident operators through its fee structure, charging **approximately four times as much for non-resident owners**. This provincial dataset therefore offers a practical and fact-based way to assess the number and type of legal operators currently participating in the sector.

Many of these legally operating accommodation providers also participate in the MRDT program administered by HICEEC. Approximately **60% of MRDT funds collected on Hornby are being directed toward affordable workforce housing initiatives**, and with the support of local accommodation providers the community has already accumulated **over $250,000 in a reserve fund dedicated to this purpose**.

Reducing the number of legal short-term vacation rentals by 30–35% would therefore have a direct impact on the community's ability to continue building this housing fund and contributing toward solutions for local workers.

It is also important to consider these potential changes alongside other accommodation reductions currently occurring on the island. The number of campsites at Tribune Bay Campground has recently been reduced from approximately 135 to 69 sites. With fewer camping spaces available, families who previously relied on campground accommodation may increasingly look to other forms of lodging.

Recent events also demonstrate the importance of having some accommodation available outside the peak summer season. The Joe King Races last weekend brought marathon runners and visitors to Hornby during the shoulder season. Events such as this — like Conservancy programs, Forest Fest, holiday gatherings, and visiting professionals — would

Hornby Island Community
Economic Enhancement Corporation

benefit from having limited accommodation available at certain times of the year. These visitors provide a much-needed influx of business to non-profits, small retailers, restaurants, and other local services during the quieter months when many businesses struggle to remain open.

One option that may be worth considering is a **limited special-event licensing system**, allowing short-term rentals to operate outside the standard permitted season for defined community events or needs. Similar to Special Occasion Licences used in other regulatory systems, this approach could provide flexibility to support community events and the local economy while maintaining the overall regulatory framework.

HICEEC recognizes that balancing housing needs, environmental considerations, and economic vitality is complex. Our intention is simply to highlight the relationship between legally operating accommodation providers and several community priorities — particularly workforce housing — and to ensure that the implications for MRDT-supported initiatives are considered as part of the discussion.

Respectfully,

Hornby Island Community Economic Enhancement Corporation (HICEEC)

Elena Feder
[redacted]

March 18, 2026 5 Pages

Dear Hornby Island Trustees,

I write to voice my dismay at your proposal to cap the number of vacation rentals at 65, sprung on attendees at the closing moments of the zoom meeting of March 3, 2025 together with the never-before mentioned principal residence requirement.

I am strongly opposed to the principal residency requirement and any capping that does not reflect a properly assessed, current number of vacation rentals on the island. Not only is this move not based on substantiated evidence resulting from carefully designed studies of the social impact and economics of the island, but the reality on the ground proves otherwise. The issue of water consumption, for example, cannot be argued on the basis of circumstantial observation of the water delivery truck's movements during the summer. What we need are easily obtainable studies of seasonal changes affecting the water table year over year, remediation statistics of unattended septic failures, and judiciously assessed and logged evidence of noise complaints caused by STVR owners and their guests.

Do these exist? Where can we find them if they do?

Even if water supply were indeed an issue, I am sincerely at a loss to understand how reducing the number of established STVRS offered to mostly regular visitors by either part or full time resident homeowners—who, like none others, have huge immediate and long term interest in maintaining their properties in keeping with the guardianship values that have sustained this island for decades—will make any difference since these homes will no doubt continue to be used throughout the year by owners, their families and friends.

What is even more of a puzzle is how the water supply problem and the, until proven otherwise, largely exaggerated issues of septic failure and noise complaints now attributed to summer visitors, will at all be mitigated by the existing *increase* in tacitly approved commercial rental units—such as the ones located where the old Thatch, once a vital community hub, used to be. To everyone's surprise, these are all being advertised and marketed as timeshares pre-approved for short term rental by the selling agents.

How does this make sense? Can time share apartments really replace the value the STVRs bring to the community (personal caring for the land, labour hires, commercial and personal spending, etc., etc.)? Why add one at the expense of the other? Why can't timeshares not

coexist with the established STVRs which already have commercial zoning tied to them under the legal protection afforded by our OCP?

An even bigger puzzle regarding what seem to be largely exaggerated and unsubstantiated issues with the triad of water, septic and noise, is the apparently *fait accompli* addition of an undetermined number of summer rental cabins officially planned by BC Parks for 2027—which will also entail substantial logging and paving over roads on pristine Tribune Bay, to boot. If the number of new accommodations already scheduled for completion in 2026 is any indication, the planned number of rental cabins at Big Trib will be bigger by several orders of magnitude than the current **67** campground units ranging from trailer pads to "micro cabins." (see attached photos; refer to text in the left column).

How will these increases in rental accommodations diminish water consumption, septic considerations, not to mention noise? No matter how hard I try looking at the picture from any and every angle the math just doesn't add up.

And it isn't only those numbers not adding up that defy understanding. Why, we need to ask, are only tried and proven legal STVRs been required to apply for TUPs? TUPs are by definition temporary, subject to favoritism and bureaucratic disarray, not to mention of great and often unnecessary expense to owners. Is there a statistically proven, evidentiary social and economic basis to implement such a draconian measure? If yes, I ask you to please inform your community if this requirement is also being applied to time shares and the indeterminate number of rental cabins planned for our island? If not, why not?

There are additional issues of concern we would be better advised to spend our valuable time working on. To state the obvious, until now, as always, expenses associated with owning and maintaining our homes has fallen squarely on owners shoulders. Property taxes have steadily increased in proportion to the decrease in services. Despite high taxes we have no garbage removal or street lighting, and driving on our severely deteriorated roads are a growing challenge even in broad daylight. How about fixing the ever-worsening epidemic of potholes throughout the island? Where is our tax money going? Where is the money going to come from to fix our problems as measures such as the curtailment of STVRs further erode the island's tax base? Do provincial parks pay taxes?

Over and above all of the above, and at risk of belabouring the obvious, the important question that remains to be asked of our elected representatives, who were entrusted with our community's wellbeing and real sustainability, is: Why tamper with the legal protections offered by our OPC instead of recognizing its enduring value and protecting the island's residents who

Elena Feder
[redacted]

fought so long and hard for it *because* of their love of this tiny island out in the middle of nowhere? To whose benefit will the proposed illegal alterations to our OCP work?

Let us not embark on a mission without a vision. In the words of Balzac, the 19th century chronicler of humanity's foibles: "Evil is never done so thoroughly and so well as when it is done in good conscience." There is still time to get this derailing train back in track. Your community will remember you for what you do, not for what you said you would do and didn't. It is never too late to do the right thing.

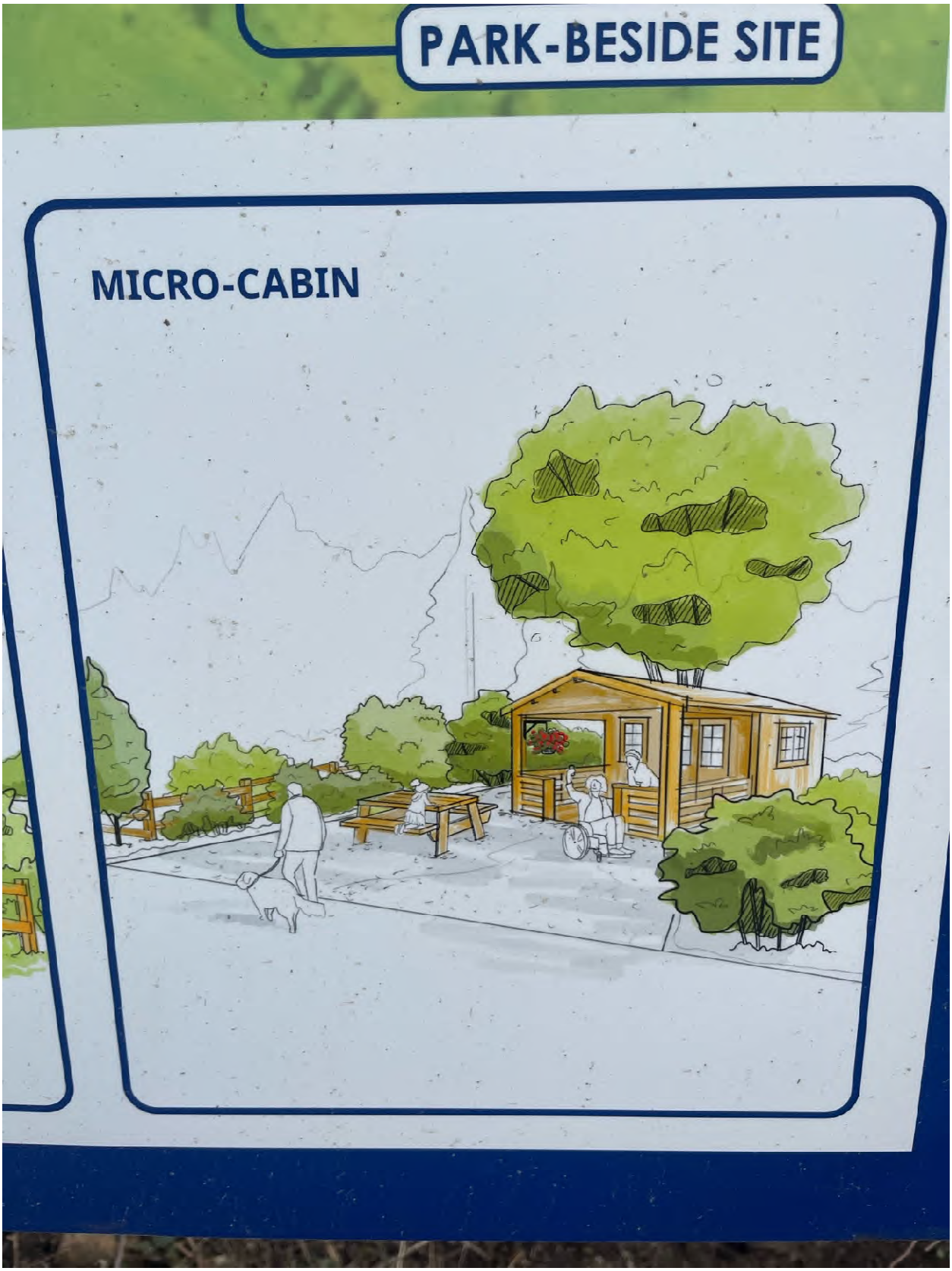
Submitted respectfully for your careful consideration.

Elena Feder

cc. HISTRA

Elena Feder
[redacted]
[redacted]
[redacted]

Elena Feder
[redacted]



From: Erian Baxter [redacted]
Sent: Thursday, March 19, 2026 4:22 PM
To: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; northinfo <northinfo@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>
Subject: Hornby Island STVR Meeting Mar 20th

Dear Hornby Island Trust and staff,

We're writing to you to express our concern over your proposed requirement for "permanent residents" only being able to apply for the proposed TUP for STVR on Hornby Island and how that leaves approximately 40% of your Hornby island's constituents out any opportunity for STVR, disregarding even those that have been operating correctly under all the STVR requirements from the BC Government and who are registered with the BC Government STVR registry as well. This isn't fair representation of ALL the people on this island who make up our Hornby community.

We also are concerned that your arbitrary choice of 65 as the cap for applications to the proposed TUP doesn't take into account the actual data your own very competent and experienced Island Trust staff researched from the BC Government STVR Registry, with that number being 87, (79 active, if I recall it correctly.) These are STVR properties that have been operating correctly under all the requirements of the BC STVR registry and the current Hornby guidelines. They all have been collecting and remitting both the taxes as well. We would think you would recognize these efforts to comply and put your cap at a minimum of the Active number that are listed with the BC STVR registry, if not higher. If you put an arbitrary number of 65 you are putting people into a lottery type situation which seems very unfair when they've been complying with all the current guidelines.

We appreciate that, as Trustees, you need to balance out all the interests on the island and we hope you review these two points of your decisions.

Speaking for our family, we have been coming to Hornby for almost 40 years, first as tourists, then as owners, then again as tourists and now we are fortunate enough to own our own place once again.

If there had not been STVR available for us for the 30 years that we rented for our holidays we would not have been able to maintain our visits to Hornby over all these years, this very special place we love. STVR are an important part of the Hornby community in that they do allow people who can't live here full time the opportunity to enjoy Hornby, especially responsibly managed ones like all those with the BC STVR registry.

Thank you for your consideration to these concerns and thank you for your commitment to Hornby Island.

All the very best,

Erian Baxter, Kevin, Hannah and Quinn Dubois

From: Toby Krell [redacted]
Sent: Thursday, March 19, 2026 10:48 AM
To: Alex Allen; Grant Scott; Timothy Peterson
Cc: Hornby Island Short-Term Accomodation
Subject: short term rental policies

In brief I support all recommendations of HISTRA on this subject and the summary comments made by other respondents.
The basic points and themes are well-covered.

The unintended consequences of radical change affect labour opportunities for residents. Every place that is sold for lack of ability to maintain financially or otherwise will be purchased by someone with higher financial resources and perceived needs for community services.

Other unintended consequences would be more camping on beaches and in woodland areas. There is no way to direct people off island once the ferries stop each night. They must be accommodated. Young visitors have networks or grapevines of unofficial locations and resources. Hornby is featured on many social media promotions now. We cannot stop public use of ferries and roads and the likely influx. Better to be prepared with public outhouses, official campsites and rental accommodations.

Setting simple standards of water availability and quality, and sanitary outflow, will naturally limit the number of rentals available. Noise bylaws can be enhanced. And may be enforceable without pitting neighbour against neighbour. No need for an arbitrary cap at all.

Short term rentals should be year round to enhance the availability for workers who need temporary housing throughout the year.

HISTRA has done a tremendous amount of research and rebalancing/refining their own ideas and standards. They seem to have produced more statistical information than others. They deserve full attention to help maintain balance in the community and not establishing a new hierarchy of who is a more worthy resident or property owner.

I could be wrong but the Trust's approach to this subject sounds conflictual rather than collaborative.

(Ms) Toby Krell
[redacted]

56 year owner-resident.

From: Dorit Mason [redacted]
Sent: Friday, March 20, 2026 8:19 AM
To: Grant Scott <gscott@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; northinfo <northinfo@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>; Alex Allen <aallen@islandstrust.bc.ca>
Subject: I do not support the proposed Vacation Rental bylaws - Hornby Island

Dear Trustees Scott, Allen, Peterson, and Island Trust Staff,

I am writing to express my sincere disappointment and disapproval of the changes the LTC is planning to make to Hornby Island Vacation Rental Bylaws.

I disagree with the direction and would like to express that these proposed bylaws do not represent all the Hornby Island community and believe the decisions do not consider the needs of all residents and property owners as well as potential residual impacts to the community. It may seem that a near term perceived fix (reducing short term rentals) will improve the issue of ensuring environmental protection, sustainable use and create a housing stock; however, it does not consider that it will impact the important economic value brought into the community by visitors, and thereby directly impact the residents that live year-round on the island and may in fact make things worse as the changes could introduce further accommodation scarcity which almost always results in inflationary price increases for the reduction in supply. For example if increased scarcity with reduced supply and continuing or increasing demand occurs then existing longer term rental properties may convert to short term rental properties as there would be higher revenue opportunities that make up for off season vacancies.

Families, visitors and short-term guests support the local artisans and business owners by buying art, books, clothes, coffee and ice cream, farm foods, restaurants, the Coop/Gas Bar, donating books/ clothing/ furniture to the free store. This economic injection supports the community and helps to support home businesses, artisans, farmers and even provide funds for local jobs such as construction for expanding existing housing. Without the summer influx of visitors and opportunity to leverage the rental revenue by expanding existing housing on ones property, there will be less injecting into the Hornby economy and it will fail over the long term and thereby directly impact residents. The influx of money during the vacation period will also be important to help support the funding for the new coop.

It is an incorrect assumption that by restricting short term rentals, there will be more housing available. Many property owners we will never rent their properties to a long-term tenant as they want to be able to use their property throughout the year, and the associated

legal and regulatory requirements for long term rentals can be too burdensome for a owner to manage. There may be some property owners who may be forced to sell because they can't afford taxes or maintenance fees, it is very likely the people that will purchase are those that can afford it and also will not rent to locals. Also these new property owners will not have the strong links to the community, may not care about the environment or know its history and the ecosystem, will likely not know how valuable water is, or the impacts of septic, and the damage that can be caused when you don't consider your actions.

Many families have owned properties on the Island from the late 60's to 70's and have been an integral part of the community even when not being full time residents– taking care of the environment, the water and soil to minimize footprints. Many current landowners are not rich, and they still treasure being part of this island and the community. They may need to have avenues to support maintenance and taxes and one of these is to provide short term rentals – as long as it is done responsibly. These recommended bylaws as written will remove a potential avenue to keep good people - who care about this island, the people, the ecosystem, the community - on Hornby.

I believe that this island NEEDS short term rentals – how will the artisans make their money in the summer if the visitors do not come? Reducing the number of rentals to an arbitrary number makes no sense – what analytics were used to identify that only a small number of rentals would be allowed? Has the long term economic impact been considered? How can we reasonably enable good property stewardship which enables land owners to use their property to their needs, and also meet the needs of the rest of the community and protect the environment? I have looked at the website for the Hornby Island Short Term Rental Association (STRA) and request that you please obtain input from them as an organization that has been working hard to make practical rules, best practices, and essentially policing themselves to ensure that short term rentals bring economic benefits and yet do not negatively impact the island. Without proper management and visibility, you may force short term rentals underground and are thereby make it even more difficult to ensure that there are rules and proper management avenues for short term rentals. STRA is the type of leadership is what we need to help strike a reasonable balance between short term rentals and what the community needs.

The bylaws may have significant negative impact to my family in the future if we ever needed to have an avenue to cover taxes and maintenance and be able to stay. We have been here for since 1969, and although we cannot live here permanently at this time due to jobs and other family commitments, over decades we have put all our spare money and blood, sweat and tears into maintaining and fixing our property to meet and exceed current building codes and sustainability systems including the design and installation of a

rainwater collection and treatment system that meets municipal potable water standards, has zero impact, and completely eliminates our property's need to access island aquifers. We come whenever we can to be part of the wonderful community. What if in the future, we need an avenue to help support our staying here and thereby need to do some short term rental? This avenue to remain here and cover costs will no longer be available and it may then result in us being forced off the island and loss of a multi-generational family legacy.

Dear trusties – your proposed bylaws do not represent my views and I disagree with the proposed Vacation Rental bylaws. Please do not pass these as they are written as they do not provide a holistic and reasonable balance to what is needed on Hornby for all property owners and residents.

Thank you for your time.

Dorit Mason

Hornby Island Community Economic Enhancement Corporation

~~Alex~~ Renee
received. March 20/26.
PG.

March 20, 2026

Hornby Island Trust Meeting

Through the Chair,

HICEEC respectfully requests that the Local Trust Committee provide its support for the affordable workforce housing initiative currently underway on Hornby Island, including reconsideration of a letter of support for securing tenure on the proposed Crown land site.

We note that at the January 23, 2026 meeting (Section 13.1), the Committee considered and defeated a motion to support HICEEC's pursuit of approximately 10 hectares of Crown land near the Depot for affordable community workforce housing. Given the progress that has since been made, through discussions including the CVRD, and the urgency of the housing need, we respectfully ask the Committee to reconsider its support at this time.

We also request that the correction to the Public Use (PU(a)) zoning be separated from broader bylaw amendments and advanced immediately. My understanding is that where portions of a bylaw are ready, they may proceed independently, even if other sections require further review or Public Hearing.

In this case, the PU(A) amendment has already been clearly identified—through the OCP/LUB review process, in August 2023, when former Trustee Tony Law specified that an unintended oversight had removed previously included community housing in the allowable uses for PU(A) zoning.

Hornby Island Community Economic Enhancement Corporation

Given its importance to active workforce housing work, we respectfully request that this amendment be advanced to third reading today, independently of other bylaw sections.

- Work is actively underway
- there is a clear and pressing need for affordable homes for the working people of Hornby Island
- we encourage the Trust to move forward with both speed and determination

In summary, our Call to Action:

1. Write a letter of support for HICEEC's affordable workforce housing initiative and Crown land tenure request.
2. Fast-track the PU(a) zoning bylaw correction and reinstate community housing as an allowable use.

Finally, we invite Trustees and the community to attend a public meeting on Monday, April 6 at 1:00 p.m. at the Community Hall, where Dr. Jennifer Salisbury will present the REDIP-funded feasibility study for the community affordable workforce housing project.

Thank you.

Karen Ross

Executive Director, HICEEC

On behalf of the Board, Hornby Island Community Economic Enhancement Corporation

karen@hiceec.org

Tony Law

[redacted]

To: Hornby Island Local Trust Committee 1 June 2026

Dear LTC members:

I urge you to immediately revisit your 1st May resolution to slow-track the correction of the long-standing error in the Public Use zone of the Land Use Bylaw which has now become an impediment to moving forward on a diligently pursued opportunity to enable a community housing project.

A representative of HCEEC spoke at the May meeting of the time-sensitive situation with respect to government entities facilitating the availability of Crown land for housing, which cannot readily happen without the appropriate zoning in place.

This time-sensitivity only exists because, for the past 8 years (two full terms!), the LTC failed to correct this error, despite regular reminders from a former trustee, the APC and HCEEC. As a result of past non-action, what was the error's potential future negative impact has now morphed into a significant barrier that needs to be addressed urgently.

At the May meeting, staff advised that *"the time sensitivity cannot be accomplished through the OCP/LUB process because it is a much longer project."*

Despite this advice, the LTC chose to include the needed error-correction within the OCP/LUB project (Option 1 in the staff report) rather than directing it to be dealt with immediately.

The LTC Chair stated completion of this project (adoption of bylaws 176 and 177) cannot be expected in this term, noting that there are only two more LTC meetings scheduled before the election, and that the bylaws require public hearings, third readings, approval, and adoption.

However, I believe the much simpler process for a stand-alone amending bylaw, specific to the public use area, CAN be completed this term.

Here is a comparison of the two processes:

1. Pre-Public Hearing

- Bylaws 176/177

A revised version of proposed Bylaw 177, to add in changes to the PU zoning, will have to be drafted and will require an amended second reading at a public meeting.

- Stand-alone bylaw

An amending bylaw (involving similar measures as those that would have to be incorporated into Bylaw 177) will have to be drafted. First and second readings can happen at the same meeting.

2. Public Hearing

- Bylaws 176/177

A date will have to be set, notice provided, and a public hearing held for the two bylaws

- Stand-alone bylaw

No public hearing is required. This is because the *Local Government Act* does not require a public hearing if a proposed zoning bylaw is consistent with the OCP – see section 464 (2)b) -

(The *Local Government Act* requires that public notice be given "not more than ten days and not less than three days" before first reading - see sections 466 and 467.)

Instead of a public hearing, all three readings can be given on the same day.

3. Post public hearing – third reading

- Bylaws 176/177

As a result of considering the input at the public hearing, the LTC could either:

a) give third reading to the bylaws
b) make minor amendments and then give third reading, or
c) make amendments to the bylaw involving use and density, which would require a second public hearing, likely in the next term, or
d) postpone consideration, likely to the next term

(it should be noted that the main issue in the bylaws is the permitting process for vacation rentals which has always been controversial. At the January 2026 LTC meeting, a trustee noted that based on averages from other islands, information received from the Province indicating 65 [TUPs for vacation rentals] would be the highest number in proportion to the population of the island compared to other gulf islands". The number has since been increased to 87. Community concerns may well lead to public requests for the issue to be addressed by the incoming rather than outgoing LTC, which will significantly delay the OCP/LUB project.)

- Stand-alone bylaw

Third reading can be given at the same time as first and second reading

4. Approval of bylaws

- Bylaws 176/177

In addition to he usual policy check list, staff would need to prepare for the Executive Committee a report advising of financial and resource implications of handing vacation rental TUPs.

Because Bylaw 176 amends the OCP, it will require ministerial approval before Bylaws 176 and 177 can be considered by the Executive Committee. Ministerial approval usually takes one to three months.

Once this is received, Executive Committee approval can take up to a month.

- Stand-alone bylaw

The approval process should be straight forward and take less than a month.

4. Adoption of bylaws

- Bylaws 176/177

Because of the times required for public hearings, consideration of third reading, ministerial approval and Executive Committee approval, adoption is extremely unlikely this term, even if everything goes as smoothly as possible.

- Stand-alone bylaw

As soon as the bylaw receives Executive Committee approval it can be immediately adopted by Resolution Without Meeting in accordance with Section 26 of the *Islands Trust Act.*

Possible timeline for a stand-alone bylaw

Given the above, the following timeline should be possible for a stand-alone bylaw:

1) Drafting of bylaw and public notice of first reading:

- June 2026

2) First, second, and third readings of the bylaw

- 26 June, if draft bylaws are ready n time
- or July through rescheduling of the 26 June meeting
- or July through a Special Meeting

3) Executive approval of the bylaw

- July/August

4) Adoption of the bylaw by RWM

- August/September

The above suggests that a stand-alone bylaw can be readily completed in this term, something that was not carefully explored in the May meeting in advance of making a decision.

Action needed!

I therefore strongly encourage one of the members of the LTC to immediately initiate a Resolution Without Meeting to:

a) Rescind the resolution made at the 1st May meeting,

b) Request staff to

i) pause work on the OCP/LUB

ii) prepare a draft bylaw for consideration of first, second, and third reading to amend Schedule "A" of Hornby Island Land Use Bylaw No. 150, 2014 along these lines:

1) PART 8, ZONE REGULATIONS, Section 8.21 Public Use (PU) Zone

Replace the following wording under:- (2) *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

- with (additional new words in bold):

(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 density of 10 community housing units per hectare and 24 live/work units per lot.
(c) 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
(d) accessory buildings and structures

2) PART 8, ZONE REGULATIONS, Section 8.21 Public Use (PU) Zone

Replace the following wording in the table under:- *(9) Site Specific regulations:*

8.21(9) Site Specific Regulations:
Despite 8.21(1), the only permitted uses are:
(a) Cemetery;
(b) Public utility storage yard;
(c) Highways maintenance yard; and
(d) Recycling depot

- with:

8.21(9) Site Specific Regulations:
In addition to 8.21(1), the following uses are permitted:
(a) Public utility storage yard; and
(b) Highways maintenance yard;

iii) Provide public notice of first reading in accordance with the *Local Government Act*

iv) If the draft bylaws cannot be available for readings at the 21st June meeting, consult with the Chair about rescheduling the meeting, or scheduling a Special Meeting..

I believe the suggested two amendments will be the simplest way to restore the intended permitted use regulations as stated in the previous Land Use Bylaw before the error was made, while also adding density provisions for community housing.

It would be good to get staff advice before finalizing the wording of an RWM.

Background information

Listening to the comments made by all three trustees at the 1st May meeting, it seemed to me that there was a lack of understanding about this issue. The following information may be helpful;

- Revelent LTC legislation:

Land Use Bylaw No. 86, 1993 - creation of the PU-a) subzone

The Public Use zone is divided by Central Road into two areas.

The Bylaw created Sub-zone PU-a for the portion south of Central Road. In this sub-zone, additional site specific uses were permitted: Highways maintenance yard; Recycling depot; Public utility storage yard; Cemetery; and Community trades and services, including associated retail.

Official Community Plan Bylaw No. 104, 2002 – policy support for community housing in the PU

When this OCP was adopted, it included the following new policy for all land in the "Public Use" designation:

6.2.7 The development of seniors, affordable, or special needs housing for Island residents, including summer temporary facilities for displaced year-round residents, operated by a community non-profit society, shall be permitted on land designated public use and shall be regulated by development permit and land use bylaw regulations. Other residences shall only be permitted for the purpose of accommodating a caretaker or operator.

Bylaw No. 134, 2008 - community housing added as a permitted use for the whole PU zone

This Bylaw amended Land Use Bylaw 86 by adding "Community Housing" as a permitted use in the Public Use zone – this applied throughout the zone. The amendment also added a density regulation for community housing: *"9.12.2.1 A maximum of 5 community housing units per hectare to a maximum of 20 per lot"*.

(The part of the zone where a community housing project was most likely to happen is south of Central Road, the PU.a) sub-zone. North of Central Road, the land is already intensely used for the school, preschool, community hall, arts centre, credit union, framers' market, health centre, clinic, recreation centre, and now fire hall with the remaining land identified for treaty settlement. South of Central Road is a significant amount of vacant Crown land that has potential for community housing. In fact, what prompted this zoning amendment was discussions with BC Housing about potential low income housing on an identified site in the PU-a portion of the Public Use zone.)

Hornby Island Land Use Bylaw No. 150, 2014 – the error appears!

When this new Land Use Bylaw was drafted and adopted, inexplicably the site specific regulations for the PU-a) sub-zone were changed by specifying the previous additional uses as the only uses. This meant that community housing, among other uses was no longer officially permitted in the one part of the island where they were most likely to be a possibility! This change did not come about as a result of public input nor LTC direction and, regrettably, went unnoticed at the time.

- Relevant LTC Directions

Two terms ago -error identified and direction given

The error was identified when it was realized that zoning mistakenly prevented the proposed use for the old Fire Hall, being considered by CVRD:

March 2018:

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.

April 2018

Planner Rittemann reported that the Comox Valley Regional District (CVRD) is considering a repurposing of the old Firehall into a community space for artist and communal studios. She advised of an inconsistency between the stated and intended permitted uses of the PU(a) zone in the LUB which would affect this potential repurposing. A Trustee confirmed that the intent of the PU(a) zone was to permit uses in addition to the others already permitted in the regular PU zone and suggested that a "housekeeping" amendment might be considered in order to correct this error.

- LTC Direction:

HO-2018-024
It was MOVED and SECONDED, that the Top Priorities of the Work Program be amended by replacing "Housing amendments" with "Land Use Bylaw amendments" as a Description with the Activity "Bylaw amendments to address issues with respect to the Public Use Area and MALA in the large lot residential zone and other housekeeping amendments".

Last term – correction of error at first a priority, then dropped

At the beginning of the term, in January 2019, this was the #1 priority on the LTC work program:

Land Use Bylaw Amendments
A Bylaw amendments to address issues with respect to the Public Use Area and MALA in the large lot residential zone and other housekeeping amendments

In July 2019, staff provided a report and project charter which divided potential LUB amendments into two phases, the first to address minor (eg typographical) changes and the second to address more substantive changes. The Public Use amendment was *"to be decided" - "the issue requires more research".*
- The LTC endorsed the Project Charter without the inclusion of the Public Use issue.

In February 2022, Advisory Planning Commission Chair Wendy Burton *described the clerical error in the Hornby Island Land Use Bylaw 150 Section 8.21(1) Public Use Zone (a) which precludes The Hornby Spark from operating in their present location and precludes the possibility for multi-family dwellings on a piece of community land in the area.*

- LTC direction:

HO-LTC-2022-016 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee request staff to review the recommended changes from the Advisory Planning Commission to the current Public Use Zone (a) bylaw wording and determine if there needs to be an administrative correction or a bylaw recommendation. CARRIED

This term – an intent was stated, but not acted upon in a timely way

11.1 Housing and Land Use on Hornby Island prepared by Tony Law, dated August 2023
Trustees acknowledged the 48-page document from former Trustee Tony Law, submitted to the LTC on August 27, 2023, that 1) proposes a comprehensive approach to land use planning for housing on Hornby Island; and 2) provides a description and context for the error in the "Public Use Zone" which needs correction for the HICEEC proposal for community housing in the public use zone south-west of Central Road to be permitted.
HO-LTC-2023-040
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee direct staff to amend the current Land Use Bylaw Project Charter to correct the error in the Public Use Zone to provide for community housing. CARRIED

April 2024

Ross Birchall, Managing Partner of Wellesley Consulting Group (WCG) headquartered in Victoria, provided the following update on various housing initiatives of the Hornby Island Community Economic Enhancement Corporation (HICEEC).

Rural Economic Diversification Infrastructure Program (REDIP) Grant Application application was successful and HICEEC was recently granted $100,000.00 for project costs, such as feasibility studies and business planning, for safe affordable housing on Hornby. Thank you to the Local Trust Committee (LTC) for their letter of support, to Islands Trust staff, and to others who contributed to this successful outcome. Lisa Helps, the Executive Lead for BC Builds Project Origination, is working with HICEEC toward Hornby Island being a Partner Community; and exploring funding and investment opportunities.

- WCG is advising the HICEEC board on the preparation of a formal Crown land use application to the provincial government and is seeking help from the LTC for an amendment to Land Use Bylaw (LUB) 150 Public Use (PU) (a) section to allow for additional permitted uses so that housing might be permitted on this Crown land in the future.
- Planner Cox asked if the request to the LTC was to sponsor a rezoning application. Ross Birchall responded that the intent was for the language in the bylaw to be less restrictive for a possible future housing application.

HO-LTC-2024-013 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee schedule a Special Meeting in May to discuss future usage of the parcel of Crown Land in the Public Use Zone, given the new information received that the land use authority is under three jurisdictions, in order to 1. Respond in a timely manner when we receive referral from the province on the Rogers Cell Tower proposal, 2. Respond to the Hornby Island Community Economic Enhancement Corporation (HICEEC) and the local Housing Society's request to amend the bylaws governing the Public Use Zone given for much needed affordable housing based on the needs of the community, and 3. To discuss additional permitted uses in the Public Use Zone

May 2024

LTC Direction:

HO-2024-017 It was MOVED and SECONDED that the Hornby Island Local Trust Committee request that a letter of support be drafted to the Hornby Island Community Economic Enhancement Corporation (HICEEC), stating its intent to consider amendments to the Hornby Island Land Use Bylaw No. 150 to support inclusion of community housing as a permitted use in the Public Use - PU(a) Zone site specific regulations.

LTC Direction:

HO-2024-018 It was MOVED and SECONDED that the Hornby Island Local Trust Committee request staff to explore adding additional permitted uses in the Public Use, PU(a) site specific zone, community trades and services and community and workforce housing in the major project charter draft bylaws

Final words

I realize what I have suggested will slow down the OCP/LUB process, but this is a consequence of the LTC not taking appropriate action over the past eight years despite reminders. The error is now blocking implementation of a key OCP policy which reflects the community's priority for affordable and accessible housing.

Taking this action can positively benefit the LTC as follows:

1) The LTC can take pride in resolving a long-standing issue rather than yet again passing it on to a new term.

2) The LTC will be honouring the intent it stated two years ago.

2) The LTC will become a partner with other agencies in supporting a possible community housing option, rather being perceived as presenting an obstacle.

3) The LTC will be honouring, rather than blocking, the diligent work conducted over many years to advance a community housing proposal supported by the OCP.

4) The LTC will conclude this term with an important bylaw enacted, given that the OCP/LUB bylaws are extremely unlikely to be ready for adoption this term.

Good luck with this!
Thank you so much for considering this letter.

Sincerely,

Tony Law

Hornby Island Resident
and former
- Hornby Island Local Trustee
- Vice Chair of Islands Trust Council
- Chair, Islands Trust Council Community Housing Task Force
- Member, Comox Valley Standing Committee on Homelessness and Housing
- President, Islanders Secure Land Association (a community housing land trust)
- Executive Director, Hornby Island Economic Enhancement Corporation
- Chair, Islands Trust Conservancy (Trust Fund Board as it was at the time)

From: Karen Ross [redacted]
Sent: Monday, June 22, 2026 8:07 PM
To: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>
Cc: Tony Law [redacted]; Katherine Ronan [redacted]; John Grayson [redacted]; John Heinegg [redacted] Sheila McDonnell [redacted] Hornby Isl.Resort [redacted] Donna Tuele [redacted] marilyn kopansky [redacted] Stuart Amos [redacted] Meredith McEvoy [redacted] Hornby Island Short-Term Accomodation <hornbyshortterm@gmail.com>
Subject: Re: Correcting 2014 error in LUB Public Use Zone regulations

Dear Hornby Island Local Trustees,

Thank you for your ongoing work on the review of the Official Community Plan and Land Use Bylaw. We recognize the significant effort that has gone into these processes over the past several years and appreciate the challenges involved in balancing a wide range of community interests.

I am writing in support of Vice-Chair John Grayson's recent request that the Local Trust Committee reconsider its May 1, 2026 decision to tie the correction of the Public Use Zone regulations to the broader Land Use Bylaw review process.

As outlined by Tony Law, (June 1st letter attached) there appears to be a straightforward and uncomplicated path to correcting the long-recognized omission of community housing as a permitted use within the Public Use Zone. This issue has been identified for many years, and addressing it through a stand-alone bylaw amendment would represent a practical and meaningful accomplishment arising from the extensive work undertaken during the current and previous Trustee terms.

More importantly, the correction would remove a significant barrier to exploring community housing opportunities at a time when affordable workforce housing remains one of Hornby Island's most pressing challenges. Whether through Crown land opportunities or other future initiatives, ensuring that appropriate zoning is in place is a necessary first step. Delaying this correction until completion of the broader bylaw review risks postponing opportunities that may not remain available indefinitely.

Throughout public consultations, community surveys, and discussions with local organizations, residents have repeatedly identified housing affordability and the growing

impacts of gentrification as major concerns. The HICEEC Board continues to hear this message clearly and believes that enabling community housing should remain a priority for all organizations working toward Hornby's long-term social and economic sustainability.

A stand-alone amendment would not predetermine any future housing proposal, nor would it circumvent public consultation on specific projects. It would simply restore an important zoning tool that was previously available and that many community members believe should continue to be available.

We respectfully ask the Local Trust Committee to revisit this matter and consider advancing the correction independently of the broader Land Use Bylaw review.

Thank you for your consideration and for your continued service to the Hornby Island community.

Sincerely,

Karen Ross
Executive Director
Hornby Island Community Economic Enhancement Corporation (HICEEC)

cc: HICEEC Board, HISTRA

On Mon, Jun 22, 2026 at 12:51 PM John Grayson [redacted] wrote:

June 22, 2026

Dear Hornby Island Local Trustees,

Request that you immediately revisit your May 1, 2026 resolution to tie the correction of a long-standing error in the Public Use Zone regulations of the Hornby Island Land Use Bylaw (LUB) to the ongoing LUB revisions. The 2014 error that inexplicably removed “community housing” as an allowable use in the Public Use Zone is a significant impediment to moving forward with a potential community housing project.

A representative of HCEEC (Executive Director) spoke at the May meeting of the time-sensitive situation with respect to government entities facilitating the availability of Crown land for affordable housing, which cannot readily happen without the appropriate zoning in place. This time-sensitivity only exists because the LTC has not yet corrected the error that was identified in 2018, despite multiple reminders and requests to do so. As a result of this non-action, the error now presents a critical barrier that needs to be addressed urgently.

Believe that proceeding with a simple “stand-alone bylaw” as a “housekeeping amendment” to the current Land Use Bylaws is feasible within the current LTC term. Although we sincerely hope the more extensive LUB revisions will be completed in the coming LTC term, it would be unfortunate to delay this long-overdue correction to the Public Use zoning because of the complexity surrounding the other LUB revisions.

Thank you.

Sincerely,

John Grayson

Vice Chair

HICEEC

--

Karen Ross, Executive Director

karen@hiceec.org

office phone: 250-335-1199

Hornby Island Community Economic Enhancement Corporation

"Co-creating a harmonious Island community"

Hornby Island Residents' and Ratepayers' Association (HIRRA)
4305 Central Road, Hornby Island, BC, V0R 1Z0
Ph: (250) 335-1842 E-mail: office@hirra.ca

June 23, 2026

To: Hornby Island Local Trust Committee
Re: Correcting 2014 error in LUB Public Use Zone regulations

Dear LTC members:

The HIRRA Executive requests that you revisit your May 1, 2026 resolution to tie the correction of a long-standing error in the Public Use Zone regulations of the Hornby Island Land Use Bylaw (LUB) to the ongoing LUB revisions. The 2014 error that inexplicably removed "community housing" as an allowable use in the Public Use Zone is a significant impediment to moving forward with any potential community housing project.

Although we sincerely hope the more extensive LUB revisions will be completed in the coming LTC term, and realize that this correction is currently included in that process, it seems unnecessary to continue to defer the long-overdue correction to the Public Use zoning. It would be very unfortunate if it ended up being delayed even further because of the ongoing complexity surrounding the other planned LUB revisions.

We believe that proceeding with a simple "stand-alone bylaw" as a "housekeeping amendment" to the current Land Use Bylaws is feasible within the current LTC term and would be a small, but tangible accomplishment prior to the end of this term.

Sincerely,

Reina LeBaron, Executive Administrator on behalf of

The Hornby Island Residents' and Ratepayers' Executive

From: Anthony Law[redacted]
Sent: Wednesday, June 24, 2026 11:56 AM
To: northinfo <northinfo@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>
Subject: Hornby LTC Meeting 26 June - correspondence (cannot be at Town Hall)

To: Hornby Island Local Trust Committee

From: Tony Law

24 June 2024

I have read the agenda for the 26 June meeting.

I am unable to attend the Town Hall session on Friday because I volunteer at the community's Food Bank and Kitchen and we will be short-staffed that day.

I request that this written submission be received and considered by the LTC.

I strongly encourage the LTC to proceed immediately with a stand-alone bylaw to address the necessary corrections for the PU zone, in light of the information provided in the two staff reports with respect to proposed Bylaw 177

a) <u>If staff recommendations are followed:</u>

1. Staff advises that "*the LTC cannot use the OCP or LUB to establish a fixed limit on the number of Temporary Use Permits (TUPs) that may be issued. Doing so would improperly restrict the discretion of a future Local Trust Committee.*"
Staff recommends that the LTC remove the "capping" provision and give second reading to the revised bylaw.

2. If the LTC does this, staff advises that *"staff cannot process an influx of TUP applications (i.e. over 30 applications) in a timely manner without substantial impacts to service levels"*

Staff recommends that the LTC endorse *"the securement of additional human resources in the form of new temporary staff or independent contractors"* and request staff to *"draft a*

business case based on the indicated option and forward to the Executive Committee for budget endorsement."

3. If the LTC follows this recommendation, staff states that "*the Public Hearing will need to wait until the EC endorsement, and adoption should wait until Trust Council budget approval is in place. The Public Hearing cannot be scheduled until this work happens over the coming months.*"

It therefor makes sense for the LTC to give direction for the PU zone amendment to be initiated immediately and separately so that they it be completed in a timely way that is not tied to decisions about staff to handle TUP applications.

b) <u>If an alternative option is followed</u>

1. Staff suggests, as an alternative, that the LTC reconsider regulatory options for STRs

2. The proposed cap on the number of STRs was a key element of the proposed regulatory framework. A March 2022 APC recommendation state that the *"number of STR on Hornby Island be capped. While STR are a permitted use on Hornby Island, the number cannot be capped"*

A March 2025 staff report recommended that the proposed bylaw *"specify a maximum number of TUPs for vacation rentals that can be issued per year"*.

3. The capping of STRs continued to be a key issue for the LTC, with one local trusteee supporting an amendment to increase the cap from 67 to 87 and the other local trustee stating that the *"short-term vacation rental cap was set at a number higher than any other Local Trust Area or municipality and the increasing levels of tourism do not serve to preserve and protect the unique character of Hornby Island.*"

4. The lack of ability to proceed with capping – which both local trustees supported – albeit at different levels, likely reflecting differences in the community – suggests the need to explore alternatives with staff – either by this LTC or by newly elected trustees.

With this option too, it makes sense for the LTC to give direction for the PU zone amendment to be initiated immediately, while regulatory options for STRs are given needed additional consideration.

It seems clear to me that a new regulatory framework for STRs cannot be completed this term.

It is also clear that the much-needed correction of the long-standing error in the PU zoning CAN be corrected this term if decoupled from the STR process which is facing new challenges.

This is necessary to support local efforts to continue to explore a possible community housing option with other agencies.

Thank you for considering this.

Tony Law

From: HISTRA Association [redacted]
Sent: Thursday, June 25, 2026 9:32 AM
To: Alex Allen <aallen@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; northinfo <northinfo@islandstrust.bc.ca>
Cc: Eulala Mills [redacted]; Patrick Lui [redacted]; Ray Therrien [redacted]; Kim Luteijn [redacted] Jan Radford [redacted] Arifin Graham [redacted]>; Michelle Metzelaar-Easterly [redacted] Karen Young <kgarton@outerisland.bc.ca>
Subject: Issues for the June 26th LTC Meeting

Alex, Grant, and Tim,

After years of deliberate and methodical work towards broad community agreement on Vacation Rentals, we can only imagine your frustration learning, so deep into the process, that the foundation on which you developed the Vacation Rental bylaws is either not legally possible or prohibitively costly and labour-intensive for both residents and staff. Please know we share your frustration and concern.

We would like to offer some thoughts on the current challenges.

Public Use (P/U) Corrections

Housing is one of the most pressing issues on Hornby; any work towards safe, secure, and affordable housing needs our support. Please continue this work.

the Vacation Rental Path

The current choices before the Trustees all carry serious consequences and a policy that impacts the whole community needs to achieve its intended goals. For Vacation Rentals there have been four clear goals:

1. Containing the growth of Vacation Rentals
2. Creating a program that is affordable
3. Maintaining the current Vacation Rental Regulations
4. Ensuring appropriate water and septic requirements are added

An extraordinarily expensive TUP program that is also ineffective will not help Hornby. Likewise, revisiting a Permanent Resident criterion would, as you have heard, cause great a harm to many members of our community. Another way must be found.

The Meaningful Progress We Have Made

Although finding another path to fully achieve the core Vacation Rental goals may ultimately fall to the next Local Trust Council, the work completed over the past four years has already produced meaningful results. Vacation Rental owners are much better informed about, and willingly following, the current regulations, we have much more accurate information, and many significant improvements have been achieved.

We now know the following facts:

- In a uniquely Hornby way, the community members who share their homes as Vacation Rentals have deep connections to the island—often built over decades and for many, generations. They are **not faceless, disconnected owners**.
- Hornby's roughly 400 part-time families are the primary drivers of our summer population growth — not Vacation Rentals, which represent **less than 10% of both summer population and of the homes on Hornby**.
- The homes offered as Vacation Rentals won't become affordable housing because their owners use them year-round. At the same time, these homes generate **75% of the MRDT funding** that supports long-term affordable housing for the community.
- In 2012, as a part of that year's Vacation Rental bylaw project charter, Islands Trust assessed **80–100 Vacation Rentals as *"…a contained and compatible number for Hornby's unique rural character"*** because it represented a reasonable and sustainable number of the homes in the community, provided valuable income for many in the community, and was offered by families with deep roots on Hornby. All these things are still true today.

There have also been major improvements:

- At less than 100, there are now **30% to 50% fewer Vacation Rentals** advertising and legally operating during the season.
- HISTRA's membership has grown to over 135 members representing 90 vacation homes on Hornby. We educate members through our best-practice mandate and **focus on bylaw compliance**, resulting in **a more controlled and responsible Vacation Rental experience** on Hornby. Owners are better informed, follow comprehensive best practices, and are supported in meeting their responsibilities to the island, their neighbours, and the environment.
- The Provincial STVR program now provides **reliable information** about the number of legal Vacation Rentals on Hornby, and its enforcement tools can help to support local regulations without added costs to the island.

- Community concerns and worries about Vacation Rentals are much better understood and are being **proactively and positively addressed**.
- All the drafted TUP requirements, except the water and septic regulations, are already in force in the current bylaws and there have been **no Vacation Rental complaints** to Islands Trust bylaw enforcement since 2024. In the last year, **pro-active enforcement has been possible** and focused on addressing out of season rentals.

Conclusion

We encourage the LTC to **correct the Public Use issues** to support the creation of critically needed workforce housing, but please **separate it from what we now know is an ineffective and prohibitively expensive TUP framework**.

Let's **protect the progress we have made**, safeguard our housing projects, and continue to work proactively **to keep building well managed, sustainable, responsible vacation rentals** for the benefit of all.

With Respect,

The HISTRA Board

Jan Radford, Arifin Graham, Eulala Mills, Karen Young, Kim Luteijn, Michelle Easterly, Ray Therrien, Patrick Lui

PUBLIC HEARING

HORNBY ISLAND LOCAL TRUST COMMITTEE

September 1, 2026
Hornby Island Community Hall, 4305 Central Road, Hornby Island

PROPOSED BYLAW NO. 176

(Hornby Island Official Community Plan Bylaw No. 149, 2014, Amendment No. 1, 2024)

AND

PROPOSED BYLAW NO. 177

(Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024)

MAJOR PROJECT: HORNBY ISLAND OFFICIAL COMMUNITY PLAN AND LAND USE BYLAW REVIEW

Public Hearing Submissions Placeholder

HORNBY ISLAND OCP REVIEW

Community Engagement

Patricia Maloney Consulting

Zoom Meeting

6.30 pm

October 6th 2022

Islands Trust

INDIGENOUS ACKNOWLEDGEMENT

We respectfully and humbly acknowledge...

The Islands Trust Area is located within the treaty lands and territories of the BOḰEĆEN, Cowichan Tribes, K'ómoks, Lək^{w}əŋən, Lyackson, MÁLEXEŁ, Qualicum, scəẃaθən məsteyəx^{w}, Scia'new, səl̓ilwətaʔɬ, SEMYOME, shíshálh, Sḵwx̱wú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, ST̓ÁUTW̱, Stz'uminus, ɬaʔəmen, toq qaymɩx^{w}, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, W̱JOŁEŁP, W̱SIḴEM, Xeláltxw, Xwémalhkwu/ʔop qaymɩx^{w}, and x^{w}məθk^{w}əy̓əm.

...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

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

- 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

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

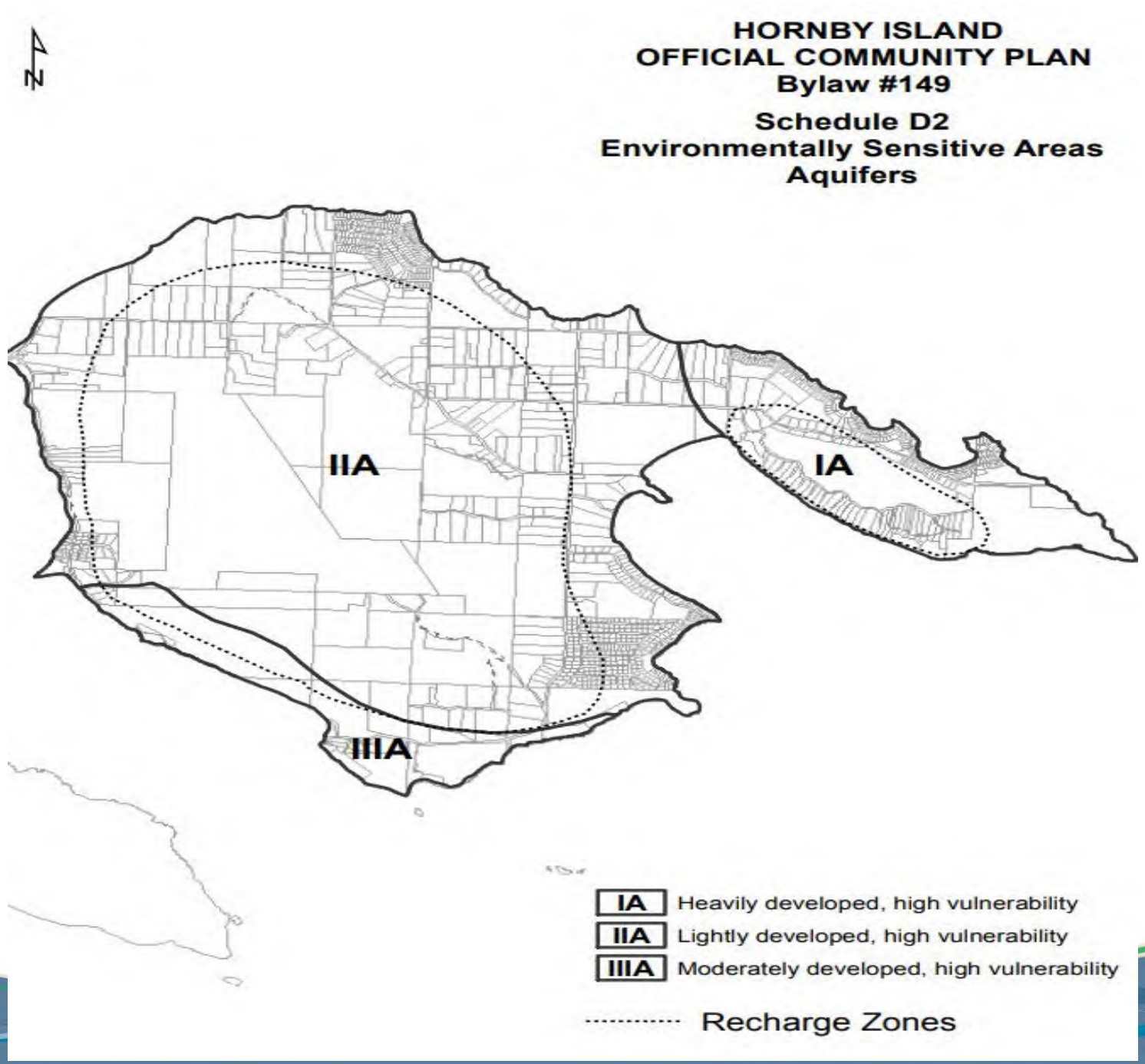
- Most documents are written from a colonial western cultural perspective
- Want to work with the First Nations and respect their history
- Consultant will be looking at the wording in the OCP and Zoning Bylaw to improve sensitivity and reflect reconciliation

INDIGENOUS COMMUNICATION

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?**

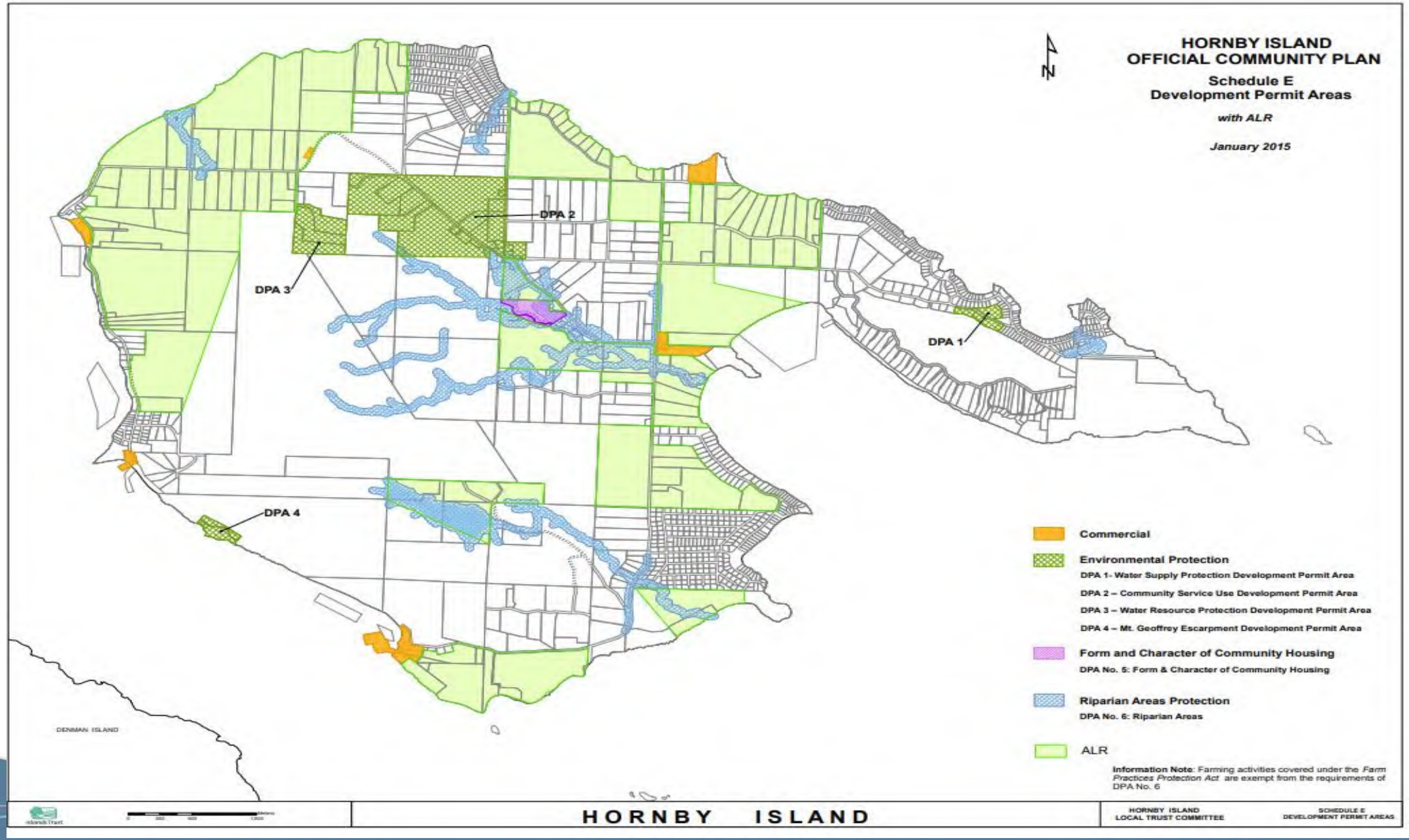
RIPARIAN AREAS

- 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



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

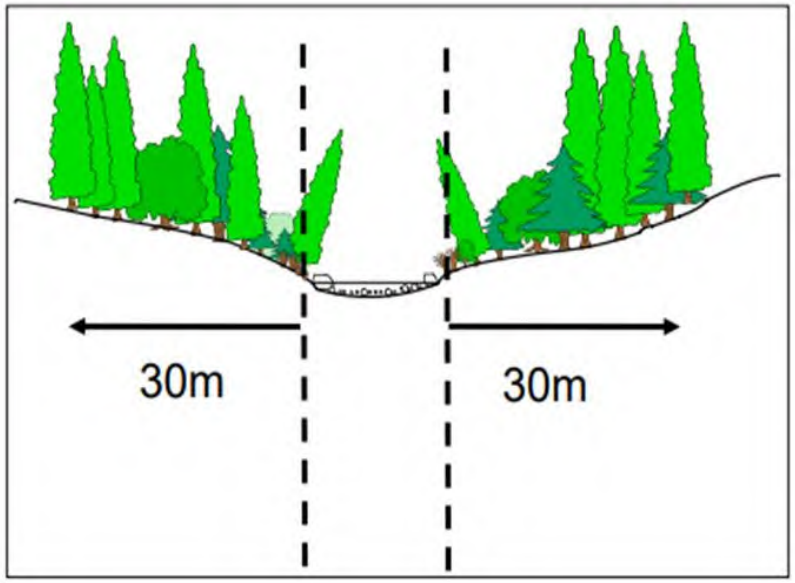
Hornby Island Development Permit Areas. (2015)

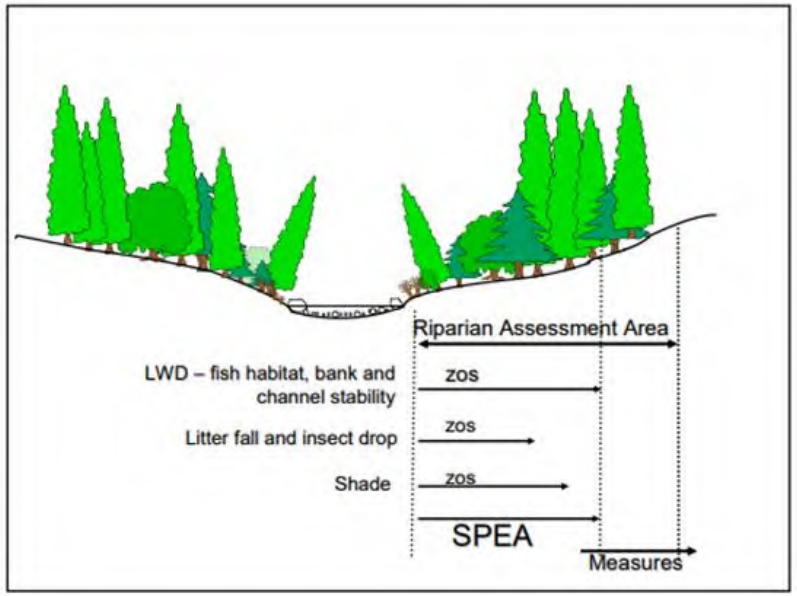


WHAT DEFINES A RIPARIAN ASSESSMENT AREA?

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

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?**

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.

Licence Required	
Non-Domestic Use	
You need a water licence if you use groundwater for *uses other than domestic purposes*. This includes businesses, irrigators, industries, waterworks, and others who divert or use groundwater from a well or a dugout for non-domestic purposes. Home businesses must also apply for a water licence.	

Licence Not Required	
Domestic Use	
You do not need a licence if you use groundwater for *domestic purposes* including: • using water for a private dwelling household; • fire prevention; • private lawn and garden watering (up to 1,000m^2 or ¼ acre); and • providing water to domestic animals or poultry kept as pets or for household use. Even if you do not need a licence, you are encouraged to register your well to protect your domestic water use rights.	

BENEFITS OF A HAVING A WATER LICENSE

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

Benefits of Applying for a Water Licence Now		New Users	Existing Users
Rights and Law	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 *Water Sustainability Act*	✓	✓
	Establishes your *first-in-time, first-in-right* (FITFIR) priority date	✓	✓
	Recognizes your historic groundwater use if you are an existing user (*see Q.5 for "Existing User"*) and provided you apply by March 1, 2022		✓
Business Benefits	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 (*see Q.5 for "Existing User"*)		✓
	You are exempt from paying application fees if you are an existing user and you apply by March 1, 2022		✓
Water Protection	Helps protect water resources for the benefit of all British Columbians	✓	✓
	Helps ensure sustainable management of your water supply	✓	✓

Islands Trust

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

- 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

- 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

- 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

AFFORDABLE HOUSING OPTIONS

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?**

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 Hormby
- 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

- 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

- **Options:**

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

NEXT STEPS

- 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)

March 2023

Patricia Maloney Consulting

Islands Trust

Hornby Island Official Community Plan Engagement Summary report

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Executive Summary

Hornby Island is located 31 km Southeast of Courtenay and includes the Islands of Toby Island, Flora Islet and Norris rocks. It has a population of 1,225 (2021). It is one of the best summer destinations as it is rich in nature and culture. It has long sandy beaches and scenic trails.

The Hornby Island, as with many of the Gulf Islands, has a permanent population, but a large recreational component, making many of the properties being used for weekend and summer use only. It takes two BC Ferries to access Hornby Island via Buckley Bay and Denman Island.

In August 2022 Patricia Maloney Consulting, in partnership with Bayshore Planning Inc., was engaged by the Hornby Island Local Trust Committee to undertake a targeted Official Community Plan (OCP) review of the following four topic areas:

1. Riparian Areas
2. First Nations
3. Affordable Housing
4. Short Term Vacation Rentals

Community engagement on these four topic areas was conducted and options for potential amendments are provided to update the Hornby Island Official Community Plan (OCP) and Land Use Bylaw (LUB).

This report provides a summary of the major points gathered from public engagement, specifically related to these topics. The preliminary recommendations and directions for optional amendments were provided to the Local Trust Committee, however no clear direction has been determined, and as such, this report will present policy recommendations and options for consideration by the Local Trust Committee (LTC).

Some of the key messages that were gathered from the consultation includes:

- Riparian Areas – There is some confusion about the results of the two riparian studies that were completed in 2011 and 2014 with some people feeling the reports are conflicting. A consolidation and update of these reports would be helpful. There is also community misunderstanding about the Riparian Area Regulation requirements with regards development around streams. There needs to be clarification with regards the Province's Water Sustainability Act and how it applies to domestic and commercial water use.
- First Nations Language – The existing OCP does not include the recent update of the Islands Trust acknowledgement statements demonstrating a commitment to United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and much of the current OCP celebrates the colonial and settler development on the island and does not recognize the indigenous history. The LTC and community have expressed the importance of building relationships with First Nations. The need for early and meaningful engagement with the K'omoks First Nation was expressed.
- Affordable Housing – There is general agreement that affordable housing is required, but not necessarily on how it should be provided.
- Short-Term Vacation Rentals – The community expressed a wide range of concerns and comments regarding STVR's including: they are needed to maintain the local economy, they cause mis-use of

the groundwater and septic fields, the allow people to get mortgages, they bring dis-respectful visitors to the island, they take long term rental out of the market, people who rent out their homes would never rent long term. STVR's or Vacation Home Rentals were allowed bylaw amendment to the OCP in 2011 and to the Land Use Bylaw in 2012. Many of the existing STVR's are legal.

This report provides options for OCP/LUB amendment in Section 5. The Local Trust Committee will have to determine what options they wish to pursue. It is the Consultants' view that in some cases the community mis understanding is due to lack of knowledge of provincial regulations (which the LTC has no ability to change or modify), and that there are some issues and topics for which the community will never agree.

1.0 Introduction

1.1 Scope of Work

The Hornby Island Local Trust Committee embarked on a targeted Official Community Plan (OCP) review of four topic areas. Patricia Maloney Consulting was engaged in August 2022 to conduct community engagement on these four topic areas and to present potential amendments to update the Hornby Island Official Community Plan (OCP) and Land Use Bylaw (LUB). The four topic areas are:

1. Riparian Areas
2. First Nations
3. Affordable Housing
4. Short Term Vacation Rentals

This report provides a summary of the major points gathered from public engagement, specifically related to these topics. The preliminary recommendations and directions for potential amendments were provided to the Local Trust Committee, however since no decisions were made, this report will present policy recommendations and options for consideration by the Local Trust Committee (LTC).

1.2 Engagement

In October 2022, a Zoom webinar was held, Chaired by the LTC. All four topic areas were on the agenda. A presentation was made and the participants were able to provide comment. There was concern raised that the meeting was ended after two hours, and that the timeframe was insufficient to discuss four topic areas. Subsequent to the meeting, the consultant received over 34 emails with comments, suggestions and ideas that were responded to, forwarded to Islands Trust staff and the Local Trustees.

In January 2023, Staff presented a summary memo to the LTC, with the consultant available for questions.

In February 2023, the consultant had an in-person meeting with the Hornby Island Advisory Planning Committee (APC). This meeting reviewed previous submission by the APC, allowing the consultant to provide information about best practices and suggestions for how to incorporate some of the APC recommendations. The APC has provided submissions to the LTC for consideration for amendment to the OCP including direction for Short Term Vacation Rentals (STVR)'s and wording changes in the OCP for Indigenous language.

Later in February 2023 another zoom webinar Community Information Meeting was held. Again, chaired by the LTC, but this time the presentation and consultation was focused solely on Short Term Vacation Rentals. The conversation often strayed to Affordable Housing. The two topics are inextricably connected and it was difficult for the participants to separate the two topics. **Table 1** summarizes the engagement.

Table 1	COMMUNITY ENGAGEMENT PLAN SUMMARY	
October 6th LTC Special Meeting	Zoom Meeting	Members of the public participate in workshop.
January 20, 2023 LTC Meeting	Zoom Meeting	Update to the LTC meeting
February 21st Advisory Planning Committee (APC)	In person meeting with APC	Attendance at the APC meeting to hear the recommendations
February 27th LTC Special Meeting	Zoom Meeting	Members of the public participate in workshop.

Through the consultation process this is what we heard:

1. Indigenous Communication
   - Indigenous communications is an ongoing commitment by the Islands Trust and terminology will reflect the direction for Islands Trust;
   - The participants generally supported that land use decisions should be guided by the directions of reconciliation;
   - Building a relationship with the K'ómoks First Nation (KFN) Chief and Council is seen as beneficial;
   - The OCP should be clear that anyone developing lands on Hornby Island must ensure that impacts on cultural heritage are incorporated into the development process;
   - The APC have proposed recommended wording changes to the OCP, the consultant has reviewed these recommendations and edited/added language to ensure that the wording in the OCP is respectful and supports and encourages reconciliation and good relations;
   - It was recognized that the draft OCP should be circulated to the K'omoks First Nation for comment;
   - It was recognized that sending letters or emails of notice is not engagement with a First Nation and that the communication needs to be built on relationships; and
   - Important Indigenous sites should be identified and protected.

2. Riparian Areas
   - There were many questions with regards the Province's Water Sustainability Act and how it applies to Island Health's licensing requirements for domestic and commercial wells, secondary units, home based businesses, short term vacation rentals etc., making it evident that the regulations were not generally understood by the community;
   - There were many questions related to why a Qualified Environmental Professional was required and why residents may have to pay for this. Again, generally people do not understand the Riparian Area Protection Regulations;
   - Residents did not understand why intermittent streams, ditches, seasonal wetlands and ephemeral waterbodies) could be considered riparian areas;
   - There was some opposition to the inclusion of sea level rise in the considerations of setbacks;

- There was no agreement on the two existing environmental/riparian reports completed. Many people felt the two reports were conflicting, when both Islands Trust staff and the consultant believe they are complimentary. These studies, while fairly old, were done as a mapping exercise to assist the Islands Trust with future land use decisions; and
- It is not clear that any property owner who wishes to develop and there is a riparian area (including intermittent streams, ditches, and seasonal ponds) will need to go through the RAPR program with riparian.

3. Affordable Housing
   - General support for affordable housing for young people, families, people who work in agriculture or the service industry;
   - Concern that affordable housing units may be used for Short Term Vacation Rental;
   - Concern that additional residential units on the island may put pressure on ground water and ferries;
   - Concern that if additional residential units are allowed, that they will not be affordable; and
   - There were questions about how the well and septic would be tested and demonstrated to be appropriate for an additional dwelling unit.

4. Short Term Vacation Rentals
   - Residents were split on the benefit of Short Term Vacation Rentals;
   - Many residents spoke to the nuisance of STVR's in terms of noise and partying, others spoke to the lack of respect for the island, others spoke to the abuse of wells and septic fields, others spoke to the fact that STVR's took long term rental out of the market;
   - Many people spoke in support of STVR's saying that they create jobs and economic benefit to the island, support people who do not live on Hornby full time (and say they would never rent out their house for long term rental), provides mortgage helpers for people, and do not create any more stress on groundwater than a full time residence;
   - It was very clear that the two groups (supportive and not supportive) will never accept the other's position;
   - There was general misunderstanding that many of the existing STVR's are legal based on the existing zoning and that even if the zoning is changed, they can continue to operate;
   - There were questions related to the licensing of wells (not required by the Ministry because STVR's, like bed and breakfast, are not considered commercial uses); and
   - There were people who were misinformed about the current bylaw enforcement efforts (people did not think there was any bylaw enforcement on illegal STVR's) and it was pointed out that there were (as of October 2022) 11 active cases being investigated.

2.0 Riparian Areas

2.1 Existing Legislation, Policies and Bylaws

The existing current policies in the OCP for Riparian Areas/Development Permit Areas are consistent and support the Water Sustainability Act and the Riparian Area Protection Regulation.

Currently the protection of Riparian Areas is the provincial responsibility. All properties bordering on streams (which may include ditches under provincial definition) need to address setback requirements. The options are 30-meter setback from all development, or have a Qualified Environmental Professional prepare a Streamside Protection Environmental Assessment report (SPEA) to be reviewed and approved by the province. This will determine the appropriate setback distance (which could be more or less than 30-meters). This is not something that Islands Trust, or the Hornby Island Local Trust Committee have any ability to change.

It is evident that the community does not necessarily understand the regulations or the need to follow the setback requirements, or what is a riparian area.

2.2 Hornby Island Background Studies

There were also questions from some community members about the validity of the Mimulus (2011) and Madrone (2014) Reports on Hornby Island Riparian Areas. The two reports on streams and riparian areas were commissioned by Islands Trust to mapping data as part of the 2014 OCP review. It should be noted this information is only one part of the collected data that Islands Trust can access when identifying watercourses in riparian areas.

To provide more clarity it may be worthwhile updating these two reports to include the latest Provincial data on sea level rise and to identify any areas that are at risk to ocean flows into creeks and streams potentially creating longer term implications for riparian areas.

Both studies set out to complete a Stream Identification Survey. This included identifying watercourses, streams and/or wetlands that fit the definition of a stream under Riparian Areas Protection Regulation. The streamside

mapping defines a watercourse as a stream and both projects included methods to identify fish presence or potential fish presence during their studies.

This definition of stream is defined within the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRO) - Riparian Areas Protection Regulation Tech Assessment Manual Nov 2019.

> *"The RAPR defines a stream as any watercourse providing fish habitat, natural or human-made that contains water on a perennial or seasonal basis and is scoured by water or contains observable deposit of mineral alluvium; or has a continuous channel bed including a watercourse that is obscured by overhanging or bridging vegetation or soil mats…A stream may not be currently inhabited by fish, but may provide water, food and nutrients to other streams that do support fish."*

This explains why ditches, intermittent or seasonal creeks can be considered Riparian areas as they could be determined to have Fish Presence or Potential Fish Presence.

The methodologies employed by the Mimulus/Madrona reports to assess Hornby Island watercourses to determine fish access, fish presence, and habitat suitability included:

- Field Survey-Walking stream to determine habitat suitability and to assess physical parameters such as channel width, water flow, morphology, gradient, and substrate composition, combined with collection of GPS information.
- Desktop Review- Fish distribution and other information for the stream were researched on the Fisheries Info Summary System (FISS) database, as well as within reports and maps from local and regional sources.
- No fish trapping was completed as part of both assessments. This type of sampling requires rigorous sampling procedures during specific times of the year. As the purpose of the project was to identify fish-bearing or potential fish-bearing drainages, no detailed sampling procedures were conducted.

Further review of watercourses on Hornby Island by Islands would achieve the following objectives:

- Updating current mapping would confirm streams that should be protect fish and fish habitat from future development.
- This mapping exercise would allow 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).

The watersheds and identified Streams of the Mimulus (2011) and Madrone Reports (2014) include both the Ford Creek Watershed and the Beulah Creek Watershed.

These studies also demonstrated:

  - No barriers to potential upstream fish movement from tidal waters, although low quality of fish habitat was present and lack of spawning areas and seasonal flow regime;
  - No barriers detected to fish habitat movement into the main stem, therefore all mapped watercourses within the report are defined as Creeks and should be provided protection under RAPR;

- No barriers to potential upstream fish movement were observed from tidal waters, suitable fish habitat was observed in the lower reaches of drainage, though overall the system would represent low quality fish habitat; and
- Diverse habitat within the lower reaches. The dam structure is passible during high flows and the lower reaches are more likely to support fish.

2.3 Provincial Regulations

Riparian Areas, setbacks and protection are regulated by the Provincial Government under the WSA or the Riparian Areas Protection Act. Currently the OCP addresses Riparian Areas in the Development Permit guidelines. Ultimately the protection of Riparian Areas is the provincial responsibility. All properties bordering on streams (which may include ditches under provincial definition) need to address setback requirements. The options are 30 m setback from all development, or have a Qualified Environmental Professional prepare a Streamside Protection Environmental Assessment report (SPEA) to be reviewed and approved by the province. This will determine the appropriate setback distance (which could be more or less than 30 m). It was evident in the engagement session on October 6th, that many residents do not understand the authority or the definitions (particularly with intermittent streams, ditches, seasonal wetlands and ephemeral waterbodies.

The current OCP already has a Development Permit Area regulating setback or requirement for a QEP to assess the site and provide setback distances.

2.4 Options for OCP/LUB Amendment

After reviewing the current OCP/Development Permit policies and regulations, it is noted that they conform to the Provincial Regulations for the identification and protection of Riparian areas. The Local Trust Committee and Islands Trust cannot reduce or eliminate these regulations. All landowners who wish to develop and are in proximity to any creek, stream, shore, pond, ditch or other water body, whether it is intermittent, seasonal, manmade or natural, must comply with the Riparian Area Protection Regulations, as well as the OCP and Development Permit Guidelines.

Therefore, there **are no suggestions for options for amendment to the OCP.** However, there are other actions that the Local Trust Committee could consider:

Option 1: Request funds to update and consolidate the Mimulus (2011) and Madrone Reports (2014), include:

a. the latest Provincial data on sea level rise and for areas impacted by ocean flows into creeks and streams, and
b. definitions and clarification of what may constitute a riparian area.

Option 2: Prepare educational materials to put on the Hornby Island Website to inform people of what Provincial regulations control riparian areas, what the definitions are, provide links to the mapping, Development Permit Area and any updated studies.

3.0 Indigenous Language

3.1 Islands Trust Policy

Islands Trust has adopted policies regarding reconciliation, respect, communication and action but build relations with Indigenous Communities on whose traditional and unceded lands the Islands Trust operates.

On March 14, 2019, Islands Trust Council adopted the following Reconciliation Declaration:

> *Islands Trust Council acknowledges that the lands and waters that encompass the Islands Trust Area have been home to Indigenous Peoples since time immemorial and honours the rich history, stewardship, and cultural heritage that embody this place we all call home.*
>
> *Islands Trust Council is committed to establishing and maintaining mutually respectful relationships between Indigenous and non-Indigenous Peoples. Islands Trust states a commitment to Reconciliation with the understanding that this commitment is a long-term relationship-building and healing process.*
>
> *Islands Trust Council will strive to create opportunities for knowledge-sharing and understanding as people come together to preserve and protect the special nature of the islands within the Salish Sea.*

The consultant reviewed the existing Hornby Island OCP language in light of this declaration. In addition, the Hornby Island Advisory Planning Commission previously reviewed the language in the OCP and made several recommendations. The consultant reviewed these suggestions and edited and added to the suggested modifications. This "redlined" version of the OCP is provided in **Appendix A** of this report.

3.2 Provincial Regulation

In addition to the Islands Trust declaration, the 2014 OCP references the Heritage Conservation Act with regards land use development and that it shall be located away from areas of archaeological sites unless authorized by a

permit issued under the Heritage Conservation Act. Working with the First Nations, Hornby Island LTC could better identify additional sites important to the First Nations.

Several terms are referenced in the Act that should be noted in the OCP and defined such as Culturally Modified Trees. Culturally modified trees (CMT) are living trees that has been visibly altered or modified by indigenous peoples for usage in their cultural traditions. In British Columbia, groups of CMT 's are classified as "forest utilization sites" and if it can be determined it was modified before 1846, then the trees in that group are protected by the *Heritage Conservation Act* (1966). The modification includes alterations of stripping bark or removal of planks, generally from red and yellow western cedar.

Other indigenous sites automatically protected are archaeological sites older than 1846, including spiritual, ceremonial and cultural sites of particular interest to First Nations.

The Hornby Island Local Trust Committee should work with the K'ómoks Nation to identify and log all sites on Hornby Island for protection.

3.3 Options for OCP Amendment

The following Options for OCP Amendment are provided:

Option 1 – Add the Islands Trust reconciliation declaration to the OCP (as drafted in **Appendix A**).

Option 2 – Consider additional wording changes as outlined in **Appendix A**. Also, critical to reconciliation and respect for the traditional Indigenous communities, reduce the emphasis on the colonialization and settlement of the island. The OCP could recognize that the settlers caused deforestation and farming practices that have potentially destroyed or changed the lands from when the First Nations lived here. In addition, the possession of these lands by the settlers was an act of theft and as such, should not be honoured as much as is currently outlined in the Official Community Plan. The document needs to recognize that a number of indigenous peoples used Hornby Island in some manner, but that the K'ómoks First Nation is the primary Nation that Hornby Island will work with.

The following advocacy policies be considered for the OCP:

Option 3 - Participate in Heritage and Traditional knowledge mapping with the K'ómoks First Nation. This mapping will:

- attempt to better understand the relationship between Indigenous cultural heritage preservation, species at risk, and freshwater resource sustainability;
- gather information to inform meaningful engagement with First Nations; and
- inform policy development related to the preservation of areas of cultural significance.

Option 4 - Consider the use of Covenants (enabled under S. 219 of the Land Title Act) in conjunction with rezoning applications, to reduce the direct impacts of development on Indigenous culturally sensitive areas.

Option 5 - Improve communication with K'ómoks First Nation by setting up regular LTC/Chief and Council meetings to discuss a wide range of issues of mutual concern.

Option 6 - Consider the development of an agreement similar to the qathet Regional District, City of Powell River and Tla'amin Nation First Nation (*https://www.ubcm.ca/sites/default/files/2021-08/Tlaamin_PowellRiver_20190909.pdf*).

Option 7 - Work with K'ómoks First Nation, determine how K'ómoks wants to be engaged, circulated and involved in review of development and policy plans.

Option 8 - Consider inviting a K'ómoks representative to attend (as a non voting member) Advisory Planning Committee meetings and Local Trust Committee meetings.

No specific Land Use Bylaw amendments have been identified.

4.0 Affordable Housing

4.1 Housing Needs Assessment

In 2018, the Islands Trust North Region Housing Needs Assessment was completed by Dillon Consulting. The report included Hornby Island. The study completed population projections, assessment of the current housing stock, the existing and future housing needs and types of housing required.

During the preparation of the assessment, a community survey was distributed, along with community engagement meetings. The participants were asked what they felt the housing needs were and over 85% of the respondents said affordable housing and 80% said seniors housing.

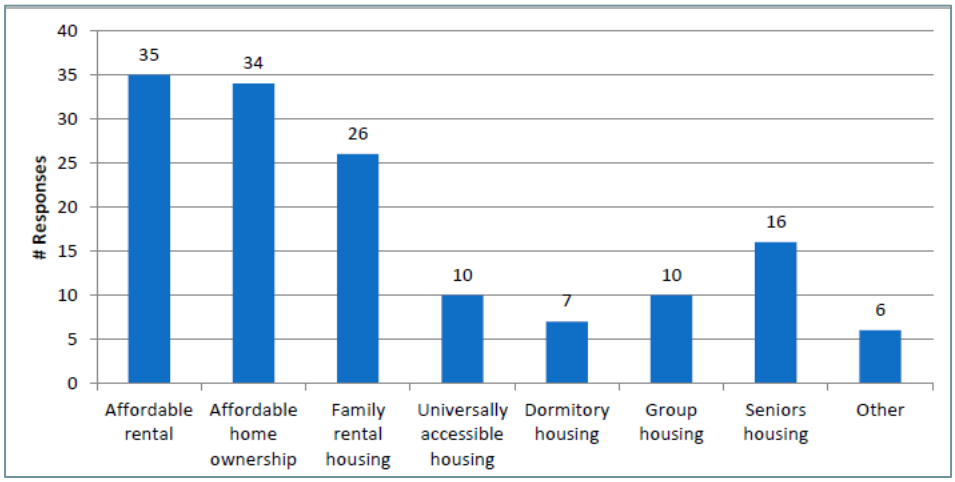
The median age of the population in the 2016 census was 60.3. That median age has increased to 62.8 in 2021 based on the Federal Census. While many seniors were aging in their own home the Hornby Island Housing Society has also been managing an eleven unit independent living studios for residents over 55 years of age. The Elder Village has been operating successfully for over 20 years. In addition, HIHA is also planning for an affordable housing development at "Beulah Creek for residents of all ages, including families. This project is in partnership with BC Housing. Water and sewer provision will be a challenge for this development but the units will be needed in the community.

The Housing Needs Assessment concluded that, based on the population projections, "there could be a need for potentially 165 residential units in the next 25 years". Given that the 2016 average income was $20,000 below the regional average, 25.4% of the total population falls within the no and low income category, and 38% falls within the no, low and low-moderate income levels. With rising housing prices, the demand is for secure, long term, affordable, accessible housing. Figure 2 illustrates the perceived housing gaps on Hornby Island, as expressed by the survey respondents during the 2018 Housing Needs Assessment Engagement.

Affordable housing can be provided through a number of means, including projects supported by BC Housing and managed by a non-profit organization (such as HIHS) or through secondary suites. While there is no guarantee

that a secondary suite is affordable, nor is there any guarantee that a secondary suite provides long term rental accommodation (not evicting tenants in the summer for higher rent short term rentals), the allowance for more secondary suites will at least provide opportunity for affordable rental units.

Figure 2
Housing Supply Gaps on Hornby Island



4.2 Current Policies and Bylaw

The Official Community Plan and Land Use Bylaw provide limited direction for Affordable Housing.

4.2.1 Official Community Plan

The 2014 Official Community Plan identified three main issues with residential development:

> "(1) a substantial proportion of the long-term resident population is now in the older age brackets; some may appreciate the availability of special housing in their senior years while others may wish to be supported while remaining in their own homes;
>
> (2) property prices are out of scale with the incomes that can be derived on the Island, making it difficult for younger people to become established here; and
>
> (3) the majority of properties are owned by non-residents and most of these are occupied and/or rented seasonally thereby limiting the availability of year-round rental accommodation."

The same issues are identified today.

The policies and objectives of the OCP address protecting ground water, support water catchment, supports land sharing and cooperative housing. Section 6.3.5, Housing, outlines a series of objectives:

> " (1) to provide for a range of housing opportunities including the creation of affordable, rental and special needs housing;
>
> (2) to enable affordable, rental and special needs housing options that are compatible with the Island's environment and character;

(3) to provide for community initiatives to address the housing needs associated with age, disability, and/or moderate and low income through the provision of community housing;

(4) to provide opportunity for non-profit housing situations to meet the needs associated with age, disability, and/or moderate and low income; and

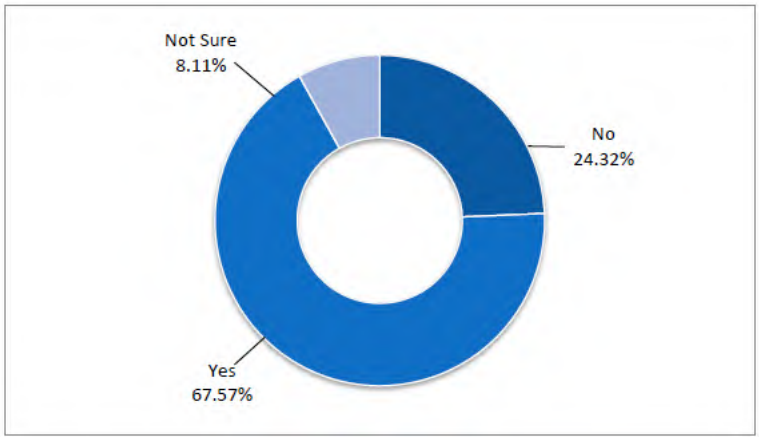
(5) to support land cooperatives with the intention of providing opportunity for common ownership through cooperative land tenure."

Secondary suites are not specifically addressed in the OCP. However, the Land Use Bylaw outlines policies regulating secondary suites.

Affordable housing is defined for the purpose of the OCP as: "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. While this is not generally the accepted definition of housing, CMHC defines "affordable" housing that costs less than 30% of a household's before-tax income. This puts the definition on the individual or household and does not use a statistic from the entire community.

The Local Trustees indicated the need to separate the topics of affordable housing and vacation home rental. However, the community identified during the engagement for the 2018 Housing Needs Assessment, that the two topics are inextricably linked.

Figure 3
Do you think that seasonal/ short term rentals have reduced the availability of long term rental housing on Hornby Island?



4.2.2 Land Use Bylaw

The current Land Use Bylaw allows secondary suites in existing buildings on parcels over 2 ha in size in zones, R2 Large Lot, R4 Forest, Agriculture 1, Agriculture 2, Agriculture 3, and Agriculture 4.

Secondary suites are defined as 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. And Section 3.8 outlines more regulations for secondary suites.

Section 3.8 Secondary Suites outlines the following additional regulations:
(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.

The regulations also state that before a secondary suite is approved, the owner must state in writing to the Islands Trust that the sewage disposal system to which the building accommodating the secondary suite is connected to is capable of providing adequate sewage treatment for the principal dwelling and secondary suite. In addition, a secondary suite, regardless of being a permitted use, may not be permitted on a lot with high vulnerability aquifer designation.

As noted earlier, there is nothing to guarantee that the secondary suites are affordable, or rented at an affordable rate.

4.3 Island Health Septic Requirements

Island Health is the authority for septic requirements. However, the approval is no longer under their direct control, but they require a report on the installation of the sewage system to be completed by a Registered Onsite Wastewater Practitioner (ROWP). In 2014, the Province of British Columbia adopted the Sewerage System Standard Practice Manual (*https://www2.gov.bc.ca/assets/gov/environment/waste-management/sewage/spmv3-24september2014.pdf*).

The Practitioners are responsible for on-site systems for under 5,000 IGPD (22,700 liters) and to ensure that they meet the guidelines in the manual. The on-site wastewater system is designed to reflect the size of the house, the number of bedrooms, the number of bathrooms and generally calculating the flows. It is not based on the number of people who will inhabit the house.

The Islands Trust, nor the Local Trust Committee, have any influence or ability to increase standards.

4.4 The Provincial Water Sustainability Act

The Provincial Water Sustainability Act (WSA) came into effect on February 29, 2016. The WSA has brought a number of important changes for surface water and groundwater users that may impact property owners using well water within Island Trust areas such as Hornby Island. The modernization of Province of British Columbia's provincial water laws introduced new licensing requirements for non-domestic use provides that promotes a fair and transparent process. The introduction of the WSA legally requires all non-domestic groundwater users to obtain a water licence from the Province if BC through Island Health. This requirement allows the Province to

better understand and manage water usage. Through improved monitoring of water resources this provided information on the impacts of seasonal weather conditions on aquifers and streams and provides data to manage water usage during drought conditions. It is important to note that the province does not consider Bed and Breakfast or Vacation Home Rentals non-domestic. Both are considered residential uses.

The WSA introduced a number of changes for property owners using well water within Island Trust areas such as Hornby Island. A summary of the WSA changes are as follows:

- Water rights and licencing requirements for non-domestic groundwater users (e.g. industrial, agricultural, commercial.)
- Stronger protection for aquatic ecosystems
- Fees and rentals for water use from surface water and groundwater sources
- Expanded protection of groundwater including new requirements for well construction and maintenance
- Increased dam safety and awareness, and compliance and enforcement Licensing of Groundwater.

Applications can be made under either Groundwater New Use (groundwater use that began after February 29, 2016) or Groundwater Existing Use (groundwater use began before March 1, 2016). However, application for license for an existing well is not mandatory.

As OCP's are updated across the province, it is recommended that new information about water availability and vulnerability information in included into land use policies and regulations. Including this information could reduce risks related to unsustainable resource use and deterioration of water quality. Depending on the local water circumstances, this may entail reconfiguring zoning, so density is situated in areas with sufficient water availability and lower risk. This is not an area specifically related to the four topics the consultant was asked to consult on.

4.5 Options for OCP/LUB Amendment

The basis for the options for OCP and LUB Amendments are to generally increase the number of housing units with the intent that the majority of these units are affordable.

4.5.1 Official Community Plan Amendments

There are several options for amendment to the Official Community Plan provided. They are not mutually exclusive.

Option 1 - Update the 2018 Housing Needs Assessment.

Option 2 – Allow secondary / accessory dwelling units in all zones. In small lot zones, allow secondary units within the primary residence that does not exceed the original number of bedrooms for which the septic field was designed. On lots over 2 ha, allow secondary suites internal to the primary residence, or attached to the primary residence with report from a Registered Onsite Wastewater Practitioner (ROWP) that the septic field is sufficient. Or allow detached accessor dwelling units that have individual well and septic, designed and constructed by a Registered Onsite Wastewater Practitioner (ROWP).

Option 3 - Include policies that fully support cooperative housing and purpose built rental housing.

Option 4 – Revise the definition of affordable housing to match that of BC Housing.

Option 5 – Use housing agreements to ensure that the housing unit remains affordable for a period of time.

Option 6 - Update the Development Permit Area guidelines to enable an elevated level of protection for sensitive areas (e.g., vulnerable groundwater areas) or to promote water conservation. The DPA would apply to applications for new construction, renovations, alterations, construction of accessory buildings.

Option 7 - Use covenants to secure commitments from property owners for stormwater management, or for monitoring and reporting of private well levels.

Option 8 – Require all new wells be registered and monitored and require all wells for new secondary suites or accessory dwelling units be registered and monitored.

In addition to policy changes, there are some advocacy policies that could be included in the OCP:

Option 9 - Provide more education on the Islands Trust website for residents and visitors about proper use of wells and septic fields, including long term maintenance.

Option 10 - Work with the Comox Valley Regional District to offer rebates or reduced prices on rainwater collection devices, and incentives for the use of rain barrels.

Option 11 - Develop workshops and literature that provide residents with information on managing private wells; Land Use Bylaw Amendments

Option 12 - The Local Trust Committee and/or the APC work directly with the Hornby Island Housing Society to get the approvals for affordable housing on Hornby Island.

4.5.2 Land Use Bylaw Amendments

In addition to OCP policies, the Land Use Bylaw could be amended to include:

Option 13 - Update definitions of secondary suites (internal to the primary residence) and Accessory Dwelling Units (attached or detached to the primary dwelling)

Option 14 – Change permitted uses to allow Secondary Suites on all zones (not to exceed the number of bedrooms the septic field has been designed and constructed for) and to allow Accessory Dwelling Units on lots over 2ha in size, with an approved on-site wastewater system, rain water harvest, and grey water reuse (for garden and irrigation);

5.0 Short Term Vacation Rentals

5.1 Current Policies and Bylaw

It is important to note that the current Hornby Island bylaws include Vacation Home Rentals as permitted uses in certain areas. The inclusion of Vacation Home Rentals or Short Term Vacation Rentals in these bylaws was completed with community engagement, public hearing, community information meetings and Local Trust Committee meetings with four readings of the Bylaw.

Note that in this report, Short Term Vacation Rentals and Vacation Home Rentals are used interchangeably.

In February 2012, Bylaw No. 142 amended the OCP to allow Vacation Home Rentals. This was supported by Bylaw No. 143 in February 2012 to amend the Land Use Bylaw to include the definitions and the regulations. in July 2012, the Land Use Bylaw was further amended by Bylaw No. 145 to clearly limit Vacation Home Rental uses to one per lot.

5.1.1 Official Community Plan

The 2014 Official Community Plan, Section 6.5.3 allows Vacation Home Rentals, with a series of guidelines. The rational for allowing this is to recognize the Island's increasing popularity as a summer destination, and address the demand for visitor accommodation while maintaining the residential nature of the island. The OCP states that "Property owners benefit from the opportunity to raise funds whether to assist with property costs or as a

means to augment income while retaining their residence for its primary residential use for most of the year. Visitors benefit from a range of accommodation options to experience the Island's environment and amenities. The community benefits from the economic inputs from these visitors."

The OCP includes a number of policies that regulate who can have a vacation home rental, limitations for the portion of the year that the house can be rented, limitation to the number of bedrooms to not exceed the bedrooms of a "normal residential use", adequate off-street parking, retention of the residential appearance, and accommodation remain inside the main house. Vacation home rentals on R-1 or Small Lot Residential are encouraged to minimize impacts on ground water resources by installing a rain catchment and storage system, water conservation fixtures, and provide information to the renters about the importance of water conservation.

The OCP suggests that vacation home rentals that do not comply with limitations Imposed by land use regulations may be considered upon application for a Temporary Use Permit.

Owners of vacation home rentals were encouraged to start an association, which they did: he Hornby Island Short Term Rental Association (HISTRA). This Association was encouraged to provide additional regulations for rentals to protect the environment and the neighbourhoods in which the rentals are located.

There were two other directions for the LTC:

a. To monitor the rate and use of vacation home rentals, and
b. To review the regulations for vacation home rentals in 2017.

Section 6.3.2.15 of the OCP states that "Vacation home rentals should only be permitted if the number of guests does not exceed the design capacity of the sewage treatment system". This is not an enforceable or measurable policy. The septic is designed generally for the number of bedrooms but how many people sleep in those bedrooms is not something that can be regulated.

While many residents would like to be able to limit the number of guests, that is not possible through the OCP or LUB. It would be possible through a business license. Islands Trust does not have the ability to issue business licenses. If the Regional District were to agree to administer this, Business Licenses could be required for any Vacation Home Rental.

5.1.2 Land Use Bylaw

To conform to the OCP, the Land Use Bylaw was amended to include vacation home rental use in several zones, including: Residential 1 – Small Lot (R1) Zone (Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot), Residential 2 – Large Lot (R2) Zone, Residential 4 – Forest (R4) Zone, and Agriculture 1 (A1) Zone.

The Bylaw defines Vacation Home Rental as

"the use of a residential dwelling unit for the temporary accommodation of paying guests, where:

(a) an owner or tenant of the lot on which the dwelling unit is located is ordinarily a resident in the dwelling and the vacation home rental use is occurring during a temporary absence of that owner or tenant; or
(b) the owner or tenant is residing in another lawful dwelling on the same lot while the vacation home rental is occurring; or
(c) the owner of the lot resides seasonally in the dwelling unit and the vacation home rental use is occurring during the absence of that owner; and includes such a use of a dwelling unit the residential use of which is a lawfully nonconforming use under Section 528 of the Local Government Act, unless such residential use is discontinued for a continuous period of six months."

There are no addition regulations listed in Section 3 of the Land Use Bylaw.

It is important to note that should the Land Use Bylaw be amended to remove Vacation Home Rentals from the permitted uses, the use can continue as a legal non conforming use until such time as the use stops operating for at least 6 months.

5.2 Provincial Regulations

There are several provincial Acts and regulations that would apply to Vacation Home Rental or Short Term Vacation Rental, but only in terms of the residential dwelling and the original construction. The Province of British Columbia does not regulate vacation rental homes directly. There are some instruments the Province has developed that could be considered for Hornby if the community supported.

The province regulates potable water, on site wastewater, setbacks and protections from riparian areas, subdivision, roads, what a local government can regulate in the Official Community Plan, Land Use Bylaw, Development Permits etc.

The Province can also regulate tax rates for houses that are purchased by foreign interests and for domestic interests that are going to rent for short term. Currently Nanaimo and Lantzville, along with the Victoria Capital region and parts of the lower mainland and Kelowna have these taxes applied. These taxes could apply as follows:

a) Non Resident Tax on Purchase - The British Columbia Non-Resident Speculation Tax (NRST) forces foreign homebuyers to pay a **20%** tax on purchases in specific regions. Proceeds from the tax are invested into affordable housing initiatives within the province.
b) Non Resident Annual Tax – The home must be inhabited for at least 6 months by the owner or a permanent resident to avoid paying speculation and vacancy taxes.

5.3 Official Community Plan and Land Use Bylaw Amendments

5.3.1 Official Community Plan

The Official Community Plan has clear policies and objectives for Vacation Home Rentals (VHR). These policies were put in place with a public process. It appears that one component of the community supports VHR. They feel that it supports the owner of the home, brings business to the commercial operators on the island and does

not degrade the residential character of the community. There is another group of residents that feel that VHR place extra pressure on the ground water, ferry system and do not contribute to the larger community.

The following are options for how the Local Trust Committee could move forward with VHR;

Option 1 – Do not change the policies in the OCP. The current policies were adopted using a public engagement process and there are many legal existing VHR. There are also illegal VHR's located in zones that do not allow VHR as a permitted use. Continue enforcing the bylaw to shut down the illegal VHR. Increase the requlations for new VHR such as mandatory rainwater harvest, RWOP statement that the existing septic has capacity for the existing house and number of bedrooms.

Option 2 – Amend the OCP and the Land Use Bylaw to Prohibit VHR. By deleting VHR from the bylaws, there would be no new legal VHR. The existing VHR in zones Residential 1 – Small Lot (R1) Zone (Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot), Residential 2 – Large Lot (R2) Zone, Residential 4 – Forest (R4) Zone, and Agriculture 1 (A1) Zone, would remain legal non-conforming and could continue to operate permanently as they are. All of the current illegal VHR would remain illegal.

Option 3 – Assess Current VHR's. Regardless of the option selected, the Local Trust Committee should follow through with the policy in the OCP to monitor the rate and use of vacation home rentals. During the engagement it was clear that no one actually knows how many legal and illegal VHR there are on the island (the estimates range between 80 and 120). It is critical to understand how many VHR there currently are, review their wells, septic and determine if in fact they are having a detrimental impact on the environment and then determine a future direction.

Advocacy policies may include:

Option 4 - LTC work closely with HISTRA to manage rentals, educate owners and renters, license wells and protect the groundwater.

Option 5 - Consider the use of Temporary Permits for all VHR in the future.

Option 6 – Support and Direct increased Bylaw Enforcement on illegal Vacation Home Rentals.

5.3.2 Land Use Bylaw

Changes to the Land Use Bylaw will be dependent upon the changes to the OCP. However, the following edits can be made to the regulations for new development. As per the Water Sustainability Act, require new wells to be registered and private homeowners are encouraged to register wells and to conduct regular testing.

6.0 Summary

Islands Trust engaged Patricia Maloney Consultants, in partnership with Bayshore Planning Services Inc. (the Consultant), to complete research and engagement on four key topic areas for a targeted OCP Review and potential Land Use Bylaw amendments. The four key topics were:

1. Riparian Areas
2. First Nations
3. Affordable Housing
4. Short Term Vacation Rentals

The Consultant reviewed the four topic areas, considered provincial legislation and regulations, past bylaws adopted by the Hornby Island Local Trust Committee (LTC), reviewed work completed by the Hornby Island Advisory Planning Committee (APC), reviewed how other municipalities and Islands managed policies and bylaws for the four key topics.

The Consultant completed two virtual community information meetings, an in person meeting with the APC and reviewed and responded to over 35 emails from community members.

The options and suggestions provided in this report are based on the work and engagement completed. At this point, the Consultant cannot draft amendments to the OCP or the Land Use Bylaw as there has been no direction from the LTC as to how they wish to address the four key topic areas.

The engagement has demonstrated that the island residents and property owners have different views on some of the topics, specifically the benefit or disbenefit of Vacation Home Rentals. Other topic areas demonstrate that the residents/property owners are not familiar with Provincial legislation, for which the LTC and Islands Trust has

no control (such as Riparian Area Protection Regulations, On Site Wastewater regulations, Water Sustainability Act etc.). In addition, many residents are not aware that planning cannot be retroactive and that a use that was permitted can remain in existence even if the Land Use Bylaw is amended and the use is removed from the permitted uses in a zone.

At such time as the LTC is ready to determine direction for the OCP amendments, after they are comfortable that the community engagement has been sufficient, then the actual amendments to the OCP and LUB can be drafted and taken back out to the community.

Appendix A

Indigeous Appropriate Proposed Wording Amendments for the OCP

This provides the sections of the OCP where edits, amendments and adjustments are recommended that support the appropriate Indigenous language and policies that support the Islands Trust Reconciliation Declaration. If a section is not referenced, no changes are recommended.

SCHEDULE A
HORNBY ISLAND OFFICIAL COMMUNITY PLAN

SECTION I— BACKGROUND

~~*1.1 Context and Interpretation*~~

~~—~~

~~1.1 ACKNOWLEDGMENT~~ Islands Trust Council acknowledges that the Islands Trust Area is located within the treaty and territorial lands and waters of the BOḰEĆEN, K'ómoks, Ləkʷəŋən, Lyackson, MÁLEXEŁ, Qualicum, Quw'utsun Tribes, scəẃaθən məsteyəxʷ, Scia'new, səlílẇəətaʔɬ, SEMYOME, shíshálh, Sḵwxwú7mesh, Snaw_ -naw-as, Snuneymuxw, Spune'luxutth, SȾÁUTW, Stz'uminus, ɬaʔəmen, toq qaymɩxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁEŁP, WSIḴEM, Xeláltxw, Xwémalhkwu/ʔop qaymɩxʷ, and xʷməθkʷəyə̓ m (collectively referred to hereinafter as 'First Nations'). Islands Trust Council acknowledges that the lands and waters encompassing the Trust Area are subject to the treaty and territorial rights of First Nations. The Trust Area has been home to Indigenous Peoples since time immemorial and their relationship to these lands and waters continues to this day. Islands Trust Council honours the rich history and cultural heritage within the region and has stated its commitment to reconciliation and meaningful engagement with First Nations in the Trust Area.

1.2 Context and Interpretation

This is an updated version of the ~~plan is an update to the~~ Hornby Island Official Community Plan Bylaw No. 14~~90~~4, (2014) reflecting the community engagement that occurred in the fall of 2022 and the spring of 2023 to address policies and development permit regulations regarding Riparian Areas, Indigenous language and Reconciliation, Affordable Housing and Short Term Vacation Rentals. ~~02 and has been assigned a new bylaw number to denote the update. An update, in contrast to a review of the plan, focuses on updates to legislative references and clarification of the text where previous use of objectives or policies have identified lack of clarity. A review was undertaken of Section VI – Objectives and Policies for Sustainable Land Use" with a focus on housing and the economy and amendments are incorporated into this plan. Other areas of review included new objectives and policy on wind energy and amendments to land use designations on some properties.~~

The Plan update distinguishes between “Policies” and “Advocacy Policies”. “Policies” are those that are within the authority of the Hornby Island Local Trust Committee to implement. Community goals and objectives included in this Bylaw that address matters that are outside the jurisdiction of the Hornby Island Local Trust Committee are considered “advocacy policies”. These advocacy policies encourage others to take actions that the Local Trust Committee believes would contribute to the goals and objectives of the plan. This Bylaw cannot and does not represent a commitment from other agencies or persons to act according to community goals, objectives or policies.

PProperties are noted with a land use designation on Schedule B attached to this Plan. Each designation is referenced in the text of this Plan with stated objectives and policies. In addition there are sections of the text of this Plan that apply to all properties on Hornby Island. If a property has more than one land use designation as defined on Schedule B to this Plan, then the objectives and policies applicable to each designation shall apply to that property.

The term “Information Note” is used periodically within the Plan. An information note is not part of the official community plan bylaw. An information note is added to the published bylaw document after adoption of the bylaw to assist in the understanding and interpretation of the Plan.

~~*1.2 Purpose*~~

~~The purpose of this official community plan bylaw is to further the object of the *Islands Trust Act* through long-range land use policies for the Hornby Local Trust Area. This bylaw provides a statement of local government goals, objectives and policies. It is intended to provide policy guidance for the Hornby Island Local Trust Committee and the public regarding the existing and proposed land use and development in the Local Trust Area.~~

~~*1.3 Islands Trust Authority*~~

~~The *Islands Trust Act* gives the Islands Trust, via its Local Trust Committees, essentially the same land use planning authority as a regional district board under the *Local Government Act*. Bylaws must be submitted to the Islands Trust Executive Committee for approval and must not be approved if they are contrary to or at variance with the Trust Policy Statement. In the case of Official Community Plans, approval by the Minister of Community, Sport and Cultural Development is also required before adoption by the Local Trust Committee.~~

~~The Hornby Island Local Trust Committee is the Local Trust Committee with responsibility for land use planning and regulations within the Hornby Island Local Trust Area. This committee has three members; two locally elected trustees and a member of the Executive Committee appointed by the chairperson of the Islands Trust Council.~~

~~The purpose of the Trust Council, Executive Committee, and Local Trust Committees, is to carry 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 of the residents of the trust area and of the Province generally, in cooperation with relevant Indigenous communities, municipalities, regional districts, improvement districts, other persons and organizations and the government of the province.*~~

~~The legislated object defines the purpose of providing authority to the Islands Trust for land use regulation. The Trust Policy Statement is a general statement of policies to carry out the object of the Trust. Local Trust Committees employ the available planning powers of the *Local Government Act* to preserve, protect, and effectively maintain the rural nature, health, natural environment and vitality of the Trust Area.~~

1.4 Historical Perspectives

Someone has said "a people without a history can have no vision". Hornby Island has been home to the Coastal Salish people from time immemorial. Settlers arrived in the 1800's and changed the land. We share the respect for the land and the history of ~~The people of Hornby Island are standing on history. It is to be found in the remnants of snake fences, and in the de~~the ocean and the land, the blackened shell-flecked soil in shoreline middens, in uplands pits for preparation of food or shelter, further inland in trees modified for cedar bark for clothing, baskets and nets, and in the indigenous use of the plants and shrubs from which the first people took their sustenance.~~relict orchards, in the blackened shell-flecked soil around the shores, and in the indigenous trees and shrubs from which the first people took their sustenance. It is to be found in the soil and in the sandstone and conglomerate sedimentary rocks, in the pebbles on the beaches, and in the basement rock on which the Island rests.~~

~~Perhaps the phrase "a people without a history can have no vision for the future," was an attitude of Europaean settlers in the 1800s on Hornby Island and elsewhere around the Salish Sea. That recent history on Hornby is in the remnants of snake fences and derelict orchards of settlers. However, the present population is standing on a much longer history found in the blackened shell=flecked soil in shoreline middens, in uplands pits for preparation of food or shelter, further incland in trees modified for cedar bark for clothing, baskets and nets, and in the oral history of plants and shrubs from which the first people take their sustenance. That long oral history covers thousands of years of the use and occupation of Hornby Island before contact.~~

The rocks of Hornby Island are part of the island arc Wrangellia, which started its life as molten lava, three hundred and fifty million years ago, south of the equator. The arc, the result of one ocean plate meeting another and subducting, journeyed north on the back of the Pacific Plate, eroding gathering limestone. On reaching the latitude of present-day Mexico, about one

hundred and seventy million years ago, another set of volcanic eruptions added more volcanic rock to the terrain.

From these two major geological events came the Island's basement rock, and later, 65 to 70 million years ago, most of the ingredients for the Island's sedimentary rock, the pebbles in the conglomerate and the eroded rock from the tumbling hillsides, came from the recycled substance of Wrangellia's earlier geological history. Also in the sediment are found fossils of sea creatures, and pieces of petrified wood dating from trees that grew at that time.

Continuing tectonic plate pressure first folded and then faulted the layers of sedimentary rock. The movement of glaciers and the rising and falling of seas in the interglacial periods, scoured the rock and then padded the dips and valleys with clay, sand, and glacial till. Some of the boulders and cobbles were brought from as far away as the Coast Range Mountains.

Ten thousand years ago, three thousand years after the last glacier retreated, the receding seas started slowly to reveal Hornby Island with much the same shape that it is today. Vegetation started to grow and by five thousand years ago people from Deep Bay were visiting the Island gathering the Island's bounty and fishing from its shores.

During the 1860's Hornby Island saw colonial settlement. The land was cleared, whaling began and settlers came and selected lands to build their homes, farms and businesses. ~~was virtually empty of people, as a result of the devastating small pox epidemic of 1862. It was the sight of the island on fire at the end of the decade that decided George Ford, one of the earliest recorded settlers, to move from the settlement in Comox to Hornby Island. Fires made clearing land easier. Other settlers followed. In 1870 a whaling company moved its base of operations to Hornby island, but in less than two years it went into liquidation and one hundred acres at Whaling Station Bay with wharf, sheds and other buildings were auctioned off.~~ By the 1900's

~~The early settlers were able to choose land which was sheltered, amply provided with water, and having deep fertile soil. By the turn of the century~~ Hornby had become a fairly prosperous farming community, with the addition of logging as a profitable way to clear the land. ~~although many who came to farm found the sale of logs from the clearing of land more profitable than the farming itself.~~

Recommend this section be edited and shortened and remove much of the colonial references.

Hornby Island, like all islands, promised a dream. The Island challenged, dared, and offered an escape. Not everyone who came succeeded and even those who did succeed, often found

their children seeking dreams elsewhere. By 1960 most land had changed hands several times. Families had come and gone. Some orchards were derelict and many fields were overgrown. The 150 people on the Island were made up of fishermen, subsistence farmers, resort owners, their children and one or two retired intellectuals. Towards the end of the sixties developers discovered the Island and three farms were turned into small lot residential subdivisions.

To avoid more indiscriminate carving up of the Island, a policy restricting subdivision to a ten-acre minimum lot size was introduced. in 1969 through a provincial cabinet Order-in-Council known as the "Ten-Acre Freeze", applying it to all of the Gulf Islands. The decree permitted no further subdivision creating lots under 10-acres in size, with a maximum of two dwellings per parcel, and was to continue to apply until zoning and subdivision bylaws could be enacted by the local governments for each island. As well, in about 1972, using existing soil analysis mapping, the Province established the BC Agricultural Land Reserve (ALR), and its Commission known as the ALC, covering all the known useable farm and grazing land in BC to prevent further subdivision or development of the Province's remaining farmland, except through application to the ALC (this was estimated to include no more than 3% of the province's land mass). In 1973, the Comox-Strathcona Regional District responded to the call for land use regulation by assisting the Hornby community to develop and pass its first set of local land use and subdivision bylaws (Bylaws Nos. 137 and 139). This coincided with the arrival of the counter-culture people, and the Island flowered with artists, craftsmen and academics seeking a more meaningful life. In 1974 the Islands Trust was formed to preserve and protect the Gulf Islands, which include Hornby Island, against inappropriate use and development. In April 1977, the new Hornby Island Local Trust Committee, following lengthy discussion with Hornby residents, approved the first Official Community Plan for the Island.

Legislation does not ensure the spirit of a place. Hornby Island itself with its beauty, with its history deep into the past, its tranquility, its changing light and seasons, is a place for reconciliation and collaboration. Many changes have occurred in the last 200 years de to colonization. The future must consider how Hornby Island can sustain both the Indigenous people and the settlers. ~~must be allowed to capture the hearts of those who dwell here. Hornby will endure although it has not always been an island and one day may not be again. It has traveled a long way and gone through many changes. It will be here long after the human population has gone. Every person who owns land holds it as a temporary tenant, in trust for future generations.~~

1.6 Socio-economics of Hornby Island

A permanent population of 1,255~~958~~ persons in 202~~1~~1 represents a population increase of 20.6 percent since the 2016 census. This is reflective of people moving to remote areas or recreational homes during COVID to work. ~~decrease of 10.8% since 2001~~. The population is generally aging with a median age of 62.5~~58~~ years. The average household size is 1.9 persons. There were 1,117 private residences identified in the Federal Census, 653 of which were

inhabited by the usual residents. The population is characterized by lower than average incomes and higher than average education. If trends continue, the challenges of ensuring housing affordability and safety, mobility and security will increase and efforts to provide for supportive services will be of concern.

-The economy follows a seasonal cycle and is highly dependent on a population of visitors that is estimated to quadruple the island population in summer months. There are an estimated 100 businesses on Hornby Island, of which about 80% operate as home based businesses. Tourism is the major economic driver manifested in the range of accommodations, services, arts and crafts, performing arts and alternative health experiences that are available. There has been a long history of homeowners renting their homes to others for short periods of time (vacation home rentals) as a means of creating an income or to offset some home ownership costs. This activity has made a significant contribution to the island's economy. The construction industry, some public service positions and an increasing number of caregivers rounds out an integrated economy.

The Hornby Island Community Profile (March 2010) provides more detailed information. UPDATE

1.7 Principles

The principles behind the development of this Plan are based on the mandate of the Islands Trust Act, "to preserve and protect, the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of the Province generally, in cooperation with ~~relevant~~ Indigenous communities, municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia."

SECTION II — PRIMARY OBJECTIVES AND POLICIES

2.1 Broad Community Objectives

The following statement of general objectives express the values that are significant to the people of Hornby Island and together with the specific objectives listed in each topic area sets the direction to be followed when interpreting and implementing the policy statements.

To promote the conservation, preservation or restoration of:

a) areas of natural, scenic, historical, archaeological (including areas of First Nations significance) or scientific value,

b) watershed and groundwater recharge areas,

c) public land and parks,

d) areas of significant vegetation, the forests, the wildlife and their habitat,

e) land with agricultural potential,

f) shoreline, foreshore and the Island's surrounding marine ecosystem, and

g) water courses and riparian areas.

To ensure all human activities are carried out in a manner that is sensitive to the protection of fresh water resources and to the fragility and interaction of natural ecosystems, are compatible with activities of surrounding neighbours, and are in keeping with the rural scale of land use on the Island. To minimize pollution of air and water.

To limit or reduce present and future stresses upon natural and community resources, particularly those generated by increasing seasonal uses.

To establish a respectful relationship with the K'ómoks First Nation to work towards reconciliation, partnerships and collaboration.

To encourage a self-reliant rural community based on agriculture, low impact businesses and home occupations that are sustainable and non-polluting.

To ensure changes, growth and development are gradual and support the sustainability of the community.

To maintain the community's sense of unity and to promote a residential development pattern consistent with the rural character of the Island.

To encourage residents and visitors to take an active role in the preservation of natural and social values on the Island.

To encourage consultation with and participation of the public, and the K'ómoks First Nation, ~~and when applicable, of K'omoks First Nation~~ in ~~local government~~Hornby Island LTC decisions and in the management of Provincial resources by appropriate agencies ~~, including relevant Indigenous communities~~.

To protect through sound long-range planning policies and strategies, the agricultural potential of lands, foreshore and intertidal areas, forested areas and groundwater recharge areas.

To support community awareness and participation in achieving lifestyles and buildings which ensure energy efficiency.

To ~~encourage~~ strive towards ~~ensure~~ a relationship with First Nations with interests in Hornby and the surrounding waters.

To preserve the rural character of the Island.

Groundwater

Groundwater is the primary source of potable water supply on Hornby Island. Studies have identified the importance of protecting the groundwater supply, ensuring that catchment areas are protected to provide for effective groundwater recharge, that groundwater is not contaminated from development and that the rate and use of groundwater does not exceed the rate of replenishment both in localized areas of the island and for the island in general. Effective planning and land use management are identified as some of the most effective means to address groundwater management.

2.2 Over-riding Land Use Objectives:

The objectives that apply to all sections of this Plan are:

(1) to preserve the natural ecosystems and biodiversity of the Island, and
(2) to protect the groundwater resource.

Over-riding Land Use Policies:

Policies 2.2.1 and 2.2.2 apply to all sections of this Plan.

2.2.1 In order to preserve the natural ecosystems and biodiversity of the Island the following should be addressed: a) wherever possible through zoning and land use regulations and where appropriate through Development Permit Areas; b) when considering applications for permits, rezoning and subdivision; and c) through information and advocacy directed to residents, property owners and agencies with jurisdiction on Hornby Island:

i) protecting identified sensitive ecosystems and important habitat from the adverse effects of development;
ii) conserving relatively undisturbed natural areas;
iii) retaining areas of native vegetation on each property wherever possible, especially along lot lines;
iv) managing undeveloped public land so as to maintain or restore natural biodiversity and ecological integrity;
v) securing connectivity between natural areas whenever the opportunity arises;

vi) sustaining the forested areas of the island through timber harvesting practices that retain tree cover and forest ecosystems and ~~vii)~~ preventing the spread of invasi~~v~~ve species, and;

vii) Protecting culturally relevant Indigenous artifacts.

SECTION III—OBJECTIVES AND POLICIES FOR PROTECTION OF THE ENVIRONMENT

3.1 Environmental Stewardship

Background:

The Hornby Island Trust Committee recognizes the need to protect the environment and finite resources of an isolated and fragile ecosystem from polluting activities in surrounding areas as well as those taking place on the island. Additional pressures are placed on the local natural systems by the influx of visitors in the summer months.

Hornby Island residents are generally aware of the need for personal diligence in minimizing the impact of human activities on environmental systems. The community is always seeking ways to encourage visitors to the Island and senior levels government with jurisdiction over resources on the Island to adopt the same commitment. There are currently no active mineral claims on the Island and any future development of metal or coal mines on the Island is inappropriate. The community encourages water conservation through water storage, catchment and water recycling.

Area

All areas within the Hornby Island Local Trust Area are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to encourage senior governments to preserve and protect the environment;

(2) to inform residents and visitors of actions necessary to protect the island's ecosystems, freshwater resources, and preserve native biological diversity; and

(3) to ensure that permitted land uses do not threaten the sensitive environment of the Island and its native biological diversity and

~~(3)~~(4) to identify, preserve and protect remnants~~signs~~ of Indigenous occupation, such as middens, culturally modified trees, clam beds and gardens and fish traps.

Advocacy Policies:

3.1.9 Tourism-related businesses, real estate agents and other organizations that provide information to visitors or potential owners of island property are requested to include information on the legislated "preserve and protect" mandate of the Islands Trust and the objectives and policies of the Official Community Plan to protect the island's ecosystems and

freshwater supply, ~~and~~ to preserve native biological diversity, and to acknowledge we are living and working on traditional Indigenous lands.

3.2 Environmentally Sensitive Areas

-Advocacy Policies

3.2.9 Where significant ecological, natural or historical areas reflecting Indigenous or Settler occupation or significant habitat areas are located on Crown land, the Ministry of Sustainable Resource Management and the Ministry of Environment are requested to secure these areas in protective reserves, Parks or through transfer to the Islands Trust Fund, and to keep them in the public domain with access appropriate to the level of sensitivity.

3.2.10 Voluntary covenants or easements to protect natural features and the donation or sale of sensitive areas to a conservation land trust such as the Islands Trust Fund are encouraged.

3.2.11 Voluntary stewardship programs that provide information, support and recognition to landowners with respect to protecting natural areas and areas where Indigenous land use is evident or suspected on private land are encouraged.

~~3.2.12 Educational efforts to protect coastal rock formations and other natural features from disturbance are supported.~~

~~Policies relating to protection of the marine environment are included in subsection 3.6 Marine Conservation.~~

3.3 Parks and Protected Areas

Background:

The natural features of the Island provide many opportunities for recreational use by members of the local community and visitors. A large area of Crown land and a system of traditional trails through private land have provided access to forest areas and scenic viewpoints. In addition, the public has access to three Provincial Parks and two Regional Nature Parks There are also four small community parks; four water accesses managed by the Comox Valley Regional District as neighbourhood parks and a number of other water accesses and unused road dedications under the jurisdiction of the Ministry of Transportation and Infrastructure that provide public open space and/or contribute to the trail system. The K'omoks Agreement in Principle, signed by the governments of Canada, British Columbia and K'omoks First Nation in March 2012, states that a new protected area (the present vacant Crown land on Mount Geoffrey) will be established on Hornby Island and named by K'omoks. Update this.

Hornby Island's Provincial and Regional Nature Parks provide recreational opportunities in the context of preserving ecological values. These parks are all located where there are high

natural values and together contain a representative cross-section of the Island's ecological systems thereby offering valuable educational potential. Apart from Tribune Bay Outdoor Education Centre, none of the parks are developed for artificial use, reflecting a long-standing community interest in seeing minimal disturbance in these areas.

Hornby Island's Provincial Parks are Helliwell, established in 1966, Tribune Bay, established in 1978 and Mount Geoffrey Escarpment, established in 2004. There is evidence of traditional use of the Helliwell Park area by Indigenous peoples, including cultivated camas beds, middens, prescribed burns and culturally modified trees. All of the parks are designated "Class A' Parks under the *Park Act*. Helliwell Park contains a 69 hectare (173 acre) terrestrial component on the peninsula culminating in St. John's Point and a 2803 hectare (7008 acre) marine component. Most of the terrestrial area is heavily forested; grasslands extend inland from the shore-line, which mostly consists of rocky bluffs.

-Objectives:

The objectives of this subsection are:

(1) to ensure that parks remain in an essentially natural state and that the bio-diversity, sensitive ecosystems and wild life habitat are preserved;

(2) to allow for recreational and educational opportunities, including interpretive signage regarding Indigenous presence, for visitors and residents that are managed and monitored to ensure minimal environmental degradation and to fully protect fragile areas;

(3) to encourage a system of walking, bicycling and horseback trails, with minimal development, through forested areas, to and from parks and across and around the island; and

(4) to encourage community and neighbourhood involvement in the planning and stewardship of parks.

Advocacy Policies

3.3.3 Owners of properties on which there are established public trails and appropriate organizations are encouraged to work together to achieve the long term protection of the trails through covenants or other means.

3.3.4 The Ministry of Environment is requested to:

a) maintain the natural values and not permit development, other than those required for public health and education in Helliwell and Tribune Bay Provincial Parks;

b) continue to regularly consult with the community's parks committee and/or the Local Trust Committee on matters relating to the management and infrastructure of the parks on Hornby in particular to address community, conservation, Indigenous historical impacts, aesthetics and safety concerns;

c) involve the community in stewardship programs with respect to the parks;

d) prohibit camping uses in the Parks except those associated with the Outdoor Education Centre at Tribune Bay Park; and

e) implement ecosystem-based management plans for Helliwell, Tribune Bay and Mount Geoffrey Escarpment Provincial Parks.

f)

3.4 Groundwater Protection-Sustainable Ecosystem Management Area (Mount ~~Geoffrey Area)~~

A report prepared by an ad-hoc Committee of the Hornby Island Residents and Ratepayers Association *"The Heart of Hornby Island—A Forest, a Watershed (2000)"* reports on the mapping project and explores in detail the tenure options available to the community. A report prepared by the Advisory Crown Lands Committee for the Local Trust Committee "The Heart of the Island" submitted in July 2000 outlined historical, community and ecological issues and provided recommendations. A central theme of all of this work is the protection of the land under local control. The K'omoks First Nation must be recognized as being the original inhabitants of Hornby Island.

~~Area~~

~~All areas identified as Groundwater Recharge/Environmental Protection Area (GW/EPA) on Schedule B (Map Designations) are subject to the following objectives and policies.~~

~~Objectives:~~

~~The objectives of this subsection are:~~

~~(1) to protect and enhance the groundwater recharge function of the area;~~

~~(2) to enable the continuing recovery, restoration and protection of the forest so that the natural structure, composition and bio-diversity characteristic of a Coastal Douglas fir forest ecosystem are re-established;~~

~~(3) to protect the forest from major disturbance by fire;~~

~~(4) to maintain the aesthetics/visual qualities of the forest;~~

~~(5) to encourage tenure arrangements that enable community control and stewardship of this area;~~

~~(6) to provide for low-impact recreation activities that are compatible with the first three objectives; and~~

~~(7) to ensure that any silvicultural activities or extraction of forest products are compatible with and subordinate to the first four objectives.~~

~~Policies:~~

3.4.1 This area should be conserved as a forested area and all planning should be undertaken with the perspective of a forest-based rather than a human-based time scale.

3.4.2 This area should not be subdivided except to create nature reserves or other land-holding arrangements for the protection of the natural environment.

3.4.3 No permanent buildings should be permitted on the land; other structures should be limited by regulation to those required in pursuit of the objectives of this sub-section

3.4.4 Sensitive ecosystems within this area should be fully protected. Transfer of this area to conservation or park is supported in order to protect the wetlands.

Advocacy Policies

3.4.5 The use of fertilizers and pesticides and the storage and disposal of waste material, hazardous chemicals and other potential pollutants should be prohibited to protect the groundwater resource and natural ecology.

3.4.6 Excavation, quarrying, soil removal, road development, ditching and drainage works should be regulated to protect against alteration of natural surface drainage or groundwater catchment and storage functions and against impacts upon identified ecological values.

3.4.7 Studies that provide additional data on the groundwater catchment and flow system should be supported.

3.4.8 The Ministry of Environment is requested to consider acquisition of the Mount Geoffrey area identified by the GW/EPA designation on Schedule B for a provincial park or other type of protected area.

3.4.9 As a preferred alternative tenure option, the Minister of Environment is requested to propose legislation that would enable the designation of this area as a community groundwater recharge area for the protection of the community's groundwater resource, to be managed through community stewardship with objectives and policies compatible with this Official Community Plan.

3.4.10 As an alternate tenure option, the Comox Valley Regional District is requested to investigate in consultation with the Local Trust Committee,

~~the community and relevant First Nations, the appropriate options for obtaining tenure that would be compatible with the objectives and policies of this Official Community Plan.~~

~~3.4.11 Ministry of Forests, Lands and Natural Resource Operations is requested to only consider dispositions of this land or interests in this land that is compatible with the objectives and policies of this Official Community Plan.~~

~~3.4.12 The Ministry of Forests and Range is requested to only establish tenures that enable the implementation of the objectives and policies of this community pla~~**3.7 Heritage Features**

Culturally modified trees – culturally modified tree (CMT) is a living tree that has been visibly altered or modified by indigenous peoples for usage in their cultural traditions. In British Columbia, groups of CMT's are classified as "forest utilization sites" and if it can be determined it was modified before 1846, then the trees in that group are protected by the *Heritage Conservation Act* (1966). The modification includes alterations of stripping bark or removal of planks, generally from red and yellow western cedar.

In 2014, four paragraphs were deleted on "historical perspectives which the K'omoks First Nation had concerns about, with the expectation that the LTC would work with K'omoks to establish revised wording which could subsequently be added to the OCP (Tony Law, First Nations Heritage Site Protection, Hornby Island, 24 March 2021: correspondence to Hornby Island Local Trust Committee Has this been done.

3.7.2 Development shall be located away from areas of archaeological sites unless authorized by a permit issued under the Heritage C~~O~~onservation Act.

NOTE: Responsibility for the regulation and licensing of aquaculture in British Columbia is shared by a number of Provincial and Federal Agencies. The Local Trust Committee is committed to working cooperatively with other agencies to address situations where First Nations' interests in aquaculture may be affected

4.2 Forestry

Background:

Hornby Island was logged extensively up until the middle of the last century and most forested areas now consist of recovering second and third growth with some stands of old growth and scattered veteran trees. Most privately-owned forest is in relatively small holdings. The cost of transporting logs over two ferries to an off-island market (and conversely bringing wood products to the Island) can make the provision of wood products for on-island use a natural focus for forestry activity. Sustainable forest management has been described as "forest

management regimes that maintain the productive and renewal capacities, as well as the genetic, species and ecological diversity of forest ecosystems." In addition, it is important to protect Indigenous culturally modified trees.

6.4.3 Mariculture

Background:

The relatively unpolluted water surrounding Hornby make it an attractive area for aquaculture. The alienation of areas for commercial operations can conflict with the interests of residents, the visiting public and boaters requiring anchorage. There is also concern about impacts upon the natural ecology of largescale or intensive operations or of a large proportion of the foreshore used for mariculture. In 2009 the assessment rolls listed six aquaculture operations on the Island.

NOTE: Responsibility for the regulation and licensing of aquaculture in British Columbia is shared by a number of Provincial and Federal Agencies. The Local Trust Committee is committed to working cooperatively with other agencies to address situations where First Nations' interests in aquaculture may be affected.

Area

All areas below the natural boundary of Hornby Island within the Hornby Island Local Trust Area are subject to the following objective and policies.

Objectives:

The objectives of this subsection are:

(1) to ensure the negative impact of commercial mariculture uses on the upland owners is minimized;

(2) to ensure maximum protection of the foreshore and of the native life forms inhabiting it;

(3) to support low impact mariculture operations; and

(4) to ensure commercial use of marine resources does not pollute the foreshore and surrounding waters, nor preclude the use or enjoyment of the shoreline by the public or upland property owners.

~~(4)~~(5) To respect Indigenous mariculture licenses and options for licenses with the DFO, within the context of the first four objectives.

Policies:

4.3.1 Fish farms such as finfish net pen aquaculture operations should not be permitted.

4.3.2 Intensive mariculture, nori farms and long-line oyster culture requiring floats, buildings and structures should not be permitted in front of residential neighbourhoods of Sandpiper, Whaling Station Bay and Galleon Beach.

4.3.3

4.3.4 All new mariculture sites, including bottom culture, should be subject to redesignation, rezoning and subsequent regulations.

4.3.5 The areas from Collishaw Point Ford Cove has potentially suitable biophysical conditions and proposals for Mariculture use may be considered by the Local Trust Committee upon application for rezoning

4.3.5 Rezoning for mariculture should only be considered after there has been a review of the coastal area to identify significant and representative ecosystems, species, habitat and features, and the measures required to protect them such as processes required under the *Canadian Environmental Assessment Act* (CEAA). Important to understand that this does not apply to First Nations and they are able to establish fish farming in coastal waters regardless of residential development.

SECTION V — OBJECTIVES AND POLICIES FOR A SUSTAINABLE INFRASTRUCTURE

5.2 Water Supply Protection Areas

Background

The Whaling Station Bay Improvement District owns and operates a water collection system that provides water to about 35 property owners in the Whaling Station Bay area. There are public wells (some of them now disused) located on public land at Grassy Point, Sollans Road, Anderson Drive (two) and Jerow Road. There is also a public well within Tribune Bay Provincial Park that is now capped. The Sollans Road public well is held and maintained as a crown land lease area by HIRRA. The lease was granted after consultation with K'omoks First Nation.

6.3.3 Rural Residential

Background:

In the previous Plan the Rural Residential designation was further divided into a Large Lot Residential designation that was used to identify properties that could be subdivided if there were two long-standing homes built and the owners were owners in common prior to 1991, and a Large Lot Residential/Water Resource Protection Area on a 6.5 acre parcel where one additional lot could be created and it was so designated to recognize its role in community water supply. The K'omoks First Nation has pending ownership of 10.8 hectares of land between Sollans Road and Carmichael Road (excluding the public well leased owned by HIRRA.

6.3.4 Forest

Objectives:

The objectives of this subsection are to:

(1) preserve scenic, aesthetic, ~~and~~ ecological values, including ~~–~~evidence of Indigenous occupation, such as culturally modified trees;

(2) minimize ground disturbance and retain forest cover in order to protect water catchment areas;

(3) preserve traditional public trail access through forested areas especially to escarpment view points;

(4) promote retention of large parcels of land;

(5) provide some limited opportunity for land sharing without encouraging subdivision,

(6) maintain the visual quality of the residential neighbourhoods; and

(7) allow for a wide diversity of home occupations subject to regulations which ensure maintenance of the rural residential character of the areas designated Rural Residential and to ensure minimal negative impact on neighbouring properties.

6.4.1 Agriculture

Background:

The early European settlers~~development~~ of Hornby Island included agriculture as a primary occupation and cleared land to grow food ~~t~~through deforestation and prescribed burns. However by 2009 the Assessment Authority listed 190 parcels with an agricultural assessment. Many of the largest holdings with good soil have now been subdivided or are vacant. Residential uses of agricultural land has increased pressure for subdivision. Small-scale farming operations serving primarily local needs are prevalent.

Housing and Short Term Rentals

Recommendations from Hornby Island Advisory Planning Commission

March 29, 2022

These are the over-arching principles of the Official Community Plan: to protect groundwater, to preserve ecosystems and biodiversity.

All recommendations have been considered through the lens of climate change.

We work with the awareness of unintended consequences. We know there are no guarantees these recommendations will lead to affordable, available housing. We acknowledge our recommendations are part of a process to improve housing accessibility and to regulate short term rentals and their impact on housing availability and affordability.

We proceed from evidence based on research from similar communities in British Columbia and Canada experiencing similar problems.

We exercise the Precautionary Principle, that is, when in doubt we exercise caution in our recommendations.

Addressing the lack of affordable, available housing on Hornby Island is a long-range process.

These recommendations, if accepted by the local trustees, will be sent on to the contracted planner, who will write the relevant language for the OCP and the respective bylaws. Part of this process is extensive community consultation through the 1st, 2nd, and 3rd Readings.

Advisory Planning Commission: Vicki Bale, Wendy Burton, Christine Hunt, Rob McCreary, Joanne Ovitsland

Resource People: Rudy Rogalsky, HICEEC; Patrick Lui, HISTRA; April Lewis or Sadie Chezenko, HIHS; Tony Law, Fred Hunt, former trustees.

Density

Rationale

One would think the solution to the housing crisis on Hornby Island would be simple. Build more houses. Permit more density everywhere. Revoke all land use bylaws, re-write the Official Community Plan and create hundreds of houses.

Increasing density will not automatically lead to an increase in affordable housing stock. Being able to subdivide a R2 parcel to build a second dwelling will drive up property values and could

remove potential farm land. Putting a second home on a half-acre parcel will not mean residential rental tenure for the more than 30 families looking for affordable accommodation.

Hornby Island continues to be a community with water scarcity, vulnerable eco-systems, and limited productive farmland. Food security is a concern on Hornby Island; reducing available land by putting up more houses will lead to less sustainable food production and will do nothing to guarantee year-round affordable and available homes.

Recommendations

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.

Temporary Use Permit

Rationale

The Islands Trust cannot issue business licenses to Short Term Rental (STR) operators. Currently, there is no way for the community to know who is operating where and under what conditions. The last official count of STR was 162 in 2018. A survey of advertised STR in 2020 indicated 125 properties operating as STR. Anecdotal evidence indicates the number is at least as high as 2018. Proactive bylaw enforcement began in 2019, and the ongoing enforcement was seriously hampered by Covid19 safety plans that prevented the Bylaw Enforcement Officer from attending in person. The recently-formed Hornby Island Short Term Rental Association (HISTRA), advised us they are a "best practices" association; membership is not required to operate an STR on Hornby Island and compliance to existing bylaws is advised but not required for membership.

The only tool local trustees have is the Temporary Use Permit (TUP). Such permits are required for STR in the Whaling Station subdivision and as far as we know not one has been issued.

TUP are also available for secondary dwellings in permitted zones, and as far as we know not one has been issued. We encourage the local trustees to advise home owners to consider applying for a TUP, to increase density and to provide residential rental tenure where appropriate and desired.

For those who operate a STR that is currently non-compliant, there is this option:

> 6.5.3.4 Vacation home rentals that do not comply with limitations imposed by land use regulations may be considered upon application for Temporary Use Permit.

Our rationale is simple. In order to regulate and control a land use that has a demonstrated impact on housing stock, housing availability and housing affordability, in order to understand the nature of the sector, in order to plan appropriately for the growth of this sector, Hornby Island has to know how many, where, when, and for whom (occupancy). For these reasons, we are recommending the following:

Recommendations

1. Short Term Rentals as a permitted use is revoked in all zones.
2. At the same time all STR operators apply for TUP effective [*date of bylaw change*]

    a.) provide water and septic certification and maintenance plan (part of TUP)

    b.) TUP for STR be batch processed and the fee adjusted to $250 and to $0 if the permit is to provide a community benefit, ie community housing

    c.) Current occupancy limits be confirmed as part of TUP process
3. Rental period defined as three months, for example June 15 to September 15

SHORT TERM RENTAL (STR)

Rationale

The members of the APC recognize the connection between affordable, available housing, increased tourism, and short term rental accommodation. When STR became a permitted use, and bylaws were created to regulate this use, few could have foreseen the proliferation of STR. The hypothetical STR operator, described in 2009, was an older woman living alone in a large home, endeavouring to rent part of her home for a few weeks in the summer to earn enough money to pay her taxes and finance home repairs. Regulations on how long and how many were put in place to preserve the rural nature of the community and protect the eco-systems of the Island. Water capacity and septic capacity were intended to be part of the protect mandate.

The growth of tourism, while appreciated by many, is a source of concern for a sustainable, viable future for all who live on the Island. The community has to be given an opportunity to discuss how much is too much and/or how much is not enough.

These recommendations govern all Short Term Rentals (STR) that are operating currently and would therefore be legally non-conforming and all STR authorised by approved TUP.

Recommendations

1. All STR (including those advertised on AirBnB and any other advertising platform) must register with Islands Trust. A registry will be maintained by Islands Trust.

2. All STR have proven septic and water capacity. The Province regulates septic capacity and identifies water use requirements, based on science-based evidence.
3. STR are conducted within the principal residence on the property (not a secondary building) where permitted.
4. The rental period is reduced from five months to three months, for example, from May 1 - September 30 to June 15 to September 15

   This is a contentious recommendation. The existing period was the result of extensive community consultation in the 2000's before the bylaws were created. Many community members now believe the period is too long. Other community members, especially those in the visitor accommodation sector, now believe it is too short. Many STR are in non-compliance, that is, they operate year round or outside the rental period of May 1 to September 30. The argument that shortening the period would affect MRDT funds coming to the community is one that has to be put to the community.
5. One STR per property
6. Enforce bylaws about STR in secondary dwellings where permitted.

   This recommendation is to do with STR provided in secondary dwellings in zones where such a use is permitted. Addressing the bylaw compliance of secondary dwellings that are not being used for STR in all zones is outside our referral. Year round dwellings / housing should not have enforcement even when moratorium on enforcement is discontinued. It would be next to impossible for enforcement of year round housing as there is no reliable way to monitor availability and use and the threat of enforcement could diminish available residential housing stock

7. Proactive enforcement of all Visitor Accommodation (inclusive of resorts, campgrounds, glamping).
8. Require all platforms to list only those properties in compliance.
9. Require all platforms to provide data (*cf* Union of BC Municipalities stakeholders report, June 2021).[1]
10. Clarify the occupancy limits by zone for STR.

    Tie advertising to occupancy, i.e. the advertised occupancy conforms to bylaws

11. Number of STR on Hornby Island be capped.

    While STR are a permitted use on Hornby Island, the number cannot be capped

12. Permit limited number of long-term residential occupancy of seasonal campgrounds

[1] This report makes several recommendations. The Province is urged to require STR operators to register as business; platforms advertising STR be required to provide a section for hosts to display business licenses or permits; platforms advertising STR be required to collect data and make data available to the province and available to local governments; and platforms advertising be required to refuse advertisements from non-compliant businesses.

ZONING

Rationale

The reason for the first recommendation is this: water scarcity in all subdivisions (Whaling Station, Galleon, Sandpiper) is a fact. Inadequate septic capacity on many R1 lots is a fact. Currently, the only properties on Hornby Island that are required to prove septic capacity are STR in the Whaling Station Water Zone. As far as we know, not one TUP has been issued for STR in this zone. Recommendation #1 will provide information about how many properties are operating a STR.

Recommendations

1. All SR (Small Lot Residential) lots/zones be designated IA Heavily Developed Aquifer.

   Any STR operating in a IA Heavily Developed Aquifer would apply for a TUP and would be required to certify septic capacity.

2. Create bylaws governing Lerena Vineyards and Fossil Beach Farm.
3. Clarify "visitor accommodation" and relevant bylaws for Hornby Island Resort (the "Thatch") development.
4. Amend the bylaws governing Public Use Zone to add (e):

   Despite 8.21(1), the only permitted uses are:
   (a) Cemetery;
   (b) Public utility storage yard;
   (c) Highways maintenance yard;
   (d) Recycling depot; and
   (e) Community trades and services, including associated retail.

ADMINISTRATIVE

1. Change LUB 8.5 where Elder Housing and ISLA are named. Change to Hornby Island Housing Society.
2. All site plans and permits be checked for compliance with on-site visits.

DEFINITIONS

1. Community housing includes mobile homes, tiny homes, caravans, yurts. We recommend revising this language so it is inclusive of seasonal work-force housing.

   Current OCP: "Community Housing" is housing that is provided specifically by bylaw to address affordable or special needs housing requirements, including housing that is

provided on land designated for community services use, but community housing does not include housing that may be provided as part of a land cooperative; as a secondary suite; as part of a mixed use development such as in association with a commercial land use or as a secondary dwelling on a property; even though such housing may contribute to the provision of housing that is affordable, available for rent or that accommodates the needs or persons with special needs. The Community Housing designation is intended to designate areas that are considered suitable for such housing.

2. Define "tank" to exclude cisterns.
3. Define cistern. We recommend cisterns continue to be governed by setback requirements on all zones.
4. Clarify if septic field and absorption field mean the same thing.

ADVOCACY

1. Continue to request the provincial government allow Islands Trust communities to issue business licenses for short term rentals. If it becomes possible to issue business licenses, then the HOAPC recommends requiring a business license for all STR and removing the requirement to apply for a TUP.
2. Advocate the provincial government mandate that all platforms advertising short term rentals be required to provide data and to advertise only those businesses that are compliant with existing, local bylaws.
3. As well as providing information about water conservation, STR operators provide guests with information about Indigenous presence and occupation of Hornby Island
4. Prepare a simplified Guide to LUB to educate owners and operators about Hornby Island's OCP and LUB.
5. Advocate that realtors provide information about LUB and STR regulations

Wendy Burton and Joanne Ovitsland, on behalf of Hornby Island Advisory Planning Commission

Recommendations approved by consensus at a formal meeting of the HOAPC on March 29, 2022.

Appendix A: Document List

Documents consulted by APC and Resource People November 2021 to March 2022

1. G Horvath Document 1, email August 30, 2021: Well Water Turning Grey
2. T Law Document 2 Vacation Rentals – Hornby Island 2009
3. T Law Document 3 August 13 2020 Vacation Home Rentals – account
4. T Law Document 4 November 2012 History of STR
5. T Law Document 5 October 22 2021 Email Residential rentals on Hornby
6. T Law Document 6 24 October 2021 Correcting a Problem in the Vacation Home Rental Regulations
7. T Law Document 7 27 October 2021 Addressing Over-occupancy of Vacation Home Rentals
8. T Law Document 8 22 October 2021 Capping the number of vacation home rentals
9. S Chezenko Document 9 10 October 29 STR Policy Options
10. A Lewis Document 10 October 2021 Summary of Advertised Paying Guests
11. Same as #9
12. A. Lewis 28 October 2021 Housing and Short Term Rental Strategies (Facebook compilation)
13. Ferry Ridership.png
14. Land Use Regulation and Housing – T. Law - 2022
15. Regulations STR Toolkit 2021
16. Vacation Rentals 2017 – Staff Report
17. Vacation Rentals HICEEC
18. Hornby VHR FAQ Document
19. Home Rental Policy Review 2017
20. Rainwater Guidelines BC Government
21. Vacation Rental Backstory 2011 onward
22. Enabling additional rental and temporary housing opportunities – T Law
23. Policy Areas Housing Priorities for Short Term Rentals – BC Government
24. Vacation Home Rental Survey Results
25. Email from Ed Hoeppner, January 8, 2022
26. 26. Informal note from Rob McCreary on first brainstorm list (see minutes of January 28, 2022 meeting)
27. Horvath document and ministerial response
28. Minimum Lot Size Rural Residential 2 Tony Law
29. Community Water Supply (HI)
30. Jo Ovitsland summary of STR Management Toolkit
31. Density Benefits for Housing and Hornby Island
32. MRDT Program Requirements September 2021
33. Food Security Report January 18, 2022, Nym Hughes
34. HIHS OCP Bylaw Revisions

From: Art Haus <[redacted]

Subject: Well water turning dark grey.

Date: August 30, 2021 at 1:43:17 PM PDT

To: Daniel Siegel <[redacted]>, HIRRA Administrator <hornbyisresidentsratepayers@gmail.com>, Joanne Ovitsland [redacted], Alexander Allen <[redacted]>, "[redacted]" <[redacted]>, Jan Kennedy [redacted]

I am writing this letter because I am very concerned about what is going on with our aquifer on Hornby Island.

This property, Lot 19 Sandpiper, has been in the same family for 45 years, and we have NEVER had a problem with our well water. Till now. Now we have muddy dark grey water coming out of our tap. See attached photo.

I think it is time to acknowledge the reality that Air b&b business has become a social and economic phenomenon beyond our wildest imaginings. And while loads of islanders are cashing in..our WATER supply is being seriously affected in a negative way.

Once upon a time a few guests here and there, a few people making a buck here and there, did not impact our island so much. Those days are long gone. We need to catch up with reality.

This new reality has become an environmental problem that needs to be seriously addressed. Our aquifer can NOT withstand this abuse. It's not "use" anymore, it has become "abuse".

It's time for these business operators to be RESPONSIBLE and COLLECT water throughout the rainy season. Enough water that they do not HARM nearby wells. Or HARM nearby eco-systems.

It's time for Island's Trust to get involved. Time to change the rules to fit the new reality. Things are moving very fast, and we need to respond in kind. Slow like molasses will only see our island damaged.

Perhaps it needs to be a rule that if you operate an Air b&b, you need to NOT suck on the common aquifer to operate your business?
Maybe there needs to be a cap on how many Air b&b's get to operate on our tiny island?

Perhaps SELLING water from one part of the island to another also needs a re-think as a business model? It's nice to be able to buy some clear drinking water at the Cove. BUT providing thousands upon thousands of gallons for air b&b businesses?? NOT sustainable.

The aquifer can not sustain this Air b&b model of ab-usage.

I know of other wells going blackish/grey, and of wells going dry. I don't need to be a scientist to tell you that this is not good.

Please don't waste our tax dollars on more studies. Please do something about this new reality that we are not keeping up with.

With Respect,
Thank-you for listening.

Gina-Rae Horvath

p.s. nasty photo of mud-water attached below.
p.s. Yes I have consulted a well expert.

Short Term Vacation Rentals Advertised on Hornby Island - Spring 2009

(N) = advertised for rental by the night

In "small lot" zone	Accommodation	Availability	Price
	8 people	Year round	$1,750 - $2,650 /wk
	2 people	Year round	$1,000 - $1,200/wk
	6 people	22 June - 7 September	$1,150 /wk
	4 people	All year	$2,000 /wk
Yes	6 people	28 June - 6 September	$2,650 /wk
	6 people	All year	$1,700 / wk
	8 people	All year	$2,950 /wk
	4 people	June - September	$1,200 /wk
	6 people	All year	$1,250 /wk
	8 people	All year	$900 /wk
Yes	6 people	June - Septenber	$1,250 /wk
	2 people	All year	$650 /wk
	6 people	May - September	$1175 /wk
	7 people +	All year	$1,350 - $1,650 /wk (N)
Yes	6 people	All year	$1200-$1,500 /wk
Yes	2 people	March - November	$550 /wk
Yes	6 people	July - August	$1,400 /wk
	7 people	All year	$1,500 - $2,000 /wk
	6 people	mid-June - mid-Sept	$750 - $850 /wk
Yes	8 people	mid June - mid-Sept	$1,250 - $1,500 /wk
Yes	9 people	All year	$2,000 /wk
Yes	5 people	July - August	$1,200 - $1,400 /wk
Yes	2 people	June - November	$800 /wk
Yes	6 people	April - October	$900 /wk
Yes	6 people	All year	$800 /wk
Yes	8 people	All year	$3,000 / wk
Yes	8 people	All year	$1,100 - $2,000 /wk
	8 people	All year	$1,600 /wk
	4 people	June - September	$650-$700 /wk
Yes	4 people	All year	$630 /wk (N)
Yes	6 people	All year	$1150 /wk
Yes	6 people	All year	$900 - $1,250 /wk
	3 people	All year	$450 - $500 /wk
	4 people	Summer	$900 / wk
	5 people	All year	$600 - $1,295 / wk
	4 people	All year	$1,800 / wk
	5 people	June - September	$900 - $1,500 /wk
	7 people	Summer	$1,200 /wk
	5 people	Summer	$900 /wk
	2 people	All year	$450 /wk
	6 people	All year	$1,550 /wk (N)
Yes	6 people	All year	$1,000 /wk
Yes	6 people	All year	$2,000 /wk
Yes	2 people	May - September	$805 /wk (N)
Yes	6 people	June - August	$1,300 /wk
	8 people	All year	$1,250 - $1,450 /wk
	8 people	All year	$800 - $1,200
	11 people	All year	$1,200 - $2,150 /wk
Yes	6 people	All year	$700-1,500 /wk (N)
Yes	2 people	All year	$400-$600 /wk (N)
	5 people	Summer	$1,450 /wk
Yes	5 people	All year	$580 - $950 /wk
	8 people	All year	$850 /wk
	5 people	All year	$800 - $900 /wk
	2 people	May - October	$350 - $400 /wk

	4 people	May - October	$700 /wk (N)
	4 people	April - October	$400 - $600 /wk
	6 people	June - September	$1,200 /wk
	6 people	Summer	$900 /wk
Yes	4 people	All year	$700 /wk
Yes	6 people	All year	$800 - $1,400 /wk
Yes	4 people	Summer	$900 /wk
	6 people	All year	$1,695 /wk
Yes	6 people	Summer	$1,295 - $1,495 /wk
	7 people	All year	$1,600/wk
	6 people	Summer	$995/wk
	4 people	June - December	$1,370/wk
Yes	4 people	Summer	$375 - $1,350 /wk
Yes	8 people	Summer	$1,750 /wk
	6 people	Summer	$1,150 - $1,350 /wk
	2 people	May - August	$550 /wk
Yes	6 people	Year round	$500-$1,750/wk (N)
Yes	6 people	Year round	$500-$980/wk (N)
Yes	6 people	Summer	$2,300/wk
Yes	5 people	Summer	$1,500/wk
	10 people	Year round	$1,750 - $2,650/wk
Yes	6 people	Year round	$1,465 /wk
Yes	9 people (incl cabin)	Year round	$1,870 - $2,650
	6 people	Year round	$1,550 /wk
	4 people	Year round	$550 -$1150 /wk
Yes	6 people	Summer	$1,870 /wk
	5 people	Year round	$800-$1,065 /wk (N)
Yes	4 people	Year round	$1175/wk
	6 people	June - September	$1,750 /wk
	6 people	June - September	$2,000 /wk
Yes	6 people	July - September	$2,650 /wk
Yes	6 people	Year round	$850 - $1,525 (N)
Yes	7 people	Year round	$650-$1,285 (N)
Yes	7 people	Summer	$1,870 /wk
Yes	8 people	Year round	$1,525 /wk
	6 people	June - September	$1,500/wk
Yes	8 people	June - September	$1,525 /wk
Yes	6 people	June - September	$1,516 /wk
Yes	6 people	Year round	$1,215 /wk
Yes	6 people	Year round	$800 - $1,175/wk (N)
Yes	8 people	Year round	$1,065 /wk
Yes	6 people	Year round	$1,215 /wk
	6 people	Year round	$1,175 /wk
Yes	6 people	Year round	$600 - $900 /wk (N)
	6 people	Year round	$1,215 /wk
	8 people	Year round	$600 - $1,400 /wk (N)
Yes	6 people (incl. cabin)	July 18 - August 25	$1,525 /wk
Yes	8 people	Year round	$1,215 /wk
	4 people	Year round	$795 /wk
	6 people	Year round	$1,175 /wk
	2 people	Year round	$125 - $750 /wk
	6 people	Summer	$1175 /wk
	4 people	June - September	$600 - $800 /wk
	4 people	June - September	$650 - $700 /wk
Yes	6 people	Year round	$800 - $2,000/wk
Yes	6 people	September - June	$800/wk (N)
Yes	4 people	May - September	$550 - $900 /wk (N)
Yes	4 people	June - September	$1,000 - $1,200 /wk
Yes	7 people	Year round	$550- $1075 /wk (N)
Yes	6 people	Year round	$1050 - $1,400 /wk (N)

Yes	8 people	June - September	$1,500 /wk
	5 people	May - September	$950 - $1,200 /wk
	7 people	Year round	$1,000 - $1,200 (N)
Yes	6 people	Year round	$500 /wk (N)
Yes	4 people	Summer	$500 /wk (N)
Yes	2 people	Year round	$550 - $850 /wk

Number of dwellings on Hornby Island:	968*		
Number advertised for short term rental:	120	(12.4%)	(22 advertised for rent by the night)
Number rented year round:	100*	(10.3%)	(165 in 2001 - a 39% decrease)
	*[*2006 census]*		

Occupancy levels

Occupancy	Small lots		Large lots		Total	
1-2	5	8%	6	10%	11	9%
3-4	8	13%	13	22%	21	18%
5-6	34	57%	25	42%	59	49%
7-8	11	19%	14	23%	25	23%
9-10	2	3%	1	2%	3	3%
11-12	0		1	2%	1	1%
Total	60		60		120	

Average household size on Hornby Island:	2 persons
Average household size in British Columbia:	2.5 persons
% of BC households of 4 persons or less:	93%

Period of rental availability:

2 months	3	3%
3-4months	36	30%
5-10months	13	10%
Year round	68	57%

Weekly rental charge (summer):

less than $500	2	2%
$500 - $999	31	25%
$1,000 - $1,499	53	44%
$1,500 - $1,999	20	17%
$2,000 or more	14	12%

Fee for Temporary Use Permits:

(Permit for 2 years plus renewal for further 2 years)

Temporary Commercial and Industrial Use Permit:	$1,100 + Renewal: $165 = $1,265	$316.25 per year
TUP for home based business, 3 months per annum:	$440 + Renewal: $165 = $605	$151.25 per year

Fourth Draft

Seeking Approval of Vacation Home Rentals on Hornby Island

by Tony Law (former Hornby Island Local Trustee)

In July 2012, representing the Hornby Island Local Trust Committee (LTC), my task was to convince the Islands Trust Executive Committee to approve our community-created bylaws to legalize vacation home rentals on Hornby Island.

The Executive Committee, four trustees elected by the council, is legally required to approve all island bylaws. A key consideration is compliance with the Islands Trust Policy Statement, adopted following public input and ministerial approval.

The bylaws were developed with intense community involvement over several years. Many meetings and discussions explored a range of options. We were the first destination community in BC proposing to allow vacation rentals as a permitted use on residential lots. Where they were allowed elsewhere, it was either by business licences (only available to municipalities) or by Temporary Use Permits (rejected by our community as too onerous). We had no model to follow. The *Local Government Act* was not set up to easily regulate such a commercial use in residential zones.

The Executive Committee brought up the following concerns about our proposed bylaws: water supply issues, impact on community character, and impact on residential housing supply.

An important legal requirement is that intensity of land use should not be increased in areas known to have problems with freshwater supply. The Executive Committee was aware that small-lot zones on Hornby Island have documented problems with the quantity and/or quality of water and wondered how adding a vacation home rental use could be justified in this context.

I explained that Bed and Breakfast as a home occupation was already permitted in these areas. The permitted occupancy level of vacation home rentals would be equivalent to that already in existence for B&Bs in small lots, which can host 4 guests (two beds in each of two bedrooms). For vacation home rentals the LTC added an additional two-bed bedroom (because there would be no resident as is the case with B&Bs), thereby allowing a maximum occupancy of 6 persons. I noted that 97% of Canadian households are of 6 persons or less. I also noted 8 persons would be permitted on lots over one hectare, in parallel with the permitted B&B occupancy.

The use was called “vacation home rentals” because it would involve a Hornby household vacating their home so it could be occupied as a vacation home by a household vacating their home elsewhere.

There is also a legal requirement that economic opportunities permitted by new bylaws should be compatible with community character. The Executive Committee was concerned that increasing visitor accommodation would not be compatible with the residential character of community neighbourhoods.

This concern had also been raised in the community. The Hornby LTC had tried to address it in a number of ways. Firstly, occupancy would be limited to levels expected in normal residential use. Visitors would only be accommodated in a permitted dwelling (and not in other buildings or tents) in order to maintain that level. A dwelling would only be rented to one party per week so that there would

not be frequent changeovers, as can happen with commercial accommodation. And a sign would have to be posted with contact information so neighbours could get in touch with a property owner or their manager if problems occurred.

A third legal requirement is for bylaws to address current and projected housing requirements. The Executive Committee was concerned that allowing the use of housing units for visitor accommodation would compromise the ability of residential-zoned areas to meet the community's residential housing needs.

I described how vacation rentals had been happening on Hornby Island for many years in two different ways. First, by year-round residents moving out of their home temporarily in order to rent it to summer visitors. Secondly, by part-time residents renting out their vacation home at a time when they were not using it themselves. In the first instance, the dwelling was continuing to be used as a residence by year-round residents. In the second instance, the dwelling was not available for year-round rental because it was already being used part-time by non-resident owners. In many cases, such dwellings were made available for residential rental in the non-summer months.

To maintain this existing pattern, vacation rentals would only be permitted in the summer season; dwellings would continue to be available for residential use for most of the year.

The LTC was repeatedly told by property owners that vacation rentals only made enough money to help defray mortgage payments and taxes; they were not profitable enough to be conducted as commercial enterprises. The proposed regulations were expected to keep things that way by limiting occupancy, turnover and months of activity so that rentals would continue as an ancillary residential use and not become a commercial use.

One motivation for legalizing vacation rentals was to support full-time and part-time owners in residential use of their properties by being able to obtain modest additional income from providing some supplementary visitor accommodation at times when commercial accommodation was fully utilized.

After considering my responses to their concerns, the Executive Committee approved our proposed bylaws. These amended the Official Community Plan and Land Use Bylaw to make vacation home rentals a permitted and regulated use.

Vacation Home Rentals on Hornby Island

(Perspectives on the long process for establishing this use)

Prepared by Tony Law
Hornby Island Local Trustee: 1996-2005 and 2007-2018
20 November 2019

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Introduction

Addressing vacation rentals on Hornby Island has – and continues to be – a challenge for many communities and local governments in BC and other jurisdictions throughout the world. In part, this has been because this paricular use of residential property on a significant scale was not anticipated when provincial land use framework and local government policies and regulations were put in place.

Hornby Island was at the forefront of addressing this issue in BC. It involved a long, careful and difficult process with many, many community meetings, multiple staff reports and deep consideration of the options available.

The outcome was intended to represented a fair and potentially workable balance, given the limitations of the available regulatory tools.

A review of Vacation Home Rentals conducted in 2017 (as proposed by the Official Community Plan) indicated no great community momentum behind changing the regulations in one direction or another. Some wanted them loosened and some wanted them tightened (or at least enforced).

This report offers, in a spirit of helpfulness, the perspectives of a former trustee who was in office for twenty years during which vacation rentals were being discussed and addressed (with the understanding that others might have different perspectives).

1. History

- Pre-1990s

Anecdotal information suggests that a fair number of residents and non-resident property owners provided summer visitor accommodation by renting out their dwelling (or a permitted or non-permitted secondary dwelling).

A 1971 survey (conducted by the Regional District of Comox Stathcona) found that "about a quarter of lot owners let their friends use their properties, often on a rental basis". (The same survey found that half of lot owners "had or expected problems with respect to water supply".)

Such rentals were somewhat off-the-radar and conducted by word-of-mouth rather than being overtly commercial through advertising or using property management companies.

In 1986, the Zoning Bylaw was amended to include regulations addressing Bed and Breakfasts which are permitted as a home occupation (by a resident of the lot).

- 1990s

During this decade, vacation rentals became an increasingly conspicuous practice due to the rise of property management companies and advertising.

The first Official Community Plan was adopted in 1991 and a new Land Use Bylaw, based on the OCP, was adopted in 1993 – both after extensive public processes. Vacation rentals did not arise in these processes as a specific issue. The only type of visitor accommodation permitted in residential and agricultural zones was B&Bs conducted as a home occupation.

In the late nineties, a group of residents approached the local trustees with concerns about the increasing number of renters being displaced so that dwellings could be used to provide tourism accommodation in the summer.

At the turn of the decade, the Islands Trust was receiving complaints of unpermitted vacation rentals as a result of inputs on neighbours. The local trustees heard concerns about lack of enforcement to address such infractions. Staff advised the trustees that a decision needed to be made about whether to proceed with enforcement on non-permitted vacation rentals or to amend legislation to permit them.

- 2000s

During this decade the number of vacation rentals seemed to significantly increase with the availability of internet advertising with the activity generally being conducted in a more commercial manner.

In 2009, 120 dwellings were advertised for vacation rentals – about 12% of the housing stock on Hornby Island.

A review of the Official Community Plan was conducted between 2000 and 2003. Vacation rentals was the last issue to be resolved due to different perspectives in the community. After a number of special meetings a consensus emerged to permit vacation rentals as a home occupation. A policy enabling this

was included in the revised OCP adopted in 2003. However, the 1993 Land Use Bylaw, which did not permit vacation rentals, was still in force as it had not been amended at this point.

An election and staff changes delayed the review of the Land Use Bylaw.

In 2004, trustees were being pressed by community members to address vacation rentals. Staff advised that vacation rentals, as being practised on Hornby Island, could not be permitted as a home occupation. (A home occupation, as defined, is an activity being conducted by a resident of the lot. A vacation rental, by its nature, happens without a resident being present unless there is a second permitted dwelling on the lot. A B&B home occupation takes place with the resident continuing to be an occupant while hosting guests in the dwelling; a vacation rental involves guests taking over occupancy of the dwelling.) This meant that the new OCP policy on vacation rentals would have to be amended as well as land use regulations developed.

This meant going back to square one to find an appropriate permitting framework for vacation rentals. Knowing this would be controversial and potentially divisive, the trustees requested facilitators from Denman Island to conduct circles on Hornby so that residents could hera each others' perspectives in a safe, non-confrontational format before official processes began.

In 2004-2005, surveys of residents and non-resident property owners were conducted. Draft policies and regulations were discussed over many community meetings. (An aggressive approach by some supporters of a liberal approach to vacation rentals resulted in some people with concerns about vacation rentals feeling intimidated and unwilling to publicly state their views).

The results of these discussions lead to draft changes to the OCP and a new draft Land Use Bylaw to be developed in late 2005.

The 2005 election resulted in new trustees being elected. They decided to not proceed with the drafts and the issue of vacation rentals was put on hold.

Following a by-election in 2007, the issue of vacation rentals was referred to the Advisory Planning Commission after which a staff report was prepared in 2008 which provided a thorough analysis and options for the LTC to consider.

After the 2008 election, the new LTC added vacation rentals as a work program item (separate from the targeted OCP review and Land Use Bylaw review then being initiated).

Exploration of options began in 2009.

- 2010's

In this decade, vacation rentals have continued to be a high profile activity with Air B&B adding a new dimension. Many vacation rentals are being advertised in excess of what is permitted through land use regulations (including high occupancy, year-round, by-the-night and involving non-permitted dwelling units).

In 2010, following considerable staff advice and community discussion, a draft bylaw and covering letter was mailed to all residents and non-resident property owners with an invitation to attend a community meeting.

Following community input, it was resolved to not proceed with the draft bylaw. A major challenge wsa that staff recommended the use of Temporary Use Permits (particularly on small lots in order to comply with the Islands Trust Policy Statement and to address water quantity/quality issues) while many in the community strongly objected to a permitting system.

The LTC explored the alternative of using a bylaw enforcement policy.

By the end of 2010, the LTC had received and considered 10 staff reports on the subject of vacation rentals (and there had been considerable community discussion and input through many meetings and correspondence).

Additional staff reports were considered in February and March 2011

The LTC held community information meetings on Hornby Island, in West Vancouver and Victoria in April 2011 to present options.

Draft bylaws to amend the OCP and LUB were presented at a Community Information Meeting in May 2011 and a staff report considered in June 2011.

Proposed bylaws were presented at a Community Information Meeting in June 2011, followed by a Public Hearing. Following the hearing, amendments were made to the bylaw. Second and third readings were given.

A presentation was made to the Executive Committee of the Islands Trust with respect to compliance of the proposed bylaws with the Policy Statement.

Following Executive Committee approval, the bylaws were adopted in February 2012.

In 2012, following community discussion, a public hearing and staff reports, an amendment was made to vacation home rental regulations allowing this use year-round on properties with two legal dwellings where one is being occupied by a resident.

In 2012, consideration was given to adopting a bylaw enforcement policy on vacation home rentals, following a staff report the LTC resolved to instruct staff to follow existing bylaw enforcement policies when managing issues related to tourist accommodations on Hornby Island and to focus limited resources upon responding to bona fide complaints and addressing circumstances where visitors are being accommodated other than in a lawful dwelling.

In 2012-13 the local trust committee prepared a video and guide to conducting vacation home rentals on Hornby Island.

In 2016, the LTC initiated a project to review with the community Vacation Home Rentals policies and regulations to identify improved approaches through education, regulation and enforcement.

InJuly 2017, a revised Project Charter was endorsed. A Community Survey was conducted over the next two months. A staff report on the results of the survey was presented to the LTC and the community in December.

In April 2018, the LTC initiated a Vacation Home Rental Community Education and Bylaw Compliance Campaign after considering a staff report which noted: *"it is clear that there is community support that the current VHR regulations are likely adequate; however, that the existing VHR regulations need to be enforced fairly and consistently"*.

The campaign specified sequential actions from education to enforcement over several months.

A revised project charter was approved in January 2019 in order to evaluate current VHR compliance , consider enforcement options and enforcement action.

In May 2019, the LTC authorized a proactive enforcement of vacation home rental regulations and gave three readings to a Bylaw Enforcement Notification Bylaw.

In July 2019, the LTC requested that the Advisory Planning Commission review Vacation Home Rental regulations and draft recommendations for an Enforcement Policy

2. Available options for permitting/regulating Vacation Rentals

These are options available for local governments to permit and regulate vacation rentals

Business Licences

This is an excellent option because it allows for conditions to be applied, there can be a cap at any particular time on the number of vacation rentals allowed and the licence has to be renewed each year enabling the activity to be monitored.

However, business licensing is only available to municipalities; it is not available to regional districts and local trust committees.

Tofino is an example of a local government enabling vacation rentals through business licensing

Temporary Use Permits

This is the only permitting process available to regional districts and local trust committees. A permit can be issued for three years and renewed for a further three years. A subsequent permit can be applied for.

Basically, a TUP provides temporary zoning for a particular property to permit a use not allowed in the land use regulations for the zone.

Conditions can be applied to the permit. Failure to meet the conditions could jeopardise renewal or consideration of a subsequent permit. The use of TUPs can enable a local government to cap the total number of vacation rentals in the community or a neighbourhood and to vary conditions over time as required.

A drawback is that TUPs involve a significant bureaucratic process – include opportunities for near neighbours to comment – and a significant fee to cover, or partially cover the costs.

Gabriola Island is an example of a local government enabling vacation rentals through TUPs

Site-specific zoning

A local government can adopt policy requiring vacation rentals to be allowed on a site-specific basis through a zoning amendment for that property.

This would allow scrutiny of the suitability of the proposed operation for the particular property and enable a cap to be put on the number of vacation rentals allowed in the community or neighbourhood.

However, this is a significant process with a substantial fee.

Ucluelet is an example of a local government that has enabed vacation rentals through site-specific zoning

Zoning regulations

Vacation rentals can be allowed through zoning regulations as a permitted use on all lots in a residential zone.

- The use can be allowed in some residential zones and not others.

- The use can be allowed through home occupation regulations, but this would limit vacation rentals to those lots where a resident is living on the lot to operate the use (involving only permitted dwelling units).

- Vacation rentals can also be allowed on all lots as a permitted use of residential property.

This would not enable a cap to be placed on the number of vacation rentals because the use can be carried out on every lot within the zone. The Local Government Act limits what can be addressed through zoning regulations. Subsequent tightening of regulations might have limited applicability because many users could continue under previous regulations and be legally non conforming.

Whistler is an example of a local government enabling vacation rentals by allowing them through zoning regulations in specified residential zones but not in other zones.

South Pender Island is an example of a local government enabling vacation rentals as a home occupation (and also as a residential use).

Bylaw Enforcement Policy

A local government can adopt a bylaw enforcement policy to direct staff efforts to achieve compliance (resulting in some apparent infractions being actively addressed and others given little or no attention).

A change in Islands Trust Bylaw Enforcement Policy some years ago emabled investigations to be initiated through staff being aware of an unpermitted use being advertised. Thus vacation rentals could

be addressed by pursuing advertised unpermitted uses while other uses might continue under the radar unless a complaint has been made.

Some local governments (eg in the Southern Gulf Islands) have not allowed vacation rentals as a permitted use but have adopted a bylaw enforcement policy to focus on those that are most problematic for the community.

Here is Saturna Island's policy:

It was Moved and Seconded THAT given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, STVRs not permitted by Section 2.16.10 of the Saturna Island Land Use Bylaw No. 78 that have one or more of the following characteristics will be subject to enforcement:
1. They are advertised on the internet, newspapers or other media;
2. They are not managed by the property owner;
3. More than one STVR per constructed residence on the lot is simultaneously made available for STVR;
4. While the property is rented persons are also staying in tents, trailers, or RV's;
5. There are issues related to health and safety;
6. There is a written complaint by owners or residents about bona fide nuisance issues such as noise or parking congestion related to the STVR;
7. The owner of the property uses more than one property on Saturna Island as an unpermitted STVR. And THAT 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.

A bylaw enforcement policy can also be adopted when vacation rentals are a permitted and regulated use to prioritize the situations where enforcement is most appropriate (eg: neighbourhood disturbance, significant over-occupancy, use of unpermitted buildings, etc)

3. How these options were considered for Hornby Island

In the long process of exploring how to permit vacation rentals on Hornby Island all these options were carefully examined and discussed (except business licensing and site-specific zoning).

Allowing rentals through home occupations was initially seen as an appropriate option for Hornby Island and this was well supported in the community. However, on closer examination it became clear that the definition of a home occupation would limit the use to the very few situations where someone was living in a home while renting out a second legal dwelling on the same lot.

The use of Temporary Use Permits was strongly recommended by staff to enable the community to have a level of control over how many and what kind of vacation rentals are happening on the island and to ensure that issues such as water and sewerage are addressed. This was considered particularly important for small lot subdivisions which have documented problems with water quantity and quality and to address compliance with the Islands Trust Policy Statement.

There was some trepidation about allowing vacation rentals as an outright permitted use through zoning regulations as there were no other local governments of destination communities that had modeled this approach.

The community was presented with an option of allowing vacation rentals through zoning regulations on larger lots but requiring a Temporary Use Permit on smaller lots.

This was not well-supported in the community.

Neither was the option of continuing with the status quo (of not allowing vacation rentals) but having a bylaw enforcement policy to focus enforcement efforts on problematic situations.

In the end, a hybrid approach was adopted:

- allowing vacation rentals as a permitted use in all residential and agricultural zones with regulations to limit the use to support policy objectives for the community and residential neighbourhoods

- allowing site-specific opportunities for vacation rentals to be conducted in a way that exceeds what is permitted in regulations through Temporary Use Permits;

- using the option of a bylaw enforcement policy to focus on particular areas of compliance as required.

4. Adopted Land Use Regulations for Vacation Home Rentals

Definition

Definitions are a key component of land use regulations.

Here is the Land Use Bylaw's definition of vacation home rentals:

vacation home rental use *means the use of a residential dwelling unit for the temporary accommodation of paying guests, where:*

a) an owner or tenant of the lot on which the dwelling unit is located is ordinarily resident in the dwelling and the vacation home rental use is occurring during a temporary absence of that owner or tenant; or

b) the owner or tenant is residing in another lawful dwelling on the same lot while the vacation home rental is occurring; or

c) the owner of the lot resides seasonally in the dwelling unit and the vacation home rental use is occurring during the absence of that owner;

and includes such a use of a dwelling unit the residential use of which is a lawfully non-conforming use under s. 911 of the Local Government Act, unless such residential use is discontinued for a continuous period of six months.

The purpose of this definition is to tie the vacation rental use to being subsidiary to the residential use of a property, rather than the property being solely used for commercial visitor accommodation. This is because the zones in which this use is being permitted are residential and agricultural zones with commercial activities such as home occupations and vacation home rentals being secondary to that primary use.

Zone regulations

Vacation home rentals is listed as a permitted use in the zone regulations for each zone in which the use is allowed. The following example is from the regulations for the *Residential 1 - Small Lot (R1) 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) residential use of a dwelling;
(b) residential use of a recreational vehicle;
(c) accessory uses, buildings and structures, including but not limited to home occupations; and
(d) vacation home rental use.

General regulations for Vacation Home Rentals

Section 3 ("General Regulations") of the Land Use Bylaw contains these regulations for vacation home rentals:

3.7 Vacation Home Rental Uses

(1) Vacation home rental uses must be in accordance with the following limitations:

(a) A dwelling unit may only be occupied by paying guests during the months of May, June, July, August and September.
(b) Despite article 3.7(1)(a), on any lot permitted two dwelling units, one dwelling unit may be occupied by paying guests at any time, provided that an owner or tenant is resident in a second lawful dwelling unit on the lot during the vacation home rental occupancy.

(c) During any period of seven consecutive days a dwelling unit may be occupied by only one guest or guest party.

> *Information Note:*
> *The following information is not part of the bylaw and is for information purposes only. Regulation 3.7.1(b)* [Error: this should read 3.7.1(c)] *permits the use of a vacation home rental for a period of less than seven days (for example a three night rental). As an example, the regulation does not permit a vacation rental unit to be rented for three days to one group and then three days to a different group during that same seven day period. Limiting rental turnover*

within a seven day rental period in a dwelling is important in helping maintain the rural residential character of Hornby's neighbourhoods, while allowing vacation home rental use to occur in a dwelling

(d) A dwelling used for vacation home rental use shall not be used to accommodate more than two beds per bedroom or more than three bedrooms if the lot on which the dwelling is located has an area of less than one hectare, or more than four bedrooms if the lot has an area of one hectare or more.

(e) A vacation home rental use shall not alter the residential character or appearance of the lot in which the vacation home rental use is located, with the exception of required parking spaces and the sign required in Section 3.7, which may be posted only when a vacation home rental is occurring.

(f) On lots designated as Aquifer IA on Schedule D2 of the Hornby Island Official Community Plan Bylaw No 149, vacation home rental use is permitted provided that an authorized person as defined in the Sewage System Regulations under the Public Health Act has stated in writing to the Islands Trust that the sewage disposal system to which the building accommodating the proposed vacation home rental use is connected to is capable of providing adequate sewage treatment for residential use and for the proposed vacation home rental use

(2) 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.

There are also parking regulations.

5. Recollections of how Vacation Home Rental regulations were arrived at

Period of use

(a) A dwelling unit may only be occupied by paying guests during the months of May, June, July, August and September.

(b) Despite article 3.7(1)(a), on any lot permitted two dwelling units, one dwelling unit may be occupied by paying guests at any time, provided that an owner or tenant is resident in a second lawful dwelling unit on the lot during the vacation home rental occupancy.

This regulation implements Official Community Plan policy 6.5.3.2 b):

Vacation home rental use should be subject to regulations which.... limit the portion of year that a vacation home rental use may be in operation so as to ensure that the residential use of the property is retained.

When community discussions began about how to permit vacation rentals in the 2000s, the topic was referred to as "summer rentals". The discussion was around how to permit this activity in July and August when there was a demand for visitor accommodation that could not always be met by the commercial visitor accommodation providers and B&Bs.

At first, consideration did not go beyond these two months for three reasons:

- proponents were not requesting this;
- some residents depended upon 10 month residential rentals when dwellings were not being used by the owners or summer guests;
- allowing visitor accommodation on residential lots when there was not peak demand could create unfair competition with commercial providers who have stand-by costs to provide this service and have to pay commercial taxes.

However, as the process continued demands began to be made to expand the permitted "summer rental" period to first include June and September and later also May (blues festival month).

Consideration was given to allowing operators to choose which two (or perhaps three) months that they would operate their "summer rental", but this was met by opposition in the community and by caution from bylaw enforcement staff who advised this would be hard to regulate.

When consideration was being given to expanding the permitted period to May- September, demands began to be made to allow the use year round.

Staff cautioned that allowing dwellings to be used for commercial visitor accommodation year-round would transform our existing residential zones into residential/commercial zones because any number of dwellings could be used to provide visitor accommodation with no residential use.

Staff advised to not expand the period beyond five months because this enabled dwellings to be available for the primary purpose if the zone – residential use – for the majority of the year.

Some thought was given to allowing operators to choose which five months they could operate, but again staff cautioned that this would be hard to regulate.

So the expansion from the concept of "summer rentals" in July and August to vacation rentals from May to September became accepted.

In response to some interest in year-round rentals, it was decided that operators wanting to provide accommodation year-round accommodation could apply for a Temporary Use Pemit to allow a more commercial operation.

Also, subsequent to regulations being adopted, an amendment was made to allow year-round vacation rentals on lots with two dwellings where a resident was living in one - *see 3.7.1(b).*

Common sense also dictates that the occasional, unadvertised off-season rental – such as to an existing customer or to accommodate workshop participants – could happen off-the-radar and would not trigger enforcement which would focus on more blatant and persistent violations.

Level of occupancy

(d) A dwelling used for vacation home rental use shall not be used to accommodate more than two beds per bedroom or more than three bedrooms if the lot on which the dwelling is located has an area of less than one hectare, or more than four bedrooms if the lot has an area of one hectare or more.

This regulation implements Official Community Plan policy 6.5.3.2 c):

Vacation home rental use should be subject to regulations which.. limit the total number of bedrooms and beds which may be accommodated based on the area of the lot on which the dwelling is located so as to ensure that the scale of vacation home rental occupancy does not exceed what might otherwise be accommodated by normal residential use.

In developing this regulation there were two main considerations:

Firstly, there was the requirement to comply with the Islands Trust Policy Statement (non-compliance results in a bylaw not being approved), especially this policy:

4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure:
• 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,
• water quality is maintained, and
• existing, anticipated and seasonal demands for water are considered and allowed for.

Areas of Hornby Island (particularly the small lot subdivisions) are known to have problems with water quality and/or quantity. It would not be acceptable for vacation rental use to be at a level that increases the intensity of land use.

The second consideration was to ensure that occupation regulations had a clear and reasonable rationale.

It was noted that the average household size on Hornby Island was 2 persons while the average in BC was 2.5 persons. 93% of households in BC were four persons or less. Thus if a Hornby Island household moved out to be temporarily replaced by a vacationing household, an occupancy of 4 persons would accommodate the over-whelming majority of hgouseholds.

It was pointed out, though, that most Hornby homes also accommodated friends and family during the summer. In fact, there are some lots where occupancy (and impacts) by owners and their non-paying guests exceeds impacts from vacation home rentals.

However, it is standard practice to apply regulations and limits to commercial activities that might not be applied to residential activities.

(For example, a resident may choose to do occasional car repairs for friends or regularly have people over for dinner; but limits kick in when a resident starts operating a car repair business or a restaurant on their residential property. The same applies to commercial visitor accommodation.)

There was already an established visitor accommodation use permitted on residential lots: a B&B home occupation, for which occupancy levels had been long established. Occupancy levels for B&Bs had been set at a lower level for smaller lots because of the known challenges with respect to water sewerage and where impacts on neighbourhood character could be greater.

These are the occupancy levels permitted for B&Bs:

(38) The operator of the bed and breakfast home occupation must... (c) provide no more than two beds per bedroom;

(40) The number of bedrooms used to accommodate the travelling public in a bed and breakfast home occupation must not exceed:
(a) one if the lot is 0.25 hectares or less in area;
(b) two if the lot is greater than 0.25 hectares and 1 hectare or less in area;
(c) three if the lot is greater than 1 hectare in area

It was decided that the best rationale was to apply a parallel regulation to vacation rentals, but adding an additional room because there would not be a resident present in the house. (It was decided to not increase the number of rooms further because there would not be a resident present in the dwelling who might serve to moderate water use, noise, etc).

Thus vacation home rental units provide for 8 people to be accommodated in homes on larger lots.

Operators wishing to provide a higher level of accommodation can apply for a Temporary Use Permit.

(With respect to regulating the occupancy level, bylaw enforcement staff have stated that it is easier to base regulations on something that can be physically assessed – such as number of bedrooms and beds – rather than the number of people who may or may not be present at a particular time. However, if someone is advertising accommodation for a number of people that exceeds what can be provided by the permissible number of beds and bedrooms, this could trigger investigation.)

Frequency of rentals

(c) During any period of seven consecutive days a dwelling unit may be occupied by only one guest or guest party.

> *Information Note:*
> *The following information is not part of the bylaw and is for information purposes only. Regulation 3.7.1(b)* [Error: this should read 3.7.1(c)] *permits the use of a vacation home rental for a period of less than seven days (for example a three night rental). As an example, the regulation does not permit a vacation rental unit to be rented for three days to one group and then three days to a different group during that same seven day period. Limiting rental turnover within a seven day rental period in a dwelling is important in helping maintain the rural residential character of Hornby's neighbourhoods, while allowing vacation home rental use to occur in a dwelling*

This regulation implements Official Community Plan policy 6.5.3.2 a):

Vacation home rental use should be subject to regulations which....require a level of continuous occupancy that allows visitors to experience and develop an awareness of the local community and Hornby Island in general through a vacation experience;

One concern heard about pre-legalized vacation rentals was rapid turnovers – guests staying for just a night or two without connecting to, or respecting, being in a residential neighbourhood (one resident, who had vacation rentals happening on either side of her home, said she felt like she was living in the middle of a motel).

Some consensus emerged in discussions that it was more appropriate for short stays to be accommodated in B&Bs and commercial resorts where there was on-site management to limit impacts. Vacation rentals were seen as more appropriate for longer stays so that guests could settle into the home and neighbourhood.

However, it would be hard to specify an actual minimum length of stay. Requiring only one set of guests being accommodated per week would encourage the use to be oriented to longer stays and prevent frequent turnover more appropriate for B&Bs and commercial zones.

Residential character

(e) A vacation home rental use shall not alter the residential character or appearance of the lot in which the vacation home rental use is located, with the exception of required parking spaces and the sign required in Section 3.7, which may be posted only when a vacation home rental is occurring.

This regulation implements Official Community Plan policy 6.5.3.2 e):

Vacation home rental use should be subject to regulations which... ensure that the residential appearance and character of a property is not altered by the vacation home rental use;

This reflected strong interest in ensuring that allowing this kind of visitor accommodation in residential neighbourhoods would not erode the character of the neighbourhoods.

Sewage treatment

(f) On lots designated as Aquifer IA on Schedule D2 of the Hornby Island Official Community Plan Bylaw No 149, vacation home rental use is permitted provided that an authorized person as defined in the Sewage System Regulations under the Public Health Act has stated in writing to the Islands Trust that the sewage disposal system to which the building accommodating the proposed vacation home rental use is connected to is capable of providing adequate sewage treatment for residential use and for the proposed vacation home rental use

This regulation implements Official Community Plan policy 6.3.2.15 (applicable to small lots in the Anderson Drive/Whaling Station Bay area):

Vacation home rentals should only be permitted if the number of guests does not exceed the design capacity of the sewage treatment system.

It also references the provincial aquifer classification as it applies to Hornby Island, with the aquifer of the north-east peninsula of Hornby Island being one of the few in the province classified as having both high development and high vulnerability.

.....Please see the appendices to this report for further discussion of this provision.

Signage

(2) 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.

This regulation addresses the concern that neighbours should know who to contact if problems arise from a vacation rental use, given that the owner or resident is unlikely to be on the property.

As noted above, a review of Vacation Home Rentals was conducted after five years in 2017 (in line with OCP policy). Community consultation indicated no strong consensus on making significant changes to the regulatory framework but rather an interest in seeing existing regulations enforced fairly and consistently.

Appendices

i) Reports

Development of policies and regulations

Here are links to informative reports generated during the preparation of policies and regulations eventually adopted.

Staff Report: Short Term Vacation Rental Implementation, February 9, 2011
(page 21 of agenda of Feb 18, 2011 LTC meeting)
http://www.islandstrust.bc.ca/media/256716/02_hornby_agenda_package_-_february_18__2011_revised.pdf

Staff Report: Short Term Vacation Rentals, March 21, 2011
page 41 of agenda of March 23, 2011 LTC Meeting
http://www.islandstrust.bc.ca/media/256731/03_hornby_agenda_package_-_march_23_2011_revised.pdf

Information presented at Community Information Meetings at Hornby Island, West Vancouver and Victoria in April 2011
http://www.islandstrust.bc.ca/media/256756/05_hornby_spltc_agenda_package_-_april_2_2011.pdf

Staff Report – Vacation Home Rentals, May 30, 2011
page 62 of agenda of June 1, 2011 LTC Meeting
http://www.islandstrust.bc.ca/media/256906/11_hornby_ltc_agenda_package_-_june_1__2011_revised.pdf

Staff Report – Vacation Home Rentals, May 17, 2012
page 136 of agenda of June 1, 2012 LTC Meeting
http://www.islandstrust.bc.ca/media/257347/05-hornby-agenda-package-june-1-2012.pdf

Minutes and agenda packages of meetings during that period are also valuable for providing an understanding of the issues being raised.

Here is a link for accessing the relevant documents:
http://www.islandstrust.bc.ca/meeting-documents.aspx

I can also provide some interesting documents from 2009 and 2010 that are not available on the Islands Trust web site.

2017 Vacation Home Rental Policy Review

Here is a link to information on the Islands Trust website which includes reports generated during this review:
http://www.islandstrust.bc.ca/islands/local-trust-areas/hornby/projects-initiatives/hornby-island-completedpast-projects/vacation-home-rentals-policy-review/

ii) Examples of how Local Governments address Short Term Vacation Rentals

Islands Trust Area

Island	Permitted as home occupation requiring: - 2 legal dwellings on property - Resident living in one of them	Permitted by zoning regs	Permitted by TUP - fee *1.*	BEN penalty	*Notes*
Bowen	No	In commercial zone only	?		*2.*
Denman	No	No	?	$500	
Gabriola	No	No	Yes $1,300	$300	
Galiano	Yes (max total 4 beds)	No	?	$350	*3.*
Gambier	Yes	No	?		
Hornby	Yes	Yes	Yes $440	?	*4.*
Keats	No	No	No		
Lasqueti	No	In commercial zone only	?		
Mayne	No	No	Yes $1,100	$300	
N. Pender	Yes	No	Yes $900	$500	*5.*
Salt Spring	No	No	?	$500	
Saturna	Yes (max 140 sq.m.)	No	?		*6.*
S. Pender	Yes	Yes	?		*7.*
Thetis	Yes	No	?		

Notes:

1	*Temporary Use Permit applications can require information regarding water provision, sewerage treatment, etc, are posted to enable neighbourhood comments, are issued by decision of the local government, can contain conditions and can be renewed once then re-applied for.*
2	*Bowen Island Municipality currently undertaking a review of vacation rentals*
3	*Galiano Local Trust Committee currently undertaking a review of vacation rentals*
4	*Hornby is the only island providing a comprehensive range of options for permitting this use* *A review of regulations recently completed plus a low TUP fee for seasonal rentals at a level higher than otherwise permitted.*
5	*North Pender Local Trust Committee recently completed a review of vacation rentals*
6	*Saturna Local Trust Committee has a bylaw enforcement policy on vacation rentals*
7	*South Pender permitted vacation rentals many years ago (1990s?) before they became a "thing"* *It is a small island with only 270 lots and is not a significant vacation destination*

Unincorporated areas

In rural areas of BC outside of the Islands Trust, land use planning and regulation is under the authority of twenty nine regional districts.

A study by the Sunshine Coast Regional District found that only one district permitted vacation home rentals in zoning regulations in one particular area of the district (residential/resort zone). Where other regional districts enable vacation rentals it is through Temporary Use Permits.

Incorporated areas

Land use planning and regulation in incorporated areas comes under the jurisdiction of municipal governments. Unlike local trust committees and regional districts, municipalities can issue Business Licences. This is the tool municipalities generally use to allow vacation home rentals. A Business Licence needs to be applied for annually, with a fee, and can contain conditions and/or require compliance with applicable zoning regulations.

Some examples of different approaches by municipalities:

Nelson:
Restricts the total number of business licenses issued for vacation rentals to 110 annual licenses and 40 summer only licenses at any one time. In addition there is a limit of three licences per block.

Metchosin:
Requires a $500 refundable deposit which would be drawn upon if it is necessary to send bylaw enforcement resources to investigate a complaint. Properties are inspected before a licence is issued.

Tofino:
Allows maximum occupancy of 6 persons. Has a pro-active enforcement approach. 65 tickets were issued for non-compliance in 2017. A list of all business licenses issued for vacation rentals is posted on its web site.

Kelowna
Requires a special business license fee of $350 if a principal dwelling is used for vacation rentals and $750 if a non-principal residence; this is to cover the cost of implementation and compliance oversight activities. Operators may face fines of up to $500 per day, per offence, and significantly higher amounts if compliance efforts require escalation.

_____

iii) Bylaw Enforcement Policy – a suggestion

Here is a suggestion of how a bylaw enforcement policy could be framed for Hornby Island

1) Bylaw Enforcement Notices should only be issued after an opportunity has been provided for voluntary compliance (except in cases of a repeat offense).

2) The use of Bylaw Enforcement Notices should be focused upon infractions which:
- have a potential impact upon health, safety, the natural environment or water resources,
- have a direct impact upon neighbours or public land,
- involve active construction of unpermitted buildings or structures, or
- involve unpermitted commercial visitor accommodation on residential or agricultural lots

3) Enforcement activities with respect to vacation home rentals should be focused upon those vacation home rentals:
- being advertised in a way that indicates non-compliance with regulatory requirements,
- having issues of health or safety, or
- causing bona fide nuisance issues in the immediate neighbourhood (such as noise or parking congestion) identified by a written complaint from a resident or property owner in the neighbourhood.

iv) A Problem with Hornby Island Vacation Home Rental Regulations

Here is the text of a message sent to the Hornby Island Local Trust Committee regarding a problem with Vacation Home Rental Regulations:

To: Hornby Island Local Trust Committee
From: Tony Law
23 June 2018

The purposes of this message are
(1) to inform you of a significant inaccuracy in the regulation requiring proof of adequate sewage treatment,
(2) to encourage you to correct this inaccuracy and apply this requirement to all small lots and
(3) to suggest that the limit on occupancy levels be clarified

The problem with the existing regulation

Regulation 3.1 (1) (f) misinterprets the aquifer classification and thus the regulation does not have a defensible rationale. (I pointed this out when the regulation was being introduced and during the recent review, but planning staff and other trustees did not seem to get this. Perhaps I didn't explain it very well. I'll try to do a better job here!).

Here is what 3.1 (1) (f) states:

> *"On lots designated as Aquifer IA on Schedule D2 of the Hornby Island Official Community Plan Bylaw No 149, vacation home rental use is permitted provided that an authorized person as defined in the Sewage System Regulations under the Public Health Act has stated in writing to the Islands Trust that the sewage disposal system to which the building accommodating the proposed vacation home rental use is connected to is capable of providing adequate sewage treatment for residential use and for the proposed vacation home rental use. "*

Here is a statement from the staff report on Vacation Home Rentals provided to the LTC at your May meeting

> *"Additionally, none of the VHRs operating in the (high vulnerability) Aquifer 1A Area has filed a certificate establishing sewage system adequacy. Notwithstanding, the LTC has not defined what such a certificate is or how it should be filed with the Islands Trust administration. "*

The regulation and its interpretation by staff indicate that it is intended to ensure adequate sewage treatment in one particular aquifer (the peninsula north of Tribune Bay including Whaling Station Bay, Anderson Dive, High Salal, etc) because of its high vulnerability given its classification as IA .

But this does not relate to the actual meaning of the aquifer classification and fails to address aquifer vulnerability in the rest of the island.

Explanation of the aquifer classification

The "I" component of the classification addresses potential water **quantity** challenges.

> It refers to the level of development of an aquifer determined by assessing its productivity and the demand made upon it.
> A high (**I**), moderate (**II**), or low (**III**) level of development can be designated.
>
> This particular aquifer has low productivity and high demand and is therefore designated at having a development level of **"I"**, higher than aquifers in the rest of the island which are either level **"II"** (most of the island) or level **"III"** (one small area south of the Mount Geoffrey escarpment).

The **"A"** component of the classification addresses water **quality** challenges.

> It refers to the vulnerability of an aquifer to contamination from surface sources and is assessed based on the type, thickness and extent of geologic materials overlying the aquifer, depth to water (or top of confined aquifers), and the type of aquifer materials.
> A high (**A**),moderate (**B**), or low (**C**) vulnerability can be designated.
>
> This particular aquifer is designated **"A"** (high vulnerability). However, **every** aquifer on Hornby Island is designated **"A"** (high vulnerability) because of the island's unconfined fractured bedrock aquifers.

Hornby Island Aquifer Classification						
Aquifer	Location	Size km2	Development		Vulnerability	Classification
			Productivity	Demand		
0435	Whaling Station Bay *(north of Tribune Bay)*	3.8	Low	High	High	IA
0436	Shingle Spit/ Phipps Point *(west of Mt. Geoffrey)*	5.2	Low	High	High	IIA
0437	Fords Cove/ Norman Point *(south of Mt. Geoffrey)*	2.2	Moderate	Moderate	High	IIIA
0438	Mount Geoffrey *(east & north of Mt. Geoffrey)*	18.8	Moderate	High	High	IIA

The regulatory requirement to confirm adequate sewage treatment is obviously intended to address potential water **quality** issues in the one aquifer classified as **IA**. However, what distinguishes this aquifer from the rest of the island is its particular water **quantity** challenges not unique water quality challenges.

A revised approach based upon what is known

The whole island is designated as "A", having a high vulnerability to contamination from surface sources, and should be treated accordingly, rather than one area being inappropriately singled out.

- Background to water quality issues in Hornby Island small lot subdivisions *[see appendix]*

The 1971 Planning Study of Hornby Island, the 1999 Water Stewardship Project report and the 2002 Royal Roads report identified the conditions that create challenges for effective on-site sewage treatment: low depth of soil, high winter water table levels, small lots, lack of regulation/monitoring to ensure on-going system functionality and the limited ability of low income residents to pay for expensive treatment systems.

The 1999 report found that 20% of the wells tested had unacceptable levels of fecal coliform and almost 80% of samples taken from ditches and streams had a fecal coliform concentration greater than background. The 2002 found that 53% of Sandpiper residents and 43% of Galleon Beach residents reported water quality problems, principally fecal coliform contamination and sea water intrusion.

- Provincial guidelines for development on vulnerable aquifers to protect water quality

The Province's *"Guide to using the BC Aquifer Classification Maps for the Protection and Management of Groundwater"* has this to say about aquifers classified as **"A"** - highly vulnerable:
• *Highly vulnerable to contamination from surface sources, **A** aquifers have little natural protection against contamination introduced at the ground surface.*
• *Existing land uses or future additional developments, which may introduce a contaminant to the land surface, should initiate measures to protect against introducing contaminants.*
• *A aquifers should be given first priority for the implementation of quality protection measures*

Areas overlying highly vulnerable aquifers require planners to consider activities that minimize the risk of contamination or to require safeguards to protect the resource.
If, however, high-risk land use already exists over a highly vulnerable aquifer, then preventative measures and more stringent standards for operation should be considered.

- Amendment of Vacation Home Rental Regulations

Existing regulation 3.1 (1) (f) was intended to prevent contamination from water supply from a newly-permitted commercial activity in residential areas. However, it does not do the job because it is only applied to one part of the island rather than addressing vulnerability throughout the island.

The greatest vulnerability exists in the small lots throughout the island where there are already identified water quality challenges.

To address this, 3.1 (1) (f) should be amended to replace: *"On lots designated as Aquifer IA on Schedule D2 of the Hornby Island Official Community Plan Bylaw No 149,...." with:* ***"On lots zoned Residential 1 – Small Lot R1..."***

Vacation Home Rentals Occupancy Levels

A challenge in the process of permitting the new use of commercial visitor accommodation (vacation home rentals) in residential zones was to ensure this complied with *Islands Trust Policy Statement* policy 4.4.2 which requires addressing 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 a problem with the quality or quantity of the supply of freshwater.

As I recall this was addressed in two ways:

It was noted that, as practised, vacation home rentals would be essentially a continuation of residential level use as the occupancy of a dwelling would involve one household being replaced by another. The average size a household on Hornby Island is 1.8 persons and in Canada is about 2.4 persons. In the summer, residential use may from time to time involve accommodating additional persons (friends and family) so a higher number than the average household size would not be abnormal residential use in that season.

It was also noted that there is an existing visitor accommodation use permitted – Bed and Breakfasts as a home occupation – with occupancy levels regulated as follows:

> *(37) The operator of the bed and breakfast home occupation must:...(c) provide no more than two beds per bedroom;*
> *(39) The number of bedrooms used to accommodate the travelling public in a bed and breakfast home occupation must not exceed:*
> *(a) one if the lot is 0.25 hectares or less in area;*
> *(b) two if the lot is greater than 0.25 hectares and 1 hectare or less in area;*
> *(c) three if the lot is greater than 1 hectare in area*

So as not to increase the permitted *density nor intensity of land use* as required by the Policy Statement, parallel occupancy limits were established for the new Vacation Home Rentals visitor accommodation use, allowing one more bedroom as there would not be an operator living on the premises as with a B&B (it was decided to not increase occupancy levels further as there would likely not be the same restraints with respect to water use without the presence of an in-house operator):

> *3.1 (1) (c) A dwelling used for vacation home rental use shall not be used to accommodate more than two beds per bedroom or more than three bedrooms if the lot on which the dwelling is located has an area of less than one hectare, or more than four bedrooms if the lot has an area of one hectare or more*

Thus on small lots, a Vacation Home Rental can accommodate:
- a 6-person household (only 8 percent of Canadian households are of 5 or more persons) or
- two 3-person households (78% of households are of 3 or fewer persons).

On large lots, a Vacation Home Rental can accommodate:
- an 8-person household or
- two 4-person households (92% of Canadian households are of 4 or fewer persons).

Advertisements of vacation home rentals are usually for an occupancy level of a specified number of persons. There seems to be some lack of certainty about occupation limits (eg can a bedroom have two double beds and thus accommodate 4 persons?)

Examples of local governments that limit the level of occupancy by number of persons are Tofino and Penticton (both specify a limit of 6 persons).

If amendments are to be made to regulations to address the problem with 3.1 (1) (f), it would be useful to also amend *3.1 (1) (c)* as follows to provide more clarity:

3.1 (1) (c) A dwelling used for vacation home rental use shall not be used to accommodate more than two beds per bedroom or more than three bedrooms if the lot on which the dwelling is located has an area of less than one hectare ***(with a maximum occupancy of six persons)****, or more than four bedrooms if the lot has an area of one hectare or more* ***(with a maximum occupancy of eight persons)***

Thank you for considering this.
I hope it is helpful.

Tony Law

v) Areas Known to have a Problem with the Supply of Freshwater

Paper prepared by Tony Law in March 2010

Areas Known to have a Problem with the Supply of Freshwater on Hornby Island

(Whaling Station Bay, Sandpiper and Galleon Beach small lot subdivisions)

The legislative and policy framework

The *Islands Trust Policy Statement* contains the following directive policy:

> "4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure:
> • **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,**
> • water quality is maintained, and
> • existing, anticipated and seasonal demands for water are considered and allowed for." (1)

(The *Islands Trust Act* states that a bylaw "must not be approved by the executive committee or the trust council, as the case may be, if it is contrary to or at variance with the trust policy statement".(2)
The policy statement clarifies that "where a policy requires a local trust committee or island municipality to address a particular matter, the official community plans must contain policies that implement the policy stated by Trust Council, unless the plan sets out explicitly the reasons and justifications for local policies that do not implement that policy". (1))

The *Hornby Island Official Community Plan* contains a policy which speaks to "maintaining the quantity of the groundwater resource" by "limiting new development and land uses that will put an additional demand upon the groundwater resource in areas where availability is already a problem."(3)

Utilization of groundwater on Hornby Island

Groundwater supplies the majority of the potable water for local residents on Hornby Island. There are roughly 600 wells which have been installed over the last 80 -90 years, with a significant number installed over the last 30-40 years. (4). Sixty-six percent of drilled wells are located on lots generally 1/2 acre (0.20 hectares) or less and are located within the small lot subdivisions of Hornby Island.(5)

The small lot subdivisions

The final report of the *Hornby Island Groundwater Pilot Project* (1994) notes that the legacy of small lot subdivisions has resulted in 60% of all residential parcels being 0.2 hectatres (about 1/2 acre) or less. There are 661 small lots most of which are located in the three residential neighbourhoods of Whaling Station Bay, Sandpiper Beach and Galleon Beach. About 33% of these lots were undeveloped as of 1990. As more and more of these lots are built upon, the already evident problems of water supply and sewage disposal become more acute" (4).

Land use regulations for small lots

The three residential subdivisions were established before the Islands Trust was created. The *Hornby Island Land Use Bylaw* now includes these areas within the Small Lot Residential Zone which establishes the minimum area of a lot that can be created by subdivision as 8,000m2 (1.36 acres) with a maximum lot coverage of 15% (7). [The Official Community Plan states that the minimum parcel size shall be 1 hectare (2.5 acres), but this policy has not yet been implemented (3).] One residential dwelling unit, with a floor area no greater than 200m2 (2,152

sq.ft), is permitted on each lot. Home occupations are permitted according to regulations. The only visitor accommodation permitted is Bed and Breakfasts with guest occupancy restricted to one bedroom on lots 0.25 hectares (0.6 acres) or less and two bedrooms on lots greater than 0.25 hectares (0.6 acres) but less than 1 hectare (2.5 acres)(7).

Early concerns - land use study, 1971

The Regional District of Comox-Strathcona conducted a *Hornby Island Planning Study* in 1971, shortly after the three small lot subdivisions were created. The report includes an appendix which discusses "The Water Supply Question on Hornby Island". The report states that "from the very beginning of our planning study for Hornby Island it has become readily apparent - through personal interviews, group meetings and lot owners' questionnaires - that the question of residential water supply lies foremost in the minds of most islanders"(8).

"Hornby Islanders rely almost exclusively upon groundwater for domestic water supply. The great majority of Island wells are of relatively low yield, serving at most one to three householders. Questionnaire surveys, moreover, have indicated that few Island wells provide reliable flow year-round."(8).

"There are presently 736 small lots within the principle subdivision areas on the Island." "The great majority of Island lots (over 85%) are without any developed source of water supply."(8).

Groundwater conditions - review and update, 1984 and 1989

The Ministry of Environment conducted a *Preliminary Review of Groundwater Conditions on Hornby Island* in 1984 and followed this up with an update and review in 1989. The 1984 report noted that "domestic water supplies are a primary concern for residential density on Hornby Island'"(9).

The 1989 report provided estimates of groundwater demand as a percentage of groundwater in storage for regions of Hornby Island (10):

Region of Hornby Island	Demand as % of groundwater stored		
	1984	1989	
1. Shingle Spit - Phipps Point	35.00	44.00	
2. Manning Point - Collishaw Point	22.34	36.17	
3. Shields Point	45.14	**82.64**	- *includes Galleon Beach subdivision*
4. Whaling Station Bay	48.51	**70.90**	- *includes Whaling Station Bay subdivision*
5. Spray Point - Tribune Bay	25.52	29.69	
6. Dunlop Point - Downes Point	48.08	**75.48**	- *includes Sandpiper subdivision*
7. Norman Point - Fords Cove	22.09	37.21	

The report noted that the regions containing the three subdivisions "have all experienced substantial, increased development since 1984. These regions were already experiencing developmental and water quality problems in 1984 and these problems are now undoubtedly enhanced." It recommended that "serious consideration should be given to limiting future groundwater development in regions where demand-storage percentages are exceeding 70%." (10).

Growth and development, 1991-2006

From 1991 to 2006, the resident population of Hornby Island increased by 19% (1991: 900; 2006: 1,074) (11).

During the same period the number of dwellings occupied year-round increased by 37% (1991: 400; 2006:547) (11).

Water levels, 1991-2009

There are two observation wells on Hornby Island, one adjacent to the Whaling Station Bay subdivision and one adjacent to the Sandpiper subdivision. The following are records for the months with the average highest and lowest levels for each well.(12)

Month end water levels *(metres below ground level)*

Year	Whaling Station Bay		Sandpiper	
	February	October	January	August
	highest month	*lowest month*	*highest month*	*lowest month*
1991				16.238
1992			11.562	
1993		1.055		
1994	0.276	1.238		16.722
1995	0.325	1.204	10.767	
1996	0.263	1.173	11.535	17.762
1997				
1998	0.183	1.281		
1999	0.363	1.358		
2000	0.605		11.507	
2001	0.719	1.656		17.448
2002	1.17	2.196	10.844	17.402
2003	1.279	2.136	11.507	17.502
2004	0.991	1.616	11.459	17.649
2005	0.872	1.553	11.609	16.637
2006		1.519	11.566	17.46
2007			11.999	17.059
2008			12.459	19.006
2009			12.835	18.057

Average water levels

	Highest month		Lowest month	
	Before 2000	2000 and after	Before 2000	2000 and after
Whaling Station Bay	0.282	0.839	1.218	1.779
Sandpiper	11.288	11.753	16.907	17.58

This seems to indicate a general downward trend in water levels.

Seasonality

Precipitation levels

79% of the 1,187.7mm of precipitation falls from October to March. Average monthly precipitation in the summer months (April to September) is 42.2mm compared to the average monthly level for the whole year of 98.98mm. (13).

Groundwater levels

The two observation wells show seasonal variations in groundwater levels. The Whaling Station Bay well has an average month-end low of 1.637 metres below ground level (October) and an average month-end high of 0.927 metres (February) and the Sandpiper well has an average month-end low of 19.906 metres (August) and an average month-end high of 11.987 metres (January). (12)

Visitor levels

Hornby Island has the largest seasonal variation of ferry traffic in the BC Ferries system. In August, the average number of passengers carried on Route 22 (Denman Island to Hornby Island) is 470% of the monthly mean (with 521% being the highest level observed). In January, the average number of passengers is 94% of the monthly average.(14)

Occupancy of dwellings

63% of properties are owned by non-residents(15). 43% of dwellings are only occupied seasonally (11).

Household size

The average size of households occupied by year-round residents on Hornby is 1.9 persons. (11)

About 60 dwellings in the small lot subdivisions are advertised on the internet for short term vacation rentals with occupancy rates as follows (16) :

Occupancy level (persons)	Number of dwellings advertised
1- 2	5 (8%)
3-4	8 (13%
5-6	34 (57%)
7-8	11 (19%)
9-10	2 (3%)
Total:	60

In British Columbia, 93% of households are of 4 persons or less. (11)

Currently there are 1-2 bed and breakfasts advertised in each of the three subdivisions (16).

Water quality issues

The majority of existing water quality concerns on the island exist within small lot subdivisions. (5)
A report prepared by Royal Roads University on *Water Stewardship and Wastewater Management on Hornby Island* in 2002 includes the result of a questionnaire provided to residents of the two major subdivisions. 53% of Sandpiper residents and 43% of Galleon Beach residents reported water quality problems. (17)

The main water quality concerns are from fecal coliform contamination and sea water intrusion, though there are local reports of quality issues such as hydrogen sulphide gas (9), and elevated concentrations of manganese and fluoride (4).

Fecal coliform contamination

The 1999 report of the *Hornby Island Water Stewardship Project* on its activities (1996-1999) provided information on 800 water samples taken from wells, from streams and ditches and from beaches. Over 20% of the wells tested had unacceptable levels of fecal coliform. Almost 80% of the samples taken from ditches and streams had a fecal coliform concentration greater than the background, ranging up to 300 times the background

level. The report states that “the groundwater quality, in terms of fecal coliform, is below standard and cannot be allowed to deteriorate further.” (18)

The Royal Roads questionnaire indicated that only 25% of Galleon Beach respondents and 40% of Sandpiper respondents have a sewage treatment system on their properties with 25% (Galleon) and 15% (Sandpiper) of systems consisting of “alternative treatment”. (17)

The 1971 Planning Study of Hornby Island, the 1999 Water Stewardship Project and the Royal Roads report identified the conditions that create challenges for effective on-site sewage treatment: low depth of soil, high winter water table levels, small lots, lack of regulation/monitoring to ensure on-going system functionality and the limited ability of low income residents to pay for expensive treatment systems. (8) (17) (18)

The increasing use of inadequate or failing systems through higher levels of occupancy in the small lot subdivisions could create further deterioration of a groundwater resource already contaminated by fecal coliform.

Seawater intrusion

Where wells are situated in close proximity to the ocean, pumping from these wells may draw the fresh water - salt water interface landwards, resulting in deterioration of groundwater quality as evidenced by increased levels of dissolved minerals, principally sodium and chloride. (6) Salt water encroachment is suspected in some wells located within the Sandpiper subdivision, with chloride concentrations exceeding 100 mg/L levels reported in numerous wells in this area. (5) Several wells in the Whaling Station Bay area show significant salinization and suggest that saltwater intrusion may be prevalent in that area. (4)

Aquifer classification

A classification of Bedrock Aquifers on Hornby Island was carried out in 2001 utilizing the provincial aquifer classification system. Four aquifers are defined on Hornby Island. The Whaling Station Bay subdivision is contained within Aquifer #435 and the Sandpiper and Galleon Beach subdivisions are contained within Aquifer # 438.

Aquifers are classified with respect to development (demand relative to supply) and to vulnerability (to contamination from surface sources). (19)

	I	**II**	**III**
A	IA Heavily developed High vulnerability **(Aquifer #435)**	IIA Moderately developed High vulnerability **(Aquifer #438)**	IIIA Lightly developed High vulnerability
B	IB Heavily developed Moderate vulnerability	IIB Moderately developed Moderate vulnerability	IIIB Lightly developed Moderate vulnerability
C	IC Heavily developed Low vulnerability	IIC Moderately developed Low vulnerability	IIIC Lightly developed Low vulnerability

Aquifer 435 (containing the Whaling Station Bay subdivision) is classified as IA - highly developed with high vulnerability. Aquifer 438 (containing the Sandpiper and Galleon Beach subdivisions) is classified as IA - moderately developed with high vulnerability. (19)

The aquifers are also subject to a ranking system which assigns points based upon hydrogeologic and water use criteria:

Criteria	Rationale	Points	Aquifer #435	Aquifer #438
Productivity	Abundance of resource	1 - Low 2 - Moderate 3 - High	1	2
Vulnerability	Potential for degradation	1 - Low 2 - Moderate 3 - High	3	3
Size	Regionality of the resource	1 - Under 5km2 2 - 5-25km2 3 - Over 25km2	2	3
Demand	Level of reliance on the resource for supply	1 - Low 2 - Moderate 3 - High	3	3
Type of use	Variability/ diversity of the resource for supply	1 - Non drinking water 2 - Drinking water 3 - Multiple/drinking	2	2
Quality concerns	Actual concerns	1 - Isolated 2 - Local 3 - Regional	3	2
Quantity concerns	Actual concerns	1 - Isolated 2 - Local 3 - Regional	1	0
Total			15	15

Aquifers #435 and #438 both have a ranking of 15 out of a possible 21.(19) For comparison, of 153 aquifers classified in the Fraser Valley, only 4 aquifers have a ranking of 15 or higher. (20)

Conclusion

The residential small lot subdivisions of Whaling Station Bay, Sandpiper and Galleon Beach on Hornby Island are areas which are known to have a problem with the quality and quantity of the supply of freshwater.

Tony Law - March 2010

1. Islands Trust Policy Statement
2. Islands Trust Act
3. Hornby Island Official Community Plan, Bylaw No. 104, 2004
4. Results of the Groundwater Geochemistry Study on Hornby Island, BC - D.M. Allen, G.P. Matsuo, 2001
5. A Preliminary Groundwater Assessment of a Crown Land Parcel on Hornby Island - W.S. Hodge, 1993
6. The Hornby Island Groundwater Pilot Project - Final Report, 1994
7. Hornby Island Land Use Bylaw No. 86, 1993
8. Hornby Island Planning Study - Regional District of Comox-Strathcona, 1971
9. A Preliminary Review of Groundwater Conditions on Hornby Island, BC - F. Chowjka, 1984
10. Groundwater Conditions on Hornby Island, BC, 1989 Update and Review - F. Chowjka, 1989
11. Census Canada
12. BC Ministry of Environment - Groundwater levels
13. Meteorological Service of Canada - Climate data for Comox

14. British Columbia Passenger Volume Modelling - Urban Futures, 2008
15. British Columbia Assessment Authority
16. Hornby web-sites (Wind and Waves, hornby island.com, hornbyisland.net), 2009
17. Water Stewardship and Wastewater Management on Hornby Island - Third Eye Consultants RRU, 2000
18. Hornby Island Water Stewardship Project: Report on the Activities of the Project - Ed. D. Christie, 1999
19. Bedrock Aquifers on Hornby Island - Groundwater Section, BC Ministry of Environment, 2001
20. An Aquifer Classification System for Groundwater Management in BC - BC Ministry of Environment

Residential rentals on Hornby

Flag for follow up.

Flag for follow up.

AL

Anthony Law <tlaw1@telus.net>
Fri 10/22/2021 9:29 PM

To:

- Wendy Burton

Hi Wendy

Here are the numbers of residential rentals on Hornby Island according to Statistics Canada:

2001: 165
2006: 100 (15% of 666 dwellings)
2011: 105 (12% of 886 dwellings
2016: 115 (10% of 1,104 dwellings)

According to the 2016 census:

Total dwellings on Hornby::	1,104	%of total	(In BC % of total)
Not occupied year-round:	519	47%	(9%)
Occupied and owned::	470	43%	(62%)
Occupied and rented:	115	10%	(29%)

Tony

Correcting a Problem in the Vacation Home Rental Regulations on Hornby Island

A submission to the Hornby Island Advisory Planning Commission

Submitted by Tony Law, 24 October 2021

There is a significant inaccuracy in the regulation requiring proof of adequate sewage treatment. It provides an indefensible rational for requiring this proof for properties on one particular aquifer while failing to require this in other parts of the island where there is, in fact, rationale for such a provision.

I believe this regulation should be changed to require proof of adequate sewage treatment for all vacation home rentals located within the small lot residential zone.

(I pointed this out this inaccuracy when the regulation was being introduced, during the last review of vacation home rentals and in a submission to the Hornby Island Local Trust Committee review. But planning staff and trustees do not think it is important or I didn't explain it very well. I'll try to do a better job here.)

The problematic regulation

Here is what 3.1 (1) (f) states:

> *"On lots designated as Aquifer IA on Schedule D2 of the Hornby Island Official Community Plan Bylaw No 149, vacation home rental use is permitted provided that an authorized person as defined in the Sewage System Regulations under the Public Health Act has stated in writing to the Islands Trust that the sewage disposal system to which the building accommodating the proposed vacation home rental use is connected to is capable of providing adequate sewage treatment for residential use and for the proposed vacation home rental use."*

Here is a statement from a staff report on Vacation Home Rentals provided to the Local Trust Committee in May 2019:

> *"Additionally, none of the VHRs operating in the (high vulnerability) Aquifer 1A Area has filed a certificate establishing sewage system adequacy. Notwithstanding, the LTC has not defined what such a certificate is or how it should be filed with the Islands Trust administration.* "

The regulation and its interpretation by staff indicate that it is intended to ensure adequate sewage treatment in one particular aquifer (the peninsula north of Tribune Bay including Whaling Station Bay, Anderson Dive, High Salal, etc) because of it is the only aquifer classified as **1A**.

But this classification does not indicate that this particular aquifer is more vulnerable than others on the island where the requirement has not been applied.

Explanation of the aquifer classification

The aquifer classification system has two components represented by a number and by a letter.

The number component of the classification addresses potential water **quantity** challenges.

It refers to the level of development of an aquifer determined by assessing its productivity and the demand made upon it.

A high (**I**), moderate (**II**), or low (**III**) level of development can be designated.

The letter component of the classification of this aquifer addresses water **quality** challenges.

It refers to the vulnerability of an aquifer to contamination from surface sources and is assessed based on the type, thickness and extent of geologic materials overlying the aquifer, depth to water (or top of confined aquifers), and the type of aquifer materials.

A high (**A**),moderate (**B**), or low (**C**) vulnerability can be designated.

Thus aquifers in BC can be classified as one of the following:

1A High development High vulnerability	2A Moderate development High vulnerability	3A Low development High vulnerability
1B High development Moderate vulnerability	2B Moderate development Moderate vulnerability	3B Low development Moderate vulnerability
1C High development Low vulnerability	2C Moderate development Low vulnerability	3C Low development Low vulnerability

Here are the classifications of aquifers on Hornby Island:

Hornby Island Aquifer Classification							
Aquifer	Location	Size km2	Development			Vulnerability	Classification
			Productivity	*Demand*			
0435	Whaling Station Bay *(north of Tribune Bay)*	3.8	*Low*	*High*	High	High	IA
0436	Shingle Spit/ Phipps Point *(west of Mt. Geoffrey)*	5.2	*Moderate*	*High*	Moderate	High	IIA
0437	Fords Cove/ Norman Point *(south of Mt. Geoffrey)*	2.2	*Moderate*	*Moderate*	Low	High	IIIA
0438	Mount Geoffrey *(east & north of Mt. Geoffrey)*	18.8	*Moderate*	*High*	Moderate	High	IIA

Thus on Hornby Island, **all** aquifers are classified as having high vulnerability and therefore potential water quality problems. This is because the whole island has unconfined fractured bedrock aquifers.

What differentiates the Whaling Station Bay aquifer north of Tribune Bay, classified as 1A, is **not** that it has higher potential **water quality** problems than the rest of the island (it has the same vulnerability), but that it has higher potential **water quantity** problems due to the aquifer being highly developed as a result of low productivity and high demand.

There is therefore no foundation for selecting this particular aquifer as the only one where proof of sewage system adequacy is required.

Meanwhile, there is an absence of requirements for the vulnerable areas elsewhere on the island.

A revised approach based upon what is known

The whole island is designated as "A", having a high vulnerability to contamination from surface sources, and should be treated accordingly, rather than one area being inappropriately singled out.

- Background to water quality issues in Hornby Island small lot subdivisions

The 1971 Planning Study of Hornby Island, the 1999 Water Stewardship Project report and the 2002 Royal Roads report identified the conditions that create challenges for effective on-site sewage treatment: low depth of soil, high winter water table levels, small lots, lack of regulation/monitoring to ensure on-going system functionality and the limited ability of low income residents to pay for expensive treatment systems.

The 1999 report found that 20% of the wells tested had unacceptable levels of fecal coliform and almost 80% of samples taken from ditches and streams had a fecal coliform concentration greater than background. The 2002 found that 53% of Sandpiper residents and 43% of Galleon Beach residents reported water quality problems, principally fecal coliform contamination and sea water intrusion.

- Provincial guidelines for development on vulnerable aquifers to protect water quality

The Province's *"Guide to using the BC Aquifer Classification Maps for the Protection and Management of Groundwater"* has this to say about aquifers classified as **"A"** - highly vulnerable:
• *Highly vulnerable to contamination from surface sources, **A** aquifers have little natural protection against contamination introduced at the ground surface.*
• *Existing land uses or future additional developments, which may introduce a contaminant to the land surface, should initiate measures to protect against introducing contaminants.*
• *A aquifers should be given first priority for the implementation of quality protection measures*

Areas overlying highly vulnerable aquifers require planners to consider activities that minimize the risk of contamination or to require safeguards to protect the resource.
If, however, high-risk land use already exists over a highly vulnerable aquifer, then preventative measures and more stringent standards for operation should be considered.

- Amendment of Vacation Home Rental Regulations

Existing regulation 3.1 (1) (f) was intended to prevent contamination from water supply from a newly-permitted commercial activity in residential areas. However, it does not do the job because it is only applied to one part of the island rather than addressing vulnerability throughout the island.

The greatest vulnerability exists in the small lots throughout the island where there are already identified water quality challenges.

To address this, 3.1 (1) (f) should be amended to read:

> *"**On lots zoned Residential 1 – Small Lot R1**, vacation home rental use is permitted provided that an authorized person as defined in the Sewage System Regulations under the Public Health Act has stated in writing to the Islands Trust that the sewage disposal system to which the building accommodating the proposed vacation home rental use is connected to is capable of providing adequate sewage treatment for residential use and for the proposed vacation home rental use."*

An Alternative Approach

As noted in the May 2019, there has been zero compliance with the existing regulation requiring proof of sewage disposal capacity. It is highly unusual to include such a requirement in general land use regulations as there is no mechanism to ensure that this requirement has been met before a vacation rental use is begun. I am not aware of any other instances.

Such requirements are, instead, usually part of a permitting process rather than a land use regulation.

Ensuring adequate sewage disposal capacity can best be achieved through adopting a Temporary Use Permit system. In that way the requirement can be ascertained before a site-specific permit is issued.

The following are examples of jurisdictions that require proof of adequate sewage disposal capacity before a Temporary Use Permit can be issued for a vacation rental use:

Gabriola Island	Alberni Clayoquot Regional District
North Pender Island	Okanagen Similkameen Regional District
Saturna Island	Columbia Shuswap Regional District

Tony Law – 24 October 2021

Addressing Over-occupancy of Vacation Home Rentals on Hornby Island

A submission to the Hornby Island Advisory Planning Commission

Submitted by Tony Law, 26 October 2021

The over-occupancy of vacation home rentals operations in small lot subdivisions needs to be addressed to ensure that Hornby Island's bylaws respect the intent to comply with the Islands Trust Policy Statement

Background

- Legal framework

A major hurdle in the process of permitting and regulating vacation home rentals on Hornby Island was ensuring that the amendments to the *Official Community Plan* and *Land Use Bylaw* were not in conflict with the *Islands Trust Policy Statement*.

The *Islands Trust Act* states that:
"A bylaw...must not be approved by the executive committee or the trust council, as the case may be, if it is contrary to or at variance with the trust policy statement."

The *Islands Trust Policy Statement* includes this policy:
"Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure: 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 areas known to have a problem with the quality or quantity of the supply of freshwater. *(see appendix)*

In order to approve the bylaws being proposed, the Executive Committee of the Islands Trust had to be convinced that allowing vacation home rentals on Hornby Island would not result in an increase in intensity of land use in these areas known to have a problem with freshwater.

- Rational for approval

As a representative of the Hornby Island Local Trust Committee, I was delegated to attend the meeting of the Executive Committee at which approval of these proposed bylaws was being considered in order to provide a rationale for why they were not contrary to the Policy Statement and therefore should be approved.

I did this by articulating that the intensity of land use would not be increased because occupancy of vacation rentals would be capped at a level that was already permitted and occurring:

- *Bed and Breakfast equivalence*

Bed and Breakfasts were already a permitted land use with occupancy levels regulated as follows:

> *(37) The operator of the bed and breakfast home occupation must:...(c) provide no more than two beds per bedroom;*
> *(39) The number of bedrooms used to accommodate the travelling public in a bed and breakfast home occupation must not exceed:*
> *(a) one if the lot is 0.25 hectares or less in area;*
> *(b) two if the lot is greater than 0.25 hectares and 1 hectare or less in area;*
> *(c) three if the lot is greater than 1 hectare in area*

The proposed regulations for vacation home rentals included equivalent occupancy levels:

> *3.1 (1) (c) A dwelling used for vacation home rental use shall not be used to accommodate more than two beds per bedroom or more than three bedrooms if the lot on which the dwelling is located has an area of less than one hectare, or more than four bedrooms if the lot has an area of one hectare or more*.

One additional bedroom was proposed because a vacation home rental, unlike a bed and breakfast, would not have owner(s) residing in the dwelling.

- Household equivalence

A vacation home rental was conceptualized as one household vacating a home so that it could be temporarily occupied by another household from elsewhere. Although the average household on Hornby Island was 2 persons, it was noted that occupancy would often be higher in the summer (the period when vacation rentals were being proposed) with friends or family visiting. Thus the proposed level of occupancy of vacation home rentals would not be higher than what was already happening.

- Other opportunities available for higher occupancy

92% of Canadian households consist of 4 or fewer persons. So an occupancy level of 6 persons on small lots would be sufficient for most situations. Any demand for higher occupancy would be met through vacation home rentals on larger lots which were proposed to accommodate 8 persons.

There was also provision for site-specific applications for Temporary Use Permits by landowners seeking a higher occupancy level; water quality and quantity issues would be addressed when such applications were considered.

- Post-Approval

The Executive Committee members were clearly concerned about the proposed bylaws and whether they met the legal requirement of not being in conflict with the Islands Trust Policy Statement. After asking many questions of me, the Committee eventually approved the bylaws, which were then adopted by the Hornby Island Local Trust Committee in 2012.

Since then, there has consistently been a significant proportion of operators advertising vacation rentals

at a level of occupancy greater than permitted – and described to the Executive Committee.

I began to question whether I had mislead the Executive Committee into accepting that occupancy levels would not increase the level of land use if the bylaws were approved.

It seems that a good number of vacation rental operators did not appreciate that:

- the regulations were only established after lengthy, careful and intense community consultations resulting in the local trust committee relaxing what had been proposed in response to input from property owners and against professional staff advice;

- the enabling bylaws were very close to being not approved and the Executive Committee only did so after being given assurances about occupancy levels;

- Hornby Island is unique in BC among communities with a significant number of vacation rentals in that they are a permitted use in land use regulations here and require either a Business Licence or Temporary Use Permit elsewhere.

The evident failure of the regulatory framework on Hornby Island to manage vacation rentals has been a consideration in other jurisdictions that have instead opted to use Temporary Use Permits.

Options

I believe it should be a priority for the local trust committee to get occupancy levels under control to honour adherence to the *Islands Trust Policy Statement*. I see two possible courses of action:

- Amend the existing regulations

There is a disconnect between the regulation of occupancy levels – which limits the number of beds in a bedroom and the number of bedrooms used – and how vacation rentals are usually advertised – by the number of people being accommodated.

My understanding for the reason behind the regulatory approach is that a bylaw enforcement officer would need physical evidence of an infraction. That was when the only enforcement option available was through the courts where there is a high standard of evidence required.

It may be that now that Hornby Island has a *Bylaw Enforcement Notification Bylaw* in place, the regulation could be changed to include occupancy by number of persons in addition to addressing the number of beds and bedrooms, such as the following (with suggested new wording in bold:

> *3.1 (1) (c) A dwelling used for vacation home rental use shall not be used to accommodate more than two **single** beds or one **double bed** per bedroom or more than three bedrooms if the lot on which the dwelling is located has an area of less than one hectare **(with a maximum occupancy of six persons)**, or more than four bedrooms if the lot has an area of one hectare or more **(with a maximum occupancy of eight persons)***

The current *Bylaw Enforcement Notification Bylaw* includes the following contravention and fine

Vacation Home Rental Too Many Beds/Bedrooms - $750

If regulation *3.1 (1)(c)* is changed in the Land Use Bylaw as I have suggested, this would then be changed to:

Vacation Home Rental Over-occupancy or Too Many Beds/Bedrooms - $750

I believe it should be clarified that if an excessive level of use is being advertised, this is evidence of how the vacation home rental is being operated and is sufficient to trigger enforcement.

- Use Temporary Use Permits instead of land use regulations

The use of Temporary Use Permits instead of land use regulations for a commercial activity such as vacation home rental ultimately provides a community with more effective management.

A TUP states conditions for a site-specific permitted use. One condition could be the specified level of occupancy for a vacation home rental. If a condition is violated then presumably the permit is no longer valid. Non-compliance with a permit condition would be a factor in considering whether to renew a TUP or to issue a new one.

Other jurisdictions where there is potential for significant vacation rental activity generally either use Business Licenses (municipalities) or Temporary Use Permits (local trust committees and regional districts) to effectively manage them.

Tony Law – 27 October 2021

Appendix:

Areas Known to have a Problem with the Supply of Freshwater on Hornby Island
Paper prepared by Tony Law in March 2010

Areas Known to have a Problem with the Supply of Freshwater on Hornby Island

(Whaling Station Bay, Sandpiper and Galleon Beach small lot subdivisions)

The legislative and policy framework

The *Islands Trust Policy Statement* contains the following directive policy:

> "4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure:
> • **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,**
> • water quality is maintained, and
> • existing, anticipated and seasonal demands for water are considered and allowed for." (1)

(The *Islands Trust Act* states that a bylaw "must not be approved by the executive committee or the trust council, as the case may be, if it is contrary to or at variance with the trust policy statement".(2)
The policy statement clarifies that "where a policy requires a local trust committee or island municipality to address a particular matter, the official community plans must contain policies that implement the policy stated by Trust Council, unless the plan sets out explicitly the reasons and justifications for local policies that do not implement that policy". (1))

The *Hornby Island Official Community Plan* contains a policy which speaks to "maintaining the quantity of the groundwater resource" by "limiting new development and land uses that will put an additional demand upon the groundwater resource in areas where availability is already a problem."(3)

Utilization of groundwater on Hornby Island

Groundwater supplies the majority of the potable water for local residents on Hornby Island. There are roughly 600 wells which have been installed over the last 80 -90 years, with a significant number installed over the last 30-40 years. (4). Sixty-six percent of drilled wells are located on lots generally 1/2 acre (0.20 hectares) or less and are located within the small lot subdivisions of Hornby Island.(5)

The small lot subdivisions

The final report of the *Hornby Island Groundwater Pilot Project* (1994) notes that the legacy of small lot subdivisions has resulted in 60% of all residential parcels being 0.2 hectatres (about 1/2 acre) or less. There are 661 small lots most of which are located in the three residential neighbourhoods of Whaling Station Bay, Sandpiper Beach and Galleon Beach. About 33% of these lots were undeveloped as of 1990. As more and more of these lots are built upon, the already evident problems of water supply and sewage disposal become more acute" (4).

Land use regulations for small lots

The three residential subdivisions were established before the Islands Trust was created. The *Hornby Island Land Use Bylaw* now includes these areas within the Small Lot Residential Zone which establishes the minimum area of a lot that can be created by subdivision as 8,000m2 (1.36 acres) with a maximum lot coverage of 15% (7).

[The Official Community Plan states that the minimum parcel size shall be 1 hectare (2.5 acres), but this policy has not yet been implemented (3).] One residential dwelling unit, with a floor area no greater than 200m2 (2,152 sq.ft), is permitted on each lot. Home occupations are permitted according to regulations. The only visitor accommodation permitted is Bed and Breakfasts with guest occupancy restricted to one bedroom on lots 0.25 hectares (0.6 acres) or less and two bedrooms on lots greater than 0.25 hectares (0.6 acres) but less than 1 hectare (2.5 acres)(7).

Early concerns - land use study, 1971

The Regional District of Comox-Strathcona conducted a *Hornby Island Planning Study* in 1971, shortly after the three small lot subdivisions were created. The report includes an appendix which discusses "The Water Supply Question on Hornby Island". The report states that "from the very beginning of our planning study for Hornby Island it has become readily apparent - through personal interviews, group meetings and lot owners' questionnaires - that the question of residential water supply lies foremost in the minds of most islanders"(8).

"Hornby Islanders rely almost exclusively upon groundwater for domestic water supply. The great majority of Island wells are of relatively low yield, serving at most one to three householders. Questionnaire surveys, moreover, have indicated that few Island wells provide reliable flow year-round."(8).

"There are presently 736 small lots within the principle subdivision areas on the Island." "The great majority of Island lots (over 85%) are without any developed source of water supply."(8).

Groundwater conditions - review and update, 1984 and 1989

The Ministry of Environment conducted a *Preliminary Review of Groundwater Conditions on Hornby Island* in 1984 and followed this up with an update and review in 1989. The 1984 report noted that "domestic water supplies are a primary concern for residential density on Hornby Island'"(9).

The 1989 report provided estimates of groundwater demand as a percentage of groundwater in storage for regions of Hornby Island (10):

Region of Hornby Island	Demand as % of groundwater stored		
	1984	1989	
1. Shingle Spit - Phipps Point	35.00	44.00	
2. Manning Point - Collishaw Point	22.34	36.17	
3. Shields Point	45.14	**82.64**	- *includes Galleon Beach subdivision*
4. Whaling Station Bay	48.51	**70.90**	- *includes Whaling Station Bay subdivision*
5. Spray Point - Tribune Bay	25.52	29.69	
6. Dunlop Point - Downes Point	48.08	**75.48**	- *includes Sandpiper subdivision*
7. Norman Point - Fords Cove	22.09	37.21	

The report noted that the regions containing the three subdivisions "have all experienced substantial, increased development since 1984. These regions were already experiencing developmental and water quality problems in 1984 and these problems are now undoubtedly enhanced." It recommended that "serious consideration should be given to limiting future groundwater development in regions where demand-storage percentages are exceeding 70%." (10).

Growth and development, 1991-2006

From 1991 to 2006, the resident population of Hornby Island increased by 19% (1991: 900; 2006: 1,074) (11).

During the same period the number of dwellings occupied year-round increased by 37% (1991: 400; 2006:547) (11).

Water levels, 1991-2009

There are two observation wells on Hornby Island, one adjacent to the Whaling Station Bay subdivision and one adjacent to the Sandpiper subdivision. The following are records for the months with the average highest and lowest levels for each well.(12)

Month end water levels *(metres below ground level)*

Year	Whaling Station Bay		Sandpiper	
	February	October	January	August
	highest month	*lowest month*	*highest month*	*lowest month*
1991				16.238
1992			11.562	
1993		1.055		
1994	0.276	1.238		16.722
1995	0.325	1.204	10.767	
1996	0.263	1.173	11.535	17.762
1997				
1998	0.183	1.281		
1999	0.363	1.358		
2000	0.605		11.507	
2001	0.719	1.656		17.448
2002	1.17	2.196	10.844	17.402
2003	1.279	2.136	11.507	17.502
2004	0.991	1.616	11.459	17.649
2005	0.872	1.553	11.609	16.637
2006		1.519	11.566	17.46
2007			11.999	17.059
2008			12.459	19.006
2009			12.835	18.057

Average water levels

	Highest month		Lowest month	
	Before 2000	2000 and after	Before 2000	2000 and after
Whaling Station Bay	0.282	0.839	1.218	1.779
Sandpiper	11.288	11.753	16.907	17.58

This seems to indicate a general downward trend in water levels.

Seasonality

Precipitation levels

79% of the 1,187.7mm of precipitation falls from October to March. Average monthly precipitation in the summer months (April to September) is 42.2mm compared to the average monthly level for the whole year of 98.98mm. (13).

Groundwater levels

The two observation wells show seasonal variations in groundwater levels. The Whaling Station Bay well has an average month-end low of 1.637 metres below ground level (October) and an average month-end high of 0.927 metres (February) and the Sandpiper well has an average month-end low of 19.906 metres (August) and an average month-end high of 11.987 metres (January). (12)

Visitor levels

Hornby Island has the largest seasonal variation of ferry traffic in the BC Ferries system. In August, the average number of passengers carried on Route 22 (Denman Island to Hornby Island) is 470% of the monthly mean (with 521% being the highest level observed). In January, the average number of passengers is 94% of the monthly average.(14)

Occupancy of dwellings

63% of properties are owned by non-residents(15). 43% of dwellings are only occupied seasonally (11).

Household size

The average size of households occupied by year-round residents on Hornby is 1.9 persons. (11)

About 60 dwellings in the small lot subdivisions are advertised on the internet for short term vacation rentals with occupancy rates as follows (16) :

Occupancy level (persons)	Number of dwellings advertised
1- 2	5 (8%)
3-4	8 (13%
5-6	34 (57%)
7-8	11 (19%)
9-10	2 (3%)
Total:	60

In British Columbia, 93% of households are of 4 persons or less. (11)

Currently there are 1-2 bed and breakfasts advertised in each of the three subdivisions (16).

Water quality issues

The majority of existing water quality concerns on the island exist within small lot subdivisions. (5)
A report prepared by Royal Roads University on *Water Stewardship and Wastewater Management on Hornby Island* in 2002 includes the result of a questionnaire provided to residents of the two major subdivisions. 53% of Sandpiper residents and 43% of Galleon Beach residents reported water quality problems. (17)

The main water quality concerns are from fecal coliform contamination and sea water intrusion, though there are local reports of quality issues such as hydrogen sulphide gas (9), and elevated concentrations of manganese and fluoride (4).

Fecal coliform contamination

The 1999 report of the *Hornby Island Water Stewardship Project* on its activities (1996-1999) provided information on 800 water samples taken from wells, from streams and ditches and from beaches. Over 20% of the wells tested had unacceptable levels of fecal coliform. Almost 80% of the samples taken from ditches and streams had a fecal coliform concentration greater than the background, ranging up to 300 times the background

level. The report states that “the groundwater quality, in terms of fecal coliform, is below standard and cannot be allowed to deteriorate further.” (18)

The Royal Roads questionnaire indicated that only 25% of Galleon Beach respondents and 40% of Sandpiper respondents have a sewage treatment system on their properties with 25% (Galleon) and 15% (Sandpiper) of systems consisting of “alternative treatment”. (17)

The 1971 Planning Study of Hornby Island, the 1999 Water Stewardship Project and the Royal Roads report identified the conditions that create challenges for effective on-site sewage treatment: low depth of soil, high winter water table levels, small lots, lack of regulation/monitoring to ensure on-going system functionality and the limited ability of low income residents to pay for expensive treatment systems. (8) (17) (18)

The increasing use of inadequate or failing systems through higher levels of occupancy in the small lot subdivisions could create further deterioration of a groundwater resource already contaminated by fecal coliform.

Seawater intrusion

Where wells are situated in close proximity to the ocean, pumping from these wells may draw the fresh water - salt water interface landwards, resulting in deterioration of groundwater quality as evidenced by increased levels of dissolved minerals, principally sodium and chloride. (6) Salt water encroachment is suspected in some wells located within the Sandpiper subdivision, with chloride concentrations exceeding 100 mg/L levels reported in numerous wells in this area. (5) Several wells in the Whaling Station Bay area show significant salinization and suggest that saltwater intrusion may be prevalent in that area. (4)

Aquifer classification

A classification of Bedrock Aquifers on Hornby Island was carried out in 2001 utilizing the provincial aquifer classification system. Four aquifers are defined on Hornby Island. The Whaling Station Bay subdivision is contained within Aquifer #435 and the Sandpiper and Galleon Beach subdivisions are contained within Aquifer # 438.

Aquifers are classified with respect to development (demand relative to supply) and to vulnerability (to contamination from surface sources). (19)

	I	**II**	**III**
A	IA Heavily developed High vulnerability **(Aquifer #435)**	IIA Moderately developed High vulnerability **(Aquifer #438)**	IIIA Lightly developed High vulnerability
B	IB Heavily developed Moderate vulnerability	IIB Moderately developed Moderate vulnerability	IIIB Lightly developed Moderate vulnerability
C	IC Heavily developed Low vulnerability	IIC Moderately developed Low vulnerability	IIIC Lightly developed Low vulnerability

Aquifer 435 (containing the Whaling Station Bay subdivision) is classified as IA - highly developed with high vulnerability. Aquifer 438 (containing the Sandpiper and Galleon Beach subdivisions) is classified as IA - moderately developed with high vulnerability. (19)

The aquifers are also subject to a ranking system which assigns points based upon hydrogeologic and water use criteria:

Criteria	Rationale	Points	Aquifer #435	Aquifer #438
Productivity	Abundance of resource	1 - Low 2 - Moderate 3 - High	1	2
Vulnerability	Potential for degradation	1 - Low 2 - Moderate 3 - High	3	3
Size	Regionality of the resource	1 - Under 5km2 2 - 5-25km2 3 - Over 25km2	2	3
Demand	Level of reliance on the resource for supply	1 - Low 2 - Moderate 3 - High	3	3
Type of use	Variability/ diversity of the resource for supply	1 - Non drinking water 2 - Drinking water 3 - Multiple/drinking	2	2
Quality concerns	Actual concerns	1 - Isolated 2 - Local 3 - Regional	3	2
Quantity concerns	Actual concerns	1 - Isolated 2 - Local 3 - Regional	1	0
Total			15	15

Aquifers #435 and #438 both have a ranking of 15 out of a possible 21.(19) For comparison, of 153 aquifers classified in the Fraser Valley, only 4 aquifers have a ranking of 15 or higher. (20)

Conclusion

The residential small lot subdivisions of Whaling Station Bay, Sandpiper and Galleon Beach on Hornby Island are areas which are known to have a problem with the quality and quantity of the supply of freshwater.

Tony Law - March 2010

1. Islands Trust Policy Statement
2. Islands Trust Act
3. Hornby Island Official Community Plan, Bylaw No. 104, 2004
4. Results of the Groundwater Geochemistry Study on Hornby Island, BC - D.M. Allen, G.P. Matsuo, 2001
5. A Preliminary Groundwater Assessment of a Crown Land Parcel on Hornby Island - W.S. Hodge, 1993
6. The Hornby Island Groundwater Pilot Project - Final Report, 1994
7. Hornby Island Land Use Bylaw No. 86, 1993
8. Hornby Island Planning Study - Regional District of Comox-Strathcona, 1971
9. A Preliminary Review of Groundwater Conditions on Hornby Island, BC - F. Chowjka, 1984
10. Groundwater Conditions on Hornby Island, BC, 1989 Update and Review - F. Chowjka, 1989
11. Census Canada
12. BC Ministry of Environment - Groundwater levels

13. Meteorological Service of Canada - Climate data for Comox
14. British Columbia Passenger Volume Modelling - Urban Futures, 2008
15. British Columbia Assessment Authority
16. Hornby web-sites (Wind and Waves, hornby island.com, hornbyisland.net), 2009
17. Water Stewardship and Wastewater Management on Hornby Island - Third Eye Consultants RRU, 2000
18. Hornby Island Water Stewardship Project: Report on the Activities of the Project - Ed. D. Christie, 1999
19. Bedrock Aquifers on Hornby Island - Groundwater Section, BC Ministry of Environment, 2001
20. An Aquifer Classification System for Groundwater Management in BC - BC Ministry of Environment

Capping the Number of Vacation Rentals on Hornby Island

A submission to the Hornby Island Advisory Planning Commission

Submitted by Tony Law, 22 October 2021

The number of vacation home rentals operating on Hornby Island have significantly increased in the almost 10 years since this became a permitted use through an amendment to land use regulations in February 2012.

Is there a way to cap the number of these rentals happening on the island and at he same time to better address non-compliance issues?

I have been giving this considerable thought and I believe there is only one way:

R**escind allowing vacation home rentals as a permitted use in zoning regulations and instead allow them through Temporary Use Permits (TUPs).**

(A preferable, but non-available, alternative being used in some other communities would be business licensing. But this is available only to municipalities and not to regional districts and local trust committees.

This would be seen as a drastic step and would require significant political will. Nevertheless, I believe the APC should give it consideration and address the pros and cons in preparing its recommendations for the local trust committee.

Background

In 2009, when the local trust committee began formally exploring with the community options to allow vacation home rentals, there were already about 120 being advertised

The two available options being considered to permit vacation rentals were: Temporary Use Permits and zoning regulations.

- Temporary Use Permits (TUPs)

TUPs are essentially temporary site-specific variations to zoning regulations to allow uses not permitted in the regulations for the zone in which a property is located.

The following are required by the *Local Government Act* (*LGA) - Part 14, Division 8*
- information about a proposed permit and when and where it will be considered must be published in a newspaper – 494 (1)
- a permit must be issued by resolution of a local government - 493(2)(a)
- if a permit issued, notice must be filed in the land title office - 503(1)(b)
- a permit expires after 2 years max (now amended in the *LGA* to 3 years) – 497(1)
- a permit may then be renewed for a subsequent 2 years (now amended in the *LGA* to 3 years) - 497(2)

(An application for a new permit would then be required)

The *LGA* also enables the following:
- general conditions to be stated in an OCP or zoning regulations - 492(b)
- specific conditions to be applied to a permit - 493(2)(b)
- a security to be required to guarantee performance of the terms of a permit - 496

- Zoning regulations

To allow a new use through zoning regulations requires:
- the use to be defined
- regulations for the use to be included under “general regulations”
- the use to be added as “permitted use” in the regulations for each applicable zone

- TUPs. v. Zoning regulations

If TUPS are used to permit a use such as vacation home rentals, the number that a local government issued can be capped. If zoning regulations are used, the number cannot be capped because a vacation home rental can be carried out on every lot within a zone where the use is permitted.

TUPs have other advantages. Conditions applied to a permit can be more effective to address particular issues than regulations in a zoning bylaw. If the use is not being carried out in compliance with a permit, this could lead to the permit not being renewed when it expires.

However, TUPs have disadvantages in that the requirements of the *LGA* make for an onerous and expensive process. This would be added to by the use of general conditions to give necessary guidance to applicants and decision-makers (requiring a staff report for each application) and the statement of specific conditions on each permit.

When these options were being discussed on Hornby Island, TUPs could only be issued for 2 years.

Also at that time, there were no useful models of these options being utilized in other similar communities. On Gabriola Island, TUPs were required for vacation rentals but there had been no uptake. On South Pender Island, vacation rentals were allowed as a residential usr, but (according to local trustees) only a handful were then happening. Neither community was in the same situation as Hornby Island where over 100 vacation rentals were being advertised despite this being a non-permitted use.

- Community discussion leading up to the 2011 OCP and LUB amendments

Staff originally suggested TUPS as the most appropriate option for allowing vacation rentals.

This was strongly resisted in the community and was not supported by all members of the local trust committee.

It was then suggested that vacation rentals could be a permitted use on larger lots, with TUPS being required on smaller lots, where there was more potential impact upon neighbourhoods and groundwater resources.

Again, there was strong opposition to the demands of a new permitting process for a use that many property owners had been carrying out for years.

In the end, land use regulations were crafted for allowing vacation rentals as a permitted use at a level intended to be compatible with residential use (parallel to existing B& regulations) with TUPs being required for vacation rentals at a more commercial level in excess of what was permitted in zoning regulations. Amending bylaws were passed in 2011 and adopted in 2012.

Time for a different approach?

My sense is that 10+ years ago, the main focus was upon how to legalize and regulate the more than 100 vacation rentals already happening rather than upon how things might evolve in the future. As I recall, when I brought up the concept of capping the number, I was met with the response that I was being unduly alarmist.

Those previously non-permitted vacation rentals have now been legalized.

The concerns today are different:

- The number of vacation home rentals has increased to a level that is causing concern among some in the community.

- A good number have been advertised exceeding what is permitted with no applications (that I am aware of) for a Temporary Use Permit which are available as a way to consider a more commercial level of use on a site-specific basis.

In the light of changed circumstances, perhaps the regulatory approach needs to changed to address these concerns.

Suggested approach:

Discontinuing allowing vacation home rentals as a permitted use in zoning regulations but instead requiring a Temporary Use Permit for each new proposed use.

This would have the following consequences:

- For existing vacation home rentals – Lawful Non-conforming status

Under the *Local Government Act- Part 14, Division 14*, if land use regulations are changed, uses that are already happening in accordance with the regulations that were in place before the change is made would have Lawful Non-conforming status. - 528(1)(b)

In other words, if Hornby Island's Land Use Bylaw is amended to remove vacation home rentals as a permitted use in residential zones, vacation home rentals that were operating legally at the time the change is made would be lawfu,l even though they did not conform with the amended land use bylaw.

- Loss of Lawful Non-conforming status.

The *LGA* specifies that Lawful Non-conforming status is lost if the use is discontinued for 6 months – 528(2) – or for a season in the case of seasonal uses – 528(3)(a). Thus if a property owner with this status stopped doing vacation home rentals for a year, they would not be able to resume unless they obtained a TUP.

The *LGA* does not authorize a non-conforming use of land *to be continued on a scale or to an extent or degree greater than that at the time of the adoption of the land use regulation bylaw* - 530. Thus if someone started operating an existing vacation rental in excess of what was previously permitted, the use would no longer be Lawfully Non Conforming. I assume this would mean that in order to resume doing vacation rentals, the property owner would have to obtain a TUP .

- New vacation home rentals

Any new vacation home rentals – as well as any that had lost their Lawfully Non-conforming status – would have to apply for a Temporary Use Permit.

TUP conditions can address issues such as water, sewerage, occupancy levels more effectively than land use regulations – and can even require a performance security.

The local trust committee could decide on the maximum number it will issue, and the concentration in specified areas. This could be in accordance with an agreed-upon cap on the total vacation home rentals (which might involve issuing zero permits if the cap is lower than the number already in operation at a particular time!).

Acceptability?

To what extent would the community support or oppose such a significant change in how vacation home rentals are permitted and regulated?

Despite the use still being lawful for existing operators, there would likely be opposition to such a change.

There was significant opposition to a proposal on Salt Spring Island to limit the size of new houses which would have meant that existing houses larger than the proposed limits would be lawfully non-conforming. The opposition lead to the proposal being dropped.

Clearly, there can be discomfort about the “non-conforming” aspect of this status.

If such a change was to happen, it might be useful to provide property owners with an opportunity to voluntarily submit evidence that the use is legally in place at the time of change so that a list can be kept of lawful operations that do not conform with the change.

To provide more comfort, it might be useful to provide property owners with an opportunity to voluntarily submit evidence that the use is legally in place at the time of change so that a register can be kept of lawful operations that do not conform with the change.

Examples

Unlike in 2009, there are now examples of other jurisdictions using Temporary Use Permits to manage vacation rentals.

- North Pender Island

The local trust committee has just completed a review of TUP guidelines for short term vacation rentals and, following a public hearing, has given third reading to a bylaw amending these guidelines.

Here area few of the revised guidelines that might be of interest:

> *"The Local Trust Committee should consider the cumulative effects on the neighbourhood and Island of all temporary use permits issued for short term vacation rentals."*
>
> *"The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit."*
>
> *"The applicant should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use."*
>
> *"If the property is serviced by a private well, the applicant must demonstrate the well has adequate quality and quantity of water for the short term vacation use. A pump test, professional report, or rainwater system may be required for the application or as a condition of the permit."*
>
> *"An application for a short term vacation rental temporary use permit should not be considered if the dwelling unit is not occupied on a regular basis by the property owners."*

- South Pender Island and Galiano Island

Both South Pender Island and Galiano Island, which have allowed vacation rentals in a principal dwelling, are now looking at using TUPs instead

- Other islands

All other islands in the Trust Area either prohibit vacation rentals or only allow them through TUPs

- Okanagen – Similkameen

The Regional District of Okanagen-Similkameen requires TUPs for short term vacation renmtals. Applications must be accompanied by a Health and Safety Inspection report to ensure minimum standards are in place and, among other criteria, must demonstrate capability of accommodating on-site domestic water and sewage disposal.

The maximum duration for a new permit is 1 year; a permit can be renewed for a further 3 years.

- Alberni – Clayoquot

Following a public consultation process, the Alberni – Clayoquot Regional District now requires TUPs for vacation rentals.

- Other regional districts

Regional districts with policies requiring TUPs for vacation rentals include: Thompson- Nicola Regional District and Columbia Shuswap Regional District. Other regional districts, where vacation rentals are not a permitted use, may consider applications for TUPs without a specific policy in place.. Some are in the process of developing policies.

- Municipalities

As noted above, municipalities (unlike regional districts and local trust committees) have the option of using business licensing. Those at present doing so on Vancouver Island include Tofino, Ucluelet, Cumberland, Lake Cowichan, Victoria, and Metchosin.

Conclusion

Ten plus years ago, Hornby Island was unique among similar communities in BC in having a substantial number of illegal vacation rentals established and operating. The priority for the community was to find a way to permit and regulate them with no models to follow. This was accomplished by a) allowing the use through zoning regulations, at a level that was viewed as compatible with residential use, while b) providing for commercial uses that exceed this level through applications for Temporary Use Permits.

On Hornby Island since then, the number of vacation home rentals has increased beyond those in place when the regulatory framework was adopted. A significant number have exceeded what was allowed in zoning regulations.

Meanwhile, interest in vacation rentals has increased in many other communities in BC and jurisdictions have responded by requiring business licenses (municipalities) or Temporary Use Permits (unincorporated jurisdictions).

Now Hornby Island is unique in having a substantial portion of its housing stock being used for vacation home rentals but with no licensing and permitting process in place.

Consideration should be given to using Temporary Use Permits instead of zoning regulations to manage the operation and number of new vacation home rentals. This would provide for the substantial number of already-permitted vacation rentals continue lawfully.

Tony Law, 22 October, 2021

HORNBY ISLAND SHORT-TERM RENTAL POLICY OPTIONS

Background

Residents of Hornby Island are facing an enormous challenge in finding safe, adequate, and affordable housing. This is due to local and global factors. Across British Columbia, the financialization and commercialization of the housing market has driven up the price of homes to rent and to own. Hornby Island is no exception.

In addition to these factors, Hornby also has stunning natural amenities, parks, beaches, and recreation opportunities. It has a vibrant community, a rich history, and a thriving arts community. It has a unique local character, with exciting events such as the annual Hornby Festival and Blues Week. These have turned Hornby into a major local tourist destination.

In communities across North America, conditions such as these have led to the upsurge of second home purchases, vacation home purchases and short-term rentals (STRs).[1][2] These factors are altering the availability and affordability of homes for purchase or rent without regard to local incomes and the local economy. Current available data supports that this is happening on Hornby; In 2016, the census identified that of 1104 private dwellings on the island, only 560 were occupied by usual residents.[3] Hornby Island has a total population of 1016 residents. That means there are actually 88 more private dwellings than local residents. Theoretically, with the abundance of dwellings, there should be no crisis.

Yet, in 2008, it was identified that there was a current housing need of 97 rental units.[4] In 2018, the Housing Needs Assessment for Hornby Island identified a need for roughly 158 residential units in the next 25 years.[5] Individuals and families working and living on Hornby are increasingly being priced out of

[1] Laitos, J., & Ruckriegle, H. (2013). The Problem of Amenity Migrants in North America and Europe. The Urban Lawyer, 45(4), 849-914. Retrieved November 24, 2020, from http://www.jstor.org/stable/24392647

[2] Sigler, T., & Wachsmuth, D. (2020). New directions in transnational gentrification: Tourism-led, state-led and lifestyle-led urban transformations. Urban Studies, 57(15), 3190–3201. https://doi.org/10.1177/0042098020944041

[3] Statistics Canada. (2016). Census Profile: Hornby Island Trust Area.

[4] Eberle Planning (2008). Housing Needs on Hornby and Denman Island: Final Report. Retrieved from https://islandstrust.bc.ca/wp-content/uploads/2020/05/14dehorpthousingassess.pdf.

[5] Dillon Consulting (2018). Housing Needs Assessment Northern Region of Islands Trust Final. https://denmanhousing.files.wordpress.com/2019/01/housing-needs-assessment-june-2018.pdf

the market. Not surprisingly, folks who are on the lower end of the socioeconomic spectrum are often the hardest hit.[6]

The reality is that for most islanders, there is not an abundance of well-paying, year-round employment. 41% of the population falls within the no, low and low-moderate income levels.[7] For residents who work in the tourism industry and industries related to tourism like the service industry, most of the work is low-paying, seasonal and precarious.[8][9] Hornby's lack of stable internet connection means that many kinds of remote work are off the table. A four ferry commute a day is not an option for most. This positions the workforce particularly poorly in competing in the housing market against wealthy outsiders. Yet, Hornby Island needs workers/volunteers/community members to function and sustain itself.

Other communities in BC are responding to the housing crisis by increasing the overall supply of housing through densification. Unfortunately, because of the Islands Trust mandate, this option is limited on the islands. While affordable housing projects like Elder Housing and Beulah Creek are an important piece of the puzzle, they can only go far and rely on complicated processes to create targeted results.

Fortunately, there are other avenues to explore. With 544 existing dwellings that are not occupied by usual residents existing on Hornby, it is worth asking, what can local governments do to encourage these dwellings to be brought into the long-term rental market? A comprehensive review of its STR regulations is a good place to start.

Short Term Rental Regulations

There is now an established body of research showing that STRs are contributing to the housing crisis by removing long term rental and ownership housing and driving up prices of the existing housing stock.[10][11] Communities across BC, and especially tourist destinations, are grappling with how to regulate this new industry. Different communities will regulate STRs differently based on their specific communities. The goal is for local governments to craft short-term rental policies that generate inclusive opportunities for local wealth creation, while balancing the needs of all members of the community. Ideally, the result will be an equitable policy that protects public interests and the environment, including housing affordability, safety, and neighbourhood quality.

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[6] Ooi, N., Mair, J., & Laing, J. (2016). The transition from seasonal worker to permanent resident: Social barriers faced within a mountain resort community. Journal of Travel Research, 55(2), 246–260. https://doi.org/10.1177/0047287514546226

[7] Statistics Canada. (2016). Census Profile: Hornby Island Trust Area.

[8] Ooi, N., Mair, J., & Laing, J. (2016). The transition from seasonal worker to permanent resident: Social barriers faced within a mountain resort community. Journal of Travel Research, 55(2), 246–260. https://doi.org/10.1177/0047287514546226

[9] Laitos, J., & Ruckriegle, H. (2013). The Problem of Amenity Migrants in North America and Europe. The Urban Lawyer, 45(4), 849-914. Retrieved November 24, 2020, from http://www.jstor.org/stable/24392647

[10] Wachsmuth, D., & Weisler, A. (2018). Airbnb and the rent gap: Gentrification through the sharing economy. Environment and Planning A: Economy and Space, 50(6), 1147–1170. https://doi.org/10.1177/0308518X18778038

[11] Combs, J., Kerrigan, D., & Wachsmuth, D. (2020). Short-term rentals in Canada: Uneven growth, uneven impacts. Canadian Journal of Urban Research, 29(1), 119–134.

Local governments regulate STRS in a number of ways, including:

1. Requiring a permit to operate
    a. Business silence
    b. Temporary Use permit
2. Limiting the # of STRs on a single property (usually 1)
3. Regulating WHERE on a property a STR can happen
    a. Principal dwelling
    b. Secondary dwelling unit (carriage house, cottage etc…)
    c. Secondary suite within principal dwelling
    d. RVs, campers, tents, boats etc…
4. Limiting STRs to a specific time frame (ie. May-Sep)
5. Caps on the max # of nights a STR can be operated in a year (ie. 50 days)
6. Requiring that a permanent resident has to also be living on the property at the time of the rental
7. Only permitting STRs on lots with 2 dwellings, where one dwelling houses a permanent resident
8. Parking requirements
9. Neighbour notification requirements
10. Signage rules
11. Tenant education requirements
12. Form and character requirements
13. Environmental requirements
14. Health and safety requirements
15. Publicly available contact information of operator
16. Outright bans on all STR operation

Current Regulations

The current regulations on Hornby are fairly relaxed compared to other municipalities/trust areas. They require no business license or temporary use permit to operate. They are not taxed like a hotel or commercial operation. They are permitted for 5 months of the year, or, the full year if there is a second dwelling on the property that houses a full time resident. There are limits to the number of guests who can stay per night. Unfortunately, these regulations are often flouted. There are no water/sewage/health requirements that need to be proved with one exception (Aquifer IA). There are signage requirements, but these largely go unenforced. Unenforceability is a central challenge for Hornby Island. Under the current regulations, let us investigate three questions:

1. On Hornby, how do STRs impact the supply and affordability of local housing?
    - STRs are more profitable than LTRs, incentivizing the removal of rentals from long term use to short term use
    - STRs contribute to the commercialization of housing on Hornby and to inflating housing prices
2. On Hornby, how do STRs provide economic benefit to those with economic need?
    - STRs can be a source of income that allows struggling long-term residents to stay in their homes

3. On Hornby, how do STRs affect neighbourhood character and the environment?
    - STRs adversely impact community cohesion because vacation rentals house a revolving circuit of transient occupants who are not connected to or invested in the community
    - STRs may adversely impact neighbours because of noise
    - STRs may adversely impact neighbours because of misuse/overuse of water
    - STRs may adversely impact neighbours because of negative impact/incorrect use of waste systems

**This list is made from my research and knowledge about STRs on the island, but this certainly does not constitute an exhaustive list.*

Changes to Promote Local Housing

The current STR regulations reflect a moment in time where housing was not such a grave concern. When these regulations are updated, it seems there is broad community support to do more to protect housing on the island. The following list is several goals that updated regulations may want to achieve to come in line with these attitudes:

1. New regulations should protect/promote long term housing
2. New regulations should make STRs less profitable than LTRs
3. New regulations should disincentivize commercialization/speculation of housing
4. New regulations should allow STRs in a limited way as a tool for local residents to generate economic relief
5. New regulations should prevent environmental damage
6. New regulations should limit impacts on water and water systems
7. New regulations should limit impact on waste systems
8. New regulations should limit impacts on neighbours
9. New regulations should be enforceable
10. New regulations should contribute to community cohesion
11. New regulations should require a permitting process to operate

Regulatory Bylaw Options

There are many ways that Hornby could choose to regulate its STRs. The following are some options that other communities have tried that might be useful on Hornby.

Require that STRs obtain a Temporary Use Permit to operate

This regulation would help to address many of the issues raised by short term rentals on Hornby Island

They create accountability

They promote enforceability

They can ease water, sewer, health, safety and nuisance concerns by requiring impact demonstrated/codes met

They make it more difficult to operate a STR than a LTR

Gabriola Island is a good example of a community doing this :

Overview of Gabriola's Policy:

https://islandstrust.bc.ca/wp-content/uploads/2020/05/2018-04-26_gabriola-cvrs-final.pdf

Gabriola's TUP application form:

https://islandstrust.bc.ca/wp-content/uploads/2021/05/GB-LPS_2020-12-22_TUPsupplementalVR_FRM.pdf

Gabriola Bylaw Excerpt:

https://islandstrust.bc.ca/wp-content/uploads/2020/05/09tupbylawexcerptvr.pdf

Enact a principal residency rule

Outline that an STR can only be operated out of a dwelling which is normally occupied the owner

This ensures that the housing stock is not used as a profit generating tool of off-islanders

This can be demonstrated with the TUP is applied for through proof of documents listing that address as their primary residence

Limit rentals to be operated out of principal dwelling only (no accessory units, no secondary suites)

This protects existing units/secondary suites (which are a good source of rental housing) from being converted to STRs

Post sign at end of driveway with contact information during TUP

This supports residents to address noise, water, sewage, or other nuisance issues directly

Limit the months of the year STRs may operate

Restrict STRs to operating for a narrower window of time

There is only so much time that a person can be out of their own home. Right now, it can be done for 5 months, why not just July and August for instance? The idea is to protect the ability to use STRs as a mortgage helper for residents renting out their own homes, not to protect commercial-style operators. This limitation offers residents some income, while still making many LTRs more profitable or at least competitive.

In addition, July and August are ideal because they are the easiest months to be unhoused or underhoused. It would be ideal if it were any two months of the year for environmental concerns, but this would open up issues of enforcement. If you cannot advertise a rental outside of July and August, enforcement becomes much simpler. Of course, this could be extended to June or September as well, but if the goal is to protect housing, limiting the total time is a good idea.

List of operators and addresses posted online

Create a more transparent list of operators and aggregate them. That way, the community can help with reporting illegal STRs and lead to better enforcement

Only 1 STR per property

This one is pretty straightforward. If you want to operate more than this, you should be treated like the other businesses who operate commercially, like seabreeze, the campgrounds etc…

Prohibited STRs from operating out of boats/RVs and campsites

People aren't supposed to be living in these, they aren't zoned like additional dwellings so they shouldn't support STR use. They can be tolerated as provisional long-term housing, but they should not be considered another source of income from operators.

Number of STVR's Advertised **88**
(includes those on Air B&B website)

STVR Location	# in area	Max # guests/wk	Cabins/Camping in Area	Estimated ave max # guests/wk	
Near Thatch	5	32			
Phipps	2	14	Bradsdadsland	50 campsites	200?
Galleon	19	113			
Interior	12	70	Lerena & Fossil Beach Farm	17 glamping sites	51?
St. John's Point Road	4	12	Outdoor Ed Center	cabins, tents, glamping	120?
			Seabreeze	cabins	96?
High Salal	6	34			
Whaling Station	19	121			
Big & Little Trib	7	33	Tribune Bay Campground	116 campsites	464?
Sandpiper	13	87+ (1 unknown)			
Ford Cove	1	4	Ford Cove Cabins & Camping	cabins & tents	75?
			Heron Rocks	24 camp sites	96?
Total	**88**	**520**			
Total known STVR guests		**520**	**Total Estimated Other Paying Guests**		**1102**

Max # STVR Guests	# of STVR's
Maximum 2- 4	**18**
Maximum 5 – 6	**47**
Maximum 7- 8	**17**
Maximum 9	**1**
Maximum 10	**2**
Maximum 11	**1**
Maximum 12	**1**
Unknown Max #	**1**
Total	**88**

Ideas coming out of FB conversations about STVR's

1. Change our Official Community Plan and Land Use Bylaw to require that any new vacation rentals would need to apply for a Temporary Use Permit, with the OCP stating a cap on the number that can be issued.

2. Those vacation rentals that were operating in the year before such changes are enacted would be legally non-conforming. It would be useful to establish a register of these. Any that stopped operating for a year would no longer be legal and would have to apply for a permit - if the cap hadn't been reached.

3. Change the STVR bylaw that currently exists requiring only those STR's in the Whaling Station area to show septic and water capacity so that all STVR's have to prove that.

4. Begin the process of creating a business license for the legal non conforming STVR's

5. Research the BC Community Charter - gives incorporated local governments the authority to issue business licenses. That is what municipalities like Tofino, Ucluelet and Cumberland use to regulate vacation rentals.

6. Speak to the Minister of Municipal Affairs about the possibility of amending legislation to allow other local governments to use business licenses.

7. This could be pilot project for Area A of the CVRD, receiving permission from the Ministry of Municipal Affairs to have the authority to issue business licenses for STVR's

8. Until there is a permitting process in place, ask that HICEEC have a new policy: STVR's must show septic and water capacity before being able to continue advertising on HICEEC web page.

9. If as suspected, all the STVR's, etc are fully booked each summer, stop advertising or at least change the focus of the marketing

10. Better signage at Buckley Bay regarding accommodation

11. Check that all STVR's are compliant with the signage requirements

12. Check half acre lots first for septic compliance

13. Complete and map STVR's by area

14. Talk to Islands Trust staff re: are the files about the proactive STVR inspections public information?

15. Hire a summer staff or two to ride the ferry and interview travellers.
    Ideas for Questions for ferry travellers arriving on the island:
    - Why are you coming?
    - Have you ever been here before?
    - What are your ties, if any, to Hornby?
    - How long do you plan to stay?
    - What, if any, is your planned accommodation?
    - What are your expectations for this trip?
    - How long do you plan to stay?
    - What do you plan to do when you are here?
    - Then we could ask the same people a series of related questions when they leave.
    - How satisfied are you with your stay?
    - What problems did you encounter?
    - Do you plan to come back? Next year? Never? Pie in the sky dreaming.

16. Talk to business owners to determine if they need more paying for accommodation summer guests to be sustainable.

17. Talk to business owners about their staffing needs and the role of housing in their ability to attract and retain staff.

18. Talk to business owners about the possibility of them providing financial support to worker housing projects.

Year Round Housing

1. Create crowd funding to purchase community owned houses
2. Research the number of dwellings housing others illegally, how many are housed in those situations and what would be needed to legalize their situation, a Site Use permit, change of zoning, other? What is the water and septic capacity in those situations?
3. If density is to be increased to allow year round secondary dwellings, water and septic capacity needs to be considered. The sub-divisions capacity may be already over taxed. Research will be needed to determine if there are failing septic systems and how to support the owner upgrading their system.
4. Check into Light Industrial as a work live site
5. Trade a piece of crown land for Beulah Creek
6. Check into current legislation around tiny homes – what changes to the OCP and bylaws would need to happen on Hornby to allow them?
7. Check into group purchasing of individual houses
8. Check into the changes in ALR and how they will affect Hornby
9. Check into insurance requirements for STVR's
10. Create Social Planning Council with stakeholders from K'omoks First Nations, Health Network, HIHS, HIES and the HI Community school, Preschool, The Kitchen, Joe King, HIRRA, CVRD, IT, HICEEC, HISTRA, HICF, those with lived/living experience, any other housing stakeholders

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	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	Total # of passengers making trips to Hornby Island by year/month (ferry ticket sales)										Total # of vehicles making trips to Hornby Island by year/month (ferry ticket sales)								
2	Month	2021	2020	2019	2018	2017	2016	2015	Average		Month	2021	2020	2019	2018	2017	2016	2015	Average
3	January	4,066	4,175	4,565	4,112	4,278	4,050	3,621	4,124		January	2,713	2,550	2,821	2,576	2,515	2,432	2,215	2,546
4	February	4,571	5,307	3,988	4,352	4,080	4,686	4,288	4,467		February	2,969	3,135	2,397	2,655	2,469	2,772	2,464	2,694
5	March	7,123	5,352	7,912	7,609	6,795	7,075	5,756	6,803		March	4,433	3,260	4,383	4,284	3,737	3,738	3,138	3,853
6	April	6,402	2,348	7,885	6,566	6,685	6,624	6,351	6,123		April	4,034	1,620	4,343	3,750	3,794	3,625	3,512	3,525
7	May	6,752	4,514	11,124	11,090	9,915	9,141	8,902	8,777		May	4,159	2,796	5,781	5,675	5,170	4,620	4,458	4,666
8	June	13,483	10,749	15,787	14,026	13,088	12,392	11,940	13,066		June	7,127	5,565	7,221	6,792	6,139	5,949	5,461	6,322
9	July	23,503	20,728	22,984	23,729	23,235	22,678	20,817	22,525		July	10,655	9,522	9,690	9,788	9,312	9,146	8,743	9,551
10	August	22,539	22,343	24,385	24,683	24,267	22,133	20,346	22,957		August	10,311	9,698	10,102	10,088	9,819	9,123	8,492	9,662
11	September	12,118	12,523	10,457	10,326	11,556	9,896	9,569	10,921		September	6,493	6,645	5,491	5,199	5,373	5,203	4,605	5,573
12	October	7,132	7,814	7,019	7,198	6,800	5,905	5,898	6,824		October	4,361	4,606	4,222	4,137	3,663	3,391	3,383	3,966
13	November		5,368	6,031	5,873	5,042	5,032	4,873	5,370		November		3,349	3,627	3,517	3,077	3,075	2,837	3,247
14	December		4,519	5,779	5,387	5,143	5,373	5,077	5,213		December		2,875	3,313	3,135	3,107	3,091	2,856	3,063
15	Total	107689	105740	127916	124951	120884	114985	107,438				57,255	55621	63391	61596	58175	56165	52164	
16																			
17	*doesn't account for boaters/ fraudulent riders but gives a rough estimate																		
18																			
19																			
20	Average non summer passenger ridership		Average summer passenger ridership											Summer = J/J/A/S	OFF SEAS = J/F/M/A/M/O/N/D				
21	~~4,124~~		~~13,066~~		5963/17367= 0.3433														
22	~~4,467~~		~~22,525~~																
23	~~6,803~~		~~22,957~~		% increase = increase / original number x 100														
24	~~6,123~~		~~10,921~~																
25	~~8,777~~		17,367		11404/5963= 1.912 x100 = **191 % increase in ridership in the summer months**														
26	~~6,824~~																		
27	~~5,370~~																		
28	~~5,213~~				30.5 days average for june/july/aug/sep				17367/30.5 = 569 passengers per day average in summer months										
29	5,963																		
30					03.375 days average for j-f-m-a-m-o-n-d				5963/30.375 = 196 passengers per day average in non summer months										
31																			

Land Use Regulation and Housing Opportunities on Hornby Island

Tony Law – January 2022

This paper is offered to the Hornby Island Advisory Planning Commission and others to provide a perspective on the role of land use planning and regulation in enabling housing on Hornby Island and to explore potential options for increasing residential density that might improve housing opportunities.

Land use regulations cannot create housing but they can enable opportunities for permitted housing.

Affordable housing is often provided by non-permitted dwelling units – basement suites in cities – trailers and cabins in rural areas.

In the local context, simply increasing the number of permitted dwellings will not necessarily translate into making housing available for those who need it. A more nuanced approach is needed, although that is not easy given limitations of the existing regulatory framework.

This paper tries to address;

1) The local context
2) The provincial regulatory framework
3) Enabling "community housing"
4) Enabling private housing
5) Residential density in the Large Lot zone
6) Options for increasing this density
7) Recommendations

1.) Local context

Hornby Island has some specific issues that shape the demand for, and supply of, housing

Issues affecting demand for housing

- Seasonality

Hornby Island is a summer destination with a high demand for seasonal accommodation for summer residents, guests (family and friends of residents and property owners), visitors (paying guests) and summer workers,

- Amenity migration

Hornby Island is subject to amenity migration whereby people move to a community not for available jobs and housing, but despite their lack, in order to enjoy the amenities such as natural beauty, ambience, recreational opportunities and community character.

This means that:

- there is a demand for housing for purposes other than year-round residential use, such as for second homes, future retirement, recreational properties, accommodating paying and non-paying guests, housing summer workers, investment – or for a combination of these purposes;

- because of limited opportunities for earning money on the island, year-round residents generally do not have the incomes to compete for housing with those whose incomes are derived from elsewhere;

- because of amenity migration, there are both long-term residents and recently-arrived residents in housing need.

Issues affecting supply of housing

- Unserviced lots

    Unlike in urban areas, where new dwellings can simply be connected to municipal water and sewage lines, on Hornby Island water supply and sewage treatment must be provided on-site and wth a vulnerable groundwater resource

- Limited development potential

    Hornby has little remaining subdivision potential and most lots are already developed

- Building costs

    Building costs are high, in part because materials need to be brought from Vancouver Island

This means that:

There is little dedicated long-term rental housing because this is generally not an economically viable activity due to high costs and because of the inability of most resident to pay more than modest rents (plus the comparative attractiveness of other options, such as short term rentals or selling).

2) Provincial regulatory frameork

Enabling new permitted housing for residents in need is not as straightforward as it might at first seem because of the regulatory framework established by the Province.

- Land use

    Local governments‘ land use planning and regulation authority is delegated by the Province and defined in the *Local Government Act,* which provides specific and limited options.

- Preservation and protection of the trust area

  The provincial *Islands Trust Act* requires local trust committees to use their land use planning and regulation authority for the object of preserving and protecting the trust area and its unique amenities and environment. What this involves is articulated in the *Islands Trust Policy Statement* and in the *Hornby Island Official Community Plan* and includes addressing the protection of biodiversity, natural ecosystems, groundwater and rural character.

- Water

  The provincial *Groundwater Protection Regulation* requires approval for new wells and the *Drinking Water Protection Regulation* requires Health Authority approval for water systems serving more than one home.

- Sewage

  On-site sewage systems must comply with the provincial *Sewerage System Regulation*

- Subdivision

  Under the provincial *Land Title Act,* all subdivisions must be approved by a Ministry of Transportation and Infrastructure Approving Officer. The process includes evaluating a property's capacity for providing safe drinking water and adequate sewerage,.among other considerations

- Agricultural Land

  Land in the Agricultural Land Reserve (about 28% of Hornby Island) is subject to the regulations of the *Agricultural Land Commission Act*, which over-rides regulations of local governments and limits non-agricultural land uses.

- Building

  Although Hornby Island does not have building inspection services established, new buildings must comply with the provincial *BC Building Code, BC Fire Code, BC Plumbing Code,* and *Homeowner Protection Regulations.*

This means that:

The potential for adjustments to land use regulations to enable additional housing opportunities for residents is limited by the provincial regulatory context.

3) Enabling Community Housing

Because the private market is not providing required housing, non-market housing can be a way to meet residents' needs.

"Community housing" is non-market housing that is operated on a not-for-profit basis on land that is managed by a government or non-government organization with residents usually having to meet particular requirements (age, low income, special needs, etc).

There are three ways this is enabled by land use planning on Hornby Island:

- Through site-specific community housing zones

There are two zones with site-specific regulations for community housing* on the Elder Housing property (Residential 3 zone) and on the Beulah Creek property (Residential 3A zone).

- As a permitted use in the Public Use zone

Community housing* is one of a large number of permitted uses in the "public use" zone (which extends on both sides of Central Road between Sollans Road and Carmichael Road). "Hostel" is also a permitted use in this zone.

- **Through OCP policy enabling potential rezoning for community housing**

Upon application, additional land may be considered for being zoned for community housing use as guided by these policies:
6.3.5.2
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 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.
Section 7.3(f)
Upon application, properties 4 hectares or greater may be considered for a "land co-operative" or "community housing" rezoning supported by submission of an impact assessment plan 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 where possible. Approval from the Agricultural Land Commission will also be required if the property is within the ALR.

* Definitions are a key part of land use regulations. In the *Hornby Island Land Use Bylaw*, "community housing" means *dwelling units that are deed restricted and/or rent controlled, that are subject to a housing agreement under Section 483 of the LGA and are constructed for community residents on land that is owned by a government body or agency or a non-profit organization*

constituted under the Societies Act.

Increasing options for community housing

At this point, there does not seem to be a need to expand provisions for community housing, given that the Beulah Creek property is yet to be developed and there have been no community housing projects yet proposed to utilize the Public Use zone's provision for community housing.

However, it might be useful to review the definition of "community housing" with respect to the types of housing that might be envisioned in the future.

4) Enabling Private Housing

Private housing is enabled by policies and regulations that specify the density of dwelling units* permitted on each lot in a specific zone as follows:

- Residential 1 (Small Lot Zone)	– 1 dwelling unit
- Residential 2 (Large Lot Zone)	- 1 dwelling unit on lots less than 4 ha - 2 dwelling units on lots 4ha or larger - a secondary suite on lots 2ha or larger
- Residential 4 (Forest Zone)	- 1 dwelling unit on lots less than 4 ha - 2 dwelling units on lots 4ha or larger - a secondary suite on lots 2ha or larger
- Agriculture 1 Zone	- 1 dwelling unit on lots less than 4 ha - 2 dwelling units on lots 4ha or larger - subject to ALC approval - a secondary suite on lots 2ha or larger - subject to ALC approval
- Agriculture 2 Zone (Shire)	- 12 dwelling units (plus secondary suites)
- Agriculture 3 Zone (Syzygy)	- 11 dwelling units (plus secondary suites)
- Agriculture 4 Zone (Downes Pt)	- 9 dwelling units (plus secondary suites)

(The maximum size of a dwelling unit on small lots is 200m2; on lots in the other zones it is 300m2)

- In addition:

- 1 accessory residential dwelling unit is allowed per lot in the site-specific zones for Sea Breeze, the Hornby Island Resort, Fords Cove, Dive Lodge and Tribune Bay Campground.

- 1 accessory residential dwelling unit is allowed per lot in the Public Use zone (with two allowed in a lot containing the police station)

- The OCP has this policy to address temporary housing on private lots:

A detached unit used to provide temporary accommodation for a relative or a caregiver or to provide temporary affordable rental accommodation under the Residential Tenancy Act may be permitted through a Temporary Use Permit" (in accordance with specified guidelines

* In the Hornby Island Land Use Bylaw definitions:

"dwelling unit" means *a room or set of rooms*

(a) used or capable of being used for human habitation by one or more individuals in common occupancy as a single domestic unit and sharing facilities contained in that unit;

(b) contained in a single building or manufactured home;

(c) containing only one kitchen; and

(d) under one roof with any covered walkway, covered patio or hall connecting two building portions being no longer than 4.0 metres.

Potential for increasing residential density in existing zones

- Small lot zone

The *Islands Trust Act* states that bylaws of a local trust committee must not be approved if they are contrary to or at variance with the *Islands Trust Policy Statement.*

The *Islands Trust Policy Statement* includes this policy:
4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have problem with the quality or quantity of the supply of freshwater...

The small lots on Hornby Island are known to have problems with the quality or quantity of the supply of freshwater.

Therefore it seems there is no potential for increasing the residential density in the small lot zone.

- Agricultural zone

As of 31 December 2021, new regulations of the Agricultural Land Commission will allow a small secondary dwelling on lots in the Agricultural Land Reserve.

The Hornby Island Land Use Bylaw already allows a second dwelling n lots 4ha or larger in the Agricultural Zone, subject to ALC approval.

Consideration could be given to allowing a second dwelling on agricultural lots smaller than 4ha. (Among the issues to be addressed might be whether increasing the residential use of small agricultural lots would reduce their capability for being farmed).

- Forest zone

Hornby Island Official Community Plan objectives specif to the "*Forest*" designation include:
- preserve scenic, aesthetic and ecological values;
- minimize ground disturbance and retain forest cover in order to protect water catchment areas.

Increasing residential density in this zone may not be compatible with these objectives.

(Note: The Forest Zone is the remnant of a much larger zone that included what is now Mount Geoffrey Escarpment Provincial Park. But if it is to have the same reguations and density as the Large Lot zone, maybe this zone should be merged into the Large Lot zone.)

- Site specific zones for Syzygy, The Shire, Downes Point

Any increase in density for these zones should be probably be considered as a result of applications by the owners – taking into account that portions of these zones are within the ALR.

- Site specific zones for commercial properties

Any increase in density for these zones should be probably be considered as a result of applications by the owners.

- Public Use zone

There has been no uptake on the presently permitted "accessory dwelling" use in this zone except on the highways yard lot. It therefore seems unnecessary to provide for additional private residential use in this zone, particularly as community housing is a permitted use.

- Large Lot zone

The large lot is the one zone where there could be realizable potential to allow additional housing density. The rest of this paper will address this.

5) Residential density in the Large Lot Zone

The Large Lot Zone is on land designated as Rural Residential in the Hornby Island Official Community Plan.

In this zone there are approximately 149 lots under 4ha and 114 lots that are 4ha or larger.

Background

- 1969

In 1969, following rapid subdivision of land on Hornby, Pender and Mudge Islands into small lots for recreational purposes, the provincial government instituted a 10 acre freeze on subdivision on the islands

- 1976

The first Official Community Plan for Hornby Island stated that *"lands that are not included in residential, commercial, agricultural, watershed and scenic areas are considered tp be rural residential" w*ith an avereage density of one lot per 10 aces.

- 1993

Regulations of the 1993 Hornby Island Official Community Plan allowed the following density in the rural residential zone:
- one residential dwelling unit per lot
- one secondary dwelling on each lot larger than 3.5ha
- one additional dwelling unit for each 4ha above an area of 4ha.

-2002

The 2002 Official Community Plan allowed the following residential density in what was then referred to as the Large Lot Residential designation:
- one dwelling per 1.6ha.

- 2016

Following the adoption of a revised Official Community Plan, the current Land Use Bylaw allows the following density on large lots:
- one dwelling unit per lot having an area less than 4.0ha
- two dwelling units per lot having an area of 4.0 hectares or larger
- maximum size of a dwelling is 300m2
- a secondary suite* in a dwelling on lots 2.0 hectares or larger.
- maximum size of a secondary suite is 90m2

Subdivision regulations were changed to allow an average lot size of 2ha with a minimum size of 1 ha.

* Provision was made for secondary suites as a way to utilize the existing built environment to provide

additional housing, given that the average household size on Hornby has been decreasing. As far as I know there have been zero applications for Siting and Use Permits for secondary suites. This may be because the application process is a barrier (though in other jurisdictions, such as the Comox Valley Regional District, building inspection is required for such suites). Or it may be because this mode of housing does not resonate in the community.

Comparison with similar zones on other islands

Island	1ha	2ha	4ha	8ha
Hornby	1 dwelling + suite + unit by TUP		2 dwellings + suite + unit by TUP	
Denman	1 dwelling + suite +unit by TUP		2 dwellings + suite +unit by TUP	
Gabriola	1 dwelling	1 dwelling + cottage		
Thetis	1 dwelling + 1 cottage			2 dwellings+2 cott
Mayne	1 dwelling + 1 cottage per 2.8ha		1 additional dwelling+cottage per 2.8ha	
North Pender	1 dwelling + 1 cottage			
Saturna	1 dwelling	1 dwelling + 1 cottage		

6) Options for increasing density in the Large Lot zone

There are two possible approaches to increasing density in a zone:

One is to allow it on a site-specific basis in response to applications for a zoning amendment *(Option 1)* for a particular property or for a *Temporary Use Permit (Option 2).*

The other is to allow the increase on every property in a zone *(Option 3)* or sub-zone *(Option 4)* by permitting the density in the land use regulations for the zone.

It might also be possible to combine both approaches *(Option 5)*

<u>Option 1</u> – Site-specific rezoning to allow additional units

A new policy could be including in the Official Community Plan specifying that applications will be considered for site-specific zoning amendments to allow additional density on a particular property. The policy could issues that would need to be considered in evaluating an application.

This approach has the advantage that the density would only be increased on properties where there has been an opportunity to consider the potential benefits and impacts.

The disadvantage is that it would involve an onerous, lengthy, expensive, and uncertain process which would discourage applications.

Once the additional density is permitted, the landowner – or a future landowner – could use it for purposes other than creating additional housing, such as to live in while conducting vacation rentals in the main dwelling (though this could be addressed by a site-specific regulation prohibiting vacation rentals).

Another potential challenge is that if an addition dwelling leads to co-ownership (such as tenants-in-common) this could result in future requests to subdivide the property – which is exactly what has happened on existing large lots where two dwellings are permitted (a no-further subdivisions requirement could be added to the site-specific regulations).

If this option is taken up, it is unlikely to result in a significant increase in residential density that would provide housing opportunities.

Option 2 – Temporary Use Permits for additional units

A Temporary Use Permit is basically a short-term site-specific zoning amendment. Permits can be issued for up to three years and renewed for a further three years. A subsequent permit could be applied for.

As noted above, this option is already available by OCP policy *"to provide temporary accommodation for a relative or a caregiver or to provide temporary affordable rental accommodation"*.

An advantage of using Temporary Use Permits rather than permanently increasing density is that many housing situations are indeed short term – a particular landowner needing a caregiver, another particular landowner willing to allow a particular resident to park a mobile unit on their property – situations that likely will end when the property is owned by a subsequent landowner.

Also, while Temporary Use Permits – like zoning regulations - cannot specify how an additional dwelling is used (such as for a caregiver or to provide affordable housing), if it becomes known that a dwelling is not being used for residential housing then the permit could not be renewed.

However, there are clearly disadvantages to TUPs, as shown by the fact that (to my knowledge) there have been no applications for such permits. Reasons likely include: lack of awareness, the onerous process involved, the cost, and public scrutiny..

It seems that this housing option is being widely used without permits being applied for – such as residents being allowed to live in recreational vehicles on other residents' properties. Perhaps more awareness might bring forth applications to provide more certainty for such situations.

Perhaps, too, the process can be made less onerous by simplifying the guidelines and the cost addressed by reducing the fee. (Ucluelet is using a streamlined process for issuing Temporary Use Permits to enable seasonal worker housing in trailers).

It is not possible to address public scrutiny concerns because Section 494 of the *Local Government Act* requires giving public notice of proposed permits.

Even if the process is made more accessible, it is likely that there will continue to be resistance to making applications (except, perhaps, as an outcome of bylaw enforcement).

Option 3 – Amending regulations to allow additional units throughout the zone

Just as the Land Use Bylaw was amended in 2016 to add "secondary suites" as a permitted use in the Large Lot zone, it could be further amended to additional units - such as a recreational vehicle and/or a cottage.

"Residential use of a recreational vehicle' is currently permitted in the regulations for the Large Lot zone and a definition is included in the Land Use Bylaw. However, Section 3.11 of the bylaw states that the use of a recreational vehicle as a dwelling can happen on a temporary basis while a permanent dwelling is being constructed with a Siting and Use Permit.

"Cottages" are not permitted, nor defined, in the Hornby Island Land Use Bylaw. The Land Use Bylas of other islands have various definitions including:

> Mayne Island: *Cottage means an accessory building with a limited floor area that is used as a dwelling unit.*
> North Pender Island: *cottage means a dwelling with a floor area of 56 m2 or less*
> Saturna Island: *cottage means a building accessory to a residence that shall not be greater than 92.9 square metres (1,000 sq. ft.) in total floor area, excluding a basement that does not exceed the footprint of the main floor.*

As noted above, both a dwelling and a cottage are permitted in the Large Lot zones of Gabriola, Saturna, North Pender, Thetis and Mayne Islands, in each case limited by size.

The Hornby Island Land Use Bylaw could be amended to allow a recreational vehicle or a cottage (defined by size) or another specified type of dwelling unit as an additional permitted use in the Large Lot zone. This permission could be limited to lots above a specified size (as is currently the case with secondary suites which are only permitted on lots 2ha or larger).

Note that if such additional units are permitted, there is no mechanism to require that they be used for residential housing purposes. They could be used for guest or visitor accommodation or as a temporary residence for an owner while they conduct vacation rentals in the main house. (However, such units could be used to house tenants displaced by a seasonal vacation rental use.)

Option 4 – Amending regulations to allow additional units only in a sub-zone

If there are concerns, based on other Official Community Plan objectives, about allowing additional density (such as a recreational vehicle or cottage) on every lot in the zone, the density increase could be limited to a sub-zone with characteristics that serve to address those concerns.. Over-riding OCP objectives are to protect the groundwater resource and preserve ecosystems and biodiversity.

For example, the sub zone could include only lots that:

a) Are larger than 2ha – to address potential groundwater contamination concerns

b) Are not in the 1A "Heavily Developed" aquifer – to address potential water supply concerns

c) Have no Environmentally Sensitive Area present– to address ecological protection concerns

<u>Option 5</u> – Creating a sub-zone to enable residential rental tenure units

Until recently, land use regulations could not require that any additional permitted dwelling units that might be allowed must be used to provide residential rental housing – or even be used for residential purposes. Once built, they could simply be used to accommodate gusts and visitors, for which there is a strong demand in this community. Meanwhile, there is significant shortage of residential rental tenure opportunities.

In 2018, the *Local Government Act* was amended to include this new provision:

Residential rental tenure
481.1 (1)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.

Note that requiring residential rental tenure can only be applied to a zone in which "multi-family residential use is permitted". The *Local Government Act* does not define "multi-family residential use". A review of land use bylaws in BC jurisdictions, indicates that each local government defines this for itself.

If we were to utilize this provision on Hornby Island, the Land Use Bylaw would have to include definitions of "residential rental tenure" and "multi-family residential use"

A "multifamily use" sub-zone could then be established within the Large Lot zone. In this zone, an additional dwelling unit (such as a size-restricted cottage) could be permitted for every currently permitted dwelling unit, with the requirement that one or other or both only be used for residential rental tenure.

Lots in the Large Lot should then be defined as to whether they are eligible to be included in the new Multi-Family Use sub-zone, perhaps according to characteristics such as those described in Option 4.

Owners of eligible lots could then apply to have their lots included in the new sub zone. These applications could be batched and processed without a fee. Future opportunities for further applications could be provided from time to time.

This option is the only one that ensures that any new dwelling units created add to the community's residential rental pool.

It also combines the simplicity of allowing additional units through zoning regulations with only allowing them where an application has been made.

To my knowledge there is o model of *Section 481* being utilized in a rural area. So this approach will require professional planning and legal review.

7. Recommendations

This paper identifies the following actions that could be undertaken:

1. Review the Land Use Bylaw definition of “community housing” and assess whether additional language needs to be used to specify potential community housing uses in the Public Use Zone.

2. Consider whether a second dwelling should be permitted on Agricultural lots smaller than 4ha.

3. Consider adding an OCP policy that would allow a site-specific zoning amendment to allow additional density on a lot in the Large Lot zone.

4. Identify how to create and publicize a streamlined process for Temporary Use Permits to allow temporary housing solutions such as by simplifying the guidelines and reducing the fee for annually batched applications.

5. Consider allowing one or more additional dwelling units (such as a recreational vehicle and/or a size-restricted cottage as a permitted use in either;

a) all of the Large Lot zone, or
b) a defined sub-zone of the Large Lot zone

6. Explore the possible creation of a “multi-family” sub-zone within the Large Lot zone to enable a requirement that new or existing dwelling units be used for residential rental tenure.

Prepared by Tony Law, 5 January, 2022
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REGULATING SHORT-TERM RENTALS

A TOOLKIT FOR CANADIAN LOCAL GOVERNMENTS

UPDATED JUNE 2021

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If your community needs hands-on help to design or implement short-term rental regulations, please get in touch for a free consult. You can view our full range of planning, policy and grant-writing services at www.thirdspaceplanning.ca

> This version of the toolkit is adapted from the orignal, Oct 2020 release authored by Shannon Jamison and Eric Swanson, published by Generation Squeeze.

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Local Government and Stakeholders

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1. Toronto, Ontario
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5. Prince Edward County, Ontario
6. Brockville, Ontario
7. Montreal, Québec
8. Charlottetown, PEI
9. Halifax, Nova Scotia
10. Whitehorse, Yukon
11. Yellowknife, Northwest Territories
12. Saskatoon, Saskatchewan
13. Burnaby, B.C.
14. Bowen Island, B.C.
15. Victoria, B.C.
16. Nelson, B.C.
17. Whistler, B.C.
18. Thompson-Nichola Regional District, B.C.
19. Tofino, B.C.
20. Association of Ontario Municipalities
21. Hospitality Newfoundland and Labrador
22. Ministry of Municipal Affairs and Housing, Province of B.C.
23. Host Compliance

Survey Respondents

And thank you to the more than 100 local government staff and elected officials from across the country for participating in a national survey on STR regulations, particularly from the communities of Newfoundland and Labrador, who responded en masse!

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A NOTE FOR LOCAL GOVERNMENT STAFF

If you are writing reports to council and it would be helpful to simply copy and paste whole paragraphs or sections of this toolkit, please do so! A single attribution somewhere in the document will suffice.

Links and Footnotes

This document is designed to be read and browsed digitally.

There is a footer on every page allowing quick navigation to the Table of Contents, a Glossary of Terms, and an online form where you can provide feedback and sign up to receive updates. The table of contents also contains links to each section for ease of use.

To reduce clutter, citations in footnotes are often abbreviated and hyperlinked. All websites cited in footnotes were accessed September 26th 2020 for the purposes of verifying content.

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Glossary of Terms

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Introduction

This toolkit is a practical resource for local governments who are considering, designing or evolving their short-term rental regulations. While the goal of improving housing availability and affordability is a major focus, this toolkit will serve a variety of STR policy objectives.

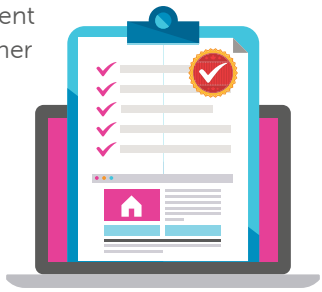
Online platforms like Airbnb have led to an explosion in short-term rentals ("STRs") across Canada and around the world. While the pandemic has been correlated with a sharp, year-over-year decrease in the prevalence of STRs in Toronto, Vancouver and Montreal, average listings across the rest of Canada have largely recovered to pre-pandemic levels.[1]

With vaccine rollouts accelerating and with Canadians experiencing more than a year of pent-up demand for travel, the industry is expected to strongly rebound this year and into 2022. STRs are clearly here to stay and like any other business, they should be regulated in the public interest. Easy to say, harder to do.

The diversity of interests involved, the range of both benefits and harms, and the digital and international nature of the industry has made effective regulation and enforcement of STRs difficult. All levels of government have a role to play in getting a handle on this disruptive industry. However, as is often the case, the localized impacts and nature of STRs has pushed Canada's local governments to the forefront. A range of local regulatory approaches are currently being tried with mixed or often unknown results. In the meantime, many local governments simply lack the capacity to tackle the issue.

We created this toolkit as a practical resource for local government elected officials and staff including business licensing clerks, bylaw enforcement officers, and policy and land use planners who are considering, designing or evolving their STR regulations. That said, our hope is that it can be useful to anyone interested in the effective regulation of STRs. Our own motivation, as an organization working to help make housing and family life affordable and sustainable for young people, our kids and all Canadians is to mitigate the impacts of STRs on the ability of residents to secure adequate housing, which is an established human right.

However, every community will have its own unique context and motivations for regulating STRs, which can include addressing neighbourhood impacts like noise, ensuring that revenue is collected or leveling the playing field between different accommodation providers. No matter your community's priorities, whether your residents want fewer STRs, more STRs, or just better regulated STRs, or whether your community is at the cutting edge of regulations or just getting started, you should be able to find resources in this toolkit that can help.



[1] Lane, Jamie (2021, AirDNA). Lost Supply? How has the pandemic impacted the supply of STRs on Airbnb?

To put this document together we drew from the existing literature, the lead author's professional experience designing local STR regulations, an advisory committee of academics, local government staff, provincial and federal municipal associations and housing sector representatives, an online survey of Canadian local governments, and one-on-one informational interviews with elected officials and staff from a diversity of communities across Canada.

We're incredibly grateful for the time and expertise that everyone has shared to help make this toolkit happen. However, nothing in this document should be interpreted as reflecting the individual opinion or recommendation of any of our advisors, funding partners or stakeholders.

For our own part, we have come away from this project with some basic takeaways that we think are worthwhile to share up front:

- We're still in the early days of regulating STRs in Canada, especially when it comes to evaluating impact.
- Most local governments aren't specifically regulating STRs. Many can be thought of as quasi-regulating through partial adaptations of existing bylaws that cover off some issues but leave other important aspects of STRs unclear or untouched, or by explicitly banning STRs but without proactive enforcement. Others are in the process of studying or developing comprehensive STR regulations, but haven't yet finished.
- Of the small number of local governments who do have comprehensive programs in place, some are struggling with the complexity of the regulations they've designed, or with follow-through and enforcement.
- Local regulation would be much simpler if other levels of government used their legislative clout to introduce data sharing, platform accountability and/or registration systems (described in the Advocacy section). In the absence of this, local governments are forced to play detective, rely on third party firms for information and/or attempt to negotiate agreements with platforms who often have a strong interest in resisting regulation.
- Even without greater involvement from other levels of government, strong local regulation and enforcement programs and high levels of compliance are still possible. It just takes a proactive, digital-first approach, dedicated staff paid for by licensing fees and a regulatory program that is simple to understand and well-communicated. It can be done!
- If a community wants to prioritize residents' right to adequate housing, the most effective approach is likely the restriction of STRs in residential zones to principal dwelling units (i.e. true home sharing). Here, definitions matter. We found that the alternative phrase "principal residence" has been inconsistently defined across Canadian STR regimes in ways that risk undermining efforts to protect housing.

This list reflects our top-of-mind takeaways. You'll discover your own as you read through this toolkit.

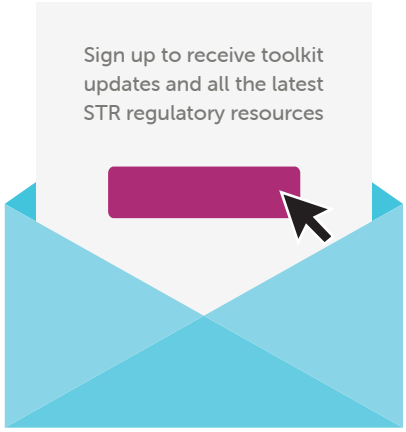
It can take a lot of time, resources and careful thinking to put together the nuts and bolts of a local STR regulatory regime. Not only that, best practices and options are always evolving.

If at any time your community could benefit from some one-on-one STR consulting support, we can help: **GET IN TOUCH**.

Sincerely,

Eric Swanson and Shannon Jamison

Principals, Third Space Planning
www.thirdspaceplanning.ca



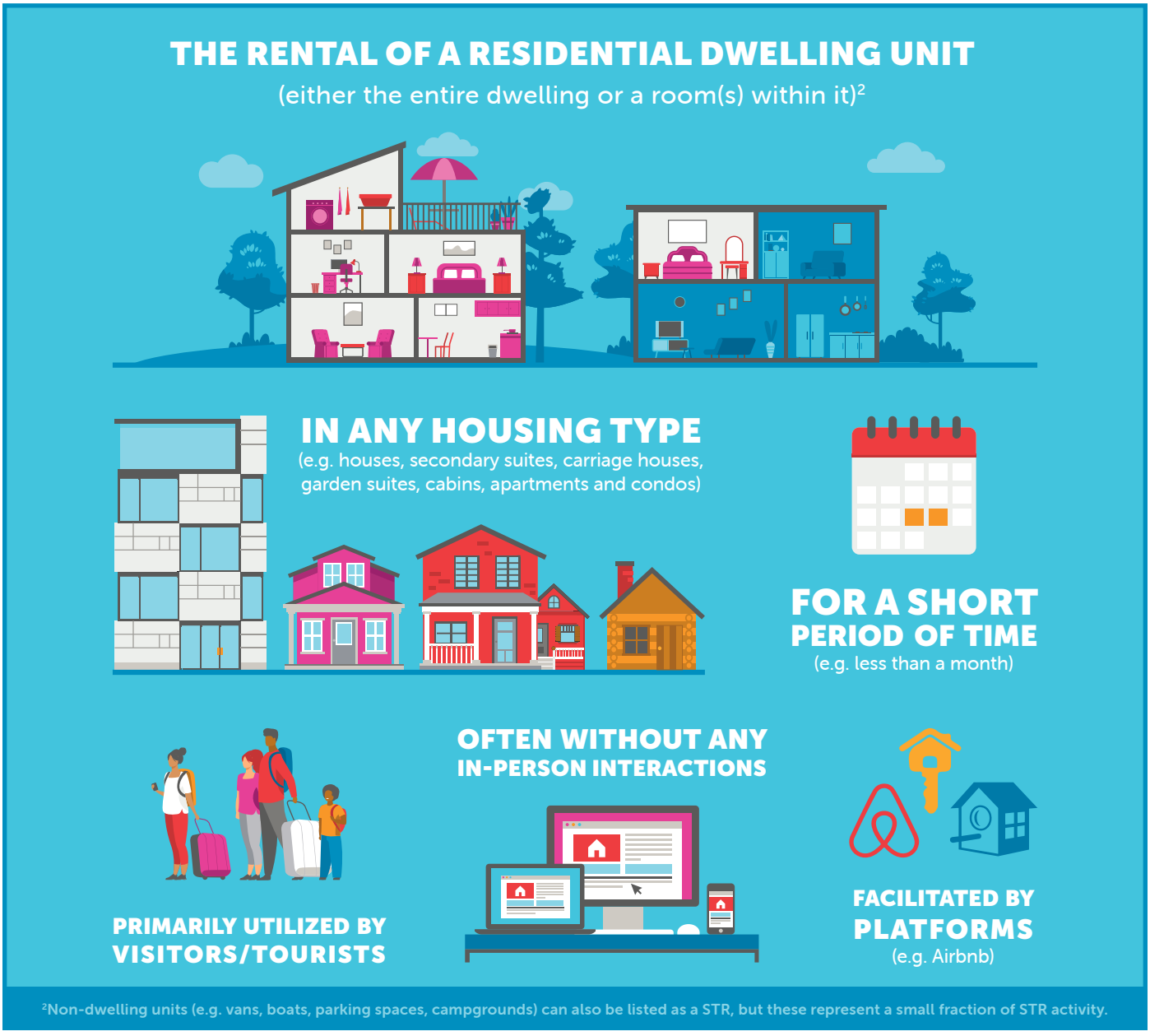
DISCLAIMER

The toolkit has been carefully prepared and is intended to provide a summary of complex matters. It does not include all details and cannot take into account all local facts and circumstances. While the toolkit suggests a sequence of considerations, we recognize the path to regulation is not always linear. The guide refers to laws and practices that may change.

Municipalities are responsible for making local decisions, including decisions in compliance with law such as applicable statutes and regulations. For these reasons, this toolkit, as well as any links or information from other sources referred to in it, should not be relied upon as a substitute for specialized legal or professional advice in connection with any particular matter. The user is solely responsible for any use or application of this guide.

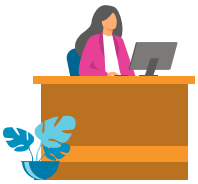
Part 1: Background

1.1 What is a short-term rental?



1.2 How it Works

The STR industry involves three main participants: Operators, Guests and Platforms.



OPERATORS

"THE HOST/SELLER" | INDIVIDUALS OR BUSINESSES

- List their STR unit on platforms;
- Set the price, availability and house rules (guest limits, quiet hours);
- Approve rentals;
- Charge guests a nightly fee, optional additional fees (e.g. cleaning or accommodating extra people);
- Can include the hiring of support services such as professional cleaners; and
- Charge applicable sales taxes (with or without the help of the platforms).

GUESTS

"THE BUYER" | INDIVIDUALS (OFTEN TOURISTS)

- Use platforms to search, reserve and stay in STR accommodation; and
- Pay the operator for the STR, a platform service fee and in some jurisdictions, applicable taxes that are included in the booking.

PLATFORMS

"THE BROKER" | ONLINE PLATFORMS

- Connect STR operators and guests via platform websites;
- Charge a service fee to guests and receive a portion of rental revenue from operators; and
- In some jurisdictions they also collect and remit taxes on behalf of operators, which the guest pays.

1.3 The Rise of STR

Short-term rentals are not new. People have been renting out their cottages and cabins for decades through classified ads, word of mouth and online buy and sell sites (e.g. Craigslist, Kijiji).

What is new are online platforms (e.g. Airbnb, VRBO, Homeaway, Flipkey), which:

- Create designated spaces (websites) to connect STR operators and guests;
- Automate and systematize the advertising and listing process (e.g. built-in templates, suggested nightly rates); and
- Minimize the risks of sharing a dwelling unit or a private room with strangers (e.g. rating system, property damage protection, liability insurance, 24/7 customer support).

These platforms have enabled the rapid expansion of STRs and a transformation of the travel accommodation sector, with STR operators competing with traditional accommodation providers (e.g hotels, bed and breakfast) at scale.

1.4 The Shift: Home Sharing to Commercial Operation

Much of the rapid growth in the STR industry is the result of a shift in business model: from home sharing to commercial operation.

Initially, STRs largely involved operators renting out a spare room in their home while they were present, much like a bed and breakfast. Then, activity shifted towards renting out an operator's entire home (principal dwelling unit) while they were away, for example while on vacation.

Both types of activity can be considered true home sharing.

Realizing the potential for significant profit, savvy investors and others then began purchasing and/or converting principal dwelling units into full-time, entire-unit commercial short-term rentals, with some operating multiple commercial STRs.

In this toolkit we consider true HOME SHARING to be STRs taking place in an operator's principal dwelling unit.[3]

We consider COMMERCIAL OPERATION to be STRs taking place in a unit that is not someone's principal dwelling unit (home).[4]

Non-principal dwelling unit STRs include vacation properties or secondary residences that aren't the designated principal dwelling unit of the owner.

Principal Dwelling Unit STR

A short-term rental unit that is or is within someone's principal dwelling unit; this term is used in place of principal residence STR to help communicate that the STR is confined to the dwelling unit (i.e. it doesn't include other dwelling units on the same lot).

[3] Hereafter referred to as "principal dwelling unit STR"

[4] Hereafter referred to as "non-principal dwelling unit STR" or "non-PDU STR" for technical clarity

1.5 STR Trends in Canada

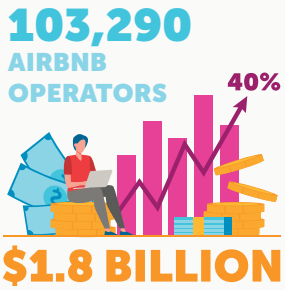
The following trends are taken from the research of Dr. David Wachsmuth and colleagues from the Urban Policy and Governance Research Group at McGill University, and reflect the pre-COVID-19 state of the industry.[5, 6]

While there has been speculation that COVID-19 would lead to a lasting decrease in the prevalence and impacts of STRs, a recent study across 27 global markets covering the first half of 2020 showed that while there was indeed a significant drop in the early months of the pandemic, activity has since rebounded such that the sector is only experiencing a modest 4.5% drop in revenue compared to the previous year, with regional markets performing better than their urban counterparts.[7]

With that qualification, the following pre-COVID trends continue to provide useful insight:

This is a GROWING industry

- In 2018, $1.8 billion in revenue was generated by 103,290 Airbnb operators, which was an increase of 40% from the previous year.



Most STRs are for ENTIRE HOMES

- Depending on the community, the majority of STR listings are for entire homes/units rather than single private rooms.
- Entire home listings make up a higher proportion of active listings in rural areas than in major centres/CMAs or small communities/CAs.

"ENTIRE HOME"

- cabin
- house
- condo
- apartment
- garden suite
- secondary suite

[5] Dr. Wachsmuth is an advisor to this toolkit project. The trends reflect activity on Airbnb, which is the leading STR platform and often used as a proxy for the STR industry generally.

[6] All of the trends included in this section are sourced from two papers: "Short-term rentals in Canada: Uneven growth, uneven impacts" and "Short-term cities: Airbnb's impact of Canadian housing markets".

[7] Sanford, Dubois (2020, AirDNA). COVID-19 impact on hotels and short-term rentals.

Commercial operators represent a large share of STR activity

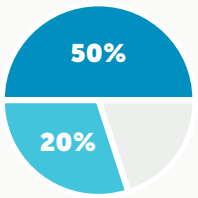
- In established STR markets such as Toronto, Edmonton, Ottawa-Gatineau, Moncton and Halifax, close to 50% of all STRs are managed by multi-listing operators (an indicator of commercial/ non-principal dwelling unit STR).

STRs are located across Canada with most growth outside major urban centres

- Close to 50% of all active STR listings are located in Toronto, Montreal, Vancouver and their surrounding communities.
- High concentrations of STR are also found in Ontario and Québec's major urban and population centres, between Windsor and Québec City and along the West Coast of B.C.
- Concentrations of STRs can be found in all of Canada's major urban centres, with an average annual growth rate of 19% across Canadian CMAs.
- Four small communities that are national tourist destinations account for the majority of all rural STR activity:
  - Whistler, BC
  - Blue Mountains, ON
  - Prince Edward County, ON
  - Mont Tremblant, QC
- There is rapid growth in small and rural communities with populations of less than 10,000, with annual growth rates of 42% - 44%. Evidence suggests these high overall rural growth rates are being driven by smaller markets (i.e. not by the four big national tourist destinations indicated above).

MULTI-LISTING OPERATORS

EARN 50% OF ALL REVENUE

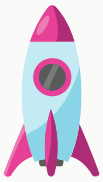


THE TOP 1% OF OPERATORS

EARN 20% OF ALL REVENUE

SMALL & RURAL COMMUNITIES

ARE HAVING RAPID ANNUAL GROWTH RATES OF:



42% - 44%

STR ACTIVITY IS HIGHLY SEASONAL

JULY & AUGUST

GENERATE THE MOST REVENUE

NOTABLY IN ATLANTIC CANADA

1.6 Benefits and Harms of STR

STRs can bring both benefits and harms to local communities.

POTENTIAL LOCAL COMMUNITY BENEFITS

Income Generation

Operators and support workers (e.g. cleaners, property managers) can earn income by providing and managing guest accommodation.

Higher housing values

We consider this to be a harm in communities facing housing availability and affordability challenges; however, current property owners can financially benefit from an STR-induced rise in the economic value of their property.

Greater Choice

Guests can access often-cheaper, more amenity-rich accommodation options compared to hotels, motels or B&Bs.

Local Experiences

Guests can benefit from operators who provide personalized and localized accommodation and experiences.

Quick, New Tourist Accommodation

STRs can add additional accommodation options without requiring the development of major infrastructure (e.g. hotel construction).

More Efficient Use of Space

The local economy can benefit by allowing operators to rent a private room or dwelling unit that may otherwise go unused, for example a spare room or while the resident is away on vacation. This benefit is not associated with non-principal dwelling unit STR because the unit could otherwise be occupied by a permanent resident.

Support for the Local Tourism Economy

To the extent that STRs can bring in more total visitors than could otherwise be attracted by or accommodated by traditional providers such as hotels, these additional visitors spend money on local activities, transportation, food and beverages. Note that this boost to the tourism economy can be counteracted by a weakening of the overall economy if it is associated with a loss of homes and permanent residents.

Greater Neighbourhood Distribution of Wealth

By attracting visitors to neighbourhoods and businesses outside of traditional tourist areas. Note that this benefit can be counteracted by a loss of neighbourhood wealth if the STRs are associated with a loss of homes and permanent residents.

POTENTIAL LOCAL COMMUNITY HARMS

Housing Loss

STRs divert or remove potential long-term rental rooms, rental homes and purchasable principal residences from the market. The most acute housing loss is associated with non-principal dwelling unit STRs.[8]

Housing Unaffordability

STRs decrease the affordability of housing by making it more scarce and by increasing its economic value by enabling STR income.

An in-depth analysis of the impacts of STRs on housing availability and affordability is included in Part 2.

Unfair Advantages

STR operators are often not subject to the same level of regulation or taxation as traditional accommodation providers.

Revenue Loss

Short-term rental platforms and operators often don't collect and remit municipal, provincial and federal taxes (e.g. accommodation, PST, GST/HST, and/or income tax), even if it is required by law. This leads to either foregone revenue or an actual loss of revenue (e.g. if STR activity draws guests away from traditional, tax-remitting accommodation providers).

Increased Contraventions of Local Regulation

Operators or guests are often not aware of or follow specific requirements for zoning, noise, parking, business licensing and other activities.

Community Disruption

Short-term rental operators and guests may not be invested in the community in the same way that a long-term resident is and this may lead to disturbances such as increased noise or garbage.

Reinforced Inequities

STR platforms create value from the use of residential housing and the owners/controllers of that housing are therefore privileged by the industry in a way that can reinforce systemic inequities.

[8] The strength of this correlation depends on the owners in question. When owners – if not given the option to operate the room or unit as an STR – would prefer and could afford to leave the room or unit vacant when not in use by themselves, the correlation will be weaker; when the opposite is true, the correlation will be stronger.

1.7 Layers of Regulation: Federal, Provincial, Local and Private Entities

Federal, provincial and local governments as well as private entities (e.g strata/condo corporations, landlords) all have a role in regulating STRs.

These roles are discussed below, along with some commentary on the degree to which they're currently being fulfilled across the country. In many cases, the specific division of responsibilities between the levels of government is an area of active negotiation and advocacy.

Federal Government

The most obvious regulatory role of the federal government with respect to STRs is ensuring that applicable federal taxes are paid by STR operators and platforms.

However, in many cases this is not currently happening due to a combination of factors including insufficient enforcement capacity, outdated federal legislation in the context of international tax treaties, and a lack of cooperation – whether mandated or voluntary – between the federal government and STR platforms.

Many of these issues are not unique to STR and reflect a broader, well-recognized need for federal laws and practices to catch up to the nature of digital commerce, generally.[9]

Ideally, the federal government would update its laws and practices to efficiently collect all currently-applicable taxes, which include:

- **Personal income tax** on STR income earned by unincorporated operators
- **Corporate income tax** on STR income earned by corporate operators
- **Corporate income tax** on revenue earned by STR platforms, where applicable
- **GST/HST on STR accommodation rentals**[10, 11]
- **GST/HST on STR property sales**[12]

While the Canada Revenue Agency does provide some guidance to STR operators about when and how they need to collect and remit taxes (e.g. GST/HST), and how to report STR income for income tax purposes, so long as online platforms are not required to play a facilitative role and enforcement is limited, rates of tax compliance risk being relatively low.

[9] For example, see "Report 3 - Taxation of E-Commerce: a 2019 Spring Report of the Auditor General of Canada to the Parliament of Canada".

[10] As of writing, the HST is used in Ontario, New Brunswick, Newfoundland and Labrador, Nova Scotia and PEI.

[11] The charging of GST/HST on listings by domestic STR operators is required if the operator has earned more than $30,000 in the most recent 4 consecutive quarters; the rules for foreign STR operators are different and are summarized in e.g. Exhibit 3.1 of this 2019 Auditor General's report.

[12] Under certain circumstances, buyers are required to pay GST/HST on the purchase of an STR property.

While this is not currently the case, the overall regulation of STRs could be made much easier if the federal government used its legislative clout to mandate e.g. data sharing or platform accountability mechanisms.

Provincial and Territorial Governments

The role played by provincial and territorial governments in regulating STRs varies across Canada and includes measures aimed at:

- Collecting provincial sales tax
- Collecting accommodation taxes
- Classifying STR properties for property tax purposes
- Creating a central STR registration/licencing system
- Getting data from STR platforms
- Ensuring platform accountability

Each of these are discussed in more detail, below.

PROVINCIAL SALES TAX

Provinces with separate provincial sales taxes include B.C., Québec, Saskatchewan and Manitoba. Of these, only B.C. and Saskatchewan have agreements in place with Airbnb to facilitate the collection and remittance of PST on behalf of guests and operators.[13]

For STRs listed on other platforms (e.g VRBO, Homeaway, Flipkey) and in other provinces (i.e. Manitoba and Québec) it is currently the responsibility of the operator to collect and remit provincial sales tax, risking much lower compliance.

Alberta, Yukon, Nunavut, and the Northwest Territories have no provincial/territorial sales taxes and therefore only federal GST is applicable. All other provinces have combined GST/HST which is administered by the federal government.

ACCOMMODATION TAXES

Accommodation taxes have historically been applied to traditional accommodation providers over a certain threshold of rooms. Recently, there has been a concerted effort to expand the application of these taxes to STRs and to collect on taxes owed.

[13] Airbnb. Occupancy tax collection and remittance by Airbnb in Canada.

Accommodation Tax Examples:

- Québec and B.C. have had agreements in place with Airbnb to collect and remit the Municipal and Regional District Tax of between 2-3% in B.C. and 3.5% Lodging Tax in Québec for several years.[14] In B.C., Airbnb collected and remitted close to $43 million to the province in the first year of implementation.[15] Other platforms are not covered by these agreements.

- In early 2020, the Alberta government announced plans to extend a 4% tourism levy to some STRs, excluding units that aren't listed online or cost less than $30/day, and excluding operators who have gross annual revenue from STRs of less than $5,000.[16] Platforms can voluntarily collect and remit the levy on behalf of operators; otherwise this will be the operators' responsibility.

- Ontario's Municipal Act was recently amended to allow that province's municipalities to charge an accommodation tax on short-term rentals, themselves.[17] As of writing, at least seven municipalities are charging a 4% tax by way of this provincially-granted authority.[18]

Other provinces and territories, as well as individual municipalities may have requirements on the books for STR operators to collect and remit an accommodation tax; however, without the mandated or voluntary cooperation of platforms in facilitating the collection of these taxes, the rate of compliance is likely to be low.

PROPERTY TAXES

Some provincial and territorial legislation may govern whether property that is being used for STRs classifies as residential or business, for property tax purposes.

Property Tax Examples:

- Nova Scotia recently decided that so long as the number of rooms listed for STR on a property are 4 or fewer, residential tax rates will apply.[19]

- Municipalities in British Columbia have recently been asking the province to reclassify residential properties used for STRs as business properties under certain circumstances.[20]

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[14] Ibid.

[15] CBC News (Nov 6 2019). Airbnb remits almost $43M in taxes earmarked for housing and tourism initiatives in B.C.

[16] Alberta Budget 2020 (p. 175)

[17] Ontario Municipal Act (Section 400.1)

[18] Airbnb. Occupancy tax collection and remittance by Airbnb in Canada.

[19] Reflected in Section 47(A) of that province's Assessment Act and accompanying regulations. It's not clear to the authors whether the status of one or more of the short-term rented units as a principal dwelling unit or part thereof impacts its classification.

[20] For example, see UBCM resolution B34 (2019) and UBCM resolution EB45 (2020).

REGISTRATION SYSTEMS

Provincial registration systems can help streamline the registration, licensing and enforcement process for government authorities and STR operators, and can provide a degree of data on STR activity.

Their effectiveness depends entirely on operators actually using the system, which itself requires some combination of vigorous and targeted public communications, proactive enforcement to identify unregistered/unlicensed listings, and/or platform accountability measures.

Registration System Examples

- In the summer of 2019, Québec announced plans to revise its previous STR operator registration system, acknowledging that it had largely been a failure, achieving less than a 5% compliance rate. The new regulations, which came into effect in May of 2020 are managed by the Tourism Ministry and include a registration process, required documentation and fee, and a referral and approval process that involves municipalities.[21]

- Nova Scotia recently passed a new Tourist Accommodations Registration Act that requires platforms and some STR operators to register with the province and pay a nominal fee.[22] The new rules came into effect in April 2020 and as of writing, compliance has been low.[23]

- Prince Edward Island has had a registration system for tourist accommodation for some time, and recent amendments to that province's Tourism Industry Act now require the display of provincial registration numbers in online STR listings.

- In summer 2020, the Newfoundland and Labrador government signaled that new legislation would be introduced in the fall that will require STR operators to register with the province and for platforms to only list regulated operators on their websites.[24]

DATA AGREEMENTS

Through the collection of provincial sales taxes and accommodation taxes and the operation of centralized registration systems (where applicable), provincial and territorial governments will have access to some direct data on STR activity.

However, the most accurate and real time data is held by the platforms themselves. Provinces and territories can seek to compel platforms to share this information.

[21] As described on the Government of Québec's website.

[22] The registration requirement doesn't apply if the STR is in the operator's primary dwelling unit or is attached to their primary dwelling unit (e.g. an attached basement suite, loft, etc.) More information here.

[23] CBC News (Aug 9 2020). Nova Scotia's short-term rental registry off to a slow start.

[24] CBC News: (Jul 22 2020). N.L. looking to register Airbnbs, other short-term tourism rentals.

Data Agreement Examples:

- In late 2019, PEI's legislature passed a bill to amend the Tourism Industry Act to require STR platforms to share data with the province on a quarterly basis, including listing addresses, operator contact information, the number of nights rented and revenue.[25]

- Nova Scotia's new Tourist Accommodations Registration Act requires platforms to keep detailed data on listings for seven years. However, it's not clear to the authors whether the government has or intends to get access to this data.

PLATFORM ACCOUNTABILITY MEASURES

Platform accountability refers to measures aimed at ensuring STR platforms only publish listings that comply with government regulation (i.e. legal listings).

Examples:

- In summer 2020, the Newfoundland and Labrador government signaled an intention to work with STR platforms to ensure that only listings from registered operators are published going forward.[26]

PRIVATE ENTITIES

Private entities including Condo Corporations/Strata and property owners provide an additional layer of STR authority.

Condo/Strata Corporation: Condo corporations and Strata Councils across the country can pass bylaws that add further restrictions or prohibitions on STRs beyond municipal bylaws. Many have successfully enforced these bylaws (e.g. through fines and legal proceedings) against non-compliant STR operators.[27]

Property Owner/Landlord: Landlords also have the ability, as defined in applicable Residential Tenancy Acts, to prohibit tenants from using their property as a STR.

LOCAL GOVERNMENT

While the federal and provincial governments have critical roles to play in ensuring that all taxes are collected, regulations (including local regulations) are complied with, and necessary data is collected and shared across jurisdictions, there are decisions around the scale, distribution and integration of STRs into communities that are fundamentally up to local governments.

[25] The provisions of Bill no. 111 that require data sharing have not yet come into force.

[26] CBC News: (Jul 22 2020). N.L. looking to register Airbnbs, other short-term tourism rentals.

[27] As an example: CBC News: (Mar 12 2020). Vancouver strata sting nets $45K fine for repeat Airbnb rental offender.

These decisions can be made through the amendment of existing bylaws or the development of purpose-built STR bylaws, and enforced with or without the involvement of other levels of government.

Part 3 and Part 4 of this toolkit provide a roadmap, best practices and specific tools that local governments can use to develop a comprehensive, effective STR regulatory program.

EVOLUTION OF LOCAL REGULATIONS

Beginning around 2016, in response to concerns about the harms of STRs and a lack of action by other levels of governments, many local governments across Canada began to develop new, comprehensive STR regulatory and enforcement programs.

This first wave of regulations was led by large urban centres such as Toronto, Victoria and Vancouver as well as small, tourist oriented communities such as Tofino, Whistler and Niagara on the Lake.[28]

In Toronto, Vancouver and Victoria, regulations focused on mitigating the harms of STRs on housing availability and affordability, with all three implementing a principal residence requirement that only allow STRs in the principal dwelling unit of the operator.[29]

In smaller, tourist oriented communities including Tofino and Whistler, emphasis was placed on modernizing existing tourist accommodation regulations to address the changing nature of the industry, for example by requiring that a business licence number be added to all online advertisements. In addition, many of these communities shifted from a complaints-based enforcement approach to a more proactive enforcement model.

Following this first wave, more and more Canadian local governments have implemented STR regulations including Prince Edward County, Oakville, Calgary, Edmonton and Canmore, while many other municipalities are currently in the process of developing regulations including Halifax, Charlottetown, Saskatoon, Yellowknife, Brampton and London.

In many cases, the effectiveness of local government regulations at achieving desired goals is mixed or unknown. It's still relatively early days, and there's no one-size-fits-all approach.

However, a number of high level best practices, implementation guidance and specific tools that hold particular promise emerged from our interviews with local governments and stakeholders from across Canada, which are detailed throughout the rest of this toolkit.

[28] Hotel Association of Canada (Jul 2018). Developing a modern approach to short-term rentals in a digital economy: a framework for Canadian regulators.

[29] In Victoria, the exception to this are STRs located within areas that had already been zoned for transient accommodation.

1.8 Case Study: STR Regulations in BC

There are more than 4,500 municipalities and local government districts across Canada, which makes it difficult to rigorously and comprehensively assess the status of STR regulations nationwide. However, provincial case studies can provide insights reflective of the evolving national picture.

With support from the Real Estate Foundation of BC and LandlordBC , we completed an in-depth case study of the status of STR regulations in British Columbia.

Our goal was to understand the approximate percentage of local governments at different stages of the regulatory process, and to glean aggregate insights about the nature of the regulations.

While the relatively high concentration of STRs in British Columbia likely mean more local governments have prioritized regulation here than in other provinces (e.g. on the prairies), our interviews with stakeholders across the country have led us to believe that the key findings from this B.C. analysis are reasonably reflective of STR regulatory status nationwide.

For this study we examined all 162 municipalities and 27 regional districts in British Columbia, searching for references to the term short-term rental or similar (e.g. vacation rental, short-term vacation rental) in applicable zoning and business licence bylaws (e.g. definitions, permitted uses, rules/requirements) or via short-term rental webpages, Council and Committee reports, media stories and other STR-related communications (e.g. newsletters and bulletins). We also drew on interviews with local government staff, elected officials, stakeholders and advisors and the results of an online survey.

Due to the subjective nature of some of our interpretations and analysis, where percentages are included in our key findings, these should be considered approximations.

Status of STR Regulation

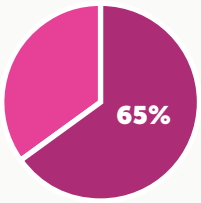
- **THE MAJORITY OF LOCAL B.C. GOVERNMENTS ARE SILENT ON STR.**
  65% of B.C. local governments lack any reference to 'short-term rental' or similar terms in their regulations (zoning, business licensing, etc.) despite the fact that short-term rental activity is occurring in almost all of these communities.

  These local governments may permit a form of STR, for example if it is consistent with existing regulations (e.g. B&B); or STRs could be banned, for example if STRs are not included as a permitted use in a community's zoning bylaw, they may be de facto prohibited.

  Without any specific reference to the term short-term rental (or similar), STR regulatory status for these local governments is unknown, and existing regulations are unlikely to be capturing the full extent of short-term rental activity in their communities.

  This ambiguity could create confusion for STR operators, who may be uncertain if they are permitted to operate as well as conscientious STR guests, who may be eager to comply with local regulations.

- **A HANDFUL OF LOCAL GOVERNMENTS EXPLICITLY PROHIBIT STR.**
  4% of B.C. local governments explicitly prohibit all types of STRs via bylaws that apply to either the entire community or a portion thereof. Despite these bans, short-term rental activity continues to occur.



65% OF B.C. LOCAL GOVERNMENTS

LACK REFERENCE TO:

'SHORT TERM RENTAL'

OR SIMILAR TERMS IN THEIR REGULATIONS

- **A DOZEN LOCAL GOVERNMENTS ARE DEVELOPING REGULATIONS.**

  6% of B.C. local governments are currently in the process of developing new, comprehensive short-term rental regulations including:

  - » Belcarra
  - » Courtenay
  - » Gibsons
  - » Golden
  - » Squamish
  - » Radium Hot Springs

  With another 6% of municipalities signaling an interest in studying the issue of STRs including:

  - » Saanich
  - » Port Hardy
  - » West Kelowna

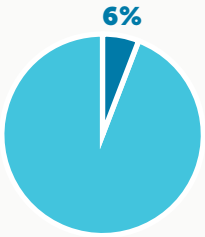
  Many of these regulations and studies have been underway for years, reflecting the complexity and controversial nature of the issue.

- **ONE IN FIVE LOCAL GOVERNMENTS HAVE ESTABLISHED SPECIFIC STR REGULATIONS.**

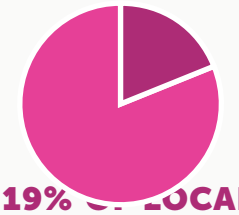
  These range from relatively simple approaches based on repurposing existing regulations (e.g. B&B, Home Occupation, Boarding Houses) all the way to comprehensive programs that include the acquisition of data on STR activity, STR-specific community engagement, and purpose-built STR regulatory and enforcement plans.

  The re-purposing of existing regulations may work for some communities that are able to adapt existing – often vague – definitions, permitted uses, zones and provisions for STRs. However, in our review this approach often leaves many questions unanswered (e.g. by not distinguishing between different types of STR).

ONE IN FIVE LOCAL GOVERNMENTS HAVE ESTABLISHED SPECIFIC STR REGULATIONS



6% OF B.C. LOCAL GOVERNMENTS ARE CURRENTLY IN THE PROCESS OF DEVELOPING NEW STR REGULATIONS



19% OF LOCAL GOVERNMENTS ARE SPECIFICALLY REGULATING - AND - PERMITTING SOME FORM OF SHORT-TERM RENTAL

EXAMPLES OF BC COMMUNITIES THAT ARE SPECIFICALLY REGULATING STR			
URBAN CENTRES	**HIGH-PROFILE TOURIST DESTINATIONS**	**SMALLER OR RURAL COMMUNITIES**	**REGIONAL DISTRICTS**
» Vancouver » Victoria » Kelowna » Penticton	» Whistler » Tofino	» Fernie » Ashcroft » Lake Country » Tahsis	» Thompson Nicola » Alberni-Clayoquot » Okanagan-Similkameen

Other Key Findings

- **MOTIVATIONS FOR ESTABLISHING REGULATIONS VARY.**
  These often include protecting housing for residents, ensuring the health and safety of guests, preserving the residential character of neighbourhoods and creating fairness amongst all accommodation providers.

- **MANY DIFFERENT REGULATORY TOOLS ARE BEING UTILIZED, WITH MIXED RESULTS.**
  For more information refer to Part 3 and Part 4 of this toolkit, which includes a jurisdictional scan of Canadian local governments, and seventeen snapshots of the most widely-employed tools.

- **THE PRINCIPAL RESIDENCE TOOL IS COMMON, BUT INCONSISTENTLY APPLIED.**
  The term "principal residence" takes on a spectrum of definitions in STR regulations: on one end it is strictly synonymous with principal dwelling unit and therefore not inclusive of multiple dwelling units on the same property/lot. This is the case in Vancouver, Victoria and Fernie. At the other end of the spectrum the term principal residence is used to refer to the entire property/parcel/lot, inclusive of secondary/basement suites, garden cottages, carriage homes etc. This is the case in Tofino and Nelson.

  This lack of a consistent definition and understanding has consequences for local governments wishing to use the principal residence tool to protect housing availability and affordability, which is best achieved when principal residence is synonymous with principal dwelling unit.

- **THE BUSINESS LICENSING TOOL IS USED BY ALL MUNICIPALITIES REGULATING STR.**
  A system of licensing STR operators is fundamental to the successful application of many other STR regulatory tools, including confirming principal residence, receiving permissions from a strata or landlord, designating a responsible person, conducting a zoning check or performing an inspection for health and safety.

- **MANY COMMUNITIES ARE STRUGGLING TO EFFECTIVELY ENFORCE THEIR REGULATIONS.**
  Either due to the complexity of the regulations, lack of access to data on STR activity in their community, insufficient staff capacity and resources or a combination of the above.

- **RIGOROUS EVALUATIONS ARE LACKING.**
  We came across very little evidence of rigorous studies by local governments that evaluate the effectiveness of their STR regulations at achieving desired goals. This reflects the fact that we're still in the relatively early days of STR regulation in B.C. The most notable exception to this is Vancouver, which has released reports on the initial impact of their regulations and are undertaking more rigorous analysis in partnership with academic institutions.

- **VANCOUVER REMAINS AT THE LEADING EDGE.**
  Vancouver was one of the earliest adopters of STR regulations in Canada and their approach – enabled by the City's size and a consistent stance by staff and council – is reflective of many of the best practices described elsewhere in this toolkit.

Part 2: Impacts of STR on Housing Availability and Affordability

2.1 Introduction

As described in Part 1, short-term rentals can bring a range of impacts to communities, including both benefits and harms.

However, the impact of short-term rentals on housing deserves special attention, given the crisis-level housing pressures being felt in many communities and the status of adequate housing as a fundamental human right.[30]

The short story is that the proliferation of STRs leads to a worsening of both housing availability and affordability system-wide and over time, with non-principal dwelling unit STRs being the main culprit. In this section we'll expand on that short story by exploring both the housing-related benefits and harms of STRs, first qualitatively and then quantitatively.

The discussion hinges on a clear technical understanding of three basic types of STR:

- Principal dwelling unit STR;
- Non-principal dwelling unit STR; and
- Non-dwelling unit STR (e.g. vans, boats, yurts).

These definitions are important from a housing perspective because if an operator lists their principal dwelling unit (or a bedroom(s) therein) as a STR, then this isn't associated with the loss of an entire long-term home.[31]

Whereas if an operator is listing any dwelling unit other than their principal dwelling unit, whether or not they ever use the unit themselves, a potential long-term home is being lost.

Non-dwelling unit STRs are places that may be suitable for a guest to stay over a short period of time but are unlikely to be suitable for long-term living in (e.g. a guest yurt without any kitchen facilities), and so don't represent lost housing.

[30] E.g. as recognized in Canada's National Housing Strategy Act.

[31] The exception being when the room(s) in question could otherwise be rented to someone long-term (e.g. to a roommate).

2.2 Housing-Related Benefits of STRs

In our assessment, the potential housing-related benefits of STRs are limited to principal dwelling unit STRs (or non-dwelling unit STRs, though these aren't as common) and even then are partially compromised by potential harms.

POTENTIAL HOUSING AFFORDABILITY BENEFITS

The major benefit of STRs on housing affordability is associated with principal dwelling unit STR, where an owner or tenant is able to earn extra STR income – a benefit that can help them afford their own shelter costs e.g. in an otherwise unaffordable environment – **without the housing system losing an entire long term home.**

In public marketing materials for STRs there are often stories about seniors, for example, whose ability to age in place, keep their home and enjoy other quality of life benefits has been enabled by the ability to list one or more rooms as a STR. This is an important housing-related benefit and one of the reasons communities may choose to permit or encourage principal dwelling unit STR.

However, even this benefit comes with the potential for housing-related harms:

- Principal dwelling unit STR may contribute to a loss of individual bedrooms across the housing system that might otherwise have been offered to a long-term tenant. If a local government has data indicating a significant reliance on long term bedroom rentals for housing (e.g. among students or other groups), and a shortage of this form of housing, such data should factor into the community's approach to regulating principal dwelling unit STR.

- Furthermore, the additional income enabled by permitting a unit to be operated as a principal dwelling unit STR increases the property's economic value, which can lead future tenants or owners to bid up its price.

Local governments may want to consider if there are alternative or complementary ways to financially enable existing residents to stay in their homes – for example, through incentives and streamlined processes for repurposing large, existing houses into separate, income-generating residential units.

POTENTIAL HOUSING AVAILABILITY BENEFITS

Some may argue that permitting non-principal dwelling unit STRs, and therefore attracting STR investors is necessary to help finance the construction of much-needed new multi-family residential buildings, and that this facilitative boost to a building's pro forma can be thought of as a housing-related benefit of STR activity.

However, rather than permit brand new residential units to be designed as or immediately converted into short-term rentals we would encourage local governments to find other ways to help developers make new residential construction pencil out; for example, by allowing additional height/density. And by facilitating any desired expansion of short-term rental accommodation via commercial zoning.

2.3 Housing-Related Harms of STRs

The housing-related harms of STR – while perhaps somewhat associated with principal dwelling unit STRs – are most obviously associated with non-principal dwelling unit STR. There are two basic categories of harm: Decreased housing availability and decreased housing affordability.

POTENTIAL HOUSING AFFORDABILITY HARMS

STRs decrease housing affordability in two main ways:

- As dwelling units are converted to STRs the supply of housing shrinks, driving prices up.
- The ability to earn STR revenue – which can often exceed revenue from renting out a unit long-term – leads some tenants and purchasers to bid up the price of housing.

These two harms are felt most acutely in communities already facing a housing shortage and/or affordability pressures, and where a locally-significant number of units have been converted to STR.

While these harms may be intuitive, they are also being borne out in quantitative studies.

POTENTIAL HOUSING AVAILABILITY HARMS

Whenever a non-principal dwelling unit is used partially or wholly as a short-term rental that unit generally cannot be used as someone's principal home. It is therefore lost from the local housing system, decreasing the overall availability of housing.[32]

[32] The exception would be owners who, if not permitted to short-term rent the unit, are financially able and interested in leaving the unit vacant when not in use by themselves.

2.4 Quantitative Research

The Urban Politics and Governance Research Group at McGill University has been largely responsible for estimating the quantitative impact of STRs on housing in Canada. Below, we include some key takeaways from their evolving body of work.[33]

Housing loss Canada-wide

- In 2018, 31,000 Canadian homes were rented frequently enough on Airbnb that they were unlikely to house a permanent resident (i.e. these "frequently rented entire homes"/ "FREH" are an estimate of lost housing).

- 40% of this estimated lost housing (12,320 homes) was in the Montréal, Toronto, and Vancouver metropolitan areas. 25% of that lost housing (7,810 homes) was in other census metropolitan areas ("CMAs"), 8% was in census agglomerations ("CAs") (2,520) and 27% was in rural areas (8,450).

Variation in housing loss between communities

There is a high degree of variation in STR-induced housing loss across the country. For example:

- In Tofino, British Columbia, approximately 18% of all housing units were lost to STR on Airbnb (FREH) in 2018.

- For comparison, less than 0.05% of housing in Lethbridge, Alberta was lost to STR on Airbnb (FREH).

Variation in housing loss between neighbourhoods

There is also a high degree of variation in STR-induced housing loss between different neighbourhoods in the same community. For example, in each of Montreal, Toronto and Vancouver the concentration of STRs ranges from less than half a percent of the total housing stock in outlying neighbourhoods to more than 2 or 3% of the total housing stock in the urban cores.

Affordable housing at risk from STR

Where revenue from short-term renting a unit is comparable with revenue obtainable from long term renting the same unit, there is less economic incentive to convert that unit to STR.

However, in many areas – including those with relatively affordable rents near high speed transit – the revenue obtainable from STR can be significantly higher, putting these areas at greater risk of future housing loss.

[33] Specifically, we rely on "Short term cities: Airbnb's impact on Canadian housing markets" and "Short-term rentals in Canada: Uneven growth, uneven impacts".

STR conversions drain or outpace the impact of new construction

For example, in 2016:

- In areas such as Downtown Montreal, the Toronto Waterfront, and Gastown in Vancouver, the number of estimated homes lost to STR grew by an amount equivalent to between 25% and 50% of new homes built that year.
- In neighbourhoods with less construction, such as the Plateau-Mont Royal in Montreal, High Park in Toronto, and Kitsilano in Vancouver, new housing loss to STRs outpaced new construction and decreased net available housing.
- In several Toronto and Vancouver neighbourhoods, Airbnb listing growth was greater than 200% of housing completions. This means that more than twice as many homes may have been lost to STRs in these neighbourhoods than were added by new construction.

STR growth rates are highest in rural areas

- Between 2016 and 2018 the highest growth rates in FREH listings/lost housing were in rural areas (60% growth).

As stated by Wachsmuth et al. "STRs are growing faster, concentrating faster, and removing housing from the long-term market faster in rural areas and CAs than in CMAs. These trends mean that, increasingly, it will not just be Canada's largest cities struggling with both the positive and negative impacts of STRs on communities".[34] There is evidence suggesting this trend may be reinforced by the COVID-19 pandemic as people escape/forego crowded centres in favour of regional destinations.[35]

Areas of greatest harm from STRs

The communities and neighbourhoods experiencing the greatest negative impacts of STRs on housing availability and affordability will often be those with a high concentration of non-principal dwelling unit STRs (e.g. as estimated by FREH listings) and low rental vacancy rates. For example:

- Many cities in B.C. and Ontario have relatively high concentrations of FREH listings and very low vacancy rates, while cities in the Prairies have relatively low concentrations of FREH listings but high vacancy rates.

[34] Combs et al. (2019). Short-term rentals in Canada: Uneven growth, uneven impacts.

[35] Sanford, Dubois (2020, AirDNA). COVID-19 impact on hotels and short-term rentals.

Quantitative assessment of affordability impacts

As described above, the loss of housing to STRs and the increased value of properties used as STR will tend to make it more expensive to rent or buy a home. However, studies that put numbers to this effect have yet to be completed for Canada.

For a sense of the impact we can turn to the United States, whose housing market shares similarities with ours.

- A 2020 study into the 'Airbnb effect' in the US shows that the affordability impact of STRs increases the lower the owner-occupancy rate. At the median owner-occupancy rate zip code, if STR growth had simply remained flat, this would have cut annual rent growth by about one fifth, and home price growth by about one seventh.[36]

- A 2016 study focusing on New York City used a variety of methods to estimate the impact of Airbnb activity on home values, with the following results:

  - One method estimated that doubling the total number of Airbnb units was associated with a 6-11% increase in home values.

  - Another method estimated that the presence of Airbnb listings increased the value of nearby properties by 31%.

  - Another, "back-of-the-envelope" calculation produced an intermediate estimate that STR income increased home values by 17.7%.[37]

- A 2018 study focusing on San Francisco found that Airbnb negatively impacts rental affordability, described by the following results:

  - In a typical census tract, every 1% rise in Airbnb listings corresponded to a 0.06% increase in the number of rental households paying more than 50% of their income on housing (a "crisis" level of spending as defined by the Canadian Rental Housing Index). Thus, a 10% increase in Airbnb listings in an area of 10,000 households is estimated to push 60 additional households into a crisis level of spending, with more pronounced effects in areas with a lower initial percentage of Airbnb listings.[38]

  - A 2018 study focusing on Los Angeles County found that the introduction of municipal restrictions on STRs effectively reduced both home prices and rents by 2%.[39]

[36] Barron et al. (2020). The Effect of Home-Sharing on House Prices and Rents: Evidence from Airbnb.

[37] Sheppard, Udell (2016). Do Airbnb properties affect house prices?

[38] Sharma (2018). Impact of short-term rentals on the rental affordability in San Francisco – the case of Airbnb.

[39] Koster et al. (2018). Short-Term Rentals and the Housing Market: Quasi-Experimental Evidence from Airbnb in Los Angeles.

2.5 Summary

In our assessment, housing-related benefits of STRs are largely limited to principal dwelling unit STRs, and even these benefits are partially counteracted by potential harms.

Housing-related harms of STRs are most directly caused by non-principal dwelling unit STRs, because they are associated with the loss of a potential long-term home and can significantly increase housing values. These harms are intuitive, but are increasingly being borne out by quantitative studies.

The severity of housing-related harms from STRs will vary depending on the concentration of STR activity and local housing conditions.

Communities experiencing low vacancy rates and high costs to rent or buy a home relative to local incomes, and who wish to advance the right to adequate housing as a priority goal can consider regulatory tools such as the principal dwelling unit restriction that – when enforced – will decrease current and future housing loss to STRs.

Part 3: Regulatory Roadmap

This section of the toolkit lays out a basic roadmap for designing and implementing a comprehensive STR regulatory program, including key considerations and tips:

3.1 High-Level Best Practices

In developing this toolkit a set of high-level best practices emerged that we believe hold value for all communities regardless of their size, location, or STR regulatory goals.

The list below reflects the common themes we heard in interviews with a diversity of local governments at all stages of the STR regulation and enforcement process, our interviews with other stakeholders and background research.

When you're developing your regulatory and enforcement programs and selecting regulatory tools, referring back to this list can help ensure your approach is aligned with best practices in the field.

1

SAY YES TO REGULATED STR

Outright bans on all STRs – including true home sharing – are hard to justify and difficult to effectively enforce. Acknowledge that STR is here to stay and then regulate it like the business it is.

2

NO ONE SIZE FITS ALL APPROACH

Regulations and enforcement need to be tailored to community priorities, context and objectives. What one community has decided is appropriate may not be successful for another. Jurisdictional scans are a helpful tool but regulations and enforcement must be localized.

3

START WITH A GOAL NOT A REGULATION

Agree on the specific goals you wish to achieve before developing regulations. Regulations can only be successful if it's clear what success actually looks like (e.g. a particular problem is solved or benefit created).

4

DEDICATE APPROPRIATE RESOURCES

STRs are a complex, multi-disciplinary issue; dedicated staff and financial resources are required to develop and implement meaningful and successful regulations.

5

REGULATE BASED ON DEGREE OF IMPACT

Non-principal dwelling unit STRs create more negative impacts and should be regulated to a higher standard than STRs in an operator's principal dwelling unit.

6

REGULATIONS MUST BE ENFORCEABLE

If a regulation cannot be enforced in a clear, cost-effective, practical manner don't include them in the bylaw. It will defeat the purpose of enacting a bylaw in the first place and diminish the credibility of the local government.

7

KEEP IT SIMPLE

Simple, easy-to-understand regulations will achieve higher levels of voluntary compliance, are less onerous for staff to administer and enforce and can be just as effective as more complex regulations.

8

STRIVE FOR CONSISTENCY

Apply existing relevant and effective regulations, processes and standards (e.g quiet hours, parking minimums, occupancy limits, zoning, building and fire code) to STR instead of developing new, uniquely punitive approaches.

9

PRIORITIZE HOUSING FOR RESIDENTS

Communities experiencing low vacancy rates and high costs to rent or buy a home relative to local incomes, and who wish to advance the right to adequate housing as a priority should consider regulatory tools such as the principal dwelling unit restriction that, when enforced, decrease current and future housing loss to STR activity.

10

AVOID RELYING ON VOLUNTARY SUPPORT FROM PLATFORMS TO REGULATE AND ENFORCE STR

Municipalities and platforms often have competing objectives; the former to protect their users (operators) and maximize business and profits, and the latter to regulate STRs for the public good. These competing objectives can make it difficult if not impossible to negotiate voluntary data sharing agreements.

11

UTILIZE TECHNOLOGY

Internal technology (e.g. online business licence applications), and external technology (e.g. third party data acquisition or modelling) can be used to better understand STR activity, create a more streamlined application process, and assist with enforcement.

12

COMMUNICATE WIDELY

Proactive, widespread and sustained communication and engagement/ education about STR regulations should be used to boost levels of voluntary compliance in conjunction with proactive enforcement.

13

PROACTIVELY ENFORCE

To achieve high levels of compliance a robust and proactive enforcement strategy must accompany STR regulations (e.g. drawing on dedicated resources and utilizing technology to identify non-compliant operators). Complaints-based approaches to enforcement will yield low levels of compliance.

14

BE ADAPTABLE

The rapid growth and fluid nature of the industry means that traditional approaches to enforcement may not work, best practices will evolve over time and policy approaches may need to change.

3.2 Prioritizing Your Regulatory Goals

Clearly identifying and prioritizing your goals is fundamental to any successful STR regulatory program, and provides a basic starting point for staff to plan their work and evaluate the effectiveness of the regulations after implementation.

Example Regulatory Goals

In the context of the potential benefits and harms of STRs, local governments can define a number of goals for their STR regulatory program.

Through the development of this toolkit, seven broad and interrelated goals emerged as being the most common:

HOUSING

PROTECTING HOUSING AVAILABILITY & AFFORDABILITY

This universally means restricting the type and/or number of STRs that are permitted to operate in order to reduce the demand placed by this sector on limited local housing stock.

TOURISM

SUPPORTING THE TOURISM ECONOMY THROUGH STR

This usually means being more permissive about both the type and/or number of STRs that are permitted to operate so as to increase the total number of tourist accommodation options, and their diversity (character, amenities, and cost). Often, this also means being more intentional about the distribution of STRs and about pursuing greater regulatory equity across the range of accommodation providers (see below).

REGULATORY EQUITY

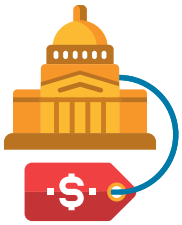
ESTABLISHING REGULATORY AND TAX EQUITY AMONGST ACCOMMODATION PROVIDERS.

This can mean requiring certain types of STR operators to comply with health, safety and other regulations that are already being applied to traditional accommodation providers such as B&Bs, motels and hotels (e.g. requiring that operators are licenced and pay a fee). It also usually means some level of coordination or advocacy directed at other levels of government to assist with tax equity.

HEALTH & SAFETY

ENSURING HEALTH & SAFETY OF GUESTS

Related to regulatory equity, this often means requiring STRs to meet certain health and safety standards established in existing regulations (e.g. Fire and Building Code) to ensure the habitability of an STR and to protect guests from harm.



REVENUE

COLLECTING TAXES OWED

This means finding a way to collect on taxes that are, or should be owed by STR operators but are not being voluntarily paid, including local/regional tourism taxes/fees and provincial and federal taxes.

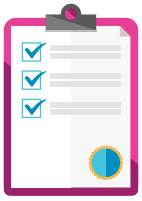
ENSURING COST RECOVERY

Virtually all local governments are keen to ensure that the cost of administering their STR regulatory program is recovered, typically through STR-specific licensing fees.

NEIGHBOURHOOD COMPATIBILITY

FOSTERING RESPECTFUL NEIGHBOURHOODS

This usually means promoting "good neighbour" behaviour between STR operators, their guests and nearby residents, and ensuring a degree of neighbourhood-level compatibility (e.g. sufficient parking, acceptable ratios of STRs to residents, etc.) before granting permission to operate.



COMPLIANCE

ACHIEVING A HIGH DEGREE OF COMPLIANCE

Regardless of the other goals pursued through the STR regulatory program, many local governments have an interest in achieving and reporting a high degree of compliance to enhance the credibility of and public trust in the STR program specifically, and local government regulatory interventions generally.

3 TIPS TO HELP IDENTIFY YOUR COMMUNITY'S GOALS

1. REVIEW EXISTING INPUT FROM STAKEHOLDERS

Stakeholders can include residents, tourism and hotel associations, B&B operators, local businesses and housing providers. A good amount of input related to STRs may have already been shared with Council (e.g. via email, presentations) or staff during public consultation on associated and complementary work (e.g. affordable housing strategies, economic development plans, neighbourhood plans).

2. CONDUCT ADDITIONAL INFORMAL INTERVIEWS

Target a diversity of stakeholders, particularly those that have not yet provided some form of input, in order to capture the full range of opinions on the issue.

3. REVIEW EXISTING PLANS AND STRATEGIES

For example the community's OCP, Strategic Plans, Master Plan, bylaws (Zoning, Business) and provincial regulation (Tourist Accommodation Act, Fire and Building Code) to gain a better understanding of current community priorities, regulatory standards and gaps.

PRIORITIZE YOUR COMMUNITY'S GOALS

Once you have identified your community's goals you can then consider which of them to prioritize over others.

This is especially important where there is a natural tension between different goals such that they cannot be achieved to the same degree.

For example:

Local governments should be mindful of a major incompatibility between the goals of:

PROTECTING HOUSING AVAILABILITY AND AFFORDABILITY
(e.g. in the context of a local housing crisis)

and

SUPPORTING STR TOURISM
(specifically via non-principal dwelling unit STR)

The natural scarcity of both housing and land mean that increased demand from non-principal STR operators can have significant impacts on housing access and costs. Local governments should therefore consider making a clear choice between prioritizing housing or STR tourism.

As you work through each of the regulatory steps, particularly as you gather additional data on STRs and undertake public engagement, the way you initially defined or prioritized your goals may change.

3.3 Developing a Project Plan

A detailed project plan can ensure the right people are involved, that there are adequate financial and human resources to support the work and that timelines and deliverables are clearly defined and realistic.

STR project plans can include:

- **DRAFT GOALS**
  For example, as guided by the previous section of this toolkit.

- **SCOPE**
  Clearly identify the scope of the project, e.g. studying the issue by collecting data on STR activity, conducting initial public engagement to gauge interest, or going all the way by developing and implementing STR regulations.

- **IDENTIFY YOUR PROJECT TEAM**
  This can include an interdisciplinary team of staff from planning, legislative/corporate services, economic development, bylaw and enforcement, legal and finance. At the beginning, the project may be led by one department, but the involvement of staff across the organization is important to developing buy-in and support for the initiative and to ensure continuity through the regulatory and enforcement process.

- **IDENTIFY PROPOSED STAKEHOLDERS**
  The impact of STRs are of interest to a broad cross-section of your community including hotel and tourism associations, accommodation providers, housing advocacy groups and providers, STR operators, platforms, residents and STR users. A separate communications and engagement strategy could be developed and include proposed stakeholders.

- **CONFIRM YOUR BUDGET**
  Staff time will likely account for the majority of costs, with additional costs for communications, public engagement material and data (e.g. if you secure third party monitoring and enforcement support).

- **TIMELINE**
  It could be possible to develop a comprehensive STR regulatory program within about a year of initiation if there is a robust project plan that clearly articulates phases (research, proposed regulatory framework, public consultation, bylaw drafting, implementation, and enforcement) and is responsive to changing circumstances.

- **PROJECT RISKS**
  The regulation of STRs can be a polarizing and controversial issue. Public opposition (e.g. from operators) should be expected, risks identified early and a plan in place to minimize, mitigate and respond to risks should they arise.

- **GOVERNANCE**
  STRs are an issue that impact multiple departments. To eliminate uncertainty, identify which department will lead the project, present to Council and have final decision-making authority on the proposed regulation and enforcement. The lead department may change over the course of the project; for example, a planning department may lead in the development of the regulations with a licensing and enforcement department taking over responsibility once the regulations are adopted.

Of course, as with any plan, STR project plans will be subject to change and refinement over time.

3.4 Gathering Data to Inform Your Approach

Your local government can use data to:

- **ASSESS STR ACTIVITY IN YOUR COMMUNITY AND ESTIMATE ITS IMPACTS**
  Hard data on STR activity can help estimate impacts (e.g. housing and tourism), which will help your community identify and prioritize its regulatory goals, and inform the design of your STR regulatory and enforcement approach.

- **EVALUATE THE EFFECTIVENESS OF YOUR REGULATORY AND ENFORCEMENT PROGRAM**
  Data can be used to help evaluate the impact of your regulations in achieving desired goals related to housing, tourism, neighbourhood compatibility, regulatory equity, health and safety and compliance. This can take the form of pre-regulation projections or post-regulation evaluation.

- **ENFORCE THE REGULATIONS**
  Good data is often essential to proactively enforcing STR regulations and achieving high rates of compliance.

There are two basic categories of data you can draw on to get a clear picture of STRs and their impacts in your community:

1. **STR-SPECIFIC DATA**
   For example the number, type and distribution of STR listings.

2. **CONTEXTUAL DATA**
   For example, housing market data or tourism-related data.

Getting STR-Specific Data

Getting accurate data on STRs in your community can be difficult because platforms, who are the holders of the raw data, do not generally share it (exceptions include Airbnb's recently launched "City Portal" pilot program, and custom agreements e.g. between Airbnb and the City of Vancouver).

In the absence of voluntary data-sharing agreements, or **new legislation that requires data sharing**, local governments have a couple of basic options to get STR-specific data:

1. **RELYING ON FREE SOURCES**
2. **PAYING A DATA PROVIDER**

Free Data

- **A SIMPLE SCAN OF CURRENT LISTINGS**
  Scanning various online platforms can provide a sense of current numbers. However, these numbers can be misleading as they often include inactive listings, duplicates and are highly seasonal, with extreme fluctuations depending on when the scan is performed (i.e peak season or off-season), especially in tourism-oriented communities.

- **AIRDNA**
  Airdna is a commercial STR data and analytics company that provides high-level data (# of current listings, average nightly rental, approximate locations, rental type) on STR in most communities in Canada. This information is available for free on their website.

- **INSIDE AIRBNB**
  Inside Airbnb provides independent, non-commercial data that allows users to explore Airbnb activity around the world. However, data on STRs in Canada is limited to a few major cities such as Ottawa, Toronto and Québec City, as well as the province of New Brunswick.

- **HOST COMPLIANCE**
  Recently acquired by Granicus, it is the leading commercial STR monitoring and enforcement company in North America and will provide a free high level data snapshot on current activity in your community upon request. This is a free promotional service aimed at securing clients for their compliance monitoring and enforcement services.

- **AIRBNB**
  Airbnb has recently announced a pilot program with 10 North American cities to share certain data directly with local governments[40] and has at times provided very high level snapshots of activity in communities upon request.

[40] CBC News (Sep 23 2020). Airbnb says new portal will help cities like Vancouver monitor listings. For more information refer to Airbnb's City Portal webpage.

Paid Data Providers

- **HOST COMPLIANCE AND AIRDNA**
  Will provide more detailed information on the state of STR in a community, including active listings, platforms advertised on, geographic locations, type of STR listing (i.e. private room or entire dwelling unit), number of listings per host and revenue generation, for a fee.

- **UNIVERSITY OF MCGILL'S URBAN POLITICS & GOVERNANCE RESEARCH GROUP**
  This group has provided data support for select communities in Canada including Whitehorse, Halifax, Charlottetown, and Montreal with a focus on the intersection of housing and STRs.

How Much Data do You Need?

Determining how much STR data your community truly needs, and whether you want to rely on gathering, compiling and analyzing data from free sources and/or getting more detailed information from paid providers is a judgement each local government must make.

Getting 100% accurate, comprehensive data is essentially impossible, especially without voluntary or mandated cooperation from STR platforms. The fluid and seasonal nature of the industry, and the difficulty of verifying third party data can make things even trickier.

That said, there are plenty of ways to obtain "good enough" data. When deciding what "good enough" means for your community you can take into consideration things like:

- Community size
- Scale of STR activity
- Regulatory goals
- Resource constraints
- Importance of the issue to your community
- Level of comfort of staff and elected officials
- Complexity of the anticipated/implemented STR regulations
- Desired degree of compliance

Getting Contextual Data

Getting a range of contextual data can help your community prioritize and refine STR regulatory goals, guide your regulatory approach and evaluate the impact of regulations.

The following table includes some examples:

CONTEXTUAL DATA BY GOAL, INDICATOR AND SOURCE		
GOAL AREA	**EXAMPLE INDICATORS**	**EXAMPLE DATA SOURCES**
Housing	Vacancy rate	CMHC Information Portal
	Rental housing affordability (% of income on rent and utilities)	Canadian Rental Housing Index
	Percentage of owners to renters	Statistic Canada Census Profile
	Average housing costs	CMHC Information Portal
	STR as a percentage of total dwelling units	Airdna and Statistics Canada Census Profile
Tourism	Tourism as a share of the local economy	Statistics Canada Census Profile
	Current number and distribution of traditional accommodation (hotels, B&B, campgrounds)	Local Tourism Association
	Occupancy rates	Local Tourism Association
Neighbourhood Compatibility	Number and type of complaints	Correspondence to Council and Staff, Calls for Service to Bylaw Enforcement
	Infrastructure constraints (e.g. groundwater, septic fields)	OCP, Zoning Bylaw, Master Plans
Health and Safety	Existing health and safety standards and regulations	Fire and Building Code, Zoning
Regulatory Equity	Local government regulatory authority and existing regulations	Municipal Acts, Bylaws (business, zoning, noise and nuisance, property standards)
Cost Recovery	Local government financial position (e.g. annual revenue, sources)	Financial Plan

3.5 Establishing your Regulatory Approach

To help your community establish a comprehensive, locally-tailored regulatory approach this section includes:

- **A JURISDICTIONAL SCAN OF SELECT CANADIAN LOCAL GOVERNMENTS**
- **A SAMPLE REGULATORY PROGRAM**
- **COMMUNITY PROFILES**

For an overview of seventeen specific regulatory tools, including enforcement details and analysis, please refer to Part 4 of this toolkit.

Jurisdictional Scan

Please click here for a Jurisdictional Scan that summarizes the established or proposed STR regulatory programs of twenty-five communities across Canada, from small towns and remote tourist destinations to provincial capitals, large urban centres and suburban communities.

To produce the scan, we examined local governments' dedicated STR webpages, Council and Committee Reports, bylaws and communication materials (e.g. new releases) and identified which of seventeen common STR regulatory tools each was using.

We also:

Identified which variation of the principal residence/principal dwelling unit tool was used and, if applicable:

- Included the fee amount charged for an STR business licence;
- Included any grandfathering provisions (e.g. different rules that may apply to STRs that were already operating prior to new regulations being enacted).

Sample Regulatory Program

The following sample regulatory program was created to align with high level best practices and to achieve multiple goals.

The Principal Dwelling Unit Restriction is suggested if housing availability and affordability is a priority goal.

The program includes optional regulatory add-ons to reflect a range of unique contexts and objectives (e.g. regarding neighbourhood fit, health and safety, etc.).

Please refer to Part 4 for additional details on each of the tools.

SAMPLE STR REGULATORY PROGRAM			
REGULATORY TOOL	**INCLUDED**	**OPTIONAL**	**DISCUSSION**
Business Licence	✓		The foundation of all successful regulatory and enforcement programs. Consider implementing higher licensing fees for non-principal dwelling unit STRs to reflect the additional administrative costs associated with licensing and enforcement.
Business Licence # Displayed on All Advertisements	✓		A key regulatory tool for effective and efficient enforcement.
Designated Responsible Person	✓		A key regulatory tool to establish a degree of accountability and responsibility of STR operators to their neighbours and guests.
Fire Safety	✓		A key regulatory tool for establishing a minimum level of fire safety in all STRs. Consider applying existing fire safety standards for accommodation providers (e.g. B&Bs) to non-principal dwelling unit STRs. More limited fire safety requirements (e.g. smoke alarms, fire extinguishers and evacuation plans) could be required for principal dwelling unit STRs as a public benefit.
Permissions	✓		A key regulatory tool for increasing transparency and accountability between operators, landlords and strata/condo corporations, regardless of the type of STR.

REGULATORY TOOL	INCLUDED	OPTIONAL	DISCUSSION
Principal Dwelling Unit Restriction	✓		Arguably the only proven, effective and enforceable regulatory tool for preventing and reversing STR-induced housing loss, if this is a priority for your community.
Zoning	✓		A useful regulatory tool to establish where STRs are permitted or restricted. If principal dwelling STR is the only permitted type, we suggest allowing STRs in all zones. If non-principal dwelling unit STRs are permitted, restricting these to commercial zones or other designated zones may help advance goals related to neighbourhood compatibility.
Building Safety		✓	Consider looking to existing standards for accommodation providers such as B&Bs and hotels for guidance on appropriate regulations for non-principal resident STRs. Limited requirements are suggested for principal dwelling unit STRs as this use is considered accessory to the primary use as a residential dwelling, which does not require code compliance prior to occupancy.
Density Cap		✓	This regulatory tool may be effective in communities experiencing a high concentration of STRs on specific blocks, or in specific neighbourhoods or zones, as a way of dispersing STR activity across the community. This is primarily an issue for non-principal dwelling unit STR.
Guest Limit		✓	This regulatory tool is simple to administer and can be enforced proactively or on a complaints basis. This tool may be of value for communities concerned with neighbourhood compatibility and health and safety issues. This is primarily an issue for non-principal dwelling unit STR.
Off-street Parking Minimums		✓	This regulatory tool may be effective in communities that are experiencing a high volume of STR-related vehicle traffic as a way to reduce conflict with the surrounding neighbours over limited on-street parking. This is primarily an issue for non-principal dwelling unit STR.

REGULATORY TOOL	INCLUDED	OPTIONAL	DISCUSSION
Platform Licensing		✓	If agreed/adhered to by platforms, this is a powerful and effective regulatory tool. However, most municipalities have determined that they do not have sufficient authority to enforce it.
Neighbour Notification		✓	This regulatory tool can be included in regulations or in non-binding STR operator guidelines to promote accountability, support and respect for and from the larger community.
Taxation		✓	For municipalities with jurisdictional authority, applying an accommodation tax to STRs could be beneficial. Those without this jurisdictional authority could advocate to other levels of government for a range of tax equity solutions.

Community Profiles

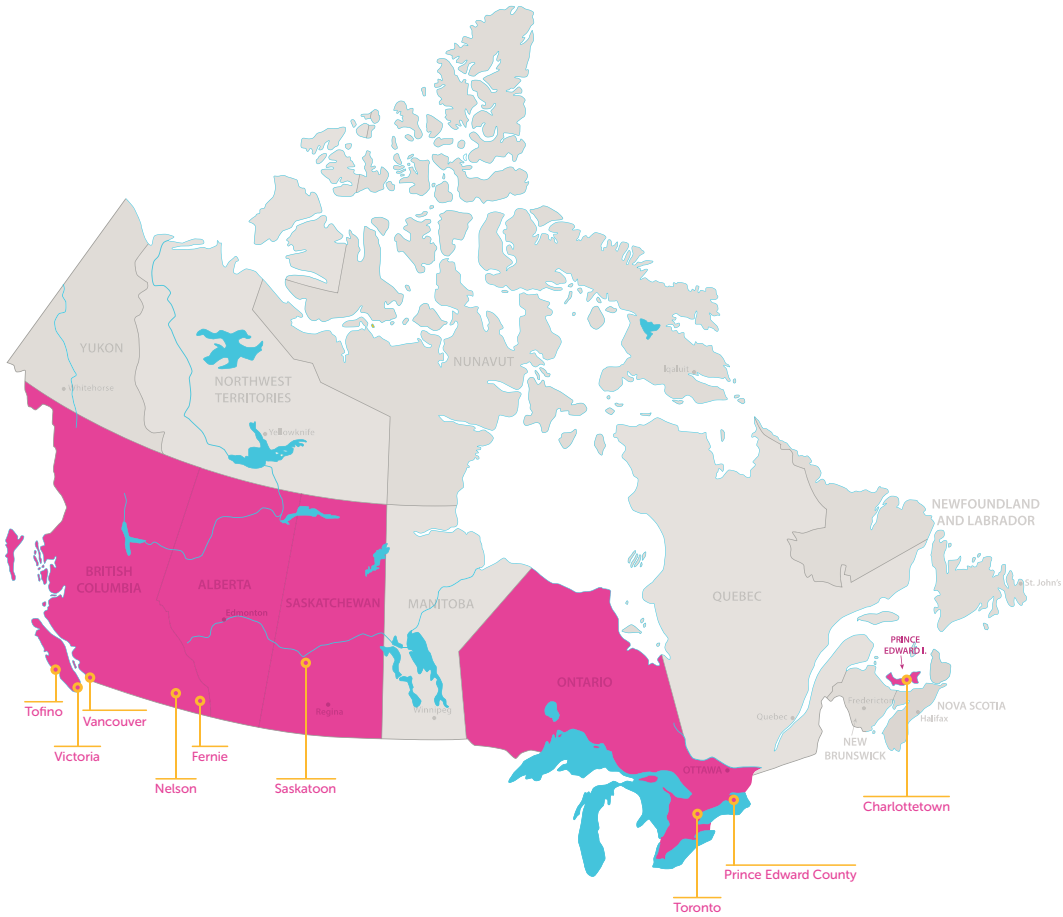
We're still in the early days of STR regulation in Canada and as such, it's difficult to point to local governments that are getting 'everything right'.

That said, there are numerous examples of individual local governments who have incorporated particularly strong elements into their overall STR regulatory program.

This section takes ten local governments with proposed or established STR regulations and profiles one or more elements of their overall program that align with best practices.

Note that many local governments in Canada who are regulating STRs continue to struggle with enforcement, meaning some of the regulatory elements featured here aren't yet associated with high levels of compliance in the community.

Refer to Part 3: Sections 9 and 10 of this toolkit for guidance on effective enforcement.



Victoria, B.C.

FEATURED REGULATORY ELEMENTS

Victoria developed a two-tiered business licence fee structure based on the type of STR.

- A non-principal dwelling unit STR operator must pay an annual business licence fee of $1,500.
- STRs operating in a principal dwelling unit pay $150 annually.

In the first 6 months of the new regulations the city collected over $529,000 in business licence revenue from operators to pay for administration, licensing and enforcement of the STR program.[41]

ASSOCIATED BEST PRACTICES

Regulate based on degree of impact

Non-principal dwelling unit STRs have a greater impact and are charged accordingly.

Dedicate appropriate resources

The higher licence fee for non-resident STRs has ensured sufficient revenue to pay for the cost of the STR program.

Keep it simple

Keeping the fees low for principal dwelling unit STRs encourages voluntary compliance with the regulations.

[41] Vic news (Jun 28, 2019). City sees over $800,000 in funds after first six months of Airbnb regulations.

Nelson, B.C.

POPULATION: 10,664

FEATURED REGULATORY ELEMENTS

Nelson implemented a complex STR regulatory program that includes:

- Night caps and density caps;
- Zoning restrictions;
- Parking restrictions;
- Guest occupancy limits; and
- A business licence requirement.

ASSOCIATED BEST PRACTICES

No one size fits all approach

Communities that implement more complicated STR regulations often struggle to adequately enforce those regulations.

However, since implementation Nelson has achieved extremely high compliance rates due to:

- Community-specific factors including a small number of STRs (<100);
- Unique geography;
- Unique first names of some operators, which combine to make STR identification straightforward; and
- Dedicated staff resources and third party support being present.[42]

Regulations must be enforceable

Based on the unique context described above, although Nelson's STR regulations are fairly complicated, they are clearly enforceable in this case.

[42] Nelson Star (Jun 28, 2018). Nelson to revise short-term rental rules.

Fernie, B.C.

FEATURED REGULATORY ELEMENTS

STRs are only permitted in the principal dwelling unit of the operator.[43]

Fernie's Official Community Plan (OCP) explicitly prohibits secondary suites and garden homes from being used as STRs.

The OCP states: "part-time tourist rentals can deplete affordable and year-round housing options for full-time residents. The growing tourism economy in Fernie, while being an important economic driver, should be balanced with ensuring full-time residents have enough year-round housing, and that rental costs are not inflated by seasonal tourist accommodation demands, making housing unaffordable for full-time residents."

ASSOCIATED BEST PRACTICES

Prioritize housing for residents

Limiting STRs to principal dwelling units is the strongest regulatory tool for reducing STR-induced housing loss.

[43] City of Fernie. Short-Term Rental Guide.

Vancouver, B.C.

FEATURED REGULATORY ELEMENTS

Vancouver has developed a model STR regulatory and enforcement program that includes:

- STRs are only permitted in the principal dwelling unit of the operator.
- Simple regulatory requirements, including low business licence fee ($99) and online applications, display of the business licence number in ads, emergency contact as well as landlord and strata permissions.
- A wide spread communications campaign, both once the regulations were approved and on an on-going basis.
- A robust enforcement program, which includes dedicated city staff, in-house data analysis, third party monitoring firms, and a one-of-a-kind agreement with the dominant platform (Airbnb) to remove illegal listings.

ASSOCIATED BEST PRACTICES

Prioritize housing for residents

Restricting STRs to principal dwelling units is the strongest regulatory tool for reducing STR-induced housing loss.

At the end of 2019, there were close to 2,000 fewer short-term rental listings in Vancouver compared to pre-regulation levels.

624 units were confirmed to have delisted or converted into long-term rentals.[44]

Independent research estimates that a further 300 STR units were likely returned to the long-term rental market.

More than 2,000 additional long-term rental business licences have been issued since short-term rental regulations were enacted.

Start with a goal not a regulation

Vancouver started with the ultimate goal of protecting the long-term supply of housing for residents and because of this has enacted an effective regulatory program that has already demonstrated tangible results for their community.

Communicate widely, Utilize technology, Keep it simple, Dedicate appropriate resources

Incorporating all of these best practices into Vancouver's regulatory program has led to a high degree of operator compliance (approx 75%), despite implementing a more restrictive approach (principal dwelling unit).[45]

[44] City of Vancouver. Short-Term Rental Highlight Report (Sep 2018 to Dec 2019). [45] Ibid.

Tofino, B.C.

FEATURED REGULATORY ELEMENTS

As a national tourist destination, Tofino had existing regulations in place for tourist accommodation (e.g. business licence, zoning) but recognized the need to modernize those regulations to reflect the changing, digital nature of the industry.

Bylaw amendments were made that included requiring a business licence number to be displayed on all online advertisements of STR.

Tofino also authorized a proactive approach to enforcement, including hiring a business licence inspector.

The new approach was communicated to every property owner within the District and a dedicated STR website was created that clearly communicates the rules as well as the enforcement process.[46]

ASSOCIATED BEST PRACTICES

Be adaptable, Regulations must be enforceable

Bylaw amendments to require business licence numbers in online ads have allowed the District to be more responsive to a digital industry and has increased the District's monitoring and enforcement capabilities.

Dedicate appropriate resources

A business licence inspector has allowed for more proactive monitoring and enforcement of STRs.

Communicate Widely

Educational letters, a dedicated STR webpage and a clear, transparent and proactive enforcement process has led to high levels of operator compliance.

[46] District of Tofino website.

Prince Edward County, ON

FEATURED REGULATORY ELEMENTS

An extremely popular weekend destination for Ontario and Québec residents with limited tourist accommodation options, Prince Edward County was primarily interested in developing a regulatory approach that facilitated STR growth without compromising the character and quality of residential neighbourhoods.

Their regulatory program includes a STR density cap of 15%, differentiating between STRs operated on a property where the owner is present or not, and highly localized requirements related to campfires at STRs and infrastructure constraints (e.g. septic field failure).

ASSOCIATED BEST PRACTICES

No one size fits all approach

As a small municipality with a large number of STRs (close to 1,000), Prince Edward County developed a 'made-in-county' approach that focused on:

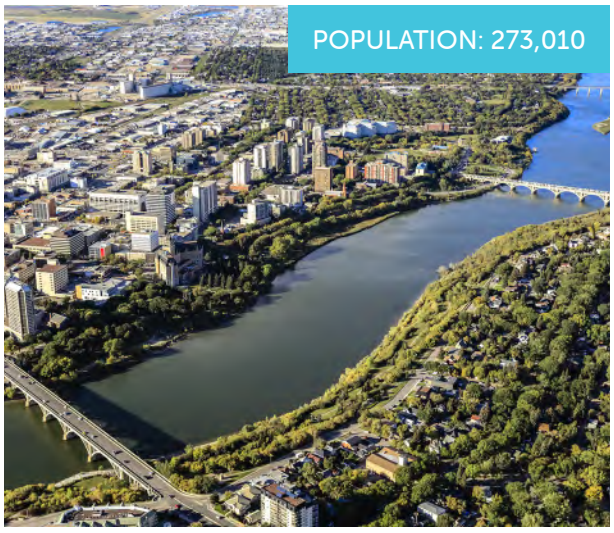
- Dispersing STRs and their impacts through a density cap;
- Incentivising 'operator on-site' STRs through a lower licence fee; and
- Including county-specific regulations such as a burn permit or proof of septic field capacity.

This approach aimed to address residents' concerns about STR operators and inform guests who lacked awareness or sensitivity about the impact of their activities on local conditions and infrastructure constraints.

Strive for consistency

Non-principal dwelling unit STR is the dominant type of STR in Prince Edward County. As such, the County developed a more rigorous regulatory program, consistent with regulations for other accommodation providers to reflect the full-time, entire home nature of the STR industry in their community.

Saskatoon, SK



POPULATION: 273,010

FEATURED REGULATORY ELEMENTS

Saskatoon's proposed STR regulations focus on maintaining consistency with existing, effective regulations for traditional tourist accommodation (e.g. B&Bs, Hostels).

The proposal is to update land use definitions so as to include all types of short-term rental accommodation under one term (replacing the current definition of B&B).

Both principal dwelling unit STR and non-principal dwelling unit STR would be permitted.

Principal dwelling unit STR would not require a business licence.

Non-principal dwelling unit STR in low and medium density residential zones would require Discretionary Use Approval from staff prior to issuance of a business licence.

The proposed regulations include a provision to deny a business licence to a non-principal dwelling unit STR if rental housing vacancy rates are below 1.5%.

ASSOCIATED BEST PRACTICES

Strive for consistency

A business licence exemption for principal dwelling unit STR is consistent with existing regulations for a similar type of use (hosting boarders), as is the need for Discretionary Use Approval for certain types of businesses within certain zones.

Be adaptable

The current vacancy rate in Saskatoon is historically high at 6.5%. However, the city has experienced significant fluctuation below 3% vacancy as recently as 2013 and below 1.5% in 2007. The proposed provision to deny a business licence to a non-principal dwelling unit STR if vacancy rates are below 1.5% bakes a degree of adaptability into the system and is also consistent with current restrictions placed on condominium conversions, which ensures that provision of rental homes are prioritized at such times.[47]

[47] City of Saskatoon. Municipal Planning Commission Agenda Package (Jan 28 2020).

Charlottetown, PEI

FEATURED REGULATORY ELEMENTS

Charlottetown currently has the fifth lowest vacancy rate (1.2%) of any Canadian city and was concerned about the impact of STRs on housing availability and affordability for residents, while also acknowledging the important role tourism plays in the local economy.

Given this, Charlottetown, with support from McGill's Urban Politics and Governance research group developed five possible regulatory scenarios for the community to consider, which ranged from allowing STR in a principal dwelling unit only to permitting all types of STR.

Each regulatory scenario was modelled to estimate its impacts to housing and the tourism sector.

A preferred regulatory approach has yet to be selected by Council.

ASSOCIATED BEST PRACTICES

Start with a goal not a regulation

Charlottetown started off by explicitly identifying its two primary goals for STR regulations: protecting long-term housing and rental supply, and supporting the tourism industry.[48]

Utilize technology

Charlottetown's two primary goals exist in tension with one another. It is not possible to achieve both to the same degree. As such, Charlottetown's partnership with an academic research group enabled detailed modelling of different regulatory scenarios to better understand the likely outcomes and tradeoffs.

[48] City of Charlottetown. Short-Term Rentals in Charlottetown (Mar 9 2020).

Toronto, ON

FEATURED REGULATORY ELEMENTS

Toronto has developed a regulatory program that includes:

- STRs only permitted in the principal dwelling unit of the operator;
- The licensing and registration of STR platforms; and
- A night cap of less than 28 consecutive days, for a maximum 180 nights per year.

ASSOCIATED BEST PRACTICES

Prioritize housing for residents

Like many communities across Canada, Toronto is facing low vacancy rates and high costs. As indicated throughout the toolkit, a principal dwelling unit requirement is the best regulatory tool currently available to decrease STR-induced housing loss and associated affordability impacts.

No one size fits all approach

The City of Toronto is one of the only communities to include a platform licensing requirement, a decision that reflects the city's experience successfully regulating private transportation companies and its comparatively large jurisdictional clout. Similarly, while many local governments would choose to forgo the option of a night cap due to its administrative complexity, significant enforcement challenges, and the availability of alternatives (e.g. principal dwelling unit requirement), the City of Toronto believes it has the capacity to successfully implement this option.

3.6 Choosing a Level of Community Engagement

Developing and implementing short-term rental regulations can be a complex and controversial process for local governments.

Operators of STRs may feel strongly about how regulations might impact their livelihoods and lifestyles. Traditional accommodation providers may feel strongly about creating a level playing field. Other residents may feel strongly about protecting or improving access to affordable housing and view the proliferation of STRs as a key culprit.

Community engagement on STRs can range from sharing information to collaborating on key decisions and is integral to developing strong regulations, enabling Council and staff to understand diverse perspectives, and making decisions that reflect community needs and priorities.

Based on the IAP2 Spectrum of Engagement, three different levels of community engagement for STR regulations are identified in the table below along with their purpose, accompanying tools and suggested timelines.

CHOOSING A LEVEL OF COMMUNITY ENGAGEMENT			
LEVEL OF ENGAGEMENT	**ENGAGEMENT TOOL**	**PURPOSE**	**WHEN TO USE?**
Inform	Website, Ads, Social Media, Email, Video	Provides the public with balanced and objective information to assist in understanding STR-related harms and benefits, regulatory options and solutions.	From beginning to end, with an emphasis on communicating the new rules and providing operators with many opportunities to comply before proactive enforcement begins.
Consult	Survey, Open House, Focus Groups, Public Hearing	Provides the public with an opportunity for feedback on STR analysis (e.g. data, regulatory options) and/or proposed approaches and decisions.	Middle, once a proposed regulatory approach has been approved. Consulting the broader public too early can lead to confusion, misinformation and unrealistic expectations around the decision-making process.
Collaborate	Advisory Committee (can include operators, residents, elected officials, housing advocates and providers, tourism associations, accommodation providers and platforms)	Provides an opportunity to partner with the public on key topics (perceived benefits and harms, regulatory goals, data analysis, regulatory and enforcement options, proposed approaches) and to engage the public more deeply and meaningful on the issue.	From beginning to end on a recurring and regular basis (e.g. monthly) and even once the regulations are enacted in order to identify opportunities for improvement.

3.7 5-Step Guide to Drafting STR Bylaws

Bylaws are the bread and butter of local government so some of the following material may go without saying, but there are some STR-specific considerations to keep in mind, which we organize via five key steps.

1

STEP 1

First, choose between a couple basic approaches:

STICK TO AMENDING EXISTING BYLAWS.

Most STR regulations will substantively impact existing bylaws such as business licensing, tickets and offences, and zoning. References to STRs can be included in amendments to these existing bylaws in ways that make STR permissions or restrictions clear.

DEVELOP A NEW STANDALONE STR BYLAW AS WELL AS AMEND EXISTING BYLAWS

The new STR bylaw can reference all of the necessary context and components of your STR regulations in one place (e.g. purpose, description, provisions, schedules, related bylaws).

Determining which route to take will depend on your community's size and complexity, current approach to bylaw creation as well as the status of existing regulations and bylaws.

2

STEP 2

Second, determine who will be responsible for drafting the bylaw (e.g. CAO, City Solicitor, Corporate Administration, Planner) and then involve the project team in the bylaw drafting process.

Providing staff with an opportunity to participate in the bylaw drafting stage will create staff buy-in, remove ambiguity or uncertainty about the meaning of the regulations and how they should be applied, and will help preserve the intent of the regulations when transferred from an approach into a law.

5 STEPS

3

STEP 3

Third, draft the standalone bylaw and/or amendments.

Provincial and local government legislation define the mandatory part of a bylaw (title, number etc) but there are areas to pay particular attention to with regard to STRs, including:

DEFINITIONS

Terms that are particular to the STR bylaw and/or amendments (operator, short-term rental, principal dwelling unit, listing, platform) should be well-defined and as specific as possible. Definitions in other bylaws such as Bed and Breakfast, home occupation, business licence and dwelling unit will apply to any new bylaws so confirm their accuracy and consistency now and amend these too, if needed.

GENERAL PROVISIONS AND RULES/RESPONSIBILITIES

This section contains the main components of your regulations (e.g. licencing requirements, principal residence, designated responsible person, display licence number in ads) and should be clear and precise enough that staff as well as operators understand what operators must or must not do in order to comply with the regulations.

SEVERABILITY

Should a decision by a court find a part of the bylaw illegal, void or unenforceable a severability clause specifies that part of the bylaw would be removed and not affect the balance of the bylaw. This is particularly important given the relative newness of STR regulations.

PENALTIES

These should be sufficiently high to deter non-compliance and can be per instance of offense, or per each day that it occurs.

TRANSITION PROVISIONS

This is particularly important for regulations that are coming into force part way through the year to allow for pro-rated licensing fees.

EFFECTIVE DATE AND SIGNATURE

Once the bylaw has received readings and has passed, this is the day the bylaw comes into force.

5 STEPS

4

STEP 4

Fourth, prior to bringing the bylaw(s) to council for readings and passings, have staff review it to confirm the enforceability of the regulations. When passing a new bylaw, it is important for staff to consider whether the capacity – staff, equipment and other resources – exist to adequately enforce the bylaw. Ideally, this step occurs at the same time as staff are developing your enforcement plan. Insufficient enforcement capacity may defeat the purpose of enacting the bylaw(s) in the first place and erode public trust in the effectiveness of local government.

5

STEP 5

Fifth, present the bylaws to council for reading and adoption. Legislation provides specific provisions regarding the reading of bylaws, which typically includes three distinct and separate readings (tabling, discussion and approval) and in the case of amendments to certain bylaws (i.e. zoning) may also require public notification and an opportunity to comment. Be sure to include this step in your community engagement plan.

5 STEPS

3.8 5 Tips to Operationalize your Regulations

Once the bylaws have received three readings and have been adopted, the new STR regulations can be put to use.

In this section, we provide five tips to successfully operationalize your regulations:

1

PRIORITIZE STAFF CONTINUITY

Once regulations are adopted there is often a natural handoff from the staff who developed the regulations to the staff who will be responsible for enforcing the rules. If possible, allow sufficient time for overlap between the two stages to ensure the transition is as smooth as possible.

2

DEVELOP A BUSINESS LICENSING PROGRAM

As a business licence requirement is utilized by every local government profiled in this toolkit, the development of a system for receiving, reviewing and approving STR business licences is a critical step. As part of the program, you'll need to determine if the licensing function will be managed by staff utilizing existing software, or if a new STR-specific licensing program will be created. Business licensing software and support services can also be provided by third party firms that are specific to STR.

3

SIMPLIFY AND STREAMLINE THE APPLICATION PROCESS

To make it easy for technically savvy STR operators to comply, consider providing an online application and a dedicated STR email to receive questions, even if this is not an option for other business licencees.

4

COMMUNICATE THE NEW RULES WIDELY

In order to achieve as much voluntary compliance as possible consider using online and print ads, educational workshops, videos and social media to get the message out. Given the digital nature of STR platforms, digital communication and advertising channels are a good bet.

5

ESTABLISH GRACE PERIODS

Allow some time between when the regulations are enacted and when proactive enforcement begins to facilitate as much voluntary compliance as possible. A 3-6 month grace period is common.

5 TIPS

3.9 Establishing your Enforcement Approach

Effective enforcement is important not only to achieve the desired impact of STR regulations but to help maintain public confidence and trust in a local government's bylaws and authority.

The digital nature of STR platforms often requires local governments to take a new approach to enforcement: one that is data-driven, digitally-based, emphasizes voluntary compliance but is backed by proactive (rather than simply complaints-based) strategies.

Identifying your local government's enforcement approach requires two key decisions:

1. **DECIDING YOUR POSITION ON THE ENFORCEMENT CONTINUUM**

   With voluntary compliance on one end, and consistent proactive enforcement on the other, enabling both ends of the spectrum is often the best approach.

2. **DETERMINING YOUR ENFORCEMENT COMPLEMENT**

   This can include:

   - Relying on existing staff
   - Hiring new STR-specific enforcement staff
   - Retaining a third party monitoring and compliance firm
   - Seeking to negotiate an agreement with platforms
   - A combination of all of the above

   For communities with relatively few STRs (e.g. less than 100), it may be possible to develop an effective enforcement approach that relies only on local government staff.

   For communities with higher STR activity, staff can still effectively enforce the regulations but consider seeking the support of a third party compliance and monitoring firm to aid and expedite the process.

THIRD PARTY MONITORING AND COMPLIANCE FIRMS

Host Compliance is the current industry leader, with hundreds of local government clients across Canada and the United States. They provide a range of services in support of short-term rental regulations, including:

- Data snapshots on current STR activity
- On-line registration and licensing systems
- Address identification for operating STR
- STR monitoring to identify possible non-compliance
- STR operator outreach, including the issuance of warning letters
- 24/7 hotline to lodge neighbour complaints

Canadian local governments that are utilizing the services of Host Compliance primarily use the address identification function and perform other activities in-house.

Additional third party monitoring and compliance firms include Hamari and LODGINGRevs. However, most Canadian local governments are currently using Host Compliance.

PLATFORM AGREEMENTS

The City of Vancouver and several smaller Ontario municipalities (e.g. Brockville, Greater Sudbury, Mississauga) have successfully negotiated agreements with STR platforms, with provisions that range from data-sharing to taxation collection and enforcement of regulations.

Only the City of Vancouver – a well-resourced, high-profile municipality – has managed to negotiate a platform agreement (with Airbnb) that enforces the city's STR regulations by way of the platform removing unlicensed listings.

Given the rarity of that kind of agreement, local governments should likely consider identifying an enforcement approach that doesn't rely on a Vancouver-level of cooperation from STR platforms (even while they may continue to pursue it). In any case, establishing effective working relationships with platforms (e.g. by inviting representatives to sit on a local STR Advisory Committee) is advisable.

3.10 Developing an Enforcement Plan

Developing an enforcement plan and making it readily accessible to the public (e.g. publishing it on a designated STR webpage) can help local governments manage public expectations while promoting transparency and accountability.

An enforcement plan can include:

- **GOALS OF THE REGULATION AND ENFORCEMENT PROGRAM**
  Clearly stated goals will help STR operators and residents understand the purpose of the STR regulations and establish expectations and standards for bylaw enforcement.

- **DESCRIPTION OF THE ENFORCEMENT APPROACH**
  As discussed in the previous section of this toolkit.

- **DEFINED CATEGORIES OF NON-COMPLIANCE**
  When clearly stated, these can help STR operators, residents and staff understand what is and is not permitted under the new regulations. Categories of non-compliance may include operating without a licence, operating in an unpermitted zone, operating a STR that is not one's principal dwelling unit, and listing or advertising a STR without displaying a business licence number.

- **DESCRIPTION OF THE ACTIONS THAT WILL BE TAKEN**
  This helps STR operators understand how and why enforcement decisions are made, and can include details about warning letters, fines, suspension and revocation of licences, audits and inspections, and legal proceedings.

- **DESCRIPTION OF SEQUENCING AND ESCALATION OF ACTIONS**
  This helps STR operators understand how enforcement will be escalated, e.g. from an initial warning letter, to first and subsequent offence tickets, to licence revocation and even legal proceedings. Details can also be provided on how long operators will have to comply once receiving a notice of violation.

- **DESCRIPTION OF THE COMPLAINTS PROCESS**
  This provides clarity and detail to residents on how to make a complaint or report a non-compliant STR operator, and what the resolution process will entail.

- **DESCRIPTION OF THE APPEALS PROCESS**
  This provides clarity about how STR operators can appeal a decision (e.g. licence revocation).

Local governments should expect the first year of STR regulation and enforcement program to be more resource-intensive as you licence existing operators, respond to requests and complaints, conduct audits and inspections and begin proactively enforcing the regulations.

3.11 Monitoring, Evaluation and Improvement

Once the STR regulatory and enforcement program has been established, things will move into a monitoring and evaluation phase.

This will be a time to assess the success of the program and its individual components, make modifications and identify any new components to add.

Bylaw Amendments

Our conversations with local governments that have established STR regulations suggests one or more of the following types of bylaw amendments can be anticipated:

- **CLEARER DEFINITIONS**
  To remove areas of confusion or ambiguity.

- **HIGHER BUSINESS LICENCE FEES**
  To better cover the cost of the STR regulation and enforcement program.

- **STIFFER FINES**
  To deter non-compliant operators.

Measuring Impact

To gather qualitative feedback on the effectiveness of the program consider consulting:

- **YOUR STR ADVISORY COMMITTEE**
  If established and maintained after implementation, this multi-stakeholder group can provide valuable ongoing feedback.

- **STR OPERATORS**
  Operators can provide feedback on the clarity of the regulations, enforcement plan, communications materials, and the ease of the business licensing process, along with any unanticipated consequences of the program.

- **DEPARTMENTAL STAFF**
  Interviews with all staff that engage on STR, including front counter staff, licensing clerks, zoning and inspections and bylaw enforcement can help identify what is and isn't working.

Developing quantitative methods to measure the effectiveness and impact of your regulatory program can be notoriously difficult. However, help is available! Refer back to the sections of this toolkit on Regulatory Goals and Gathering Data for suggestions.

Conducting an annual review of the program and producing a report to Council that includes proposed bylaw amendments, program improvements and an assessment of the impact of the regulations is encouraged.

3.12 Advocating to Other Levels of Government

Throughout this toolkit we make the case – and attempt to make it easier – for local governments to regulate STRs regardless of what the provincial, territorial and federal governments are doing.

However, there is a clear case for those higher orders of government to do more:

- Local governments often lack the legislative authority and leverage to compel action on key issues related to STRs.
- There are major efficiencies of scale that can be achieved at the provincial/territorial and federal level, vs. countless local governments working to solve variations of the same problems in isolation. This is particularly true as platforms and technology are continually evolving.

In this section, we briefly identify four key areas of provincial/territorial and federal intervention that local governments could choose to prioritize for their advocacy agendas.

1. Data Sharing
2. Platform Accountability
3. Provincial Registration Systems
4. Tax Fairness

4 KEY AREAS

1. DATA SHARING

The problem:

Local governments need two kinds of information to effectively regulate STRs:

1. **Individual information.** Such as the name of individual STR operators, and the full address and booking details of their listings (provincial or federal authorities would also benefit from details on operators' booking revenue for income tax purposes).

2. **Aggregate information.** Detailing the extent and nature of STR activity in the community over time.

While local governments can "play detective" by using a combination of methods to get some of this data, the process can be expensive, time-consuming and only partially accurate. Meanwhile, STR platforms have virtually all of the necessary data, but aren't required to share it.

The solution:

Use provincial and/or federal legislation to compel platforms to share individual and/or aggregate data on STR operators and activity with government authorities, in a way that balances the protection of privacy and intellectual property with the public interest.[49, 50]

The benefits:

More accurate understanding of STR activity, simplified enforcement (time and money saved), fewer illegal STRs (higher compliance), increased public trust.

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[49] Two recent examples of data sharing agreements include an agreement between Airbnb and New York City, and between four major platforms and the European Commission.

[50] In Sep 2020, Airbnb launched a 10-city pilot program to share data with local governments. It's possible that intervention by higher levels of government could improve the kinds of data available and accelerate its availability to all local governments.

4 KEY AREAS

2. PLATFORM ACCOUNTABILITY

The problem:

STR platforms often publish illegal listings (i.e. listings where the unit in question is not permitted as a STR).

The solution:

Use provincial, territorial or federal legislation to compel STR platforms to only publish legal listings (e.g. listings that have a government-verified license number and meet other relevant criteria), and enable the levying of penalties and fines for non-compliant platforms.

The benefits:

Simplified enforcement (time and money saved), fewer illegal STRs (higher compliance), and increased public trust.

Data sharing and platform accountability share similar objectives. In the former, STR platforms hand over data to enable government-led enforcement. In the latter, governments hand over data to enable platform-led enforcement. A combination of the two may be the best way forward.

3. PROVINCIAL TERRITORIAL REGISTRATION SYSTEMS

The problem:

While local governments are generally very experienced at managing business licensing programs, the unique nature of STRs require custom licensing systems to be put in place, often at high administrative cost and with challenges to enforcement.

The solution:

Following the example of Québec, establish a single provincial STR operator registry with a clear and streamlined licensing process, and data-sharing with local governments (to ensure compliance with local regulations), tourism authorities (to enable better planning), and platforms (e.g. along with platform accountability requirements to publish only legal/licensed listings). Direct license fees back to local governments and/or tourism/economic development authorities.

The benefits:

Provincial/territorial registration simplifies the STR licensing process for all parties. Data sharing and/or platform accountability mechanisms are still likely required to simplify enforcement and achieve high compliance, but a single provincial/territorial registry would make both of those options much easier to implement.

4. TAX FAIRNESS

The problem:

Many operators are unlikely to voluntarily collect and remit sales tax and any local tourism/accommodation levies on their STR bookings. Many operators are also likely failing to report their STR income on their income tax returns. Furthermore, many operators of non-principal dwelling unit STRs are currently only paying residential property tax rates on STR properties, despite their commercial use.

The solutions:

Provincial/territorial and federal legislation that requires all STR platforms to collect and remit applicable sales taxes and tourism/accommodation levies on behalf of individual operators. Data sharing to enable thorough income tax collection (or at minimum provincial registries that better enable audit selection). Provincial/territorial legislation that permits local governments to reclassify residential properties used for commercial STR as commercial, for the purposes of applying differential property tax rates.

Detailed briefs on those four key areas of advocacy are outside the scope of this toolkit, but by signing up for updates you can be sure to receive these briefs if they become available.

4 KEY AREAS

Part 4: Regulatory Tools

In this section, we provide snapshots of seventeen commonly-used STR regulatory tools:

In the process of choosing a set of regulatory tools, many local governments will identify actions or behaviours to suggest rather than mandate, which can be included in something like an STR Operator Handbook and/or Good Neighbour Guide.[51]

These guides can be circulated to both operators and their neighbours and include plainspoken information on quiet hours, recycling and garbage schedules, emergency contact information, and fire evacuation plans, as well as guidance on how to comply with the local government's formal STR regulations.

[51] City of Vancouver. Responsible Short-term Rental Operator Handbook.

4.1 Building Safety

DESCRIPTION

- An umbrella term meant to capture a suite of specific regulatory requirements related to confirming STRs meet Building and Fire Code and other relevant local government bylaws.
- This regulatory tool can be included in the business licence application, review and approval process.

PURPOSE

- Regulations related to building safety are meant to protect the health and well-being of guests by ensuring STR occurs in safe and habitable dwelling units.

REGULATION & ENFORCEMENT

- Either through the business licence application form, with individuals signing a self-declaration confirming the building is code compliant (i.e. is a legal dwelling unit), through submission of supporting documents such as a site plan prior to issuance of a licence, or through a mandatory site inspection prior to issuance of a licence to ensure the STR complies with relevant bylaws (building, electrical and plumbing and codes).
- Follow-up audit or inspection of a STR can further determine if the information provided in the business licence application is accurate.
- Operators who do not comply with requirements can be issued a warning letter, fine, risk licence revocation or legal proceedings.

ANALYSIS

- The purpose of STR is to accommodate people on a short-term basis, e.g. traveling for business or pleasure, so people are not making 'hard choices' based on scarcity as they might for a long-term tenancy.
- Each STR listing posts pictures, fulsome descriptions and reviews that guests can view ahead of renting the space to make a determination about whether it suits their needs.
- If desired, a clause can be included enabling a business licence to be denied or revoked if outstanding non-compliance issues in the dwelling unit are found on record at the local government (e.g. illegal suite, stop work order).
- If non-principal dwelling unit STRs are permitted, consider applying similar regulatory standards as existing accommodation providers such as B&Bs.
- If principal dwelling unit STRs are permitted, consider limited building safety requirements for these to maintain regulatory equity with existing residential dwelling units. For example, verifying a unit meets building code via an in-person inspection is not a requirement of long-term landlords, residential tenancy or existing occupation of residential dwelling units.

4.2 Business Licence and/or Permit

DESCRIPTION

- Individuals and/or businesses (e.g. property management firms) submit an application and if approved, obtain a business licence and/or permit to operate a STR.
- A fee is paid, which in Canada, has ranged from $50 to over $1500, depending on the use and type of STR (e.g. # number of nights rented per year, number of bedrooms, principal vs. non-principal dwelling unit).
- A one-time registration fee may also be required, reflecting the higher administrative burden when initially registering an operator versus subsequent renewals.
- Operators would need to reapply for a business licence periodically (e.g. annually, every two years).
- Supporting documents (e.g. proof of principal residence, liability insurance, permissions) can be required to accompany the application and the application itself can include additional regulatory tools profiled in these snapshots (e.g. designated responsible person).
- Note: local governments that do not have business licensing authority (e.g. regional districts in B.C.) may implement a permitting system (e.g. temporary use permit) that operates similar to a business licensing system.

PURPOSE

Business licensing creates a database of all active STRs to track and monitor in your community.

- An issued business licence number can be used to verify compliance with regulations.
- Licence fees can pay for the cost of the STR program (e.g. licensing, enforcement, communications).
- Additional regulatory tools (e.g. principal residence, zoning, liability insurance, permissions) can be tied to this regulatory tool, through submission of documents and staff review at the application processing stage.
- Signed declarations (e.g. certifying that the information is truthful) can also be included in a business licence application.

REGULATION & ENFORCEMENT

- To be most effective, this tool should be combined with the regulatory tool that requires operators to post the business licence number on all online advertisements (described below).
- Bylaw staff and/or a third-party monitoring company can review STR listings online via web-scraped data and compare with business licensing data for inconsistencies and follow up action.
- Those without the licence number listed on the online advertisement would be subject to investigation and enforcement (e.g. warning letter, fines, legal proceedings) until compliance is achieved; either the operator applies for and receives a licence or removes the listing.
- There have been examples of fraudulent licence numbers posted to online advertisements by operators as a way to circumvent the regulations and continue to operate. Compliance verification must include both that a licence number is displayed and that the licence number is valid. Depending on the number of listings, this may be possible to accomplish manually or require automated software.
- Vancouver is the only Canadian jurisdiction with an agreement with Airbnb to remove unlicensed STRs from their platform (this is often described as a form of "platform accountability" with the platforms responsible for policing their own users).
- Without a platform agreement or new legislation from other levels of government, municipalities must rely on bylaw staff or a third party to monitor platform listings for compliance.

ANALYSIS

- Business licensing is the most commonly used regulatory tool for STR and has been proven effective at achieving multiple goals (e.g. cost recovery, equity amongst accommodation providers).
- Setting the right licence fee amount can be one of the most important factors in achieving voluntary compliance. Factors to consider in fee-setting include the type of STR you are permitting, the anticipated cost of your STR program (regulatory requirements, enforcement) the number of STRs in your community, and the degree of compliance you expect to achieve.
- If permitting both non-principal dwelling unit STR and principal dwelling unit STR, consider a two-tier fee structure (see Victoria, B.C. Community Profile).
- Confusing or overly complicated regulatory regimes can expect compliance rates of less than 10% whereas clear, comprehensive regulations that incorporate current best practices can achieve business licence compliance rates of 75% and above.
- No local government has successfully achieved 100% compliance on this issue.

4.3 Business Licence Number Displayed on Online Advertisements

DESCRIPTION

- Once a business licence has been issued from the municipality, STR operators must display their business licence number on all online listings where the STR is advertised (e.g. Airbnb, VRBO).
- Depending on the platform and municipality, there may be a separate licence field or the licence number will be listed as part of the listing description.

PURPOSE

- To verify compliance with the requirement to receive a business licence prior to operation.

REGULATION & ENFORCEMENT

- STR listings without a licence number displayed are flagged as non-compliant.
- Licence numbers displayed on the STR listing are compared with the local government-issued licence numbers to confirm the licence is valid.
- Those without the licence number listed on the online listing or suspected fraudulent licence numbers would be subject to investigation and subsequent enforcement (e.g. warning letter, fines, legal proceedings) until compliance is achieved; if the operator is licenced, then the licence number is posted or the listing is removed.

ANALYSIS

- This regulatory tool combined with a business licence are the foundation of an effective enforcement program because staff and/or a third-party monitoring company can use this tool as a first step in determining compliance with the regulations.
- This regulatory tool is also more effective at verifying compliance with regulations than determining if a room or dwelling unit has been rented, which requires physical proof (an STR listing in itself is not proof of a rental transaction).
- The City of Vancouver has developed a successful agreement with Airbnb to create a purpose-built licence field but most often the licence number is included in the STR description.

4.4 Density Cap

DESCRIPTION

- Within zones, neighbourhoods or blocks, STR is restricted by either:
  - A total number of dwelling units
  - A percentage of dwelling units
- This regulatory tool can be included in the business licence application, review and approval process.

PURPOSE

- Primarily used in communities that permit non-principal dwelling unit STR as a way of ensuring that a block/ neighbourhood/zone is primarily residential and that STR activity is dispersed.

REGULATION & ENFORCEMENT

- As part of the business licence application approval process, licensing clerks and/or planning staff would be responsible for conducting a density check to ensure that the proposed block/ neighbourhood/zone can accommodate additional STR.
- Licences would not be issued for STR if the density cap has already been reached.
- Unlicensed STRs found operating in areas with a density cap would be subject to investigation and enforcement, including warning letters, fines, licence revocation and possible legal proceedings.

ANALYSIS

- This could be a useful regulatory tool for communities concerned about neighbourhood fit and compatibility, as a density cap can ensure a zone/neighbourhood/block remains primarily residential.
- This tool is likely most suitable for non-principal dwelling unit STRs as principal dwelling unit STR is an accessory use to the residential dwelling so the dwelling unit would remain primarily for residential use.
- A density cap can add a degree of administrative complexity so its application and utility should be considered carefully.
- There may also be concern over the fairness of this regulatory tool as existing STRs would likely be permitted under a density cap, with new, prospective STR operators denied once a density cap is reached.

4.5 Designated Responsible Person

DESCRIPTION

- A responsible designated person for the STR is identified which includes the operator and when the operator is not available, a person who can act on behalf of the operator (a person who, at all times that the STR is operated, has access to the premises and has the authority to make decisions in relation to the premises and the rental agreement).
- This regulatory tool can be included in the business licence application, review and approval process.

PURPOSE

- A designated responsible person provides a layer of accountability for the STR, regardless of whether the operator is on the premises or available at the time of and throughout the rental.
- If the operator is not available, this person should be the first point of contact for guests and neighbours, resolving complaints before bylaw and enforcement staff are contacted, freeing up bylaw and enforcement staff to focus on monitoring and verifying compliance.

REGULATION & ENFORCEMENT

- As part of the business licence application, the designated responsible person must be identified and their contact information provided.
- Audits of business licence holders can further determine if the information provided is accurate, for example by contacting the designated responsible individual to confirm they have agreed to act in this capacity.
- STR operators who have not correctly identified a designated responsible person can be subject to licence revocation.

ANALYSIS

- This can be a helpful regulatory tool for promoting neighbourhood compatibility and supporting the health and safety of guests.
- If selected, consider an outcome approach (designating a responsible person) rather than an overly prescriptive approach (e.g. requiring that the designated responsible person must respond within 30 min, or live within a certain radius).

4.6 Fire Safety

DESCRIPTION

- An umbrella term meant to capture any requirements related to enhancing the fire safety of STRs.
- This can include:
  - Installation of smoke alarms on every floor and/or bedroom
  - Development and posting of a fire evacuation plan in the premises
  - Installation of carbon monoxide detectors (in STRs with natural gas)
  - Installation of interconnected sprinkler systems
  - Installation of fire alarms
  - Installation of fire extinguishers on every floor
- This regulatory tool can be included in the business licence application, review and approval process.

PURPOSE

- As residential fires account for the majority of fire-related injuries in Canada this requirement ensures STRs meet or exceed fire safety requirements for buildings.

REGULATION & ENFORCEMENT

- As part of the business licence application form, individuals can be required to sign a self-declaration confirming that they have read, understood and will comply with the fire safety requirements.
- Alternatively or in conjunction with the above, inspections of STRs can further determine if the information provided in the business licence application is accurate, or a fire safety inspection can be a requirement prior to the issuance of a business licence.
- STR operators who have not correctly adhered to fire safety requirements can be issued a warning letter, fine or risk licence revocation.

ANALYSIS

- Fire safety is an important consideration in ensuring the health and well-being of guests and neighbours.
- Consider selecting fire safety requirements based on the type of STR you are permitting (i.e. principal dwelling unit or not).
- For STR in a principal dwelling unit, consider applying the same fire safety standards that residential dwelling units are subject to.
- For non-principal dwelling unit STR, consider applying the same fire safety standards that traditional accommodation providers such as B&Bs are subject to.

4.7 Guest Limits

DESCRIPTION

- The number of guests are restricted within a STR, often based on the number of bedrooms (e.g. 2 adults per bedroom).
- There is a field on most platforms that allow the operator to identify the guest limit.
- This regulatory tool can be included in the business licence application, review and approval process.

PURPOSE

- There are two primary reasons that guest limits are employed:
  - » to protect the health and safety of guests by ensuring sufficient space (i.e. avoiding overcrowding).
  - » to reduce potential noise complaints from neighbours by restricting how many people can be allowed within the STR.

REGULATION & ENFORCEMENT

- As part of the business licence application, individuals are required to identify the number of bedrooms that are included in the dwelling unit or how many private rooms would be used for STR and based on this, the guest limit would be set.
- A guest limit can be enforced proactively by comparing the guest limit identified in the business licence with the guest limit on listings. For example, if the business licence limit is 8 but the listing indicates 12 guests are permitted, the listing would be identified as non-compliant with regulations.
- This regulatory tool could also be enforced on a complaints basis. For example, if a neighbor complains about a large party and bylaw staff can determine via the business licence or listing that the dwelling unit or private room is intended to accommodate less than the amount of people within the dwelling, a warning letter, fine or revocation of business license can be used.

ANALYSIS

- A guest limit could be considered for communities concerned about high occupancy STRs or noise complaints.
- Depending on the community and the problem they are seeking to address, this regulatory tool can either be proactively enforced with a higher degree of resourcing involved or can be responded to on a complaints basis.

4.8 Insurance

DESCRIPTION

- Proof of sufficient insurance is required: most commonly liability insurance but sometimes property damage insurance.
- Required amounts have ranged from $1,000,000-$3,000,000.
- This regulatory tool can be included in the business licence application, review and approval process.

PURPOSE

- The primary rationale for requiring liability insurance is to protect the STR operator from liability claims from guests, including injury or loss of life.
- The primary rationale for requiring property damage insurance is to protect the STR operator's property from damage caused by guests.

REGULATION & ENFORCEMENT

- As part of the business licence application, individuals or businesses can be required to show proof of sufficient insurance as a supporting document, prior to licence issuance.
- This regulatory tool requires no further enforcement.

ANALYSIS

- Industry experts and municipal lawyers suggest that an insurance requirement may create an administrative burden to review or audit without appreciable benefit.
- STRs operate as private for-profit businesses and operators should assess their own risks and insurance requirements with the assistance of professional licensed brokers, with related guidance potentially included in a municipal STR Operator Handbook.
- Most platforms include free property damage and liability insurance for hosts. For example, Airbnb provides $1 million for each type.
- Municipalities would not have an exposure to third party liability claims for bodily injury or property damage arising out of the business licensing process. However, a local government could include a standard indemnity clause within the business licence for STRs, if concerned.

4.9 Neighbour Notification

DESCRIPTION

- A requirement that the STR operator notify surrounding neighbours of the STR.
- The notification proximity is typically either a distance (e.g. within 300 feet) or an adjacency (e.g. neighbours that are directly adjacent or abut the STR.
- This regulatory tool can be included in the business licence application, review and approval process.

PURPOSE

- To encourage "good neighbour" relationships between operators and their neighbours, including a basic level of awareness and interpersonal accountability.

REGULATION & ENFORCEMENT

- As part of the business licence application form, the operator could sign a self-declaration form attesting that they had notified their neighbour(s). Audits of the business licence could verify whether this information was submitted.
- Alternatively and or in conjunction with the above, neighbour contact information could be included in the business licence application and notification verified through audit.
- Alternatively, the local government or a third party could mail notification forms to affected neighbours similar to other notification processes (e.g. rezoning or a development application).

ANALYSIS

- Local governments concerned with neighbourhood compatibility may choose to include this tool in their regulations.
- Notification letters sent from either the local government or a third party would ensure the notification is received by the neighbour. A self-declaration form or contact details would not. However, notification letters would require staff and financial resources and should be carefully considered.
- Alternatively, a neighbour notification could form part of a STR Operator Handbook that can accompany STR regulations.

4.10 Night Cap

DESCRIPTION

- A time limit or 'night cap' restricts the amount of time that a private room or dwelling unit can be rented as an STR.
- The night cap either restricts:
  - » the maximum number of consecutive days a dwelling unit or private room can be rented (typically under a month); and/or
  - » the total number of days per year that a unit or room can be rented as an STR (e.g. 30, 90, 180 days).
- Night caps are often used as an alternative to the principal residence requirement (night caps are another kind of blanket restriction), or in conjunction with the principal residence requirement (as a way to add further restriction).
- This regulatory tool can be included in the business licence application, review and approval process.

PURPOSE

- Restricting the total number of days that a dwelling unit or room can be rented is meant to ensure the room or dwelling unit is primarily used for residential purposes and potentially as a tool to limit STR-related disturbances.

REGULATION & ENFORCEMENT

- As part of the business licence application, operators would be required to limit STR to a certain number of days per year and submit booking details to the local government at pre-specified intervals.
- To be effectively enforced, platforms would need to share data on STR activity, including when an operator has violated a night cap restriction. To date, platforms have not shared this level of data with Canadian local governments (with the exception of Vancouver).
- Even with platform cooperation or support, it is unlikely that a local government would be notified immediately when an operator has gone one night over the cap (e.g. 121 of a 120 night cap).
- Third party monitoring and compliance firms can provide a degree of accuracy via web-scraped data on the number of nights an STR is booked over a period of time (e.g. quarterly or annually) based on calendar availability and guest reviews, which could be further verified by requiring operators to submit their booking information at designated intervals (e.g. annual licence renewal).

ANALYSIS

- Enforcing a night cap without platform cooperation is extremely challenging if not impossible and would require significant municipal resources, as ascertaining the number of booked nights for each listing requires extensive data analysis, tracking, and observation, with limitations on achievable accuracy.
- In addition, the burden on operators who want to cooperate is also high, as the operator would need to keep comprehensive records, tallying nights booked, and commit to producing regular reports to the local government.
- Local governments should consider a principal resident requirement instead of a night cap due to its multiple benefits:
  - » Principal residence is substantially easier to enforce. Under the principal resident requirement, business licences will not be granted to operators unless they can prove that the dwelling unit they wish to STR is the dwelling unit in which they normally reside.
  - » The principal residence requirement can achieve two primary goals that local governments may have related to STRs – protecting housing for residents and ensuring neighbourhood fit (as the STR is the operator's own home).
- In contrast, the night cap requirement on its own cannot reliably achieve any goals as it does not guarantee that the dwelling unit/room is primarily for a resident. For example, under a night cap requirement, an operator could STR an entire dwelling unit for 30, 60 or 90 nights a year and still earn enough income to justify leaving it vacant the rest of the year, which would not free up housing for residents.
- Local governments considering the night cap tool to help limit noise and disturbances should be aware that the STR could still be used to host large parties and gatherings (e.g. weddings, bachelor parties) up to the night cap, and so may not achieve the desired outcome.

4.11 Owner-Only

DESCRIPTION

- Renters are not allowed to operate STRs.
- This regulatory tool can be included in the business licence application, review and approval process.

PURPOSE

- Based on the idea that owners are more responsible and/or accountable than renters.

REGULATION & ENFORCEMENT

- As part of the business licence application, proof of property ownership would be required.

ANALYSIS

- An owner-only requirement risks discrimination against renters both by assuming that renters do not care for their homes and its real-world effect of excluding renters from the benefits of STR income generation.
- Given this inequity, very few local governments have included an owner-only provision in their regulations and the benefits of such a tool should be carefully considered.

4.12 Off-Street Parking Minimums

DESCRIPTION

- A minimum number of off-street parking spaces must be made available to guests.
- Often the number of required off-street parking spots corresponds to the size of the STR (e.g. number of bedrooms, guest limit).
- This regulatory tool can be included in the business licence application, review and approval process.

PURPOSE

- Off-street parking minimums are included in regulations as a way of reducing conflict with neighbours over limited on-street parking and ensuring neighbourhood compatibility.

REGULATION & ENFORCEMENT

- As part of the business licence application process, zoning/ planning staff would confirm sufficient parking (e.g through aerial photos or inspections) is available prior to an issuance of a business licence.

ANALYSIS

- This tool is likely a more appropriate requirement for non-principal dwelling unit STR if concerns around neighbourhood compatibility are important.
- For principal dwelling unit STR, existing parking is likely sufficient for limited STR use. STR operators could be encouraged to share parking details with guests as part of the STR Operator Handbook.

4.13 Permissions

DESCRIPTION

- Approval from a landlord (if they are a tenant) or a strata/condo corporation (if the STR is located in a strata/condo building) is required.
- This regulatory tool can be included in the business licence application, review and approval process.
- The documentation can confirm that, where applicable the:
  - » Property owner permits the tenant to operate a room and/or the entire dwelling unit as a STR
  - » Strata/Condo Corporation has no bylaws prohibiting the operation of STR

PURPOSE

- Strata/condo bylaws and landlords can add restrictions or prohibitions on STR above and beyond municipal bylaws. Therefore, it is important to receive proof of consent from the strata/condo corporation and/or landlord before licensing an STR.

REGULATION & ENFORCEMENT

- As part of the business licence application, licensing staff would confirm that the permissions are included as supporting documents prior to the issuance of a licence.
- Audits and inspections of all licensees can further determine if the information provided is accurate, for example by contacting the landlord or strata/condo corporation.
- Operators that do not have permission will have their licence revoked and can face additional penalties (e.g. levied by the strata/condo corporation).

ANALYSIS

- Strata/Condo Corporations are allowed to raise any legitimate objections to STR use under a Strata/Condominium Act, including strata bylaws, land title declarations, etc.
- Similarly, most Residential Tenancy Acts stipulate that the tenant must receive approval from the landlord if they wish to rent out the unit.
- Providing a template letter of consent for both strata/condo corporations and landlords is suggested for administrative ease, and to reduce barriers for operators so that higher levels of voluntary compliance can be achieved.
- Requiring operators to simply provide a copy of strata/condo bylaws (instead of an explicit letter of consent) should be carefully considered as it will require licensing staff to spend time interpreting and verifying the bylaws.

4.14 Platform licensing

DESCRIPTION

- All STR platforms (e.g. Airbnb, VRBO) would be required to receive a business license from the municipality.
- Licence fees would either be a flat fee and/or an on-going fee based on each night booked.

PURPOSE

- Municipalities are implementing platform licensing for two distinct reasons: (a) to help cover the cost of the STR regulation and enforcement program; and (b) as a mechanism for ensuring platform accountability (whereby, in order to ensure only licensed units are published by the platform, the platform – to receive a business licence – must agree to remove/deny unlicensed units and keep and share records on STR activity)

REGULATION & ENFORCEMENT

- To date there are no examples of Canadian municipalities that have enforced this regulation.

ANALYSIS

- At this time, no Canadian municipality has successfully licenced a platform.
- The City of Oakville included mandatory platform licensing in their 2018 regulations, with a required fee to operate of $44,500. To date, no platforms have paid this fee and the City of Oakville is currently reviewing its existing licensing fees with an eye to possible amendments in the future.
- The City of Toronto has included mandatory platform licensing in their regulatory framework. Delays in implementation of the regulation have meant that STR platform licensing is not yet being inforced.
- Many municipalities, including the City of Vancouver have contemplated including platform licensing as part of their regulations but have determined that the ability to successfully enforce those regulations would be difficult without support from other levels of government. Instead, the City of Vancouver was able to negotiate a voluntary agreement with the dominant STR platform (Airbnb) to achieve a degree of platform accountability and data sharing. No other municipality has secured such an agreement.

4.15 Principal Residence/Principal Dwelling Unit

DESCRIPTION

- Short-term rental would only be permitted in an operator's principal dwelling unit (owned or rented).
- A dwelling unit is defined as a suite of rooms in a building designed for occupancy of one or more people who normally live together and which has a separate entrance, and kitchen and bathroom facilities.
- A principal residence/dwelling unit is the dwelling unit where an individual usually lives, makes their home, conducts their daily activities including paying bills and receiving mail and is generally the residential address used on documentation related to billing, identification, taxation and insurance purposes.
- This regulatory tool can be included in the business licence application, review and approval process.

PURPOSE

- Protects the availability of long-term housing, with the idea being a principal dwelling unit STR is already someone's home and therefore no long-term housing is being lost (with the possible exception of some rental rooms that may otherwise be offered to a long-term tenant/roommate).

REGULATION & ENFORCEMENT

- At the time of business licence application, the individual must show proof of principal residency as well as an attestation stating that the dwelling unit is their principal residence.
- This can include:
  - Copy of the land title
  - Proof of mortgage
  - Proof of homeowner grant
  - Documentation from provincial and/or federal government e.g. income tax, MSP, insurance, driver's licence, utility bill (at least two pieces of the above is recommended).
- Audits, inspections and web-scraping can all be used to verify principal residence. For example, a dwelling unit that is listed and available as a full-time, entire unit STR is likely not a principal dwelling unit. An inspection by bylaw staff that reveals a dwelling unit with no personal belongings may indicate that there is no principal resident.

ANALYSIS

- The use of this regulatory tool restricts short-term rental of vacation properties or condos that are utilized for part of the year by the operator (i.e. secondary residences) because only one dwelling unit may be claimed as a principal dwelling unit.
- These operators then have the choice of either (a) designating a dwelling unit as their principal dwelling unit to permit STR, (b) leaving the property unrented when not in use by the operator, (c) operating the unit as a long-term rental, or (d) selling the unit e.g. to someone who may use it as a principal dwelling unit.
- Some municipalities have applied the term principal residence to include all dwelling units on the property. In this scenario, non-principal dwelling unit STR is permitted if the property owner resides in another dwelling unit on the same property, for example:
  - The property owner lives in one half of a duplex and short-term rents the other duplex
  - The property owner lives in a house and an accessory building (e.g. garden suite, cottage, carriage house) is the STR
  - The property owner lives on the main floor of a house and uses the basement suite/attic as a short-term rental.
- In some municipalities this has been taken a step further by using the term principal residence to permit non-principal dwelling unit STR if at least one of the dwellings on the property is used by a long-term resident, which can include a long-term tenant, who may or may not be the operator, and who may or may not be the designated responsible person, for example:
  - A tenant lives in a cabin on the property and the main house is used for STR. In this example, the property owner is not on-site.
- The above version of a principal residence/principal dwelling unit requirement could more accurately be considered as an "on-site operator" requirement or a version of a "designated responsible person" requirement that specifies that that person must live on-site. The regulatory motivation behind its application is to ensure a higher degree of operator accountability and responsibility by requiring someone to be on-site.
- As revealed above, the term principal residence is inconsistently defined/used in local government STR regulations. If the priority is to protect housing availability and affordability, this is best achieved with a definition of principal residence that is synonymous with principal dwelling unit.

4.16 Taxation

DESCRIPTION

- Municipalities within certain provinces (e.g. Ontario, PEI, Nova Scotia and New Brunswick) are able to directly apply a municipal accommodation tax, via municipal bylaw, to accommodation providers including STR operators.
- This regulatory tool can be included in the business licence application, review and approval process.

PURPOSE

- The revenue from an accommodation tax can be used to fund tourism promotion, marketing and development and can be used by some municipalities (e.g. in Ontario) as a reserve for their own infrastructure projects.

REGULATION & ENFORCEMENT

- The accommodation tax is applied at the time of booking and is paid by the guest with either the operator or platform collecting and remitting the fee.
- The regulatory authority to apply and collect an accommodation tax is through municipal bylaw.
- Enforcement of the bylaw will be at the discretion of each municipality.

ANALYSIS

- For many Ontario municipalities, the ability to apply a Municipal Accommodation Tax has been a primary motivator in developing and implementing STR regulations as a way of creating regulatory equity amongst all accommodation providers.
- A select few Ontario municipalities, including Brockville, Barrie, Greater Sudbury, Mississauga, Ottawa have negotiated an agreement with Airbnb to collect and remit these taxes on behalf of guests and operators.
- For municipalities without agreements with platforms to collect and remit this tax, compliance rates have been low.
- Many municipalities have paused the collection of these taxes in response to the COVID-19 pandemic.

4.17 Zoning

DESCRIPTION

- STRs are permitted or restricted to specific zones identified in a community's zoning bylaw.
- STRs may be permitted in all residential zones, in select residential zones, in commercial zones, or in communities with a long-standing STR industry there may be specific tourist accommodation zones.
- This regulatory tool can be included in the business licence application, review and approval process.

PURPOSE

- Zoning is used to identify areas where STR use is permitted and prohibited to ensure neighbourhood fit and compatibility.

REGULATION & ENFORCEMENT

- As part of the business licence application approval process, licensing clerks/planning staff would be responsible for conducting a zoning check to ensure the STR is located in a zone that permits STR.
- Licences would not be issued for STR in prohibited zones.
- STRs found operating in prohibited zones (e.g. identified via web-scraping) would be subject to investigation and enforcement including warning letters, fines, licence revocation and possible legal proceedings.

ANALYSIS

- Zoning restrictions are a standard tool for denoting appropriate land uses and zoning restrictions for STR may be useful for communities that are, for example, grappling with neighbourhood compatibility issues. However, complex zoning requirements will add a degree of administrative difficulty and the benefits should be carefully considered.
- If a community chooses to only permit principal dwelling unit STR, consider allowing these STRs across all residential zones; this approach would recognize that a dwelling unit or room is primarily used for residential purposes and STR is an accessory use.
- Local governments that are permitting non-principal dwelling unit STRs should consider only permitting these types of STRs in commercial zones (a) due to their commercial nature, (b) in order to mitigate any concerns related to neighbourhood compatibility, and (c) to advance regulatory equity with other accommodation providers (e.g. hotels and motels).

Conclusion

The case for regulation

The diversity of interests involved, the range of both benefits and harms, and the digital and international nature of the industry makes the design, implementation and enforcement of STR regulations challenging.

While intervention by other levels of government could make things a lot simpler, it should still be possible for most local governments to design practical, cost-effective and locally-tailored programs that advance the public good and achieve high levels of compliance.

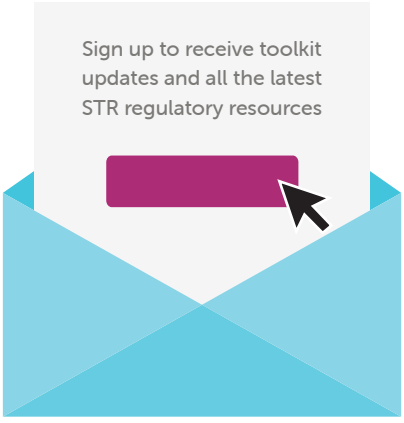
Your community may not get it perfectly right from the start, but who does? We advise you to start now before the negative impacts of STR stack up, and then commit to continued improvement of your regulations as you go.

Our intention for this toolkit was to be of service to local governments in a range of contexts pursuing a variety of policy objectives.

That said, for our part, we encourage any local government experiencing housing supply and cost pressures to prioritize the advancement of housing affordability and availability when designing STR regulations.

In international treaties and in Canada's own federal housing legislation, access to adequate housing is enshrined as a fundamental human right. We'd like to respectfully point out that converting what could otherwise be someone's home into a short-term rental, is not.

For communities experiencing a tension between protecting the tourism economy/tourism-linked livelihoods and protecting housing availability and affordability, we'd suggest an exploration of why non-housing accommodation in your community is unable to meet the demand from tourists and visitors, and whether there are solutions to this problem that don't involve the conversion of homes into short-term rentals.



Third Space Planning will periodically update this toolkit and develop additional resources as capactiy allows.

Please **GET IN TOUCH** if your community could benefit from some one-on-one support, and good luck!

Appendix

Glossary of Terms

This section provides definitions for key terms used throughout the toolkit.

These definitions are intended to help consistently communicate key concepts and not as universal, absolute definitions. Every local government, in developing a STR regulatory and enforcement program, will need to choose their own set of STR-specific definitions and apply them alongside terms already used in existing bylaws.

Bed and Breakfast	A private room, and often a private bathroom, is rented with guest access to common spaces (e.g. living room, kitchen) and typically includes some interaction between the operator and guest; for example, when the guest checks in or if breakfast is provided and the operator lives at the premises.
CMA or CA	A census metropolitan area (CMA) or a census agglomeration (CA) is formed by one or more adjacent municipalities centred on a population centre (known as the core). A CMA must have a total population of at least 100,000 of which 50,000 or more must live in the core.
Commercial Short-term rental	A short-term rental unit that is not in someone's principal dwelling unit. Often identified by searching for Frequently Rented Entire Home Listings.
Commercial Operator	An operator of a short-term rental unit that is not someone's principal dwelling unit; sometimes identified by searching for operators with two or more listings (see multi-listings).
Dwelling Unit	A suite of rooms in a building suitable for residential occupancy by one or more people who normally live together and that has a separate entrance, kitchen and bathroom facilities.
Frequently Rented Entire Home Listing (FREH)	A methodological term and concept used by Wachsmuth et al. to help retroactively identify commercial short-term rentals and to provide a conservative estimate of housing either directly converted to STR or under serious threat of conversion, and defined as "[STRs that] were available for rent at least half the year (183 nights) and actually rented at least 90 nights."[52]

[52] Combs et al. (2019). Short-term rentals in Canada: Uneven growth, uneven impacts.

Guest	Consumers of short-term rental services. Guests use platforms to search, reserve and manage their bookings of STR accommodation. They pay the operator of the STR, a platform service fee and, in some jurisdictions, applicable taxes if included in the booking (facilitated by operators or platform).
Host	Also referred to as a Short-term rental Operator; provides accommodation to guests, lists their STR(s) on online platforms, sets the price, availability and house rules (e.g. guest limits, quiet hours) and approves rentals; they charge guests a nightly fee, optional additional fees (e.g. cleaning or accommodating extra people) and should charge applicable taxes; STR operators can either be individuals or businesses (e.g. property management firms) and are sometimes assisted by support services such as professional cleaners.
Hotel	An accommodation type where private rooms are rented that normally include a private bathroom, with some units including private kitchen facilities or other amenities. Purpose built for guest accommodation and located in commercial zones (e.g. downtown, along highway corridors).
Listing	Individual short-term rentals advertised on platforms, with the advertisement including the listing title, listing type (entire dwelling unit, private room or shared room), description, operator name, number of bedrooms, availability, and prices.
Listing type	The type of unit identified in the listing, either an entire dwelling unit where the guest has complete and sole access to the entire dwelling unit during the stay, a private room where the guest has their own sleeping area but shares access to the dwelling unit's common areas with others, or a shared room where the guest sleeps in an area shared with others such as a sofa in a living room.
Long Term Rental	A residential dwelling unit rented on a long-term basis by way of a tenancy agreement between a landlord and tenant that outlines a standard set of terms.
Multi-Listings	A methodological term and concept used to help identify commercial short-term rental operators and defined as short-term rental operators who manage two or more entire home (dwelling unit) listings or three or more private room listings.[53]
Non-Dwelling Unit STR	A short-term rental unit that does not meet the full definition of a dwelling unit. Often seasonal in nature, these can include vans, boats, parking spaces, yurts and campgrounds and represent a very small portion of total short-term rental listings.
Non-Principal Dwelling Unit STR	A short-term rental unit that is a dwelling unit but not someone's principal dwelling unit; in this document treated as synonymous with commercial short-term rental and sometimes identified by searching for Frequently Rented Entire Home Listings.

[53] Ibid.

[54] Statistics Canada (Mar 14, 2019). Measuring private short-term accommodation in Canada.

[55] City of Vancouver. By-law No. 12079.

Platform	An online matching and/or payment processing platform for transactions between STR operators and guests. Platforms maintain the websites and digital applications that facilitate the searching, listing, booking and payments for STR services, which can include platform fees (charged to both operators and guests) and applicable taxes. In some cases the platform will verify personal information through security checks and transaction protection.[54]
Principal Dwelling Unit	The usual dwelling unit where an individual lives, makes their home and conducts their daily affairs and receives mail; generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes including income tax returns, driver's licenses, vehicle registration and utility bills.[55] We treat this term as being synonymous with principal residence and is the site of true home sharing; an individual may only have one principal dwelling unit.
Principal Dwelling Unit STR	A short-term rental unit that is or is within someone's principal dwelling unit; this term is used in place of principal residence STR to help communicate that the STR is confined to the dwelling unit (i.e. it doesn't include other dwelling units on the same lot).
Principal Residence	In this toolkit we treat this term as synonymous with principal dwelling unit and is the site of true home sharing; an individual may only designate one dwelling unit as their principal residence. Note that some municipalities use a broader definition of principal residence that encompasses any number of dwelling units on the same property/lot/parcel
Principal Resident	The person who normally resides in a dwelling unit which is their principal dwelling unit (home).
Short-term rental ("STR")	Rental of a dwelling unit or non-dwelling unit (or a room(s) within); characterized as occurring in any housing type (e.g. houses, secondary suites, carriage houses, garden suites, cabins, apartments and condos) for a short period of time (e.g. less than a month), facilitated by online platforms (e.g. Airbnb), primarily utilized by visitors/tourists, and often without in-person interaction.
Short-term rental Operator	Often referred to as a Host; provides accommodation to guests, lists their STR(s) on online platforms, sets the price, availability and house rules (e.g. guest limits, quiet hours) and approves rentals; they charge guests a nightly fee, optional additional fees (e.g. cleaning or accommodating extra people) and should charge applicable taxes; STR operators can either be individuals or businesses (e.g. property management firms) and are sometimes assisted by support services such as professional cleaners.
True Home-Sharing	Short-term rental of someone's principal dwelling unit or room(s) within; synonymous with principal dwelling unit STR; can take place while the principal resident is present or away (e.g. while on vacation).
Web Scraping	A process by which information is gathered and copied from the Web for later retrieval and analysis; can be conducted manually or through the use of automated software.[56]

[56] Statistics Canada (Mar 14, 2019). Measuring private short-term accommodation in Canada.

Further Reading

This toolkit was written for local government practitioners as a comprehensive synthesis of best practices, guidance and information to date. Suggested further reading includes:

- A Guide to Effectively Regulating Short-term rentals at the Local Government Level Binzer. Granicus (2016).
- Accountable at the Source: Why Platform Accountability Can't Be Left Out of Vancouver's Short-Term Rental Regulation. Wieditz. Fairbnb (2019).
- An Overview of Airbnb and the Hotel Sector in Canada. Hotel Association of Canada (2017).
- Covid-19 Impacts on Hotels and Short-term rentals. Sanford, DuBois. AirDNA (2020).
- Developing a Modern Approach to Short-Term Rental in a Digital Economy: A Framework for Canadian Regulators. Hotel Association of Canada (2018).
- Lobbying in British Columbia's Designated Resort Municipalities: The Case of Short-Term Rentals. Riggs Konanz (2018).
- Measuring Private Short Term Accommodation in Canada. Statistics Canada (2019).
- Regulating Short-term rentals: A Guidebook for Equitable Policy (2016). Yassi Eskandri-Qajar and Janelle Orsi, Sustainable Economies Law Center (2016).
- Regulating Airbnb and the Short-Term Rental Market: An overview of North American regulatory frameworks. Zohra Jamasi. Canadian Centre for Policy Alternatives (2017).
- Short-Term Cities: Airbnb's impact on Canadian housing markets. Wachsmuth et al. (2017).
- Short-Term Consequences: Investigating the Nature, Extent and Rental Housing Implications of Airbnb listings in Vancouver. Sawatzky (2016).
- Short-Term Rentals in Canada: Uneven growth, uneven impacts. Combs et al. (2019).
- The Home-sharing Guide for Ontario Municipalities. Ministry of Finance, Province of Ontario (2018).
- Where Home Meets Hotel: Regulating tourist accommodations in the age of Airbnb. Griffiths (2017).

STAFF REPORT

File No.: HO-6500-20
(Vacation Home Rentals)

DATE OF MEETING: January 9, 2017

TO: Hornby Island Local Trust Committee

FROM: Aleksandra Brzozowski, MCIP, RPP
Island Planner
Northern Office

SUBJECT: Vacation Home Rentals Policy Review
Draft Project Charter

RECOMMENDATIONS

1. That the Hornby Island Local Trust Committee endorse the draft Project Charter for the Vacation Home Rental Review Project.
2. That the Hornby Island Local Trust Committee pursue targeted recruitment for up to three additional members for the Advisory Planning Commission in support of the Vacation Home Rental Review Project.

REPORT SUMMARY

This report follows up on input given to staff from the Local Trust Committee (LTC) and members of the Advisory Planning Commission (APC), and introduces a draft Project Charter to set out overarching objectives and milestones for the Vacation Home Rentals Policy Review project.

BACKGROUND

The review and consideration of vacation home rentals on Hornby Island began in 2009 and resulted in amendments in 2012 to the Official Community Plan (OCP) and Land Use Bylaw (LUB) to include objectives, policies, and regulations for vacation home rental uses on Hornby Island.

Policy 6.5.3.9 of the OCP gave direction to review home vacation rentals regulations after five years:

> *6.5.3.9 The Local Trust Committee should consider reviewing with the community the regulations for vacation home rentals in 2017.*

Throughout 2016, the LTC discussed emerging issues on the subject of home vacation rentals on Hornby Island, and identified the need for a review process in 2017/2018 to assess the effectiveness of policies, regulations, and enforcement regarding vacation home rentals on Hornby Island.

ANALYSIS

Policy/Regulatory:

Please refer to the staff report presented at the October 14, 2016 Hornby Island Local Trust Committee (LTC) meeting for detailed information on relevant policies and zoning designations.

Issues and Opportunities:

Draft Project Charter

The attached draft Project Charter outlines the overarching milestones and timeline for the VHR Policy Review project. Staff solicits comments and amendments from the LTC prior to endorsement.

Features of the draft Project Charter include the following.

- A community survey, to be administered by Staff with input from the APC;
- Staff analysis of emerging trends and issues on the topic of Vacation Home Rentals;
- A community consultation process facilitated by the APC to further explore the topics raised through the survey and identified by staff;
- Referral to the APC of specific policy areas for in-depth discussion and recommendations; and
- Possible improvements to Vacation Home Rental policies and guidelines.

Advisory Planning Commission

The APC is currently comprised of three members. The LTC advertised in November 2016 for further expressions of interest to fill out the commission, but none were received. The LTC has advertised again in January 2017; at the time of this report, no expressions of interest were received.

Because the APC is to have a substantial role in the community review of Vacation Home Rental policies, the LTC has expressed a desire to have an APC that represents the diversity of the Hornby Island community in regards to this topic. Considering this specific intention, Staff recommends that the LTC identify desired communities of interest it looks to engage in order to provide direction for targeted recruitment of future APC members. This targeted recruitment would take place over February and March while staff draft Terms of Reference for the APC, to be presented for initial LTC review at the March 31, 2017 meeting.

Consultation:

The roles and tasks of the APC in this consultation process will be described in the Terms of Reference, to be drafted and then referred to the APC.

The public will be a key participant in the VHR Policy review.

ALTERNATIVES

The LTC may choose to defer the VHR Policy Review. An appropriate resolution, in this case, would be "That the Hornby Island Local Trust Committee defer the review of vacation home rentals (to a later date)."

NEXT STEPS

The next steps for this project would be the drafting of the APC's VHR Project Terms of Reference.

Submitted By:	Aleksandra Brzozowski, MCIP, RPP	January 10, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP	January 13, 2017

ATTACHMENT

1. Draft Project Charter – Home Vacation Rental Policy Review

Vacation Home Rental Policy Review DRAFT Project Charter

Hornby Island Local Trust Committee — Date: January 9, 2017

Purpose

This project will review, with the community, the recent policies and regulations implemented to permit Vacation Home Rentals on Hornby Island, should there be areas to improve regulation and enforcement.

Background

In 2012, the Hornby Island Official Community Plan (OCP) and Land Use Bylaw (LUB) were amended to provide policies and regulations respecting vacation home rental (VHR) use. The OCP states, "*The Local Trust Committee should consider reviewing with the community the regulations for vacation home rentals in 2017".*

Objectives

- Identify and analyze the impacts of Vacation Home Rentals on Hornby Island
- Engage the Hornby Island community for "on the ground" feedback on Vacation Home Rentals
- Improve balanced enforcement of Vacation Home Rentals
- Possible improvements to Vacation Home Rental policies and guidelines

Scope & Deliverables

- Community Survey to identify emerging trends and impacts of Vacation Home Rentals (VHRs)
- Inventory of issues for review, including enforcement issues
- Community-led consultation on impacts of VHRs
- Recommendations for adjustments to policies and guidelines in the OCP and LUB

Workplan Overview

Deliverable/Milestone	Date
Establish Advisory Planning Commission (APC) terms of reference	Spring 2017
Conduct community survey to compile basic information on current operations, emerging trends, and to identify topics for review	Spring 2017
Report to LTC and community analyzing results of the survey	Summer 2017
APC-facilitated community consultation to solicit community input on identified impacts of the vacation rental sector	Fall 2017
Referral of specific questions to APC	Fall 2017
APC to provide recommendations for adjustments to policies and guidelines	Fall/Winter 2017
LTC consideration of APC recommendations	Winter 2018

Project Team

Aleksandra Brzozowski, Island Planner	Project Manager
Hornby Island Advisory Planning Commission	Project Facilitators and Advisors
Barb Dashwood, GIS Technician	Mapping support
Wil Cottingham, Office Admin Asst.	Meeting arrangement

RPM Approval:

Ann Kjerulf

Date:

LTC Endorsement:

Resolution #:

Date:

Budget

Budget Sources: Hornby OCP/LUB projects 2016-2017, APC review of Vacation Home Rentals 2017-18

Fiscal	Item	Cost
16-17	Community Survey	$500
17/18	APC Community consultation	$500
17/18	APC Meetings	$500
	Total	**$1,500**

Date: October 26, 2018

To: Accommodation Rental clients, on hornbyisland.com

Two very significant situations have developed this year, which accommodation service providers should be aware of.

For years, bed and breakfasts and vacation rentals (STR) with three or fewer bedrooms were exempt from collecting the PST or MRDT that is collected by the hotel sector. On October 1, 2018, that changed, and all B&Bs and STRs grossing $2,500 or more per annum must now collect and remit these taxes (Exclusive AirBnB hosts are excepted, as AirBnB is going to collect and remit them for their clients). Few enjoy the hassle of paperwork, but this is now B.C. Provincial law.

1. SALES TAX MANDATORY

Starting October 1, 2018, all rental accommodation properties are required to register to collect PST, (Provincial Sales Tax), if their gross revenues exceeded $2,500 over the previous 12 months, or if gross revenues over the next 12 months is reasonably estimated to exceed $2,500.

Failure to register, and remit this tax, is subject to a 10% penalty. The 10% is cumulative from October 1, 2018 until when you are discovered to be non-complying. i.e. Even if the Provincial Tax Department does not ask for the money until 2020, you will be assessed 10% on the outstanding 8% owed, plus the accumulated 8%.

For your ease of understanding the Provincial Sales Tax:

https://www2.gov.bc.ca/assets/gov/taxes/sales-taxes/publications/pst-120-accommodation.pdf

2. ISLANDS TRUST ZONING ENFORCEMENT

The Hornby Island Trust Committee has started an active review of Hornby Island Vacation Rental properties. For properties found in non-compliance, enforcement will ensue. The main areas to be reviewed are: numbers of guests, time of year rentals occur, frequency of renting, lack of parking and lack of signage. Hornbyisland.com is an advertising platform and is not responsible for your adherence to local bylaws, that is the owner's responsibility. We do request, that you adhere to local bylaws in your advertising, and are here to perform any updates you may need.

For your ease of understanding the Hornby Island Land Use Bylaw:

A summary of the requirements for Vacation Rentals can be found in this document, prepared by the Trust Staff:

http://www.islandstrust.bc.ca/media/346354/ho-ltc_2018-07-11_vhr-faq_pub_final.pdf

Karen Ross

Hornby Island Community
Economic Enhancement Corporation

Vacation Home Rentals FAQs Hornby Island

Where on Hornby Island are Vacation Home Rentals (VHRs) permitted?

At present, VHRs are permitted within the following zones:

- Small Lot Residential (R1);
- Large Lot Residential (R2);
- Forest Residential (R4); and,
- Agriculture (A1).

When are VHRs permitted?

VHRs are only permitted from **May through September.**

If a lot is permitted to have two dwelling units, then **one can be rented as a VHR at any time of the year**, provided that the other one remains in use as a residence.

How often can **new** guests/groups come and go from a VHR?

In any period of seven consecutive days, a VHR may be occupied by only one guest or guest party. For example, a VHR cannot be rented for three days to one guest/group and then three days to a different guest/group within the same seven day period.

How many beds and bedrooms can be rented in each VHR?

The number of beds and bedrooms that can be rented in each VHR varies depending on the size of a property:

LOT SIZE	MAX. # OF BEDROOMS	MAX. # OF BEDS PER BEDROOM
Less than 1.0 hectare	3	2
1.0 hectare or more	4	2

Vacation Home Rentals - Hornby Island

How many parking spaces are required for each VHR?

A minimum of one (1) parking space for every rented bedroom is required.

What signage is required?

To inform others that the VHR use is occurring, a sign must be posted on the premises and must be clearly visible from the road.

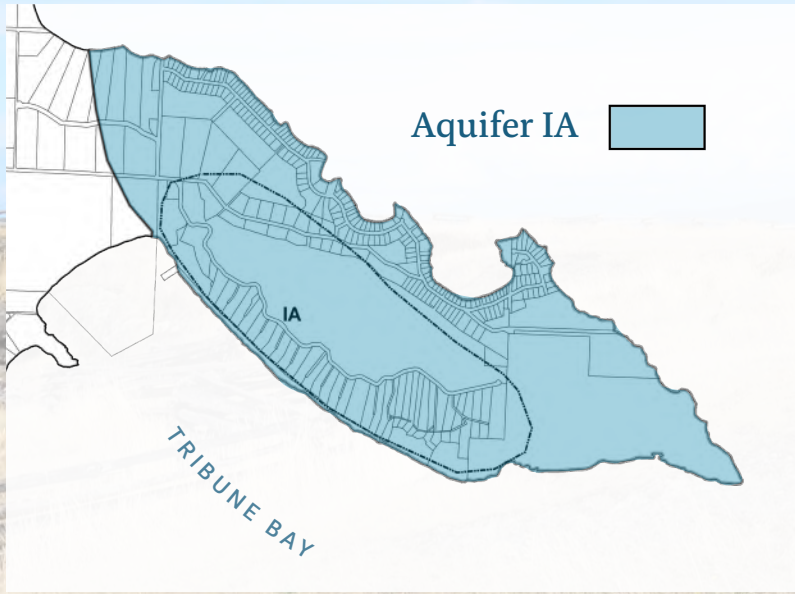
The sign must include the contact information (name and phone number) of either the owner or their agent, who must be reasonably available to handle situations if they arise.

What about Sewage Treatment?

For lots within **Aquifer IA** (see map below), proof of sewage treatment is required before a VHR use is permitted. The Islands Trust requires confirmation in writing from a Registered Onsite Wastewater Practitioner (ROWP) that there is adequate sewage treatment for both the residential use **and** for the proposed VHR use.

More information:

Mail: Islands Trust Northern Office
700 North Road, Gabriola Island
Phone: 250-247-2063
Email: northinfo@islandstrust.bc.ca
Visit: www.islandstrust.bc.ca/islands/local-trust-areas/hornby/bylaws/ to view Hornby Island Local Trust Committee bylaws



STAFF REPORT

File No.: 6500-20 (Vacation Home Rentals

DATE OF MEETING: July 7, 2017

TO: Hornby Island Local Trust Committee

FROM: Marnie Eggen, Island Planner
Northern Team

SUBJECT: Vacation Home Rentals Policy Review

RECOMMENDATION

1. **That the Hornby Island Local Trust Committee endorse the revised Project Charter for the Vacation Home Rentals Policy Review Project.**

2. **That the Hornby Island Local Trust Committee approve a budget allocation of $500.00 from the Hornby Island Local Trust Committee Special Projects Budget to meet the needs of the Vacation Home Rentals Policy Review Project.**

REPORT SUMMARY

The purpose of this report is to present to the Hornby Island Local Trust Committee (LTC) for their consideration revisions to the Vacation Home Rentals Policy Review Project Charter and request an additional budget allocation to the project for the current fiscal year.

BACKGROUND

The following resolution was passed at the May 5, 2017 LTC meeting and staff are suggesting revisions to the Project Charter for LTC consideration. See the Issues and Opportunities section below for details regarding the revisions.

> **HO-2017-037**
> **It was MOVED and SECONDED,**
> that the Hornby Island Local Trust Committee request that staff provide a revised Project Charter for the Vacation Home Rental review.
> **CARRIED**

After pursuing further recruitment of Advisory Planning Commission (APC) members, at the March 31, 2017 meeting the LTC appointed three more members.

> **HO-2017-013**
> **It was MOVED and SECONDED,**
> that the Hornby Island Local Trust Committee pursue targeted recruitment for up to three additional members for the Advisory Planning Commission in support of the Vacation Home Rental Review project.
> **CARRIED**

Since the most recent appointments, one APC member has resigned. There are currently five APC members.

For further background on the project, please refer to the previous staff reports presented at the October 14, 2016 and January 9, 2017 Hornby LTC meetings.

ANALYSIS

Policy/Regulatory

Please refer to the staff report presented at the October 14, 2016 Hornby Island LTC meeting for detailed information on relevant policies and land use bylaw regulations.

Issues and Opportunities

Project Charter

Staff has proposed changes to the Project Charter with the intent to continue to include significant community consultation and valued input from the APC along with other community groups and stakeholders. Staff have also taken into account the submissions provided by the APC members in the fall of 2016 (attached to the October 14, 2016 Staff Report). The purpose and objectives of the project have remained the same. Substantive changes are proposed to the workplan overview, restructuring it so that the consultation is facilitated by staff with the intent of completing the project within the 2017-18 fiscal year.

Resources

The initial budget allocated funds from the 2016-2017 fiscal budget; however, these funds were not utilized prior to the end of the 2016-2017 fiscal year and the currently proposed 2017-18 budget requires further funding. Staff recommends that the LTC allocate the $500.00 from the Special Projects Budget to cover anticipated additional expenses related to this project.

Rationale for Recommendation

In order to advance this project, staff recommend that the LTC endorse the changes to the Project Charter and allocate additional funds as noted.

ALTERNATIVES

1. **Request amendments to the Project Charter**

   The LTC may request further amendments to the Project Charter. If significant changes are made to the charter as presented, staff will need to bring back a revised timeline, workplan overview and budget for review. Suggested wording for the resolution is as follows:

   That the Hornby Island Local Trust Committee amend the Vacation Home Rentals Policy Review Project Charter v 2.0 by [insert changes].

NEXT STEPS

Staff will develop a survey as per the project charter to be administered online in the summer that will be reviewed by trustees for endorsement prior to being released.

Submitted By:	Marnie Eggen, MCIP RPP Island Planner	June 29, 2017

Concurrence:	Ann Kjerulf, MCIP RPP Northern Regional Planning Manager	June 30, 2017

ATTACHMENTS

1. Project Charter

Vacation Home Rental Policy Review Project Charter v. 2.0

Hornby Island Local Trust Committee Date: July 7, 2017

Purpose

This project will review, with the community, the recent policies and regulations implemented to permit Vacation Home Rentals on Hornby Island, should there be areas to improve regulation and enforcement.

Background

In 2012, the Hornby Island Official Community Plan (OCP) and Land Use Bylaw (LUB) were amended to provide policies and regulations respecting vacation home rental (VHR) use. The OCP states, "*The Local Trust Committee should consider reviewing with the community the regulations for vacation home rentals in 2017".*

Objectives

- Identify and analyze the impacts of Vacation Home Rentals on Hornby Island
- Engage the Hornby Island community for "on the ground" feedback on Vacation Home Rentals
- Improve balanced enforcement of Vacation Home Rentals
- Possible improvements to Vacation Home Rental policies and guidelines

Scope & Deliverables

- Community consultation to identify benefits and impacts of Vacation Home Rentals (VHRs) and solicit input on range of options for approaches to managing VHRs
- Recommendations for adjustments to policies and guidelines in the OCP and LUB

Workplan Overview

Deliverable/Milestone	Date
Conduct community survey to compile baseline information on benefits and drawbacks of VHR uses, on current & best practices/approaches for managing VHRs	Summer 2017
Report to LTC and community presenting results of the survey, e.g. CIM/other	Fall 2017
Community consultation to solicit community input on recommended options for adjustments to policies and regulations, e.g. focused consultation with APC and other relevant community groups.	Winter 2017
LTC consideration of community input and staff recommendations	Spring 2018

Project Team

Hornby Island Planner	Project Manager
Wil Cottingham, Office Admin Asst.	Meeting arrangement

RPM Approval:	**LTC Endorsement:**
Ann Kjerulf	
Date: June 30, 2017	**Date:**

Budget

Budget Sources: Vacation Home Rental Policy Review 2017-18 & Special Projects 2017-2018

Fiscal	Item	Cost
17/18	Community Survey	$500
17/18	Community consultation	$500
	Total	**$1000**

GUIDANCE FOR TREATMENT OF RAINWATER HARVESTED FOR POTABLE USE IN BRITISH COLUMBIA

Draft / July 2019

1. Objective

This guidance document provides a general overview of assessing risks and treatment of rainwater for potable use in British Columbia (B.C.). It characterizes harvested rainwater as a type of surface water (i.e., water from a source which is open to the atmosphere) and includes streams, lakes, rivers, creeks and springs, as defined in the *Drinking Water Protection Regulation* (DWPR). This document is intended to supplement but not replace the existing surface water treatment objectives as found in the Ministry of Health's *Drinking Water Treatment Objectives (Microbiological) for Surface Water Supplies in British Columbia* (referred to herein as the B.C. Surface Water Treatment Objectives).

2. Background and Regulatory Framework

Two documents serve as the primary reference materials for treatment objectives for harvested rainwater: the B.C. Surface Water Treatment Objectives, and the *Rainwater Harvesting Systems standard CSA B805-ICC 805* (produced by the CSA Group and the International Code Council, Inc., and referred to herein as the CSA/ICC Rainwater Standard).

In this guidance document, *rainwater* means: water collected from natural precipitation, and any system used to collect, convey, store, treat and distribute rainwater for use is a *rainwater harvesting system.* This definition is consistent with the CSA/ICC Rainwater Standard.

British Columbia Building Code as well as local bylaws may have additional regulatory requirements for the use of harvested rainwater including its use within single-family dwellings and other buildings. These are not included in this guidance document but should be consulted for reference.

The owner of any drinking water supply system, servicing more than a single-family dwelling, and who wishes to harvest rainwater for domestic use, is required under the *Drinking Water Protection Act* (DWPA) and the DWPR to obtain the necessary permits from the local health authority (HA). The *Water Sustainability Act* (WSA) licences water use from a natural source of water supply, specifically a "lake, pond, river, creek, spring, ravine, gulch, wetland or glacier, whether or not usually containing water, including ice, but does not include an aquifer". As rainwater is not included in this definition, a licence under the WSA is not required for rainwater harvesting.

Under the DWPA, water suppliers have the responsibility to provide potable water to all users of their systems. As such, rainwater harvested for use as potable water in any drinking water supply system must be disinfected[1]. Schedule A of the DWPR specifies bacteriological water quality standards for potable water for the protection of human health. The DWPA and the DWPR give *Drinking Water Officers*[2] (DWOs) the flexibility to address further microbiological, chemical and physical risks through applying site-specific treatment requirements to construction and operating permits. The *Drinking Water Officers Guide* (DWOG) contains drinking water policies that must be considered by DWOs when making these statutory decisions. The DWOG further suggests best management practices which align and/or further build on those as detailed in the *Guidelines for Canadian Drinking Water Quality* (GCDWQ), as developed and updated regularly by Health Canada.

Note: Reliability of water volume and quality should be a key consideration during all phases of development, including during the subdivision of land parcels. Given seasonal variations in precipitation, a water supply that relies solely on rainwater may face significant challenges with volume and storage capacity during periods of drought. In many situations, harvested rainwater may be best suited as a supplementary source to existing water supplies for the purposes of reducing stresses related to water quality and/or quantity.

3. Purpose and Scope

3.1. Purpose

The intent of this guideline is to assist water suppliers and DWOs in ensuring harvested rainwater is made potable.

3.2 Scope

This focus of this guide is on the assessment of risks and appropriate treatment of harvested rainwater for potable use in drinking water supply systems.

This document does not address:

- Non-potable uses of rainwater. These are covered in the draft *Guidance for Using Non-Potable Ambient Water for Domestic Purposes in British Columbia*;
- Stormwater runoff[3] harvested rainwater;
- Assessing collection capacity, storage volumes, reliability nor sustainability of rainwater as a source of domestic water. Note that Annex C of the CSA/ICC Rainwater Standard recommends tank sizing and capacity methodologies;
- The appropriateness of rainwater sources as basis for subdivision approval; or

[1] See section 5 of the Drinking Water Protection Regulation: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/200_2003#section5.

[2] Drinking Water Officer (DWO) is defined in the DWPA as a drinking water officer under Section 3 of the DWPA.

[3] Stormwater runoff, as per Section 3.1 of the CSA/ICC Rainwater Standard, is rainwater that is not roof runoff. This includes precipitation runoff from rain or snowmelt that flows over land and/or impervious surfaces (e.g. streets, parking lots, vegetative roofs, and roofs with public access).

- Standards for chemical contaminants. As with other sources, rainwater chemical parameters should be reviewed against the GCDWQ.

4. Rainwater Harvesting System Design

This section provides an approach to hazard identification, risks assessment and mitigation through system design, as well as determining appropriate treatment objectives to achieve potability.

Applications should be made to the local health authority for the issuance of construction and operating permits under the DWPA prior to commencing any construction. This process will look at how the water supplier plans to mitigate the risks identified for the proposed system. Water suppliers may consider employing contracted consultants familiar with drinking water processes and treatment objectives to assist with this process.

The process of designing a rainwater harvesting system should follow a risk assessment and mitigation strategy similar to any other potable water source in British Columbia. The *Comprehensive Drinking Water Source-To-Tap Assessment Guideline*, *Drinking Water Source-To-Tap Screening Tool* and the *Water System Assessment User's Guide* provide risk assessment and mitigation strategies suitable to a harvested rainwater water supply[4].

4.1 Rainwater Harvesting Risks

Harvested rainwater can become contaminated through numerous pathways of exposure including via airborne particles, animal fecal matter, tree litter, and by the materials used to collect and store rainwater.

Harvested rainwater is at risk of contamination prior to reaching a collection point. This can occur through contact with air pollutants that are either regularly occurring or associated with specific events (e.g., forest fire). As these risks will vary between locations and over time, all existing and potential risk should be considered as part of a risk mitigation approach.

At the collection stage, rainwater passes over surfaces (often a roof) which are likely to harbour residual matter, namely airborne contaminants such as dust, fecal matter from birds or mammals, chemical contaminants or other organic matter (Fewtree & Kay 2008). The source and concentration of contamination may vary depending on conditions, and in some cases with seasons (Zhang et al. 2014).

Materials used to make collection surfaces and conveyancing systems may also have a negative impact on harvested rainwater quality (Ward et al. 2010; Bae et al. 2019). In some environments, metal roofs, concrete tile and cool roofs (reflective roofs) produce a higher quality of harvested rainwater with lower dissolved organic carbon than shingle and green roofs. In particular, green roofs may produce high concentrations of dissolved organic carbon which can lead to the formation of disinfection by-products if not adequately treated (Mendez et al. 2010; Zhang et al. 2014). The growing medium used in some green roofs is further correlated with a higher concentration of metals (such as arsenic) (Mendez et al. 2010).

[4] All three documents are available, along with others, on the **Resources for Water Systems Operators** page at https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-quality/drinking-water-quality/resources-for-water-system-operators

The quality of a harvested rainwater supply is impacted by both storage time (stagnation), the environment, and the materials in which water is being stored (Crabtree et al. 1996; Ahmed et al. 2010a; 2010b). These factors further interact depending on the quality of harvested rainwater as described in the previous paragraph. In general, storage tanks made of a dark coloured polyethylene are associated with creating a warmer environment for harvested rainwater and may impact microbial contamination of rainwater (Struck 2011). The risk of opportunistic pathogens (e.g., Legionella) exists where water temperatures will be stored at a temperature above 25 degrees centigrade, therefore tanks should be stored out of direct sunlight, and storage should be in-ground if there is a risk of temperatures exceeding 25 degrees Celsius.

Best practice for the location of a storage tank recommends they not be located directly under sanitary, waste or storm drain pipes, or in any other location that may increase the risk of contamination, such as above an onsite sewage disposal system (see the CSA/ICC Rainwater Standard). Tanks and all associated components, including but not limited to sealants, fittings and linings contacting collected water, should comply with NSF/ANSI 61 and have a weighted average lead content of 0.25% or less when evaluated in accordance with NSF/ANSI 372. Solders and fluxes used in potable use rainwater harvesting systems should not exceed lead content greater than 0.2% by mass (see the CSA/ICC Rainwater Standard).

4.2 Risk Identification and Assessment

Identifying hazards and implementing control measures to mitigate potential health hazards is an essential aspect of any potable water supply system. A risk assessment process, such as the one outlined in Figure 1 below, serves as a tool for water systems to develop a more comprehensive understanding of the risks to drinking water safety and availability, designing risk mitigation measures, operating more effectively, and ensuring the best possible water quality. Understanding threats and vulnerabilities to drinking water supplies and the interdependency of their components equips water suppliers with the ability to make informed decisions about reducing or mitigating risks.

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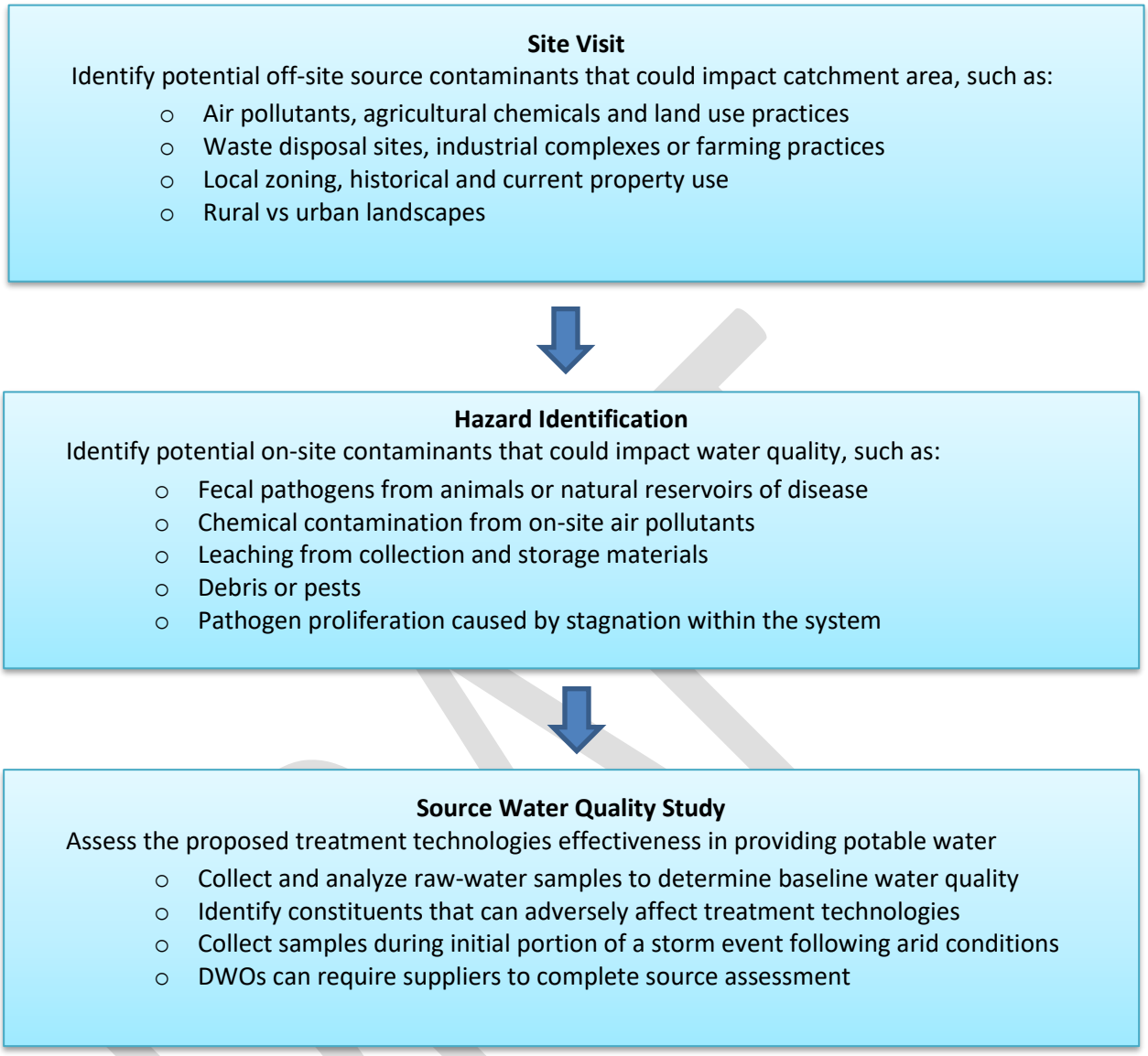
Figure 1: Flow Diagram for Rainwater Harvesting Risk Assessment Process



A thorough evaluation should be done on land use in the vicinity of the collection surface for both human and natural activity. Hazards identified should be documented to inform risk analysis, application of risk mitigation measures, and for measuring successes over time. The process may include surveys of potential sources of contamination and the frequency of occurrence of contamination events. A period of sampling for microbiological and/or chemical quality to characterize typical nature of the water quality may be valuable to ensuring that the design and treatment objectives (see section 5 in this guideline) applied are appropriate. It may be appropriate to sample in different seasons to obtain a robust representation of water quality throughout the year.

Several tools exist to assist with the above-described process. The *Comprehensive Drinking Water Source-To-Tap Assessment Guideline,* the *Drinking Water Source-To-Tap Screening Tool* and the *Water System Assessment User's*

Guide are intended to help water suppliers develop a better understanding of the risks to drinking water safety and availability[5].

4.3 Design Considerations

Central to the risk assessment process is the implementation of control measures to ensure appropriate and effective risk mitigation. Table 1 below identifies some of the essential design considerations that can be administered in a rainwater harvesting system.

Table 1: Rainwater Harvesting Water System Design Considerations

Design Consideration	Reasoning
Air Gap or Backflow Preventer	Prevent potential cross contamination of other water supply system(s)
NSF/ANSI 61, NSF/ANSI 372 and NSF P151 Materials (or third-party certification)	Ensures the materials adhere to minimum established health effects requirements for any chemical contaminants or impurities that are imparted to the water (USEPA, 2002[6])
Inlet Pre-Filter[7] Systems	Prevents entry of debris and pests into water supply
First-Flush Diverter[8]	Reduce contaminants in the harvested water supply
Collection Potential	Amount of available precipitation in the area
Output Demand	Required storage volume for intended use
Food-Grade Plastic Storage	Retains acidic nature of harvested rainwater which can inhibit microbial growth
Covered or Shaded Storage	Retains cool temperatures of stored water which can slow microbial growth
Mixing Systems	Recirculate, aerate or disinfection of water supply to prevent stagnation and stratification of water supply
Alarm Systems	Systems to monitor, alert or shut-off supply when intake or output water quality standards not being achieved
Secured Access	Prevents unauthorized access to water supply

[5] All three documents are available, along with others, on the **Resources for Water Systems Operators** page at https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-quality/drinking-water-quality/resources-for-water-system-operators

[6] USEPA (2002) *Permeation and Leaching. Distribution System Issue Paper.* https://www.epa.gov/sites/production/files/2015-09/documents/permeationandleaching.pdf

[7] Inlet pre-filter, as per Section 3.1 of the CSA/ICC Rainwater Standard, is a device installed on the rainwater conveyance pipe prior to the primary storage vessel on a rainwater system. Note: An inlet pre-filter is intended to mitigate the introduction of, e. g. vermin, leaves, sticks, needles, tree fruit, bark, moss, or any unwanted debris or roof contaminant that could enter the system.

[8] First-flush diverter, as per Section 3.1 of the CSA/ICC Rainwater Standard, is a device or method for removal of sediment and debris from collection surface by diverting initial rainfall from entry into the storage tank. NSF/ANSI 61 provides further guidance on how to perform an effective flush.

5. Treatment Objectives

Drinking water treatment objectives provide a minimum performance target for water suppliers to treat water to produce potable water from harvested rainwater. The actual amount of treatment required will depend on the risks identified (see Section 4.1 and 4.2) and may require levels of treatment over and above those outlined below.

5.1 Treatment Objectives (Microbiological)

As this document has categorized rainwater as a surface water supply, most of the treatment objectives and the supporting reference material for this section can be found in the B.C. Surface Water Treatment Objectives. Further reasoning and explanation is provided when necessary within each sub-section where the treatment objectives differ or expand in the B.C. Surface Water Treatment Objectives.

This section outlines the following treatment objectives for the following pathogenic microbes: enteric viruses, bacteria, enteric protozoa in harvested rainwater for potable use:

- 4-log reduction or inactivation of viruses;
- 4-log reduction or inactivation of *Giardia* and *Cryptosporidium*;
- Two methods of treatment (dual treatment) for harvested rainwater;
- Less than or equal to (≤) one nephelometric turbidity unit (NTU) of turbidity; and
- No detectable *E. coli*, fecal coliforms and total coliform;

5.2.1. 4-log Inactivation of Viruses

A minimum 4-log reduction of enteric viruses is recommended for all potable rainwater harvested systems. This is the same as the B.C. Surface Water Treatment Objectives which also requires a 4-log reduction of enteric viruses.

While the CSA/ICC Rainwater Standard assumes that elevated collection surfaces are unlikely to become contaminated with human viruses and recommends this level of reduction only where a water supply system includes a below-ground tank (where there is potential for sewage contamination), this guideline takes a more precautionary approach to ensure air transported human viruses, or viruses that are capable of cross-species transfer are inactivated.

It is recommended that water supply systems should provide, as a minimum, 4-log reduction of viruses for all rainwater harvesting potable water systems. This is consistent with requirements for surface water in the B.C. Surface Water Treatment Objectives.

5.2.2. 4-log Inactivation of *Giardia* and *Cryptosporidium*

Protozoa, such as *Giardia* and *Cryptosporidium,* can be responsible for severe and, in some cases, fatal gastrointestinal illness. Local climate, the rate of pathogen occurrence, and the potential for higher pathogen concentrations increase the risks to human health associated with harvested rainwater for potable use (Ahmed et al. 2013; Schoen et al. 2017). As reliable and ongoing monitoring remains a challenge with a water supply such as harvested rainwater, the measures in place to ensure protection should aim to reduce the level of risk as much as possible.

A minimum 4-log reduction of enteric protozoa is recommended for all potable rainwater harvested systems. This is a higher level of reduction than recommended in the B.C. Surface Water Treatment Objectives but is aligned with the CSA/ICC Rainwater Standard (see Table 8.1). The 4-log reduction is based on the United States Environmental

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Protection Agency (USEPA) health-based target of an annual risk of less than 1/10,000 persons per year (10^{-4} ppy) (USEPA 1989).

It is recommended that water supply systems should provide, as a minimum, 4-log reduction of *Giardia* and *Cryptosporidium* for all rainwater harvesting potable water systems. The higher level of reduction is recommended based on the potential rainwater harvested systems to harbour significantly higher concentrations of protozoa, as well as the potential for such water sources to experience an unpredictable rate of pathogen occurrence, when compared to other surface water sources.

5.2.3. Two Methods of Treatment (Dual Treatment)

To provide the most effective protection, the GCDWQ and the B.C. Surface Water Treatment Objectives recommend that filtration and one form of disinfection be used to meet the treatment objectives. The CSA/ICC Rainwater Standard also supports dual treatment and recommends filtration and disinfection of harvested rainwater supplies used for potable purposes.

It is recommended that dual treatment should be applied to all rainwater harvested potable water supply systems. This is consistent with requirements for surface water in the B.C. Surface Water Treatment Objectives.

5.2.4. ≤1 NTU in Turbidity

Turbidity of treated harvested rainwater should be maintained at less than 1 NTU. Turbidity levels should comply with the GCDWQ on turbidity, as referenced in the B.C. Surface Water Treatment Objectives, and the same exceptions apply (see section 4.4).

5.2.5. No Detectable *E. Coli*, Fecal Coliform and Total Coliform

Schedule A of the DWPR requires that the treatment target for all potable water systems is to contain no detectable *E. coli* or fecal coliform per 100 ml. Total coliform objectives are also zero based on one sample in a 30-day period. For more than one sample in a 30-day period, at least 90% of the samples should have no detectable total coliform bacteria per 100 ml and no sample should have more than 10 total coliform bacteria per 100 ml. If deemed necessary, the DWO may require increased frequency of testing within the operating permit.

5.3. Treatment Objectives (Physical and Chemical)

This document does not outline the required treatment mechanisms or equipment to remove chemical/physical contaminants but recognizes that such contaminants can reduce the effectiveness of disinfection methods (e.g., by increasing the chlorine demand or by blocking/absorbing UV irradiation). Where the risk assessment or subsequent monitoring identifies potential concerns due to the presence of chemicals or turbidity, appropriate treatment technologies should be applied. The GCDWQ should be consulted for further guidance.

6. Operation, Monitoring, Maintenance and Training.

Operational monitoring is critical for ensuring the treatment objectives and control measures in place are effective, and that a system is supplying potable water. Identifying and monitoring critical control points in a water system allows opportunities for corrective actions to be taken. As part of any operation, monitoring and maintenance plan, robust record keeping is required.

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Water quality should be monitored for all parameters identified in the risk assessment, regardless if these parameters are required in the DWPR. If there is uncertainty of how water quality from a new supply may vary over time, the DWO may establish different sampling frequencies and parameters than those specified in section 8 of the DWPR.

For rainwater harvesting systems, maintenance activities could include: cleaning and sanitizing the collection, conveyance and storage systems; inspecting and verifying inlet pre-filters and first flush diverters are in working order; and removing overgrown foliage and pest harborage locations.

In B.C., the level of training and certification required for operators is tied to the size of the system and classification level assigned to a drinking water system by the Environmental Operator's Certification Program (EOCP) or as required by the DWO through conditions on the operating permit. Many small water systems are exempt from training as per the DWPR, however a DWO may impose training requirements through conditions on permit when deemed necessary. Training specific to rainwater harvesting systems are listed (based on availability) on the EOCP Customer Relationship Management System, under the Career Management tab. The EOCP website and training guides are available to and recommended for anyone in the water industry.

Unforeseen circumstances that fall outside of an owner/operators' control will always pose a risk to the quality of water produced within any drinking water system. Water suppliers are required, as per Section 10 of the DWPA with requirements outlined under Section 13 of the DWPR, to have an Emergency Response Plan (ERP).
The Ministry of Health's Emergency Response and Contingency Planning for Small Water Systems is a useful tool for developing an ERP. Water suppliers are encouraged to engage with their local DWO on ERP planning.

7. Conclusion

The guidance provided in this document includes recommendations for the purposes of harvesting rainwater for potable use in B.C. and relies on the existing DWOG and the GCDWQ as the primary references for water treatment and potability.

For any water system seeking to use harvested rainwater for potable purposes, the treatment objectives for microbiological, chemical and physical parameters in specific water supply systems must be developed in consultation with a DWO when planning or upgrading drinking water supply systems in the Province.

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8. References

B.C. *Drinking Water Protection Act*
http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_01009_01

B.C. Drinking Water Protection Regulation
http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/10_200_2003

B.C. *Water Sustainability Act*
http://www.bclaws.ca/civix/document/id/complete/statreg/14015

B.C. Ministry of Health. (2012). *Drinking Water Treatment Objectives (Microbiological) for Surface Water Supplies in British Columbia Version 1.1*. https://www2.gov.bc.ca/assets/gov/environment/air-land-water/surfacewater-treatment-objectives.pdf

B.C. Ministry of Health. (2016). *Emergency Response and Contingency Planning for Small Water Systems*. https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/waterquality/resources-for-water-operators/ercp-sws-final-aug17-2016.pdf

B. C. Ministry of Healthy Living and Sport. (2010). *Comprehensive Drinking Water Source-To-Tap Assessment Guideline Version 1.0*. https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-quality/drinking-water-quality/resources-for-water-system-operators#source-to-tap-assessment

B. C. Ministry of Environment & Climate Change Strategy Water Protection & Sustainability Branch. (2017). *Source Drinking Water Quality Guidelines*. https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/waterquality/wqgs-wqos/approved-wqgs/source_drinking_water_quality_guidelines_bcenv.pdf

Drinking Water Leadership Council (B.C. Ministry of Health website). (2017). *Drinking Water Officers Guide*. https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-quality/drinking-water-quality/how-drinking-water-is-protected-in-bc

Health Canada
Health Canada. (2017). *Guidelines for Canadian Drinking Water Quality (Summary Table)*. https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/water-quality/guidelines-canadian-drinking-water-quality-summary-table.html

Health Canada. (2012). *Guidelines for Canadian Drinking Water Quality: Guideline Technical Document – Turbidity*. https://www.canada.ca/en/health-canada/services/publications/healthy-living/guidelines-canadian-drinking-water-quality-turbidity.html

Standards Council of Canada
CSA Group/International Code Council. (2018). *Rainwater harvesting systems. CSA B805-18/ICC 805-2018.* National Standard of Canada. *https://www.csagroup.org/*

DRAFT

NSF International

NSF/ANSI 61-2014a *Drinking Water System Components – Health Effects*
NSF/ANSI 372-2016 *Drinking Water System Components – Lead Content*
P151-2014 *Health Effects from Rainwater Catchment Systems Components*

Works Cited and Further Reading

Ahmed et al. (2011). *Fecal Indicators and Zoonotic Pathogens in Household Drinking Water Taps Fed from Rainwater Tanks in Southeast Queensland, Australia*. Applied and Environmental Microbiology. P. 219-226. https://aem.asm.org/content/78/1/219

Ahmed et al. (2010a). *Health Risk from the Use of Roof-Harvested Rainwater in Southeast Queensland, Australia as Potable or Nonpotable Water, Determined Using Quantitative Microbial Risk Assessment.* https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2976188/

Ahmed et al. (2010b). *Microbiological Quality of Roof-Harvested Rainwater and Health Risks: A Review*. Journal of Environmental Quality. 40:1-9(2011). https://www.researchgate.net/publication/215503892_Microbiological_Quality_of_Roof-Harvested_Rainwater_and_Health_Risks_A_Review

American Water Works Association. (1991). Giardia and Cryptosporidium in Water Supplies. AWWA Research Foundation. ISBN: 0-89867-569-3.

Bae, S., Maestre, J.P., Kinney, K.A., Kirisits, M.J. (2019). An examination of the microbial community and occurrence of potential human pathogens in rainwater harvested from different roofing materials. Water Research 159, 406 – 413.

Crabtree et al. (1996). The detection of Cryptosporidium oocysts and Giardia cysts in cistern water in the U.S. Virgin Islands. Water Res. 30:208–216.

Despins, et. al (2009). *Assessment of Rainwater Quality from Rainwater Harvesting Systems in Ontario, Canada*. Journal of Water Supply: Research and Technology – AQUA, 58.2. IWA Publishing.

Duke. (2014). Ownership of Rainwater and the Legality of Rainwater Harvesting in British Columbia. Migration, Mobility, & Displacement, University of Victoria Law Department

enHealth. (2010). Guidance on Use of Rainwater Tanks. Commonwealth of Australia.

Fewtrell L. & Kay, D. (2007). Microbial quality of rainwater supplies in developed countries: a review, Urban Water Journal, 4:4, 253-260, DOI:10.1080/15730620701526097. https://www.tandfonline.com/doi/abs/10.1080/15730620701526097

Fewtrell, L. & Kay, D.(2007). Microbial quality of rainwater supplies in developed countries: a review, Urban Water Journal, 4:4, 253-260.

Mendez, C., Klenzendorf, B.J., Afshar, B.R., Simmons, M.T., Barrett, M.E., Kinney, K.A., Kirisits, M.J. (2010) The effect of roofing material on the quality of harvested rainwater. Water Research 41(2011) 2049 – 2059.

DRAFT

Rose, J. B., H. Darbin, and C.P. Gerba. (1988a). Correlations of the protozoa, *Cryptosporidium* and *Giardia*, with water quality variables in a watershed. *Proc. Internat. Conf. Water and Wastewater Microbiol.*, Newport Beach, CA, Feb. 8-11.

Schoen et al. (2017). *Risk-based enteric pathogen reduction targets for non-potable and direct potable use of roof runoff, stormwater, and greywater*. Microbial Risk Analysis, Vol. 5, pp. 32-43. Elsevier B.V. https://www.sciencedirect.com/science/article/pii/S2352352216300408

Struck, S. (2011). Rainwater harvesting for Non-potable Use and Evidence of Risk Posed to Human Health. *British Columbia Centre for Disease Control*. Retrieved May 2019 from http://www.ccnse.ca/sites/default/files/BCCDC-Rainwater_Harvesting_Oct_2011.pdf

USEPA. (1989). National primary drinking water regulations; filtration and disinfection; turbidity; *Giardia lamblia*, viruses, *Legionella*, and heterotrophic bacteria. *Federal Register*, 54(124): 27486-27541.

USEPA. (1989a). National primary drinking water regulations; filtration and disinfection; turbidity; *Giardia lamblia*, viruses, *Legionella*, and heterotrophic bacteria. *Federal Register*, 54(124): 27486-27541.

Ward, S., Memon, F.A., & Butler, D. (2010). Harvested rainwater quality: the importance of appropriate design. Water Science & Technology 2010, 61(7), 1707 – 1714.

World Health Organization. (2011). *Guidelines for Drinking Water Quality 4th ed*.

Zhang, Q., Wang, X., Peiquiang, H., Wan, W., Li, R., Ren, Y., & Ouyang, Z. (2014). Quality and seasonal variation of rainwater harvested from concrete, asphalt, ceramic tile and green roofs in Chongqing, China. Journal of Environmental Management.

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LTC MINUTES APRIL 2011

NEW BUSINESS 3.1 Vacation Home Rental Planner Porter provided a summary of the Staff Report dated April 19, 2011 regarding Vacation Home Rentals. He presented the options available to the Local Trust Committee to address the issue of Vacation Home Rentals and outlined challenges associated with the process.

3.1.1 Review of Draft Vacation Home Rental Policies Trustee Law said that at recent Community Information Meetings the community clearly expressed what is desired and did not feel the Status Quo approach provided certainty to those dependent on the activity. He stated he supports the Staff Report Option b: Lawful Recognition of Vacation Home Rentals in the Land Use Bylaw with restrictions established. He said the possible concerns of the Executive Committee with this approach need to be addressed. Trustee Hunt noted that there were some letters concerning vacation home rentals that had not been included in the material for the April 27, 2011 Local Trust Committee meeting agenda and that he would identify those for Planner Porter who will follow up.

Trustee Hunt noted that a theme that arose at the Community Information Meetings was that the many years of stress from this issue has contributed to a general distrust of Islands Trust. He stated this perception needs to continue to be addressed through discussions, meetings and possibly at least one more Community Information Meeting. He suggested that there are people who do not wish to see vacation home rentals as a lawful use but have not made their opinions known. He stated that if Option b is chosen as the proposal to advance, additional community meetings would be desirable.

Chair Bell said the three Community Information Meetings were valuable with the different locations providing different opinions. She commented that it does not appear that the complexities of the issue are understood by many and that there is a failure to understand how the Local Trust Committee operates according to the Islands Trust Act. She shared a schematic of how decisions are made by local government groups as being equal parts public input, policy directives, and professional advice. She stated that she does favour the idea of a Home Rental Association on Hornby as a useful addition to the overall approach to home vacation rentals.

Trustee Hunt asked for Bylaw Enforcement Coordinator Drew's input on the feasibility of enforcing the various options identified in the Staff Report under Option c: Vacation Home Rentals as a Residential Land Use.

Bylaw Enforcement Coordinator Drew gave his view from an enforcement perspective of these options. He identified the challenges with all the approaches; however, he concluded that Option c iii: Vacation Home Rentals as a Permitted Use on All Residential Properties would be the preferred approach of these options from an enforcement standpoint. He said that this option presents the clearest intent which is best for enforcement purposes. He recommended that whatever solution is chosen, it should be one in which enforcement can be implemented.

Discussion followed on potential triggers for enforcement. Planner Porter suggested that if vacation home rentals are made a formal permitted use the statement of how the Hornby community views itself may require Official Community Plan changes.

Timing and requirements to complete work projects during this term were HO LTC Special Meeting Minutes DRAFT 3 April 20, 2011 discussed. Potential conflicts with Trust Policy Statement were considered and the role of the Executive Committee was reviewed. The possibility of providing justifications to the Executive Committee to address the issues was discussed.

Trustee Hunt asked if there would be an opportunity for the community to comment on the possibility of allowing vacation home rentals as a permitted use. Planner Porter responded that there would be time for an additional community information meeting if necessary and could include discussion of proposed enforcement policies. Chair Bell stated her belief that whatever path the Local Trust Committee takes to address vacation home rentals, necessary changes to the Official Community Plan (OCP) and Land Use Bylaw (LUB) should be completed at the same time to avoid technical problems. She suggested there could be one Public Hearing for both amending bylaws directed to the one topic; however she said the process would likely take the rest of the term and the remaining OCP changes would need to be deferred. Planner Porter agreed this would be a logical process.

Discussion followed on the process and timing required to complete various work projects relating to vacation home rentals and the OCP review. Planner Porter suggested an approach that would focus on completing Vacation Home Rental LUB and OCP amendments before the end of this term. Where time is available during the remainder of this term, staff could work with the Advisory Policy Commission on the OCP review for Local Trust Committee consideration at the start of the next term. Chair Bell asked Bylaw Enforcement Coordinator Drew if he would be able to provide a draft Enforcement Policy if the Local Trust Committee adopts an approach to create lawful recognition of Vacation Home Rentals in the LUB. Bylaw Enforcement Coordinator Drew replied that he would work with Planner Porter to draft a Bylaw Enforcement Policy that would support the proposed bylaw amendments. Chair Bell recessed the meeting at 3:40 pm. The meeting was reconvened by Chair Bell at 3:51 pm.

HO-015-2011 It was MOVED and SECONDED that the Hornby Island Local Trust Committee request staff to: a) draft an Official Community Plan Amendment Bylaw that would enable vacation home rentals to be recognized as a permitted use in zoning regulations as outlined on page 9 of the Staff Report on Vacation Home Rentals dated April 19, 2011 b) draft a Land Use Bylaw amendment bylaw that would implement the draft Official Community Plan policies, and c) draft a Bylaw Enforcement Policy that would support the proposed Official Community Plan and Land Use Bylaw amendments for consideration by the Local Trust Committee to bring forward for community comment. CARRIED

Trustee Law commented that the anxiety and stress the community has expressed over vacation home rental issues has caused him concern and it has taken time and thought to craft a solution that integrates the many clearly articulated opinions received from the community. He said it is important to balance the many interests and concerns and added that this initiative may provide those with minority viewpoints another opportunity to be heard. He stated that having the possibility of a group in the

community that is willing to promote best practices in the home rental operations should be a part of the discussion.

Trustee Hunt said that this issue has been ongoing since 1971 and that not being recognized as a permitted use along with misinterpretation of possible enforcement action has been the source of community discomfort for a long time. He expressed his appreciation for the community's creative involvement in meetings and significant correspondence on this matter. He stated his hope that there is an interest in the proposed Home Rental Association to continue to be involved.

Chair Bell stated her belief that the approach that was recently advanced in Community Information Meetings did not resonate with the community and perhaps more discussion of the type of enforcement recommended in that initiative may have been beneficial. She said that this approach, although there are some difficulties, makes the intention clear and transparent and is the better step.

The Local Trust Committee identified several items to be considered in the drafting of the proposed Vacation Home Rental (VHR) amending bylaws for community discussion: • impact on the Agricultural Land Reserve and Agri-Tourism • water advocacy policy or regulation • septic advocacy policy • legal and illegal multiple dwellings HO LTC Special Meeting Minutes DRAFT 5 April 20, 2011 • occupancy levels • advertising maximum occupancy levels • associating levels with lot size as referenced in Bylaw No. 138 • limiting VHRs to May 1 – September 30 • accommodation within dwelling/camping, tenting, recreational vehicles • establishing seven days as a minimum number of days per guest party Discussion followed on possible future meeting dates to address vacation home rental issues. 3.2 Official Community Plan Discussion deferred by consensus. 3.2.1 Review of Draft Official Community Plan Discussion deferred by consensus.

Formatting to make the document easier to read by adding paragraph breaks. Wendy Burton, January 5, 2022

Enabling Additional Rental and Temporary Housing Opportunities on Hornby Island

Discussion Paper

(Prepared by Tony Law - 5 May 2021)

1. Rental Housing Needs on Hornby Island

The following information comes from the 2018 Housing Needs Assessment conducted by the Islands Trust:

- Income and affordable housing:

45.6% of households (all households below moderate income of $30,000) need rental housing $688/month or less

- Housing challenges for Hornby Islanders

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

- Private market rental housing

Anecdotal evidence and survey results for the assessment confirm a limited pool of private rental housing

- Social housing:

Hornby Island Housing Society operates 11 rental units for seniors' housing.
The Society is also planning a development of 26 affordable housing units

- Where people live who need affordable housing*:*

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.

The need for 65 to 97 affordable rental housing units and the expected provision of 37 non-market rental units leaves a shortfall of between 28 and 60 units that will need to be provided in other ways. If this is to happen it will require enabling more housing opportunities in residential zones.

Meanwhile, people are finding their own un-permitted solutions to housing need. This puts the local trust committee in the difficult position of either enforcing on bylaw violations (for which there may not be a social license if it involves community members losing homes) or a disconnect between what is actually happening on the ground and the regulatory framework. A third approach is to amend the regulatory framework.

2. Options for enabling more housing opportunities in residential zones

There are three basic regulatory options for doing this:

a) Increasing the permitted density in one or more residential zones or sub-zones.

This means that every lot in a zone or sub-zone would be allowed the additional density. It is hard to specify that the additional dwellings will be used for the desired purpose, ie residential rentals to residents, particularly in a destination community where there is a strong interest in accommodating paying visitors and non-paying guests. There would likely be community concerns about this option.

b) Considering site-specific re-zoning applications

A policy would be required in the OCP to support consideration of such applications. The cost, bureaucracy and focused attention on a particular lot would likely inhibit many property owners from applying.

c) Issuing Temporary Use Permits (TUPs)

TUPs essentially provide site-specific temporary rezoning by allowing an otherwise un-permitted use. Some desired additional housing opportunities are temporary in nature and it make sense to address them that way rather than perpetuating additional density beyond the current owner and situation. Such situations might include an owner willing to allow someone they know who is in a housing crisis to place a removable unit on their property. Challenges with TUPs include the statutory public notice requirement requirement and the maximum duration of 3 years (with potential renewal for another three years). So this is probably not a good option for authorizing what is hoped to be an on-going housing situation.

3. Outline of a proposal

This paper proposes a two tier approach to enable both short term and long term housing options.:

- Developing streamlined TUP process for truly short-term housing opportunities

- Combining aspects of options a) and b) above to establish a new zone where the rental use of housing can be specified.

4. A streamlined Temporary Use Permit process

The current Official Community Plan (OCP), adopted in 2016, contains new provisions that support TUPs being used for housing, with the Land Use Bylaw (LUB) containing guidelines for considering applications.

It is my understanding that in the five years since there have no applications. When drafting regulations to permit and manage a use it can be difficult to find the appropriate balance between accountability and accessibility. The lack of applications indicates the process for applying for a permit is not particularly accessible.

When a permissive option is not being utilized it has little value. I believe it is appropriate to consider streamlining the process by addressing likely barriers – bureaucracy and cost.

Here are some suggested steps:

a) First there is the need to review the objectives in Section 6:10 of the OCP:

The key policy supporting the use of Temporary Use Permits is in **Section 6.3.5 Housing:**

6.3.5.14 A detached unit used to provide temporary accommodation for a relative or a care-giver or to provide temporary affordable rental accommodation under the Residential Tenancy Act may be permitted through a Temporary Use Permit (in accordance with guidelines specified in Section 6.10 (Temporary Use Permits)),

NOTE: The use of such a permit will only define the permitted use and the temporary nature of such use and cannot manage who man occupy the temporary accommodation.

Other relevant policies are:

6.3.5.18 A supported living facility, a hostel and other facility for providing emergency and/or temporary accommodation should be permitted on land zoned for community service use (in accordance with policies in section 6.2 (Community Service Use) of this Plan).

6.3.5.19 The Local Trust Committee may explore opportunities for temporary accommodation for summer workers and/or displaced residents.

6.3.5.3 A housing agreement may be required upon application for rezoning to Community Housing.

The “Objectives” in **Section 6.10 Temporary Use Permits** include these ones with respect to housing

(5) to consider allowing temporary seasonal or emergency accommodations as per policies 6.3.5.18 and 6.3.5.19;

(6) to consider allowing a temporary secondary suite or detached housing for a relative or caregiver of occupants of the residence as per policy 6.3.5.14 in association with a housing agreement or by such other means as are available to encourage occupancy by a relative or caregiver;

Objective (6) omits "or to provide temporary affordable rental accommodation under the Residential Tenancy Act" which is part of policy 6.3.5.14

Objective (6) also references the need for a housing agreement (or other "such means"), but policy 6.3.5.3 only speaks to the use of housing agreements in connection with "rezoning to Community Housing”. Housing agreements are cumbersome and are generally only used for housing projects involving multiple units, such as proposed for Beulah Creek)

Objective (6) also speaks to permitting a secondary suite, but these are already permitted through zoning regulations

I suggest a first step is to amend Objective (6) so that it reads something like:

(6) to consider allowing a detached dwelling unit used to provide temporary accommodation for a relative or a care-giver or to provide temporary affordable rental accommodation

Note that these objectives are repeated in the LUB which would require a parallel amendment.

b) Second, the TUP guidelines should be reviewed

The TUP guidelines are included in **Section 6:10** of the OCP and **Part 10** of the LUB

There are ten guidelines for issuing a Temporary Use Permit including eleven general conditions. (Note, these are mis-numbered in the OCP)

The tenth guideline is specifically for Vacation Home Rentals

I suggest adding an eleventh set of guidelines stating “despite guidelines 1-10 above, these guidelines apply to considering Temporary Use Permits for detached dwelling units.

The Denman Island LUB has a separate section specific to TUPs for housing with only five guidelines:

The Local Trust Committee may issue Temporary Use Permits for secondary dwelling units on lands zoned as "R2" (Rural Residential), "A" (Agriculture), "F" (Forestry) and "RE" (Resource).

Objective

To permit secondary dwelling units where considered appropriate to address housing objectives as defined in the Official Community Plan.

Guidelines

Guideline 1: Upon application, Temporary Use Permits may be considered for all parcels of land zoned as "R2" (Rural Residential), "A" (Agriculture), "F" (Forestry) and "RE" (Resource) by the Denman Island Land Use Bylaw.

Guideline 2: Compliance with the requirements of the "Secondary Suites and Accessory Dwellings" regulations of Part 2, "General Regulations", is a condition of approval.

Guideline 3: Applications for Temporary Use Permits may be referred to the Advisory Planning Commission, which may be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.

Guideline 4: Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.

Guideline 5: The general conditions for issuing a Temporary Use Permit are as follows:
a) Adequate off-road parking should be provided;
b) There should be adequate provision for approved waste disposal before consideration is given by the Local Trust Committee;
c) Water supply should be addressed so as to not create negative impacts upon existing common water sources; and
d) Other requirements that the Local Trust Committee may consider appropriate.

I suggest that for Hornby Island, guidelines like this may be appropriate:

(11) Despite guidelines (1) to (10) only the following guidelines only apply to applications with respect to temporary housing

a) Upon application, Temporary Use Permits may be considered for all parcels of land zoned as "R2" (Large Lot Zone) and "R4" (Forest Zone)

b) Any temporary dwelling permitted must be either a) a movable unit brought onto the property (such as a trailer, caravan, yurt or tiny home) that must be removed when the permit expires, or b) an existing building that is modified for temporary residential use that must be converted back to non-residential use when the permit expires

c) The general conditions for issuing a Temporary Use Permit are as follows:

i) Adequate off-road parking should be provided;
ii) There should be adequate provision for approved waste disposal;
iii) Water supply should not negatively impact water sources;
iv) Set backs and height regulations in the Land Use Bylaw apply to the dwelling;
v) Other requirements that the Local Trust Committee may consider appropriate.

c) Third, fees should be reduced for batched applications

At present, the Hornby Island Fees Bylaw requires a fee of $1,100 for processing a TUP application. The fee for renewal is $165.
Some years ago, the Hornby LTC received approval from the Executive Committee for a lower fee of $440 for TUPs involving non-profits or home based business for uses happening less than 3 months in a year.

The $1,100 fee is likely a barrier to applications. Ucluelet's Worker Housing Project is charging a fee of only $350 for a TUP.

Fees are set to at least partially recover processing costs. There are two ways to reduce the costs. One is to simplify the guidelines as suggested above. Another is to batch applications so that they can all be processed together and included in the same public notice.

> I suggest charging a reduced fee ($440?) for a temporary dwelling unit TUP for applications that are batched once or twice a year (April and/or October?)

5. <u>Zoning for additional rental housing</u>

I believe that providing more accessible opportunities for temporary housing solutions should be accompanied by providing increased opportunities for rental housing.

The current OCP, adopted in 2016, included a new provision permitting secondary suites on lots 2ha or larger. The thought was that this could potentially utilize the existing building stock at a time when most dwellings are only occupied by one or two people. My understanding is that there has been zero uptake in terms of SUP applications for such suites. This option does not seem to resonate with how people prefer to live in this community.

As noted above, there are drawbacks to both increasing density through residential zoning regulations and to only considering site specific rezoning applications plus difficulty in ensuring that resulting increases in density create rental housing opportunities.

I am suggesting an innovative approach involving a combination of amending zoning regulations and site specific applications plus the use of section 481.1 pf the Local Government Act, a relatively new provision.

a) Creating a new zone

This process wold involve creating a new zone in which additional housing may be permitted.

A new OCP would be required to enable this.

This could state the criteria for lots to be eligible for inclusion in this new zone.

The following criteria are examples of ones that could be applied.

> **Eligible lots**
> **1) Must be in the R2 zone**
> **2) Must be larger than 2ha**
> **3) Must not include an environmentally sensitive area as mapped in OCP Schedule D1**
> **4) Must be within the IIA "lightly developed" aquifer as mapped in OCP Schedule D2**

b) Inviting applications

Owners of eligible lots could be invited to apply for their property to be rezoned for inclusion in the new zone. The applications could be batched and considered in one amending process with fees reduced or waived.

c) Use of Section 481.1

In 2018, the Local government Act was amended to include this new provision:

Residential rental tenure

481.1 (1)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.

(2)A limit under subsection (1) may limit the form of tenure to residential rental tenure in relation to a specified number, portion or percentage of housing units in a building.

Note that this can only be applied to a zone in which "multi-family residential use is permitted". The *Local Government Act* does not define "multi-family residential use". I have reviewed a number of land use bylaws in BC jurisdictions and it seems each local government defines this for itself. In our case, it cold apply to the proposed new zone in which two or more dwellings will be permitted per lot.

It would then be possible in such a zone to require that one or more dwelling units be used only for residential rental tenure. "Residential rental tenure" would have to be defined in the LUB.

d) Density regulations for a new Multi-Family Zone

The permitted residential density in the "R2" Large Lot zone is as follows:

- a maximum of one residential dwelling unit per lot having an area less than 4.0 hectares;
- a maximum of two residential dwelling units per lot having an area of 4.0 hectares or larger;
- a secondary suite in a dwelling on lots 2.0 hectares or larger;
- the floor area of a residential dwelling unit must not exceed 300 m2
- vacation rental use is permitted

In comparison, a new multi-family zone could. permit the following, for example:

- a maximum of one residential dwelling unit per lot having an area less than 4.0 ha;
- a maximum of two residential dwelling units per lot having an area of 4.0 ha or larger;
- for each residential dwelling unit, one cottage is permitted;
- for each residential dwelling unit and cottage, at least one of them must be used for residential rental tenure only
- the floor area of a residential dwelling unit must not exceed 200 m2
- the floor area of a cottage must not exceed 100 m2
- **- vacation rental use is not permitted**

I hope this discussion paper is useful as a starting point for exploring steps to address the significant long-standing needs for temporary and rental housing in our community,

Tony Law
5 May 2021

PRIORITIES FOR ACTION ON SHORT-TERM RENTALS

Report of the Joint UBCM-Province Advisory Group on Short-Term Rentals

FINAL REPORT

June 30, 2021

Supported by

Housing Policy Branch
Office of Housing and Construction Standards
Ministry of Attorney General and Minister responsible for Housing

Executive Summary

The Province's Rental Housing Task Force recommended in December 2018 that the Province work with local governments to develop, implement, and enforce short-term rental rules to better protect long-term rental stock (Recommendation #11). In the May 2019 response to the Task Force recommendations, the Province agreed to address this recommendation in 2020 through further consultation with stakeholders and local governments. In fall 2019 the Province and UBCM established a Joint Advisory Group on Short-Term Rentals. The purpose of this group was established as follows:

> The Advisory Group will facilitate discussions with local governments about the impacts of STRs and tools for addressing them. Information generated by the Advisory Group will help **inform the Province's consideration of potential policy approaches to STRs**, including possible measures to support local governments interested in taking further actions to address STR impacts.

Housing affordability and availability are topics of utmost concern for all levels of government in British Columbia. The Advisory Group is particularly concerned about impacts of short-term rentals on long-term rental housing. While these impacts are hard to measure with available data set, the diversion of housing units from long-term supply is a significant problem affecting housing in many communities. The Advisory Group's work is informed by the need to take sensible precautionary steps to avoid negative outcomes for British Columbians.

The Advisory Group considered input from experts in various aspects of provincial legislation, research on short-term rental activity and broader rental housing data, and a series of stakeholder organizations. Through the Advisory Group's discovery and discussion process, a series of principles and outcomes were articulated that guided the identification of possible measures for the Province to consider. These principles were: recognition of regional differences, subsidiarity, fairness, future-proofing, and evidence-based policy balanced by precaution. The outcomes address various stakeholder viewpoints and seek to recognize both the opportunities and drawbacks presented by short-term rental platforms.

The priorities and requests to the Province in this report are intended to spark further discussion and exploration of potential policy approaches in the areas of platform accountability or regulation, data sharing, taxation, local government regulatory tools, capacity, and broader efforts to improve data sources and analysis on rental housing.

This Report represents the work done by the Advisory Group to understand the impacts of short-term rentals and suggest priorities and ideas to inform the Province's future work in this area. This report does not indicate formal endorsement by UBCM or the Province of these proposals.

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Background

Short-term rentals are the rental of a home, or room within a home, for a temporary stay (usually fewer than 30 consecutive nights). While vacation rentals and in-home bed-and-breakfasts have been a part of tourism accommodation for decades, the short-term rental industry saw significant growth with the advent of online platforms such as Airbnb and HomeAway (now VRBO).

The broad access and ease of transactions provided by these platforms led to a shift in the frequency of use and types of accommodation being listed for short-term use, with units not previously considered "tourism-oriented" being made available to travellers. The online accommodation bookings industry continues to evolve and grow despite the COVID-19 pandemic reducing worldwide travel, and hosts are now able to offer broader "experiences" and adjacent services via these platforms.

This shifting landscape in the accommodations industry has affected communities differently throughout the province. Impacts causing concern include:

- **Housing Availability:** The use of housing units for travellers has reduced long-term rental housing capacity at a time when housing availability and costs are already under pressure. While many short-term rental hosts use part of their primary residences for hosting, other types of spaces such as basement suites or accessory dwelling units also appear frequently on the platforms. Existing data on vacancy in the primary rental market (purpose-built apartments) shows no consistent correlation with short-term rental listings or bookings activity, but the true impact of short-term rentals is in the secondary market (other housing forms), which is more fluid and difficult to measure. The lack of consistent definition of what constitutes a "permanent dwelling" and limited capacity of local governments to monitor listings makes it nearly impossible to determine the actual scale of diversion from rental housing stock in a statistical sense, but observations by local governments indicate there is a significant unmeasured threat to long-term housing. As 70% of B.C.'s renter households rely on secondary rental market housing, and in some communities up to 100% of rental housing is in the secondary market, there is a strong case for responding to the potential impacts of short-term rentals even in lieu of appropriate data sources.
- **Housing Affordability:** The potential for earning revenue from short-term rental use of properties (whole or in part) often supports higher property prices than local incomes can support. This impacts housing cost in the rental market due to price competition and may be driving up the purchase price of homes in the resale market, as buyers are willing to pay a premium for units (especially condos) with potential for short-term rental use. Data to isolate and attribute this impact is not readily available, but anecdotal evidence appears in numerous B.C. communities.
- **Land Use:** In some cases, previously residential-use properties have been converted to commercial use despite local land use policies. Where short-term rentals represent a full-time business model, these properties are no longer serving their intended purpose as dwellings for local residents. In other communities (especially remote areas), the ease of promoting vacation rentals of properties has attracted tourism for which local governments are not equipped to regulate or support with infrastructure.

- **Public Impacts:** Increasing transient use of properties without oversight by hosts has contributed to noise, parking, garbage, safety, and disruption complaints. In some cases, short-term rental activity has been linked to public health risks via out-of-region visitors contributing to COVID-19 outbreaks.
- **Local Government Capacity:** Between the staff and Council time required to consult, evaluate options, and adopt short-term rental policies, and the licensing and enforcement staff time required to monitor listings and properties, regulating short-term rentals represents a significant (and new) imposition on local government capacity.

Short-term rentals also offer some benefits to communities and travellers:

- **Interim Worker Housing**: Employees arriving in a community for new employment, or for a temporary assignment, may use short-term rental housing while arranging for a permanent residence or to avoid occupying a rental unit only for a short period, freeing that unit up for a long-term residential tenant.
- **Tourism:** Short-term rentals provide some benefits to communities that are seeking to expand their tourism economies as a diversification strategy:
    - Short-term rentals expand tourist accommodation capacity, particularly in places with emerging tourism sectors where traditional lodging businesses have not yet established sufficient capacity.
    - Family travel: short-term rental units may be larger and provide more facilities that support families with children or specific accommodation needs, compared to hotels/motels. This opens up tourism in a community to different demographic segments.
    - Sports/group travel: teams or groups wishing to travel together may find an entire home with several bedrooms a more affordable way to travel for tournaments or events compared to the cost of booking multiple hotel rooms. Kamloops and Burnaby are two examples of communities with significant special event facilities where attendance may exceed local hotel capacity.
- **Economic Activity:** Hosts earn additional income on their short-term rentals (which may or may not be reported on tax returns) and visitors contribute in other ways to local economies through hospitality and experiences in the host community.

The challenge for the Province and local governments is to find a balance in regulating short-term rental activity to enhance the benefits and opportunities presented by the industry while reducing the detrimental effects on housing and neighbourhood livability.

An increasing number of local governments in B.C. have developed policies, or are in the process of doing so, to respond to the new opportunities, challenges, and impacts that short-term rentals bring to their communities. The Union of BC Municipalities (UBCM) identified short-term rentals as an ongoing issue of concern for local governments in 2016. Workshops and resolution discussions on the topic were featured at UBCM conventions in 2016, 2017, and 2018. A UBCM Special Committee on Housing included a series of

recommendations to address short-term rental regulation and taxation in the January 2018 report "*A Home for Everyone: A Housing Strategy for British Columbians"*.

Participating Organizations

The Advisory Group formed in January 2020 with representatives of nine local governments and participants from UBCM and the Ministry of Municipal Affairs and Housing (as it was then), and now also includes the Ministry of Attorney General and Minister responsible for Housing. Communities represented on the group were (in alphabetical order):

- City of Burnaby
- Islands Trust
- City of Kelowna
- City of Nelson
- Regional District of Thompson-Nicola
- Village of Tofino
- City of Vancouver
- City of Victoria
- Resort Municipality of Whistler

Process

The Advisory Group held in-person meetings in February and early March 2020, including presentations and discussions to inform the group's members about community objectives, housing impacts as measured by available data, and legislative context. The group heard presentations from:

- Housing Policy Branch (Ministry of Municipal Affairs and Housing)
- Residential Tenancy Branch (Ministry of Municipal Affairs and Housing)
- Property Tax and Assessment Branch (Ministry of Municipal Affairs and Housing)
- Tax Policy (Ministry of Finance)

The onset of the COVID-19 pandemic put the Advisory Group's process on hold during the spring and summer of 2020. Group members shared, via email, updates on the impacts of the pandemic on their communities and observations about how the short-term rental activity in their community changed (or not) while travel was affected by public health orders. Following the fall 2020 election, housing policy moved under the mandate of the Ministry of Attorney General and Minister responsible for Housing. The Advisory Group reconvened in April 2021.

Virtual meetings comprised the second stage of the Advisory Group's deliberations. In addition to local government representatives sharing the expertise and experiences from their own communities, the Advisory Group received presentations and written submissions from:

- Housing Policy Branch (Ministry of Attorney General and Minister responsible for Housing)

- Tourism Vancouver
- BC Hotel Association
- BC Real Estate Association
- Harvard Business School (on the evolution of short-term rentals and online accommodation platforms)

The Advisory Group participated in a virtual collaboration session on May 12 which captured and delved into numerous themes that had emerged from the presentation and discussions held throughout this process. A draft of this report was provided to government relations personnel from Airbnb and Expedia (owner of the VRBO platform) for comment and feedback to the panel prior to this report being finalized.

Principles

The Advisory Group identified five principles that inform the outcomes and priorities presented in this report.

- **Recognition of Regional Differences:** Economic and housing conditions vary among regions and communities. Any proposed outcomes or actions need to recognize and allow for these differences, including the need to balance needs within a community (e.g. tourism, economic development, housing).
- **Subsidiarity:** Law-making and implementation are often best achieved at a level of government that is most effective and closest to the issues affected. The federal, provincial, and local governments have different but overlapping roles in housing policy and land use planning. Subsidiarity as a guiding principle encourages complementary legislation while accommodating local circumstances.
- **Fairness:** As much as possible and where feasible, all businesses operating in an industry within a given market should be subject to the same restrictions and requirements under the law. Similarly, residents in a community should be subject to the same expectations and have access to the same types of protections or benefits.
- **Future-Proof:** The travel industry was evolving prior to the COVID-19 pandemic, which caused an abrupt and dramatic change to how and why people seek and use accommodation. The online accommodation booking industry is dynamic and any legislation or programs implemented in 2021 or 2022 need to consider the rapid changes and market reach of this platform-based industry. Relying only on local governments to adopt bylaws and pursue enforcement of this industry has already produced a fragmented regulatory landscape.
- **Evidence Based Policy balanced by Precaution:** Outcomes and priorities should be informed by multiple types of evidence, including quantitative data, qualitative research, observations, and experiences of governments in B.C., Canada, and elsewhere. Where the available data or evidence falls short of the reliability necessary for conclusive analysis, governments should exercise caution but also act to prevent likely harms.

Outcomes

Drawing from the perspectives and experience of local government representatives from a diverse range of communities, the Advisory Group identified a series of important outcomes of potential legislation or programs for various stakeholders. These outcomes will be achieved by complementary and collaborative work across orders of government.

- B.C. households seeking rental housing are not excluded from finding and affording housing that meets their needs as a result of suitable units being repurposed or developed specifically for short-term rentals instead of long-term tenancies.
- Local governments are able to set and enforce land use policies that designate residential property primarily for the purpose of providing long-term residences, while allowing ancillary uses that are aligned with community objectives.
- Local governments have sufficient and timely access to short-term rentals data, and capacity to enforce the land use policies and regulatory schemes set in their jurisdiction.
- All operators within the industry are subject to a clear and consistent regulatory structure, with the same level of accountability to B.C. communities.
- Businesses operating accommodation services via online platforms are held accountable for the same safety, labour practices, neighbourhood impacts, and taxes as accommodation providers operating in more traditional business models (e.g. hotels, motels, B&Bs, campgrounds, etc).
- Hosts, travellers, and neighbours are kept safe and have enjoyable experiences (or fewer negative experiences) resulting from short-term rental accommodations.
- Local governments and the Province have improved capability, through data sources and analysis, to understand the interaction between short-term rentals and the housing market.
- The Province continues to monitor and report on trends and impacts from the short-term rental industry to inform and support local governments.

Priorities

The following needs and ideas emerged during the Group's process as the most likely actions to lead to the desired Outcomes, while being informed by and respectful of the Principles described above. The Advisory Group acknowledges these ideas and priorities will likely require further analysis and collaboration to determine feasibility. Numerous other jurisdictions have introduced more stringent legislation and requirements for the short-term rental industry. Actions to address the impact of short-term rentals in British Columbia may carry some risk, but this needs to be balanced against the significant pressures facing rental housing in many communities.

Provincial Platform Regulation and Accountability

Priority: Where local governments have enacted regulatory tools, such as requiring business licenses for the operation of a short-term rental, these policies are only as strong as the capacity of the local government to enforce them. Platforms have a direct business relationship with their hosts which provides a greater opportunity to detect and deter non-compliant activity.

The Province has greater capacity to use legislative authority to regulate all online accommodation platforms offering services within the province. This framework could echo the provincial regulation of other travel or real-estate related industries such as travel agencies, home inspectors, and ride-hailing (e.g. Lyft, Uber, etc.). The parameters of a provincial framework need to be explored further, but the Advisory Group considers there to be many potential inclusions that would significantly address negative impacts of the short-term rental industry:

- Commercial operators (hosts with numerous short-term rental properties possibly listed across platforms and across communities) could be required to register as businesses through the B.C. Corporate Registries.
- While some platforms provide a field where hosts can display their business license or permit information, this could become a mandatory inclusion for all listings in B.C. where local governments have permit or license requirements. There needs to be validation of this information so that hosts are not providing false data simply to get their listing online. The Province could hold platforms accountable through provincial regulation to validate this information with local governments.
- Hosts could be asked to commit to a statutory declaration to the Province, via their platform, that their listing is compliant with provincial and local government requirements.
- Hosts could be held accountable to the province for standards regarding safety/hygiene, insurance, and consumer protection.

Rationale: Regulation of an industry at the provincial level, to the extent where common objectives exist, provides for greater clarity for the industry and efficiency for enforcement. A provincial regulatory framework is more future-proofed than relying on individual local governments to

keep abreast of advances in the technology and business models of online accommodation platforms and then update bylaws or policies in a patchwork form across the province.

Provincial regulation of other industries, such as ride-sharing, travel agencies, payday loans, and home inspections among others, provide standards that are intended to protect all British Columbians from safety and financial hazards that could be common if business activities are left unregulated. This applies to the customers in an industry as well as labour practices.

Requests:

1. Introduce a **provincial regulatory framework**, similar to those in place for ride-sharing and other regulated industries, for platform accountability and information validation for online accommodation platforms and short-term rental hosts.

Data Sharing

Priority: Local governments need data on short-term rentals that allows them to understand STR activity in their community, develop bylaws or policies to support community objectives, and enforce those bylaws or policies. The Province needs data on short-term rentals to understand trends across the province, monitor impacts on the housing market, and enforce tax policy.

Types of data that are needed include property information (address, ownership, unit type, legal tenure), host details (including multiple-property hosts), bookings (frequency of use and income), licensing information (if any), and information on complaints relating to public safety or neighbourhood impacts such as noise or standards of property maintenance.

In addressing this priority, governments need to consider appropriate protection for the personal privacy of short-term rental hosts, as data collected for a business purpose may not be redacted under FOIPPA as personal information. As short-term rental activity indicates potential vacancy of properties, it presents a security and safety threat to hosts if their property information or demographic details are released through a Freedom of Information Request.

Rationale: Current practices require governments to contract with third-party data providers or assign staff to manually scan online accommodation platforms, which are costly and inefficient approaches that may not always yield accurate and complete data. Requiring all participants in the online accommodation industry to adhere to common standards of data-sharing provides fairness in the industry and reduces the burden of tracking property listings across multiple platforms.

Requests:

2. Require all online accommodation platforms to **make data available through a provincial interface** from which local governments can pull information on property listings, hosts, bookings, and complaints in their community.

3. Require online accommodation platforms to **validate business license or permit information** with local governments to avoid false information in listings.

Taxation

Priorities: Undertaking a business activity, regardless of locale, should be subject to consistent taxation according to the law. Taxation provides revenue to governments to financially support (in part) the infrastructure and programs that create tourism opportunities and offset the potential negative impacts of the business activity, such as the pressures placed on local housing markets by short-term rentals. The collection and remittance of taxes does not prevent negative impacts on housing affordability and availability but is part of a coherent and aligned regulatory framework.

Tax Collection and Remittance

The Province regulates that the process by which Provincial Sales Tax (PST) and Municipal and Regional District Tax (MRDT) are collected and remitted as applicable on sales of short-term accommodation provided in B.C., including all accommodation listed on an online accommodation platform. Short-term rental hosts are required to register for the PST and MRDT (if applicable) unless they only list their accommodation on a platform that is registered to collect PST and MRDT.

The Province has negotiated with Airbnb to collect and remit taxes on behalf of hosts, but there are numerous other platforms not participating in these agreements, and current legislation does not allow the Province to require platforms to collect PST and MRDT (only to register voluntarily). All platforms operating in this industry should be subject to the same requirements for short-term rental bookings in the province.

Using Tax Revenues to Address Short-term Rental Impacts

Areas that have the MRDT in place can opt to direct tax revenues from online accommodation providers to housing purposes in their community, but not to the compliance and enforcement of short-term rental policies. Non-MRDT communities have more limited means to raise revenues to offset compliance and enforcement costs. Options to direct PST revenues from short-term rentals to the originating communities would support compliance and enforcement efforts.

The Advisory Group heard from industry stakeholders that the differing rates and coverage of MRDT is challenging for tourism operators and short-term rental hosts; making the MRDT consistent throughout the province could simplify administration and reduce confusion. Revisions to the MRDT could also yield tax revenue from short-term rentals that could support local communities to offset neighbourhood impacts by enabling more personnel to be allocated towards enforcement.

Addressing Commercial Use of Residential Property in Taxation

UBCM has previously endorsed a members' resolution calling for the Province to amend legislation so that properties used for short-term rental accommodation may be eligible for split classification between Class 1 and Class 6 under the Assessment Act. This would be consistent with the split classification of strata accommodation properties and "bed and breakfast" residential properties. The Advisory Group acknowledges the challenges involved in applying classification to short-term rental listings, and in keeping with the principle of fairness, supports a wider use of split classification so that commercial accommodation activities are taxed fairly. Higher property tax rates for commercial properties raise revenue directly for local governments to apply to the regulation and enforcement of the industry.

Rationale: Applying a consistent expectation across the industry to collect tax at the point of booking provides for tax fairness among all accommodation hosts (short-term rentals, traditional B&Bs, hotels, etc). This promotes accurate and complete collection of tax revenues which may be applied towards compliance and enforcement efforts.

Requests:

4. Introduce legislation to **make tax collection at the point of booking a requirement** for online accommodation platforms.

5**. Share PST revenues from short-term rentals with the local governments** affected by the taxed business activity.

6. Investigate further changes to the MRDT to **increase consistency across the province** and expand the uses of tax revenue to offset impacts to housing and neighbourhoods.

7. Explore options to **expand split classification of properties** so that commercial use of property for short-term rental accommodation is reflected in property tax assessments.

Regulatory Tools for Local Governments

Priority: Local governments have a variety of objectives that inform their policies on short-term rentals and need a flexible yet comprehensive suite of regulatory tools to help achieve those objectives. One of the most effective tools for addressing the impact of short-term rentals on housing availability and affordability is to prohibit listings that aren't within a host's principal residence. Additional conditions are used by local governments in response to specific community concerns, including having on-site or on-call property oversight, limiting the number of nights per year, and requiring off-street parking. The resource "Regulating Short-Term Rentals" published by Generation Squeeze provides an excellent reference for local governments seeking to identify options for their jurisdictions.

Some of the regulatory tools in use to implement this requirement include business licensing, temporary use permits, zoning bylaw definitions, and ticketing/fines. Yet not all local governments have access to the same tools, or some of these tools could be improved:

- Regional districts are currently required by the *Local Government Act* to request authority from the Province to issue business licenses. Enabling this authority by default would remove a barrier for regional districts wishing to adopt business licensing bylaws by choice, as a tool to manage short-term rentals and other industries as identified by the regional district. (The Province may also consider configuring the *Local Government Act* so that regional districts could adopt a licensing framework for specific industries instead of having to license all businesses).
- Increasing the allowable fines that can be levied through the Municipal Ticket Information system or Bylaw Enforcement System will enable local governments to apply deterrents to illegal short-term rental activity. Strata corporations are able to levy fines of up to $1,000 *per day* for contraventions of strata bylaw prohibiting short-term rentals. This is a high fine in the context of a strata corporation, though it may be insufficient in other environments; some jurisdictions outside Canada are levying fines of $1,000 for a first offence, $5,000 for a second offence, and $10,000 for a third offence.
- The Bylaw Enforcement Notice Adjudication process (Ministry of Attorney General) provides an avenue for citizens to dispute tickets; some communities have noted that after pursuing investigation and levying a bylaw notice to a short-term rental host who is not complying with local laws, the Provincial adjudicator may cancel the violation notice.

Rationale: Enabling local governments to use regulatory tools that fit their community's objectives acknowledges regional differences between communities and supports the principle of subsidiarity (placing regulations at the point closest to the resident/business that allows for efficient implementation).

Requests:

8. Amend the *Local Government Act* to **allow regional districts to implement business licensing**, by approval of the regional district board, as a tool to regulate short-term rentals.

9. **Increase the allowable fines** that local governments can levy against short-term rental hosts operating out of compliance.

10. Explore whether provincial bylaw notice adjudicators have sufficient information and awareness of short-term rental issues to understand these offences, **preventing undue cancellation of violation notices**.

Capacity Supports for Local Governments

Priority: Local governments vary widely in their objectives for regulating short-term rentals and the extent or impact of short-term rental activity in their communities. They also vary in size, and organizational capacity to develop, consult on, implement and enforce policies relating to short-term rentals. Building on past collaboration and outreach, the Province and UBCM can continue to jointly support all local governments in learning about, implementing and enforcing short-term rental policies by providing opportunities for knowledge sharing and community-to-community peer support.

A useful model for this is the BC Ideas Exchange, which focuses on local economic development practices and knowledge-sharing activities such as web-based toolkits, webinars and conference workshops. The "Regulating Short Term Rentals" Toolkit written by Third Space Planning with support from the Federation of Canadian Municipalities and others is an example of the type of content that can be shared with local governments.

Local governments have indicated the value of having knowledgeable people available to consult directly in addition to the plethora of written and online resources. Direct outreach to local governments helps bridge the capacity gap; this model is demonstrated by the Regional Economic Development Managers that support local governments through the Ministry of Forests, Lands, Natural Resource Operations and Rural Development.

Rationale: Capacity for policy development and implementation is a major constraint facing local governments. Simply having the legislative authority to pass bylaws and implement licensing does not mean a local government (especially a small one) has the staff time or expertise to carry out research and consultation prior to policy implementation, to respond to public pressure from short-term rental hosts opposed to policies that limit their business opportunities, or to enforce policies that are passed by Council. The Province and UBCM can act jointly to support capacity development.

Requests:

11. Allocate Provincial resources to collaborate with UBCM on an **outreach program to support local governments** in identifying and implementing policy options that address housing priorities and needs, including short-term rental regulation and enforcement.

Improve Availability of Data on Short-Term Rentals and the Rental Market

Priority: Local governments and the Province need better data on both the availability and cost of housing in the rental market. Rental market data from CMHC pertains predominantly to the primary (purpose-built rental) market, and is only available at an annual frequency, which poses serious challenges and limitations to understanding the impacts of short-term rentals on the rental market. Data on the secondary rental market (i.e. basement suites, rental houses, etc.) is largely non-existent, thus measuring the impacts of short-term rentals more broadly remains an impossible task. Even where data exists, a further challenge comes in

distinguishing rental units that could potentially form permanent housing from properties that are unlikely to be used as permanent housing, even if removed from short-term rental use (e.g. temporary listings, remote vacation properties or residences located in designated tourist accommodation zones).

The Advisory Group is aware of the challenge of establishing data sources on the secondary rental market and raises this as a priority for the Province to work on with CMHC and using municipal data where available.

In addition to improving data on the secondary rental market, the Advisory Group noted that data on short-term rentals are not incorporated into the Housing Needs Reports required for all communities. If data-sharing becomes a requirement for online accommodations providers, this information can be included in Housing Needs Reports to help Councils recognize trends or challenges and adapt policies according to local needs.

Rationale: Through the Advisory Group process it became evident that gaps in data on the rental market made it difficult to measure and compare the impacts of short-term rentals on rental housing availability and cost in communities. Existing rental housing data from Canada Mortgage and Housing Corporation (CMHC) varies in coverage among communities, with data coverage of up to 55% in some larger metropolitan areas, but as little as 10% coverage in smaller communities. By contrast, it is known from Census data that roughly 70% of all renter households in British Columbia occupy rented dwellings in the secondary rental market, yet there are very few reliable data sources available to understand this very large segment of the rental market.

These data gaps confound meaningful discussions of what policies are really needed to address housing affordability across the spectrum of housing. The gaps also increase the risk that local government policies targeting short-term rentals will fail to respond to emerging trends in housing (or developing industries) or provide the necessary housing to meet future demands.

Requests:

12. Allocate Provincial resources and collaborate with the federal government (Statistics Canada and CMHC) and local governments **to improve the collection and analysis of data on secondary rental housing**, particularly as relates to short-term rental impacts.

13. **Expand the Housing Needs Reports data requirements** to include showing data on short-term rental listings and usage, utilizing platform data collected through a provincial regulatory framework.

Hornby Island Vacation Home Rental (VHR) Policy Review Project

Presentation Outline

- Project Background
- Summary of Survey Results
- Staff Recommendation for LTC consideration

For the Nov 3, 2017 LTC Meeting

Hornby Island Local Trust Committee

Islands Trust

Project Background

This Project will:

- Review, with the community, the recent policies and regulations implemented to permit Vacation Home Rentals on Hornby Island
- Identify improved approaches through education, regulation, and enforcement of VHRs
- Engage the community for feedback on VHRs to help identify an analyze the impacts of VHRs on Hornby, and to solicit input on any recommended options for potential adjustments to bylaws

Islands Trust

Project Background

Where we are now:

1. Initiate
(Summer 2017)

- Project Charter version 2.1 endorsed by LTC July 7, 2017

2. Explore
(Summer – Fall 2017)

- Community Survey and presentation of results

We are here

3. Assess Options
(Fall 2017 - Winter 2018)

- Staff assessment of options for next steps
- Community input and agency/ working group referrals

4. Potential Bylaw Changes
(Spring 2018)

Islands Trust

Summary of Survey Results

Results of the Summer 2017 Community Survey – Vacation Home Rental Policy Review

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- Survey ran from Mon, Aug 14 – Mon, Sept 11, 2017
- 241 Total Responses
- 143 (~60%) responses received online through Survey Monkey
- 98 (~40%) responses received as paper copies

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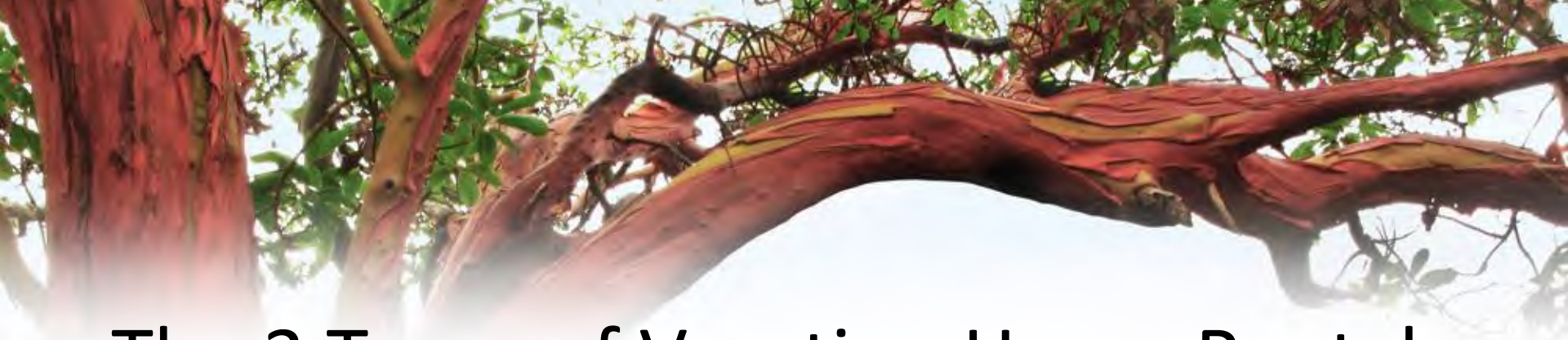
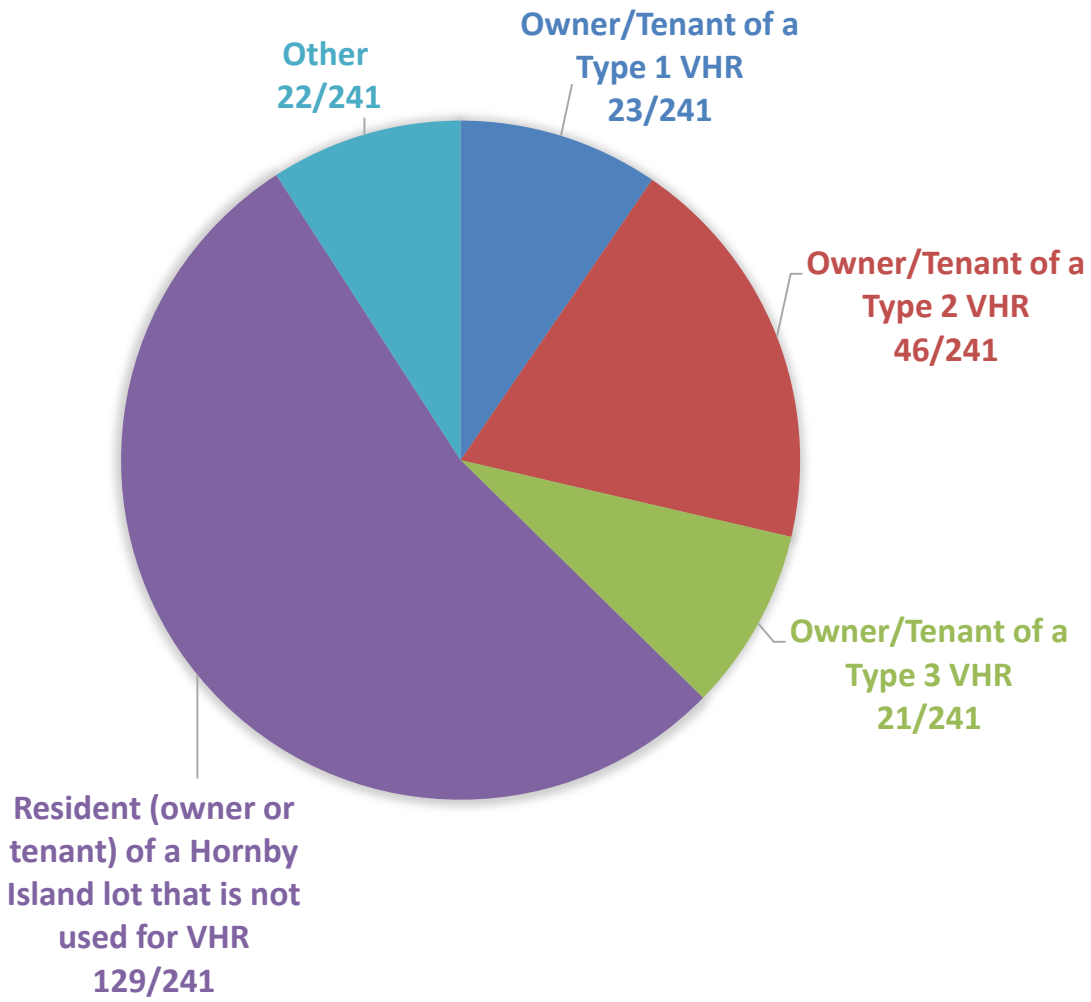


The 3 Types of Vacation Home Rentals on Hornby Island

- Type 1: A dwelling unit that guest(s) stay in, which is **normally lived in** by an owner or tenant, but who have **temporarily left** while the guest(s) stay in the house.
- Type 2: A dwelling unit that guest(s) stay in, which is **seasonally lived in** by an owner or tenant, and so the guest(s) stay there during times when the resident(s) **would be absent anyway**.
- Type 3: A dwelling unit that guest(s) stay in, which is **completely separate from the other dwelling unit** that an owner or tenant lives in on the same lot

Islands Trust

Q1: Based on the three VHR types, please select the answer which most closely applies to your situation…



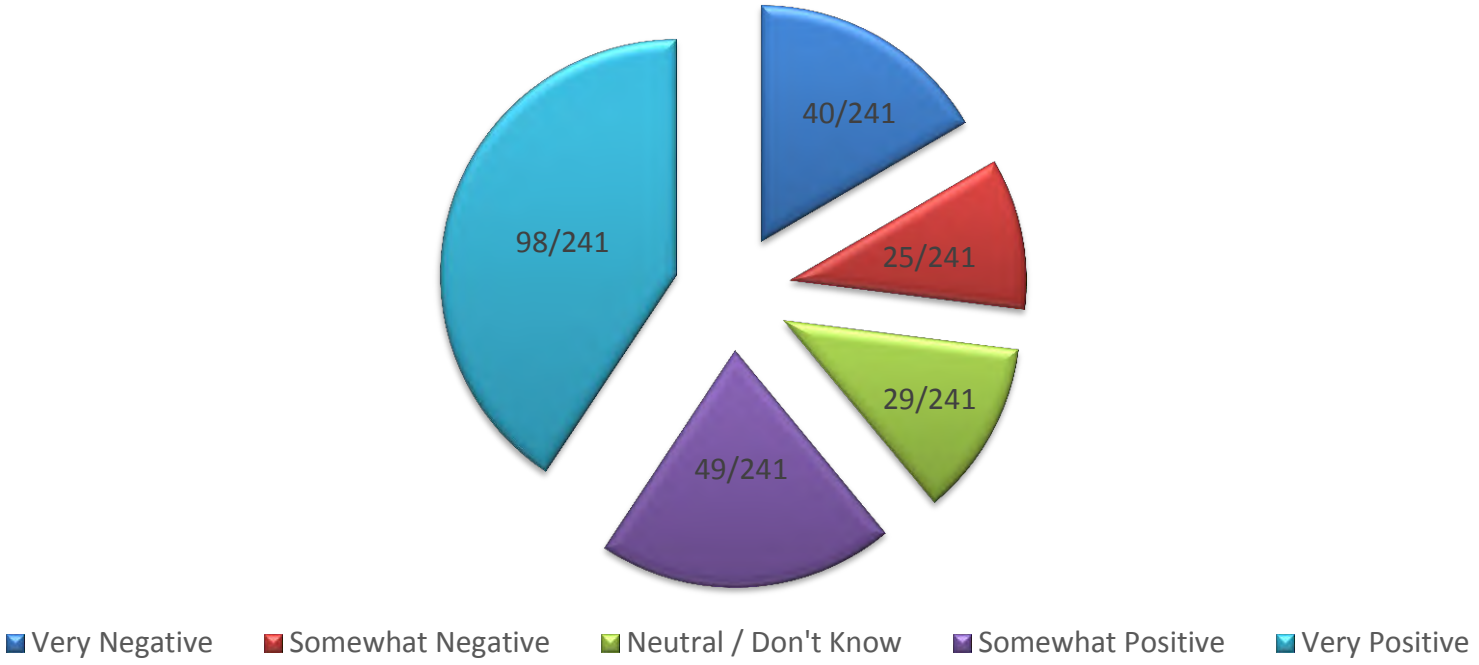
RESPONDENTS

Q1: “Other (please explain)” sample answers

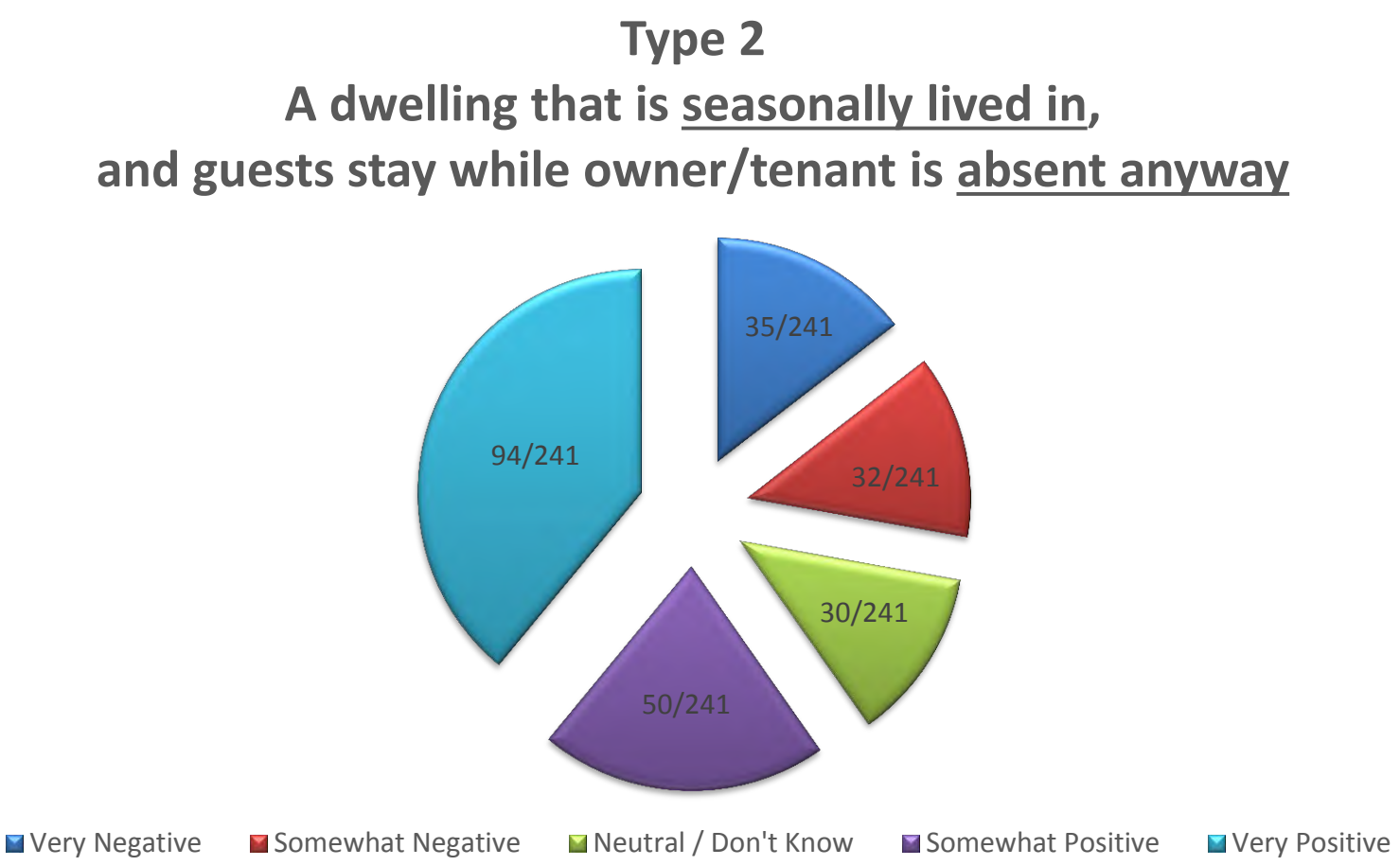
- None of the above
- Live in caretaker
- B&B owners
- VHR Manager
- Denman resident
- Part-time resident
- Was a resident. Had to give up a good job & leave because of lack of housing after a year of searching
- Family uses property for vacation only; or family use part-time and available as a VHR in summer
- Want to do Type 2 (short-term) / Type 1 or 3 (long-term)
- Both Type 3 and a resident of a Hornby lot not used for VHR

Q2: In your overall opinion, please rate how you feel the 3 VHR types impact the Hornby Island Community

Type 1
A dwelling that is normally lived in, and the owner/tenant vacates while guests stay



Q2: In your overall opinion, please rate how you feel the 3 VHR types impact the Hornby Island Community



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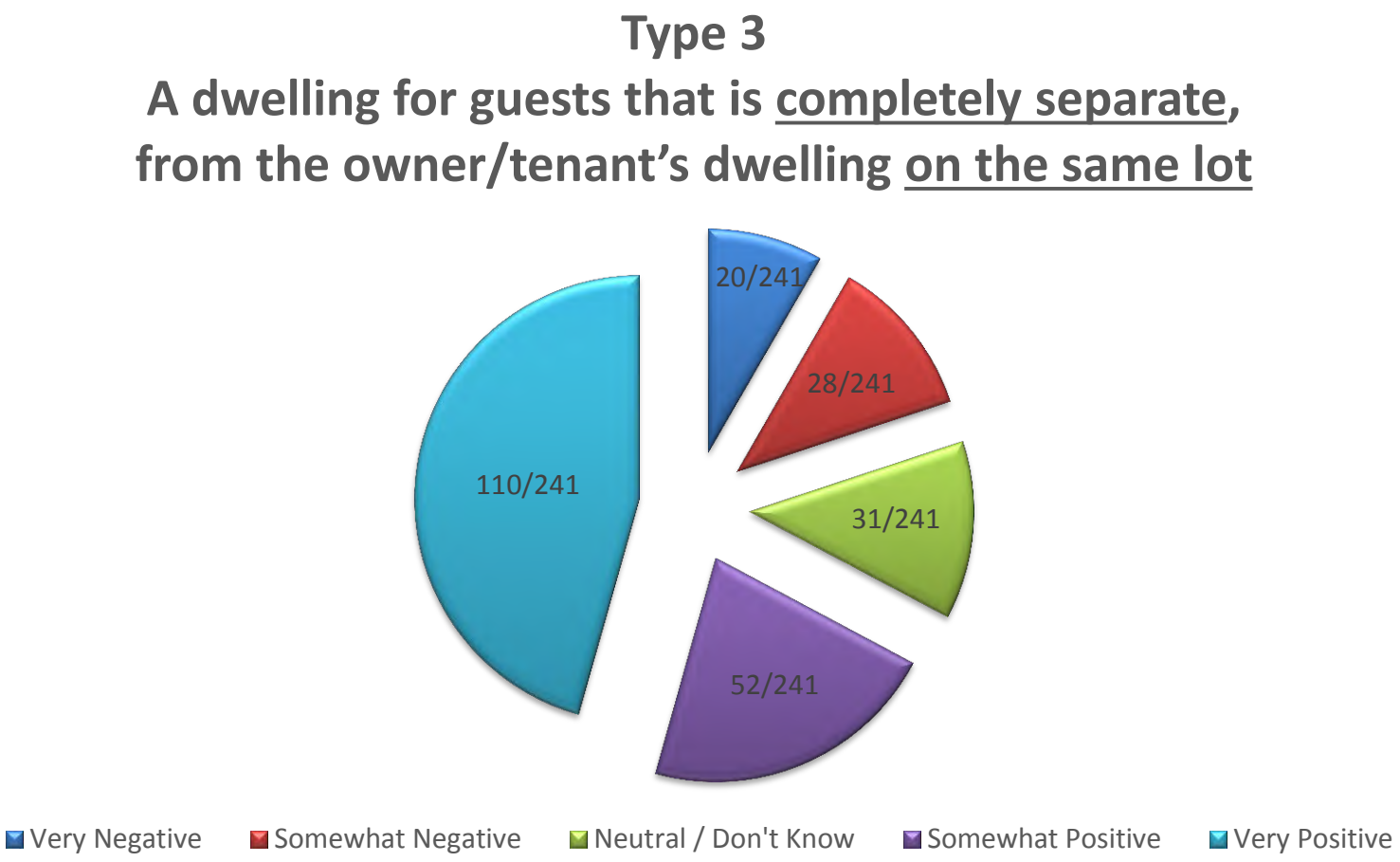
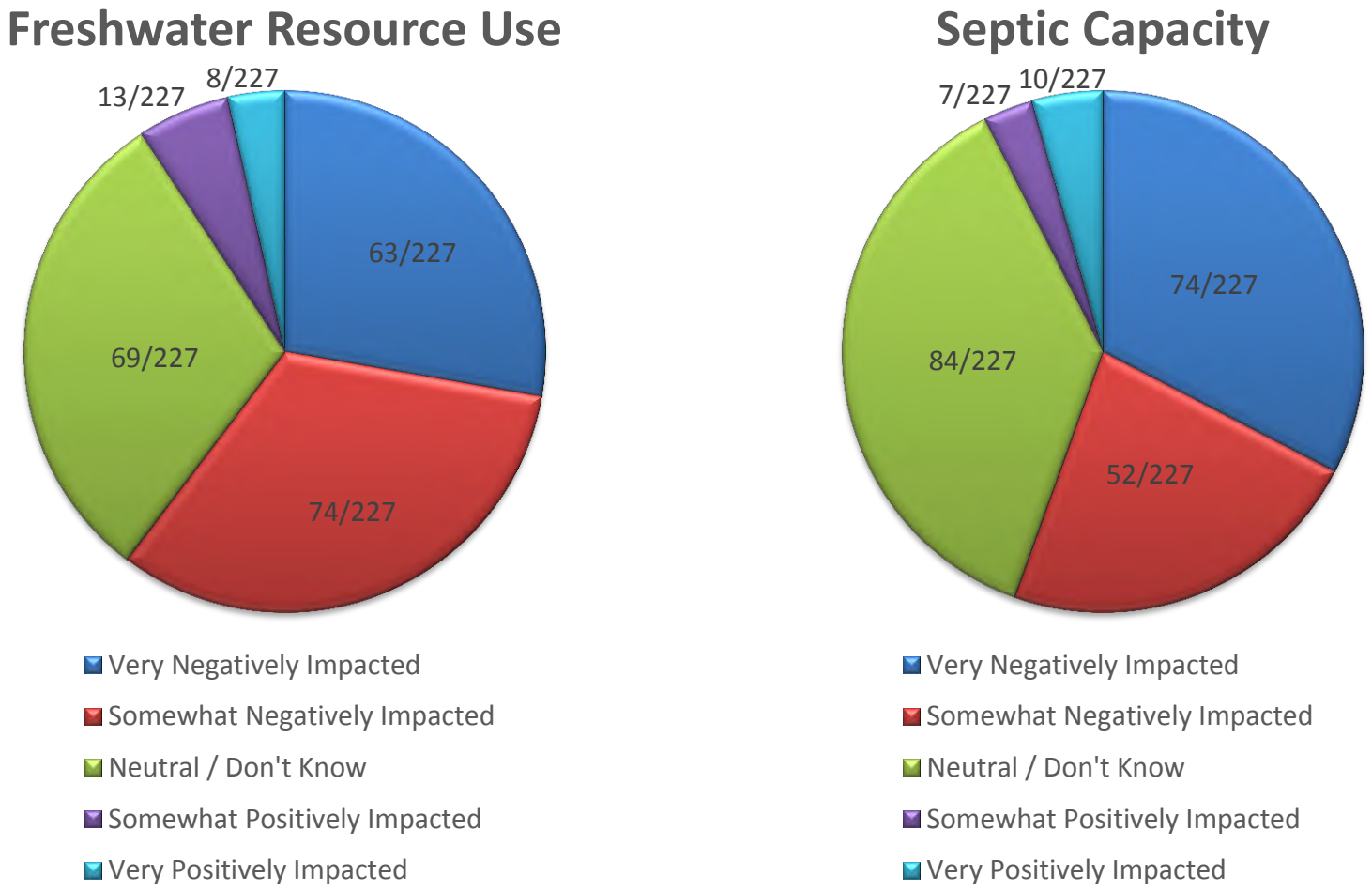


Q3: In your opinion, please rate if/how the following are impacted by VHR use on Hornby Island



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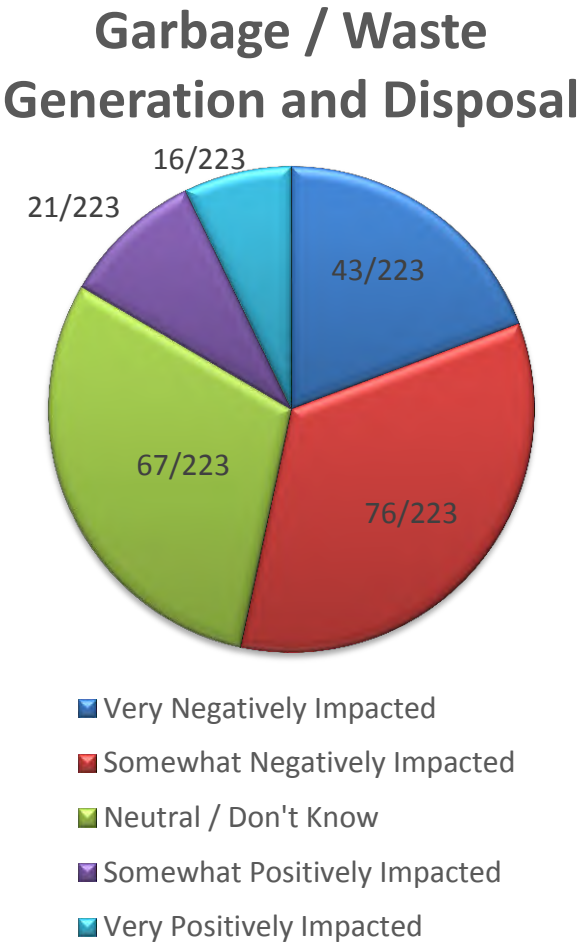
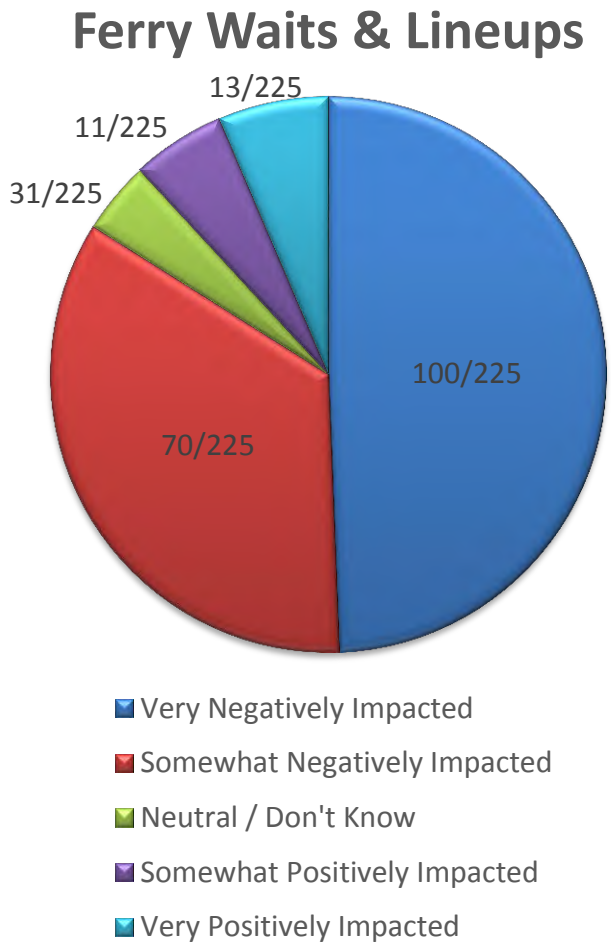
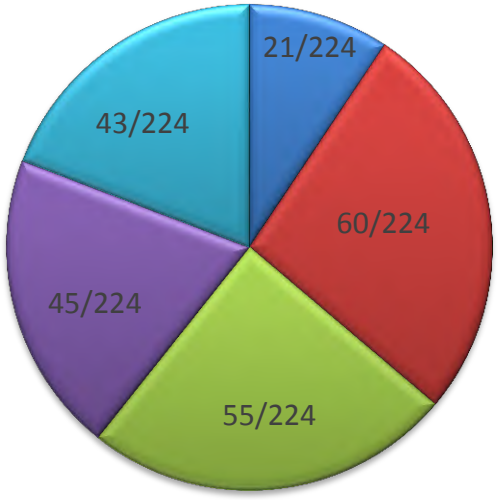


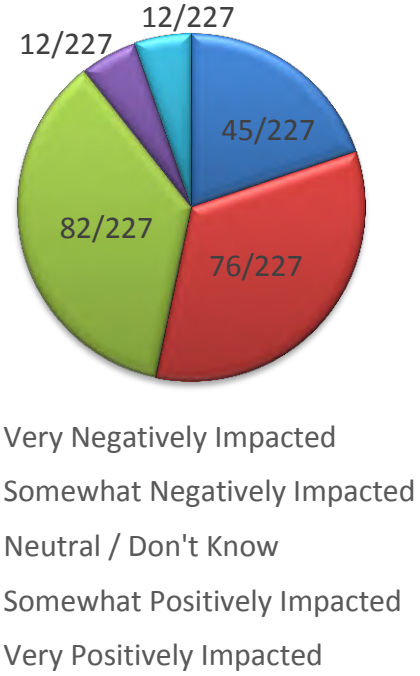


Q3: In your opinion, please rate if/how the following are impacted by VHR use on Hornby Island

Usage of Public Parks and Beaches

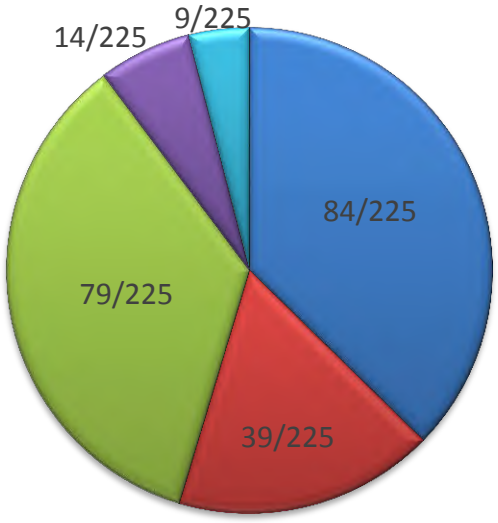


Potential Nuisances (noise, odour, pets, property encroachments, parking, fire danger etc.)

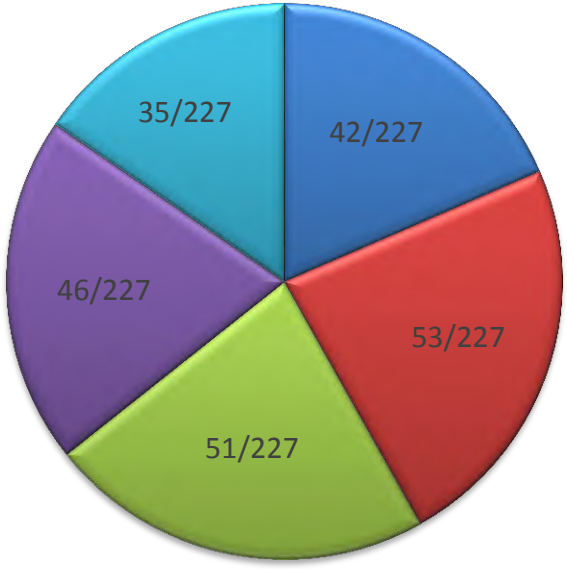


Q3: In your opinion, please rate if/how the following are impacted by VHR use on Hornby Island

Permanent Resident Housing Availability

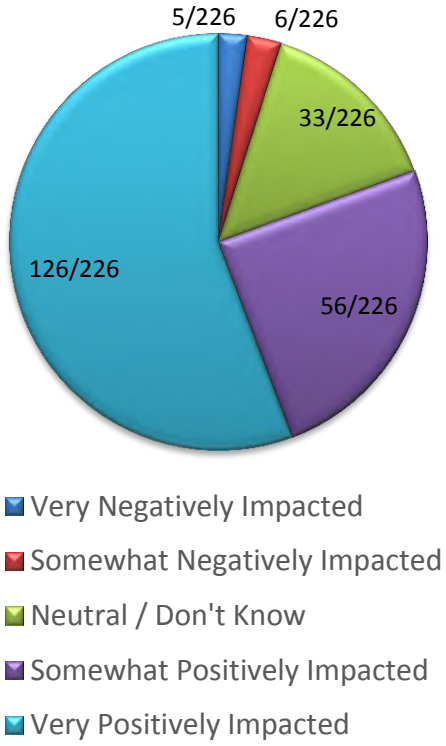


Residential Character

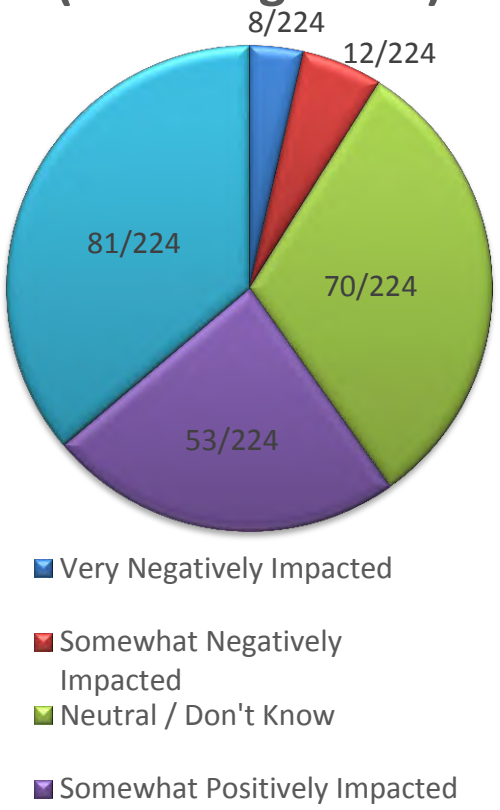


Q3: In your opinion, please rate if/how the following are impacted by VHR use on Hornby Island

Commercial Businesses (not including home occupations)

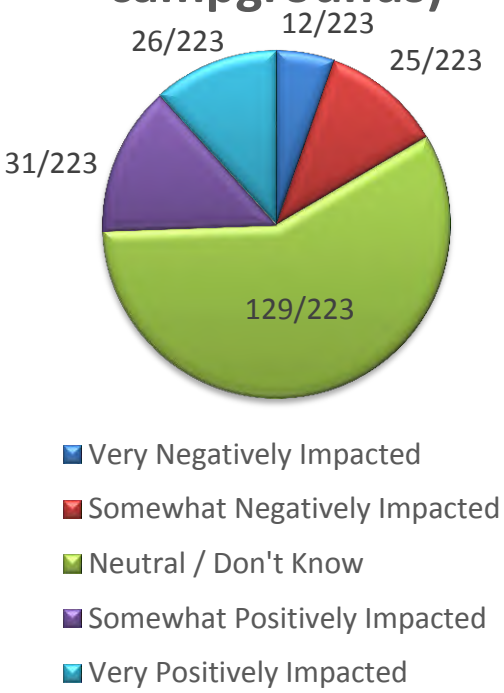


Home Occupations (including B&Bs)

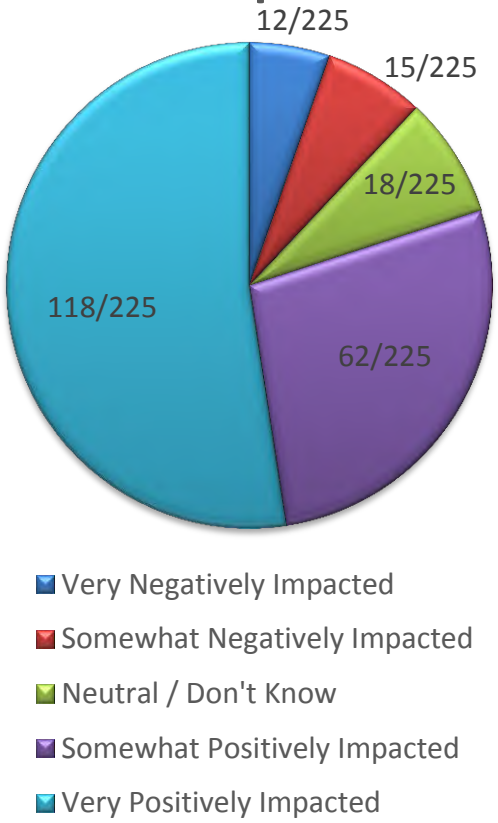


Q3: In your opinion, please rate if/how the following are impacted by VHR use on Hornby Island

Competition with other Commercial Visitor Accommodations (e.g. campgrounds)



Overall Economic Development



Q4

In four parts

A summary of responses…

Islands Trust

Q4
GENERAL BENEFITS of VHR use…

- 155 / 182 respondents suggested economic benefits
  - Local $, economy, employment, income, jobs;
  - Benefit for both Hornby residents and businesses (Hornby would likely be “poor” without VHRs);
  - Benefit homeowners to make a living/pay property taxes/pay mortgages/improve property values; properties better maintained to attract potential renters
  - Also benefit artisans, Farmer’s Market, Co-Op, Bakery, Gas Bar, Ford’s Cove, Ringside Market, and festivals as well
- 5 / 182 respondents suggested “None”

Q4
GENERAL BENEFITS of VHR use… (cont.)

Other responses included:

- Diversity of people (love having visitors)
- Increased spiritual, intellectual, and cultural resources on island; new energy and ideas, creativity;
- Visitors get to experience a “Hornby vacation” to relax and restore,
- Visitors learn Hornby way of life, peace, and awareness of local concerns/values (e.g. recycling, diversity, volunteerism, creativity, stewardship etc.);
- Visitors are happy and get to have a family home environment – an alternative to tenting/camping;
- Visitors are integrated into neighbourhoods instead of only hotels/campgrounds

Q4
GENERAL BENEFITS of VHR use… (cont.)

Other responses included:

- Allow more visitors to stay over instead of day-trips only
- Increase in visitors = increase in year-round services for full time residents (e.g. Co-Op, Pizza and other variety of places to eat, Arts (theatre, plays, music, festivals, films), sports groups/teams, and increase in positive customer service)
- Houses are not just left vacant; provide home for young people when not occupied by visitors; housing for seasonal staff; more tradespeople and artisans; provides housing affordability to own a house
- Seasonal in nature so don't need to handle it year-round
- Feel less isolated after a dull quiet winter (increased psychological benefits, social, vibrant, inspiring)

Q4
GENERAL BENEFITS of VHR use… (cont.)

Other responses included:

- VHRs serve both residents and visitors (e.g. residents can rent from someone else when family/friends visit but their own house is too small);
- Larger lobby group for improved ferry service and protecting Hornby Island into the future
- Decrease demand for large-scale campgrounds and commercial motels/hotels = keeps Hornby more rural in nature
- Encourage population growth and an increase in population = stability of the work force

Q4
GENERAL DRAWBACKS of VHR use…

- Many repeats from Q3 seen as drawbacks (e.g. ferry lineups/traffic/wait times, septic use, water use and other resources, garbage, noise/pets/fire risk and other nuisances etc.)
- 26 /171 respondents suggested “None/minimal”

Other respondents suggested negative impacts on:

- Parking; public places; resident emotions; local services and infrastructure; Co-Op lineups; internet speeds; residents who are not involved in the tourist economy; businesses only open for tourist season

Q4
GENERAL DRAWBACKS of VHR use…

Other responses included:

- Many homes stay empty all winter; the lack of year-round rentals causes displacement of local renters who lose their homes every summer; unsustainable for residents (26 / 171 respondents)
- Many VHR owners overbook or poorly manage their VHRs which can lead to a decrease in the residential character, and too many visitors per VHR (especially b/c rental costs are too high and visitor families must share to split the cost) (13 / 171 respondents)
- Overcrowding and overpopulation of the island (27 / 171 respondents)
- Only create a few (minimum wage) jobs; available only for short-term; lack of tradespeople; money goes off-island

Q4
GENERAL DRAWBACKS of VHR use…

Other responses included:

- Lack of regulations and/or bylaw enforcement; VHRs are unregistered
- Increase in gentrification, property values/prices (locals can no longer afford), and prices at local shops are too high for both visitors and locals
- Negative / unwanted visitor behaviours
- Roads unsafe (high speed driving, many cyclists on road, need a walk/bike lane)
- VHRs are “way over the top”, make Hornby “more of a resort than a community”, and “divide the community instead of everyone helping out at ISLA”

Q4
BENEFITS and DRAWBACKS by VHR type… Type 1

BENEFITS

- Income (to full-time residents); essential for lower income residents to be able to stay on Hornby; allows many (especially young families) to stay on island by generating income through renting their home in peak season; income without major structural changes; income goes back to community directly; income to cover living expenses
- Guests behave like guests of someone's home (more personal relationship to landlord)
- Limit large-scale commercial to keep Hornby rural
- Least detrimental on year-round housing
- Job creation

DRAWBACKS

- Owner must relocate, as opposed to a B&B situation
- Makes it hard for tenants to find year-round rental housing
- Increase income only for owners who live off-island
- Owner has no control over behaviour of guests
- Causes temporary homelessness when people forced to relocate for guests

Q4
BENEFITS and DRAWBACKS by VHR type… Type 2

BENEFITS

- Income; can help affordability of owning before moving to Hornby full time; income to defray costs for rest of year; affordable off-season rental; income to pay property taxes
- Only benefit if one party rented for owners entire absence
- Limit large-scale commercial to keep Hornby rural
- Least detrimental on year-round housing
- Increases tourist economy for homes that can't be rented year-round
- Job creation
- Allows more than just the top 10 percent of the economy to enjoy owning a vacation home

DRAWBACKS

- Many landlords treat this as a revolving door short-term Airbnb opportunity
- Reduce available full-time rental stock
- Makes it hard for tenants to find year-round rental housing
- Increase income only for owners who live off-island
- Owner has no control over behaviour of guests
- Difficult for young families
- Creates summer homelessness
- The type which provides least income for the island

Q4
BENEFITS and DRAWBACKS by VHR type… Type 3

BENEFITS

- Income (to full time residents and large properties); essential for lower income residents to be able to stay on Hornby; multiplier economic effect to businesses on-island
- Positive influence on the community
- Owner/tenant is present and available for guests as needed (deal with issues, decrease noise and nuisances)
- Year-round economical housing and population stability
- Job creation
- Allows independent living while monitoring property usage

DRAWBACKS

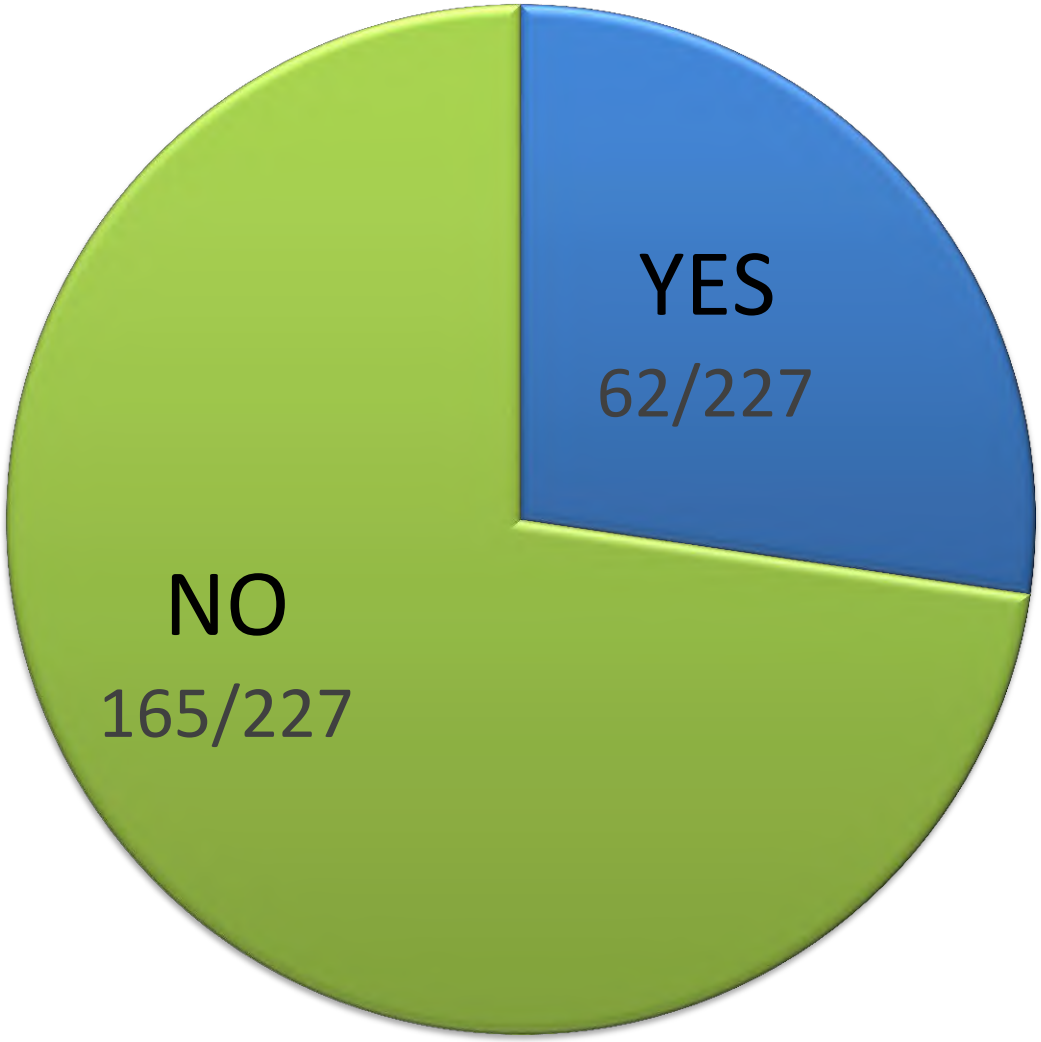
- Owners are purchasing in residential neighbourhoods to operate dwellings as mini-hotels, which changes the residential character of the neighbourhood
- Reduce available full-time rental stock and reduces local accommodation in summer
- Net increase in population and resource use
- High density, especially on small lots
- Causes over-building

Q5
Please suggest any approaches or best practices you think would be useful to help manage VHR uses on Hornby Island

Summary of comments:

- Status quo is unsustainable
- Good as is / no change
- Comply with OCP/LUB policies and regulations – and actually enforce the regulations
- Different regulations for ½ acre lots
- Protect groundwater supply/quality (wells, aquifers) and septic systems
- Control amount of garbage
- Provide visitors with information (water scarcity, preserve/protect, effect on environment/serves etc). Have a template available for landlords?
- Register / license / monitor VHRs (ensure owners/managers present on property to monitor)
- Have one website / Association for all VHRs
- Use TUPs. Don't use TUPs.
- Rezone / designate certain areas as commercial residential
- Restrict the # of occupants and/or the # of bedrooms
- Have $ caps on rentals
- Restrict # of visitors in July and August in particular
- Tax cuts/perks to full-time renters; commercial tax on VHRs
- Offer more summer campsites
- Have a larger ferry and improved schedule during tourist season

Q6
Are you an Operator of a VHR on Hornby Island?



Q7

Please share with us any other comments or feedback you may have on this topic…

(Comments/Feedback has been summarized and attached to the Staff Report to the Hornby Island Local Trust Committee, dated November 3, 2017)

In Summary…

Survey respondents said…

They want to continue to enjoy the **beauty and uniqueness of Hornby Island themselves, and want vacationers to be informed and respectful of the "Hornby way"** (their community values and culture).

They want the vacationers for they recognize the financial boost it brings to their local economy.

Just not too many vacationers that it is a detriment overall: overcrowding the island, destructs the environment (groundwater, septic, parks/beaches etc.), changes the overall character of residential neighbourhoods (noise, garbage etc.), or increases ferry waits and lineups to the detriment of local residents' ability to travel/commute.

They want the flexibility and the option to rent their homes to vacationers for additional income. Either year-round, or part-time if they themselves only use their homes occasionally.
Some Hornby residents even rely on this income.

Want to ensure that their full-time, year-round residents are protected and have **affordable housing** options for families and young people to remain on Hornby (either renting or owning their own homes).

They want a **sustainable, viable community and economy, complete with services and jobs**.

Hornby Island residents… want to continue
"to preserve and protect Hornby and its unique amenities and environment
for the benefit of Hornby residents and of the province generally."

Staff Recommendation for LTC Consideration

Given the breadth and depth of survey responses received, Staff are recommending that the Project move forward with the next step in the Project Charter Workplan, which is for Staff to assess further. Thus, Staff's recommendation to the LTC is:

That the Hornby Island Local Trust Committee request Staff to assess potential administrative, permitting, and enforcement issues, to research best practices, and to identify potential measures for improved regulation, education and enforcement of Vacation Home Rentals on Hornby Island.

Ed Hoeppner <[redacted]>
Sat 1/8/2022 7:25 PM
To: Wendy Burton [redacted]

Hello Wendy,

I am writing to you in your capacity as chair of the APC, concerning vague language in the Hornby Land Use Bylaw #150, specifically the definition for structure:

"structure means any object or construction fixed to, supported by or embedded in land including retaining walls and stairs and excludes loose stones and concrete, other paved surfaces, storage of building materials, septic fields, tanks, absorption fields and related appurtenances."

"tanks" are specified as being excluded. Although the word follows "septic fields" it stands alone, contained by commas the same as each other category. As written, it may or may not apply to just septic tanks. The way it is written may mean any type of tank.

Over the years, in selling and siting water cisterns for clients, I've always cautioned home owners to be aware that if they place their cistern within the setback, there could be push back from the neighbors and the client can then make their decision as to wether or not to place their tank within the setback.

I phoned the Trust planner a few years back to get clarification on this and was told that the definition excluded only septic tanks because, as written, it followed septic fields. I don't recall the name of the planner.

Recently, I sold some tanks to folks who wanted to place them within the setback and so I told them what I have stated above. They talked with their architect who said that the cisterns were excluded from the setback requirement and so they went with that advice and ended up in a conflict with their neighbors. The conflict was resolved, fortunately for the parties involved.

It would be helpful for homeowners to have the language clarified and clearly stated to avoid the vagueness leading to conflict and so I was wondering, in your work with the APC, if this is something that your group may have some influence over, in one way or another.

Personally, I think that cisterns should be excluded from the setback as they are not fixed structures. Also, as water is such an important issue here, especially after this summer many people wanted to develop or increase their water storage capacity. On large lots, it is not much of an issue but the majority of houses are on half acre lots. The small lot size constrains the options for placement and so it is very common for the only available location to be within the setback zone.

Even if it be determined that the exlusions are only meant to apply to septic tanks, clarification would avoid confusion and possible conflict and legal costs.

A smaller issue, in that same sentence, is the mention of, "septic fields", and "absorption fields". This seems redundant. As far as I know they meant the same thing, unless I am missing something, which is possible. Perhaps if the two terms were combined to "state septic absorption fields". I suppose that "absorption field" could refer to a rainwater absorption field, which is encouraged as good groundwater practice as it provides a path for roof or solid surface runoff to absorb into the local soil rather than channelled to a ditch. Come to think of it, this is a practice that could be encouraged, where practicable, and allowed for in the land use bylaws, or at least be defined.

Thank you in advance for your consideration of this Wendy.

Regards,
Ed Hoeppner

SUGGESTIONS FOR HOUSING AND STVR RELATED CONTENT CHANGES. IT'S IMPORTANT TO NOTE THAT CHANGES 2 TO 5 WOULD APPLY ONLY TO NEW STVR'S, AS PER THE LOCAL GOVERNMENT ACT (PART 14, DIVISION 14). EXISTING STVR'S WOULD CONTINUE TO OPERATE UNDER EXISTING REGULATIONS WITH LAWFUL NON-CONFORMING STATUS:

1. It might be useful to include a statement in Hornby's OCP something like the following: - During periods of shortage of safe, stable and affordable rental housing, the Islands Trust may suspend enforcement of housing bylaws for commercial accommodations such as cabins, guest houses, and permitted campgrounds providing long term residency. Similarly, bylaw enforcement may also be deferred for unlawful dwellings and accessory dwelling units used for long term residency, except in the case of specific concerns such as issues related to health, safety, problems with sewage, contamination of wells or drinking water, location in environmentally sensitive areas, or non-permitted campgrounds.

2. An amendment to regulation 3.1 (1) (f) to read something like the following. - On lots zoned Residential 1 – Small lot R1, vacation home rental use is permitted (1) provided that an authorized person as defined in the Sewage System Regulations under the Public Health Act has stated in writing to the Islands Trust that the sewage disposal system to which the building accommodating the proposed vacation home rental use is connected to is capable of providing adequate sewage treatment for residential use and for the proposed vacation home rental use, and, (2) that an appropriately credentialed well water professional states in writing to the Islands Trust that the well system of the property being proposed for vacation home rental use is adequate for residential use and the proposed vacation home rental use.

3. The implementation of a Temporary Use Permit system for all new vacation home rentals (existing VHR's would continue to operate under existing land use regulations). Existing vacation home rentals would have to register with the Trust to establish their "grandfathered" status.

4. The implementation of a principle residency rule. In this context, vacation home rentals could only operate on properties that are the principle residence of the owner/operator, ensuring that housing stock is not used as a profit-generating tool by non-residents, which serves to drive up housing costs.

5. Reduce the time window for vacation home rentals from the current 5 months to 3 (June, July and August). These are the 3 months when it is easiest for longer term renters to be underhoused.

Fw: Hornby Island Tourism requires Thought and Change

Art Haus [redacted]
Fri 12/3/2021 10:10 AM
To:

- Alexander Allen <[redacted]>;
- Wendy Burton;
- Daniel Siegel <[redacted]>;
- Joanne Ovitsland <[redacted]>

----- Forwarded Message -----
From: Shortly, Anna MUNI:EX <anna.shortly@gov.bc.ca>
To: [redacted]
Sent: Thursday, December 2, 2021, 03:00:31 p.m. PST
Subject: RE: Hornby Island Tourism is a MESS!!!!

Dear Gina-Rae Horvath,

Thank you for your email of November 6th, 2021 to the Honorable Josie Osborne, Minister of Municipal Affairs (Minister) regarding your concerns with the impacts of tourism on Hornby Island. Your email was forwarded to the Planning and Land Use Management (PLUM) Branch of the Ministry for response. As a Senior Planner with the PLUM Branch, I am pleased to respond.

The Islands Trust was established in 1974 under the *Islands Trust Act* (Act) to address concerns with increasing development in the Gulf Islands and pressures on that unique environment. The Trust's mandate under the Act is to protect the unique nature and amenities of the islands covered by the Trust area. The provincial government recognizes that the Trust's mandate to "preserve and protect" must be balanced with the various stakeholder interests within the Trust area, including Indigenous Nations, regional districts, and private landowners. The province continues to work to serve all interests within the Trust and support the Trust's ability to protect the unique nature and amenities of the islands.

You mentioned Airbnb as a specific concern. The Hornby Island Local Trust Committee (LTC) is responsible for land planning matters within the Hornby Island Local Trust Area. Under the Act, LTCs can modify their Official Community Plans (OCPs) and associated land use bylaws to regulate Short-Term Vacation Rentals (STVR) like Airbnbs. Within land use bylaws, this generally takes the form of home occupation regulations or zoning that specifically permits STVR use and places limits on their operations. As each of the 13 Local Trust Areas has its own land use bylaw and OCP, each island has taken a different approach to address the use of STVRs that is consistent with its own individual culture, history, and intensity of tourist use. There is a comprehensive Official Community Plan (OCP) review for Hornby Island underway, that specifically lists short-term vacation rentals as part of the review. I encourage you to contact the LTC to discuss your concerns with the impacts of STVRs and tourism on Hornby Island.

I understand you have concerns with the impacts of tourism more broadly on the environment. The Province recognizes that some of BC's tourism destinations and outdoor experiences are reaching capacity and, as such, new approaches are needed to ensure we minimize the impacts on the natural environment and look for more sustainable approaches to tourism. Respecting and preserving our natural environment is critical to maintaining business viability in tourism and livability for residents over the long-

term. The Province has released a Strategic Framework for Tourism in BC, which sets out how the Province intends to guide and manage tourism growth while preserving BC's natural spaces. With regards to the specific impacts of tourism on Hornby Island, I would again encourage you to reach out to the Hornby Island LTC to share your concerns.

Thank you again for writing to share your views.

Kind regards,

Anna Shortly *(she/her)*
Senior Planning Analyst
Planning and Land Use Management (PLUM) Branch

Ministry of Municipal Affairs

e: Anna.Shortly@gov.bc.ca | t: 778-405-1910

From: Art Haus [redacted]
ent: November 6, 2021 1:24 PM
To: Routley.MLA, Douglas <Douglas.Routley.MLA@leg.bc.ca>; Walker.MLA, Adam <Adam.Walker.MLA@leg.bc.ca>; Osborne.MLA, Josie <Josie.Osborne.MLA@leg.bc.ca>; pluckham@islandstrust.bc.ca
Subject: Hornby Island Tourism is a MESS!!!!

Hello all,

I am an island resident. I have lived on Hornby Island for 15 years and have had this property in my family for close to 40 years.

The point of this letter is simple.

Can Island's Trust/ Government please DO something about the unbridled tourism that is destroying our ecology and depleting our groundwater?

The bylaws were created long before Air B&B became the monster that it currently is.

There are small 2 bedroom homes jammed with 19 people on our island.

The greed and insanity around this has gotten completely out of hand.

Nobody seems to be in charge of looking after our environment anymore, and business is running amok.

Organizations (tax-funded) like Hornby Island Economic Enhancement Corporation (HICEEC) are over-promoting tourism to the point that wells are going dry.

Please put some restrictions/bylaws or whatever it is you can do to save our environment. Leaving our delicate ecology to the wisdom of local business people is a BAD idea. The results of this over-tourism are starting to show on our small island already.

The good old common sense that used to guide us is gone. Homes are now "investments" and money is the new God around here.

I am asking for the bylaws to reflect this new reality.

I am not a policy/bylaw writer so I have no idea what this would look like. But I do know this:

Hornby Island is WAY too full for it's own good.

We are well past carrying capacity.

Please do "Government things" to fix this mess.

Thank-you in advance.

Gina-Rae Horvath

Minimum Sized Lot that can be Created by Subdivision in Rural Residential Zones on Hornby Island and in Nearby Jurisdictions

Hornby Island	1 ha.	(minimum average: 2ha)
Denman Island	4ha	
Lasqueti Island	4ha	
Gabriola Island	2ha	(minimum average: 4ha)
Thetis Island	2ha	(minimum average: 4ha)
Salt Spring Island	2ha	
Quadra Island	2ha	
Cortes Island	2ha	
Comox Valley Regional District	2ha	
Nanaimo Regional District	2ha	

On Hornby Island for the pasty fifty years or so, two dwellings have been permitted on rural residential lots of 4ha (10 acres) or more. In the 1970s, 1980s and 1990s, many of these lots were bought by land partners, owning them as tenants in common. Two dwellings were then built and occupied by separate households.

In time, the legal and financial entanglements involved in co-ownership started to become problematic, including when inheritance or other change of ownership was to occur. The Hornby Island Local Trust Committee was lobbied to permit subdivision of these lots so that each owner could have title to their own house and land.

At first, regulations were drafted to allow only those lots with particular circumstances of co-ownership to be subdivided. But it became clear that local governments, in regulating land use, have no authority to discriminate between types of ownership.

Eventually, the new Land Use Bylaw adopted in 2016, changed the average size of lots that may be created by subdivision in the Large Lot zone from a minimum of 4 ha to a minimum of 2ha. The existing long-standing minimum lot size of 1ha was maintained.

Prepared by Tony Law 07.01.2022

Community Water Supply

From Hornby Island Community Services Study – 2008
(CH2M HILL for Comox Strathcona Regional District)

Introduction

The main source of potable water on Hornby Island is groundwater from small residential wells. The Co-Op, the BC Ferries Terminal and many local residents and vacationers purchase bulk water from private purveyors to meet their potable water needs, particularly during the summer months when groundwater levels are lower and water quality is reduced. These private purveyors draw their water from wells located on residential lots, which has become a point of contention with several neighbours and a local island water stewardship group.

There are two public wells – a public well in Tribune Bay Provincial Park and a community well on Solans Road to the north of the New Horizons Centre. The wells are relatively shallow, are equipped with hand pumps, and are not the property of the CSRD. The chemical and bacterialogical quality of the water from these wells is not regularly monitored. Further, the community well on Solans Road does not appear in the BC Ministry of Environment Records and has a permanent "Boil Water" order attached to it. Some members of the Community have expressed interest in establishing a central well that would provide a safe, reliable potable water supply for the Island that is drawn from a well located on crown land. The well site would be owned and administered by the CSRD in some fashion. It is important to note that the CSRD does not have the authority to provide water to the public on Hornby Island as the island has not been designated as a service area. This section examines the hydrogeologic, technical and economic issues related to the establishment of a community well by the CSRD.

Summary of Public Feedback

Respondents were polarized in terms of their responses on the need for a community well.
Some members are very supportive, while others are philosophically opposed to the concept on the basis of a need for groundwater preservation.

- All respondents were in favour of continued education on water conservation.
- Respondents noted that the Official Community Plan encourages water conservation and the use of rain water harvesting as a preferential method of water supply.
- While this study only evaluated if an adequate groundwater source could support a community water supply, it is apparent that there are at least two sites that need further assessment – the Central Road area and a previously evaluated site on Lea Smith Road.
- The community wants further discussion about this issue with the CSRD.
- Some respondents suggested that the community well be integrated with the new Fire Hall.

Hydrogeologic Assessment Report

The complete hydrogeologic assessment report for Hornby Island Community Services Study is presented in Appendix A. The report identifies one of the suitable areas on the Island where a community well might be located. This area spans both sides of Central Road between the Waste Management Centre and the Emcom Highways Maintenance Yard. There is potential in this area for developing a new community well with a sustainable yield of at least 0.3 L/s.

Apart from elevated iron, and possibly manganese, concentrations, the well water quality is expected to be very good. (Iron and manganese removal and pH adjustment from groundwater can be undertaken using conventional water treatment technologies.) There are many locations within this general area in which a community well could be sited. However, it is recommended that locations be avoided that are down gradient (i.e. to the northeast) of any potential or perceived sources of contamination, such as the Waste Management Centre (site of a decommissioned landfill) and the cemetery.

The study identifies the areas around the existing Fire Hall and the southeast end of the BC MoTH gravel pit as suitable locations for a community well as these have ready access to electric power as well as vehicle access to Central Road. While interference with neighbouring wells is unlikely to be significant at these locations, it is recommended that the proposed community well, or wells, under consideration be located at least 60 m from the nearest existing well.

Community Well Facility

It is assumed that the community well under consideration will cater to both bulk water sales using a delivery truck with a capacity of 2,200 L (500 gal), as well as a small-scale water sales in plastic containers with volumes as small as 18 L (4 gal). Further, it is assumed that the facility will be funded on a "user pay" principle.

In general, well water is pumped at a relatively slow, constant rate. On the other hand, bulk water loading must be relatively quick and is generally limited to the daylight hours. As a result, a 2-stage water storage system is required to provide the necessary medium term storage and limit bulk water loading times. The well water may need to be treated for iron removal, manganese removal and pH control prior to on-site storage. In addition, disinfection would be required immediately prior to loading/delivery.

Small-scale water sales could be facilitated using a coin operated water treatment/dispensing unit similar to those currently located at the Co-op and Ford's Cove.

At a minimum, the community well facility should include the following units:
• Well with a sustainable yield of at least 3 L/s
• Water treatment process for iron removal, manganese removal, pH control, etc.
• Large in-ground concrete storage tank and pumping system;
Approximate volume = 225 m^3
• Pumps and flow control/measuring units
• Disinfection system: Chlorination and/or UV disinfection
• Above ground day tank(s); Approximate volume = 22.5 m^3
• Flow control/measuring units
• Bulk loading "Cardlock" charge system
• Coin/credit card operated water treatment/dispensing machine

The facility would also need to have vehicle access to Central Road, a truck loading bay, cardlock system, public parking, etc. The equipment would be housed in a small masonry block structure built to meet general municipal standards. It is assumed that the above facility design would include the necessary automated control system so that a full-time operator was not required. However, the facility would need to be under the supervision of a suitably qualified water treatment plant operator.

Costs

The cost estimates provided are Class D cost estimates as defined by Public Works and Government Services Canada. Exhibit 3-1 contains a summary of conceptual costs for the facility not including land purchase costs.

Summary of Costs for Community Well Facility

Description	Estimated Cost
Capital Costs	$1,270,000
Operating Costs	$26,500
Twenty Year Life-Cycle Cost (excluding equipment replacements)	$1,591,000

Notes:
1. Structural cost based on $2,500/$m^2$ and a 100 m^2 footprint.
2. Cost does not include the cost for purchasing the land.

Liability Issues

The above community well and water supply depot would constitute a small municipal water distribution system as defined of the BC Ministries of Health/Environment. As aresult, the CSRD would assume liability for ensuring that the water provided is potable and safe to drink.

Summary

1. The feedback from the Community indicates that further discussions are required to reach a consensus on the need for and services provided by a community water supply.

2. To facilitate this discussion the CSRD should complete the following activities:

• Determine whether the liability for such a facility is acceptable to the CSRD.
• Carry out further investigations to better define water supply options and costs that could use the existing Fire Hall site, the new proposed Fire Hall site, and potentially a site on Lea Smith Road identified by one of the respondents.
• Assess the level of support for a community water supply from companies currently providing water delivery services.
• Hold more public consultations to discuss options for a community water supply.

Recommendations

To obtain the information needed to make a decision related to providing a community water supply on Central Road adjacent to the Mount Geoffrey Escarpment, the CSRD should:

- Engage the community to assist in determining the desire for a community water supply facility.

- Carry out further investigations in order to better define the cost for such a facility that meets the requirements of the CSRD with respect to liability exposure.

REGULATING SHORT-TERM RENTALS
A TOOLKIT FOR CANADIAN LOCAL GOVERNMENTS –
Key Points Compiled by Joanne Ovitsland

The goal of improving housing availability and affordability is a major focus, this toolkit will serve a variety of STR policy objectives.

The diversity of interests involved, the range of both benefits and harms, and the digital and international nature of the industry has made effective regulation and enforcement of STRs difficult. All levels of government have a role to play in getting a handle on this disruptive industry. However, as is often the case, the localized impacts and nature of STRs has pushed Canada's local governments to the forefront. A range of local regulatory approaches are currently being tried with mixed or often unknown results.

If a community wants to prioritize residents' right to adequate housing, the most effective approach is likely the restriction of STRs in residential zones to principal dwelling units (i.e. true home sharing)

Principal Dwelling Unit STR = A short-term rental unit that is or is within someone's principal dwelling unit. Non-principal dwelling unit STRs include vacation properties or secondary residences that aren't the designated principal dwelling unit of the owner.
Entire home listings make up a higher proportion of active listings in rural areas than in major centres

Decisions around the scale, distribution, and integration of STRs into communities that are fundamentally up to local governments. These decisions can be made **through the amendment of existing bylaws or the development of purpose-built STR bylaws** and enforced with or without the involvement of other levels of government.

The effectiveness of local government regulations at achieving desired goals is mixed or unknown. 4% of B.C. local governments explicitly prohibit all types of STRs via bylaws that apply to either the entire community or a portion thereof. Despite these bans, short-term rental activity continues to occur.

MOTIVATIONS FOR ESTABLISHING REGULATIONS VARY. These often include protecting housing for residents, ensuring the health and safety of guests, preserving the residential character of neighbourhoods and creating fairness amongst all accommodation providers.

THE BUSINESS LICENSING TOOL IS USED BY ALL MUNICIPALITIES REGULATING STR. A system of licensing STR operators is fundamental to the successful application of many other STR regulatory tools,

MANY COMMUNITIES ARE STRUGGLING TO EFFECTIVELY ENFORCE THEIR REGULATIONS. Either due to the complexity of the regulations, lack of access to data on STR activity in their community, insufficient staff capacity and resources or a combination of the above.

The proliferation of STRs leads to a worsening of both housing availability and affordability system-wide and over time, with non-principal dwelling unit STRs being the main culprit. If an operator is listing any dwelling unit other than their principal dwelling unit, whether they ever use the unit themselves, a potential long-term home is being lost. The major benefit of STRs on housing affordability is associated with principal dwelling unit STR, where an owner or tenant can earn extra STR income – However, even this benefit comes with the potential for housing-related harms.

The housing-related harms of STR – while perhaps somewhat associated with principal dwelling unit STRs – are most obviously associated with non-principal dwelling unit STR. There are **two basic categories of harm:**

Decreased housing availability and decreased housing affordability. While these harms may be intuitive, they are also being borne out in quantitative studies.

STRs are growing faster, concentrating faster, and removing housing from the long-term market faster in rural areas

Communities experiencing low vacancy rates and high costs to rent or buy a home relative to local incomes, and who wish to advance the right to adequate housing as a priority goal can consider regulatory tools such as the principal dwelling unit restriction that – when enforced – will decrease current and future housing loss to STRs.

Getting a range of contextual data can help your community prioritize and refine STR regulatory goals, guide your regulatory approach and evaluate the impact of regulations.

Consider implementing higher licensing fees for non-principal dwelling unit STRs to reflect the additional administrative costs associated with licensing and enforcement.

Principal Dwelling Unit Restriction	Arguably the only proven, effective and enforceable regulatory tool for preventing and reversing STR-induced housing loss, if this is a priority for your community.
Zoning	A useful regulatory tool to establish where STRs are permitted or restricted. If principal dwelling STR is the only permitted type, we suggest allowing STRs in all zones. If non-principal dwelling unit STRs are permitted, restricting these to commercial zones or other designated zones may help advance goals related to neighbourhood compatibility.
Density Cap	This regulatory tool may be effective in communities experiencing a high concentration of STRs on specific blocks, or in specific neighbourhoods or zones, as a way of dispersing STR activity across the community. This is primarily an issue for non-principal dwelling unit STR.
Guest Limit	This regulatory tool is simple to administer and can be enforced proactively or on a complaint's basis. This tool may be of value for communities concerned with neighbourhood compatibility and health and safety issues. This is primarily an issue for non-principal dwelling unit STR.

Victoria developed a two-tiered business licence fee structure based on the type of STR. A non-principal dwelling unit STR operator must pay an annual business licence fee of $1,500. STRs operating in a principal dwelling unit pay $150 annually.

Nelson has achieved extremely high compliance rates due to: Community-specific factors including a small number of STRs (<100); Unique geography; Dedicated staff resources and third party support being present.42

Fernie's Official Community Plan (OCP) explicitly prohibits secondary suites and garden homes from being used as STRs. The OCP states: "part-time tourist rentals can deplete affordable and year-round housing options for full-time residents. The growing tourism economy in Fernie, while being an important economic driver, should be balanced with ensuring full-time residents have enough year-round housing, and that rental costs are not inflated by seasonal tourist accommodation demands, making housing unaffordable for full-time residents."

Guest Limits

The number of guests are restricted within a STR, often based on the number of bedrooms (e.g. 2 adults per bedroom). This regulatory tool can be included in the business licence application, review and approval process. There are two primary reasons that guest limits are employed: to protect the health and safety of guests (i.e. avoiding overcrowding) to reduce potential noise complaints from neighbours As part of the business licence application, individuals are required to identify the number of bedrooms that are included in the dwelling unit or how many private rooms would be used for STR and based on this, the guest limit would be set.

Principal Dwelling

Short-term rental would only be permitted in an operator's principal dwelling unit (owned or rented).
A principal residence/dwelling unit is the dwelling unit where an individual usually lives, makes their home, conducts their daily activities including paying bills and receiving mail and is generally the residential address used on documentation related to billing, identification, taxation and insurance purposes. Protects the availability of long-term housing, with the idea being a principal dwelling unit STR is already someone's home and therefore no long-term housing is being lost (with the possible exception of some rental rooms that may otherwise be offered to a long-term tenant/roommate).

Zoning

STRs are permitted or restricted to specific zones identified in a community's zoning bylaw. STRs may be permitted in all residential zones, in select residential zones, in commercial zones, This regulatory tool can be included in the business licence application, review and approval process.

Zoning is used to identify areas where STR use is permitted and prohibited to ensure neighbourhood fit and compatibility.

We encourage any local government experiencing housing supply and cost pressures to prioritize the advancement of housing affordability and availability when designing STR regulations.

STEP 1

First, choose between a couple basic approaches:

STICK TO AMENDING EXISTING BYLAWS.

Most STR regulations will substantively impact existing bylaws such as business licensing, tickets and offences, and zoning. References to STRs can be included in amendments to these existing bylaws in ways that make STR permissions or restrictions clear.

DEVELOP A NEW STANDALONE STR BYLAW AS WELL AS AMEND EXISTING BYLAWS

The new STR bylaw can reference all of the necessary context and components of your STR regulations in one place (e.g. purpose, description, provisions, schedules, related bylaws).

Determining which route to take will depend on your community's size and complexity, current approach to bylaw creation as well as the status of existing regulations and bylaws.

STEP 2

Second, determine who will be responsible for drafting the bylaw (e.g. CAO, City Solicitor, Corporate Administration, Planner) and then involve the project team in the bylaw drafting process.

Providing staff with an opportunity to participate in the bylaw drafting stage will create staff buy-in, remove ambiguity or uncertainty about the meaning of the regulations and how they should be applied, and will help preserve the intent **of the regulations when transferred from an approach** into a law.

STEP 3

Third, draft the standalone bylaw and/or amendments.

Provincial and local government legislation define the mandatory part of a bylaw (title, number etc) but there are areas to pay particular attention to with regard to STRs, including:

DEFINITIONS

Terms that are particular to the STR bylaw and/or amendments (operator, short-term rental, principal dwelling unit, listing, platform) should be well-defined and as specific as possible. Definitions in other bylaws such as Bed and Breakfast, home occupation, business licence and dwelling unit will apply to any new bylaws so confirm their accuracy and consistency now and amend these too, if needed.

GENERAL PROVISIONS AND RULES/RESPONSIBILITIES

This section contains the main components of your regulations (e.g. licencing requirements, principal residence, designated responsible person, display licence number in ads) and should be clear and precise enough that staff as well as operators understand what operators must or must not do in order to comply with the regulations.

SEVERABILITY

Should a decision by a court find a part of the bylaw illegal, void or unenforceable a severability clause specifies that part of the bylaw would be removed and not affect the balance of the bylaw. This is particularly important given the relative newness of STR regulations.

PENALTIES

These should be sufficiently high to deter non-compliance and can be per instance of offense, or per each day that it occurs.

TRANSITION PROVISIONS

STEP 4

Fourth, prior to bringing the bylaw(s) to council for readings and passings, have staff review it to confirm the enforceability of the regulations. When passing a new bylaw, it is important for staff to consider whether the capacity – staff, equipment and other resources – exist to adequately enforce the bylaw. Ideally, this step occurs at the same time as staff are developing your enforcement plan. Insufficient enforcement capacity may defeat the purpose of enacting the bylaw(s) in the first place and erode public trust in the effectiveness of local government.

STEP 5

Fifth, present the bylaws to council for reading and adoption. Legislation provides specific provisions regarding the reading of bylaws, which typically includes three distinct and separate readings (tabling, discussion and approval) and in the case of amendments to certain bylaws (i.e. zoning) may also require public notification and an opportunity to comment. Be sure to include this step in your community engagement plan.

particularly important for regulations that are coming into force part way through the year to allow for pro-rated licensing fees.

Density Benefits for Housing

How does this work? How has it been used on Hornby Island? Can it be used again?

How do density benefits for housing work?

Local governments are provided with the option to allow additional density in a development in exchange for the provision of affordable or special needs housing through Section 482 of the *Local Government Act:*

> **Density benefits for amenities, affordable housing and special needs housing**
> 482
> (1)A zoning bylaw may
>
> > (a)establish different density rules for a zone, one generally applicable for the zone and the other or others to apply if the applicable conditions under paragraph (b) are met, and
> >
> > (b)establish conditions in accordance with subsection (2) that will entitle an owner to a higher density under paragraph (a).
>
> (2)The following are conditions that may be included under subsection (1) (b):
>
> > (a)conditions relating to the conservation or provision of amenities, including the number, kind and extent of amenities;
> >
> > (b)conditions relating to the provision of affordable and special needs housing, as such housing is defined in the bylaw, including the number, kind and extent of the housing;
> >
> > (c)a condition that the owner enter into a housing agreement under section 483 before a building permit is issued in relation to property to which the condition applies.
>
> (3)A zoning bylaw may designate an area within a zone for affordable or special needs housing, as such housing is defined in the bylaw, if the owners of the property covered by the designation consent to the designation.

This provision allows a local government to provide a landowner (usually a developer) with benefits in the form of additional density, above what would otherwise be allowed, in exchange for the provision of an amenity that would benefit the community (including affordable or special needs housing).

The benefits to the developer could take the form of the local government allowing the developer to:

- build more and/or larger dwelling units than would otherwise be permitted, or
- subdivide a property into more additional lots than would otherwise be permitted.

The benefits to the community with respect to housing could take the form of the developer:

- building a required number and type of affordable units within he development, or
- providing land that could be used for affordable housing.

If the developer is to be required to provide housing (often referred to as “inclusionary zoning”) the local government will need to establish a housing agreement to specify what is required.

If the developer is to provide land, the local government will need to find an entity to create and manage the affordable housing, which will also require a housing agreement.

A development project would have to be of a sufficient scale to generate worthwhile benefits to both the developer and the community. For the developer, the density bonus would need to be sufficient to compensate for the cost of providing the amenity. For the community, the amenity would have to be of sufficient value to balance the impacts of the increased density upon the environment, infrastructure and community character.

Both the developer and the local government would need the will and the resources to engage in such a process.

For these reasons, the Density Benefits for Housing provision in the *Local Government Act* is generally utilized in larger (urban) communities where there is significant development potential and opportunities for mutually beneficial arrangements (such as allowing additional floors in a high rise in exchange for affordable housing unis to be provided as part of the development).

Howhas the Density Benefits for Housing provision been used on Hornby Island?

In June 2003, when the previous Hornby Island Official Community Plan (Bylaw 102) was adopted, it included this new 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.

In March 2009, Bylaw 129 amended the Hornby Island Land Use Bylaw (Bylaw 86) to include a new site-specific zoning regulation for a property in the R3 Rural Residential zone:

> SITE SPECIFIC REGULATION – R1(a)
> The purpose of the R1(a) site-specific zoning variation is to provide amenity zoning under s. 904* of the Local Government Act to permit donation of land for community housing.
> (*The Local Government Act was subsequently reconfigured with s,904 becoming s,482

The regulation provided this minimum lot size variation:

> MINIMUM LOT SIZE VARIATION
> 5. Despite Section 9.7.11:
> 5.1 subject to 5.2, 5.3 and 5.4 of this table, no lot having an area less than 10.0 hectares may be created by subdivision;
> 5.2 if a minimum of 2.0 contiguous hectares of land zoned R1(a) is donated for community housing, no lot having an area less than 4.0 hectares may be created by subdivision;
> 5.3 if a minimum of 4.0 contiguous hectares of land zoned R1(a)is donated for community housing, no lot having an area less than 2.0 hectares may be created by subdivision; and
> 5.4 If a minimum of 5.0 contiguous hectares of land zoned R1(a) is donated for community housing, no lot having an area less than 1.0 hectares may be created by subdivision to a maximum of 4 lots.
> 6. For the purposes of 5.2, 5.3 and 5.4 of this table land for community housing must be donated to a non-profit society, community land trust or to the Islands Trust Council to be held for community housing purposes.

This provision was added to the Land Use Bylaw after extensive discussions with he owners (who affirmed willingness to donate land in exchange for the benefits provided) and with ISLA (a community land trust that was willing to receive the land and use it for community housing purposes).

Option 5.4 was utilized whereby the owner was able to create 4 lots by subdivision in exchange for donating 5ha of land for community housing – now known the Beulah Creek property (which is yet to have any community housing built on it).

There have been no other proposals for utilizing Density Benefits for Housing on Hornby Island.

What is the potential for using the Density Benefits for Housing provision again?

As stated above, the Density Benefits for Housing provision is generally only workable when there is a project of sufficient scale to provide worthwhile benefits to both a landowner and a community for both to commit to trying to making it happen.

The property which generated the donation of land to ISLA for community housing was the last large piece of subdividable land on the island. There are no obvious opportunities for such a process to happen again.

However, it is worth exploring what might be possible.

- Inclusionary zoning

Are there likely to be any situations where it would make sense to a developer and to the community for the local government to require a specified number of new dwellings to be available as affordable housing as a condition for allowing a significant housing development to happen?

What number would this be? One out of four houses? Or more – or less? If these are to be ownership houses, how would on-going affordability be assured?

Such a housing development is not envisioned in the Official Community Plan, but there may be a proposal put forward, like the “Four Corners” application of a few years ago.

- Donation of land

Are there likely to be situations where it might make sense to a property owner and the community for the local government to require the donation of land in exchange for allowing more dwellings or increased subdivision potential?

A donation of land would have to be of a size, location and capacity for a useful amount of housing to be built and there would need to be an organization in position to receive the land and to build and manage the housing. 1 ha would be a minimum size. 2 ha would be desirable – the size of the Elder Housing lot.

It is likely that a property owner would seek the benefit of being able to subdivide one or more extra lots that could be sold rather than being permitted to build additional dwellings on their existing lot.

The majority of lots in the Rural Residential designation (Large Lot zone) are plus or minus 4ha or smaller. There are a handful of lots between 5ha and 7ha and one a little over 7ha. All lots over 4ha can, in theory, be subdivided to an average lot size of 2ha (with a minimum of 1ha), resulting in 1 new lot – or 2 an a very few instances.

But in practice, subdivision will depend upon a) the configuration of the lot, b) its capacity for sewage treatment in order to meet Island Health subdivision standards, and c) whether a landowner is actually interested in subdividing their property.

If a larger Large Lot – say around 5ha – was to be considered, the owner would expect at least ooe additional lot more than the one that could currently be created by subdivision and the community would likely seek a 2 ha donation to make the process worthwhile. This would involve creating 3 1ha lots for the owner plus 1 2ha lot fr the community or 4 1 ha lots for the owner and 1 1ha lot for the community. For this to happen, all the lots would need to be accessible, develop-able and able to meet Island Health requirements for this level of subdivision.

The above discussion suggests that, while opportunities may come up for using the Density Benefits for Housing that are worthwhile for both a developer or property owner and the community, they are somewhat unlikely to arise and are not certain to be successful.

Nevertheless, it might be worth giving consideration to replacing OCP policy 6.1.5 with wording that provides more guidance about when, where and how density benefits might be applied on Hornby Island.

Tony Law – 10.01.2022

Municipal and Regional District Tax Program Requirements

Summer 2021

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1. Overview

The purpose of this document is to outline the requirements for the Municipal, Regional, and District Tax Program ("MRDT program") and provide guidance and assistance to designated recipients applying for or renewing the Municipal and Regional District Tax ("the tax") within their communities. This document includes application materials and other forms and templates to assist with application, renewal, and reporting requirements.

Designated Recipient: *The municipality, regional district or eligible not-for-profit business association that receives the revenue from the tax in a designated accommodation area.*

In *Budget 2018*, the government announced that the eligible uses of MRDT revenues would be expanded to include affordable housing initiatives. At the same time, it was announced that online accommodation platforms located outside of BC would be enabled to register to collect provincial sales tax and MRDT on purchases of accommodation through their platform.

In keeping with these announcements, the MRDT Program Requirements have been updated to reflect the changes. In particular, the revised Program Requirements include the following clarifications:

1. MRDT revenues from online accommodation platforms can be used for affordable housing initiatives;
2. General MRDT revenues cannot be used for affordable housing initiatives unless the designated recipient can demonstrate support of tourism stakeholders and accommodation providers; and
3. The requirement to demonstrate accommodation provider support will remain unchanged. Individual hosts that only list on online accommodation platforms will not need to be consulted.

Please see the revised details in Sections 7 and 8 and Appendix 1.8 and 2.4.

Moving forward, the Province will provide existing designated recipients with information on two types of MRDT revenue: revenues from multi-jurisdictional online accommodation platforms (OAP), which are based outside of BC but operate within the designated accommodation area; and revenues from general accommodation providers (general MRDT revenues), such as hotels, motels, etc. This is to support designated recipients' affordable housing spending (refer to Section 8 for details).

2. Enabling Legislation

Section 123 of the *Provincial Sales Tax Act* (refer to http://www.bclaws.ca/civix/document/id/complete/statreg/12035_00) imposes a tax of up to three percent on the purchase price of accommodation in a specified geographic area of the province ("designated accommodation area") on behalf of a designated recipient.

Designated Accommodation Area: *A specified geographic area of the province in which the tax will be applied on behalf of a designated recipient.*

3. Program Purpose

The purpose of the MRDT program is to assist designated recipients to fund tourism marketing, programs and projects. Affordable housing was added as a permissible use of funds in *Budget 2018*.

The MRDT program is jointly administered by the Ministry of Finance, the Ministry Tourism, Arts, Culture and Sport, and Destination British Columbia.

The MRDT program is one of a number of supports available to enhance tourism marketing in BC. The MRDT program is intended to help grow BC revenues, visitation and jobs, and amplify BC's tourism marketing efforts in an increasingly competitive marketplace. To promote a coordinated and efficient use of funds, the following **MRDT program principles** have been adopted:

- Effective tourism marketing, programs and projects;
- Effective local-level stakeholder support, and inter-community collaboration;
- Marketing efforts that are coordinated and complementary to provincial marketing strategies and tactics; and
- Fiscal prudence and accountability.

Affordable housing was added as a permissible use of funds in *Budget 2018* to help address local housing needs. Designated recipients have the flexibility to define, identify, and fund affordable housing initiatives that they deem appropriate to meet local needs. Affordable housing funding must be consistent with fiscal prudence and accountability, and will be subject to additional reporting requirements. Further detail, including stakeholder consultation and support requirements, can be found in Section 8.

4. Eligible Use of Funds

The *Designated Accommodation Area Tax Regulation* (refer to http://www.bclaws.ca/civix/document/id/complete/statreg/93_2013) sets out the authorized purposes for funds collected under the MRDT program. Authorized purposes are tourism marketing, programs and projects, initiatives respecting affordable housing, and any other prescribed purposes as set out in the regulation.

The MRDT program is intended to contribute to the increase of local tourism revenue, visitation, and economic benefits and must be supported by both local governments and tourism industry stakeholders. MRDT for affordable housing is intended to provide flexibility to communities to address their local housing needs.

Funds from the MRDT program should augment current funding and cannot be used to replace existing sources of tourism funding in a community.

As the MRDT program is intended to primarily fund tourism marketing, programs and projects, consideration will only be given in special circumstances to the financing of capital expenditures (other than affordable housing) such as new tourism facilities or infrastructure. Proposals for capital spending must be included in the designated recipient's Five-Year Strategic Business Plan and must demonstrate strong local stakeholder support in order to be considered as an authorized use of MRDT program funds. A business case must be provided, including budget, for each capital project and all capital projects must be completed within the current Five-Year Strategic Business Plan time period. These proposals will be approved on a case-by-case basis by the Province of British Columbia ("the Province".)

Applicants must contact Destination British Columbia program staff prior to submitting an application including capital expenditures (refer to Section 13: Further Information). Refer to Section 8 for information required for affordable housing initiatives.

Designated recipients are expected to effectively manage administrative costs related to MRDT projects. Administration costs, where applicable, include:

- Management and staff unrelated to program implementation
- Finance staff
- Human Resources staff
- Board of Directors costs
- Employee-related information technology costs (i.e. computers, telephone, support, network connections)
- Office lease/rent
- General office expenses

Considerable scrutiny will be applied to ensure that MRDT program funds are used for authorized purposes.

5. Eligible Applicants

5.1 Designated Recipients

The following are eligible to be a designated recipient under the MRDT program:

- Municipalities;
- Regional districts; and
- Eligible not-for-profit business associations

To qualify as an eligible not-for-profit business association, an applicant must meet the definition of eligible entity under the *Provincial Sales Tax Act.* This means they must:

- Be a not-for-profit business association (e.g. a society incorporated under the *Society Act*; entities incorporated under the *Business Corporations Act* are not eligible). Note that a not-for-profit society whose specific purpose is tourism marketing is preferred.
- Have a place of business in the designated accommodation area; and
- Be actively engaged in tourism marketing, programs or projects in the designated accommodation area.

5.2 Designated Accommodation Area

The designated accommodation area may be:

- A whole municipality, but not a portion of a municipality
- A whole regional district or a portion of a regional district
- A combination of municipalities and portions of regional districts.

The tax may be levied in more than one municipality or regional district on behalf of a single designated recipient.

There can be no overlap with any other designated accommodation area in which the tax applies.

Generally, an electoral area is the smallest portion of a regional district that may be prescribed as a designated accommodation area.

5.3 Delegation of Administration

Municipalities and regional districts may either administer the MRDT program directly or delegate administration to a service provider (such as a destination marketing organization). The municipality or regional district remains the designated recipient and remains fully responsible for compliance with all MRDT program requirements.

Eligible not-for-profit business associations are not permitted to delegate the administration of the MRDT program to a service provider.

The Province does **not** mediate disputes between municipalities or regional districts and their service providers. A service agreement that details the deliverables and conflict resolution procedure is strongly recommended.

6. MRDT Program Overview

6.1 How the MRDT Program Works

Applicants may apply to request that the Province levy the tax on their behalf in a designated accommodation area.

The tax applies to purchases of taxable accommodation within the designated accommodation area. The tax is collected by the Province on behalf of the designated recipient.

Funds equal to the tax collected in the designated accommodation area minus an administration fee are forwarded to the designated recipient on a monthly basis.

For new and renewal applications, the tax will be implemented for a period of five years. To extend the tax for an additional five-year period, a designated recipient must re-apply. There is no restriction on the number of times a designated recipient can apply to renew the tax.

Under the *Provincial Sales Tax Act*, **all** designated recipients must account annually to the Province on how MRDT program funds are spent (refer to Section 11: Annual Performance Management and Reporting Requirements).

6.2 Three Percent Rate

The *Provincial Sales Tax Act* was amended in 2015 to increase the maximum tax rate on the purchase of accommodation that may be imposed in a designated accommodation area from two percent to three percent of the purchase price of the accommodation.

Increasing the rate of tax is optional. A designated recipient may request a change in the rate of the tax to three percent of the purchase price of the accommodation prior to their renewal date by submitting a complete application containing all requirements listed in Section 7: Application Requirements. If approved, the tax will be renewed at the new rate for another five-year period. Designated recipients not subject to renewal requirements will be required to submit a complete application for the new rate one time only.

It is intended that designated recipients implementing a rate of three percent will sponsor and contribute to a provincial Tourism Events Program. Under this program, 0.2 percentage points of the incremental one percent of the tax will contribute to a provincially led program to support tourism events that are expected to increase tourism to or within British Columbia.

Designated recipients with a three percent tax rate will be subject to enhanced reporting requirements (refer to Appendix 2.2 for further details).

6.3 Key Timelines

New applications for the tax, applications for rate changes and renewals requesting a change in designated accommodation area, must be submitted at least **nine** months in advance of the desired effective date of the tax.

Renewal applications with no rate change must be submitted at least **six** months in advance of the end of the five-year term of the tax ("repeal date").

Under extraordinary circumstances, designated recipients may make a written request to the Minister of Finance for an extension of the application deadline.

Failure to submit a completed application by the deadline may result in the tax ceasing to apply in a particular designated accommodation area.

7. Application Requirements

New applications, rate changes, and renewal application requirements include consultation and support from local governments, tourism industry stakeholders and accommodation providers. The application must include **all** the following information and be submitted as a single complete package:

- A completed application form (refer to Appendix 1.1) signed by an authorized signing authority of the municipality, regional district or eligible not-for-profit business association that confirms that all program requirements have been met and all required documents are included in the application package.

- A Five-Year Strategic Business Plan with first year tactical details that meets all the requirements set out in Appendix 1.2. The applicant is required to make its Five-year Strategic Business Plan available to tourism industry stakeholders and accommodation providers as part of the industry consultation and accommodation support requirements on page 7.

- Evidence that the funds from the tax are incremental to existing sources of tourism funds. The funds from the tax are intended to augment current funding and cannot be used to replace existing sources of tourism funding in a community. An applicant must note any additional funding sources that will be available to support the Five-Year Strategic Business Plan.

- Evidence of consultation and support from local governments.
    - **If a municipality is applying,** the municipality must provide evidence that the regional district has been consulted and indicate whether the regional district supports or opposes the imposition of the tax in the municipality. Evidence could be in the form of a letter from the regional district's Board of Directors.

    - **If a regional district is applying**, the regional district must provide evidence that all municipalities within the regional district have been consulted and agree with the tax being imposed in the regional district. Evidence must be in the form of letters of support from the municipality(ies).

    - **If an eligible not-for-profit business association is applying**, they must provide evidence that all municipalities and regional districts within the designated accommodation

area have been consulted and agree with the tax being imposed in the designated accommodation area on behalf of the eligible not-for-profit business association. Evidence must be in the form of letters of support from the municipality(ies) and regional district(s).

- In the case of a conflict between a municipality, regional district or eligible not-for-profit business association about who the designated recipient is for an application, or whether the tax should be imposed in a municipality, priority will be given to the position of the municipality.

- Evidence of authority and request to impose the tax.
  - **If a municipality is applying**, the municipality must pass a bylaw that requests the Province levy the tax on its behalf and provide a copy of the bylaw with the application.
  - **If a regional district is applying**, the regional district must pass a resolution that requests the province levy the tax on its behalf and provide a copy of the resolution with the application. The regional district must also provide evidence of its authority to use funds for the intended purpose either through letters patent or statutory authority.
  - **If an eligible not-for-profit business association is applying**, they must submit a letter that requests the province levy the tax on its behalf. They must also provide evidence of its authority to use funds for the intended purpose by submitting copies of its certificate of incorporation, articles of incorporation, constitution and bylaws.
  - The bylaw, resolution or letter must contain the following information:
    - Rate of tax to be imposed
    - Description of the geographic area in which the tax is to be imposed
    - Purpose for the funds
    - Desired effective date of the tax.

- Documentation on how the MRDT program, including revenue, will be administered (e.g. directly by the designated recipient or through a service provider). If a municipality or regional district is proposing to delegate administration of the program to a service provider, the name and address of the service provider must be included.

- Evidence of consultation with tourism industry stakeholders. The applicant must provide detailed evidence that the applicant has consulted with and received broad support from tourism industry stakeholders within the designated accommodation area in respect of the application. The applicant is required to make its Five-Year Strategic Business Plan available to tourism industry stakeholders and provide an opportunity for input. Examples of consultation activities could include presentations at town hall meetings, annual general meetings and information sessions, etc. Letters of support from individual tourism industry businesses or organizations can also be provided.

Tourism industry stakeholders: *Examples may include, but are not limited to, the following within the designated accommodation area:*

- *Accommodation providers;*
- *Attractions, sightseeing, activities and other primary tourism businesses;*
- *Restaurants, retail and other tourism related businesses;*
- *Regional and local tourism associations;*
- *Product Sector organizations;*
- *Parks and recreation;*
- *Visitor Centres; and*
- *Other government agencies and organizations that have programs and services that relate to tourism.*

- An Accommodation Directory Form that lists all the accommodation providers who offer taxable accommodation under the *Provincial Sales Tax Act* within the designated accommodation area, and the number of units each accommodation provider offers within the designated accommodation area (refer to Appendix 1.3). While the Province is able to provide an applicant with the names and addresses of registrants under the *Provincial Sales Tax Act*, it remains the responsibility of the designated recipient to ensure the accommodation directory is a complete and accurate list. The designated recipient is not required to identify and consult individual hosts who a) only list on registered online accommodation platforms, and b) those accommodation providers who offer fewer than 4 units of accommodation within the designated accommodation area (see below). For information on taxable and exempt accommodation, see PST Bulletin 120 Accommodation: https://www2.gov.bc.ca/assets/gov/taxes/sales-taxes/publications/pst-120-accommodation.pdf

For more information on taxable or exempt accommodation refer to PST Bulletin 120 Accommodation **https://www2.gov.bc.ca/assets/gov/taxes/sales-taxes/publications/pst-120-accommodation.pdf**

- An Accommodation Sector in Support of MRDT Form (refer to Appendix 1.4) that provides evidence that an applicant has sufficient support from accommodation providers who offer taxable accommodation within the designated accommodation area. The minimum required level of support is at least 51 percent of the accommodation providers representing at least 51 percent of the total number of units of accommodation offered by those accommodation providers in the designated accommodation area. Higher support from accommodation providers will increase the likelihood that an application will be approved, providing all other requirements are met. The applicant is required to make its Five-Year Strategic Business Plan available to accommodation providers. The applicant is also required to indicate on the Accommodation Sector in Support of MRDT Form if they wish to use general MRDT revenues for affordable housing.

  Online accommodation platforms located outside of BC have been enabled to register to collect tax on purchases of accommodation through their platforms. These are online marketplaces that facilitate transactions for renting short-term accommodations (many of which operate across jurisdictions) and typically list basement suites, individual rooms, or other forms of accommodation (such as trailers or motor homes). Their hosts may not regularly offer accommodation, may not be readily identifiable and accessible, and their accommodation units may not be on record with the Province.

  This will not affect the way that applicants have consulted accommodation providers in the past. Applicants are not required to identify and consult individual hosts who: a) only list on registered online accommodation platforms, and b) those accommodation providers who offer fewer than 4 units of accommodation within the designated accommodation area. Designated recipients are only required to consult those accommodation providers who are registered under the *Provincial Sales Tax Act* and who physically provide taxable accommodation; whose owners/property managers are readily identifiable; and whose addresses and total number of accommodation units are on record with the Province; and who offer 4 or more units of accommodation within the designated accommodation area. This includes hotels and motels, bed and breakfasts, and vacation rental reservation systems that list properties with verifiable property managers.

For clarification, the Province is able to provide the names and addresses of registrants to assist applicants in identifying which accommodation providers to consult.

- Confirmation that Destination British Columbia has been consulted to ensure that proposed spending is coordinated and does not duplicate Destination British Columbia's broader promotional programs and is complementary to provincial marketing strategies and tactics.

- Third Party Authorization Form. If the designated recipient wishes the Province to discuss the application with their service provider, the designated recipient must sign and submit the Third Party Authorization Form (refer to Appendix 1.5).

- Disclosure of Information Authorization Form. Applicants must authorize the Ministry of Finance to share information about the designated recipient in respect to the MRDT program with Destination British Columbia and the Ministry of Tourism, Arts, Culture and Sport for the purpose of program administration and evaluation, and development of provincial tourism policy (refer to Appendix 1.6).

- A signed Tourism Events Program Sponsorship Undertaking if the application is for a three percent tax rate (refer to Appendix 1.7).

- Affordable Housing Requirements and Documentation, if applicable (refer to Appendix 1.8 in Section 8).

8. Application Requirements for Affordable Housing

8.1 Parameters for Spending on Affordable Housing

Designated recipients have the flexibility to define, identify, and fund affordable housing initiatives that they deem appropriate to meet local needs. Designated recipients may use MRDT revenues for the following purposes for spending on affordable housing initiatives:

- Acquiring, constructing, maintaining or renovating housing or shelter;
- Acquiring or improving land used for, or intended to be used for, housing or shelter;
- Supporting the acquisition, construction, maintenance, renovation or retention of housing or shelter or the acquisition or improvement of land intended to be used for housing or shelter;
- Supporting housing, rental or shelter programs; or
- Paying expenses related to the administration or disposal of housing, shelter or land acquired with money paid out of MRDT revenues.

Documentation and plans for affordable housing (Appendix 1.8 and 2.4) will be forwarded to the Housing Policy Branch for assessment. Destination BC will remain the initial point of contact for discussions on applications. An updated Appendix 1.6 (Disclosure of Information Authorization Form) is also required for the first time that a designated recipient wishes to use MRDT for affordable housing, regardless of the revenue source.

8.2 Using Revenues from Online Accommodation Platforms (OAP) on Affordable Housing

Designated recipients are able to use OAP revenues on affordable housing initiatives without submitting a new five-year strategic business plan or application package. If a designated recipient chooses to only spend this amount on affordable housing, the following information on affordable housing will be required prior to implementation and due on November 30 of each year to outline spending in the upcoming year (see Appendix 1.8):

- Project name and address;
- Project rationale and details (what is the need, issue, or demand);
- MRDT contribution;
- Housing provider/Project owner;
- Funding partners (if applicable);
- Funding partners' contribution (if applicable);
- Estimated completion date;
- Estimated number of housing units (number of housing units acquired, completed, maintained, or renovated); and
- Evidence of support on using MRDT revenues for affordable housing from applicable local government(s) (only if the designated recipient is not a municipality).

Designated recipients that have committed to using OAP revenues for purposes other than affordable housing in their tactical plan cannot redirect those revenues to affordable housing midway through the year; they must wait until the submission of the next tactical plan.

8.3 Using General MRDT Revenues on Affordable Housing

For designated recipients that wish to use general MRDT revenues (meaning revenues beyond OAP revenues), they can submit a new application at any time during the five-year tax lifecycle, but the package must include all of the documentation required for a renewal or rate increase application outlined in Section 7, including:

- A completed application form;
- A Five-Year Strategic Business Plan with first year tactical details;
- Evidence that the funds from the tax are incremental to existing sources of tourism funds;
- Evidence of authority and request to impose the tax;
- Evidence of consultation with tourism industry stakeholders;
- An Accommodation Directory Form;
- An Accommodation Sector in Support of MRDT Form (which demonstrates support from 51 per cent of accommodation providers representing 51 per cent of accommodation units);
- Confirmation that Destination British Columbia has been consulted;
- Third Party Authorization Form (if applicable);
- Disclosure of Information Authorization Form;
- A signed Tourism Events Program Sponsorship Undertaking (if applicable); and
- An Affordable Housing MRDT Plan (Appendix 1.8).

Designated recipients not subject to the renewal application requirements that would like to use MRDT revenues on affordable housing initiatives must submit a complete application as outlined above.

9. Application Procedure

Complete application packages must be submitted in PDF format by email to Destination British Columbia (MRDT@destinationbc.ca). The applicant will receive an email from Destination British Columbia confirming receipt of the application package.

Applicants may be contacted to provide additional information.

Failure to provide complete and accurate information may result in the application being delayed, returned or rejected.

Applicants can find more information about application timelines in Section 6.3.

10. Upon Approval of Application

If the application is approved by Cabinet, the Designated Accommodation Area Tax Regulation will be amended to prescribe the designated recipient, the designated accommodation area, the rate of tax, the effective date of the tax, the repeal date of the tax if applicable, and the approved uses of the revenue from the tax for a five-year period.

The applicant will be informed by the Ministry of Finance when the amendment to the Designated Accommodation Area Tax Regulation has been made and will be given information on when the tax will come into effect.

For new applications, the tax will be implemented effective the first day of the month that is three full months after the month in which the tax was approved. For example, if Cabinet approves the tax in May, the tax will be implemented in the designated accommodation area beginning September 1. This provides sufficient time for accommodation providers to prepare to collect the tax.

For rate changes, the new tax rate will be implemented effective the first day of the month that is one full month after the month in which the tax was approved. For example, if Cabinet approves the tax in May, the new tax rate will be implemented in the designated accommodation area beginning July 1.

The Consumer Taxation Programs Branch of the Ministry of Finance will provide information on the procedures for collecting and remitting the tax to all accommodation providers required to collect and remit the tax. Accommodation providers may also refer to PST Bulletin 120 *Accommodation* (refer to https://www2.gov.bc.ca/assets/gov/taxes/sales-taxes/publications/pst-120-accommodation.pdf)

11. Annual Performance Management and Reporting Requirements

Under the *Provincial Sales Tax Act,* all designated recipients must account annually to the Province for how money received from the tax has been spent. Therefore, **all designated recipients** must submit an **Annual Performance Report,** a **Financial Report**, and a **One-Year Tactical Plan**, signed by the authorized signing authority of the designated recipient, annually to the Province (email to MRDT@destinationbc.ca).

Annual Performance Report:

- Designated recipients must report on performance metrics related to the four MRDT program principles.
- Designated recipients with a three percent tax rate or who wish to spend on affordable housing initiatives will be subject to additional reporting requirements.
- The Annual Performance Report must also include a summary of the tactics, activities and key outputs and outcomes.
- A template for the Annual Performance Report is provided in Appendix 2.2.
- **The Annual Performance Report must be submitted by May 31 of each year.**

The MRDT program principles are:

- *Effective tourism marketing, programs and projects*
- *Effective local-level stakeholder support, and inter-community collaboration*
- *Marketing efforts that are coordinated and complementary to provincial marketing strategies and tactics*
- *Fiscal prudence andaccountability.*

Financial Report:

- The Financial Report must include a detailed budget for the year ending and the year ahead. The Financial Report must show how all of the money received from the tax was spent and certify that all of the money received from the tax was used solely for approved purposes.
- The Financial Report must show that spending of money received from the tax was consistent with the Five-Year Strategic Business Plan.
- The Financial Report must also show the amounts, sources, and uses of all other tourism revenues.
- A template for the Financial Report is provided in Appendix 2.1.
- **The Financial Report must be submitted by May 31 of eachyear.**

Annual Affordable Housing MRDT Report (if applicable):

Designated recipients that spend MRDT revenues on affordable housing, regardless of whether from OAP revenues or from general MRDT revenues, must submit an **Annual Affordable Housing MRDT Report by May 31 of each year** (see Appendix 2.4).

One-Year Tactical Plan:

- The One-Year Tactical Plan must include:
  - A brief overview of the strategic direction from the Five-Year Strategic Business Plan.
  - Key strategies for the year, if different from the Five-Year Strategic Business Plan, and key target markets.
  - Detailed tactics for the next year, including details about tactics and activities, as well as a proposed budget for the next year.
  - Performance measures for next year, including expected outputs, outcomes, and performance metrics. The performance measures must relate to the MRDT program principles (as outlined in Appendix 2.2).
- The One-Year Tactical Plan should be made available to tourism industry stakeholders.
- A suggested template for the One-Year Tactical Plan is provided in Appendix2.3.
- **The One-Year Tactical Plan must be submitted by November 30 of each year.** If plans are available earlier, please submit as they become available.

Affordable Housing MRDT Plan:

Designated recipients must provide the following information (see Appendix 1.8):

- Project name and address;
- Project rationale and details (what is the need, issue, or demand);
- MRDT contribution;

- Housing provider/Project owner;
- Funding partners (if applicable);
- Funding partners' contribution (if applicable);
- Estimated completion date;
- Estimated number of housing units (how many rooms or beds that would be available for individual dwelling); and
- Evidence of consultation on using MRDT revenues for affordable housing from applicable local government(s) (only if the designated recipient is not a municipality).

Designated recipients that wish to use general MRDT revenues for affordable housing must provide the above information in their Five-Year Strategic Business Plan, One Year Tactical Plan, and must demonstrate strong local stakeholder support as part of a full application.

Designated recipients that wish to use OAP revenues for affordable housing do not need to provide a Five-Year Strategic Business Plan or One Year Tactical Plan; however, Appendix 1.8 is required and must be submitted prior to implementation of affordable housing initiatives.

The Affordable Housing MRDT Plan (Appendix 1.8) is required for:

- Renewal/new MRDT applications that include affordable housing **regardless of the revenue source**;
- A full application package submitted midway through a five-year tax term if designated recipients wish to use general MRDT revenues on affordable housing; and
- If designated recipients wish to use any OAP revenues on affordable housing in the next year, **due November 30** prior to implementation.

Please note:

- Designated recipients from larger communities (those that have the capacity for ongoing multi-year planning and reporting) may be asked to provide their multi-year rolling business plans annually for the purpose of program administration and evaluation.
- Designated recipients not subject to the renewal application requirements must submit a Five-Year Strategic Business Plan every five years. The first Five-year Strategic Business Plan must be submitted to the Province **by November 30 of each year.**

12. Amendments

The Designated Accommodation Area Tax Regulation sets out the designated recipient, the designated accommodation area, the rate of the tax, the repeal date of the tax, and the approved uses of the revenue from the tax for a five-year period. Any other use of the revenue is prohibited.

Requests for interim changes to the designated recipient or the designated accommodation area will not be considered.

Proposed changes in the use of revenue from the tax by the designated recipient that require amendments to the Designated Accommodation Area Tax Regulation will generally be considered with renewal applications, for example, a proposal to use revenue from the tax for capital projects.

Plans to only use OAP revenues for affordable housing are not required to submit a new application; however, information on affordable housing is required as outlined in Section 11.

Requests to use general MRDT revenues for affordable housing will be considered only once a designated recipient or applicant submits a new application (at any time during the five-year tax lifecycle). The package must include all documentation required for a renewal application outlined in Sections 7 and 8.

Designated recipients that have committed to using OAP revenues for purposes other than affordable housing in their tactical plan cannot redirect those revenues to affordable housing midway through the year; they must wait until the submission of the next tactical plan.

Designated recipients do not require approval from the Province for changes in marketing tactics previously submitted in their one-year Tactical Plan (as part of their application package or submitted with the annual review), as long as the tactics are consistent with the overall approved five-year Strategic Business Plan.

Any other material changes, that are significant shifts in the direction set out in either the One-Year Tactical Plan or the Five-Year Strategic Business Plan, must be submitted to Destination British Columbia for approval in advance of the change being implemented.

13. Monitoring, Compliance, and Termination

Designated recipients are required to comply with all MRDT program requirements, including eligible use of funds and annual reporting requirements. The Minister of Finance may terminate the tax in a designated accommodation area if the designated recipient is found to be in non-compliance with MRDT program requirements, and the non-compliance is not corrected in a timely manner.

The Ministry of Finance undertakes various compliance related activities as part of the administration of provincial consumption taxes, including the MRDT program, to ensure that all amounts due are remitted. The tax is levied under the *Provincial Sales Tax Act*. Any compliance activities undertaken in relation to the tax are carried out as part of those conducted for the Provincial Sales Tax (“PST”) according to the schedules and guidelines established for PST.

The Ministry of Finance will review specific lead information provided (for example, a hotel operating without collecting applicable taxes) and will make a determination as to whether any additional follow up may be necessary. The Ministry may conduct any further investigation deemed warranted.

A designated recipient may make a written request to the Minister of Finance to have the tax cease before the scheduled repeal date.

If the tax ceases in a designated accommodation area for any reason (e.g. failure to submit a completed renewal application on time, written request for early termination, or termination for non-compliance) a new application to impose the tax in that designated accommodation area would be required and it would be subject to the normal processing time associated with new applications.

14. Further Information

Applicants can request further **information about the MRDT program** by contacting Destination British Columbia by email at MRDT@destinationbc.ca or by phone at 604-953-6704.

For information on the **administration and enforcement of the tax**, please contact the Ministry of Finance:

Toll-free from anywhere in Canada call:
1-877-388-4440 Fax: 250-356-2195
E-mail: CTBTaxQuestions@gov.bc.ca

Please complete all MRDT application requirements and send to MRDT@destinationbc.ca in **one complete package** in PDF format.

Appendix 1.1 Municipal and Regional District Tax Application Form

Legal Name of Applicant: _____
Designated Accommodation Area: _____
Rate of Tax (up to 3%): _____
Implementation or Renewal Date: _____

Check when completed	Requirement
☐	*Five-year Strategic Business Plan (Appendix 1.2)*
☐	*Evidence that funds from the tax are incremental to existing sources of tourism funds*
☐	*Evidence of consultation and support, as applicable, from local governments*
☐	*Evidence of authority and request to impose the tax (e.g. Bylaw, resolution or letter requesting tax)*
☐	*Certificate of incorporation, copies of articles of incorporation, constitution, and bylaws (eligible not-for-profit business associations only)*
☐	*Documentation of how the MRDT program, including revenue, will be administered (where applicable)*
☐	*Evidence of consultation with tourism industry stakeholders*
☐	*Accommodation Directory Form (Appendix 1.3)*
☐	*Accommodation Sector in Support of Municipal and Regional District Tax Form (Appendix 1.4)*
☐	*Confirmation of consultation with Destination British Columbia*
☐	*Third party Authorization Form (Appendix 1.5, where applicable)*
☐	*Disclosure of Information Authorization Form (Appendix 1.6)*
☐	*Tourism Events Program Sponsorship Undertaking (3% applicants only) (Appendix 1.7)*
☐	*Affordable Housing Plan (Appendix 1.8, where applicable)*

By signing this application form, you certify that the information included in the application package is accurate, that all Municipal and Regional District Tax program requirements have been met, and that all required documents have been included in the application package.

Applicant's Authorized Signing Authority Name	Applicant's Authorized Signing Authority Title
Date	Applicant's Authorized Signing Authority Signature

Appendix 1.2 Five-Year Strategic Business Plan

A municipality, regional district or eligible not-for-profit business association interested in applying for the Municipal and Regional District Tax or a renewal of the Municipal and Regional District Tax must submit an application as set out in the MRDT Program Requirements. A Five-Year Strategic Business Plan is required **at time of application**. This Five-Year Strategic Business Plan must include a detailed One-Year Tactical Plan for the first year of program implementation. Each year (years two through five of the program), the One-Year Tactical Plan must be updated and resubmitted (by November 30th) to reflect current marketing activities for the year as part of the annual reporting obligations. A separate template has been provided to guide the development of these year two through five plans (refer to Appendix 2.3).

The Five-Year Strategic Business Plan must encompass the five-year period covered by the application and it **must** include the following elements:

Section 1: Five-year strategic overview with identified targets and actions for the five-year period
Section 2: One-Year Tactical Plan with performance measures, and
Section 3: Detailed Budget for Year One

Your Five-Year Strategic Business Plan must adhere to the MRDT program principles.

Please ensure there is alignment between provincial tourism strategies and community tourism efforts. The applicant and designated recipients not subject to renewal applications are required to make their Five-Year Strategic Business Plan available to tourism industry stakeholders and accommodation providers as part of the industry consultation and accommodation support requirements.

Your Five-Year Strategic Business Plan must identify marketing strategies, key markets and targets that the community will focus on to build its tourism business and the steps it needs to take to achieve desired results.

Your Five-Year Strategic Business Plan should answer the following key questions:

- What business objectives related to tourism does your community expect to achieve?
- What type of growth does your community want to achieve (in the short and long term)?
- How will your community achieve these objectives?
- What type of tourism products will you need?
- What type of visitor are you hoping to attract?

Please contact Destination British Columbia at MRDT@destinationbc.ca for any questions.

Quick Reference Guide

(from the MRDT Program Requirements):

- *The intention of the tax is to assist designated recipients to fund tourism marketing, programs and projects. Affordable housing was added as a permissible use of funds in Budget 2018.*
- *Funds from the MRDT program are intended to augment current funding and cannot be used to replace existing sources of tourism funding in a community.*
- *The MRDT program is intended to contribute to the increase of local tourism revenue, visitation, and economic benefits and should be supported by local government and tourism stakeholders.*

The MRDT program principles are:

- *Effective tourism marketing, programs and projects*
- *Effective local-level stakeholder support, and inter-community collaboration*
- *Marketing efforts that are coordinated and complementary to provincial marketing strategies and tactics*
- *Fiscal prudence and accountability.*

Five-Year Strategic Business Plan Template

Designated Recipient: _____
Community Name: _____
Date Prepared: _____
MRDT Term Expiry Date: _____
Five Year Period: _____

A description/instructions pertaining to each section is provided in grey text as a guide only. **The format of your Five-Year Strategic Business Plan may be developed specific to your community needs and resources, but must include all required sections of the Five-Year Strategic Business Plan listed below.** If using this template, please delete the grey text and provide your response accordingly.

Section 1: Five-Year Strategic Overview	
Vision and Mission	• *The Vision is future focused, something to be pursued, a destination, inspirational, and verifiable.* • *The Mission is present focused, reason for being, a roadmap, concrete, and measurable.*

Strategic Context	• *The Strategic Context will be developed by conducting a situation analysis. The situation analysis is an integral part of this Five-Year Strategic Business Plan and should include current trends, forecasts and areas of priority to address the following:*
	  ○ *What are the current economic and tourism conditions?*
	  ○ *What challenges and opportunities exist?*
	  ○ *Key learnings.*

Overall Goals, Objectives and Targets	• *Goals and Objectives are the quantifiable results the recipient expects to achieve over the five-year period. Goals should be realistic, achievable, yet challenging and should include a timeline.* • *Example objectives include amount of MRDT revenue, visitation levels, or visitor revenue desired by a certain date. If an objective is difficult to measure, indicators can be used; for example, the increase in visitors to a sample of operators or the number of enquiries at a website or visitor center could be indicators for overall visitation levels.* • *Targets should be identified for all Objectives for the five-year period.*
Strategies - Key Actions	• *Strategies describe the broad direction the community will take to achieve the stated goals and objectives.* • *Strategies look longer term and may not change from year to year while tactics are short-term actions to achieve the implementation of a strategy.* • *Strategies could include but are not limited to promotional strategies as well as relevant Destination development and Product experience and visitor services strategies:* ○ *Examples of promotional strategies are social media, media*

Section 1: Five-Year Strategic Overview	
	relations, advertising, joint or levered promotions, or consumer shows. ○ *Destination development and product experience strategies may include those addressing infrastructure and policy issues, or products for tourism development.* ○ *Visitor services strategies may include approaches to satisfy visitor information needs.* • *Applicants should provide a description of the overall resource allocation by major category* • *Applicants should list key actions for each year of the five-year period with more detail in the first three years.*
Stakeholder Engagement	*The applicant is required to make its Five-Year Strategic Business Plan available to tourism industry stakeholders and provide an opportunity for input. Please provide a summary of your stakeholder engagement.*
Brand Positioning	*Please provide the following:* • *A statement that clearly defines how the community will be positioned and the rationale.* • *This positioning statement should provide direction for product development and promotional activities.* • *Brand positioning may include other communities clustered within a larger area.*
Target Markets	*Please provide:* • *The types of visitors that are priorities for the community, stating primary and secondary target markets.* • *Geographic target markets, demographic, and activity-based target groups.*
Management, Governance, and Administration	*Please provide:* • *A description of the proposed management, governance and administration process for the activities and funds.* • *For example, whether the applicant will be carrying out the proposed activities or, in the case of a municipality or regional district, whether a service provider such as a local tourism association or other organization will be responsible for carrying out the proposed activities.* • *The applicant remains responsible for monitoring and reporting on the use of funds, even where the activities are delegated.*

Sources of Funding	• *Please indicate other available sources of funding to fund tourism marketing, programs and projects in addition to the MRDT.* • *Funds from the MRDT must be incremental to existing sources of funding.* • *The funds from the MRDT must not replace existing sources of tourism funding in the community.*
Affordable Housing (if applicable)	• *Please provide an overview of what your affordable housing plans seek to achieve over the five-year period (what is the intent and end state).* • *Specific details are to be included in Appendix 1.8.*

Section 2: One-Year Tactical Plan with Performance Measures

Please provide a **Project Plan** for each major activity you will undertake in the year ahead using MRDT funds. Authorized purposes of MRDT funds are tourism marketing, programs and projects and any other prescribed purposes as set out by regulation.

Project plans should include the following information for each activity. The recipient can organize the plan in a manner that best reflects their individual approach. Please note that Destination BC may share relevant tactical information with applicable Destination BC program areas to facilitate increased collaboration and alignment.

1. The **major category** of the activity. Examples could include marketing, destination and product experience management, visitor services, etc.

Marketing, which may include:

- Media Advertising and Production (for example: print, radio, television, out-of-home, paper direct mail, email marketing, search engine marketing, paid social media, display, and native advertising)
- Website - Hosting, Development, Maintenance
- Social Media Management Platforms and Tools (i.e. Hootsuite)
- Consumer Shows and Events
- Collateral production and distribution
- Travel Media Relations (for example: story idea creation, media and influencer FAM hosting/support, attendance at media marketplaces, etc.)
- Travel Trade (for example: trade and FAM hosting/support, etc.)
- Consumer-focused asset development (for example: curation or production of written content, photography, videography)
- Other.

Destination and Product Experience Management, which may include:

- Industry Development and Training - Enhancing Education and Knowledge (for example: market readiness, digital readiness, industry conferences, packaging and tourism-related industry workshops, etc.)
- Product Experience Enhancement and Training (for example: Itinerary Development, Content Development and Key Experience Creation)
- Research, Evaluation and Analytics
- Other.

Visitor Services, which may include:

- Visitor Services Activities (for example: staff wage and benefits, visitor services via social media, digital tools, including mobile apps, kiosks, beacons, etc, roving/mobile visitor services, ambassador programs, FAMs)
- Other.

Meetings, Conventions, Events and Sport:

- Examples could include conferences, events, sales, sport, grant programs, etc.

Affordable Housing, which may include:

- Details on affordable housing projects (project description and rationale, authorizing documents, budget and applicable funding partners)
- Please complete and attach Appendix 1.8.

Other:

- Other activities not covered by the above categories, such as capital expenditures if **pre-approved by government** (prior to application), etc.

2. Please list and describe **the tactics** your community will use to achieve the strategies outlined in Section 1 of your Five-Year Strategic Business Plan. There may be several tactics for each activity.

3. Please provide an **implementation plan** that includes a short description, quantifiable objectives, rationale, action steps, potential partnerships, resources, sources of funding, responsibilities, timeframe, budget, and evaluation mechanism.

4. Please outline the **performance measures, expected outputs and outcomes**. Note, designated recipients receiving a tax rate of 3% are subject to additional reporting requirements. Please refer to Appendix 2.2 for more information about annual reporting of performance measures.

Project Plan Template

A description/instructions pertaining to each section is provided in grey text as a guide only. **The format of your Project Plan may be developed specific to your community needs and resources. If using this template, please delete the grey text and provide your response accordingly.**

Major Category: *(e.g., Marketing - Travel Trade; Visitor Services – Mobile Apps; Conferences)*

Activity Title: *Please provide the title of activity.*

Tactics:

Please list and describe the tactics to be used to achieve the strategies outlined in Section 1 of the Strategic Business Plan. There may be several tactics for each activity.

Implementation Plan:

For each activity, an implementation plan should include the following information:

Short Description:

Quantifiable Objectives:

Rationale:

Action Steps:

Potential Partnerships:

Resources:

Sources of Funding:

Timeframe: (when will the tactic begin and end or is it ongoing?)

Budget:

Performance Measures:

- *Please review the tactics listed above and identify expected outcomes and outputs for each.*
- *Report out annually on the performance measures (refer to Appendix 2.2).*
- *The performance measures must align with the four MRDT Program Principles:*
  - *Effective tourism marketing, programs and projects*
  - *Effective local-level stakeholder support, and inter-community collaboration*
  - *Marketing efforts that are coordinated and complementary to provincial marketing strategies and tactics*
  - *Fiscal prudence and accountability.*
- *Consider the following definitions when preparing the output and outcome measures:*
  - *Outputs - measure the level of service provided by a project or provides information about what was done. They define "what you did", e.g., hosted four media familiarization trips.*
  - *Outcomes - measures on the achievement of broader goals such as increasing average visitor yield or enhancing the customer experience.*
- *Examples only:*

Output Measures:

- *Types of marketing activities*
- *Number of event campaigns and results*
- *Description of social media activities and outcomes*
- *Number of media placements*
- *Number of conventions and meeting sales*
- *Webpage visits*
- *Visitor inquiries/calls*

Outcome Measures:

- *Visitor volume*
- *Visitor nights & visitor spending*
- *Visitor revenues*
- *Average length of stay*
- *Accommodation revenues*
- *Number of new tourism businesses*

Section 3: MRDT Budget for Year One

Designated recipients **must** complete the budget table as provided below.

Revenues (MRDT and Non-MRDT)	Budget $
Ending Carry Forward from Previous Year (All Net Assets Restricted and Unrestricted)	
MRDT (net of admin fees)	
MRDT from online accommodation platforms (OAP)	
Local government contribution	
Stakeholder contributions (i.e. membership dues)	
Estimated Co-op funding (e.g. CTO, CMO-led projects)	
Grants – Federal	
Grants – Provincial	
Grants/Fee for Service - Municipal	
Retail Sales	
Interest	
Other (please describe)	
Total Revenues (Excluding Carry Forward)	
Expenses (MRDT and Non-MRDT)	**Budget $**
Marketing	
Marketing staff – wage and benefits	
Media advertising and production	
Website - hosting, development, maintenance	
Social media	
Consumer shows and events	
Collateral production and distribution	
Travel media relations	
Travel trade	
Consumer-focused asset development (imagery, video, written content)	
Other (please describe)	
Subtotal	
Destination & Product Experience Management	
Destination & Product Experience Management Staff – wage and benefits	
Industry development and training	
Product experience enhancement and training	
Research and evaluation	
Other (please describe)	
Subtotal	
Visitor Services	
Visitor Services Wages and Benefits	
Visitor services Operating Expenses	
Other (please describe)	
Subtotal	
Meetings, Conventions, Events and Sport	
Staff – wages and benefits (if stand alone)	
Meetings, conferences, conventions, sales, events, sport, etc.	

	Subtotal	
	Administration	
	Management and staff unrelated to program implementation – wages and benefits	
	Finance staff – wages and benefits	
	Human Resources staff – wages and benefits	
	Board of Directors costs	
	Information technology costs – workstation-related costs (i.e. computers, telephone, support, networks)	
	Office lease/rent	
	General office expenses	
	Subtotal	
	Affordable Housing	
	OAP Revenue	
	General MRDT Revenue	
	Subtotal	
	Other	
	All other wages and benefits not included (please describe)	
	Other activities not included above (please describe)	
	Subtotal	
	Total Expenses	
	Total Revenue Less Total Expenses (Surplus or Deficit)	
	Estimated Carry Forward (Previous Year Carry Forward plus Surplus or Deficit)	
Balance		

Section 3: Projected Spend by Market (*broad estimate*) for LEISURE activities only & projected percentage of spend focused on each season (broad estimate)

Add more rows as needed.

Geographic Market	Total Marketing Budget by Market	% of Total $ by Market
BC		
Alberta		
Ontario		
Other Canada *(please specify)*		
Washington State		
California		
Other USA *(please specify)*		
Mexico		
China		
UK		
Germany		
Australia		
Japan		
Other International *(Please specify)*		
Total		**100%**

Appendix 1.3 Accommodation Directory Form

Please list **ALL** the accommodation providers who offer accommodation that is taxable under the *Provincial Sales Tax Act* within the designated accommodation area, and the number of units each accommodation provider offers within the designated accommodation area. Applicants are not required to list individual hosts who only list on an online accommodation platform or those accommodation providers who offer less than 4 units of accommodation.

Please ensure the information provided is complete and accurate. Failure to provide complete and accurate information may result in your application being delayed, returned or rejected. Thank you for your cooperation. [ATTACH ADDITIONAL SHEETS AS REQUIRED]

Legal Name of Applicant: _____

Property Name	Address	Number of Units	Phone Number	Owner/Manager

Appendix 1.4 Accommodation Sector in Support of Municipal and Regional District Tax Form

Legal Name of Applicant: _____ **Rate of Tax (2% or 3%):** _____

Applicants, please check the following, if applicable:

Does the designated recipient plan on using general MRDT revenues (meaning revenues beyond Online Accommodation Platform revenues) for affordable housing initiatives and are these activities included as part of the Five-Year Business Plan and One-Year Tactical Plan (including Appendix 1.8)?

☐ **YES** ☐ **NO**

The Municipal and Regional District Tax (MRDT) is being proposed or is up for renewal in your municipality/region. The MRDT is intended to assist municipalities, regional districts and eligible entities in funding local tourism marketing programs and projects, **as outlined in the applicant's Five-Year Strategic Business Plan**. Affordable housing initiatives are also included as a permissible use of revenues. Accommodation providers may request a copy of the Five-Year Strategic Business Plan from the applicant. The MRDT will apply to purchases of accommodation that are taxable under the *Provincial Sales Tax Act* within the designated accommodation area.

As an owner/manager offering accommodation, your input is critical. **The minimum support required from the accommodation sector for the tax to be imposed is at least 51% of the number of establishments that would collect the tax within the municipality/region representing at least 51% of the total number of rooms.**

BY SIGNING THIS FORM, YOU HAVE INDICATED THAT YOU SUPPORT IMPLEMENTATION OF THE MUNICIPAL AND REGIONAL DISTRICT TAX IN YOUR MUNICIPALITY/REGION AND THAT YOU ARE AUTHORIZED TO ACT ON BEHALF OF YOUR ORGANIZATION. [ATTACH ADDITIONAL SHEETS AS REQUIRED]

Property Name	Address	Number of Units	Owner/Manager (Print Name)	Signature	Date

Freedom of Information and Protection of Privacy Act (FOIPPA). The personal information on this form is collected for the purpose of administering the Municipal and Regional District Tax program under the authority of the *Provincial Sales Tax Act* and section 26 of FOIPPA. Questions about the collection or use of this information can be directed to Destination British Columbia at MRDT@destinationbc.ca.

Appendix 1.5 Third Party Authorization Form

As part of our commitment to protect your privacy and confidentiality you can use this form to authorize Destination British Columbia to communicate and exchange information regarding the Municipal and Regional District Tax program with your representative. If you wish to cancel or change any part of this authorization please advise Destination British Columbia by email at MRDT@destinationbc.ca.

This authorization does not change your responsibilities and obligations under the Municipal and Regional District Tax Program.

Section 1: Applicant Information

Name: _____

Address: _____

Name and Title of Authorized Signing Authority: _____

Section 2: Authorization of a Third Party Representative

☐ I authorize Destination British Columbia to communicate with my representative named below on the Municipal and Regional District Tax program.

Name of Representative: _____

Organization: _____

Address: _____

Phone Number: _____ Fax Number: _____ Email: _____

Section 3: Applicant Signature

By signing this form, you acknowledge that Destination British Columbia is authorized to communicate with your representative named above but that you remain fully responsible for fulfilling all obligations under the Municipal and Regional District Tax program.

Applicant's Authorized Signing Authority Name	Applicant's Authorized Signing Authority Title
Date	Applicant's Authorized Signing Authority Signature

Freedom of Information and Protection of Privacy Act (FOIPPA). The personal information on this form is collected for the purpose of administering the Municipal and Regional District Tax program under the authority of the *Provincial Sales Tax Act* and section 26 of FOIPPA. Questions about the collection or use of this information can be directed to Destination British Columbia at MRDT@destinationbc.ca.

Appendix 1.6 Disclosure of Information Authorization Form

Confidentiality restrictions under the *Provincial Sales Tax Act* prevent the Ministry of Finance from disclosing tax information collected under the Act except under limited circumstances. Administration of the Municipal and Regional District Tax program requires the Ministry of Finance to share information with the Ministry of Municipal Affairs and Housing (Appendix 1.8 and 2.4 only, as applicable), Ministry of Tourism, Arts and Culture, and with Destination British Columbia for the purpose of program administration and evaluation, and development of provincial tourism policy.

Signing this form will allow the Ministry of Finance to share information about the applicant with respect to the MRDT program with the Ministry of Tourism, Arts and Culture and Destination British Columbia for the above purposes.

If you wish to cancel or change any part of this authorization please advise Destination British Columbia by email at MRDT@destinationbc.ca.

This authorization does not change your responsibilities and obligations under the Municipal and Regional District Tax program.

Section 1: Applicant Information

Name: _____

Address: _____

Name and Title of Authorized Signing Authority: _____

Section 2: Authorization

☐ I authorize the Ministry of Finance to share information about the applicant with respect to the Municipal and Regional District Tax program with the Ministry of Tourism, Arts and Culture and Destination British Columbia for the purpose of program administration and evaluation, and development of provincial tourism policy.

Applicant's Authorized Signing Authority Name	Applicant's Authorized Signing Authority Title
Date	Applicant's Authorized Signing Authority Signature

Appendix 1.7 Tourism Events Program Sponsorship Undertaking For 3% Applications Only

Name: _____
Address: _____
Fax Number: _____
Designated Recipients: _____
Designated Accommodation Area: _____

In support of its application to introduce or increase the Municipal and Regional District Tax rate under section 123 of the *Provincial Sales Tax Act* at or to 3% ("3% MRDT"), the Applicant agrees that, subject to approval of its application and implementation of the 3% MRDT, the Applicant will sponsor the administration and implementation of the provincial Tourism Events Program as further described in Schedule A as may be amended by the Province from time to time, as long as the 3% MRDT applies and the Tourism Events Program is continued. In particular, the Applicant consents upon becoming a Designated Recipient with a 3% MRDT in the Designated Recipient's Designated Accommodation Area to:

- Make Sponsorship Payments to the Her Majesty the Queen in the Right of the Province of British Columbia (the "Province") in relation to the provincial Tourism Events Program, equal to 2/30 of the Net Distributable 3% MRDT Collections (as defined in Schedule B hereto) collected in the Designated Recipient's Designated Accommodation Area; and
- The Province retaining a portion of the 3% MRDT it collects as agent of the Designated Recipient by way of set-off in respect of the money the Designated Recipient owes to the Province, in accordance with Schedule B hereto.

For purposes of this undertaking, "Sponsorship Payments" means monthly payments to the Province by the Designated Recipient, to be used for sponsoring the provincial Tourism Events Program so long as it continues, from Net Distributable 3% MRDT Collections in accordance with Schedule B.

Applicant's Authorized Signing Representative Name	Applicant's Authorized Signing Representative Title
Date	Applicant's Authorized Signing Representative Signature

Schedule A
Tourism Events Program Overview

British Columbia is an internationally renowned destination with an excellent reputation for maximizing its world-class infrastructure to deliver remarkable experiences for travellers. As a result, BC's tourism sector is a key economic driver, helping to create jobs and keep the province's economy diverse, strong and growing.

Understanding that tourism is one of the world's most competitive industries, the Province launched the **Tourism Events Program (TEP)** to support the delivery of events that have a high tourism value: events that will increase the volume of visitors to British Columbia, and/or increase global recognition for the province.

The TEP is an application-based program, with two application intakes per year with corresponding event windows (March 1 to April 30 and September 1 to October 31).

TEP funding is open to all organizations and communities across British Columbia.

TEP provides incremental funding to eligible events to support their marketing or promotional activities in order to increase and broaden the impact of the event.

Applications must demonstrate how eligible events:

- Raise awareness nationally and internationally of British Columbia's tourism brands;
- Motivate Canadians and people from around the world to experience British Columbia's natural beauty, diverse activities and world-class infrastructure; and
- Offer the greatest incremental tourism and economic impact to the host community and the surrounding region.

For more information, please visit the TEP webpage at: http://www.destinationbc.ca/BC-Tourism-Industry/Municipal-and-Regional-District-Tax-Program/Tourism-Events-Program.aspx

Schedule B
Sponsorship Payments and Payments to the Designated Recipient
Of 3% MRDT Revenue

Provincial Payment to the Designated Recipient

The following table illustrates how the Province will calculate the monthly payments it makes to the Designated Recipient in accordance with the *Provincial Sales Tax Act* and with this undertaking to sponsor the provincial Tourism Events Program, as may be amended from time to time by the Province.

Monthly Payments to Designated Recipient

Adjustment/ Result	
	Monthly gross collections of the 3% MRDT [tax collected under sections 123, 123.2(3) and 123.3(3) of the *Provincial Sales Tax Act*]
Plus or Less:	Ministry of Finance collection/audit assessment adjustments in respect of previous periods
Less:	MRDT collection/administration fee [set by the Ministry of Finance from time to time]
Equals:	**Net Distributable 3% MRDT Collections**
Less:	Sum of all **Sponsorship Payments** in a month [i.e., Net Distributable 3% MRDT Collections multiplied by 2/30]
Equals:	**Total Payment to Designated Recipient** in a month

Appendix 1.8 Affordable Housing MRDT Plan

The following table **must** be completed if the designated recipient wishes to use MRDT revenues on affordable housing initiatives, regardless of whether revenues are solely from online accommodation platforms or from general MRDT revenues.

Project Name and Address
Project Goals, Rationale and Details
• **How does this project respond to affordable housing needs in your community?** • What is the need, issue, or demand? • What kind of project are you spending on (such as acquiring or constructing buildings, providing funding to an existing housing project or towards a rental or social housing program, or entering into a partnership agreement)? • What documentation do you have authorizing the project to proceed (such as a contribution agreement or contract, or permits or schematics)? **Submit the documents with your report**. • How will you measure success on the housing project?
MRDT Contribution
• Also indicate if the contribution is from OAP or general MRDT revenues.
Housing Provider/Project Owners/Project Lead

Funding Partner(s)
Contribution from Funding Partner(s)
Estimated Completion Date
Estimated Number of Housing Units Completed
• The number of housing units (such as rooms available for individual dwelling) acquired, completed, maintained, or renovated.
Evidence of Consultation with Local Governments for Affordable Housing (if applicable)
• If the designated recipient is not a municipality, provide evidence of consultation (such as support letters) from the applicable local government(s) in your area in regards to using MRDT revenues for affordable housing. • If your affordable housing spending has already been approved through the submission of a Five-Year Strategic Plan, this section is not required.

Appendix 2.1 Financial Report

Under the *Provincial Sales Tax Act*, all designated recipients, including designated recipients not subject to the renewal application requirement, must report back to the Province annually in the form of a Financial Report **by May 31 of each year**.

The Financial Report must show how all the money received from the tax was spent and certify that all of the money received from the tax was used solely for approved purposes. The Financial Report must show that spending of money received from the tax was consistent with the Five-Year Strategic Business Plan. The Financial Report must also show the amounts, sources, and uses of all other tourism revenues.

Please do not add lines or customize this template as the data has to be consistently consolidated across all 60+ designated accommodation areas. Please use the "Other" sections to describe any significant items not listed.

Designated Recipient: _____
Designated Accommodation Area: _____
Date Prepared: _____
MRDT Repeal Date (if applicable): _____
Total MRDT Funds Received: _____
Year Ending: _____

Section 1: MRDT Budget Variance Report

*Designated recipients **must** complete the table as provided below. Refer to Appendix 2.3 for further expense line item descriptions.*

Revenues	Current Year		
	Budget $	Actual $	Variance
Starting Carry Forward (All Net Assets – Restricted and Unrestricted) – should match ending C/F from previous annual financial report			
General MRDT (net of admin fees)			
MRDT from online accommodation platforms (OAP)			
Local government contribution			
Stakeholder contributions (i.e. membership fees)			
Co-op funds received (e.g. DBC coop, DMO-led projects)			
Grants – Federal			
Grants - Provincial			
Grants/Fee for Service - Municipal			
Retail Sales			
Interest			
Other (please describe)			
Total Revenues (Excluding Carry Forward)			

Expenses (MRDT & Non-MRDT)	Budget $	Actual $	Variance
Marketing			
Marketing staff – wage and benefits			
Media advertising and production			
Website - hosting, development, maintenance			
Social media			
Consumer shows and events			
Collateral production and distribution			
Travel media relations			
Travel trade			
Consumer-focused asset development (imagery, video, written content)			
Other (please describe)			
Subtotal			
Destination & Product Experience Management			
Destination and product experience management staff – wage and benefits			
Industry development and training			
Product experience enhancement and training			
Research, evaluation, analytics,			
Other (please describe)			
Subtotal			
Visitor Services			
Visitor Services – wage and benefits			
Visitor Services operating expenses			
Other (please describe)			
Subtotal			
Meetings, Conventions, Events and Sport			
Staff – wage and benefits			
Meetings, conventions, conferences, events, sport, etc.			
Subtotal			
Administration			
Management and staff unrelated to program implementation - wages and benefits			
Finance staff – wages and benefits			
Human Resources staff – wages and benefits			
Board of Directors costs			
Information technology costs – workstation related costs (i.e. computers, telephone, support, networks)			
Office lease/rent			
General office expenses			
Subtotal			

Expenses (MRDT & Non-MRDT)	Budget $	Actual $	Variance
Affordable Housing			
Funded by OAP Revenue			
Funded by General MRDT Revenues (if Applicable)			
Subtotal			
Other			
All other wages and benefits not included above			
Other activities not included above (please describe)			
Subtotal			
Total Expenses			
Total Revenue Less Total Expenses (Surplus or Deficit)			
Ending Carry Forward (Previous Year C/F plus Surplus or Deficit – Restricted and Unrestricted)			

Section 2: Actual Spending by Market – LEISURE ONLY

Geographic Market	Total Marketing Budget by Market	% of Total $ by Market
BC		
Alberta		
Ontario		
Other Canada *(please specify)*		
Washington State		
California		
Other USA *(please specify)*		
Mexico		
China		
UK		
Germany		
Australia		
Japan		
Other International *(Please specify)*		
Total		**100%**

By signing this form, you certify that the above information is an accurate representation of the actual tourism related expenditures for the jurisdiction defined under the terms of the Municipal and Regional District Tax.

Form MUST be signed by the Designated Recipient, not the service provider.

Designated Recipient's Authorized Signing Authority Name	Designated Recipient's Authorized Signing Authority Title
Date	Designated Recipient's Authorized Signing Authority Signature

Appendix 2.2 Annual Performance Report

Under the *Provincial Sales Tax* Act, all designated recipients, including designated recipients not subject to the renewal application requirement, must report back to the Province annually. As such, all designated recipients (or the designated recipient's service provider), are required to complete the following Annual Performance Report as well as a Financial Report (refer to Appendix 2.1) **by May 31 of each year**.

All designated recipients are required to fill in the sections below.

Only those designated recipients that receive the three percent tax rate will be required to report out on additional metrics (as indicated below).

A description/instructions pertaining to each performance metric is provided in grey text as a guide only. Please delete the grey text and provide your response accordingly.

Designated Recipient:_____ **Report Completed:** dd-mm-yr___

Designated Accommodation Area:_____ **Reporting period: Jan 1- Dec 31 –** yr*

***or for first year of term, indicate accordingly**

1. Effective tourism marketing, programs and projects MRDT-funded tourism marketing, programs and projects maximize the potential for increased visitation and growth in tourism business activity, employment and incremental tourism revenue.	
Mandatory Metric	**Designated Recipient Response**
MRDT Revenue	*Report on the total annual MRDT revenue received by the Designated Recipient. The period should be between January 1 to December 31 of the reporting year (or portion thereof in the first year of reporting).*
MRDT activities, tactics, investment efforts and outcomes (as per your One-Year Tactical Plan)	*Report on the MRDT activities, tactics, investment efforts and resulting outputs achieved in the reporting period indicated above.* *Metrics will vary by tactic. Example metrics include:* *OUTPUT MEASURES* • *Types of marketing activities* • *Number of event campaigns and results* • *Description of social media activities and outcomes* • *Number of media placements* *Number of conventions and meeting sales* • *Webpage visits* • *Visitor inquiries/calls.* *OUTCOME MEASURES* • *Visitor volume* • *Visitor nights and visitor spending* • *Visitor revenues* • *Average length of stay* • *Accommodation revenues* • *Number of new tourism businesses.*
Key Learnings	*Please provide an assessment of effectiveness of tactics, describe what worked, what didn't and lessons learned.*

2. Effective local-level stakeholder support and inter-community collaboration Designated recipients are responsible for engaging with key stakeholders, establishing local-level support, and seeking out efficiencies through collaborative activities to inform appropriate decision-making regarding investments.	
Mandatory Metric	**Designated Recipient Response**
Extent of Local-level Stakeholder Engagement	*Report on the engagement activities they have undertaken annually to ensure stakeholders are informed and have the ability to provide input on direction. Metrics will vary by tactic.* *Example of metrics include the number and descriptions of:* • *Outreach communications (such as newsletters, marketing plans and annual reports)* • *Conferences, engagement sessions, or annual general meetings.*
Stakeholder Satisfaction	***Only for designated recipients collecting 3% tax:*** *The designated recipient must conduct an annual stakeholder survey to:* • *Assess the level of awareness of tourism marketing activities in the community (region)* • *Assess the level of satisfaction with the use of MRDT funds.* *Examples of tourism industry stakeholders may include, but are not limited to, the following within the designated accommodation area:* • *accommodation providers;* • *attractions, sightseeing, activities and other primary tourism businesses;* • *restaurants, retail and other tourism related businesses;* • *Regional and local tourism associations;* • *Product Sector organizations;* • *Parks and recreation;* • *Visitor Centres; and* • *Other government agencies and organizations that have programs and services that relate to tourism.* *The designated recipient must append a copy of the survey (list of questions asked), list of respondents and aggregated results to this report.* *The designated recipient must seek Destination British Columbia's feedback on the methodology, defining the survey questions and survey audience prior to issuing the survey.*
Community Collaboration	***Only for designated recipients collecting 3% tax:*** *Report on the collaborative activities and outcomes to demonstrate partnerships and alignment within and across communities on tourism marketing activities and with provincial or federal tourism-related agencies as appropriate.*

Mandatory Metric	Designated Recipient Response
Community Collaboration	*Examples of collaborative activities include:* • *Meetings and discussions with other designated recipients or Destination Marketing Organizations in other designated accommodation areas* • *Meetings and discussions with other tourism industry stakeholders on shared interests and goals* • *Integrated planning* • *Sharing of resources on content and asset development* • *Aligned product development* *Cooperative and or partnered marketing campaigns/initiatives*
3. Marketing Efforts Are Coordinated and complementary to provincial marketing strategies and tactics: Designated recipients are responsible for ensuring their marketing efforts complement and do not duplicate those of Destination British Columbia to avoid overlap at the community level and dilution of BC's marketing message in key domestic and international markets.	
Mandatory Metric	**Designated Recipient Response**
Provincial Alignment	*Report on actions taken to verify that proposed activities are in complimentary and support Destination BC, regional, community and/or other available tourism strategic and/or marketing plans as part of the completion of One-Year Tactical Plan.* *Examples of actions taken could include:* • *Refer to Destination British Columbia's strategic plan and regional plans* • *Liaise/consult with regional and/or provincial staff during strategic/tactical plan development* • *Provincial or regional staff attendance at community AGM, planning sessions or marketing showcases* • *Attendance at provincial marketing and/or planning sessions* • *Attendance at regional marketing and/or planning sessions* • *Attendance at regional annual conferences/marketing presentations.*
Coordinated with Destination British Columbia on Travel Media and Travel Trade Activities	***Only for designated recipients collecting 3% tax:*** *Report on actions taken to ensure travel trade and travel media activities are coordinated with Destination BC's overarching marketing plan, and similar activities undertaken by other designated recipients.* *The designated recipient should also report on any outcomes of trade show and travel trade activities.*

4. Fiscal prudence and accountability All designated recipients must be accountable, transparent, and make fiscally prudent investments in community tourism marketing.	
Mandatory Metric	**Designated Recipient Response**
Effective Financial Management	*The designated recipient must provide a completed Financial Report (refer to Appendix 2.1) that shows how MRDT funds were spent consistent with the designated recipient's Five-Year Strategic Business Plan and certify that all of the revenue was used solely for purposes as approved in their One-Year Tactical Plan.*
Streamlined Administrative Costs	*The designated recipient must identify and include all administrative costs as outlined in Appendix 2.1 and in accordance to the definition provided in the MRDT Program Requirements (Section 4: Eligible Use of Funds).*
Leveraging of Other Marketing Funds	*The designated recipient must provide details (in this space) regarding what steps they undertook to leverage funding over the year.* *Additionally, the designated recipient must provide the amount(s) and source(s) of marketing funds leveraged from other sources in the Financial Report (refer to Appendix 2.1).*

By signing this form, you certify the accuracy and completeness of the information provided above.

Designated Recipient's Authorized Signing Authority Name	Designated Recipient's Authorized Signing Authority Title
Date	Designated Recipient's Authorized Signing Authority Signature

Appendix 2.3 One-Year Tactical Plan

Under the *Provincial Sales Tax* Act, all designated recipients, including designated recipients not subject to the renewal application requirement, must report to the Province annually. As such all designated recipients (or the designated recipient's service provider), are required to complete the following One-year Tactical Plan **no later than November 30th each year for years two through five**. If plans are available earlier, please submit as they become available. A Five-year Strategic Business Plan is required in year 1.

The One-year Tactical Plan must be consistent with the Five-year Strategic Business Plan and be based on the calendar year.

A sample Tactical Plan template has been provided below. However, the format of the Tactical Plan may be developed specific to your community needs and resources.

Similar to the Five-year Strategic Business Plan, the One-year Tactical Plan must adhere to the MRDT program principles (see box).

Please ensure there is alignment between provincial tourism strategies and community tourism efforts. Additionally, designated recipients should make their One-year Tactical Plans available to tourism industry stakeholders.

If you wish to make material modifications to the Five-year goals, strategies or targets, the changes must be identified in the One-year Tactical Plan and may require approval from the Province (see Section 11: Amendments in Program Requirements).

Your One-year Tactical Plan must contain the following information:

- An overview of the strategic direction from the Five-Year Strategic Business Plan
- Key learning and conclusions from the previous year
- Details about activities and tactics for the upcoming year
- Expected outcomes
- Availability of revenue from other sources to fund projects in addition to the funds from the tax (Reminder: funds from the tax must be incremental to existing sources of funding. The funds from the tax must not replace existing sources of tourism funding in a community)
- A proposed budget for the year ahead

For questions, please contact Destination British Columbia at MRDT@destinationbc.ca.

Quick Reference Guide
(from the MRDT Program Requirements):

- *The intention of the tax is to assist designated recipients to fund tourism marketing, programs and projects.*
- *Funds from the MRDT program are intended to augment current funding and cannot be used to replace existing sources of tourism funding in a community.*
- *The MRDT program is intended to contribute to the increase of local tourism revenue, visitation, and economic benefits and should be supported by local government and tourism stakeholders.*

The MRDT program principles are:

- *Effective tourism marketing, programs and projects*
- *Effective local-level stakeholder support, and inter-community collaboration*
- *Marketing efforts that are coordinated and complementary to provincial marketing strategies and tactics*
- *Fiscal prudence and accountability.*

One-Year Tactical Plan Template

Designated Recipient: _____
Designated Accommodation Area: _____
Date Prepared: _____
MRDT Repeal Date: _____
Five Year Period: _____

A description/instructions pertaining to each section is provided in grey text as a guide only. **The format of your One-Year Tactical Plan may be developed specific to your community needs and resources.** If using this template, please delete the blue text and provide your response accordingly. If using your own report template, please ensure it includes the following sections:

Section 1: Overview and Update to Five-year Strategic Context	
Heading	**Description**
Strategic Direction	• *A brief overview of the strategic direction from the Five-Year Strategic Business Plan, which may include an articulation of the Vision, Mission, Goals and Objectives from the Five-Year Strategic Business Plan.*
Key Learnings and Conclusions	• *Key learnings and conclusions from a situation analysis or annual review that will inform your One-Year Tactical Plan.* • *Provide an update on progress to date for current yearactivities.*
Overall Goals, and Objectives	• *Overall Goals, Objectives and Targets, if different from the Five-year Strategic Business Plan.*
Strategies	• *Key Strategies for the year, if different from the Five-Year Strategic Business Plan. If any change in Key Strategies is deemed to be material or a substantial shift from original direction set, then approval from Destination British Columbia will be required before implementation.* • *Identify your key content themes for the year (i.e. wilderness, touring, ski, etc.)*
Target Markets	• *The types of visitors that are priorities for your community for the next year, stating primary and secondary target markets. Include geographic target markets, demographic, and activity-based target groups.* • *The desired length of stay that your community is seeking from the target markets, from day visits or overnight getaways to longervacations.*

Section 2: One-Year Tactical Plan with Performance Measures

Please provide a **Project Plan** for each major activity you will undertake in the year ahead using MRDT funds. Authorized purposes of MRDT funds are tourism marketing, programs and projects and any other prescribed purposes as set out by regulation.

Project plans should include the following information for each activity. The recipient can organize the plan in a manner that best reflects their individual approach. Please note that Destination BC may share relevant tactical information with applicable Destination BC program areas to facilitate increased collaboration and alignment.

1. The **major category** of the activity. Examples could include marketing, destination and product experience management, visitor services, etc.

   Marketing, which may include:
   - Media Advertising and Production (for example: print, radio, television, out-of-home, paper direct mail, email marketing, search engine marketing, paid social media, display, and native advertising)
   - Website - Hosting, Development, Maintenance
   - Social Media Management Platforms and Tools (i.e. Hootsuite)
   - Consumer Shows and Events
   - Collateral production and distribution
   - Travel Media Relations (for example: story idea creation, media and influencer FAM hosting/support, attendance at media marketplaces, etc.)
   - Travel Trade (for example: trade FAM hosting/support, etc.)
   - Consumer-focused asset development (for example: curation or production of written content, photography, videography, etc.)
   - Other.

   Destination and Product Experience Management, which may include:
   - Industry Development and Training - Enhancing Education and Knowledge (for example: market readiness, digital readiness, industry conferences, packaging and other tourism-related Industry Workshops)
   - Product Experience Enhancement and Training (for example: Itinerary Development, Content Development and Key Experience Creation)
   - Research, Evaluation, and Analytics
   - Other.

   Visitor Services, which may include:
   - Visitor Services Activities (for example: staff wage and benefits, visitor services via social media, digital tools, including mobile apps, kiosks, beacons, etc., , roving/mobile visitor services, ambassador programs, , FAMs)
   - Other.

   Meetings, Conventions, Events and Sport:
   - Examples could include conferences, events, sales, sport, grant programs, etc.

   Affordable Housing, which may include:
   - Details on affordable housing projects (project description and rationale, authorizing documents, budget and applicable funding partners).
   - Please complete and attach Appendix 1.8.

   Other:
   - Other activities not covered by the above categories, such as capital expenditures if **pre-approved by government** (prior to application), etc.

2. Please list and describe **the tactics** your community will use to achieve the strategies outlined in Section 1 of your Five-Year Strategic Business Plan. There may be several tactics for each activity.

3. Please provide an **implementation plan** that includes a short description, quantifiable objectives, rationale, action steps, potential partnerships, resources, sources of funding, responsibilities, timeframe, budget, and evaluation mechanism.

4. Please outline the **performance measures, expected outputs and outcomes**. Note, designated recipients receiving a tax rate of 3% are subject to additional reporting requirements. Please refer to Appendix 2.2 for more information about annual reporting of performance measures.

Project Plan Template

A description/instructions pertaining to each section is provided in grey text as a guide only. **The format of your Project Plan may be developed specific to your community needs and resources. If using this template, please delete the grey text and provide your response accordingly.**

Major Category: *(e.g., Marketing - Travel Trade; Visitor Services – Mobile Apps; Conferences)*

Activity Title: *Please provide the title of activity.*

Tactics:

Please list and describe the tactics to be used to achieve the strategies outlined in Section 1 of the Strategic Business Plan. There may be several tactics for each activity.

Implementation Plan:

For each activity, an implementation plan should include the following information:

Short Description:

Quantifiable Objectives:

Rationale:

Action Steps:

Potential Partnerships:

Resources:

Sources of Funding:

Timeframe: (when will the tactic begin and end or is it ongoing?)

Budget:

Performance Measures:

- *Please review the tactics listed above and identify expected outcomes and outputs for each.*
- *Report out annually on the performance measures (refer to Appendix 2.2).*
- *The performance measures must align with the four MRDT Program Principles:*
    - *Effective tourism marketing, programs andprojects*
    - *Effective local-level stakeholder support, and inter-communitycollaboration*
    - *Marketing efforts that are coordinated and complementary to provincial marketing strategies and tactics*
    - *Fiscal prudence andaccountability.*
- *Consider the following definitions when preparing the output and outcome measures:*
    - *Outputs - measure the level of service provided by a project or provides information about what was done. They define "what you did", e.g., hosted four media familiarization trips.*
    - *Outcomes - measures on the achievement of broader goals such as increasing average visitor yield or enhancing the customer experience.*
- *Examples only:*

Output Measures:

- *Types of marketing activities*
- *Number of event campaigns and results*
- *Description of social media activities andoutcomes*
- *Number of media placements*
- *Number of conventions and meeting sales*
- *Webpage visits*
- *Visitor inquiries/calls*

Outcome Measures:

- *Visitor volume*
- *Visitor nights & visitor spending*
- *Visitor revenues*
- *Average length of stay*
- *Accommodation revenues*
- *Number of new tourism businesses*

Section 3: MRDT Budget for Year One

Designated recipients **must** complete the budget table as provided below.

Revenues (MRDT and Non-MRDT)	Budget $
Ending Carry Forward from Previous Year (All Net Assets Restricted and Unrestricted)	
MRDT (net of admin fees)	
MRDT from online accommodation platforms (OAP)	
Local government contribution	
Stakeholder contributions (i.e. membership dues)	
Estimated Co-op funding (e.g. CTO, CMO-led projects)	
Grants – Federal	
Grants – Provincial	
Grants/Fee for Service - Municipal	
Retail Sales	
Interest	
Other (please describe)	
Total Revenues (Excluding Carry Forward)	

Expenses (MRDT and Non-MRDT)	Budget $
Marketing	
Marketing staff – wage and benefits	
Media advertising and production	
Website – hosting, development, maintenance	
Social media	
Consumer shows and events	
Collateral production and distribution	
Travel media relations	
Travel trade	
Consumer-focused asset development (imagery, video, written content)	
Other (please describe)	
Subtotal	
Destination & Product Experience Management	
Destination & Product Experience Management Staff – wage and benefits	
Industry development and training	
Product experience enhancement and training	
Research and evaluation	
Other (please describe)	
Subtotal	
Visitor Services	
Visitor Services Wages and Benefits	
Visitor services Operating Expenses	
Other (please describe)	
Subtotal	
Meetings, Conventions, Events and Sport	
Staff – wages and benefits (if stand alone)	
Meetings, conferences, conventions, sales, events, sport, etc.	

	Subtotal	
	Administration	
	Management and staff unrelated to program implementation – wages and benefits	
	Finance staff – wages and benefits	
	Human Resources staff – wages and benefits	
	Board of Directors costs	
	Information technology costs – workstation-related costs (i.e. computers, telephone, support, networks)	
	Office lease/rent	
	General office expenses	
	Subtotal	
	Affordable Housing	
	OAP Revenue	
	General MRDT Revenue	
	Subtotal	
	Other	
	All other wages and benefits not included (please describe)	
	Other activities not included above (please describe)	
	Subtotal	
	Total Expenses	
	Total Revenue Less Total Expenses (Surplus or Deficit)	
	Estimated Carry Forward (Previous Year plus Surplus or Deficit)	

Section 3: Projected Spend by Market (*broad estimate*) for LEISURE activities only & projected percentage of spend focused on each season (broad estimate)

Add more rows as needed.

Geographic Market	Total Marketing Budget by Market	% of Total $ by Market
BC		
Alberta		
Ontario		
Other Canada *(please specify)*		
Washington State		
California		
Other USA *(please specify)*		
Mexico		
China		
UK		
Germany		
Australia		
Japan		
Other International *(Please specify)*		
Total		**100%**

Appendix 2.4 Annual Affordable Housing MRDT Report

The following table must be completed if the designated recipient wishes to use MRDT revenues on affordable housing initiatives, regardless of whether revenues are solely from online accommodation platforms or from general MRDT revenues. If you have submitted a previous report through your annual reporting requirements, only provide details on changes in the categories below. This report must be submitted by May 31 of every year.

Project Name and Address
Project Rationale and Details
• Have there been any changes to the project? • What progress/milestones have been made on the measurements of success outlined in your Affordable Housing MRDT Plan?
MRDT Contribution
• Has your MRDT contribution changed since your last report?
Housing Provider/Project Owners/Project Lead
Funding Partner(s)

Contribution from Funding Partner(s)
Estimated Completion Date
• Has the estimated completion date changed? If so, provide some reasons.
Number of Housing Units Completed
• The number of housing units (such as rooms available for individual dwelling) acquired, completed, maintained, or renovated.

In 20 years we have no idea what we will see. It could be OK for food here, it could be awful. It's up to us.

Community Perspectives on Food Security on Hornby Island in the Climate Emergency

January 2022

Prepared by: Nym Hughes

I respectfully acknowledge that I live and write on the unceded territory of the K'omoks Nation. Their millenia-long stewardship of their traditional territories has maintained and enhanced the food abundance of the ocean and the land.

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Community Perspectives on Food Security on Hornby Island in the Climate Emergency

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Community Perspectives on Food Security on Hornby Island in the Climate Emergency

Background

On April 11, 2021, more than a year into the pandemic, a facilitated Hornby Island Community COVID Conversation was held on Zoom (hirra.ca/reports/2021-reports/). The community conversation was attended by about 70 people and used a small group break-out format where participants shared experiences of the pandemic, reflected on the stories we heard, identified themes, and then generated ideas for moving forward. Some of the themes identified were Food Security, Affordable Housing, Water Sustainability, and Climate Change.

The April Community COVID Conversation was followed by a difficult summer. The Heat Dome at the end of June 2021, and the long and severe drought meant that the impact of the climate emergency on Hornby Island that had already been identified as a major concern took on heightened significance.

HIRRA President Daniel Siegel brought a proposed to the September 2021 HIRRA meeting for the formation of working groups to examine and take action on "The Future of Hornby in the Climate Emergency". His list of possible working groups included housing, visitor capacity, health care, water, food, local businesses and economy and (re)discovering our shared values. The framing questions were: What kind of community are we now? What do we want to become? Daniel called for volunteers to join working groups.

I, Nym Hughes, emailed HIRRA to say I wanted to join the food security working group and heard back that there actually wasn't yet a food security group except for me but I would be very welcome to take on the project. So that was where and how I entered this narrative.

I did not think I could be a working group by myself but it did seem to me that I could try to gather answers to how people were seeing food security on Hornby in the climate emergency. I could interview people and report their comments, stories and suggestions back to HIRRA.

I designed my interviewing, summarizing and reporting-back as a qualitative research process informed by community-engaged research practices. I used a "snowball" approach to find people to interview. I started with a couple of people I already knew who I knew had things to say about food security, interviewed them, asked them who else I should interview, got more names,

approached the recommended people, interviewed them, got more names and so on and so on…

I was fortunate to be able to talk to home gardeners, community gardeners, market gardeners, farmers, people who used community food security programs and people who worked in community food security programs, retailers, roadside stand operators and customers of roadside stands, Market vendors, full-time residents, part-time residents, cooks, fishers and foragers. Everybody, of course, was part of several or many of these categories. All participants were promised anonymity, that I would not link comments or suggestions to individuals.

If you want to know more about my research process, there is a more detailed description as Appendix 1.

I started interviewing in October, and in November, extreme rainfall, flooding, mudslides, loss of life, and highway closures happened in the Fraser Valley and the BC Interior. Impacts of weather extremes linked to the climate emergency were front and centre in people's minds and, as many people commented, it was a good time to be talking about food security. This report summarizes what I heard.

What we understand as the meaning of food security here

The most common understanding of what food security meant to the people I interviewed was that food security was synonymous with local food production and consumption. To be food secure on Hornby would mean that we would be able to feed ourselves with what we grew, raised, processed, foraged, hunted, fished, gathered, stored, sold and shared here on Hornby.

- *We would be feeding everyone on Hornby as much as possible with locally produced food.*

The meaning of food security on Hornby was also frequently linked to what would happen to food availability in case of disaster.

- *Food security is about emergency preparedness.*
- *We would be able to feed people for a time in an emergency situation.*

The Food and Agriculture Organization of the United Nations writes, "Food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life." No one I talked with thought that all people on Hornby at all times had adequate access to food.

Food Insecurity

- *I know that many elders eat a substandard, processed diet for most of their meals*
- *The shortcomings are for those with low income, or disabilities that prevent them going out or cooking.*
- *People in financial need, people receiving home care not food secure.*

These comments describing who does, and who does not, have access to adequate food are describing food insecurity. There were many comments that suggested that food security on Hornby meant the elimination, or at least the substantial minimizing of food insecurity.

- *Need a "whole island" food program for people needing food.*
- *Develop a multi-pronged approach, address stigma associated with food bank, hot lunch programs.*
- *Increase access to food through enhancing distribution system.*
- *A grocery delivery system to make sure everyone is getting good food to eat, year-round.*
- *Real food security for the Hornby community would mean CSA-type food boxes for everyone who doesn't grow their own food.*
- *Space for cooks to prepare meals for those who cannot cook*

Another related food security meaning was that food security meant being able to raise at least some of one's own food.

- *Having a piece of ground is the most important thing.*
- *Need access to land/finances/equipment.*
- *Food security would mean more food growers with access to fertile land for growing.*

Food Justice

While some initiatives to address food insecurity come from a place of helping others, some can best be described as part of an approach to achieving food security called food justice. Based on a belief that food is a human right, food justice looks at the reasons underlying food insecurity, with a particular focus on how access to food for individuals and communities differs based on structures of social inequity. Food insecurity in Canada and the United States is linked to marginalization, poverty and institutionalized racism. So, for example, a food justice perspective, in addition to creating and supporting initiatives that provide food to food insecure people, would not only notice that poverty and food insecurity on Hornby Island were linked, it might advocate for affordable housing, access to land for gardening, the availability of living wage work, adequate income assistance and disability rates, a basic guaranteed income and other changes that would address poverty and therefore lessen food insecurity caused by poverty.

- *OK if you have money, mobility and good housing: poverty, aging, isolation, inadequate housing with minimal kitchens all mean food insecurity.*

Food Sovereignty

The other social justice movement linked to food security is food sovereignty. Food sovereignty tends to look at food systems from local to global and analyze who has the power to shape those food systems. "The language of food sovereignty, as distinct from food security, is explicit about food citizenship: it emphasizes that people must have a say in how their food is produced and where it comes from. The core of food sovereignty is reclaiming public decision making power in the food system." (Growing Resilience and Equity, Food Secure Canada, p.9).

In Canada food sovereignty organizations tend to focus on influencing agriculture and food policies. Food sovereignty in BC and Canada is very linked to Indigenous sovereignty and is being led by Indigenous peoples. "The food sovereignty movement is building around the world and while there is no universal definition, it can be described as the newest and most innovative approach to achieving the end goal of long term food security. Indigenous food sovereignty is a specific policy approach to addressing the underlying issues impacting Indigenous peoples and our ability to respond to our own needs for healthy, culturally adapted Indigenous foods. Community mobilization and the maintenance of multi-millennial cultural harvesting strategies

and practices provide a basis for forming and influencing "policy driven by practice". (Indigenous Food Systems Network http://www.indigenousfoodsystems.org/food-sovereignty)

In the conversations I had, there were a number of comments that identified problems, disparities and sometimes injustices in our local, national and global food systems.

- *We need to help people understand what is involved in the highly technologized, cheap labour global food industry.*
- *Food prices in stores do not fully reflect the cost of growing with chemicals, fuel, transport, processing, etc.*
- *Growers need to make a living – high- calorie crops that contribute to food security like potatoes, beets, carrots- we can't sell them for enough money. Salad greens sell for the most money, but have few calories.*
- *Large farmers get subsidies, small farmers get nothing.*
- *Unhealthy food is much cheaper than good healthy food because it is grown and processed by slave labour.*

Food Systems

All these different understandings of the meaning of food security on Hornby seem to me to be integrated in the language of local or community-based and sustainable food systems.

"Local food systems build vibrant and healthy food systems, environments, and communities. By supporting local farmers and fishers, and ensuring that the infrastructure and markets that surround them are supportive, we ensure that all Canadians everywhere can benefit from a thriving local food economy." (Food Secure Canada. Local Sustainable Food Systems Network)

"A sustainable food system is one that contributes to food security and nutrition for all in such a way that the economic, social, cultural, and environmental bases to generate food security and nutrition for future generations are safeguarded. (Growing Resilience Across Canada, Food Secure Canada)"

*S*trengthening local food systems is also one of the most effective strategies for surviving in the climate emergency. **"**Build resilient, ecological local food systems that shorten and diversify food chains, revitalize communities, ensure greater access to healthy and fresh foods, support lower-emissions food systems, build greater resiliency to shocks and reduce food loss and waste" (Growing Resilience Across Canada, Food Secure Canada)

But my personal favourite is this unsourced quote, brought by one of the people I interviewed.

- *“Sustainable food systems? What do they look like? They steward and enhance ecosystems, and respect the need of other species in those ecosystems. They support equitable and just access to food for all people in a way that is empowering, inclusive, dignifying and respectful. Growing food, growing community.”*

Assessment of Current Food Security on Hornby

Opinions varied from not so great to pretty good.

Bleak

- *Very fragile*
- *Weak*
- *Terrible*

There were a variety of reasons for this assessment and a strong sense that total food security on Hornby, under the definition of food security meaning using only local food, was not possible.

Food security on Hornby is extremely unlikely.

- *Regulatory policies hinder local food production.*
- *No commercial production of grains, oils, dairy and only a little meat.*
- *Very little willingness, experience and tools to do the hard, dirty, physical labour to grow a year's food crops, make hay, butcher livestock, preserve food, saw firewood, etc.*
- *No one on Hornby with a commercial fishing license anymore.*
- *Food basics from elsewhere, animal feed, machinery and fuel, seed, gardening supplies.*
- *A large percentage of residents are 75 years of age or older.*
- *Much farmland not used for growing food.*
- *Aging population, not enough new farmers or fishers.*
- *Fishing licenses very expensive and it is a hard life. Needs extreme skills and knowledge.*
- *No on-island production of grain, and no grain processing for humans or livestock.*
- *No on-island production of fats / oils.*
- *There are very few adult residents with experience in food-raising beyond a home garden.*
- *Growers retiring, land not sold for farming.*
- *Accessing local fruits and vegetables easy. Eggs relatively easy. Staples – grain and dairy and meat – not easy.*
- *Uncertain summer water.*

However, there was a general consensus that Hornby had many strengths and could vastly increase our use of local food.

There is massive potential for improvement.

- *If we could buy only local, we would.*
- *Better than some places and better than it used to be.*
- *Climate is good for growing.*
- *Good strides in the past 30 years.*
- *Lots of movement towards localized sources.*
- *No point in buying stuffed shipped in if there is a local label.*
- *We have a gardening and food processing culture on Hornby.*
- *People buy local food wherever it is sold and still lots of room to expand market.*
- *Lots of backyard gardens, fruit trees.*
- *Strong interest in organic agriculture.*
- *Fair amount of farmland.*
- *We always buy Hornby first.*
- *Not sure it is an accurate perception that buying local costs more when you count in ferry fares, time, etc.*
- *Increasing community awareness of the importance of local food.*
- *Small local "pop-up" food businesses emerging and being well-supported by Co-op and buyers but still room for more.*
- *We have 5 species of salmon and 20 species of cod, clams, oysters, oolichans, gooeyducks, prawns, shrimps, scallops and herring in our area. Enough to sustain 1000 people if we did it smart.*
- *There is a long-time and solid commitment to local agriculture in the Official Community Plan and in the 2020 Visioning Update.*
- *We have a well educated population with a broad range of experience, an attitude of volunteerism and a history of "getting things done". On Hornby we see the problem then go to action to solve it.*

Other respondents saw food security on Hornby as already quite strong, especially if the definition of food security included food produced regionally or further away.

Food security on Hornby is pretty good.

- *Several large market gardens with strong customer base*
- *Excellent Co-op support for local food.*
- *Strong culture of food growing and processing.*
- *Local fruit, veggies, nuts easy to buy.*
- *There are passionate farmers and market gardeners.*
- *Co-op and Ford Cove Store support local food production and food access.*
- *The Farmlands Trust, the Community Garden, the Gleaning Project, CSAs, Roadside Stands, The Kitchen, Meals from the Heart are all great contributors to food security.*
- *More than 30 people are partially growing their own food at the Community Gardens on decent land with good sunshine.*
- *There is still an abundance for fishing and foraging – fish, seafood, berries, nettles, mushrooms.*
- *Both Co-op and Ford Cove Store will do bulk orders. Cheaper and several households could share.*
- *Local eggs.*
- *No bears, squirrels, rabbits.*
- *Wineries/cideries are doing well.*
- *We need to explore and strengthen connections with our Foodshed – Hornby, Denman. Comox Valley, Vancouver Island. In case of the climate emergency creating a dire access to food situation, we can draw on our foodshed.*
- *Growing food is a gift to the community. There is nothing I would rather be doing.*
- *The Kitchen Meals and the Food Bank are great.*
- *The Co-op is part of Federated Co-ops. In case of emergency we have their back-up and can draw on FCL storehouses. We are not alone.*
- *If you have a decent income, and are comfortable going out, and have basic cooking skills, you are pretty food secure here.*

The climate emergency and food security

Most comments about the impacts of the climate emergency on food security on Hornby were focused on problems already experienced or seen as possible or likely in the future.

- *If the ferries go out we are hooped.*
- *Farmers always have to be adaptable and flexible, but now you have to be so much more adaptable – the weather is completely unpredictable – can't plan, just react to drought, just react to water pooling in the fields…*
- *This year was very bad. Lost pastures. Feeding hay 2 months earlier than usual.*
- *It was too wet to plant the garlic this fall. The rains came so early – we couldn't get on the fields.*
- *Hornby can survive better than industrialized urban areas, but we are still very vulnerable.*
- *We had a whole crop of greens we had to just turn in - we didn't have enough water.*
- *More pests and diseases. Fewer pollinators.*
- *We were almost out of water for the first time in 30 years.*
- *We are very dependent on outside inputs.*
- *All marine species already affected – some may be wiped out.*
- *Supply chains disrupted. Food prices increasing.*
- *I saw bugs I had never seen before.*
- *Dependence on long supply chains that are completely dependent on the fossil fuel economy.*
- *Impossible to feed everyone in an emergency for very long.*
- *Most food in stores and restaurants arrives by truck and ferry, and is stored using electricity. All very subject to petroleum shortages, electricity failures, ferry breakdowns, and breakdowns in world shipping.*
- *Likelihood of increasing severe weather events - heavier winter rains, soil erosion, flooding then drought, heat, fires.*
- *Potential global economic and political collapse.*

There were also quite a few comments expressing a belief that Hornby could take steps now to lessen the negative impacts of the climate emergency and we would do OK.

- *More use of regenerative food production practices like agro-forestry, no till, permaculture that are more resistant to the negative impacts of climate change.*
- *Climate emergency supply chain disruption means local food is starting to make sense to the mainstream. It is better environmentally, it is low-input, organic or pesticide-free and buffered somewhat from rising prices.*
- *Community awareness of the importance of local food is increasing.*
- *Maybe we can grow more hot weather crops like citrus and olives.*
- *Hornby is a great place to survive climate change.*

There was one perspective that was expressed both as one of the climate emergency negatives and as one of the potential positives.

- *More people are moving here to get out of the city.*

Ideas to strengthen food security on Hornby in the climate emergency

There were many many many ideas on how to strengthen food security on Hornby. I have tried to organize the ideas into categories.

More local food:

Share knowledge and skills for sustainable and ethical foraging.

- *Acknowledge and learn from First Nations expertise and stewardship.*

More commercial-scale food production:

Use more existing fallow farmland to grow food

- *More land in Farmlands Trust.*
- *Support both landowners and new farmers to negotiate lease agreements.*
- *Offer new farmers resources and skills training re administrative skills, business planning, what money is available.*
- *Start-up capital for tools, equipment, seeds, fencing, etc.*
- *Five acre plots for a young farm family to grow food for themselves and neighbours.*
- *Advocate for government financial support for small farms.*
- *Create community financial support for small farm start-up costs.*
- *Provide resources, education, mentoring on agro-ecological, regenerative growing practices.*
- *Long time growers as mentors with young enthusiastic growers.*
- *Grower/producer co-ops - e.g. a potato co-op.*
- *Farmstands shared between several growers – you could just take your produce there, you wouldn't have to run the stand.*

Increase meat, poultry, dairy production.

- *Advocate for small-scale slaughter regulations specifically for rural and remote communities.*
- *Small local abattoir.*
- *Pressure BC ferries to go back to policy of allowing commercial farm vehicles transporting live animals or birds to slaughter to have priority. In the heat even one hour wait can mean suffering and death.*

Grow more food in backyard/community gardens:

- *Encourage everybody to try to produce some food.*
- *Access to garden space.*
- *More community garden(s)*

- *Share information on what to do if you have a piece of ground, big picture planning, what are the 10 most important things? Offer mentoring, soil testing, encouragement.*
- *Elders with underutilized garden plots lease to neighbours without garden space and split produce*.
- *Provide seasonal resources and skills training for new gardeners.*
- *Provide resources and skills training for all gardeners on how to grow successfully in drought, etc.*
- *Provide resources and skills on growing nutrient-dense and protein crops best for food security.*

Community Greenhouse

- *Provide gardeners better opportunity to start their own plants*

Enhance small scale nut production.

Increase availability of fish and seafood

- *Advocate with DFO for community fishing licenses.*
- *Encourage more fishers to sell their catch here.*

Availability of better storage facilities for food of all types local and from off-Island and facilities for post-harvest processing and the creation of value-added products were seen as critical.

Storage

- *Individual households store month's worth of staples.*
- *Bigger Co-op warehouse for back-up of off- island food essentials e.g. grains, nuts, legumes, oils, sugars, spices, etc.*
- *Clean, cold and rodent-proof community storage***.**
    - *Local fruits and root crops could store over the winter and be sold locally.*
    - *Perishables for community food security programs and emergencies.*
    - *Individual household perishable storage.*

Commercial kitchen facilities

- *Commercial level value-added products.*
- *Production of "ready-to-eat" meals made with local ingredients – fresh and frozen.*
- *Processing local food crops for household use.*
- *Community food security program use.*
- *Building skills in food preservation.*

Finding ways to involve more community members in our local food system inspired much creativity and many ideas.

Build food security awareness, knowledge and community through promotion, celebration, connection and communication

Honour and celebrate local food producers, distributors, sellers, sharers:

- *Community feasts with local food.*
- *Have a Local Harvest Feast with Fall Fair – could use prizewinning produce.*
- *Feasts as fundraisers for Food Security organizations.*
- *Chef competitions using local food.*
- *Feasts where chefs cook for growers/producers/distributors, sharers.*
- *Potlucks where local food fans eat and learn.*

Promote importance of food security and the role of local production.

- C*ampaign re buy local/cook/local for households and restaurants.*
- *Promote local food through labeling, messaging, print and social media.*
- *Farm tours/food garden tours especially water-wise/regenerative examples.*
- *Create internet-based resource for information- sharing.*
- *Education and resources re environmental and food justice costs for global food system, local food systems.*
- *Conversations about individual food choices and impact on climate emergency.*
- *Create opportunities for conversations about what kind of food system we want here.*

Support equitable access to local food/decrease food insecurity

- *Support community food access and security organizations.*
- *Increase fresh local produce donations to food access and security programs.*
- *Create voucher system for people with low incomes to access local food e.g. Farmers' Market Nutrition Coupon Program.*
- *Promote cultural/attitudinal change: food security not charity; critical to everyone in this time of climate emergency.*
- *Keep food that must come from off-Island affordable e.g bulk ordering.*
- *We need not to be consumers; we need to be citizen eaters.*
- *Connect across region with other food security groups.*

Enhance communication and co-operation among Hornby groups/individuals involved with food production, selling, storing, distributing, sharing:

- *Networking. Get together once or twice a year.*
- *Share information. Celebrate successes.*
- *Honour individuals, projects, businesses who have made contributions to Food Security on Hornby*

Conclusions and Next Steps

Intersections

One very clear theme that emerged through the conversations I had was how strongly food security is intertwined with almost all other Hornby issues.

- *In the climate emergency we are in a domino situation. What you do on your property affects your neighbours. Water/food/housing/tourism/ - if we screw up one part, we screw up the whole thing.*

Water: water is essential for growing most food.

Housing and land access: housing is essential for seasonal farm workers, young working families, land for growing.

Energy and transportation: food supply is very dependent on trucking, off-island inputs, gas and electric machines.

Emergency preparedness: food is essential for disaster survival. "The Islands Trust suggests that, "Should supply lines be severed, most of our communities have enough food to last for three days." (2020 Gabriola Health Report, p.80). BC Emergency Preparedness now recommends you have 3 to 7 days food and water supply.
(https://www2.gov.bc.ca/gov/content/safety/emergency-management/preparedbc)

Messaging: promoting local, educating re emergency food supply.

Economics: food producers compete with producers around the world and with other economic sectors on the island.

Environment: food production and harvesting can harm OR benefit the larger environment and is also impacted by damage to environment.

Comments related to these other issues and topics will be compiled from the interviews and forwarded to the relevant HIRRA working group, committee or community group.

Interview Summary

People I talked with understood the meaning of the term food security in several different ways. The most common was eating exclusively or predominantly locally harvested food, with other definitions involving emergency preparedness, access to adequate food for every individual on Hornby and access to land to grow adequate food. Additional meanings linked to the need to address underlying reasons for food insecurity as well as disparities and injustices in local, regional, national and global food systems.

There were a range of opinions on Hornby about how robust our current food security is ranging from "bleak" to "pretty good". However there is a general consensus that while total local-produced-only food security on Hornby is "extremely unlikely", there is a great deal that we can do to make our food security better.

Everyone I talked with was very aware of the climate emergency and people identified impacts they were experiencing, particularly farmers, market gardeners, home gardeners and fishers. There was, again, a range of opinions on how bad things might get here from "possible complete global political and economic collapse" to "Hornby is a great place to survive the climate emergency". And again, most opinions clustered in the middle with the two ends of the assessment spectrum also agreeing that there was much we could do to adapt our farming, growing and fishing to the changing climate.

People are confident we can make substantial improvements to food security on Hornby by using strategies that encourage and support young farmers and fishers. Ideas included utilizing fallow farmland, promoting regenerative farming approaches, encouraging everyone to produce some food and pressuring DFO to create community fishing licenses. Another critical area was advocating for regulatory changes that take into account the realities of rural and re mote communities to allow for more production of meat and dairy, as well as adequate storage and multi-purpose post harvest processing facilities and the production of value-added products.

Promotion of local food and education for virtually everybody about food, food production and, food systems were seen as key components, everything from workshops for home gardeners to demonstration plots for high-protein and nutrient-dense crops. Strengthening our local community food security programs was seen as important as well as promoting connection between all food-related groups and organizations, to share information and celebrate our vibrant Hornby food culture and economy. And most important of all – lots and lots of community local food feasts.

It was very evident that there is an incredible amount of knowledge, skills and creativity here – and a lot of ideas and energy for how to make food security stronger.

Action Steps

At the December 8, 2021 HIRRA Meeting I presented a short PowerPoint overview of the suggestions for action that came out of the interviews. A Food Security Working Group has formed consisting at this time of Barbara Baird, Chelka, Nym Hughes, Reina LeBaron, Phoebe Long, Ryan May and Angela McIntyre. This Food Security Working Group will have its first meeting in January and will report-back regularly to HIRRA .

It is notable that even though every single farmer and grower interviewed said loudly and clearly that it had to be non-growers who took on the work of promoting food security on Hornby because growers and producers were “too busy and too tired from growing”, a majority of Working Group members are growers. Wish us luck and get in touch if you have questions or suggestions.

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Appendix 1: Research Design

When I volunteered to gather information on community perspectives on food security on Hornby Island in the climate emergency, I knew very little about food security on Hornby, food security generally or even Hornby generally. My partner and I moved to Hornby only a short time ago – in 2017. I thought, however, that I probably had enough knowledge and skill in research to interview people in an ethical and useful way and to write up what I learned to share with my neighbours.

Research as a word and as a practice is usually associated with universities and academics and certainly I learned my formal research skills through a university although I am not much of an academic. I had a varied paid work life, but spent decades in the BC College and Institute System. By the late 1990s academic credentials were becoming increasingly important, even mandatory, in order to continue to teach in the BC College and Institute System, so I obtained both a Master's in Education and a Doctorate in Education from SFU. I like clarity and structure in anything I do, and my research education and experiences offered me a process, a structure, ethical principles and a "role" that I understood in order to explore food security on Hornby. I decided that what I was doing was community-engaged research using a fairly standard qualitative research design.

Community-engaged research is generally understood to be based in communities using a model of collaboration between university-based researchers and members of the community. "Fundamentally, CER is about the collection of information to answer a specific question that is of interest to a community." (SFU Community-Engaged Research Institute, 2021).

I was trying to answer a question that was of interest to the Hornby Island community, or at least the Hornby Island community as represented through HIRRA, but I was not a university-affiliated researcher, indeed I was a member of the community within which I was researching. However, the goals and values of of community-engaged research (CER) resonate strongly with my own research preferences and values:

"Many of the frameworks associated with CER trace back to the popular education movement and the development of 'participatory action research' which sought to address power relations and challenge the gap between theory and practice. These foundational ideas viewed people as the experts about their own lives and sought to align research with the real needs of communities. Emerging from this came an approach to research that seeks to understand the world by reflecting what is of vital concern to people and developing knowledge and action to change it" (SFU Community-Engaged Research Institute, 2021).

Since my goal was to reflect back to my community a picture, a story, a map, of food security on Hornby in the climate emergency and what could be done to make things better, I decided to embrace community-engaged research goals and just ignore the university-affiliation part.

I used a standard and simple qualitative research design. “The goal of qualitative research is to understand participants’ own perspectives as embedded in their social context... often used for exploratory questions, such as How? or Why? Questions. Researchers are themselves instruments for data collection, via methods such as in-depth interviewing or participant observation. Data are thus mediated through a human instrument and usually collected from small non-random samples (e.g. purposive samples, convenience samples, snow-balled samples). Data analysis often relies on the categorization of data (words, phrases, concepts) into patterns, sometimes this data will then be embedded in larger cultural or social observations and analyses. Often complexity and a plurality of voices is sought.” (Qualitative or Quantitative Research? McGill Qualitative Health Research Group)

I wanted to understand how people on Hornby understood food security in this place, in this climate emergency time. I gathered “data” by interviewing people, asking them questions, taking notes on what they told me if possible. Sometimes people showed me around their places, which was wonderful but made it a challenge to take lots of notes. I found people to interview using a “snowball” participant recruitment strategy, meaning I started with a couple of people who I already knew, and who I knew had opinions about food security on Hornby. At the end of our conversation, I asked who else they thought I should talk to and approached the people they suggested as best as I could. Every interview generated more names and the “snowball” grew.

As far as I know, the snowball could have grown until I had talked to everyone on Hornby, but like many research projects, deadlines intervened. Another challenge was that my interviews generated names but not necessarily contact information so there were people I was not able to connect with. I talked to many people and think I covered farming and growing pretty well but I would have really liked to talk with more retailers, more roadside stand operators, more restaurant people, and more fishers, hunters and foragers.

I transcribed my notes from each interview and organized my transcribed notes into theme categories. This study was almost entirely descriptive – I did almost no analysis. However, as the qualitative research definition says “data is mediated through a human instrument”, in this case, me. Qualitative research is always shaped and inevitably influenced by the researcher’s preexisting lenses, their life experiences, perspectives, biases. I did minimal interpreting of the data, primarily summarizing the perspectives I heard, but I inevitably shaped what I asked, what I heard, what I emphasized.

For example, I wanted to join the food security working group because I had/have a longtime interest in the year-round growing and processing of food. In my 20’s, like many others, I wanted

to farm, to be 'self-sufficient", to eat only what I grew or raised. And like many others, I tried very hard for several years but did not succeed in my goal of being a farmer. So it is unsurprising that I started this research process by interviewing farmers and growers. It did not even cross my mind to seek out fishers or seafood harvesters or hunters or foragers until quite a long ways into the interviewing process and then only because the people I was interviewing were telling me how the ocean and the forest had provided food for them and their families for generations. The blinkers acquired on my own life path limited my understanding of what "food" on Hornby even was.

I promised the people I talked with that I would publicly acknowledge their participation by name with much gratitude but that I would not attribute any quotes, paraphrases, ideas or suggestions to individuals. Some people were happy to be identified and would have preferred that their words were quoted accurately rather than paraphrased or summarized and to those people I offered, and continue to offer, my regrets. I lacked the time, the technology and the willingness to record interviews, transcribe them word for word, and use only approved quotes. As part of confidentiality, I have destroyed my original interview notes and have worked from one collective typed list of transcribed interview notes with no identifications attached.

Qualitative research builds understanding, not statistics. I understand a lot more about how people on Hornby see food security and what they thought could and should be done to strengthen food security through listening to their experiences and ideas. And I hope that this report will allow others to gain a similar understanding. But what is missing is the quantitative data, the numbers, the percentages, the statistics. Many people wanted concrete numerical data.

- *How many people are food insecure? How many seniors? How many families with young children? How many people living alone?*
- *What kind of emergency food stores do we have now? How much do we need? How long could we survive in an environmental catastrophe?*
- *What percentage of people on Hornby are primarily eating locally-sourced food?*

I would strongly recommend that answers to those kind of questions be sought. One of our neighbouring islands has produced a fascinating and comprehensive report called 2020 Gabriola Health Report: Taking the pulse of our island. I strongly recommend having a look at it to see what kind of extremely useful numerical information it is possible to gather to aid in our community decision-making.

Sources/Resources

Hornby reports that provided me with a foundation through excellent previous work done here:

Hornby Island Community COVID Conversation Report https://hirra.ca/reports/2021-reports/

A comprehensive account of the process and content of the April facilitated Zoom conversation organized by HIRRA, HICEEC, Hornby-Denman Healthcare, HIES, the Hornby Island Co-op CO-OP with input from the Resilience Initiative and the Heron Rocks Friendship Centre Society. Facilitated by Jenn Meilleur and Erica Crawford, NewStories, this is the most visually stunning report I have ever seen. Lovely formatting and Rae Mate's exquisite pandemic art. The content is pretty great, too.

Hornby Island Community Visions Review Report 2020 https://hiceec.org/about

Between 2001 and 2003 the Hornby community engaged in a lengthy and comprehensive visioning process, initiated by HICEEC, that created 20 year vision statements for the agricultural, arts, cooperative enterprises and community infrastructure, economy, environment, governance, housing, social services and support, and tourism sectors on Hornby.

At the 20 year mark, consultant Darlene Gage, who had worked on the original project, was hired to bring together community leaders in each of those sectors to assess progress and weigh in on whether a similar visioning process should be undertaken now, and if so, how. I found the report fascinating, especially reading the original vision statements from 20 years ago, and Darlene's expert comparisons of the differences and similarities in perspectives over 20 years.

I was particularly interested in the agriculture section, but also the recommendation that once key issues had been identified there could be a "call for volunteers or organizations to lead working groups on the main issues. These groups would undertake research about their specific issue to understand it in more depth. They would also identify the challenges impacting the specific situation on Hornby, and then the possible solutions or action plans…" which sounded exactly like the process this report describes. My thanks to Rudy Rogalsky who retrieved the report from the HICEEC website after I had failed dismally to find it.

Other Islands:

2020 Gabriola Health Report – taking the pulse of our island.
https://www.phcgabriola.org/post/2020-gabriola-health-report
"The Gabriola Health and Wellness Collaborative (GHWC) has produced the Gabriola Health Report to provide all Gabriolans access to data that reflects the health of our island community. ...This report takes a "social determinants of health" approach. As such, we have not only included data on issues like disease prevalence and health care availability, but also data that reflects on the broader social and economic conditions that can and do have real impacts on people's health – including income levels, housing affordability and quality, attachment to the workforce, education levels, environmental quality, food security, social inclusion, and engagement in civic and community life." This would be riveting reading for people on Gabriola and I include it here as an example of what could be done on Hornby that would be so useful.

The Galiano Food Program.
https://galianoclub.org/food-program/
"The Galiano Community Food Program strives to ensure that Galiano Island is a thriving, livable, food-secure community, where every resident feels included, welcome and empowered to build a deeper connection with their food system. In so doing, the Program improves Galiano's ecological sustainability and community resilience in the face of climate change and uncertainty." Another gulf island with a very interesting and wide-ranging set of food security initiatives including a community greenhouse, a cheese club, a garlic co-op and a nettlefest.

Saltspring Island Climate Action Plan. Transition Saltspring.
https://transitionsaltspring.com/responding-to-climate-change/
An amazing document outlining 250 recommendations to address climate change impacts – current and future – on Saltspring covering transportation, built infrastructure, food and agriculture, forests, freshwater ecosystems, land use and settlement patterns. I think what I found most amazing was the description of the process that created the Plan:"This Plan was a community-led effort led by twenty-three Salt Spring volunteers, with the input of dozens of experts and input from more than two thousand islanders over more than a year". Although Saltspring is bigger and has moire people than Hornby, the analysis and the suggestions for solutions are often quite applicable for us. If you want to know how a Salish Sea island plans to deal effectively with the climate emergency, read it.

Helpful in clarifying different definitions of food security:

Ackerman-Leist, Philip. **Rebuilding the foodshed: How to create local, sustainable and secure food systems.** (2013) A community resilience guide published by the Post-Carbon Institute and Chelsea Green Publishing. Available through Vancouver Island Regional Library and thanks a lot, Paula, for recommending it.

Food Secure Canada. https://foodsecurecanada.org/

A Canadian organization working towards food security primarily through supporting grassroots organizations, research, conferences, and influencing federal, provincial and local food policy. Has published some really interesting reports that can be easily found on their website and that helped me understand what food justice, food sovereignty and local food systems were in the Canadian context. One particularity helpful one was Growing Resilience and Equity Across Canada (2020).

BC Food Systems Network https://bcfsn.org/

"works to create healthy, just and sustainable food systems in British Columbia by strengthening connections, nurturing capacity, and supporting joined-up food policy at all levels. "

BC Food Security Gateway https://bcfoodsecuritygateway.ca/

"The Gateway supports knowledge exchange and collaboration to address food security in BC"

Indigenous Food Systems Network http://www.indigenousfoodsystems.org/

If you want to immerse yourself in learning about or learning more about Indigenous Food Sovereignty, this is a great place to start. Illuminating.

"Since the time of colonization, Indigenous communities have witnessed a drastic decline in the health and integrity of Indigenous cultures, ecosystems, social structures and knowledge systems which are integral to our ability to respond to our own needs for adequate amounts of healthy Indigenous foods. Indigenous food sovereignty provides a restorative framework for health and community development and reconciling past social and environmental injustices..."

Food And Agriculture Organization of the United Nations
https://www.fao.org/publications/sofi/2021/en/

If you want the latest global information, this is where to go. This website offers The State of Food Security and Nutrition in the World (2021) through videos, interactive stories and maps, and digital publications.

Research information:

Qualitative or Quantitative Research? McGill Qualitative Health Research Group)
https://www.mcgill.ca/mqhrg/resources/what-difference-between-qualitative-and-quantitative-research

Community-Engaged Research Initiative.
SFU.https://www.sfu.ca/ceri.html

Food Systems Lab. SFU.
https://foodsystemslab.ca/

#34 – RECEIVED by Chair after the March 29, 2022 APC meeting and not actually reviewed by this APC (only listed) (Will be provided to new APC once appointed)

New or Updated Zone	Purpose of New Zone OR changes
1) R3B Zone – Small Lot Community Housing	**New zone to accommodate a multifamily dwelling (or cohousing) unit to allow up to 6 connected suites for individuals, with shared amenities in small lot neighbourhoods. Operated by an affordable housing provider**
2) R3B Zone – Large Lot Community Housing	**New zone intended to accommodate the potential for either a multifamily dwelling or cluster housing with shared amenities on lots larger than 0.5 acres. Operated by an affordable housing provider**
3) R3 Zone Modification – Elder Housing	**Include provision for attached housing in zone for potential connected dwellings in the future**
4) R4 Zone - Co-housing or land sharing	**To allow co-housing or land sharing zone on lots over 2 ha**
5) PU Zone Modification – Public Use	**To allow for temporary housing /trailer park/hamlet/workforce housing options on crown land**
6) R5 Zone – Tiny Home Shared Commons	**To allow a zone where multiple tiny homes could legally stay while sharing facilities and potentially a common space/dwelling for cooking etc…**

Potential Zone Changes to Allow for Diversified/Affordable Housing Typologies (HIHS)

1) Residential 3B – Community Housing (R3B) Zone (Small Lot Community Housing)

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) community housing;

(b) residential use of a dwelling; and

(c) accessory uses, buildings and structures.

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) a maximum of one residential dwelling unit per lot;

(b) a maximum of six community housing dwelling units under 0.21 hectare

(c) accessory buildings and structures;

(d) a maximum of one accessory community facility; and

(e) a maximum of one accessory building per residential dwelling unit and one accessory building per dwelling unit in a community housing development.
(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 less than 1.0 hectare.

Siting and Size

(4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:
(a) 0.0 metres from a front lot line;
(b) 0.0 metres from a rear lot line;
(c) 0.0 metres from any interior side lot line; and
(d) 0.0 metres from any exterior side lot line.
(5) The floor area of a residential dwelling unit must not exceed 90 m_2.
(6) The floor area of a dwelling unit in a community housing development must not exceed 90 m_2.
(7) The floor area of an accessory community facility must not exceed 200 m_2.
(8) The floor area of an accessory building must not exceed 8.0 m_2.
(9) The total combined floor area of all accessory buildings on a lot, excluding the 200 m_2 permitted for the accessory community facility, must not exceed 150 m_2.

Subdivision Lot Area Requirements

(10) Land in the R3B zone may not be subdivided.

2) Residential 3C – Community Housing (R3C) Zone (Large Lot Community Housing)

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) community housing;
(b) residential use of a dwelling; and
(c) accessory uses, buildings and structures.

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) a maximum of one residential dwelling unit per lot;
(b) a maximum of 6 community housing dwelling units under 0.21 hectare of lot area to a maximum of 30 community housing dwelling units per lot;
(c) accessory buildings and structures;
(d) a maximum of one accessory community facility; and
(e) a maximum of one accessory building per residential dwelling unit and one accessory building per dwelling unit in a community housing development.
(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 less than 1.0 hectare.

Siting and Size

(4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:
(a) 4.0 metres from a front lot line;
(b) 4.0 metres from a rear lot line;
(c) 4.0 metres from any interior side lot line; and
(d) 4.0 metres from any exterior side lot line.
(5) The floor area of a residential dwelling unit must not exceed 90 m_2.
(6) The floor area of a dwelling unit in a community housing development must not exceed 90 m_2.

(7) The floor area of an accessory community facility must not exceed 200 m^2.
(8) The floor area of an accessory building must not exceed 8.0 m^2.
(9) The total combined floor area of all accessory buildings on a lot, excluding the 200 m^2 permitted for the accessory community facility, must not exceed 150 m^2.

Subdivision Lot Area Requirements

(10) Land in the R3B zone may not be subdivided.

3) Residential 3 – Community Housing (R3) Zone *(Elder Housing)*

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) community housing;
(b) residential use of a dwelling; and
(c) accessory uses, buildings and structures.
(d) attached housing

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) a maximum of one residential dwelling unit per lot;
(b) a maximum of six community housing dwelling units per 0.2 hectare of lot area to a maximum of 20 community housing dwelling units per lot;
(c) accessory buildings and structures;
(d) a maximum of one accessory community facility; and
(e) a maximum of one accessory building per residential dwelling unit and one accessory building per dwelling unit in a community housing development.
(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 less than 1.0 hectare.

Siting and Size

(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 any interior side lot line; and
(d) 8.0 metres from any exterior side lot line.
(5) The floor area of a residential dwelling unit must not exceed 150 m^2.
(6) The floor area of a dwelling unit in a community housing development must not exceed 150 m^2.
(7) The floor area of an accessory community facility must not exceed 200 m^2.
(8) The floor area of an accessory building must not exceed 8.0 m^2.
(9) The total combined floor area of all accessory buildings on a lot, excluding the 200 m^2 permitted for the accessory community facility, must not exceed 150 m^2.

Subdivision Lot Area Requirements

(10) Land in the R3 zone may not be subdivided.

4) Residential 4 – Cohousing/Land Share (R3) 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) residential use of a dwelling;
(b) residential use of a recreational vehicle;

(d) attached housing
(c) secondary suite in a dwelling on lots 2.0 hectares or larger;
(d) horticulture accessory to a principal residential use;
(e) agriculture accessory to a principal residential use on lots 2.0 hectares or larger;
(f) silviculture accessory to a principal residential use on lots 2.0 hectares or larger;
(g) accessory uses, buildings and structures, including but not limited to home occupations;

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) a maximum of eight residential dwelling unit per lot having an area less than 4.0 hectares;
(b) a maximum of twelve dwelling units per lot having an area of 4.0 hectares or larger; and
(c) accessory buildings and structures.
(3) Lot coverage must not exceed 15% of any lot

Siting and Size

(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 any interior side lot line; and
(d) 8.0 metres from any exterior side lot line.
(5) The floor area of a residential dwelling unit must not exceed 90 m_2.
(6) The total combined floor area of all accessory buildings on a lot must not exceed 200 m_2.

Subdivision Lot Area Requirements

(7) Land in the R3 zone must not be subdivided

5) 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.
(u) manufactured home park
(v) temporary housing

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. Hornby Island Land Use Bylaw No. 150, 2014 – Schedule A 54

6) Residential 5 – Tiny House Shared Commons (R5) 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) residential use of a dwelling;
(b) residential use of a recreational vehicle, manufactured home or tiny house;
(c) accessory uses, buildings and structures, including but not limited to home occupations;

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) a maximum of one residential dwelling unit per lot
(b) a maximum of 4 recreational vehicles, manufactured homes or tiny homes per lot
(c) accessory buildings and structures.
(3) Lot coverage must not exceed 15% of any lot

Siting and Size

(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 any interior side lot line; and
(d) 8.0 metres from any exterior side lot line.
(5) The floor area of a residential dwelling unit must not exceed 90 m_2.
(6) The total combined floor area of all accessory buildings on a lot must not exceed 200 m_2.

Subdivision Lot Area Requirements

(7) Land in the R5 zone must not be subdivided

Siting and Size

(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 any interior side lot line; and
(d) 8.0 metres from any exterior side lot line.
(5) The floor area of an accessory residential dwelling unit must not exceed 150 m_2.
(6) The total combined floor area of all accessory buildings on a lot must not exceed 100 m_2.

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:

PU(a)	Despite Subsection 8.21(1), the only permitted uses are: (a) Cemetery; (b) Public utility storage yard; (c) Highways maintenance yard; and (d) Recycling depot.

Islands Trust

HORNBY ISLAND

OFFICIAL COMMUNITY PLAN

BYLAW NO. 149, 2014

As amended by the
Hornby Island Local Trust Committee

Consolidated Version: August 2016

This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

For reference to original bylaw and amendments, please contact:
Islands Trust - Northern Office, 700 North Road
Gabriola Island, BC V0R 1X3
(250) 247-2063

Preserving Island communities, culture and environment

CONSOLIDATED BYLAW AMENDMENTS

This copy is consolidated for convenience only and includes the following text amendments only:

Bylaw Number	Amendment Number	Adoption Date
Bylaw No. 151	Amendment No. 1	June 10, 2016

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 149

A BYLAW TO ADOPT THE OFFICIAL COMMUNITY PLAN FOR THE HORNBY ISLAND LOCAL TRUST AREA

The Hornby Island Local Trust Committee, being the Local Trust Committee having jurisdiction on and in respect of the Hornby Island Local Trust Area pursuant to the Islands Trust Act,

AND WHEREAS the Hornby Island Local Trust Committee wishes to adopt an Official Community Plan,

The Hornby Island Local Trust Committee enacts as follows:

1. TITLE

   This Bylaw may be cited as the "Hornby Island Official Community Plan Bylaw No. 149, 2014".

2. APPLICATION

   This Bylaw applies to:
   Hornby Island,
   Toby Island,
   Flora Islet,
   Norris Rocks,
   and unnamed islets and the surface of water within 1000 metres of the natural boundary of the sea on Hornby and Toby Islands and Flora Islet, except where the boundary overlaps with that of Denman Island in which case, the jurisdiction of the Hornby Island Local Trust Committee extends to a line mid-channel between the two islands as shown on Schedule S.

3. ORGANIZATION

   The following schedules attached to and forming part of this Bylaw, are adopted as "Hornby Island Official Community Plan Bylaw 149, 2014":

Schedule A:	Bylaw Text
Schedule S:	Land Use Designations Map
Schedule C:	Land Status and Road Designations Map
Schedule D1:	Environmentally Sensitive Areas (Sensitive Ecosystem Inventory) Map
Schedule D2:	Environmentally Sensitive Areas Map
Schedule E:	Development Permit Areas Map
Schedule F:	Hazardous Areas Map
Schedule G:	List of Community References

4. REPEAL

   "Hornby Island Official Community Plan Bylaw No. 104, 2002" is repealed upon adoption of this Bylaw.

READ A FIRST TIME THIS 25TH DAY OF APRIL , 2014

PUSLIC HEARING HELD THIS	11TH	DAY DF	JULY	, 2014
SECDND PUSLIC HEARING HELD THIS	9TH	DAY DF	SEPTEMSER	, 2014
SECOND READING THIS	17TH	DAY DF	JULY	, 2015
READ A THIRD TIME THIS	14TH	DAY OF	AUGUST	, 2015

APPROVED SY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

6TH	DAY OF	OCTOSER	, 2015

APPROVED BY THE MINISTRY OF CDMMUNITY, SPDRT AND CULTURAL DEVELOPMENT THIS

14TH	DAY OF	JANUARY	, 2016
27TH	DAY DF	JANUARY	, 2016

ADDPTED THIS

SECRETARY

CHAIRPERSON

SCHEDULE A
HORNBY ISLAND OFFICIAL COMMUNITY PLAN

SECTION I— BACKGROUND

1.1 Context and Interpretation

1.1 ACKNOWLEDGMENT (new) Islands Trust Council acknowledges that the Islands Trust Area is located within the treaty and territorial lands and waters of the BOḰEĆEN, K'ómoks, Lekʷaŋen, Lyackson, MÁLEXEŁ, Qualicum, Quw'utsun Tribes, sceẃeɛ̓en mesteyexʷ, Scia'new, sel̓il̓ẇ etaʔɬ, BEMYOME, shíshálh, Sḵwxwú7mesh, Snaw_ -naw-as, Snuneymuxw, Spune'luxutth, SʔÁUTẈ, Stz'uminus, təʔəmen, toq qaymɨxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, ẈJOŁEŁP, ẈSIḴEM, Xeláltxw, Xwémalhkwu/ʔop qaymɨxʷ, and xʷməθkʷəyə̓ m (collectively referred to hereinafter as 'First Nations'). Islands Trust Council acknowledges that the lands and waters encompassing the Trust Area are subject to the treaty and territorial rights of First Nations. The Trust Area has been home to Indigenous Peoples since time immemorial and their relationship to these lands and waters continues to this day. Islands Trust Council honours the rich history and cultural heritage within the region and has stated its commitment to reconciliation and meaningful engagement with First Nations in the Trust Area.

This plan is an update to the Hornby Island Official Community Plan Bylaw No. 104, 2002 and has been assigned a new bylaw number to denote the update. An update, in contrast to a review of the plan, focuses on updates to legislative references and clarification of the text where previous use of objectives or policies have identified lack of clarity. A review was undertaken of Section VI – Objectives and Policies for Sustainable Land Use" with a focus on housing and the economy and amendments are incorporated into this plan. Other areas of review included new objectives and policy on wind energy and amendments to land use designations on some properties.

The Plan update distinguishes between "Policies" and "Advocacy Policies". "Policies" are those that are within the authority of the Hornby Island Local Trust Committee to implement. Community goals and objectives included in this Bylaw that address matters that are outside the jurisdiction of the Hornby Island Local Trust Committee are considered "advocacy policies". These advocacy policies encourage others to take actions that the Local Trust Committee believes would contribute to the goals and objectives of the plan. This Bylaw cannot and does not represent a commitment from other agencies or persons to act according to community goals, objectives or policies.

Properties are noted with a land use designation on Schedule B attached to this Plan. Each designation is referenced in the text of this Plan with stated objectives and policies. In addition there are sections of the text of this Plan that apply to all properties on Hornby Island. If a property has more than one land use designation as defined on Schedule B to this Plan, then the objectives and policies applicable to each designation shall apply to that property.

The term "Information Note" is used periodically within the Plan. An information note is not part of the official community plan bylaw. An information note is added to the published bylaw document after adoption of the bylaw to assist in the understanding and interpretation of the Plan.

1.2 Purpose

The purpose of this official community plan bylaw is to further the object of the *Islands Trust Act* through long-range land use policies for the Hornby Local Trust Area. This bylaw provides a statement of local government goals, objectives and policies. It is intended to provide policy guidance for the Hornby Island

Local Trust Committee and the public regarding the existing and proposed land use and development in the Local Trust Area.

1.3 Islands Trust Authority

The *Islands Trust Act* gives the Islands Trust, via its Local Trust Committees, essentially the same land use planning authority as a regional district board under the *Local Government Act*. Bylaws must be submitted to the Islands Trust Executive Committee for approval and must not be approved if they are contrary to or at variance with the Trust Policy Statement. In the case of Official Community Plans, approval by the Minister of Community, Sport and Cultural Development is also required before adoption by the Local Trust Committee.

The Hornby Island Local Trust Committee is the Local Trust Committee with responsibility for land use planning and regulations within the Hornby Island Local Trust Area. This committee has three members; two locally elected trustees and a member of the Executive Committee appointed by the chairperson of the Islands Trust Council.

The purpose of the Trust Council, Executive Committee, and Local Trust Committees, is to carry 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 of the residents of the trust area and of the Province generally, in cooperation with relevant Indigenous communities, municipalities, regional districts, improvement districts, other persons and organizations and the government of the province.*

The legislated object defines the purpose of providing authority to the Islands Trust for land use regulation. The Trust Policy Statement is a general statement of policies to carry out the object of the Trust. Local Trust Committees employ the available planning powers of the *Local Government Act* to preserve, protect, and effectively maintain the rural nature, health, natural environment and vitality of the Trust Area.

1.4 Historical Perspectives

Someone has said "a people without a history can have no vision". The people of Hornby Island are standing on history. It is to be found in the remnants of snake fences, and in the derelict orchards, in the blackened shell-flecked soil around the shores, and in the indigenous trees and shrubs from which the first people took their sustenance.

Deleted: . It is to be found in the soil and in the sandstone and conglomerate sedimentary rocks, in the pebbles on the beaches, and in the basement rock on which the island rests.

Perhaps the phrase "a people without a history can have no vision for the future," was an attitude of European settlers in the 1800s on Hornby Island and elsewhere around the Salish Sea. That recent history on Hornby is in the remnants of snake fences and derelict orchards of settlers. However, the present population is standing on a much longer history found in the blackened shell-flecked soil in shoreline middens, in uplands pits for preparation of food or shelter, further inland in trees modified for cedar bark for clothing, baskets and nets, and in the oral history of plants and shrubs from which the first people take their sustenance. That long oral history covers thousands of years of the use and occupation of Hornby Island before contact.

The rocks of Hornby Island are part of the island arc Wrangellia, which started its life as molten lava, three hundred and fifty million years ago, south of the equator. The arc, the result of one ocean plate meeting another and subducting, journeyed north on the back of the Pacific Plate, eroding gathering limestone. On reaching the latitude of present-day Mexico, about one hundred and seventy million years ago, another set of volcanic eruptions added more volcanic rock to the terrain.

From these two major geological events came the island's basement rock, and later, 65 to 70 million years ago, most of the ingredients for the island's sedimentary rock, the pebbles in the conglomerate and the

eroded rock from the tumbling hillsides, came from the recycled substance of Wrangellia's earlier geological history. Also in the sediment are found fossils of sea creatures, and pieces of petrified wood dating from trees that grew at that time.

Continuing tectonic plate pressure first folded and then faulted the layers of sedimentary rock. The movement of glaciers and the rising and falling of seas in the interglacial periods, scoured the rock and then padded the dips and valleys with clay, sand, and glacial till. Some of the boulders and cobbles were brought from as far away as the Coast Range Mountains.

Ten thousand years ago, three thousand years after the last glacier retreated, the receding seas started slowly to reveal Hornby Island with much the same shape that it is today. Vegetation started to grow and by five thousand years ago people from Deep Bay were visiting the island gathering the island's bounty and fishing from its shores.

During the 1860's Hornby Island was virtually empty of people, as a result of the devastating small pox epidemic of 1862. It was the sight of the island on fire at the end of the decade that decided George Ford, one of the earliest recorded settlers, to move from the settlement in Comox to Hornby Island. Fires made clearing land easier. Other settlers followed. In 1870 a whaling company moved its base of operations to Hornby Island, but in less than two years it went into liquidation and one hundred acres at Whaling Station Bay with wharf, sheds and other buildings were auctioned off.

The early settlers were able to choose land which was sheltered, amply provided with water, and having deep fertile soil. By the turn of the century Hornby had become a fairly prosperous farming community, although many who came to farm found the sale of logs from the clearing of land more profitable than the farming itself.

Hornby Island, like all islands, promised a dream. The island challenged, dared, and offered an escape. Not everyone who came succeeded and even those who did succeed, often found their children seeking dreams elsewhere. By 1960 most land had changed hands several times. Families had come and gone. Some orchards were derelict and many fields were overgrown. The 150 people on the island were made up of fisherman, subsistence farmers, resort owners, their children and one or two retired intellectuals. Towards the end of the sixties developers discovered the island and three farms were turned into small lot residential subdivisions.

To avoid more indiscriminate carving up of the island, a policy restricting subdivision to a ten-acre minimum lot size was introduced. In 1969 through a provincial cabinet Order-in-Council known as the "Ten-Acre Freeze", applying it to all of the Gulf Islands. The decree permitted no further subdivision creating lots under 10-acres in size, with a maximum of two dwellings per parcel, and was to continue to apply until zoning and subdivision bylaws could be enacted by the local governments for each island. As well, in about 1972, using existing soil analysis mapping, the Province established the BC Agricultural Land Reserve (ALR), and its Commission known as the ALC, covering all the known useable farm and grazing land in BC to prevent further subdivision or development of the Province's remaining farmland, except through application to the ALC (this was estimated to include no more than 3% of the province's land mass). In 1973, the Comox-Strathcona Regional District responded to the call for land use regulation by assisting the Hornby community to develop and pass its first set of local land use and subdivision bylaws (Bylaws Nos. 137 and 139). This coincided with the arrival of the counter-culture people, and the island flowered with artists, craftsman and academics seeking a more meaningful life. In 1974 the Islands Trust was formed to preserve and protect the Gulf Islands, which include Hornby Island, against inappropriate use and development. In April 1977, the new Hornby Island Local Trust Committee, following lengthy discussion with Hornby residents, approved the first Official Community Plan for the island.

Legislation does not ensure the spirit of a place. Hornby Island itself with its beauty, with its history deep into the past, its tranquility, its changing light and seasons, must be allowed to capture the hearts of those who dwell here. Hornby will endure although it has not always been an island and one day may not be

again. it has traveled a long way and gone through many changes. It will be here long after the human population has gone. Every person who owns land holds it as a temporary tenant, in trust for future generations.

1.6 Socio-economics of Hornby Island

A permanent population of 958 persons in 2011 represents a population decrease of 10.8% since 2001. The population is generally aging with a median age of 58 years. The population is characterized by lower than average incomes and higher than average education. If trends continue, the challenges of ensuring housing affordability and safety, mobility and security will increase and efforts to provide for supportive services will be of concern.

The economy follows a seasonal cycle and is highly dependent on a population of visitors that is estimated to quadruple the island population in summer months. There are an estimated 100 businesses on Hornby Island, of which about 80% operate as home based businesses. Tourism is the major economic driver manifested in the range of accommodations, services, arts and crafts, performing arts and alternative health experiences that are available. There has been a long history of homeowners renting their homes to others for short periods of time (vacation home rentals) as a means of creating an income or to offset some home ownership costs. This activity has made a significant contribution to the island's economy. The construction industry, some public service positions and an increasing number of caregivers rounds out an integrated economy.

The Hornby Island Community Profile (March 2010) provides more detailed information.

1.7 Principles

The principles behind the development of this Plan are based on the mandate of the Islands Trust Act, "to preserve and protect, the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of the Province generally, in cooperation with relevant indigenous communities, municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia."

Based on that mandate, the objectives of the Hornby Island Community Plan are somewhat complex and focus on two main priorities. A first priority is to provide a balance between preservation of the natural environment and development associated with human settlement and economic activity. A second priority is to preserve the unique personality of the community while providing for its needs and those of its visitors in a manner and at scale that does not overburden the limited resources of the island or its residents.

This Plan helps ensure that decisions related to the use of land on Hornby Island will not be made on the basis of expediency but rather will be based on the features of the natural environment and their inherent capacity to support a particular use or development. In addition, this Plan helps ensure that any proposed change in land use will be evaluated in terms of its impact on the social environment of the whole island and on the associated needs of future generations.

Hornby Island offers unusual scenic beauty, sandy beaches, interesting geologic formations, clean air, a gentle climate and a community that has a rural lifestyle. The relative isolation of the island has contributed to the self-sufficient character of the community. However, the increasing urban density of the lower mainland and eastern Vancouver Island makes the island attractive to thousands of visitors whose demand for use of the island threatens the very qualities that make the island special.

It is recognized that human settlement on Hornby Island is constrained by the Island's size and its limited supply of fresh water. The fragility of its natural environment constitutes another less obvious and less widely understood constraint to development and use by visitors. Hornby Island offers many outstanding natural and historic features valued today by residents and visitors alike. If these features are to be enjoyed tomorrow, they must be protected today. It is only through community concern and understanding along with a sense of stewardship and responsibility that the Island will be effectively protected and preserved. This Plan presents a well-defined community consensus about what is valued and should be protected and it is hoped that the Plan will influence governing agencies to respect the policies of the Plan.

These general objectives express the basic values held by the people of Hornby Island:

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.

From these general values, the Official Community Plan gives detailed objectives and policies to ensure that changes are suitable in the long term and have broad community support.

Since the original preparation of this Plan the Hornby community has also developed a collective vision titled the "*Ideal Hornby Island in the year 2020*" that is contained in the *Hornby Island Community Profile*. (listed in Schedule G). This statement of vision transcends land use planning and encompasses the broader vision of a community that is invaluable as a reference as decisions are made. The community vision statements can provide a useful reference in amplifying the meaning behind the principles, objectives and policies of this plan.

SECTION II — PRIMARY OBJECTIVES AND POLICIES

2.1 Broad Community Objectives

The following statement of general objectives express the values that are significant to the people of Hornby Island and together with the specific objectives listed in each topic area sets the direction to be followed when interpreting and implementing the policy statements.

To promote the conservation, preservation or restoration of:

a) areas of natural, scenic, historical, archaeological (including areas of First Nations significance) or scientific value,
b) watershed and groundwater recharge areas,
c) public land and parks,
d) areas of significant vegetation, the forests, the wildlife and their habitat,
e) land with agricultural potential,
f) shoreline, foreshore and the Island's surrounding marine ecosystem, and
g) water courses and riparian areas.

To ensure all human activities are carried out in a manner that is sensitive to the protection of fresh water resources and to the fragility and interaction of natural ecosystems, are compatible with activities of surrounding neighbours, and are in keeping with the rural scale of land use on the Island.

To minimize pollution of air and water.

To limit or reduce present and future stresses upon natural and community resources, particularly those generated by increasing seasonal uses.

To encourage a self-reliant rural community based on agriculture, low impact businesses and home occupations that are sustainable and non-polluting.

To ensure changes, growth and development are gradual and support the sustainability of the community.

To maintain the community's sense of unity and to promote a residential development pattern consistent with the rural character of the Island.

To encourage residents and visitors to take an active role in the preservation of natural and social values on the Island.

To encourage consultation with and participation of the public, and when applicable, of K'omoks First Nationin local government decisions and in the management of Provincial resources by appropriate agencies, including relevant indigenous communities.

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To protect through sound long-range planning policies and strategies, the agricultural potential of lands, foreshore and intertidal areas, forested areas and groundwater recharge areas.

To support community awareness and participation in achieving lifestyles and buildings which ensure energy efficiency.

To ensure a relationship with First Nations with interests in Hornby and the surrounding waters.

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To preserve the rural character of the Island.

2.2 Objectives and Policies for All Land Use

Background:

The importance of preserving the sensitive ecosystems of the island and the need to protect the groundwater resource were recurrent themes during the public review of the Community Plan.

Sensitive Ecosystems and Biodiversity

Hornby Island is located within the Coastal Douglas-fir biogeoclimatic zone, which is a relatively rare zone within British Columbia, occupying only 0.25% of the province. Sensitive ecosystems are considered sensitive because of their rarity and their fragility to disturbance. The protection of sensitive ecosystems is important to maintain biodiversity. Hornby Island has 573.7 hectares of sensitive ecosystems covering 19.2% of the island. However, the island has the second highest percentage of land in the Trust Area (29%) converted to human use. Garry oak woodlands, herbaceous areas, mature forest stands, cliffs and wetlands provide habitat for a variety of plants and animals, including about a dozen species at risk.

The Islands Trust has used various types of ecosystem mapping for planning and conservation purposes since its inception. Early sources of information were compiled from various studies while more recent efforts focused on development of ecosystem mapping products. The most recent mapping included:

ITEM – Islands Trust Ecosystem Mapping – This mapping was captured from 2000 and 2002 digital orthophotos. There was no groundtruthing and ecosystem features were representative of a bird's eye view of the landscape.

SEI – Sensitive Ecosystem Inventory – This was a joint initiative between the Federal and Provincial Governments to map rare and fragile ecosystems. Information was derived from aerial photos produced in the early 1990s, supported by selective field checking. An audit, done in 2004 using 2002 orthophotos, outlined the loss of sensitive ecosystems that had occurred in the 10 year time span.

SEM- Hornby Island Sensitive Ecosystem Mapping, 2010 - This is the latest initiative and is based upon 2001 aerial photography and recent selective groundtruthing. It is similar to SEI mapping and is based upon Terrestrial Ecosystem Mapping (TEM). It identifies areas which are fragile and/or rare because of diversity of species they support. They are deemed sensitive as they are easily impacted by human activities. The inventory includes old forest, woodland, herbaceous, wetland, cliff, freshwater as sensitive ecosystems; mature forest as a rare ecosystem and young forest, seasonally flooded agricultural fields and non-sensitive areas as other mapped ecosystems. Mapping of mature forest ecosystems, freshwater and wet forest ecosystems and dry soil ecosystems has also been developed based upon the sensitive ecosystem mapping to facilitate analysis.

Other ecosystem resources are listed in Schedule G – List of Community References.

About 25% of Hornby Island is preserved by provincial and regional parks and another 9% is Crown land managed to protect groundwater recharge. The remaining 66% of the island is divided between Agricultural Land Reserve (28%), large lot residential (30%) and small lot residential, commercial activity and community service use (8%).

Achieving sustainable biodiversity throughout the island will require stewardship on the part of landowners based upon having knowledge of the ecosystems and understanding of their importance. Land Use regulations and the establishment of Development Permit Areas can play a role in protecting key features.

Groundwater

Groundwater is the primary source of potable water supply on Hornby Island. Studies have identified the importance of protecting the groundwater supply, ensuring that catchment areas are protected to provide for effective groundwater recharge, that groundwater is not contaminated from development and that the

rate and use of groundwater does not exceed the rate of replenishment both in localized areas of the island and for the island in general. Effective planning and land use management are identified as some of the most effective means to address groundwater management.

Over-riding Land Use Objectives:

The objectives that apply to all sections of this Plan are:

(1) to preserve the natural ecosystems and biodiversity of the island, and
(2) to protect the groundwater resource.

Over-riding Land Use Policies:

Policies 2.2.1 and 2.2.2 apply to all sections of this Plan.

2.2.1 In order to preserve the natural ecosystems and biodiversity of the island the following should be addressed: a) wherever possible through zoning and land use regulations and where appropriate through Development Permit Areas; b) when considering applications for permits, rezoning and subdivision; and c) through information and advocacy directed to residents, property owners and agencies with jurisdiction on Hornby Island:

i) protecting identified sensitive ecosystems and important habitat from the adverse effects of development;
ii) conserving relatively undisturbed natural areas;
iii) retaining areas of native vegetation on each property wherever possible, especially along lot lines;
iv) managing undeveloped public land so as to maintain or restore natural biodiversity and ecological integrity;
v) securing connectivity between natural areas whenever the opportunity arises; vi) sustaining the forested areas of the island through timber harvesting practices that retain tree cover and forest ecosystems; and
preventing the spread of invasive species, and
vii Protecting culturally relevant indigenous artifacts

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2.2.2 In order to protect the groundwater resource of the island, the following should be addressed: a) wherever possible through zoning and land use regulations and where appropriate through Development Permit Areas; b) when considering applications for permits, re-zoning and subdivision; and c) through information and advocacy directed to residents, property owners and agencies with jurisdiction on Hornby Island:

i) maintaining the recharge of the groundwater resource in identified recharge areas by restricting extensive logging, modification of natural drainage features, residential, commercial and industrial developments, extensive road development, excavation, quarrying and soil removal, ditching and drainage works;
ii) maintaining the quality of the groundwater resource by preventing contamination from: sewage and grey water, concentrated animal feeding operations, intensive fertilizer or pesticide application, improper use or storage of toxic chemicals, improper waste disposal, such as burning and open dumps, inadequate protection of wells, inadequate sealing of abandoned wells, over-pumping of groundwater in areas where salt-water intrusion is likely to occur;
iii) maintaining the quantity of the groundwater resource by: limiting new development and land uses that will put an additional demand upon the groundwater resource in areas where availability is already a problem, using rainwater catchment and storage systems wherever possible in new and existing developments, establishing water conservation measures and practices; and

iv) supporting the implementation of a groundwater protection plan, including innovative and remedial programs.

SECTION III—OBJECTIVES AND POLICIES FOR PROTECTION OF THE ENVIRONMENT

3.1 Environmental Stewardship

Background:

The Hornby Island Trust Committee recognizes the need to protect the environment and finite resources of an isolated and fragile ecosystem from polluting activities in surrounding areas as well as those taking place on the island. Additional pressures are placed on the local natural systems by the influx of visitors in the summer months.

Hornby Island residents are generally aware of the need for personal diligence in minimizing the impact of human activities on environmental systems. The community is always seeking ways to encourage visitors to the island and senior levels government with jurisdiction over resources on the island to adopt the same commitment. There are currently no active mineral claims on the island and any future development of metal or coal mines on the island is inappropriate. The community encourages water conservation through water storage, catchment and water recycling.

Area

All areas within the Hornby Island Local Trust Area are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to encourage senior governments to preserve and protect the environment;

(2) to inform residents and visitors of actions necessary to protect the island's ecosystems, freshwater resources, and preserve native biological diversity; and

(3) to ensure that permitted land uses do not threaten the sensitive environment of the island and its native biological diversity and

(4) to preserve signs of indigenous occupation, such as middens, culturally modified trees, clam beds and gardens and fish traps.

Advocacy Policies:

3.1.1 A moratorium on oil and gas exploration in the Trust area is supported.

3.1.2 The Ministry of Energy, Mines and Petroleum Resources is requested to establish a reserve on the entire island against exploration for mineral or petroleum resources.

3.1.3 The Local Trust Committee should encourage measures to reduce the risk of pollution from transporting dangerous materials by air, sea or land on or near the island.

3.1.4 The Ministry of Transportation and Infrastructure and utility corporations are requested to replace the application of pesticides and herbicides on road allowances or other transmission routes with non-polluting practices such as manual trimming.

3.1.5 The hydro-electric utility company is requested to consult with the Local Trust Committee on any field operations involving the application of chemicals (such as remedial woodpole treatment programs).

3.1.8 The Comox Valley Regional District is requested to consider affordable and effective measures that will address the problem of uncontrolled dogs on Hornby Island.

3.1.7 The Comox Valley Regional District is requested to continue to maintain and enforce the following;

a) an effective noise bylaw to address noise disturbance originating from sound systems, musical instruments, barking dogs and other sources;

b) an effective unsightly premise bylaw; and

c) the "dark skies" in rural areas lighting standards.

3.1.8 All government and non-government agencies and private businesses involved in providing services for the resident and visiting public are requested to provide adequate toilet facilities and waste recycling containers for their clients and to make information available on water conservation.

3.1.9 Tourism-related businesses, real estate agents and other organizations that provide information to visitors or potential owners of island property are requested to include information on the legislated "preserve and protect" mandate of the Islands Trust and the objectives and policies of the Official Community Plan to protect the island's ecosystems and freshwater supply,to preserve native biological diversity, and to acknowledge we are living and working on traditional indigenous lands.

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3.1.10 All owners and land users are encouraged to comply with the "Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia" of the Ministry of Environment and with the regulations of the Vancouver Island Health Authority, and the orders and discretion of the Fire Marshall.

3.1.11 Efforts to control the spread of invasive exotic plant species (such as Scotch broom, holly, ivy, daphne and Himalayan blackberry) and to eradicate them from environmentally sensitive areas to enable their replacement with native species are encouraged and supported.

3.1.12 Programs to control the population of opossums are supported.

3.1.13 The use of toxic herbicides and pesticides and heavy applications of fertilizers on lawns and gardens is strongly discouraged.

3.1.14 The dissemination of information about the risks of introducing invasive non-native species and pathogenic organisms harmful to indigenous species resulting from bringing biological material (including soil, bark mulch and firewood) onto the island is supported and efforts to increase sustainable island self-sufficiency with respect to the provision of firewood and other biological material are encouraged.

3.2 Environmentally Sensitive Areas

Background:

Hornby Island has a diverse and fragile ecology with many significant natural features. The climate and soil conditions combine to allow diverse wildflower colonies, bird habitats, and Garry oak groves. The naturally eroded sandstone and conglomerate bluffs along much of the shoreline provide habitat for birds, wildflowers and rare plant species.

The Sensitive Ecosystem Mapping (SEM) completed by the Islands Trust in 2010 provides the most complete and up to date inventory of information on terrestrial based ecosystems. This mapping together with an updated Islands Trust Regional Conservation Plan will assist the Local Trust Committee in its decision making and in the development of land use, subdivision and development permit regulations as such programs develop.

Copies of the Sensitive Ecosystem Mapping (SEM) and the Regional Conservation Plan are available on the Islands Trust website (www.islandstrust.bc.ca) and the SEM map will be readily available electronically and in hard copy for reference. .

The Islands Trust Regional Conservation Plan identified the following Sensitive Ecosystems and their distribution on Hornby Island:

Sensitive Ecosystems (August, 2010):

Sensitive Ecosystem	Area (ha)	Portion of Local Trust Area (%)
Cliff	26.6	0.9
Freshwater	1.2	<0.1
Herbaceous	47.5	1.6
Mature Forest	179.8	6.0
Old Forest	0	0
Riparian	0	0
Woodland	62.8	2.1
Wetland	256.1	8.6
TOTAL	**573.7**	**19.2**

Protected areas identified in the Regional Conservation Plan were listed as follows:

Protected Areas Distribution (November 2010):

Type of Protected Area	Area (hectares)	*Area as % of Local Trust Area*
Conservation Covenant (Conservancy held)	3.9	*0.1*
Ecological Reserve	0	0
Nature Reserve	0	*0*
Park – Municipal	0	*0*
Park – Community	8.7	*0.2*
Park – Provincial	333.9	*11.2*
Park – Regional	335.8	*11.2*
TOTAL	**680.1**	**22.7**

Other noted features identified in the Regional Conservation Plan include:

At Risk Species (September, 2010):

The B.C. Conservation Data Centre has recorded sightings of Coastal wood fern (blue listed), Western Screech-Owl, *kennicottii* subspecies (blue listed), Coast microseris (red listed), Propertius Duskywing (blue listed), White-top aster (blue listed), Macoun's meadow-foam (red listed), Nuttall's quillwort (blue listed), Fragrant popcornflower (red listed), Peregrine Falcon, *anatum* subspecies (red listed), White-top aster (red listed) and Great Blue Heron, *fannini* subspecies (blue listed) in the Hornby Island Local Trust Area. There may be additional species at risk in the Hornby Island Local Trust Area that are not recorded with the B.C. Conservation Data Centre or whose locations are considered confidential information.

Forested Ecosystems (August, 2010):

The Hornby Island Local Trust Area is located in the Coastal Douglas-fir Zone. No Old Forest ecosystems were found in the 2008 Terrestrial Ecosystem Mapping (TEM) of the local trust area used for this report, however, 2001 TEM of Helliwell Provincial Park does indicate some small old growth patches. The mapping for Helliwell Park is currently being reviewed and will be updated accordingly. The breakdown of forests by

age class is as follows (note: this includes woodland sensitive ecosystems, so percentages will vary from the sensitive ecosystems section above):

Forest Type	AREA (ha)	AREA (%)
Pole/Sapling Forest (<40 yrs.)	366.65	7.3%
Young Forest(40-80 yrs.)	1506.72	29.6%
Mature Forest (80-250 yrs.)	255.62	5.1%

N.B. See note above regarding Old Forest (>250 yrs).

Marine Ecosystems (September, 2010):

Hornby Island Local Trust Area has two submerged provincial marine parks and two Rock Fish Conservation Areas in its local trust area waters.

Type of Marine Protection	Name of Area	Area (hectares)
Provincial Park	Helliwell	2,736.6
	Tribune Bay	27.0
Rock Fish Conservation Area	Savoie Rocks – Mauda Reef	174.4
	Ajax/Achilles Bank	1,622.5
	TOTAL	4,560.4

Modified Ecosystems (August, 2010):

Type of Modification	Area (ha)	Portion of Local Trust Area (%)
Cultivated Field	267.6	9.6
Rural	421.7	14.1
Urban	51.0	1.7
Road	106.8	3.6
TOTAL	867.1	29.0

Threats to Ecosystems:

The threats to biodiversity found in the Islands Trust Area are described in the Islands Trust Fund Regional Conservation Plan. These threats are pertinent to the Hornby Island Local Trust Area. In particular, the Hornby Island Local Trust Area may be vulnerable to degradation of natural ecosystems from existing agricultural and residential lands if landowners are not sensitive to the impacts of their land use on the surrounding landscape. Education about ecologically friendly agricultural practices and residential land uses and indigenous artifacts, petroglyphs, middens, and culturally modified trees may be beneficial within this local trust area. Biological threats to the Garry oak ecosystem also include conifer encroachment. Local organizations should be consulted prior to initiating education programs to avoid duplication of efforts."

A Nature Conservancy of Canada Study of the Islands Trust area, completed in 1995, classified about three quarters of the shoreline and associated beaches as containing moderate to high natural feature value for wildlife, marine and aesthetic features.

Other inventories, fieldwork carried out by biologists and local knowledge have identified the following habitat areas and features:

a) Important Terrestrial Habitat:

i) cormorant nesting area on the bluffs of Helliwell Park,

ii) heron rookery at Tralee Point and other current or potential heron nesting areas,

iii) eagle, osprey and peregrine falcon nesting locations,

iv) large older firs providing eagle habitat, particularly along the coastline and the inland bluffs,

v) old growth trees and large snags (providing habitat for a variety of species) throughout the island,

vi) wetlands and ponds throughout the island providing important habitat, vii) Beulah Creek (salmon habitat), its riparian corridor and feeder creeks, viii) Ford Creek (fish bearing), its riparian corridor and feeder creeks,

ix) meadows in the south western part of Helliwell Park providing habitat for the only extant colony of Taylor's Checkerspot butterfly, and

x) buildings providing established habitat for Townsends big-eared bat;

b) Important Marine Habitat:

i) shoreline near Saint John's Point/Whaling Station Bay and other areas where Harlequin ducks gather during their flightless phase, ii) saltwater marsh north of Texada Road providing valuable waterfowl habitat, iii) Norris Rocks and rocks near Flora Islet where sea lions haul out, iv) islets and rocks around the island where sea birds nest or gather,

v) Whaling Station Bay and other bays around the island providing waterfowl habitat,

vi) the area of the underwater wall by Flora Islet providing habitat for many marine species and frequented by six-gilled sharks,

vii) the area surrounding Norris Rocks and Heron Rocks providing habitat for juvenile rock fish and other species, and viii) areas of marine vegetation important for herring spawning.

Area

All areas within the Hornby Island Local Trust Area are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to ensure maximum protection of areas with ecological, natural, aesthetic or heritage value;

(2) to ensure protection of sources of fresh water and groundwater recharge areas;

(3) to allow for public access to such areas only when there is no danger of damage to sensitive features or ecosystems; and

(4) to maintain native biodiversity and connectivity of the natural habitat areas.

Policies:

3.2.1 Notwithstanding policies contained elsewhere in this Plan where they apply to land identified here, this section takes precedence.

3.2.2 Where areas are designated as environmentally sensitive on Sensitive Ecosystem Maps or on Schedule D1, the sensitive area may be protected by covenants at time of rezoning, subdivision or other change in land status in favour of an appropriate third party such as the Islands Trust Fund, or other organizations with the capacity to hold and monitor effective conservation covenants.

3.2.3 In areas of water collection and aquifer recharge, natural drainage patterns should be retained, and any removal of forest cover or other physical changes should be conducted so as to preserve the ability of the ground to retain water to recharge the aquifers, and may be regulated by Development Permit.

3.2.4 Development should be prohibited or restricted in areas identified by a hydrogeological study as being vulnerable with respect to water catchment, recharge or storage functions.

3.2.5 Any development in areas with sensitive ecosystems or important habitat may be regulated by Development Permit to protect the identified features, including establishing buffer areas in accordance with Sensitive Ecosystem Inventory recommendations or Environmental Guidelines for Development.

3.2.6 Development along coastal areas adjacent to foreshore with significant marine values (such as shellfish resources or migratory bird habitat) may be regulated by Development Permit.

3.2.7 Fish-bearing streams, their riparian areas, tributary creeks and wetlands feeding them will be protected and enhanced in accordance with the Provincial *Fish Protection Act* through regulations and through supporting enhancement programs.

3.2.8 Connectivity of relatively undisturbed natural areas should be maintained wherever possible including between the shore and the interior forested uplands.

Advocacy Policies

3.2.9 Where significant ecological, natural or historical areas reflecting Indigenous or Settler occupation or significant habitat areas are located on Crown land, the Ministry of Sustainable Resource Management and the Ministry of Environment are requested to secure these areas in protective reserves, Parks or through transfer to the Islands Trust Fund, and to keep them in the public domain with access appropriate to the level of sensitivity.

3.2.10 Voluntary covenants or easements to protect natural features and the donation or sale of sensitive areas to a conservation land trust such as the Islands Trust Fund are encouraged.

3.2.11 Voluntary stewardship programs that provide information, support and recognition to landowners with respect to protecting natural areas and areas where Indigenous land use is evident or suspected on private land are encouraged.

3.2.12 Educational efforts to protect coastal rock formations and other natural features from disturbance are supported.

Policies relating to protection of the marine environment are included in subsection 3.6 Marine Conservation.

3.3 Parks and Protected Areas

Background:

The natural features of the island provide many opportunities for recreational use by members of the local community and visitors. A large area of Crown land and a system of traditional trails through private land have provided access to forest areas and scenic viewpoints. In addition, the public has access to three Provincial Parks and two Regional Nature Parks There are also four small community parks; four water accesses managed by the Comox Valley Regional District as neighbourhood parks and a number of other water accesses and unused road dedications under the jurisdiction of the Ministry of Transportation and Infrastructure that provide public open space and/or contribute to the trail system. The K'omoks Agreement in Principle, signed by the governments of Canada, British Columbia and K'omoks First Nation in March 2012, states that a new protected area (the present vacant Crown land on Mount Geoffrey) will be established on Hornby Island and named by K'omoks.

Hornby Island's Provincial and Regional Nature Parks provide recreational opportunities in the context of preserving ecological values. These parks are all located where there are high natural values and together contain a representative cross-section of the island's ecological systems thereby offering valuable educational potential. Apart from Tribuna Bay Outdoor Education Centre, none of the parks are developed for artificial use, reflecting a long-standing community interest in seeing minimal disturbance in these areas.

Hornby Island's Provincial Parks are Helliwell, established in 1966, Tribuna Bay, established in 1978 and Mount Geoffrey Escarpment, established in 2004. There is evidence of traditional use of the Helliwell Park area by indigenous peopoles, including cultivated camas beds, middens, prescribed burns and culturally modified trees. All of the parks are designated "Class A' Parks under the *Park Act*. Helliwell Park contains a 89 hectare (173 acre) terrestrial component on the peninsula culminating in St. John's Point and a 2903 hectare (7006 acre) marine component. Most of the terrestrial area is heavily forested; grasslands extend inland from the shore-line, which mostly consists of rocky bluffs.

The "Sensitive Ecosystem Inventory: East Vancouver Island and Gulf Islands, 1993 - 1997" records the following sensitive ecosystems within Helliwell Park: Terrestrial herbaceous, Woodland, Wetland, Older Forest, as well as areas of Second Growth Forest with general bio-diversity values. Flora Islet is almost entirely covered with a sensitive terrestrial herbaceous ecosystem. Threatened vascular plants (red and blue listed by the BC Conservation Data Centre) have been recorded within the Park. The cliffs provide important nesting habitat for cormorants. Norris Rocks and the rocks adjacent to Flore Islet are important haul-outs for large numbers of Stellar and California sea lions resident during the winter. A significant population of Harlequin ducks is present in the inshore areas.

The underwater component of Helliwell Park provides habitat for a rich variety of marine species. The main feature is the rock wall adjacent to Flore Islet near where six gilled sharks are regularly observed at unusually shallow depths. The primary attractions of the terrestrial component of Helliwell Park are the spectacular bluffs topped by open meadow areas, the older forest (including particularly large examples of Douglas-Fir and arbutus) and the opportunities to observe wildlife and flowers in bloom. The primary attractions of the marine component are recreational diving to view the rich underwater ecosystem, kayaking and sports fishing areas. There are commercial fisheries in and/or immediately adjacent to the Park area.

Deleted: traditional

The fragility of the Park's ecosystems together with its popularity for recreation poses challenging conservation and management problems. In 1999 a Conservation Stewardship Agreement was established between BC Parks and Conservancy Hornby Island to enable local involvement in practical and educational conservation measures. In 2000, BC Parks initiated the Helliwell Ecosystem-based Planning Project.

Tribune Bay Park covers 98 hectares (240 acres), of which 23 hectares (58 acres) are foreshore of Big

Tribune Bay. The Park's vegetation consists of about 70% second-growth forest and about 30% grassland resulting from former cultivation. The broad white sand beach, backed by the open meadow area, is the primary attraction of the Park. The Tribune Bay Outdoor Education Centre operates under a Park Use Permit in the north-east corner of the Park and provides educational programs to youth, mostly school groups. Infrastructure includes the old lodge, other buildings, a climbing wall and a high ropes course. A tennis court is also located in this area. A pilot constructed wetland providing alternative waste treatment has been established at the Centre.

The Mount Geoffrey Escarpment Park covers 187 hectares (462 acres) and offers both historic values associated with the Leaf House and the Ford Family farmstead and together with the Mount Geoffrey Regional Nature Park, covers approximately 25% of the island containing coastal bluffs, forested benches, wetland, and rugged shoreline.

The Mount Geoffrey Regional Nature Park which is now 333 hectares (826 acres) in area was established by the Comox Valley Regional District on 303 hectares (758 acres) of what was formerly vacant Crown land. It includes the upper and western part of the Mount Geoffrey escarpment as well as lower land below and to the west of the escarpment. Within the Park are sensitive ecosystems - Older Forest (below the escarpment) and Sparsely Vegetated long the edge of the escarpment) - which have been identified in the "Sensitive Ecosystem Inventory: East Vancouver Island and Gulf Islands, 1993 - 1997". Most of the park's vegetation is second growth forest. The escarpment of Mount Geoffrey is an important part of the Island's groundwater recharge area.

The main attractions of the Park are the spectacular viewing opportunities from the edge of the Mount Geoffrey escarpment, the well-developed trail systems for hiking and mountain-biking and the older (and moister) forest ecosystem below the escarpment. The Comox Valley Regional District has adopted a Management Plan, developed with much community involvement; management is carried out through a contract with the Hornby Island Residents' and Ratepayers' Association.

Small Regional Parks exist near Tralee Point, near the top of Mount Road, at the end of Arthurs Road and adjacent to Helliwell Park. There are about 30 water access parcels under the Ministry of Transportation and Infrastructure jurisdiction and six or more other unused road dedications that are or could be utilized as trails or retained as undeveloped green space.

Area

All areas within the Hornby Island Local Trust Area are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to ensure that parks remain in an essentially natural state and that the bio-diversity, sensitive ecosystems and wild life habitat are preserved;

(2) to allow for recreational and educational opportunities, including interpretive signage regarding indigenous presence, for visitors and residents that are managed and monitored to ensure minimal environmental degradation and to fully protect fragile areas;

(3) to encourage a system of walking, bicycling and horseback trails, with minimal development, through forested areas, to and from parks and across and around the island; and

(4) to encourage community and neighbourhood involvement in the planning and stewardship of parks.

Policies:

3.3.1 At the time of subdivision and if park dedication is required under the *Local Government Act*, preference is generally for park dedication, not cash-in-lieu. This could take the form of trails, or parkland.

3.3.2 The following areas are suitable for acquisition, dedication, and preservation and are identified as candidates for parks or protected areas:

a) land that is shown on Schedule B as park, groundwater or ecological reserve (GW/EPA & GW/GP) for existing areas;

b) land that contributes to a community trail network that connects residential areas, commercial areas, the community hall and school area, parks, beaches and ferry terminals;

c) land that is designated as Environmentally Sensitive Areas, as shown on Schedule D1 or is environmentally sensitive as determined by more recent mapping of sensitive ecosystems;

d) land that provides access to the ocean;

e) land that provides low impact recreational opportunities for the community and visitors;

f) areas of undeveloped lands;

g) land contiguous with existing parks and protected or undeveloped areas, particularly where it may provide a buffer for an ecologically sensitive site;

h) designated water accesses as parkland; and

i) land that provides habitat connectivity

3.3.3 The Local Trust Committee, when considering applications for zoning amendment or subdivision, should pursue any opportunities to secure protected areas, parkland or trails through dedication, easement, covenant or donation.

3.3.4 The subdivision, donation or sale of a parcel of land (or interest in land) for park, trail or conservation purposes may be considered a community amenity. Amenity Zoning and Density Transfer provisions may be established by the Local Trust Committee on a site specific basis and upon application.

3.3.5 Park and preservation uses should be permitted in all land use designations and may be zoned to specify the type of park or protected area.

3.3.6 Setbacks on properties adjacent to parks should be established by regulation to protect the visual amenity of parks.

3.3.7 Park land dedication, public accesses to and along foreshore and rights of ways should be maintained for public use, and remain free of encroachments.

3.3.8 The Local Trust Committee may consider amenity zoning of properties adjacent to existing parks to allow subdivision if the applicant is proposing an addition of part of the lot to the adjacent park.

Advocacy Policies

3.3.9 Owners of properties on which there are established public trails and appropriate organizations are encouraged to work together to achieve the long term protection of the trails through covenants or other means.

3.3.10 The Ministry of Environment is requested to:

a) maintain the natural values and not permit development, other than those required for public health and education in Helliwell and Tribune Bay Provincial Parks;

b) continue to regularly consult with the community's parks committee and/or the Local Trust Committee on matters relating to the management and infrastructure of the parks on Hornby in particular to address community, conservation, indigenous historical impacts, aesthetics and safety concerns;

c) involve the community in stewardship programs with respect to the parks;

d) prohibit camping uses in the Parks except those associated with the Outdoor Education Centre at Tribuna Bay Park; and
e) implement ecosystem-based management plans for Helliwell, Tribune Bay and Mount Geoffrey Escarpment Provincial Parks.

3.3.11 The Comox Valley Regional District is requested to:
a) continue to manage Mount Geoffrey Regional Nature Park as an undeveloped Park, for low-impact, nature-oriented uses, with only those minimal facilities necessary for public health and safety. The Master Plan for this Nature Park should continue to emphasize protection of ecosystems, retention of vegetation, and protection of fragile areas and existing water sources;
b) continue active community involvement in the planning, stewardship and management of parks and other undeveloped parcels under its jurisdiction on Hornby; and
c) investigate and report on options for acquiring tenure of the adjoining vacant Crown land including management of this parcel as an addition to either the existing provincial or regional park.

3.3.12 The Ministry of Transportation and Infrastructure is requested to:
a) work with the Local Trust Committee to develop a plan for all water accesses, unopened road allowances and other such properties under the Ministry's jurisdiction on Hornby Island;
b) support tenure by Comox Valley Regional District of those parcels that the community and the Comox Valley Regional District consider appropriate for management as parks;
c) establish a stewardship arrangement with an appropriate community organization, or organizations, to act as stewards for the remaining properties once a plan has been developed for them; and
d) maintain the unopened road allowances in their natural state, prevent unpermitted alienation by adjacent land owners and discourage overnight camping by means of signage.

3.3.13 Motorized vehicles should not be allowed outside designated parking areas in any park, or on unopened road allowances, except for park service vehicles and emergency vehicles.

3.3.14 The Ministry of Environment is requested to work with the federal government and the Canadian Coastguard to develop measures to ensure that motorized vessels are excluded from that part of Tribune Bay that is within the Provincial Park.

3.3.15 The Ministry of Environment and the Department of Fisheries and Oceans Canada are requested to introduce regulations and other measures to fully protect marine species and habitat in the marine component of Helliwell Park.

3.3.16 Agencies with jurisdiction over parks are supported in restricting or controlling access to areas in parks where this is required for the protection or restoration of sensitive ecosystems, habitats and culturally modified trees.

Deleted: and

3.3.17 Community organizations and land owners are encouraged to work together using available tools such as covenants and easements to secure and extend the existing network of trails according to the Parks and Trails plan.

3.3.18 Owners of land located adjacent to established parks are encouraged to dedicate land or to provide trail easements to add to the park amenity.

3.3.19 Where a park contains a public well, parks authorities are requested to grant an easement to the private well users(s) for their continued use and maintenance of the well.

3.4 Groundwater Protection-Sustainable Ecosystem Management Area (Mount Geoffrey Area)

Background:

This forested upland area at the centre of the island has been identified by BC Environment as an important natural groundwater storage and catchment area providing groundwater recharge to wells in highly settled lowland areas. "A Preliminary Groundwater Assessment of a Crown Land Parcel on Hornby Island" (1994) carried out by BC Environment recommends that this land should be protected as a community watershed area to ensure preservation of the quantity and quality of groundwater on Hornby Island. In 1994, the Water Management Division established a Notation of Interest over this parcel to record its interest in the area due to its importance for protection of the groundwater resource.

The Final Report of the Hornby Island Groundwater Pilot Project (1994) recorded inter-agency agreement that "the Crown land parcel be considered a watershed reserve" and stated that "once more detail and definition of the groundwater catchment area becomes available, and a suitable legislative vehicle is found which can provide for protection of the land to ensure unchanged water quality and quantity, then another tenure can be considered by the community and agencies involved."

As immediate protection, The Water Management Division established a Notation of Interest (1994) over this parcel. A recommendation of "Water Stewardship and Wastewater Management on Hornby Island (2000)", a report prepared by Royal Roads University, includes the recommendation to "pursue legal protection of the crown lands as a groundwater recharge area".

The forest cover has been subject to severe unnatural disturbance through logging and fire from the latter part of the 19th century until the mid-20th century. The forest (classified as Coastal Douglas-Fir Moist Maritime) is now in various stages of recovery but contains scattered veteran Douglas-Firs and cedars. The "Hornby Island Sensitive Ecosystem Mapping (2010)" records areas of "old forest" - forest ecosystems with an average age of 250 years or greater and "mature forest" - - forest ecosystems with an average age of 80 years or greater within this parcel. (Older Coastal Douglas-fir forests in the region now account for only 4% of the area they occupied 150 years ago).

A report by Triton Environmental Consultants entitled *"Ecological Inventory of Proposed Woodlot #0032" (1998)* commissioned by the Ministry of Environment states that "old growth attributes (stand, structure, species composition, soil characteristics) should be enhanced or maintained as they have the potential to sustain representative features as stands develop". The report contains recommendations to protect or enhance wildlife and bio-diversity and to manage recreational impacts values. This preliminary survey indicates the need for a more thorough ecological inventory. Detailed accurate mapping by the Hornby Island Residents and Ratepayers Association and a preliminary ecological survey by Cascadia Resource Consultants (2000) constitutes a beginning of this work.

In coordination with Comox Valley Regional District and the Ministry of Forests and Range, the local community has instituted forest fighting and prevention programs. The large number of small, dead trees in some areas (fuel over-loading) has been identified as a significant fire risk.

The island's two main water courses - Beulah Creek and Ford Creek, both fish-bearing streams - pass through this area. At one time, a beaver dam established a large wetland or lake in Strachan Valley; however the dam is now abandoned. The Strachan Valley area contains a number of small wetlands and seasonal and ephemeral streams.

The area has long been valued for its recreational attributes and was previously designated by map reserve for the Use, Recreation and Enjoyment of the Public. Former logging roads have been maintained as trails

by residents and are well used by walkers, cyclists and equestrians - including for cross-island travel and access to the adjacent Mount Geoffrey Regional Nature Park.

A report prepared by an ad-hoc Committee of the Hornby Island Residents and Ratepayers Association *"The Heart of Hornby Island—A Forest, a Watershed (2000)"* reports on the mapping project and explores in detail the tenure options available to the community. A report prepared by the Advisory Crown Lands Committee for the Local Trust Committee "The Heart of the Island" submitted in July 2000 outlined historical, community and ecological issues and provided recommendations. A central theme of all of this work is the protection of the land under local control. The K'omoks First Nation must be recognized as being the original inhabitants of Hornby Island.

Area

All areas identified as Groundwater Recharge/Environmental Protection Area (GW/EPA) on Schedule B (Map Designations) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to protect and enhance the groundwater recharge function of the area;

(2) to enable the continuing recovery, restoration and protection of the forest so that the natural structure, composition and bio-diversity characteristic of a Coastal Douglas-fir forest ecosystem are re-established;

(3) to protect the forest from major disturbance by fire;

(4) to maintain the aesthetics/visual qualities of the forest;

(5) to encourage tenure arrangements that enable community control and stewardship of this area;

(6) to provide for low-impact recreation activities that are compatible with the first three objectives; and

(7) to ensure that any silvicultural activities or extraction of forest products are compatible with and subordinate to the first four objectives.

Policies:

3.4.1 This area should be conserved as a forested area and all planning should be undertaken with the perspective of a forest-based rather than a human-based time scale.

3.4.2 This area should not be subdivided except to create nature reserves or other land-holding arrangements for the protection of the natural environment.

3.4.3 No permanent buildings should be permitted on the land; other structures should be limited by regulation to those required in pursuit of the objectives of this sub-section

3.4.4 Sensitive ecosystems within this area should be fully protected. Transfer of this area to conservation or park is supported in order to protect the wetlands.

Advocacy Policies

3.4.5 The use of fertilizers and pesticides and the storage and disposal of waste material, hazardous chemicals and other potential pollutants should be prohibited to protect the groundwater resource and natural ecology.

3.4.6 Excavation, quarrying, soil removal, road development, ditching and drainage works should be regulated to protect against alteration of natural surface drainage or groundwater catchment and storage functions and against impacts upon identified ecological values.

3.4.7 Studies that provide additional data on the groundwater catchment and flow system should be supported.

3.4.8 The Ministry of Environment is requested to consider acquisition of the Mount Geoffrey area identified by the GW/EPA designation on Schedule S for a provincial park or other type of protected area.

3.4.9 As a preferred alternative tenure option, the Minister of Environment is requested to propose legislation that would enable the designation of this area as a community groundwater recharge area for the protection of the community's groundwater resource, to be managed through community stewardship with objectives and policies compatible with this Official Community Plan.

3.4.10 As an alternate tenure option, the Comox Valley Regional District is requested to investigate in consultation with the Local Trust Committee, the community and relevant First Nations, the appropriate options for obtaining tenure that would be compatible with the objectives and policies of this Official Community Plan.

3.4.11 Ministry of Forests, Lands and Natural Resource Operations is requested to only consider dispositions of this land or interests in this land that is compatible with the objectives and policies of this Official Community Plan.

3.4.12 The Ministry of Forests and Range is requested to only establish tenures that enable the implementation of the objectives and policies of this community plan.

3.7 Heritage Features

In 2014, four paragraphs were deleted on "historical persepctives which the K'omoks First Nation had concerns about, with the expectation that the LTC would work with K'omoks to establish revised wording which could subsequently be added to the OCP (Tony Law, First Nations Heritage Site Protection, Hornby Island, 24 March 2021: correspondence to Hornby Island Local Trust Committee

3.7.2 Development shall be located away from areas of archaeological sites unless authorized by a permit issued under the Heritage Conservation Act.

Deleted: O

NOTE: Responsibility for the regulation and licensing of aquaculture in British Columbia is shared by a number of Provincial and Federal Agencies. The Local Trust Committee is committed to working cooperatively with other agencies to address situations where First Nations' interests in equaculture may be affected

Commented [WB1]: This was the language in the 2014 OCP, which was omitted from the published version of the OCP

3.8 Hazard Areas

SECTION IV—OBJECTIVES AND POLICIES FOR THE STEWARDSHIP OF RESOURCES

4.1 Farming

Background:

The first European settlers of Hornby Island included agriculture as a primary occupation, supplying agricultural produce to Vancouver Island (1880-1920). At present, small scale farming operations serve primarily local needs with some specialty production. Seasonal water supply can be a challenge and the need to protect water resources is a concern.

Area

The Hornby Island Trust Area is subject to the following objective and policies.

Objective:

The objective of this subsection is to encourage farming and local food production in ways that are compatible with the island's environment.

Policies:

4.1.1 Co-operative farming and community gardens should be encouraged.

Advocacy Policies:

4.1.2 The development and implementation of a Hornby Island food and farm action plan is supported.

4.1.3 Sustainable and organic farming is supported, including efforts to ensure that water supplies used by farmers remain uncontaminated.

4.1.4 The Ministry of Agriculture is encouraged to maintain and promote sustainable agricultural and organic farming techniques and to discourage the use of toxic pesticides or other toxic chemicals and the inappropriate application of fertilizers.

4.1.5 The use of genetically engineered seeds or plants is strongly discouraged in order to protect the genetic integrity of food and crops and other plants growing on the island.

4.1.6 The use of chemicals or farming methods that can result in the contamination of the soil, other organisms, groundwater or surface water is strongly discouraged.

4.1.7 Agriculture that utilizes rainwater for irrigation, practices water conservation and protects water quality is encouraged.

4.2 Forestry

Background:

Hornby Island was logged extensively up until the middle of the last century and most forested areas now consist of recovering second and third growth with some stands of old growth and scattered veteran trees. Most privately-owned forest is in relatively small holdings. The cost of transporting logs over two ferries to an off-island market (and conversely bringing wood products to the island) can make the provision of wood products for on-island use a natural focus for forestry activity. Sustainable forest management has been described as "forest management regimes that maintain the productive and renewal capacities, as well as the genetic, species and ecological diversity of forest ecosystems." In addition, it is important to protect indigenous culturally modified trees.

Area

All areas below the natural boundary of Hornby Island within the Hornby Island Local Trust Area are subject to the following objectives and policies.

Objective:

The objective of this subsection is to ensure all forestry is carried out in a way that protects ecological values and sustains the resource.

Policies:

4.2.1 Logging on steep slopes such as those identified on Schedule F (Hazardous Areas Map) on private lands (not subject to the Private Managed Forest Land Act) should be strongly discouraged and regulated by the appropriate authority.

4.2.2 Cutting of forest land that leaves large openings is considered inappropriate except when agricultural land is being cleared in accordance with a plan for farming the land.

4.2.3 Industrial scale logging is considered inappropriate for Hornby Island.

4.2.4 Maintaining buffers on all forested lots is encouraged to minimize the impacts of blow down, drainage alteration and other negative impacts on adjacent lots and to maintain connectivity of forest ecosystems.

4.2.5 The Local Trust Committee should assist landowners in achieving the objectives of this section by making information available on forest stewardship and sustainable management.

Advocacy Policies

4.2.6 The need for local firewood supplies is acknowledged and the careful management of firewood harvesting in order to improve the forest resource should be encouraged.

4.2.7 Low-impact sustainable forestry that maintains the essential forest cover and bio-diversity values is supported.

4.2.8 Owners of forested land are encouraged to ensure that forestry activities do not significantly alter natural drainage patterns.

4.2.9 The Ministry of Forests and Range is encouraged to consider the objectives and policies of this Official Community Plan and the policies of the Islands Trust Policy Statement in recognition of Hornby Island's location within the Island Trust Area and should be requested to:

a) promote management practices that ensure the protection of native biodiversity, valued environmental features and groundwater recharge areas; and

b) encourage management plans that involve the maintenance of continuous tree cover and that use native species in planting programs.

4.2.10 The extensive planting of non-native species for silviculture is strongly discouraged.

4.3 Mariculture

Background:

The relatively unpolluted water surrounding Hornby make it an attractive area for aquaculture. The alienation of areas for commercial operations can conflict with the interests of residents, the visiting public and boaters requiring anchorage. There is also concern about impacts upon the natural ecology of largescale or intensive operations or of a large proportion of the foreshore used for mariculture. In 2009 the assessment rolls listed six aquaculture operations on the Island.

NOTE: Responsibility for the regulation and licensing of aquaculture in British Columbia is shared by a number of Provincial and Federal Agencies. The Local Trust Committee is committed to working cooperatively with other agencies to address situations where First Nations' interests in aquaculture may be affected.

Area

All areas below the natural boundary of Hornby Island within the Hornby Island Local Trust Area are subject to the following objective and policies.

Objectives:

The objectives of this subsection are:

(1) to ensure the negative impact of commercial mariculture uses on the upland owners is minimized;

(2) to ensure maximum protection of the foreshore and of the native life forms inhabiting it;

(3) to support low impact mariculture operations; and

(4) to ensure commercial use of marine resources does not pollute the foreshore and surrounding waters, nor preclude the use or enjoyment of the shoreline by the public or upland property owners.

(5) To respect Indigenous mariculture licenses and options for licenses with the DFO, within the context of the first four objectives.

Policies:

4.3.1 Fish farms such as finfish net pen aquaculture operations should not be permitted.

4.3.2 Intensive mariculture, nori farms and long-line oyster culture requiring floats, buildings and structures should not be permitted in front of residential neighbourhoods of Sandpiper, Whaling Station Bay and Galleon Beach.

4.3.3

4.3.4 All new mariculture sites, including bottom culture, should be subject to redesignation, rezoning and subsequent regulations.

4.3.5 The areas from Collishaw Point Ford Cove has potentially suitable biophysical conditions and proposals for Mariculture use may be considered by the Local Trust Committee upon application for rezoning

4.3.5 Rezoning for mariculture should only be considered after there has been a review of the coastal area to identify significant and representative ecosystems, species, habitat and features, and the measures required to protect them such as processes required under the *Canadian Environmental Assessment Act* (CEAA).

4.3.6 Mariculture operations should be regulated to ensure that a 2 metre (7 ft.) leave space is retained for public enjoyment of the beaches.

Advocacy Policies

4.3.7 The Ministry of Forests, Lands and Natural Resource Operations is requested to prohibit:

a) mariculture in areas fronting provincial parks, regional parks or nature reserves; and

b) tenure in areas which have been used traditionally as moorage for local vessels or for landing of sea planes.

4.3.8 The Ministry of Forests, Lands and Natural Resource Operations is requested to:

a) ensure that mariculture operations are restricted to below the 2 metre (7 feet.) tideline and that adequate space is retained between lease areas to ensure public access to the shoreline;

b) consider the policies contained in this subsection relating to the location of new lease areas whenever it is considering the renewal of existing lease areas, and

c) monitor the impact of mariculture on other marine resources.

4.3.9 The Ministry of Forests, Lands and Natural Resource Operations, the Ministry of Agriculture and the federal Department of Fisheries and Oceans are requested to ensure that areas of natural occurrence of oysters and clams are available for public use and remain free of private or commercial leases.

4.3.10 The Ministry of Forests, Lands and Natural Resource Operations is requested to provide an assessment of potential environmental impacts, such as processes required under the *Canadian Environmental Assessment Act* (CEEA), prior to any proposal for additional mariculture tenures being considered by the Local Trust Committee.

4.3.11 The Ministry of Agriculture is requested to encourage development of new technology in shellfish production techniques that minimize use of structures.

SECTION V — OBJECTIVES AND POLICIES FOR A SUSTAINABLE INFRASTRUCTURE

This section reflects the concern that environmental considerations be applied to all settlement activities on the Island. The concept of sustainability is fundamental to decisions on the level and characteristics of services. The responsibility for regulating and monitoring the effect of providing services is commonly shared between government agencies and the Local Trust Committee. Issues addressed include transportation, water supply, waste disposal and energy.

5.2 Water Supply Protection Areas

Background

The Whaling Station Bay Improvement District owns and operates a water collection system that provides water to about 35 property owners in the Whaling Station Bay area. There are public wells (some of them now disused) located on public land at Greasy Point, Sollans Road, Anderson Drive (two) and Jarrow Road. There is also a public well within Tribune Bay Provincial Park that is now capped. The Sollans Road public well is held and maintained as a crown land lease area by HIRRA. The lease was granted after consultation with K'omoks First Nation.

Area

All areas identified as a Water Supply Protection Area (WSPA) on Schedule B (Map Designations) are subject to the following objectives and policies.

Objective:

The objective of this subsection is to protect the Whaling Station Bay water collection system and other existing public wells as present or future sources of community water supply.

Policies:

5.2.1 Lot A Plan 19879 Section 9, owned by Whaling Station Bay Improvement District is designated as a Water Supply Protection Area to ensure its protection as a site specific water supply zone and land uses on this lot should be restricted by regulation.

5.2.2 Land uses on properties within the catchment area of this water supply system may be restricted by regulation or covenant to protect the water resource on the basis of a professional hydrological study.

5.2.3 Land uses on or near parcels containing public wells should be regulated to ensure protection of the water source.

5.2.4 Where indicated by a professional hydrological study, land uses on adjacent properties may be restricted by regulations or covenant to protect the water source.

5.2.5 The establishment of additional public wells in appropriate inland locations should be considered; parcels containing new public wells should be added to this designation.

Advocacy Policy

5.2.6 Public wells are subject to requirements of the *Water Act* and other provincial legislation such as the *BC Drinking Water Protection Act* and regulations. Designated purveyors or other agencies

responsible for such wells must comply with provincial regulations and should protect the well head, ensure regular maintenance and testing of the well, post the test results and monitor draw down and water availability, or enter into an agreement with a community organization to carry out this work.

5.2.7 Agencies with jurisdiction over land parcels containing wells are encouraged to seal wells that are no longer being used or maintained.

6.2 Community Service Use

Background:

An island community isolated by two ferries from any major centre requires a degree of self-sufficiency in the provision of public services.

The community is fortunate to have a large area of Crown land in the central part of the island and most community services are located in this vicinity. School District #71 owns the land on which the Community School, "Room to Grow" and the Preschool are located. The Hornby Island Residents' and Ratepayers' Association owns the land on which the Community Hall, Union Bay Credit union-Hornby Branch, Art Centre, the Teen Centre, the "Kitchen", and the RCMP office are located; the Fire Hall is on land owned by the Comox Valley Regional District; New Horizons Centre (including the Public Library), The Community Health Care Centre, including the new medical clinic and the Athletic Association facilities are all on leased Crown land.

The areas previously designated "light industrial" land are now included in the "community service use" areas which could provide for future public institutions and community trades and services. The community will continue to work with the Ministry of Forests, Lands and Natural Resource Operations to identify the best uses of this area. The land in this designation is in a groundwater recharge area upslope from a residential area and, therefore, requires careful development and use.

A 10 hectare portion of the land zoned 'Community Service Use' fronting on both Central Road and Sollans Road is under discussion as part of the land claims negotiation with the K'omoks First Nation.

Area

The areas identified on Schedule B (Map Designations) as COM (Community Service Use) and other areas where noted in policy are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to ensure that the central community service lands are managed as an integrated unit for the benefit of the community as a whole;

(2) to protect the groundwater resource from degradation for purpose of water supply;

(3) to design development to accommodate anticipated traffic and parking needs,

(4) to encourage the clustering of public buildings in this area ;

(5) to encourage the sharing of utilities such as parking, sewage and grey water systems, vehicle access, and water supply;

(6) to encourage the continued use of building styles, materials, landscaping and the retention of treed areas which are in keeping with the rural landscape;

(7) to ensure that there is ample sewage treatment and water supply for the anticipated uses;

(8) to use community resources efficiently and to allow for development of community facilities as needed;

(9) to ensure that the existing community use and service areas are maintained;

(10) to recognize the importance of keeping long-term residents of the island within the community by enabling community housing; and

(11) to support community acquisition or lease of parcels of Crown lands in this area that may be required to provide public services.

Policies:

6.2.1 A Community Trades and Services Area, intended as an area where multiple businesses or other facilities for the creation of artisan products and the provision of services such as personal, business, food preparation, repair and professional services has been designated as Community Service Use Development Permit Area No. 2 as shown on Schedule E and will be regulated by development permit and land use bylaw regulations.

6.2.2 All land within the community service use designation and public utilities and services designation directly north of the GW/EPA designation on Schedule B is designated as part of Water Resource Protection Development Permit Area No.3 for the purpose of protecting the groundwater resource on Schedule E. A development permit will be required for any new development that involves: significant water use, sewage and grey water treatment, alteration of the land or vegetation, or use of potential contaminants, including residential, commercial, industrial or trades and service developments, new recreational or service facilities such as a swimming pool or fire hall and road building.

6.2.3 Community facilities, such as schools and recreational facilities should continue to be clustered in the central area near the Community Hall.

6.2.4 Fire protection, clinic, ambulance and other public services should continue to be located centrally.

6.2.5 The Royal Canadian Mounted Police should continue to be located in a central location, and should be requested to provide a structure in character with other public buildings on the island.

6.2.6 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 land use bylaw regulations. Other residences should only be permitted for the purpose of accommodating a caretaker or operator.

6.2.7 Limited commercial activities such as a farmers' market for locally-produced foods and goods; community arts facility or a credit union, preferably operated under the jurisdiction of a community non-profit society, should be permitted on community service use lands subject to adequate offstreet parking being provided and should be addressed through land use bylaw regulations.

6.2.8 Member use services provided non-commercially, such as community kitchens, gardens, public showers and laundry facilities should be permitted.

6.2.10 Signage and lighting should be regulated by bylaw to ensure maintenance of the rural landscape.

6.2.11 All buildings should be finished in natural products such as wood, stucco, stone or brick or other materials that would fit in with the ambience of the community and neighbourhood; roofing materials that are appropriate for water catchment may be utilized.

6.2.12 Off-road signage and lighting should be regulated to provide a safe environment in keeping with the rural landscape.

6.2.13 The Crown land parcel containing the gravel pit on Central Road should be considered for a mix of community service uses should this land no longer be required for use by the Ministry of Transportation and Infrastructure or subject to a final Treaty agreement.

6.2.14 As much as possible, natural forest vegetation should be retained or re-established throughout this area.

Advocacy Policies

6.2.15 Organizations involved in administering and using property in the area designated for "community service use" are encouraged to work together to develop a master plan for future facilities and uses in this area.

6.2.16 Ministry of Forests, Lands and Natural Resource Operations 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;
c) retain this land in public community management; and
d) ensure public access to the Crown land is maintained.

6.2.17 The Ministry of Transportation and Infrastructure and Ministry of Forests, Lands and Natural Resource Operations are requested to make available for public use any unused portion of the gravel pit parcel on Central Road (and the whole of the remaining parcel when this is no longer required for gravel extraction).

6.2.18 The provision of facilities for junior and senior high school students is supported.

6.2.19 School District #71 is encouraged to make all educational facilities available for use by the whole community.

6.2.20 Availability of facilities such as the school and hall for a variety of functions is encouraged.

6.2.21 The acquisition of land in this area by a community land trust, in the context of an overall master plan is supported.

6.2.22 Studies that provide additional data on the groundwater and catchment flow system in this area is supported.

6.3.3 Rural Residential

Background:

The Rural Residential designations are intended to promote the retention of large parcels of land, while still providing an opportunity for cooperative land sharing. These rural residential areas are intended to maintain rural aesthetic appeal while permitting home occupation and minimizing the impacts on surrounding land parcels.

In the previous Plan the Rural Residential designation was further divided into a Large Lot Residential designation that was used to identify properties that could be subdivided if there were two long-standing homes built and the owners were owners in common prior to 1991, and a Large Lot Residential/Water Resource Protection Area on a 6.5 acre parcel where one additional lot could be created and it was so designated to recognize its role in community water supply. The K'omoks First Nation has pending ownership of 10.6 hectares of land between Sollans Road and Carmichael Road (excluding the public well leased owned by HRRA.

The retention of large parcels is now considered a primary objective. Property owners had the opportunity to resolve joint ownership issues in the past and it is now considered appropriate that the primary objective be to retain the large lots. Some options may still be available to allow subdivision in those situations of lots owned as tenants in common.

Area

The areas identified on Schedule B (Map Designations) as RR (Rural Residential) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to promote retention of large parcels of land and existing densities;

(2) to provide some limited opportunity for land sharing without encouraging subdivision;

(3) to enable some residents to resolve existing land sharing challenges; and

(4) to allow for a wide diversity of home occupations subject to regulations which ensure maintenance of the rural residential character of the areas designated rural residential and to ensure minimal negative impact on neighbouring properties.

Policies:

6.3.3.1 For subdivision of properties in the Rural Residential designation where two dwellings are permitted, a minimum lot size of one hectare (2.5 acres) should be maintained with no more than one dwelling per lot. A lot size less than one hectare may be considered if the subdivision is for the purpose of creating park, ecological reserve, community land trust or other community service use.

6.3.3.2 Exceptions to policy 6.3.3.1 may apply on property described as Lot 10, Plan 48077 designated large Lot Residential / Water Supply Protection Area in the previous plan, a minimum lot size of 0.4047 hectare (1 acre) with an average lot size of one hectare (2.47 acres) may be considered for subdivision.

6.3.3.3 The principal use in this category should be residential with any accessory uses consistent with the residential character.

6.3.3.4 Only one dwelling unit should be permitted on parcels smaller than 3.5 hectares (8.75 acres) and a maximum of two dwellings should be permitted on lots 3.5 hectares (8.75 acres) or greater.

6.3.3.5 Home occupations may be permitted but should be limited to those having little impact on the rural residential character of the area and its environmental qualities.

6.3.3.6 Bed and Breakfasts and vacation home rentals should only be permitted if the number of guests does not exceed the design capacity of the sewage treatment system.

6.3.3.7 Public access to the existing trail system should be secured wherever possible through dedication, covenant or easement.

6.3.3.8 New road development in association with subdivision in this designation is discouraged and the use of road allowances developed as public trails to provide vehicle access to lots created by subdivision in this designation is not supported.

6.3.3.9 The use of water catchment and storage systems should be particularly encouraged where Bed and Breakfast home occupations and vacation home rentals are taking place.

6.3.4 Forest

Background:

Land in this category has high scenic, aesthetic and ecological value and includes some of Hornby's highly visible elevated land. It is made up of important forested water catchment areas and areas of very steep slope (which are identified on schedule F).

There are many long established and well-used trails enabling public enjoyment of the forest landscape and the scenic viewpoints on the escarpments. Potential for land slippage exists in the steeply sloping areas, evidenced by the closure of the shoreline road from Ford Cove to Shingle Spit due to persistent slides. Public access for recreation is of prime importance to the community. The uniqueness of these areas is intended to be preserved while allowing residential use. Because these areas are vital for water catchment, ground disturbance should be minimized and forest cover retained in order to protect the groundwater recharge function. The whole of the west side of Mt. Geoffrey, known as The Bench, is a slump area particularly vulnerable to earthquake activity.

Area

The areas identified on Schedule B (Map Designations) as F (Forest) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are to:

(1) preserve scenic, aesthetic, ecological values, including evidence of indigenous occupation, such as culturally modified trees values;

(2) minimize ground disturbance and retain forest cover in order to protect water catchment areas;

(3) preserve traditional public trail access through forested areas especially to escarpment view points;

(4) promote retention of large parcels of land;

(5) provide some limited opportunity for land sharing without encouraging subdivision,

(6) maintain the visual quality of the residential neighbourhoods; and

(7) allow for a wide diversity of home occupations subject to regulations which ensure maintenance of the rural residential character of the areas designated Rural Residential and to ensure minimal negative impact on neighbouring properties.

Deleted: and

Deleted:

Policies:

Policies in subsections 6.1 and 6.3.1 apply to this subsection.

6.3.4.1 For any subdivision of properties in the Forest designation, an average lot size of 16 hectares (40 acres) should be maintained, with a minimum lot size of four hectares (10 acres) when subdivision averaging takes place unless the subdivision is for the purpose of creating a park, ecological reserve, other community service use or a community land trust.

6.3.4.2 Residential use of land should be permitted in the Forest designation.

6.3.4.3 Only one dwelling unit should be permitted per parcel and two dwellings if the parcel is over four hectares (10 acres).

6.3.4.4 Setbacks of buildings and uses from cliff edges and retention of vegetation should be required to protect the slopes from erosion.

6.3.4.5 Home occupations may be permitted subject to land use bylaw regulations and should be limited to those types having a low impact on the natural forested character of the area or other environmental qualities.

6.3.4.6 Public access to the existing trail system should be secured wherever possible through dedication, covenant or easement.

6.4 Agriculture

6.4.1 Agriculture

Background:

The early European settlers of Hornby Island included agriculture as a primary occupation. Indigenous peoples cultivated camas beds and cleared land to grow food through prescribed burns However by 2009 the Assessment Authority listed 190 parcels with an agricultural assessment. Many of the largest holdings with good soil have now been subdivided or are vacant. Residential uses of agricultural land has increased pressure for subdivision. Small-scale farming operations serving primarily local needs are prevalent.

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Policies in this section refer to the use of any land for agriculture and do not necessarily deal with issues of preserving land in the Agricultural Land Reserve. Section 6.4.2 of this Plan contains policies on the preservation of the Agricultural Land Reserve which is considered a natural resource of the Island. Land Use Bylaws in Agricultural areas have a traditionally established a minimum subdivision potential of 16 hectares (39.5 acres) or greater unless otherwise noted.

Agriculture on Hornby has been declining and many prime agricultural regions have previously been subdivided or are not being actively farmed.

Area

The areas identified on Schedule B (Map Designations) as AG (Agriculture) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to support continuing agricultural use of land and associated activities;
(2) to ensure that the use of land in the Agricultural designation does not compromise the capability of the land for future food production;
(3) to encourage retention of large parcels of land for agriculture; and
(4) to ensure agricultural practices do not cause contamination of the groundwater resource.

Policies:

Policies in subsection 6.1 apply to this subsection.

6.4.1.1 For any subdivision of properties designated Agriculture a minimum parcel size of 16 hectares (39.5 acres) should be.

6.4.1.2 The principal uses in this designation should be agriculture and residential.

6.4.1.3 One dwelling (which may contain a secondary suite) may be permitted on lots smaller than 3.5 hectares (8.6 acres).

6.4.1.4 On parcels 3.5 hectares (8.6 acres) or greater the following should be permitted:

a) one dwelling with a secondary suite within the dwelling; or
b) two dwellings, with the second dwelling limited in size, and if the land is in the Agricultural Land Reserve the second dwelling should only be permitted if the second dwelling is necessary for farm use as determined by the Local Trust Committee in consultation with a Provincial Regional Agrologist and is otherwise consistent with the Agricultural Land Reserve related enactments; or if authorized as a non-farm use by the Agricultural Land Commission.

6.4.1.5 Home occupations which do not impinge upon the principal farm use and which will not cause any degradation of the land nor reduce its capability for agricultural production should be permitted, subject to bylaw regulations and should comply with Agricultural Land Commission regulations where applicable.

6.4.1.6 All agricultural activities should be conducted in accordance with the Agriculture Waste Control Regulation, *Waste Management Act*, the *Farm Practices Protection (Right to Farm) Act* and the *Health Act* administered by the Vancouver Island Health Authority.

6.4.1.7 Commercial land-based aquaculture operations should be regulated by zoning. Before any application for a rezoning to allow upland aquaculture (using freshwater or saltwater ponds or tanks) are be considered, a site specific analysis of the potential impacts of water consumption, waste disposal, drainage or potential spills on the surrounding land and upon surface water and groundwater may be required.(See Section 7.3)

Advocacy Policy

6.4.1.8 The spreading of agricultural waste should be regulated such that water courses or groundwater resources are not contaminated.

6.4.2 Additional Policies for Land in the Agricultural Land Reserve

Background:

Agriculture is the customary Settler land-based economic activity of Hornby Island. There are about 824 hectares (2060 acres), 27% of the land base, in the Agricultural Land Reserve, and subject to the Agricultural Land Commission Act, which was intended to preserve land with agricultural potential to provide a secure source of food for the future residents of the Province. Farming is encouraged in parcels within the Reserve and non-farming use is regulated by the Commission.

There are 102 parcels on Hornby located within the Land Reserve. The average area of these parcels is 7.2 hectares (18 acres). This land is of high to medium capability for agriculture and is reserved for present or future production. Schedule C, the land status map, identifies land in the Agricultural Land Reserve and Schedule B, the land use designation map, shows land used primarily for agriculture, most Agricultural Land Reserve land falls in that category.

Area

The areas identified on Schedule B (Map Designations) as AG (Agriculture) and lands within the Agricultural Land Reserve are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to retain land with potential for agriculture;

(2) to ensure that agricultural land in the land reserve is not degraded; and

(3) to enable accessory uses that are compatible with farming and the preservation of agricultural land.

Policies:

6.4.2.1 The retention of the Agricultural Land Reserve and the Agricultural Land Commission to protect against the loss of the potential for self-sufficiency in agricultural production in the Province of British Columbia is supported.

6.4.2.2 Land designated agricultural which is proposed for non-agricultural uses deemed to be in the public interest by both the Agricultural Land Commission and the Local Trust Committee may be considered for rezoning and for removal from the Reserve, the latter being preferred if other land of comparable or better agricultural potential being added to the Reserve.

6.4.2.3 The minimum parcel size within the Agricultural Land Reserve designation should be 16 hectares (39.5 acres) but smaller lots may be created where a portion of a parcel has been leased to another farm operation for at least the five previous consecutive years and such subdivision is approved by the Agricultural Land Commission.

6.4.2.4 To support existing agricultural operations, accessory uses should be permitted where such uses do not impinge on the principal farm use and will not degrade the land nor reduce its capability for agricultural production, provided such uses are authorized by the *Agricultural Land Commission Act*.

6.4.2.5 Temporary non-agricultural uses of existing buildings on agricultural land involving no impact upon the land itself or the principal farm use, may be considered upon application for a Temporary Use Permit which may include specific conditions to address impacts such as noise, parking, water, supply and waste disposal.

6.4.2.6 Uses should be regulated in buffer areas on properties adjacent to land in the Agricultural Land Reserve to minimize any adverse impacts.

6.4.2.7 Soil removal except for purposes of improving the agricultural soil resource on Agricultural Land Reserve lands subject to provisions of the *Agricultural Land Commission Act* should not be permitted.

6.4.2.8 The processing and sale of farm products together with the retailing of some off-farm products as authorized by the Agricultural Land Commission should be permitted.

6.4.2.9 Farm Use as defined by the Agricultural Land Reserve Use, Subdivision and Procedure Regulation is permitted within the Agricultural Land Reserve and may be regulated by land use bylaw.

6.4.2.10 Education and research facilities except schools under the *School Act*, should be permitted, provided that the buildings and structures necessary for education and research do not exceed 100 m^2 on any parcel.

Advocacy Policies

6.4.2.11 The Ministry of Energy, Mines and Petroleum Resources is requested to ensure there is no extraction of gravel in areas designated agricultural.

6.5.2 Visitor Accommodations and Tourism

Background:

Hornby Island has become widely known for its scenery, recreational opportunities, ambience, and locally created crafts and art. The island's increasing popularity as a summer destination has made tourism both a key component of the local economy and a cause for concern because of its impacts. Island services, such as ferries, roads and the recycling depot, become heavily loaded in the summer. Fragile ecosystems are susceptible to degradation. The greatest demand for water is generated at the time of declining groundwater availability while the adequacy of existing systems to handle the volume of sewage and grey

water is questionable. The large influx of people can be stressful to a small community and can present safety and law enforcement problems.

This creates the challenge of providing visitor accommodation in a manner and at a level that caters to visitors and provides much-needed employment while protecting the Island's environment, sustaining its resources and amenities and preserving the ambiance and character of the community.

Unsupervised and unserviced camping is not considered desirable because of the impact on quiet residential or rural neighbourhoods, the risk of fire, and because public services are not readily available. The provision of such facilities as public washrooms and waste disposal sites could place a burden on the available water supply and thereby threaten the availability of those resources for use by the local community population. Currently, the Island is supplied with visitor accommodations in the form of five campgrounds, three resorts with rental cabins and a restaurant, and several Bed and Breakfasts. Shortterm rental of residential units has been a long-standing means of providing visitor accommodation, but there is also concern about impacts, both in neighbourhoods and cumulatively. One existing property, Lot A Plan 38493 Section 13, known as "Bradadadslands", is designated rural residential but has a historical legal non-conforming use as a campground. This use would cease to be lawfully non-conforming if it is discontinued for more than 6 months during its regular seasonal use. As with any other property, legal and conforming campground use for this property could only be considered upon application for redesignation and rezoning.

The Wheiing Station Bay/Anderson Drive area and other small lot areas have been identified as having ground water supply problems due to density of development and vulnerability of the aquifer. Limiting occupancy for any visitor accommodations (e.g. Bed and Breakfasts) to levels of an average household size (four persons according to Statistics Canada) may help address such water supply issues.

Area

This areas identified on Schedule B (Map Designations) as VA (Visitor Accommodation) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to provide an appropriate range of accommodation for visitors without incurring undue cost to the local taxpayers in providing basic facilities for visitors.

Policies:

6.5.2.1 Accommodation for visitors should be environmentally sensitive, small-scale and low density respectful of indigenous historical occupation and may be dispersed around the Island. Convention centers or multi-room hotels should not be permitted.

6.5.2.2 "Destination resort" type development, designed to draw large numbers of tourists at one time, is considered inappropriate on Hornby Island and should not be permitted.

6.5.2.3 Applicants for visitor accommodation zoning should provide an impact assessment report, as defined in 7.3.1(f), to demonstrate that there is sufficient available water supply (including utilizing rainwater catchment and storage systems), effective and approved sewage and grey water treatment, waste disposal capability and adequate provision for parking to serve the business and clientele both at the time of application and at ultimate projected growth levels. A hydrological study may be required in situations where there is reason to be concerned about impacts upon the groundwater resource.

6.5.2.4 Campgrounds and other tourist facilities should be permitted only by rezoning. Only campgrounds without individual hook-up of power and water services are considered appropriate.

6.5.2.5 Visitor accommodation may be considered in the following situations if enabled by other policies of this Plan:

a) Small resorts, hostels, lodges, cabins and camping facilities, guest houses or vacation home rentals on non-Agricultural Land Reserve land; and

b) vacation home rentals and agri-tourism accommodation on Agricultural Land Reserve Land in accordance with Agricultural Land Reserve policy and regulations if zoning allows such a use.

6.5.2.6 Small-scale Bed and Breakfasts should be permitted as a home occupation and should be regulated to ensure that the residential character of the site is maintained and that there is sufficient provision for parking, water supply and approved waste disposal and minimal impact on adjacent properties.

6.5.2.7 Due to the limited availability of restaurants at certain times of the year Bed and Breakfasts may be allowed to provide a full complement of meals to overnight guests only, subject to Vancouver Island Health Authority standards for water supply, food preparation and waste disposal.

Advocacy Policies

6.5.2.8 Rainwater catchment and storage systems and water conservation are encouraged for all types of visitor accommodation.

6.5.2.9 New developments and promoted events are encouraged to focus upon year-round and off- season activity rather than upon attracting more visitors during the summer peak season.

6.5.2.10 A position of "welcome with information" to tourism use of the island is encouraged as a means to inform visiting tourists about best practices when visiting the island.

6.5.2.11 Information provided to visitors should emphasize the fragility of the environment, the limited resources (particularly the need to conserve water) and the appropriateness to the island of low impact recreational activities.

6.5.2.12 Toilet facilities at beaches and the provision of safe fresh water from community wells is supported for the use of visitors to the island.

6.5.2.13 The RCMP is requested to provide adequate policing on the island particularly in the summer months to address issues of safety and public disturbance.

6.5.3 Vacation Home Rental

Background

Given the island's increasing popularity as a summer destination, there has been increasing demand for visitor accommodation and a tradition has been established of some home owners renting their cottages or homes for short periods of time predominantly during the summer months.

Property owners benefit from the opportunity to raise funds whether to assist with property costs or as a means to augment income while retaining their residence for its primary residential use for most of the year. Visitors benefit from a range of accommodation options to experience the island's environment and amenities. The community benefits from the economic inputs from these visitors.

Area

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

1) to allow vacation home rental use while ensuring that the residential use of property and its residential character are retained; and
2) to address potential impacts of vacation home rentals.

Policies:

6.5.3.1 Where a dwelling is permitted on a parcel by the land use regulations, the rental of that dwelling as a vacation home rental should be permitted in the zoning regulations:

a) provided that the owner or tenant of the parcel is ordinarily resident on the property and the vacation home rental use is occurring during the temporary absence of the owner or tenant; or

b) where the owner or a residential tenant of the parcel resides seasonally in the dwelling and the vacation home rental use is occurring during the absence of the owner or tenant; or

c) where the owner or residential tenant is residing in another lawful dwelling on the property while the vacation home rental is occurring

6.5.3.2 Vacation home rental use should be subject to regulations which:

a) require a level of continuous occupancy that allows visitors to experience and develop an awareness of the local community and Hornby Island in general through a vacation experience;

b) limit the portion of year that a vacation home rental use may be in operation so as to ensure that the residential use of the property is retained;

c) limit the total number of bedrooms and beds which may be accommodated based on the area of the lot on which the dwelling is located so as to ensure that the scale of vacation home rental occupancy does not exceed what might otherwise be accommodated by normal residential use;

d) require adequate off-street parking spaces to limit vehicle crowding on public roadways;

e) ensure that the residential appearance and character of a property is not altered by the vacation home rental use; and

f) require that accommodation be within the permitted dwelling and prohibit camping or use of tents or recreational vehicles for vacation home rental use.

6.5.3.3 Owners of vacation home rentals, especially those located in the Whaling Station Bay/Anderson Drive area and other small lot areas are strongly encouraged to minimize impacts upon groundwater resources by:

a) utilizing a rainwater catchment and storage system;

b) installing water-saving fixtures; and

c) providing information about water conservation practices to all guests.

6.5.3.4 Vacation home rentals that do not comply with limitations imposed by land use regulations may be considered upon application for Temporary Use Permit.

6.5.3.5 Owners of vacation home rentals are encouraged to form an association to establish bylaws or best practices that would be required of all members in good standing and to consider informing owners, visitors and other interested persons of Local Trust Committee regulations. Any such association is encouraged to augment such regulations with other requirements that would assist

in resolution of any potential issues that may arise such as requiring on-island contact information of association members or managers who could respond in a timely manner to neighbourhood issues.

6.5.3.6 Owners of vacation home rentals are encouraged, in the absence of any association membership, to provide contact information to visitors and neighbours and to provide timely response to issues that may be presented to them in relation to the vacation home rental use.

6.5.3.7 The Local Trust Committee should monitor the rate of use of vacation home rental development and be satisfied that such use is not increasing the commercial use of the housing stock so as to effectively displace the ability to provide residential housing.

6.5.3.9 The Local Trust Committee should consider reviewing with the community the regulations for vacation home rentals in 2017.

6.5.4 Commercial/Residential General

Background

The Fords Cove area contains three properties that have in recent history been zoned for broad range of commercial uses, ranging from retail to resort use. The properties are not generally used for these commercial purposes at the present time and the zoning reflects a historical circumstance. The current owners have secured the properties with the commercial zoning, generally use their properties for residential purposes and may be reluctant to relinquish the commercial zoning unless it is done in a fair manner and is equitably applied to all affected landowners. The Local Trust Committee also faces the challenge of seeking to balance the needs of the larger community regarding commercial land use and that of the individual property owners and to also think of the needs of future generations.

Area

The areas identified on Schedule B (Map Designations) as CRG (Commercial/Residential General) are subject to the following objectives and policies.

Objectives

The objectives of this subsection are:

(1) to recognize the historical commercial zoning of this area; and

(2) to encourage residential land use for this area with limited or no commercial use in consultation with all of the affected land owners.

Policies

6.5.4.1 Zoning regulations should allow for residential use and limited retail and personal service or visitor accommodation.

6.5.4.2 An increased density of residential development may be considered if other commercial land uses currently permitted by zoning are removed from the list of permitted uses in the zone applicable to this area or from a particular property that is subject to the rezoning application.

6.6 Recreational

6.6.1 Outdoor Recreation

Background:

Most of the outdoor recreation opportunity is provided by the natural features of Hornby: the coastal waters, shoreline areas and the forested interior accessed through a long-established system of trails. The island

Deleted: traditional

is endowed with a rich variety of recreation options—from kayaking, sailing or scube diving off shore, hiking, biking or riding on Mount Geoffrey, strolling along the trails of Helliwell, to relaxing on Tribune Bay's beaches. In addition to the Provincial and Regional Parks and properties under Ministry of Transportation and Infrastructure jurisdiction noted in subsection 3.3.12, the Community School playing field and the Joe King Park (Hornby Island Athletic Association) also provide opportunities for outdoor recreation.

In 2010 the Ministry of Transportation and Infrastructure divested beach access parks at Sandpiper, Hidden Beach, Grassy Point and Clamshell Place to the Comox Valley Regional District. The Hornby Island Residents and Ratepayer's Association is under contract with the regional district to manage these beach access parks.

Area

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to retain the established accesses to shoreline, beach areas, crown land, trails, parks, and viewpoints; and

(2) to ensure that outdoor activities are compatible with the natural environment and with the rural ambience of a small island.

Policies:

6.6.1.1 Present public accesses to the waterfront and Crown land, as shown on the Schedule C, should be continued and maintained in a safe condition and additional accesses should be obtained, where possible, as park at time of subdivision, or rezoning.

6.6.1.2 No activities that would restrict public access to or across the beaches should be permitted.

6.6.1.3 Overnight parking or camping on public land or beaches should be discouraged for health and fire protection reasons.

6.6.1.4 Viewpoints and access to them should be protected in any way possible.

6.6.1.5 Outdoor recreation activities that pose a threat to the environment or to public enjoyment of public amenities should not be permitted.

Advocacy Policies

6.6.1.6 The Ministry of Transportation and Infrastructure is requested to:

a) maintain and sign public accesses;
b) ensure that they are not used for camping, overnight parking or obstructed by adjacent land owners;
c) where required and formally requested by the community, construct and maintain safe steps made from natural materials such as stone and wood to access public beach areas;
d) prevent unauthorized encroachment upon or disturbance of these areas (such as structures, tree cutting, garbage dumping or obstruction of access);
e) support local stewardship arrangements for the water accesses and allowances not in use for roads.

6.6.1.7 Motorized outdoor recreation activities on the land, on the water adjacent to the shoreline and in the air above or adjacent to the island are not considered appropriate and should be discouraged or restricted by bylaw where such restrictions can be enacted.

6.6.1.6 Organizers of outdoor recreation activities or events should ensure that these do not unduly interfere with the public access and enjoyment of the land and should provide adequate toilet facilities that comply with Provincial regulations.

6.6.1.9 Activities that have little or no impact upon the environment are considered preferable forms of outdoor recreation.

6.6.1.10 Initiatives to educate the public to prevent damage of natural features should be developed and supported.

6.6.1.11 The landing of seaplanes and helicopters in parks or public swimming areas should be discouraged.

ADOPTED

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting:	**Friday, May 28, 2021**
Location:	**By Zoom**
APC Members Present:	**Wendy Burton, Chair** **Daniel Siegel, Vice-Chair** **Joanne Ovitsland, Secretary** **Christine Amabilino Hunt, Member** **Vicki Bale, Member** **Rob McCreary, Member** **Kim Fagerlund, member**
Staff Present:	**Katherine Vogt, Recorder**
Others Present:	**Sadie Chezenko, of the Hornby Island Housing Society** **Approximately one (1) members of the public**

1. CALL TO ORDER

Chair Burton called the meeting to order at 1:00 pm. She acknowledged being on the traditional territory of the Pentlatch and Kòmoks people. She expressed that the day was of significance given the discovery of the remains of many bodies buried at the Kamloops Residential School. She committed that it was her duty and responsibility to be sure that such a thing never happens again.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

- Under item 7 add discussion of Zoom versus in-person meetings going forward.

By general consent, the agenda was adopted as amended.

Chair Burton welcomed and introduced Sadie Chezenko of the Hornby Island Housing Society and members of the public.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated March 10, 2021

By general consent, the minutes were adopted.

4. BUSINESS ARISING

4.1 Warren Dingman Report on Bylaw Infractions without Fines

Chair Burton noted that Warren Dingman's list of Hornby Island bylaw infractions without corresponding fines had not yet been received; but would be forwarded to the Hornby Island Local Trust Committee (LTC) as soon as it was received, to become added to the previous Advisory Planning Commission (APC) referral recommendations package.

4.2 Hornby Island Advisory Planning Commission Terms of Appointment

Secretary Ovitsland offered to research the terms of appointment for all APC members.

5. EXECUTIVE OFFICERS

a. Chair
Chair Burton offered to continue as Chair of the APC

b. Vice-Chair
Chair Burton noted that Vice-Chair Siegel would be shortly resigning from the APC. Member Bale offered to take on the role of Vice-Chair.

c. Secretary
Secretary Ovitsland offered to continue as secretary.

6. Discussion of Local Trust Committee March 26 Referral

Chair burton noted that the March 26, 2021 Hornby Island LTC resolution relating to the referral for the APC was confirmed as: 'that the Hornby Island Local Trust Committee request that the Advisory Planning Commission provide recommendations for Official Community Plan and Land Use Bylaw amendments with topic areas of focus: First Nations, Short Term Vacation Rentals, Housing, and the Riparian Areas Development Permit Area.'

Members discussed that further clarification from local trustees was needed to assess the scope of this new referral project.

a. Proposed order
- **i. First Nations**
- **ii. Housing**
- **iii. Short Term Rentals**
- **iv. Riparian zones**

Members agreed to the proposed order of subjects and that recommendations to the LTC could be made in increments by subject.

b. First Steps
- **i. Advisors**

Members agreed to replace the word advisor with the phrase 'resource person.'

HO-APC-2021-001
It was MOVED and SECONDED
that the following people and associations will be requested to act as or provide a resource person:

- Sadie Chezenko of the Hornby Island Housing Society
- Tony Law, for background resource documents
- Lisa Wilcox, Senior Intergovernmental Policy Advisor for the Islands Trust
- Hornby Island Residents and Ratepayers Association
- Hornby Island Community Economic Enhancement Corporation
- Hornby Island Short Term Rental Association
- Hornby Water Stewardship

CARRIED

Member Amabilino offered to contact Fred Hunt as a possible future resource person.

ii. Division of Duties
Members agreed to study those portions of the OCP relating to First Nations for discussion at the next meeting.

iii. Support from Islands Trust
Chair Burton noted that Islands Trust Planning Staff would not be available to attend future APC meetings for this referral.

7. Next Meeting Time and Adjournment

Vice-Chair Siegel announced that he would be retiring from the APC as of the end of the meeting to devote full energy to his new position as President of the Hornby Island Residents and Ratepayers Association. He acknowledged that working with the APC had been a wonderful informative experience and thanked all members.

APC members agreed to request that the vacancy created by Daniel Siegel's resignation not be filled until after the present referral was concluded based on the policy that it is not a requirement that the APC maintain seven members, only a ceiling.

It was discussed that if one computer at an in-person meeting was on Zoom, that other attendees could join in through that computer. Daniel Siegel noted that he would be researching technical aspects of including Zoom participants at in-person meetings and could share his findings with the APC. Secretary Ovitsland and Member Bale agreed to further research meeting technicalities.

It was noted that by June 15, 2021, public health orders would allow up to 50 people in congregation; but that if social distancing was a requirement, only 24 people could meet inside the Hornby Island Hall.

The next meeting time would be Wednesday, June 30, 2021 at 1:00 pm at the Hornby Island Community Hall, possibly outside of the Hall. At least 2 people would be participating by Zoom.

By general consent, the meeting was adjourned at 2:29 pm.

_____
Wendy Burton, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

ADOPTED

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting:	**Wednesday, June 30, 2021**
Location:	**Hornby island Community Hall** **4305 Central Road, Hornby Island, BC**
APC Members Present:	**Wendy Burton, Chair** **Vicki Bale, Deputy Chair** **Joanne Ovitsland, Secretary** **Christine Amabilino Hunt, Member** **Rob McCreary, Member**
Staff Present:	**Katherine Vogt, Recorder (by teleconference)**
Regrets:	**Kim Fagerlund, Member**

1. CALL TO ORDER

Chair Burton called the meeting to order at 1:03 pm. She acknowledged being on the traditional territory of the Pentlatch and K'ómoks people. She expressed gratitude that calls to action numbers 43 and 47 had been recently enacted. She welcomed members and looked forward to doing good work together.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

- Replace Item 5 with 'Trust Council Draft Policy Statement' and move item 5 forward to item 6.

By general consent, the agenda was approved as amended.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated May 28, 2021

By general consent, the minutes were adopted as presented.

4. BUSINESS ARISING

4.1 a. Resource People
Lisa Wilcox

Chair Burton noted that Lisa Wilcox, Senior Intergovernmental Policy Advisor for the Islands Trust, had offered to review the finished work of the Advisory

Planning Commission (APC) and to answer specific questions by teleconference as they arose.

Hornby Island Short Term Rental Association HISTRA)
Chair Burton noted that a member of HISTRA had been requested and would be available for future consultation.

Hornby Island Housing Society (HIHS)
Chair Burton noted that HIHS members would be available for future consultation.

Hornby Island Community Economic Enhancement Corporation (HICEEC)
Chair Burton noted that a response from HICEEC was pending.

Chair Burton added that Fred Hunt, a former Trustee, had offered to act as a resource person to the APC.

b. Clarification of Referral

Chair Burton noted that Trustee Allen recently responded that the current APC referral was to focus only on the four main subject areas:

- First Nations;
- Short Term Vacation Rentals;
- Housing; and
- Riparian Areas Development Permit Area.

Any major wording changes to the Official Community Plan (OCP) would involve public consultation, but the APC could make such recommendations.

c. Number of Appointees

Chair Burton clarified that APC membership could not fall below 5 members.

d. Correspondence from A. Allen

Chair Burton explained that in the June 4, 2021 email correspondence from Trustee Allen, which included an attached article from the Gulf Island Driftwood Newspaper of June 2, 2021 titled 'Business licensing proposed to manage STVRs,' Trustee Allen expressed some support for the possibility that business licensing on Hornby Island could level the playing field for all commercial ventures and indicated that he would bring the issue up with the Comox Valley Regional District (CVRD) in September.

5. Trust Council Draft Policy Statement

Chair Burton announced that the new Trust Council Draft Policy Statement, involving extensive consultations with First Nations, is due to receive first reading on July 8, 2021; and expressed that the language in this new Policy Statement was very relevant to the present APC referral and that, if passed, would become a significant guiding document for all Official Community Plans in the Trust jurisdiction.

6. Discussion of OCP, with reference to Indigenous Inclusion

APC members discussed areas in the Hornby Island Official Community Plan Bylaw No. 149, 2014 that needed highlighting for the future addition of references to Indigenous and/or First Nations.

Page	Current language/issue	comment
1	1.2 Purpose.	Purpose – to establish relationship with communities holding Indigenous title
2	*To preserve and protect the trust area … in cooperation with municipalities, regional districts, improvement districts, other persons and organizations …*	
2	1.4 this section proceeds from the principle of *terra nullius* (no one lives here)	
3	"Every person who owns land holds it as a temporary tenant, in trust for future generations."	
4	"Indigenous human communities have been part of this area's ecosystems as they evolved … "	
5	"Several species of groundfish are present …"	Presence or vestiges of clam beds, fish traps
6	1.7 "… in cooperation with municipalities, regional districts, improvement districts …"	In cooperation with relevant Indigenous communities
8	2.1 "a) areas of natural, scenic, historical, archaeological or scientific value"	
8	"To encourage consultation with and participation of the public in local government decisions … by appropriate agencies"	K'omoks Nation
8	"To encourage a relationship with First Nations with interests in Hornby and the surrounding waters."	Stronger word than encourage
10	2.2.1 I to vii	Add "protecting culturally relevant artifacts"
11	3.1 Objectives	Add protect signs of Indigenous occupation
12	3.1.9 "Tourism-related businesses, real estate agents and other organizations that provide information to visitors or potential owners … to include information on the legislated "preserve and protect" mandate … "	Land acknowledgement
14	Modified Ecosystems (August 2010):	Education re Indigenous artifacts, petroglyphs,

		middens. and culturally modified trees
16	Advocacy Policies	Protect sites of historical significance
17	3.2.11 and 3.2. 12	Add specific reference to Indigenous occupation and land use
18	Parks and Protected Areas Background "The K'omoks Agreement in Principle, signed by the governments of Canada, British Columbia and K'omoks First Nation in March 2012 states that a new protected area (the present vacant Crown land on Mount Geoffrey) will be established on Hornby Island and named by K'omoks."	?
18	Helliwell "There is evidence of traditional use of the Helliwell Park area by First Nations>"	elaborate
19	Objectives 1 – 4	Interpretive signage re Indigenous presence in what are now parks
20	Advocacy Policies Ministry of Environment is requested to … "continue to regularly consult to address community, conservation, aesthetics and safety concerns."	
21	3.3.12b "to establish a stewardship arrangement with an appropriate community organization, or organizations"	Specific reference to K'omoks Nation
21	3.3.16	Reference to culturally modified trees
23	A report prepared by an ad-hoc Committee of the Hornby Island Residents and Ratepayers Association "The Heart of Hornby Island – A Forest, a Watershed (2000)" reports on the mapping project … A central theme of all of this work is the protection of the land under local control."	?
28	3.7 Heritage Features	This section is missing from the OCP. See letter from Tony Law about this missing section
28	4.1 Farming "The early development of Hornby Island…"	Add dates

29	Forestry Background	Add reference to culturally modified trees and indigenous logging practices
30	Mariculture	? about Indigenous licenses or options for licenses with DFO
38	Water Supply Protection Areas	? about Sollans Road property and well. HIRRA holds lease for well, after consultation with K'omoks Nation
43	Public Utilities and Services	Add reference to ongoing connection with K'omoks Nation
50	6.1 Background	Add % of land on Hornby part of K'omoks Nation, following ratification of land claims
51	6.1.5 "Applications for amenity rezoning or density transfer may be considered by the Local Trust Committee …"	
52	6.1.19 "The Local Trust Committee encourages landowners to work with the Islands Trust Fund to fully protect special features and both natural and cultural values…"	Add specific reference to Indigenous cultural values
53	Community Service Use Objectives	Add (1) Interpretive Centre/Signage
56	Residential Background Second paragraph	Add specific reference to parcel of K'omoks Nation land
60	6.3.4 Forest Background "There are many long established and well used trails … "	Add specific reference to history of trails and culturally modified trees on park and crown land
66	Agriculture Background "The early development of Hornby Island included agriculture as a primary	And before that?

	occupation."	
67	6.4.2 "Agriculture is the traditional land-based economic activity of Hornby Island."	The word traditional is problematic
69	Commercial and Home Occupations	Possible for K'omoks Nation to establish a commercial enterprise
69	Retail and Personal Service	? about Sollans Road parcel, possible community use by K'omoks Nation
72	Policies 6.5.2.1 "Accommodations for visitors should be environmentally sensitive, small-scale and low density and may be dispersed around the Islands."	
74	Commercial/Residential General Background	Commercial zoning restrictions
78	6.6.1 and 6.6.2 Outdoor Recreation Background	Add specific reference to Indigenous occupation and use of Hornby Island pre-contact
81	6.7 Marine	? about Indigenous rights of the waters surrounding and the foreshore for mariculture
86	6.9.1 Development Permits	Relevance to K'omoks Nation?

Members considered the following for future consideration:

- Regarding OCP section1.4, the document by Mary Mackenzie titled 'OCP Revisions re indigenous inclusion,' circulated at the May 28, 2021 APC meeting, would be applicable.
- Regarding '3.7 Heritage Features,' a section which is missing from the OCP, the 12-page letter from Tony Law to the Hornby Island Local Trust Committee, dated March 24, 2021 and titled 'First Nations Heritage Site Protection, Hornby Island,' addresses this missing section at the top of page 4.
- The status of Hornby Island public wells on crown land and the need for consultation with appropriate agencies and First Nations.
- lack of availability of indigenous/First Nations inclusive maps.

a. Next Steps

Chair Burton offered to address the Hornby Island Resident and Ratepayers Association (HIRRA) at their upcoming July 14, 2021 meeting and to circulate to all APC members a summary of the OCP locations flagged for needing indigenous and/or First Nations reference.

Secretary Ovitsland offered to investigate Hornby Island public wells issues.

Members agreed to study the Trust Council Draft Policy Statement for next meeting and to work on overarching statements regarding Indigenous and/or First Nations reference in the OCP.

7. NEXT MEETING TIME and ADJOURNMENT

The next meeting would be Friday July 23, 2021 at the Hornby Island Hall between 1:00 and 3:00 pm.

By general consent, the meeting was adjourned at 3:00 pm.

_____
Wendy Burton, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

ADOPTED

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting: **Friday, July 23, 2021**

Location: **Hornby Island Community Hall (Outside)4305 Central Road, Hornby Island, BC**

APC Members Present: **Wendy Burton, Chair**
Joanne Ovitsland, Secretary
Christine Amabilino Hunt, Member
Rob McCreary, Member

Staff Present: **Katherine Vogt, Recorder (by telephone)**

Regrets: **Vicki Bale, member**
Kim Fagerlund, member

1. CALL TO ORDER

Chair Burton called the meeting to order at 1:04 pm. She acknowledged with gratitude being on the traditional territory of the Pentlatch and K'ómoks people. She welcomed members and recorder.

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 June 30, 2021 for adoption

A member observed that regarding the Official Community Plan (OCP) table portion of the Hornby Island Advisory Planning Commission (HOAPC) minutes of June 30, 2021:

- on page 4 of the minutes, ninth paragraph within the table: ' 21-3.3.17-Reference to culturally modified trees;' that the 3.3.17 should be corrected to 3.3.16.
- on page 6 of the minutes, last paragraph in the table:' 88 6.9.1 Development permits', the 88 should be corrected to 86.

By general consent, the minutes were adopted as amended.

4. BUSINESS ARISING

a. Summary of "Where" in OCP references to First Nations are absent

See above under Item 3.1.

5. Discussion of OCP, with reference to Indigenous inclusion

a. What **language reference categories are required**

Members discussed using the Trust Council Draft Policy statement as a guiding document for language regarding First Nations acknowledgement inclusion throughout the Hornby Island OCP.

b. Next Steps

Members agreed to work together on crafting a new statement for the Hornby Island OCP section 1.1.: Context and Interpretation.

Chair Burton offered to write a draft statement for recommended inclusion for OCP Section 1.4: Historical Perspectives and OCP Section 1.5: The Natural Setting.

Members discussed the possibility of crafting a glossary for inclusion in the Hornby Island OCP.

c. Division of labour (assignment of sections)

Members agreed to divide the Hornby Island OCP into 6 sections and to assign sections for members to study and make recommendations for the inclusion of First Nations acknowledgement:

- Section 1: Chair Burton
- Section 2: Member McCreary
- Section 3: Secretary Ovitsland
- Section 4: Member McCreary
- Section 5: Member Amabilino Hunt
- Section 6: Deputy Chair Bale, Member Fagerlund, and Secretary Ovitsland.
- Section 6 Pages 51,52,53: Member Amabilino Hunt

6. Next meeting time and Adjournment

The next meeting will be on Friday October 8, 2021 at the Hornby Island Community hall from 1:00 pm to 3:00 pm.

By general consent, the meeting was adjourned at 2:26 pm.

_____
Wendy Burton, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

ADOPTED

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting:	**Friday, September 24, 2021**
Location:	**Hornby Island Community Hall** **4305 Central Road, Hornby Island, BC**
APC Members Present:	**Vicki Bale, Deputy Chair** **Joanne Ovitsland, Secretary** **Rob McCreary, Member**
Staff Present:	**Katherine Vogt, Recorder (by telephone)**
Regrets:	**Wendy Burton, Chair** **Christine Amabilino Hunt, Member** **Kim Fagerlund, Member**

1. CALL TO ORDER

Deputy Chair Bale called the meeting to order at 1:00 pm. She acknowledged being on the traditional territory of the Pentlatch and K'ómoks people. She welcomed members and recorder.

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 July 23, 2021 for adoption

By general consent, the minutes were adopted as presented.

4. BUSINESS ARISING

There was no new business to report.

5. Discussion of OCP, with reference to Indigenous inclusion

a. Review of contributions from APC members

Members discussed the Hornby Island Official Community Plan (OCP) to make recommendations for the inclusion of First Nations acknowledgement. Each member spoke on the section of the OCP that they had been previously assigned to

study as homework. Members who were absent from the meeting had previously submitted their opinions to the group by email.

b. Next Steps

Deputy Chair Bale offered to meet with Tony Law for clarity on 3.7 Heritage Features and to report findings to APC members by email prior to the next meeting.

Secretary Ovitsland and Chair Burton offered to prepare a report for final review at the next meeting.

6. Next meeting time and Adjournment

The next meeting will be on Friday, October 29, 2021 at the Hornby Island Community hall from 1:00 pm to 3:00 pm.

By general consent, the meeting was adjourned at 3:10 pm.

_____
Vicki Bale, Deputy Chair

Certified Correct:

_____
Katherine Vogt, Recorder

ADOPTED

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting:	**October 29, 2021**
Location:	**Hornby Island Community Hall** **4305 Central Road, Hornby Island, BC**
APC Members Present:	**Wendy Burton, Chair** **Vicki Bale, Deputy Chair** **Joanne Ovitsland, Secretary** **Rob McCreary, Member**
Regrets:	**Kim Fagerlund, Member** **Christine Amabilino Hunt, Member**
Staff Present:	**Katherine Vogt, Recorder by Speakerphone**
Others Present:	**April Lewis, member of the Hornby Island Housing Society** **One (1) member of the public**

1. CALL TO ORDER

Chair Burton called the meeting to order at 1:05 pm. She gratefully acknowledged that the meeting was being held on the traditional territory of the Kòmoks First Nation and Pentlatch People. She introduced herself and the recorder and allowed other Advisory Planning Commission (APC) members to introduce themselves. Chair Burton noted that members Kim Fagerlund and Christine Amabilino Hunt would continue to be actively working on the APC referral from a distance.

2. APPROVAL OF AGENDA

The following amendment to the agenda was presented for consideration:

- Change item 4 to the heading 'Hornby Island Housing Network' and renumber all following agenda items.

By general consent, the agenda was approved as amended.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated September 24, 2021.

The following amendment to the minutes was presented for consideration:

- On page 2, third paragraph, line 1, change 'Deputy Chair Bale' to 'Chair Burton.'

By general consent, the minutes were adopted as amended.

4. Hornby Island Housing Network

Chair Burton explained that the Hornby Island Housing Network, previously called the Hornby Island Housing Coalition, a recently formed group, had invited APC members to attend a recent meeting and that two members had attended; but that APC members are not permitted to act as members of the APC at outside meetings without previous permission from the APC group. Yet, there is a letter circulating from the Hornby Island Housing Network that states that members representing the APC were present. According to *Local Government Act* rules, the APC must be cautious to not act as a quorum, which is formed by three or more APC members; and, to not act without permission from the local Trustees as members of the APC. APC members can participate at outside meetings as individuals.

5. Review of recommended wording changes to OCP, with regards to references to First Nations

APC members reviewed the 91-page Hornby Island Official Community Plan Bylaw No. 149, 2014 document, which had been converted for working purposes to a track changes document, allowing recommended editorial wording changes to be set in the margins for itemised discussion. The document is attached to these minutes.

HO-APC-2021-002
It was MOVED and SECONDED,
that the Hornby Island Advisory Planning Commission recommends the amendments to the Hornby Island Official Community Plan Bylaw No. 149, 2014 with respect to First Nations language.

CARRIED

6. Discussion: LUB on housing and short-term rentals

APC members discussed the scope and complexities of their housing referral.

Chair Burton noted that all documents formally submitted to the Chair for the upcoming housing portion of the APC referral would be given a document number, the name of the sender, the date, and a brief subject line. They would be forwarded to APC members as they were received and would become a part of the public record to be viewed on the Islands Trust website.

Chair Burton noted that members of the public were welcome to present at upcoming APC meetings if they gave 10 days formal notice of presentation to the Chair by email, so that the public could be formally notified. Members of the public should be made aware that their personal submissions to the APC will become public.

Chair Burton welcomed April Lewis of the Hornby Island Housing Society as a resource person with a voice but no vote at 2:00 pm.

7. Next Steps and Timeline

APC members created working groups to review information between formal meetings:

- Member Ovitsland working with Member McCreary
- Member Burton working with Member Bale
- Member Fagerlund
- Member Amabilino Hunt

APC members planned to review documents through the month of November, to meet once in their working groups between meetings, and to attend later meetings monthly or bi-monthly with a goal to have the referral completed by the end of March. It was considered for all APC members to review the Islands Trust Draft Policy Statement, housing portions of the OCP, Land Use Bylaws, and all submitted documents; and, for members to submit any questions to the Chair by email a week before the next meeting for clarification from planners.

8. Next meeting

The next APC meeting will be held at the Hornby Island Community Hall on Friday, November 26, 2021 between 1:00 and 3:00 pm.

9. ADJOURNMENT

By general consent, the meeting was adjourned at 2:46 pm.

_____
Wendy Burton, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

Minutes of the Hornby Island Advisory Planning Commission

Date: Friday, November 26, 2021
Location: Hornby Island Community Hall
4305 Central Road, Hornby Island, BC

Members Present: Wendy Burton, Chair
Joanne Ovitsland, Secretary
Vicky Bale, Deputy Chair
Rob McCreary, Member

Staff Present: Katherine Vogt, Recorder by Speakerphone

Regrets: Christine Amabilino Hunt

Others Present: Barb Baird, Hornby Island Housing Society Member
April Lewis, Hornby Island Housing Society Member
Katherine Ronan, Hornby Island Community Economic Enhancement Corporation Secretary

1. CALL TO ORDER

Chair Burton called the meeting to order at 1:05 pm. She acknowledged that the meeting was being held in the territory of the Pentlatch and K'ómoks people. She welcomed members and recorder.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Item 4 changed to Meeting Procedures Update; Item 5 changed to Consolidated Version of the Hornby Island Official Community Plan.
- Resignation of Kim Fagerlund moved to Item 6; Presentation of Recommendations about Indigenous References in OCP and LUB for local Trust meeting moved to item 7; all further agenda items moved forward.

By general consent the agenda was adopted as amended.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated October 29, 2021 for adoption

By general consent the Minutes were adopted as presented.

4. Meeting Procedures Update

Chair Burton spoke on the recent update from Regional Planning Manager Heather Kauer which notes that electronic meetings have been recently suspended by ministerial order; also, that Advisory Planning Commission (APC) meetings are considered an essential service for attendance by members of the public.

It was considered that if people were seated, masked and distanced, that the APC meetings could go ahead with members of the public present as limited by the capacity of the Hornby Island Community Hall to accommodate 6-foot distancing.

5. Consolidated Version of the Hornby Island Official Community Plan

Chair Burton explained that just prior to submitting to planning staff, the APC Indigenous References recommendations based on the 91-page Hornby Island Official Community Plan Bylaw No. 149, 2014; that she was informed of a consolidated version of the Official Community Plan (OCP). After reviewing the consolidated document, Chair Burton noticed punctuation changes but not any language changes. She had recently requested from planning staff that copies of the consolidated OCP be provided for all APC members.

6. Resignation of Kim Fagerlund

Chair Burton announced that Kim Fagerlund had resigned from the APC due to work time constraints. This information had been forwarded to planning staff and the local Trustees. It was not yet known if planning staff would seek a replacement member.

7. Presentation of Recommendations about Indigenous References in OCP and LUB for Local Trust Committee meeting

Chair Burton offered to present a 10-minute summary review of the APC recommended Indigenous References changes to the OCP for the December 10,2021 Local Trust Committee meeting.

8. **Referral: Fee structure recommendation**

Chair Burton explained that local Trustees, at their October 8, 2021 meeting, had decided to forward a recent Request for Decision referral from David Marlor, Director of Local Planning Services, dated September 15, 2021, which asks the Trustees to accept a new fee bylaw based on the recently updated Trust Council model fee bylaw, or for Trustees to modify this model fee bylaw to local conditions. Fees relate to the staffing costs of processing various types of applications, permits and amendments to bylaws and are set to recover approximately 80% of total processing costs.

HO-APC-2021-003
It was MOVED and SECONDED,
that the Hornby Island Advisory Planning Commission recommends that the Hornby Island Local Trust Committee request Staff to draft a new Fee Bylaw based on the model fee bylaw attached to Trust Council Policy 5.6.1 Application Processing Services

CARRIED

APC members added a note to this resolution to convey to Trustees that Temporary Use Permit (TUP) fees needed further special consideration.

Chair Burton welcomed Barb Baird, member of the Hornby Island Housing Society, at 1:35 pm.

9. **Discussion: Small Working group feedback on OCP and LUB housing and short-term rentals**

At the previous APC meeting, members had formed between meeting working groups to study a compilation of formal and informal housing documents. Chair Burton read out the homework presentation from distant APC member Christine Amabilino Hunt and then invited all other members to present their findings. A discussion between APC members and resource persons ensued.

Chair Burton welcomed Katherine Ronan, Secretary of the Hornby Island Community Economic Enhancement Corporation at 2:21 pm.

10. Next Steps and Timeline

APC members and some resource persons each chose a few housing subjects to investigate for discussion at the next meeting.

11. Next Meeting

The next APC meeting will be held at the Hornby Island Community Hall on Friday, January 14, 2022 between 1:00 and 3:00 pm. A second meeting is planned for January 28, 2022.

12. ADJOURNMENT

By general consent the meeting was adjourned at 2:58 pm.

_____
Wendy Burton, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

ADOPTED

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting:	**January 14, 2022**
Location:	**Hornby Island Community Hall and by Zoom** **4305 Central Road, Hornby Island, BC**
APC Members Present:	**Wendy Burton, Chair** **Vicki Bale, Deputy Chair** **Joanne Ovitsland, Secretary** **Christine Amabilino Hunt, Member by Zoom** **Rob McCreary, Member by Zoom**
Staff Present:	**Katherine Vogt, Recorder by Zoom**
Others Present:	**April Lewis, Member of the Hornby Island Housing Society** **Rudy Rogalsky, Member of the Board of the Hornby Island Community Economic Enhancement Corporation (HICEEC)** **Raymond Therrien, Vice President of the Hornby Island Short Term Rental Association (HISTRA)**

1. CALL TO ORDER

Chair Burton called the meeting to order at 1:05 pm. She welcomed all members and resource persons and acknowledged that the meeting was being held on the traditional territory of the Kòmoks First Nation and Pentlatch People. She noted that the meeting was a hybrid combination of in person and Zoom attendance. Quorum was achieved with 3 members of the Advisory Planning Commission (APC) attending in person.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated November 26, 2021

By general consent, the minutes were adopted.

Chair Burton welcomed Recorder Katherine Vogt by Zoom at 1:10 pm.

4. BUSINESS ITEMS

a. Dingman report

APC members had recently received, by email, information from Bylaw Enforcement Officer Warren Dingman regarding the extent of illegal housing and short-term vacation rental (STVR) infractions on Hornby Island.

b. HISTRA resource person

Chair Burton explained the present APC housing referral to new Resource Persons Raymond Therrien, Vice President of HISTRA and Rudy Rogalsky, the Hornby Island resident and Ratepayers' Association (HIRRA) appointee to the HICEEC Board.

Rudy Rogalski spoke on the problem of future possibilities for local housing being hampered by existing bylaws.

Raymond Therrien spoke on behalf of HISTRA and about his experiences as a local property manager.

5. REPORT ON LTC MEETING OF DECEMBER 10, 2021

a. APC Terms of Appointment

Chair Burton noted that planners had recently recommended to the Local Trust Committee that present APC appointees, whose terms expire on March 31, 2022, be offered the opportunity to be reappointed for another two -year term; and, that a notice for expressions of interest be posted for community members who may wish to be appointed to the APC. Presently, the APC has 5 members, but it allows up to 7 members.

b. Draft Business Case: Kauer memo to LTC December 10, 2021

Chair Burton noted that Regional Planning Manager Kauer was putting forth a business case for $15,000 to hire a consultant to write the bylaws needed for future APC recommended changes to existing bylaws. If the business case is approved, the money will be available April 1, 2022. It was feasible that APC recommendations could be brought to Trustees for their April business meeting.

6. DISCUSSION; PRELIMINARY SUGGESTIONS FOR RECOMMENDATIONS ON OCP AND LUB: HOUSING AND SHORT-TERM RENTALS

Chair Burton noted that at the last APC meeting, APC members and resource persons had each chosen 2 or 3 housing issues to work on as homework for the next meeting. All members and Resource Person April Lewis were invited to present their findings.

7. NEXT STEPS

APC Members chose specific housing documents to focus on as homework for next meeting. Resource Persons were encouraged to skim all the housing documents for relevant information.

8 CONFIRM MEETING OF JANUARY 28, 2022

The next meeting date will be January 28, 2022 at 1:00 to 3:00 pm at the Hornby Island Community Hall.

8 FEBRUARY MEETING DATES

The February meeting dates will be February 11, 2022 and February 25, 2022 at 1:00 to 3:00 pm at the Hornby Island Community Hall

10. ADJOURNMENT

By general consent, the meeting was adjourned at 3:10 pm.

_____
Wendy Burton, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting: January 28, 2022

Location: Hornby Island Community Hall and by Zoom
4305 Central Road, Hornby Island, BC

APC Members Present: Wendy Burton, Chair
Vicki Bale, Deputy Chair
Joanne Ovitsland, Secretary
Christine Amabilino Hunt, Member by Zoom
Rob McCreary, Member by Zoom

Staff Present: Katherine Vogt, Recorder by Zoom

Others Present: April Lewis, Member of the Hornby Island Housing Society

Rudy Rogalsky, Member of the Board of the Hornby Island Community Economic Enhancement Corporation (HICEEC)

Darren Bond, Hornby Water Stewardship

Patrick Lui, Secretary of the Hornby Island Short Term Rental Association (HISTRA)

1. CALL TO ORDER

Chair Burton called the meeting to order at 1:02 pm. She acknowledged that the meeting was being held on the traditional territory of the Kòmoks and Pentlatch People and the Kòmoks First Nation. She welcomed all members, staff and resource persons and noted that the meeting was a hybrid combination of in person and Zoom attendance. Quorum was achieved with 3 members of the Advisory Planning Commission (APC) attending in person.

2. APPROVAL OF AGENDA

The following items were presented for consideration to add to the agenda:

- Replace item 5 with 'Correcting Part 8.21(1) of the Hornby Island Land Use Bylaw No. 150.'
- Replace item 6 with 'Discussion of Unused Housing.'
- Move original items 5, 6, 7 and 8 forward.

By general consent, the agenda was approved.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated January 14, 2022

By general consent, the minutes were adopted.

Chair Burton noted that resource people were receiving APC agendas and minutes and could request that specific information be included in the minutes.

4. BUSINESS ARISING

Chair Burton reported that the APC was presently over budget by $465.00 due to the costs of minute taking. However, as the APC budget is within a greater Local Trust Committee (LTC) budget of $3300.00 for fiscal 2021/2022 that is still in the black, and as the LTC supports the present APC process, this spending should not be a problem.

Chair Burton reported that Bylaw Enforcement Manager Warren Dingman had recently sent by email the following information to the APC regarding open bylaw enforcement files on Hornby Island:

- There are currently 11 open files for short term vacation rentals (STVR) with eight of those opened in 2019 or after.
- 13 files opened in 2021 have been closed.
- Prior to proactive enforcement there were only six STVR files that were created for Hornby Island. Four of them are now closed.
- Currently there are 10 files open for unlawful dwellings with five open since 2019 and the last opened on July 25, 2021.

Chair Burton noted that this most recent email from Warren Dingman would be added to the public record.

5. CORRECTING PART 8.21(1) of the HORNBY ISLAND LAND USE BYLAW No. 150

Chair Burton noted that due to a longstanding error of omission first noted by the Local Trust Committee (LTC) in February of 2018, Section 8.21(1) of the Hornby Island Land Use Bylaw (LUB) No. 150 regarding the Site-Specific Public Use PU(a) zone excludes any housing activity and the activities at The Hornby Spark as permitted activities. The error could be rectified by the addition of 'Community Trade and Services including Associated Retail' to the Site-Specific PU(a).

APC members agreed to a fast-tracked recommendation without motion, and by consensus, to the LTC for their February, 2022 meeting, for the LTC to correct the clerical omission as soon as possible by adding 'Community Trade and Services including Associated Retail' to the Site-Specific PU(a).

6. DISCUSSION OF UNUSED HOUSING

Rudy Rogalsky spoke on the circumstance of a substantial number of housing units on Hornby Island being unoccupied and unused due to the property owners' fear of

breaking the law by renting out such units and their reluctance to reveal the existence of such units. Streamlining of Temporary Use Permits (TUP) to legitimize secondary dwellings is a possible solution.

7. DISCUSSION

Chair Burton invited all APC members and Resource Person April Lewis, to summarize and present the housing documents they had recently chosen from a compilation of 23 housing documents, to study in greater depth.

8. NEXT STEPS

APC members agreed to work on brainstorming housing and STVR recommendations for the next meeting. Chair Burton invited Resource Persons to bring general housing and STVR recommendations to the next meeting.

9. NEXT MEETING

The next meeting will be February 11, 2022 at the Hornby Island Community Hall between 1:00 and 3:00 pm.

10. ADJOURNMENT

By general consent, the meeting was adjourned at 3:00 pm.

_____
Wendy Burton, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

DRAFT

ADOPTED

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting:	**February 11, 2022**
Location:	**Hornby Island Community Hall and by Zoom** **4305 Central Road, Hornby Island, BC**
APC Members Present:	**Wendy Burton, Chair** **Vicki Bale, Deputy Chair** **Joanne Ovitsland, Secretary** **Christine Amabilino Hunt, Member by Zoom** **Rob McCreary, Member by Zoom**
Staff Present:	**Katherine Vogt, Recorder by Zoom**
Others Present:	**April Lewis, Member of the Hornby Island Housing Society** **Sadie Chezenko, Member of the Hornby Island Housing Society** **Rudy Rogalsky, Member of the Board of the Hornby Island Community Economic Enhancement Corporation (HICEEC)** **Patrick Lui, Secretary of the Hornby Island Short Term Rental Association (HISTRA)**

1. CALL TO ORDER

Chair Burton called the meeting to order at 1:05 pm. She gratefully acknowledged that the meeting was being held on the unceded territory of the Kòmoks First Nation and Pentlatch People. She welcomed everyone at the meeting.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated January 28, 2022

By general consent, the minutes were adopted.

4. BUSINESS ARISING

Chair Burton reported that she had recently sent a letter of recommendation from the Advisory Planning Commission (APC) to Local Trust Committee (LTC), to ask that the LTC correct, as soon as possible, an error of omission regarding Section 8.21(1) of the Hornby Island Land Use Bylaw No. 150. In its current uncorrected form, the Bylaw does not legally permit the activities of The Hornby Spark or housing activity.

All APC members had previously come to agreement by email with the forwarding of this fast-tracked recommendation to the LTC except for one member who consented to it at the present meeting; and suggested that the entire section needed clarification and rewriting. Chair Burton responded that this suggestion could become one of the final recommendations to the LTC.

Secretary Ovitsland reported on a recent discussion with Bylaw Enforcement Officer, Daniel Schneider, regarding current activities and plans for enforcement measures on Hornby Island. Proactive enforcement of Short-Term Vacation Rentals (STVR)s was ongoing through surveillance of internet advertising; but site visits had been limited by a directive from Islands Trust and it was not known when that directive would change.

5. PRELIMINARY DISCUSSION OF RECOMMENDATIONS ON HOUSING AND SHORT-TERM RENTALS TO LOCAL TRUSTEES

Chair Burton invited everyone present at the meeting to participate in a brainstorming session to generate ideas for recommendations on housing and STVRs to local Trustees. She noted that the final formal APC recommendations, if adopted, would be crafted into bylaw language by outside professionals, so informal language was appropriate for brainstorming. She asked everyone to refrain from debate or criticism so that as many ideas as possible could be presented. Debate would be welcome at a later point in the process.

Chair Burton noted that land use bylaw changes apply to new properties and businesses while allowing for existing homes and businesses to maintain legal non-conforming status.

The brainstorming session ended at 2:33 pm for participants to walk around and review 41 proposed recommendations written on large sheets of newsprint.

Chair Burton reconvened the meeting at 2:39 pm.

6. NEXT STEPS

Chair Burton offered to transcribe the proposed recommendations as presently written into a word document to review before the next meeting. APC members agreed to each review the document and to each work on organizing, prioritizing, eliminating, and grouping the proposed recommendations. Members and resource persons were invited to use their own or another actual property, with identifying information excluded, as

an example property to illustrate how various of the proposed recommendations might apply.

APC members invited Patrick Lui to bring the informal, tentative, proposed recommendations to the HISTRA board for feedback and to explain to the board that changes to land use bylaws apply to new properties and businesses while existing properties and businesses can maintain legal non-conforming status.

Chair Burton thanked all resource persons for strengthening the APC process of gathering housing and STVR recommendations.

7. NEXT MEETING FEBRUARY 28, 2022

The next meeting was changed from February 28, 2022 to February 25, 2022 at 1:00 to 3:00 pm at the Hornby Island Community Hall. The following meeting will be on March 18, 2022.

8. ADJOURNMENT

By general consent, the meeting was adjourned at 2:57 pm.

_____
Wendy Burton, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

ADOPTED

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting:	**February 25, 2022**
Location:	**Hornby Island Community Hall and by Zoom** **4305 Central Road, Hornby Island, BC**
APC Members Present:	**Wendy Burton, Chair** **Vicki Bale, Deputy Chair** **Joanne Ovitsland, Secretary** **Christine Amabilino Hunt, Member by Zoom** **Rob McCreary, Member by Zoom**
Staff Present:	**Katherine Vogt, Recorder by Zoom**
Others Present:	**April Lewis, Member of the Hornby Island Housing Society** **Rudy Rogalsky, Member of the Board of the Hornby Island Community Economic Enhancement Corporation (HICEEC)** **Patrick Lui, Secretary of the Hornby Island Short Term Rental Association (HISTRA)**

1. CALL TO ORDER AND WELCOME

Chair Burton called the meeting to order at 1:03 pm. She gratefully acknowledged that the meeting was being held on the traditional territory of the Kòmoks and Pentlatch People. She welcomed everyone at the meeting.

2. APPROVAL OF AGENDA

The following item was considered for addition to the agenda:

- item b.) Local Trust Committee Meeting under item 4. a.).

By general consent, the agenda was approved as amended.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated February 11, 2022 for adoption.

By general consent, the minutes were adopted.

4. BUSINESS ARISING

a.) Bylaw Enforcement Processes

Secretary Ovitsland spoke on the need for equity and fairness regarding proactive bylaw enforcement.

b.) Local Trust Committee

Chair Burton reported that at the last Local Trust Committee (LTC) meeting of February 18, 2022, Trustees had thanked the Advisory Planning Commission (APC) and resource persons for their recent work; had maintained the current APC referral as a top priority; and had decided the following:

- to defer decision on the new Fees Bylaw No. 169 until the next LTC meeting on May 6, 2022 to give the APC more time to consider it.
- to request that planning staff determine if the clerical error in the Hornby Island Land Use Bylaw 150 Section 8.21(1) Public Use Zone (a) which precludes The Hornby Spark from operating in their present location and precludes the possibility for multi-family dwellings on a piece of community land is administrative or would involve a bylaw amendment.
- to add to the APC riparian areas referral: environmentally sensitive aquifer zones and errors in the way such zones have been previously mapped.
- To add to the APC riparian areas referral: investigation of swimming pool and other development impacts on slope stability in the area between Euston and Central Roads.

5. DISCUSSION OF BRAINSTORM DOCUMENT: HOUSING AND STR

Rudy Rogalsky offered that the Hornby Island Community Economic Enhancement Corporation (HICEEC) board would be creating a policy statement around housing at a special board meeting that would be sent to Chair Burton.

Patrick Lui offered to send to Chair Burton a copy of his notes of comments and concerns on the draft housing and STR recommendations that the Hornby Island Short Term Rental Association (HISTRA) board members had recently expressed.

APC members and resource persons proceeded to work on, through discussion, eliminating or categorizing each of the 41 brainstormed housing and STR draft recommendations into one of the following 7 categories: Housing – Density; Short Term Rentals; Temporary Use Permits; Administrative; Zoning; Definitions; and Advocacy.

6. NEXT STEPS

Chair Burton offered to send to every APC member and resource person a new document itemizing all 41 draft recommendations, with eliminated recommendations highlighted and saved recommendations categorized, so that APC members could begin to focus on final recommendations. APC members and resource persons were invited to send recommendation responses directly to the Chair to be included in a final recommendations draft from which Chair Burton and Member Bale would write preliminary final recommendations for APC consideration at the next meeting.

April Lewis offered that she would wait for the refined draft recommendations document to share with members of the Hornby Island Housing Society for their input for the APC.

7. NEXT MEETING MARCH 18, 2022

The next meeting will be on March 18, 2022 at 1:00 to 3:00 pm at the Hornby Island Community Hall.

8. ADJOURNMENT

By general consent, the meeting was adjourned at 3:00 pm.

_____
Wendy Burton, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

ADOPTED

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting:	**March 18, 2022**
Location:	**Hornby Island Community Hall and by Zoom** **4305 Central Road, Hornby Island, BC**
APC Members Present:	**Wendy Burton, Chair** **Vicki Bale, Deputy Chair** **Joanne Ovitsland, Secretary by Zoom** **Christine Amabilino Hunt, Member by Zoom** **Rob McCreary, Member**
Staff Present:	**Katherine Vogt, Recorder by Zoom**
Others Present:	**Sadie Chezenko, Member of the Hornby Island Housing Society** **Rudy Rogalsky, Member of the Board of the Hornby Island Community Economic Enhancement Corporation (HICEEC)** **Patrick Lui, Secretary of the Hornby Island Short Term Rental Association (HISTRA)** **Approximately two (2) members of the public**

1. CALL TO ORDER AND WELCOME

Chair Burton called the meeting to order at 1:06 pm. She gratefully acknowledged that the meeting was being held on the traditional territory of the Kòmoks and Pentlatch People. She welcomed everyone at the meeting.

2. APPROVAL OF AGENDA

The following items were considered for addition to the agenda:

- Retitle Item 4 as Business Arising; move 4 a.) to 4 b.) and make 4 a.) Visitor Accommodation at the Thatch.
- Under Item 5, add 5 a.) Discussion of Housing and STR Draft Recommendation Email Responses
- Under Item 5 a.), add 5 b.) Discussion of Housing and STR Draft Recommendations.

By general consent, the agenda was approved as amended.

Chair Burton noted that masks were no longer provincially mandated for public meetings.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated February 25, 2022 for adoption.

By general consent, the minutes were adopted as presented.

4. BUSINESS ARISING

a.) Visitor Accommodation at the Thatch

Chair Burton reported on a recent informal discussion with Regional Planning Manager, Heather Kauer regarding the visitor accommodation designation for the condominiums being developed at the Thatch, noting the following:

- Visitor accommodation is a defined term governed by already existing regulations for short term rentals (STR)s.
- There is a section in the Land Use Bylaws (LUB)s specifically for the Hornby Island Resort which includes the Thatch, and these bylaws may need to be revised.
- The Thatch condominiums are being developed for private sale.

b.) Municipal and Regional District Tax on Hornby Island

Rudy Rogalsky, member of the Board of the Hornby Island Community Economic Enhancement Corporation (HICEEC), gave a presentation on the Municipal and Regional District Tax (MRDT) initiative, also called a pillow tax, being introduced on Hornby Island, noting the following:

- In 2018 the MRDT program changed from being primarily a tourist promotion revenue source to allowing for the use of revenues from online accommodation platforms to be used for affordable housing initiatives.
- HICEEC applied for the right to receive and use the collected MRDT taxes in 2018 after approval by the Comox Valley Regional District (CVRD).
- HICEEC consulted with 6 primary tourism stakeholders on Hornby Island as per the MRTD application regulations that required HICEEC to develop a 5-year plan and a 1- year plan to be approved by Destination BC.
- Estimates of revenue from the tax on Hornby Island ranges from $50,000 to $90,000 dollars, to be remitted to HICEEC monthly, with some of the money to go towards summer workers housing and a portion possibly being used for tourist promotion.

5. DISCUSSION OF DRAFT RECOMMENDATIONS: HOUSING AND STR

a.) Discussion of Housing and STR Draft Recommendation Email Responses

Chair Burton noted that three emailed documents were received after the third draft of the housing and STR recommendations was completed: one from Patrick Lui, Secretary of the Hornby Island Short Term Rental Association

(HISTRA), dated March 15, 2022, which contained the notes of HISTRA member responses to the APC draft housing and STR recommendations, expressed at their March 14, 2022 board meeting; one from the Hornby Island Housing Society (HIHS) dated March 16, 2022 containing general recommendations for affordable housing; and one from Rudy Rogalsky, representing HICEEC, regarding recent government approval of the new MRDT Hornby Island pillow tax dated March 2, 2022.

Chair Burton honored that the Hornby Island Official Community Plan (OCP) represents the best thinking of the local community at the time it was created and last reviewed in 2014.

b.) Discussion of Housing and STR Draft Recommendations

Chair Burton noted that if any of the Advisory Planning Commission (APC) recommendations moved forward to be crafted into bylaw language, the APC would have no authority over their final iteration, nor would the APC be allowed a voice at the community consultation portion of the bylaw process.

APC members discussed the third draft of the housing and STR draft recommendations.

6. NEXT STEPS

Chair Burton noted that Member Amabilino Hunt would not be seeking to stay on past the term of her appointment at the end of March and thanked her for her wonderful contributions to the APC.

Chair Burton noted that the agenda deadline for the next Local Trust Committee meeting of May 6, 2022 was April 15, 2022.

7. NEXT MEETING

The next meeting will be on March 29, 2022 at 2:00 to 4:00 pm at the Hornby Island Community Hall.

8. ADJOURNMENT

By general consent, the meeting was adjourned at 3:00 pm.

_____
Wendy Burton, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

ADOPTED

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting:	**March 29, 2022**
Location:	**Hornby Island Community Hall and by Zoom** **4305 Central Road, Hornby Island, BC**
APC Members Present:	**Wendy Burton, Chair** **Vicki Bale, Deputy Chair by Zoom** **Joanne Ovitsland, Secretary** **Christine Amabilino Hunt, Member by Zoom** **Rob McCreary, Member**
Staff Present:	**Katherine Vogt, Recorder by Zoom**
Others Present:	**Sadie Chezenko, Member of the Hornby Island Housing Society** **Rudy Rogalsky, Member of the Board of the Hornby Island Community Economic Enhancement Corporation (HICEEC)** **Patrick Lui, Secretary of the Hornby Island Short Term Rental Association (HISTRA)** **Approximately one (1) member of the public**

1. CALL TO ORDER AND WELCOME

Chair Burton called the meeting to order at 1:00 pm. She gratefully acknowledged that the meeting was being held on the traditional territory of the Kòmoks and Pentlatch People. She welcomed everyone at the meeting.

2. APPROVAL OF AGENDA

The following items were considered for addition to the agenda:

- Move item 4 to item 4.2. Replace item 4. With Business Arising; add item 4.1 Municipal Regional District Tax on Hornby Island.

By general consent, the agenda was approved as amended.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated March 18, 2022 for adoption.
By general consent, the minutes were adopted as presented.

4. BUSINESS ARISING

4.1 Municipal Regional District Tax on Hornby Island

Secretary Ovitsland reported on the recently approved Municipal Regional District Tax (MRDT) for Hornby Island, administered by the Hornby Island Community Economic Enhancement Corporation (HICEEC), noting the following information contained within the Tactical Plan Budget on the HICEEC website:

- $90,000 yearly estimated revenue to be raised from the Hornby MRDT.
- The $90,000 revenue is divided in the expenses portion of the budget between the following items: $20,000 for Consumer Shows; $25,000 for Administration; $5,000 for Visitor Outreach; $10,000 for Research; $30,000 for Housing.

4.2 Recommendations to LTC: Housing and STR

Advisory Planning Commission (APC) members discussed their sixth draft of Housing and Short Term Rentals (STR) Recommendations dated March 18, 2022, consisting of four pages of recommendations for the Local Trust Committee for consideration at their upcoming business meeting on May 6, 2022. Chair Burton clarified that the referral the APC was given did not include all housing on Hornby Island, only housing associated with STRs.

APC members came to agreement on the sixth draft recommendations document by consensus.

APC members agreed for Chair Burton to write a preamble and explanations for inclusion with the sixth draft recommendations document and to send it to Secretary Ovitsland for approval within the next two days, after which it would be presented to local Trustees at their May 6, 2022 Local Trust Committee (LTC) business meeting by Chair Burton acting as a delegate for the APC.

Chair Burton noted that the APC term was ending at the end of the present month and that the new term would not be initiated until after the next LTC meeting. She thanked APC members and resource persons for their contributions to the completion of the STR housing portion of the ongoing APC referral.

5. ADJOURNMENT

By general consent, the meeting was adjourned at 2:29 pm.

_____
Wendy Burton, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

HORNBY ISLAND
ADVISORY PLANNING COMMISSION

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting	**June 22, 2022**
Location:	**The Green Room, Hornby Island Community Hall** **4305 Central Road, Hornby Island, BC**
APC Members Present:	**Wendy Burton, Chair** **Vicki Bale, Vice Chair** **Joanne Ovitsland, Secretary**
Others Present:	**One Community Member**
Regrets:	**Rob McCreary**

1. CALL TO ORDER AND WELCOME

Wendy Burton called the meeting to order at 1:04 pm. She acknowledged that the meeting was being held on the traditional territory of the K'omoks and Pentlatch People. She attended a presentation by Jesse Morin about the Indigenous presence on Hornby Island for a documented 14,000 years, including villages with extensive middens.

She welcomed everyone to the meeting and asked Joanne Ovitsland to take notes in the absence of a minute-taker.

2. APPROVAL OF AGENDA

Two items were added:

4.2. APC role in recommendations to the local trust committee; and
4.3. Definitions of Conflict of Interest and Bias in APC guidelines for members.

By general consent the agenda was approved as amended.

3. MINUTES

Hornby Island Advisory Planning Commission Draft Minutes dated March 29, 2022 for adoption.

By general consent, the minutes were adopted.

4. BUSINESS ITEMS

4.1 Election of Officers: Chair, Vice-Chair, Secretary

Wendy Burton was acclaimed as Chair
Vicki Bale was acclaimed as Deputy Chair
Joanne Ovitsland was acclaimed as Secretary

By general consent the Commission agreed to use true consensus for decisions until additional members are appointed, when this agreement will be reviewed. If consensus becomes impossible, Roberts Rules of Order, volume to be determined, will be used with simple majority votes and the Chair will only vote in the event of a tie.

4.2 APC role in recommendations to the local trust committee

Chair Burton reviewed the most recent section of the current referral, which was presented at the May 6, 2022 Local Trust Committee meeting. She advised the commission members that the process is directed by the *Local Government Act* and Community Charter. Our role/voice ended with the recommendations on Housing and Short Term Rentals. Members of the Commission cannot engaged publicly on any of our recommendations, except to answer questions from the trustees. We can speak as private citizens, but it must be clear we are not speaking as members of the Hornby Island Advisory Planning Commission (APC).

4.3 Definitions of Conflict of Interest and Bias in APC guidelines for members

Chair Burton advised the members of the commission of the Advisory Planning Commissions Conflict of Interest and Bias Guidelines for Members of Advisory Planning Commissions at the Islands Trust. Specifically, she reviewed the definition of BIAS (p. 7) and Sub-section 18 “What if I Need Legal Advice’ Chair Burton reminded the members that an accusation of bias in the context of Advisory Planning Commission performance of duty is a legal accusation, with requirement to provide evidence. If individual members feel they have been unlawfully charged with bias and believe such charge is defamatory, they may seek legal advice from Islands Trust legal counsel.

5. Discussion of Project Work Plan

a. Next steps: Riparian Protection

The members of the commission reviewed the scope of the fourth and final section of the current referral. Chair Burton provided a separate document which summarized the scope of this section of the referral.

By general agreement, Chair Burton will summarize the two Riparian Areas Regulation (RAR) documents and present the case for discussion; commission members will review the documents and relevant sections of the Official Community Plan (OCP) and Land Use Bylaw (LUB) in preparation for the next meeting. Chair Burton will consult with Islands Trust (IT) staff about consulting a riparian zone expert for additional information not only about the two reports but also about the technical assessment of the slope “beneath” Euston Road and the aquifer designation A1 under review by IT staff.

By general agreement, John Cox, a member of HO Water Stewardship, will be invited to attend a meeting of the APC.

6. NEXT MEETING TIME & ADJOURNMENT

The next meeting will be on August 10, 2022, in the Green Room, 1:00 – 3:00 pm.

Chair Burton adjourned the meeting at 2:15 pm

_____
Wendy Burton, Chair

Certified Correct:

_____
Joanne Ovitsland, Recorder

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

Prepared by Wendy Burton, Chair, and Angela Therrien, Vice-Chair, HOAPC

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.

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HORNBY ISLAND RIPARIAN AREA REGULATION STREAM IDENTIFICATION –

BEULAH CREEK AND THREE UN-NAMED WATERSHEDS

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Hornby Island - Riparian Area Regulation
Stream Identification

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1.0 INTRODUCTION AND OBJECTIVES

The Riparian Areas Regulation (RAR) is the basis of streamside protection in British Columbia. The RAR was enacted in 2004 under Section 12 of the Fish Protection Act. The RAR is a joint initiative with Fisheries and Oceans Canada (DFO), the Ministry of Environment (MoE) and local government. The RAR uses a science-based approach to help ensure land development activities do not result in a harmful alteration, disruption or destruction (HADD) of fish habitat.

In BC, the definition of fish habitat includes all aquatic and terrestrial areas that affect fish life processes. Fish habitat, therefore, includes the area directly adjacent to a stream (*i.e.*, the riparian area) because it provides food, nutrients, and other functions vital to fish survival.

It is understood that two watersheds were identified by the MoE on Hornby Island as containing either confirmed fish habitat or potential fish habitat: Beulah Creek and Ford Creek. Of these watersheds, part of the Beulah Creek watershed had been mapped and the Ford Creek watershed had been fully mapped by Mimulus Biological Consultants (2012) prior to the completion of this project. Three potential RAR watersheds were also identified on Hornby Island, which lacked the information required to determine applicability to the RAR.

In order to continue the process of becoming compliant with the provincial RAR, Islands Trust contracted Madrone Environmental Services Ltd. (Madrone) to conduct fieldwork to identify RAR-applicable drainages on Hornby Island.

The target watersheds included the three potential RAR watersheds and part of the Beulah Creek watershed. As Beulah Creek had been subject to previous stream mapping, the scope of Madrone's work was to map the remaining watershed. Islands Trust will use the stream-mapping data to develop a process that recognizes focus areas adjacent to applicable streams (e.g. by incorporating Development Permit Areas or implementing other regulations) to ensure the protection of fish habitat.

The primary objective of the project was to map the centre-line of streams with a high level of accuracy (within 1 m – 5 m), to allow Islands Trust to accurately identify RAR applicable watercourses. As per the RAR, any development within the Riparian Assessment Area (RAA) triggers the requirement for an assessment completed by a Qualified Environmental Professional (QEP). The RAA occurs within 30 m of applicable watercourses, and is measured from the Top of Bank (TOB), or in the case of ravines, from the High Water Mark (HWM) to a point that extends either 10 m or 30 m back from the Top of Ravine Bank (TORB), depending on the width of the ravine. The RAA for wetlands is measured from the HWM. The scope of this project did not include locating the TOB, TORB, or HWM, but the linear extent of ravines were identified during the fieldwork.

Under the Detailed Assessment methodology of the RAR, bankfull widths are used to determine the width of the riparian setback area (referred to under the regulation as Streamside Protection and Enhancement Areas – SPEAs). In order to help determine the extent of riparian setbacks and the dimensions of future management areas, bankfull stream width measurements were taken during fieldwork. The objective of this exercise was to supply Islands Trust with additional data to help with the implementation of planning tools to manage riparian areas. As per the RAR, SPEAs are measured as horizontal distances from the HWM.

2.0 METHODOLOGY

2.1 Background Research

Background research was carried out using the Fisheries Information Summary System (FISS) (http://www.env.gov.bc.ca/fish/fiss/index.html) and Habitat Wizard (http://webmaps.gov.bc.ca/imf5/imf.jsp?site=moe_habwizdatabases) to determine whether any documented stream information existed for the study area. Background stream mapping data contained in the Environmentally Sensitive Area Official Community Plan map (Schedule D1 – Bylaw 104) was also assessed.

Sensitive Ecosystem Inventory (SEI) maps specific to Hornby Island were also assessed to determine the known distribution of wetland and riparian ecosystems on the island. These maps were accessed through the Hornby Island Trust Area Mapping webpage (http://www.islandstrust.bc.ca/maps/trust-area-mapping.aspx). The Denman and Hornby Islands Water Allocation Plan (Pitt and Bryden, 1994) was also included in the background research phase. The report associated with the previous mapping work on Hornby Island (completed by Mimulus Biological Consultants – 2012) was also studied.

2.2 Assessment Area

The scope of the stream mapping work consisted of the three potential RAR watersheds and the Beulah Creek watershed, with boundaries of the four focus watersheds provided by Islands Trust (Figures 1 – 2). The eastern segment of the Beulah Creek watershed had been mapped previously (Mimulus Biological Consultants 2012). The scope of the project did not include field checking this existing mapping, but rather continuing from the end point and completing the stream mapping for the remainder of the watershed. No assessments were carried out on streams flowing through any other watershed beyond the focus watershed boundaries identified in Figures 1 – 2.

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Figure 1: Beulah Creek and Potential RAR Watersheds 2 and 3 - Overview

PROJECT:
Hornby Island Riparian Area
Stream Mapping

CLIENT:
Islands Trust

MAP SCALE:	**MAPPING DATE:**
1:15,000	December 18, 2013
DOSSIER NO:	**DRAWN BY:**
13.0315	Anna Riionheimo

LEGEND

- Watershed Boundary
- Streams
- Not field verified due to lack of access permission
- Previous stream mapping data (Mimulus 2012)
- Wetlands from previous stream mapping data

Wetlands Observed in Field

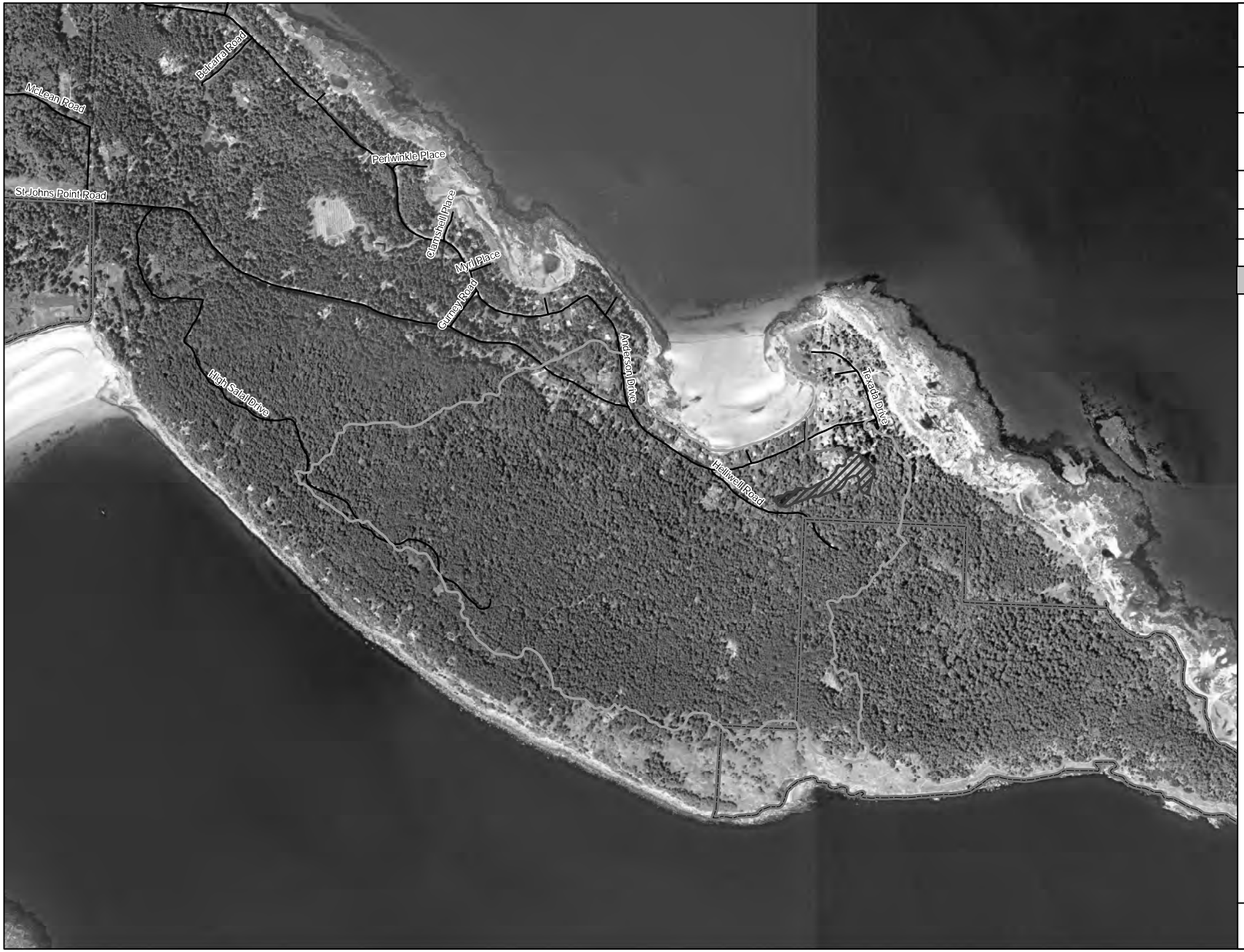
- Pond

Base Symbols

- Roads
- Parks and Protected Areas

N

0 100 200 400 600 m



MADRONE

Figure 2: Potential RAR Watershed 1

PROJECT:
Hornby Island Riparian Area
Stream Mapping

CLIENT:
Islands Trust

MAP SCALE:	MAPPING DATE:
1:10,000	December 18, 2013
DOSSIER NO:	DRAWN BY:
13.0315	Anna Riionheimo

LEGEND

- Watershed Boundary
- Streams

Wetlands Observed in Field

- Wetland

Base Symbols

- Roads
- Parks and Protected Areas

N

0 100 200 400 m

2.3 Landowner Contact

Using stream data collated as part of the research phase, field maps were produced with imagery and cadastral information provided by Islands Trust. Where known streams intersected with private properties, landowner contact information for the affected properties was recorded in a data base. Prior to fieldwork occurring, landowners with streams on their property were contacted by telephone. Landowners were advised of the objectives of the mapping project and asked for access permission.

Field maps were modified accordingly to reflect those properties where access was permitted and those where access had been denied. Attempts were made to contact all affected property owners, although there were several instances where landowners were absent during the landowner contact phase. Sections of streams that could not be field verified, based on lack of access permission, have been identified in the map products (Figures 3 – 6). Where field verification was not possible, the location of streams was delineated using imagery and/or contour interpretation (where appropriate).

During fieldwork, further efforts were made to make contact with property owners by knocking on doors and explaining the objectives of the mapping work. This approach was not always practical, based on the spatial extent of some of the properties and/or landowners being absent during the field assessment. Each field crew also carried copies of a letter from Islands Trust explaining the purpose of the project, for distribution to the public during fieldwork.

2.4 Definition of a "Stream" under the RAR

In order to identify applicable drainages in the field, the definition of a "stream" as listed under the provincial RAR, was used as a standard. As per Section 1.4.2 of the RAR Assessment Methodology; (http://www.env.gov.bc.ca/habitat/fish_protection_act/riparian/documents/assessment_methods.pdf), a "stream" is defined as follows:

"…any watercourse – natural or human made – that provides fish habitat that contains water on a perennial or seasonal basis, is scoured by water or contains observable deposits of mineral alluvium, or has a continuous channel bed including a watercourse that is obscured by overhanging or bridging vegetation or soil mats. A watercourse may not itself be inhabited by fish, but may provide water, food and nutrients to streams that do support fish."

The RAR further identifies a stream as:

"…any of the following that provides fish habitat:

(a) a watercourse, whether it usually contains water or not;

(b) a pond, lake, river, creek, brook;

(c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b).

If a barrier (either definitive or non-permanent) to the migration of fish occurs on a stream, a watercourse is classified as a "stream" above the barrier if there is potential fish habitat downstream of the barrier. A watercourse can also support resident fish above a barrier if suitable perennial habitat exists. Any part of a watercourse that is not inhabited by fish (e.g. above a barrier with no perennial habitat available) that connects by surface flow to fish habitat is considered a stream under the RAR process.

Watercourses that do not support fish or connect by surface flow to fish habitat (e.g. isolated wetlands) are not considered "streams" under the RAR process. No focused mapping of isolated wetlands was carried out as part of this assessment. It should be noted that wetland ecosystem types still provide benefits to a range of species and provide important functions (e.g. stormwater retention).

Where encountered in the field, constructed ditches were identified. The definitions under the RAR Assessment Methodology were used as a basis in determining whether a watercourse qualified as a stream or ditch. This additional classification was carried out in order to provide Islands Trust with information that could affect the planning phase, as ditches are associated with narrower riparian setbacks under the RAR.

2.5 Field Assessment Procedures

2.5.1 Fieldwork Timing

The field assessment was completed using one two person crew over the course of 4 field days on November 25th, 26th, and 29th and December 6th, 2013. Personnel involved in fieldwork included Trystan Willmott, B.Sc., A.Sc.T., Kyle Rezansoff, B.Sc., B.I.T., A.Sc.T., Justin Lange, B.Sc., R.P.Bio., A.Sc.T., and Jennifer Morgen, M.Sc., B.I.T., A.Sc.T. Justin Lange and Jennifer Morgen carried out the fieldwork on November 25th, and 26th and Trystan Willmott and Kyle Rezansoff completed the mapping work on November 29th and December 6th 2013.

All members of the field crew have completed the provincial RAR-implementation training course and are all Qualified Environmental Professionals (QEPs) under the RAR. All crew members have also completed the Resources Information Standards Committee (RISC) field operator GPS training course.

Stream surveys were carried out during the late fall, during a time of year that typically corresponds with high stream flow conditions. The fall of 2013, however, was unseasonably dry, with very little rain falling during October 2013, which was followed by a drier than average November (a weather pattern that continued through December 2013). As a result, streams on Hornby Island appeared to be flowing at a relatively low level for the time of year. In some cases in the Beulah Creek watershed, these conditions made it difficult to determine the location and full extent of streams, especially where low-magnitude tributaries flowed through low gradient forests. Streams were followed to their source, which necessitated the determination of the point where no further evidence of surface flow (including ephemeral flow) could be detected.

2.5.2 Potential RAR Watersheds

The outlet streams of the three potential RAR watersheds on Hornby Island were assessed to determine whether the watersheds contained potential fish habitat. One of the main factors to consider was the potential occurrence of a barrier to upstream fish movement at tidewater. If a definitive barrier occurs at tidewater preventing anadromous fish access, the watershed would not be included as a RAR-applicable watershed unless suitable perennial fish habitat exists upstream of the barrier.

If no barrier occurs at tidewater, there is the potential that the stream could contain anadromous fish. Even if a stream flows on a seasonal basis, there is still the potential for the occurrence of species that do not require a perennial source of water to complete their life cycle, such as chum salmon (*Oncoryhnchus keta*) and pink salmon (*O. gorbuscha*).

2.5.3 Beulah Creek Watershed

Digital stream mapping data for the mapped eastern portion of the Beulah Creek watershed provided by Islands Trust was used to determine the starting point of the mapping exercise. The report accompanying the previous mapping work (Mimulus 2012) was also studied to determine the extent of mapping and to ensure that all areas of the watershed were assessed in the field.

To ensure coverage of the watershed and to check for tributaries, the previously mapped portion of the Beulah Creek main-stem was traversed from the confluence of the last tributary mapped by Mimulus, which enters on the south side of Beulah Creek. As per the Mimulus report, only the lower section of this tributary had been mapped. The inability to access property along the south side of Beulah Creek prevented this tributary from being followed from the confluence. Instead, evidence of this watercourse was determined by traversing the western edge of the inaccessible property and commencing mapping once located. Mapping the upstream extent of the Beulah Creek main-stem and associated tributaries was also completed from the upper limit of the previous mapping carried out by Mimulus (2012).

The Mimulus report identified one main sub-basin flowing close to the southern edge of the watershed. While the Mimulus report did not suggest this sub basin was incomplete, field checks were completed to ensure that the mapped western extent of the tributary represented the full upstream limit and that there were no additional tributaries entering from the extensive watershed area to the north of the main tributary.

Due to the relatively dry conditions, it was difficult to locate watercourses in the low relief area to the immediate west of the inaccessible property in the watershed area south of the Beulah Creek main-stem. The inability to access this property also made it difficult to determine the drainage network.

In addition to following the previously mapped extent of the Beulah Creek main-stem from the last mapped tributary on the south side of the stream, the breadth of the watershed was traversed from north to south between Beulah Creek and the previously mapped tributary to the south to check for tributaries. This strategy of traversing the side slope to the west of the inaccessible property allowed watercourses to be picked up where the gradient was such that allowed for channel incision. Where encountered, streams were mapped to the full upstream extent and the downstream sections were mapped up to the edge of the inaccessible property, or to a point where a stream could no longer be defined.

2.5.4 Tidal Boundary Considerations

The upper limit of tidal influence is relevant in the implementation of the RAR, as the regulation does not apply to marine or estuarine habitats, as per Page 14 of the RAR assessment methods:

> *"The Riparian Areas Regulation does not apply to marine or estuarine shorelines; these waters are still considered fish habitat under the Fisheries Act and DFO should be contacted regarding appropriate setback widths to ensure that development activities do not result in a harmful alteration, disruption or destruction of fish habitat. The boundary between freshwater habitats and estuarine habitats is considered the upstream extent of tidal influence."*

Due to the low magnitude of the outlets of the three potential RAR watersheds, no typical "estuarine" habitat exists. As a result, the stream mapping commenced at the interface between the foreshore riparian vegetation and the intertidal area. Traversing the streams from the upper limit of tidewater allowed for the identification and subsequent mapping of all tributary drainages entering the main-stem.

2.5.5 Collection of Field Data

Concurrently with stream mapping, basic habitat data was also collected along each stream. Data collected included gradient, channel morphology (e.g. riffle-pool/cascade pool or step-pool), extent of riparian vegetation and fish habitat potential. Fish habitat attributes such as cover/security, Large Woody Debris (LWD) and spawning substrate were also noted.

Representative site photographs were taken during each stream traverse (Appendix I). GPS way points were collected to depict the location of features such as barriers to upstream fish movement (e.g. waterfalls). The downstream and upstream boundaries of ravines were also identified with GPS way points.

The edges of wetlands and lakes were not mapped in the field, although their dimensions and attributes were recorded during the assessment. The level of detail shown on the orthophoto coverage, in addition to ground-truthing, allowed for the accurate digitizing of wetland/lake edges on the final maps.

2.5.6 Bankfull Stream Widths and Implementation of the RAR Methodology for Planning Purposes

As part of the field assessment, bankfull widths were taken along each stream traverse in order to provide Islands Trust with more data for planning purposes. As per the RAR methodology (using the "Detailed Assessment"), SPEA dimensions for streams are based on multiplying the average channel width by three. The "Simple Assessment" is another standard used under the RAR, which derives the SPEA from the depth of potential riparian vegetation, stream periodicity and fish

presence/absence. Under the Simple Assessment, the SPEA is measured from the TOB or TORB, and is generally more than 15 m wide, but cannot be greater than 30 m.

Using the Detailed Assessment, the SPEA can never be less than 10 m, with the maximum being 30 m, and is measured as a horizontal distance from the HWM. Bankfull widths taken in the field were used to determine the estimated SPEA dimensions for the streams indicated in the map product, using the Detailed Assessment procedure (Figures 3 – 6). Wetlands (including lakes and ponds) are associated with default 15 m – 30 m SPEAs depending on aspect, under the Detailed Assessment. North facing banks receive a maximum 30 m SPEA, based on the function provided by shade, where-as south, west and east facing banks are associated with 15 m SPEAs.

It should be noted that the SPEAs shown on the maps should only be used as a guide for planning purposes, as the scope of the project did not include the completion of a full detailed RAR assessment on the mapped streams. It should also be noted that the scope of the project did not include the identification of the HWM, TOB, or TORB.

Under the RAR, the 30 m RAA is measured as a horizontal distance from the TOB in the case of a stream, and from the HWM when considering wetlands and lakes. As per the regulation, any developments within the RAA trigger the completion of an assessment using the RAR methodology. When assessing ravines, the RAA extends from the HWM to a point that is either 10 m or 30 m back from the TORB. If a ravine is less than 60 m wide, the RAA is 30 m from the TORB; ravines that are greater than 60 m wide are associated with a RAA that extends 10 m back from the TORB.

While mapping the streams, the downstream and upstream extent of ravines (as defined in the RAR methodology – http://www.env.gov.bc.ca/habitat/fish_protection_act/riparian/documents/assessment_methods.pdf) was identified. The purpose of this exercise was to provide Islands Trust with data for planning purposes, based on the fact that the RAA for ravines extends from the TORB, as discussed in detail above. As stated, the scope of the project did not include the identification of the TORB, or measuring the width of ravines.

2.5.7 GPS Data Collection Parameters

Each field crew collected data using a Trimble GEOXH 6000 GPS unit connected to an external receiving antenna. These units have the capability of receiving position data from GPS and GLONASS satellites, which results in increased accuracy. Data collection thresholds were set on the GPS units to fit within the standards required by Islands Trust, including: a minimum elevation angle to satellites of 15° above the horizon; a maximum Horizontal Dilution of Precision (HDOP) of five; a maximum Position Dilution of Precision (PDOP) of eight; and a minimum number of four satellites for position fixes. As per RISC standards, a minimum of 45 individual fixes were taken for static features such as tributary confluences and barriers. During each stream traverse, position fixes were taken every second. Terra Sync software was used for the collection of field data.

2.6 Assessing for Fish Presence or Potential Fish Presence

While background research using databases is useful in determining the general distribution of fish, it cannot be relied upon as a complete inventory. For example, a lack of data for any given stream or watershed cannot be interpreted as indicating that the stream or watershed does not contain fish. Proving non fish presence generally requires rigorous sampling procedures during optimal seasons. Given the fact that the project was focused on identifying fish bearing or potentially fish bearing watercourses, no detailed sampling procedure was carried out. Fish sampling, therefore, was beyond the scope of this assessment.

As the Beulah Creek watershed had already been associated with extensive stream mapping and had been included as a RAR-applicable watershed by the MoE, it was assumed that potential fish habitat exists in this watershed.

As per Section 2.5.2, the absence of a barrier at tidewater that allows for potential anadromous fish access (even on a seasonal basis), or the occurrence of perennial habitat for resident fish upstream of a tidewater barrier would indicate that a watercourse applies as a "stream" under the RAR. These parameters were used to determine whether the 3 potential watersheds applied to the RAR.

2.7 Field Assessment Limitations

In some instances, the density of vegetation growing in the mapped streams did not make it feasible to follow the drainage with the GPS, as the external antenna would become significantly fouled and/or impeded, leading to poor GPS operating conditions. In these cases, the GPS data collection was paused briefly and resumed

where access to the stream channel was possible. These conditions were generally only a factor along short segments of the upper Beulah Creek main-stem.

Lack of access permission precluded the mapping of the full extent of streams in one of the three potential RAR watersheds and prevented access to part of the central portion of the Beulah Creek watershed assessment area. Unseasonably dry weather, watershed morphology and low stream magnitude also led to challenging conditions when trying to map the location of streams in the field, especially in the Beulah Creek watershed. Where feasible, orthophoto interpretation was used to determine the location of the stream channel for areas that could not be accessed. The portions of streams that could not be field verified due to lack of permission, or where conditions were such that prevented surface connectivity being identified have been depicted in the map products (refer to Figures 3 – 6).

2.8 GPS Data Management and GPS Limitations

After field assessments were completed, the GPS data was downloaded and post-processed using the closest base station relative to the study area (located in Nanoose). The post-processed data was then viewed in Pathfinder Office software, which is used in conjunction with Trimble GPS units and the Terra Sync field collection software. The data was converted to shapefile format and imported into ArcGIS10, which included the creation of a metadata report of all the data collected, including Dilution of Precision (DoP) values, Horizontal Precision and number of satellites used for each position fix.

Using GPS for stream mapping does have obvious limitations, as characteristics in the field play a significant role in the accuracy of data. Traversing obstacles in the creek, or ducking under overhead obstructions (e.g. vegetation) can also lead to temporary loss of locational accuracy, based on the fact that the external antenna is forced out of the optimal position. For example, when climbing over a log, the antenna can either be on a horizontal plane, or pointing towards the ground, leading to poor accuracy. The temporary "zingers" created when the antenna was in a sub optimal position that prevented an accurate location fix was readily identifiable in the data set. Based on the high data logging interval (one locational fix per second), the correct line of the stream could easily be identified in the data by ignoring the "zingers".

It should be noted that the vast majority of data collected met the required accuracy standards. The GPS units performed well, even under tree canopy, and accuracy in open areas (following post-processing) was generally sub-metre.

Having a high data logging interval allowed for an increased number of points to be taken along each stream traverse, leading to increased accuracy. It should be noted, however, that it was generally not possible to follow the exact centre of the stream, unless the stream was completely open, with a uniform depth and no obstructions. During the stream traverses, there would often be the need to move sideways in the creek bed to avoid an obstruction or sections of deep water. The high accuracy of the GPS units allowed for these sideways movements to be depicted in the data, often leading to a "jagged" appearance to the mapped stream line. The creek lines were, therefore, smoothed using the Smooth tool in the Advanced Editing Toolbar in ArcGIS. Smoothing the line features created a more natural stream appearance, while not losing the locational accuracy (sideways movements around obstacles etc. were always within the confines of the channel).

3.0 RESULTS

3.1 Documented Fish Distribution Data

While completing the background research phase, no documented fish distribution data was found for Beulah Creek or the three potential RAR watersheds (using Habitat Wizard and FISS databases). The only documented fish occurrence for Hornby Island was associated with the Ford Creek watershed, which is known to contain coho salmon (*O. kisutch*) and coastal cutthroat trout (*O. clarkii clarkii*). The report associated with the previous mapping work for Beulah Creek (Mimulus Biological Consultants 2012) discussed historical fish (salmon) presence in Beulah Creek, and noted that school groups from the community have undertaken fry release (coho and chum salmon) in the creek.

3.2 Watershed Summaries

Figures 3 – 6 depict the mapped drainage network in each of the target watersheds. All watercourses shown on the maps are considered "streams" under the RAR. The maps also indicate the locations of barriers to upstream fish movement and the extent of ravines. The dimensions of the SPEAs, based on bankfull widths in the field, are also noted on the maps.

The following descriptions summarize the characteristics of each watershed outlet stream and associated tributaries. In all cases, excluding the Beulah Creek watershed, streams are described in an upstream direction, starting from the confluence with the ocean. Representative photographs are included in Appendix 1.

3.2.1 Beulah Creek Watershed – Figure 3

3.2.1.1 Beulah Creek Main-Stem

The upper segment of the Beulah Creek main-stem flows through uninterrupted young forest, with western hemlock (*Tsuga heterophylla*), western redcedar (*Thuja plicata*) and Douglas-fir (*Pseudotsuga menziesii*) dominating. Red alder (*Alnus rubra*) is common in the immediate riparian zone, especially in the moister forest types in the lower section of the mapped area. The riparian vegetation is providing proper biological function in the form of shade, litter fall, insect drop, bank stability and provision of LWD. Throughout the mapped section of the stream, the bankfull width did not exceed 2.9 m.

The stream flows through a well-defined, low gradient (approximately 2%) channel, with a riffle-pool morphology. The substrate consists mainly of small gravel, with sand also occurring in lower energy sections of the channel. Potential fish habitat exists, with stable LWD and undercut banks providing security/cover habitat and sections of suitably-sized substrate to allow for salmonid spawning (especially for resident trout). Fish habitat is likely limited, however, by a lack of water during the summer months. Based on the stream magnitude in the upper reaches, residual water depth in the pool habitat units is likely insufficient to retain an adequate depth of water to provide summer time habitat refugia.

Fish habitat potential in the main-stem decreases in the upper segment of the mapped area, where water flow becomes increasingly restricted to shallow, unconfined flow over soft organic substrates through slough sedge (*Carex obnupta*). The stream was mapped up to a depression at the base of a steep ridge adjacent to the left bank. This depression contains patchy slough sedge, organic substrate and pockets of shallow standing water. Water collects in this depression at the edge of the watershed and represents the source of Beulah Creek.

3.2.1.2 Tributary 1 and Tributary 1-1

While it cannot be confirmed due to a lack of property access permission, it is assumed that Tributary 1 connects with the incompletely mapped tributary included in the Mimulus (2012) report. Tributary 1 was mapped from close to the western

edge of the inaccessible property (allowing for a buffer to ensure no trespassing occurred) and followed to its source.

At the starting point, the stream is poorly defined where it flows through an area exhibiting very low relief. Shallow surface flow through dense sword fern (*Polystichum munitum*) and sections of slough sedge indicate the direction of water flow. Approximately 50 m from the start point, the stream has been ditched immediately downstream of a trail crossing point (wooden foot bridge). As a result of the ditch construction, the watercourse becomes very well defined, although no water was flowing at the time of the assessment.

A secondary ditch flows in a southerly direction from the trail crossing point, which is directed to the east underneath the trail. This watercourse is ditched for approximately 20 m downstream of the trail crossing, at which point no further evidence of water flow could be identified. The ditch was likely constructed to keep water off the trail surface, re-directing the water and allowing it to dissipate over the forest floor on the down-slope side of the trail.

Tributary 1 continues as a wide (up to 1.5 m bankfull) ditched watercourse along the western side of the trail, where it flows from north to south. At the point where the watercourse becomes unrestricted by the ditch along the trail edge, it flows from west to east as a very poorly defined system, with patchy slough sedge and soft organics indicating the direction of water flow. The poorly defined nature of the watercourse continues up to the next trail crossing, where it is directed underneath the trail via a culvert. Upstream of the trail crossing, the gradient increases (up to 15%) and the watercourse becomes relatively well defined. Despite a lack of water during the assessment, the cobble substrate in this area indicates significant water flow during a "normal" late fall period.

The watercourse becomes confined in a ditch adjacent to the edge of a trail, where it displays evidence of high flashy flows and resultant channel instability. The watercourse flows over the Spasm Chasm trail for a distance of approximately 30 m, where seasonal water flow was evidenced during the assessment from scour and deposits of alluvial material. Where the watercourse leaves the trail surface, it becomes confined in a high-sided ditch parallel to the edge of the trail. Sections of the ditch are very unstable, with pronounced down-cutting from flashy flows, which have created high, unstable banks and accumulations of woody debris.

Up slope of the Spasm Chasm trail, the gradient of the watercourse increases again (up to 25%), with an associated increase in channel confinement through confined draws. The watercourse flows over Lox's Bagel trail for approximately 10 m, where it is still well defined, with a cobble substrate. The gradient decreases close to the upper extent of the watercourse, with the source of the stream represented by a shallow depression close to the edge of the watershed. The watercourse splits into two poorly defined watercourses close to the source, which consists of a wide low-relief area at the height of land. At the source, patches of slough sedge occur in depressions surrounded by an otherwise dry young forest ecosystem dominated by Douglas-fir.

Tributary 1-1 represents a poorly defined watercourse. Evidence of scour and minimal deposits of alluvial material indicate the presence of seasonal water flow at the confluence point. Based on a lack of indicators and no apparent channel definition, the stream could not be identified for a distance of approximately 50 m immediately upstream of the confluence. This section has been indicated on Figure 5. Where the gradient increases upslope of this area, the watercourse becomes relatively well defined, although sections are very difficult to identify through lower gradient segments.

The watercourse crosses Northwind Trail, before flowing through a steep draw up to the source. The origin of the watercourse consists of a wide depression close to the height of land, comprising of young Douglas-fir and red alder. The bankfull width of the watercourse does not exceed 1.5 m.

It is assumed that Tributary 1 connects with the partially mapped tributary completed by Mimulus (2012). Based on a lack of fish habitat attributes, it is extremely unlikely that the mapped section of Tributary 1 contains fish, even on a seasonal basis. The confluence of this tributary with the main-stem was observed while the previously mapped section of Beulah Creek was checked for other unmapped tributaries. It should be noted that the confluence does not occur on the property that could not be accessed. At the confluence, the stream is well defined and represents potential fish habitat. Where it flows through the low-relief young forest close to the mapping start point, it is reasonable to assume that fish do not occur due to a complete lack of habitat attributes. In addition, there are no sections of the stream that would support resident fish, based on a lack of perennially-available habitat.

The upstream extent of available fish habitat from the Beulah Creek confluence upstream could not be assessed, as the remainder of the previously mapped portion of

the stream flows through the property that could not be accessed. At the very least, the stream represents a significant tributary to the Beulah Creek system. Apart from the minimal areas where walking trails parallel the watercourse, riparian vegetation consists of continuous forests adjacent to both banks. The stream will, therefore, contribute water and nutrients to the Beulah Creek system.

3.2.1.3 Tributaries 2, 3, 4, and 5

Tributaries 2, 3, and 4 represent very poorly defined watercourses. Shallow surface flow over an organic substrate characterizes the morphology of the streams. The watercourses were followed up to a point where no further evidence of scour or hydrophytic vegetation could be detected. These watercourses will contribute water and nutrients to the Beulah Creek main-stem, but it is very unlikely that fish are present (even on a seasonal basis), due to a lack of habitat attributes.

Tributary 5 joins Beulah Creek close to the upper edge of the watershed. It is similar to Tributaries 2, 3, and 4 in morphology. The watercourse flows over an organic substrate through slough sedge and originates in a moist depression consisting of red alder, slough sedge and dense sword fern. The lower segments of the stream have the potential of supporting fish, at least on a seasonal basis. The bankfull widths of Tributaries 1 – 5 do not exceed 1.5 m.

3.2.1.4 Unconnected Watercourse

This watercourse was located while traversing the watershed to check for streams that could have been missed in the low-gradient area to the west of the inaccessible property. The watercourse is defined at the Coltsfoot trail crossing, where it flows parallel to the trail as a wide (approximately 1 m) ditch. Immediately downslope of the trail, the ditch is no longer defined. The watercourse was dry during the assessment, but it appears that any water in the system dissipates over the forest floor in the low-gradient area to the east of the trail. Despite searching for a defined channel, or any evidence of scour downslope of the trail, no watercourse could be identified.

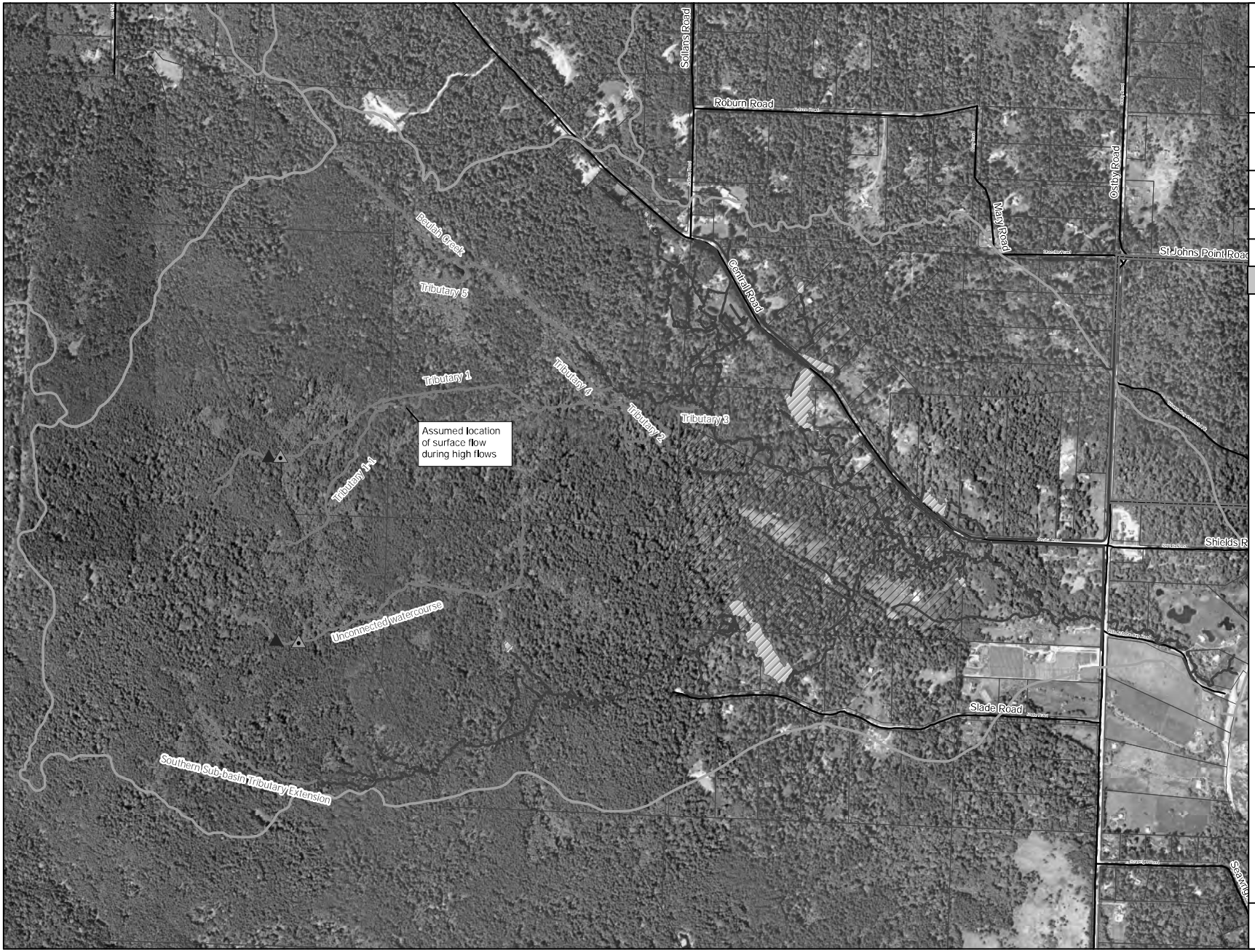
Despite the fact that no connectivity with either Beulah Creek or any other tributary could be detected, the watercourse was mapped upstream from the point where evidence of surface flow could be identified. At the very least, the watercourse will provide water on a seasonal basis to the Beulah Creek main-stem, albeit via a sub-surface route or via convoluted surface flow over the forest floor.

The watercourse flows parallel to the Coltsfoot trail prior to flowing over the trail surface, where evidence of scour and alluvial deposits occur. Further upslope, the watercourse becomes more defined adjacent to Slick Rock trail, at which point it contained surface-flowing water (very minimal) during the field assessment. Up slope of the trail, the watercourse steepens over bedrock, where it is confined through narrow draws. The watercourse crosses Northwind trail via a plastic culvert, where it is well defined. The source of the watercourse consists of a wide, flat area close to the height of land, with young red alder, western redcedar and Douglas-fir occurring.

3.2.1.5 Southern Sub-basin Tributary Extension

While checking the southern portion of the study area for watercourses connecting to the previously mapped tributary along the southern edge of the watershed, it was discovered that the tributary extends further than the upper extent indicated on the pre-existing mapping layer. The mapped addition to the watercourse consists of a well-defined channel in places, with evidence of scour and alluvial deposits indicating the presence of surface-flowing water. Where the gradient increases, the channel becomes confined, with an associated increase in channel definition. These steeper segments consist of large gravel and cobble, indicating high energy seasonal flows. The watercourse was followed up to a point where no further evidence of seasonally-flowing water could be identified. The bankfull width of the watercourse did not exceed 1.5 m throughout the mapped segment.

Based on the gradient (in excess of 20% in places), a lack of habitat attributes and absence of perennially-available habitat, it is very unlikely that the mapped segment of the stream will support fish, even on a seasonal basis. As indicated by the previous mapping completed by Mimulus (2012), this tributary connects with Beulah Creek and will provide water and nutrients to the main-stem. The Mimulus report (2012) also indicates that this tributary (albeit in the lower reaches close to Beulah Creek) represents “marginal to good” fish habitat.



MADRONE

Figure 3: Beulah Creek Watershed

PROJECT:
Hornby Island Riparian Area
Stream Mapping

CLIENT:
Islands Trust

MAP SCALE:	MAPPING DATE:
1:10,000	December 18, 2013
DOSSIER NO:	DRAWN BY:
13.0315	Anna Riionheimo

LEGEND

- Watershed Boundary
- Streams (10m SPEA under detailed RAR Assessment based on bankfull width)
- Not field verified due to lack of access permission
- Previous stream mapping data (Mimulus 2012)
- Wetlands from previous stream mapping data

Onstream Ravine Extents

- Upstream
- Downstream

Base Symbols

- Parks and Protected Areas
- Roads
- Properties
- Inaccessible property (no access permission)

N

0 100 200 400 m

3.2.2 Potential RAR Watershed 1 – Figure 4

Where the watershed outflow stream enters the ocean, it flows as a narrow, shallow watercourse over a sand beach. At the natural boundary of the marine environment, it was difficult to define a stream channel as water flow was within dense reed canary grass (*Phalaris arundinacea*) beds and an accumulation of drift wood. Mapping of the watercourse was initiated immediately upstream of the freshwater-marine interface where a definitive channel was observed.

The lower portion of the watercourse lacks natural sinuosity where it flows adjacent to Carling Road through a deep (approximately 1 m), incised channel. The morphology of the watercourse is consistent with that of an excavated ditch. Where the watercourse flows adjacent to Carling Road, it possesses an average bankfull width of 1.5 m.

Further upstream, the watercourse flows under Anderson Road and along the boundaries of three residential properties. The morphology of the upper reach remains consistent with that of a deep (up to 1.5 m deep) constructed ditch. The bankfull width of the channel is consistent and does not exceed 2 m. As the watercourse consists of significant headwaters (extensive wetland), it is defined as a "stream" as opposed to a "ditch" under the RAR. The watercourse may represent a natural channel that has been historically modified (*i.e.,* deepened and straightened).

Along the entire length of the drainage, riparian vegetation is composed mainly of grasses and slough sedge; however, several Douglas-fir, western redcedar and red alder were also documented. Substrate throughout the ditch is composed entirely of organic materials (*i.e.,* decomposing leaves and woody debris).

The watercourse was mapped up to the headwaters, which is a wetland complex composed of hydrophytic vegetation and open water habitat. The wetland is approximately 50 m wide and 250 m long. Within the wetland, vegetation is dominated by Red-osier dogwood (*Cornus stolonifera*), willows (*Salix spp.*), and slough sedge. Along the riparian fringe, the tree layer is composed mainly of red alder. Shrubs noted at the time of the assessment included: baldhip rose (*Rosa gymnocarpa*), evergreen blackberry (*Rubus laciniatus*), and willows. Sword fern dominates the herb layer within the riparian fringe.

It is likely that this watercourse only contains water seasonally, based on retention of stormwater by the headwater wetland during the winter months. This system represents low quality fish habitat as there is a lack of spawning areas (*i.e.,* alluvial

substrate) and the flow regime is seasonal. However, due to the fact there is no definitive barrier (*i.e.*, high gradient slope) at tidewater to prevent upstream migration of fish, there remains the potential for anadromous fish species to enter the watercourse.

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Figure 4: Potential RAR Watershed 1

PROJECT:
Hornby Island Riparian Area
Stream Mapping

CLIENT:
Islands Trust

MAP SCALE:	MAPPING DATE:
1:2,500	December 18, 2013
DOSSIER NO:	DRAWN BY:
13.0315	Anna Riionheimo

LEGEND

- Watershed Boundary
- Streams (10m SPEA under detailed RAR Assessment based on bankfull width)

Wetlands Observed in Field

- Wetland

Base Symbols

- Parks and Protected Areas
- Roads
- Properties

N

0 15 30 60 90 120 m.

3.2.3 Potential RAR Watershed 2 – Figure 5

At the tidal boundary, the stream flows over a bedrock ledge (approximately 1 m in height) and onto a cobble beach. During periods of high stream flows and high tides this feature would likely be passable for anadromous fish species. The lower reaches of the creek flow through mature forest, with red alder, western redcedar and Douglas-fir dominating the tree layer. Pacific ninebark (*Physocarpus capitatus*) and salmonberry (*Rubus spectabilis*) compose a dense shrub layer that extends up to the high water mark of the stream. This vegetation on both banks of the creek is intact and providing proper biological function.

Runs and glides dominate the stream morphology, which is characteristic of a riffle-pool system. Throughout the lower reaches, the stream bed is composed of alluvial substrate in the form of small cobbles and gravels. The stream exhibits a low gradient (3%) and is up to 2.3 m wide in the lower reaches downstream of the Harwood Road crossing. At Harwood Road, the stream flows through a closed metal pipe with a diameter of approximately 800 mm.

Upstream of Harwood Road, the stream flows through a residential property and splits near the southeast property corner. The West Fork of the stream has been subjected to anthropogenic influences. The channel has been historically excavated and straightened, with the morphology currently consistent with that of a ditch. Manicured lawn extends up to the high water mark of the creek and functioning riparian vegetation is lacking.

The East Fork of the watercourse is approximately 50 m — 60 m in length, flows in a northerly direction along the eastern boundary of the property and has been ditched adjacent to Harwood Road. Water flows through the roadside ditch for approximately 25 m before re-converging with the West Fork at Harwood Road. The morphology of the East Fork is also typical of a historically straightened/excavated ditch (*i.e.*, straight with a uniform channel depth) and the bankfull width ranges between 1 m and 1.4 m over its length. The watercourse also forms a boundary between two residential properties.

At the time of the assessment the East Fork contained minimal flow, and at the very least will supply the West Fork of the stream with nutrients and water. The East Fork of the watercourse represents marginal fish habitat; however, there is potential for fish to gain access during periods of high flow.

Near Brigantine Crescent, the stream meanders through an intact Douglas-fir/western redcedar forest. Fish habitat potential increases throughout this section of the stream due to the diversity of the habitat. This portion of the stream is dominated by runs and glides, which provide potential for spawning. Also, several large pools with abundant LWD were documented and will provide suitable security habitat for fish. At Brigantine Crescent the stream is directed under the road via a 600 mm closed metal pipe. This culvert does not appear to be a barrier to the upstream movement of fish.

The middle reaches of the stream, between Brigantine Crescent and Gunpowder Trail flow through a series of residential properties. At Gunpowder Trail, the stream flows through a roadside ditch for approximately 30 m. The morphology of the stream and characteristics of the riparian zone change significantly. The quality of habitat and potential for fish to inhabit the middle reaches is low as the stream has been historically subjected to anthropogenic influences. On average, the bankfull width of the channel is 1.2 m and the gradient is between 2% and 4%. Substrate throughout the middle reaches is composed mainly of organic materials; however, pockets of gravel were noted in areas with high velocity flow (*i.e.,* the Gunpowder Trail roadside ditch).

Riparian vegetation is lacking throughout the middle reaches and in most cases manicured lawn extends up to the high water mark of the stream. On the southern-most property, two ponds have been created by excavating the stream channel. Each of the ponds is approximately 5 m wide by 5 m long and 2 m – 3 m deep. Anecdotal evidence suggests that the ponds were created to provide a continuous source of water for livestock.

Upstream of the ponds, the stream exhibits a low gradient (2% – 3%) and flows through a mature mixed forest for approximately 150 m. Dominant tree species include Douglas-fir, western redcedar and red alder. Dull Oregon-grape (*Mahonia nervosa*), salal (*Gaultheria shallon*) and red huckleberry (*Vaccinium parvifolium*) dominate the shrub layer. Herb growth is extensive and composed almost entirely of sword fern.

The upper reaches of the stream represent low quality fish habitat. Channel definition is lacking and portions of the stream flow under tree roots. Organic substrate persists throughout the upper reaches and there were no signs of scour or alluvial deposits.

At the southern extent of the watercourse, the headwaters are represented by an expansive sedge (*Carex* sp.) wetland. The wetland is approximately 25 m wide and 75 m long and confined to the east, south and west by elevated ridges.

Overall, this system represent low quality fish habitat. However, due to the fact there are no definitive barriers (*i.e.*, high gradient slope) at any point along the stream to prevent upstream migration there remains potential for anadromous fish species to enter the drainage. The most suitable fish habitat exists in the lower reaches of the drainage as there is potential spawning areas (*i.e.*, alluvial substrate) and rearing habitat (*i.e.*, pool habitat units).

3.2.3.1 Tributary 1

Tributary 1 joins the main-stem on the left bank, approximately 250 m upstream of Gunpowder Trail. This watercourse flows in a northeasterly direction through a young red alder forest and dense "blankets" of slough sedge. The channel exhibits a low gradient (3% slope) and possesses an average bankfull width of 0.5 m. Over its length, substrate within the drainage is composed entirely of organic materials.

This watercourse was mapped for approximately 150 m, up to a point where access was prohibited by a property owner. It was noted that the drainage continued on an adjacent property to the southwest of the termination point. Anecdotal evidence indicates that the drainage channel was excavated as a measure to deal with storm water run-off. This watercourse represents poor quality fish habitat as it is likely ephemeral and lacks suitable spawning and rearing habitat.

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Figure 5: Potential RAR Watershed 2

PROJECT:
Hornby Island Riparian Area
Stream Mapping

CLIENT:
Islands Trust

MAP SCALE:	MAPPING DATE:
1:2,500	December 18, 2013
DOSSIER NO:	DRAWN BY:
13.0315	Anna Riionheimo

LEGEND

Watershed Boundary

Streams (10m SPEA under detailed RAR Assessment based on bankfull width)

Wetlands Observed in Field

Pond

Base Symbols

Roads

Properties

N

0 15 30 60 90 120 m

3.2.4 Potential RAR Watershed 3 – Figure 6

At the natural boundary of the marine environment, the main watercourse flows over a gravel/cobble beach and into the ocean. Immediately upstream of the confluence with the ocean, the stream flows through a steep sided ravine. The first 20 m – 25 m of the drainage exhibits a low gradient (2% slope) and is up to 3 m wide (bankfull width). In the upper portion of the ravine, the stream channel becomes more confined and is approximately 1.5 m to 2 m wide. The vegetation growing on the ravine walls is contributing biological function by providing bank stability, nutrient input, LWD and shade. Tree growth is composed of both mature and young Douglas-fir, western redcedar and red alder.

The channel morphology throughout the lower reaches of the stream is consistent with a riffle-pool system. The diversity of habitat throughout the lower reaches of the stream provides potential fish habitat, as glides and pools were noted.

Upstream of the ravine, the stream flows through a residential property and has been altered through extensive levels of vegetation removal and channel manipulation (*i.e.*, re-direction). Manicured lawn extends up to the high water mark and in some cases down into the stream bed. Morphology of the stream remains similar to the lower reaches; however, the substrate compositions shifts from alluvium to organic materials.

In the south-central portion of the residential property, the stream is directed under an access road via a 400 mm culvert. At the southern boundary of the property a dam system has been installed to regulate the flow of water. During periods of low flow, water will be retained behind the dam and provide water for domestic use (*i.e.*, irrigation). At the time the stream was traversed, water withdrawal lines were observed within the stream. The dam structure would not represent a definitive barrier to upstream migration by anadromous salmonids as it would be passable, particularly during high flows.

At the dam structure the stream forks, forming a secondary channel (West Fork) that flows to the northwest and drains into the ocean. On the West Fork, a second dam structure exists. Downstream of the dam, the watercourse comprises a low-gradient (between 3% and 5% slope) and has an average bankfull width of 1.3 m. The channel morphology is consistent with that of a historically straightened watercourse, and portions of the right bank have been stabilized using rip-rap. The watercourse has been excavated through a mixed forest. Dominant tree species include red alder,

Douglas-fir and western redcedar. Salmonberry and sword fern were noted as being the dominant shrub and herb species within the riparian zone of the ditched section.

Over the length of the watercourse, substrate is composed of a mixture of organic materials and gravel. At the natural boundary of the marine environment, the West Fork flows down over a moderately steep (40% – 45% slope) ledge and over the cobble beach. This ledge represents a barrier to the upstream migration of anadromous fish species from the ocean.

Due to the fact the West Fork is likely ephemeral, there is a lack of spawning and rearing habitat and water levels are somewhat regulated by the dam system, the quality of fish habitat is poor. The only potential for fish to enter the West Fork is if they migrate up the main fork and water levels are optimal to pass down over the dam.

The middle reaches (between the dam structures and Savoie Road) of the main fork of the stream flow through a young forest which is composed mainly of Douglas-fir, red alder, salmonberry and sword fern. Portions of the stream bank also contain dense slough sedge growth. This riparian vegetation is providing proper biological function in the form of bank stability, shade, insect drop and LWD.

The channel morphology within the middle reaches is consistent with that of a historically straightened watercourse. The channel is linear and consistent with respect to width (average bankfull width of 1.25 m) and depth (up to 1 m deep). The middle reaches of the stream exhibit low gradient and range between 3% and 5% slope. Approximately 50 m downstream of Savoie Road, the stream flows into a constructed (approximately 10 m wide and 15 m long) ditch under a residential access road via three 400 mm culverts. At Savoie Road, the stream flows through a woodbox culvert that is approximately 2 m wide. The culvert is partially overgrown with vegetation; however, it does not represent a barrier to upstream fish migration.

Upstream of Savoie Road, the stream flows through a portion of a residential property that is composed of an undisturbed mature forest, dominated by western redcedar and Douglas-fir. Dull Oregon-grape and salal were also noted as being abundant. This section of the stream is characteristic of a riffle-pool system. The channel contains spawning gravel and several pools with undercut banks and LWD. Within this section of the stream, the bankfull width ranges between 1.5 m and 2 m.

Immediately upstream of the forested ecosystem, the stream has been extensively altered through the creation of two ponds and installation of a 3 m – 4 m high rock waterfall, which is a barrier to the upstream movement of fish. Each pond is approximately 5 m wide and 10 m long. It was not possible to determine the exact depth of the ponds at the time of the assessment; however, it appeared as though the water level was approximately 2 m deep. Riparian vegetation is lacking and either manicured lawn or areas of exposed soil extend up to the edge of the watercourse. Mapping was ceased in the middle portion of this property at the request of the property owner. Preliminary observations indicated that the quality of habitat throughout the impacted area was poor.

Mapping of the watercourse resumed to the south of Central Road for approximately 100 m, through a sedge wetland and was ceased at a point where evidence of surface water flow could no longer be identified. The termination point coincided with an elevation increase.

No definitive barriers were located on the main-stem, downstream of Savoie Road. The diversity of fish habitat decreases in the upper-most reaches of the watershed, based on the historical and recent modifications to the watercourse. The most likely segments of the stream to support fish occur in the lower reaches, downstream of Savoie Road.

3.2.4.1 Tributary 1

Tributary 1 enters the main-stem creek on river left, immediately downstream of the Savoie Road crossing. At the confluence, the watercourse flows down over a gravel ledge of approximately 7% – 8% slope. Immediately upstream of the ledge, the watercourse represents a well-defined roadside ditch as it flows in a northerly direction along Savoie Road. Along the assessed length, the ditch ranges between 0.85 m and 1.1 m and the substrate is a mixture of small gravel and organic material. Near Central Road, the ditch channel is inconspicuous as it flows through a dense blanket of reed canary grass.

Tributary 1 can be classified as having poor habitat potential for fish. The watercourse will only contain water after heavy rainfall events and dense vegetation growth likely makes the upper portion of the ditch is inaccessible. Mapping of this drainage was terminated at Central Road.

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Figure 6: Potential RAR Watershed3

PROJECT:
Hornby Island Riparian Area
Stream Mapping

CLIENT:
Islands Trust

MAP SCALE:	MAPPING DATE:
1:3,000	December 18, 2013
DOSSIER NO:	DRAWN BY:
13.0315	Anna Riionheimo

LEGEND

- Watershed Boundary
- Streams (10m SPEA under detailed RAR Assessment based on bankfull width)
- 5m. (Potentially Fish-Bearing Ditch)
- Not field verified due to lack of access permission

Onstream Ravine Extents

- Upstream
- Downstream
- Barrier

Wetlands Observed in Field

- Pond

Base Symbols

- Roads
- Properties
- Inaccessible property (no access permission)

N

0 15 30 60 90 120 m

4.0 DISCUSSION AND RECOMMENDATIONS

Stream mapping performed in the target watersheds on Hornby Island resulted in the identification of approximately 9 km of streams that are applicable to the provincial RAR process. Connected wetlands, lakes and ponds located along each mapped stream are also applicable to the RAR.

While there may be no documented fish occurrence, potential fish habitat (albeit marginal) occurs in the outlet streams associated with the three "potential" RAR watersheds. As a result, these watersheds were included in the mapping process. Based on habitat conditions described in the Mimulus report (2012), habitat encountered in the upper Beulah Creek watershed and anecdotal evidence contained in the Mimulus report (2012), Beulah Creek represents the best fish habitat in any of the mapped watersheds.

Due to the RAR methodology, any watercourses that connect by surface flow to potential fish bearing systems, including modified watercourses and ditches, are subject to the regulation. A stream may not itself be inhabited by fish, but if it has a reasonable connection by surface flow to fish habitat, it is considered a stream under the RAR.

All streams were mapped for inclusion into appropriate bylaws to be set up by Islands Trust to allow conformance with the provincial RAR process. The edges of lakes, wetlands and ponds located along the stream traverses were not mapped in the field as part of the assessment process, but the edges were delineated using field observations and orthophoto interpretation. It is important that these features are included as RAR-applicable water bodies.

All efforts were made to establish a complete representation of the stream network in each of the target watersheds. It should be noted that lack of access permission prevented the mapping of certain areas. In all cases, areas that could not be mapped were identified on the mapping layers, and efforts were made to map the streams using contour and imagery analyses. In some instances where low-magnitude streams were being mapped in the Beulah Creek watershed, the dry conditions and lack of surface flow made it difficult to identify the location of streams, especially through low gradient areas.

As part of the project scope, bankfull widths were measured on each applicable stream to help determine the width of the SPEA under the RAR methodology (using the detailed assessment methodology). This information can be used by Islands Trust

as a planning tool to help implement bylaws that "meet or beat" the RAR. If this option is chosen, it is important to note that any bylaw that is set up would need to account for the fact that under the detailed RAR assessment methodology, a suite of measures are considered that help ensure the integrity of the SPEA during development activities. These measures include, but are not limited to: slope stability; erosion and sediment control; encroachment; management of danger trees; and windthrow.

Based on the low-magnitude of the streams throughout all the assessed watersheds and the measured bankfull widths, all mapped streams would be associated with 10 m SPEAs under the Detailed Assessment. No bankfull measurements were completed for those areas of the Beulah Creek watershed that had previously been mapped by Mimulus (2012). The level of detail contained in the Mimulus report (2012) appears sufficient to determine SPEA widths and to implement planning measures in the previously mapped areas.

It should be noted that the vast majority of mapping that was completed for Beulah Creek occurred throughout a regional park (Mt. Geoffrey Nature Park). The RAR would not currently apply to this park area, but future land use may change. In places, the mapped tributaries (e.g. Tributary 1) become part of the trail system, with water flowing over the trail surface.

One potential planning opportunity would be to add depth to the edge of the minimum SPEA DPA boundary (*i.e.,* increasing the DPA beyond the widths that have been provided in this project). This would help ensure the integrity of the setback area is maintained in the absence of detailed assessment measures. Landowners could then be given the opportunity to have a detailed assessment completed by a QEP if they were not prepared to accept the default bylaw riparian setback. If the default "meet or beat" setback option is accepted by a landowner, a site visit by a planner, building inspector or QEP may be required to ensure that the setback is being maintained and is being measured from the correct location. If a landowner chooses to complete a detailed assessment by a QEP, the precise location of the HWM and SPEA would be identified as part of the reporting procedure.

Setting up permanent riparian setbacks that would "meet or beat" the RAR would also need to take into account the fact that numerous riparian areas are currently developed, or encroached upon. Landowners should be encouraged to enhance riparian areas, especially adjacent to sensitive areas, or areas that are experiencing erosion due to the removal of riparian vegetation.

It is important that landowners are aware of the benefits of riparian areas. Landowners adjacent to streams often do not realize the financial incentives of maintaining a functioning riparian zone. For example, intact riparian vegetation can help prevent lateral bank movement, thus protecting valuable property from erosion. Potential hazards associated with flooding can also be ameliorated as a result of maintaining a functioning riparian area.

The SPEA dimension data could also be used to educate the public about the extent of riparian setbacks should 30 m DPAs be set up, which represents the maximum extent of the Riparian Assessment Area (RAA). Any new development proposed within any RAA would trigger the completion of a detailed assessment under the RAR methodology. In the case of all the assessed watersheds, SPEAs would be 10 m throughout, based on the low stream magnitude and corresponding bankfull widths.

Under the detailed assessment, wetlands and lakes that either provide fish habitat or connect by surface flow to fish habitat receive either a 30 m or 15 m setback, depending on aspect. Southern edges of wetlands and lakes are associated with 30 m setbacks, based on the function of shade, where-as north, west and east banks are associated with 15 m setbacks. In some cases where smaller ponds and wetlands are located on a main stream channel, a Qualified Environmental Professional may decide that the feature is part of the lotic system as opposed to being a separate lentic system. In such cases, the pond or wetland may be associated with the SPEA derived for the stream under the Detailed Assessment, as opposed to the default 15 m or 30 m setbacks associated with ponds and wetlands.

One ditch was identified during the assessment – Tributary 1 in potential RAR watershed 3. This ditch represents potential fish habitat, and also connects to a potentially fish bearing watercourse. As a result, the ditch is associated with a SPEA under the RAR. The identified ditch is a constructed waterway, with no significant headwaters or springs.

Under the RAR, fish bearing ditches can receive SPEAs up to a maximum width of 10 m (based on ditch width). The SPEA indicated for the ditch in this report is based on the average width of the ditch and the SPEA dimensions shown in the RAR Assessment Methodology for fish-bearing ditches. Based on the fact that ditches are associated with narrower SPEAs, the DPA that is implemented by Islands Trust could be less than the DPA associated with watercourses that are not classified as ditches.

The scope of the project involved the identification of stream centre lines. Under the RAR methodology, the RAA is measured as a horizontal distance from the TOB or TORB, where-as the SPEA is measured from the HWM. In the case of wetlands, lakes and ponds, the RAA and SPEA are measured as a horizontal distance from the HWM. During the fieldwork, the lateral extent of ravines was identified, in order to identify those sections of streams where the RAA (or DPA) would extend back from the TORB. In the case of wide ravines that exceed a width of 60 m, the RAA extends from the HWM to a point that is 10 m back from the TORB; ravines that are less than 60 m wide are associated with a RAA that extends 30 m beyond the TORB from the HWM. The scope of the project did not include surveying the width of ravines.

A means of addressing the issue of recognizing the TOB, TORB, or HWM at the bylaw implementation stage would be to ensure that any proposed development that is close to a point that is 30 m from the stream would trigger site specific confirmation. On extensive acreages, it would be a relatively straightforward task to determine whether the proposed development occurs within a DPA. Smaller properties may require a site visit by a building inspector, planner or QEP to determine whether the proposed development occurs within a DPA.

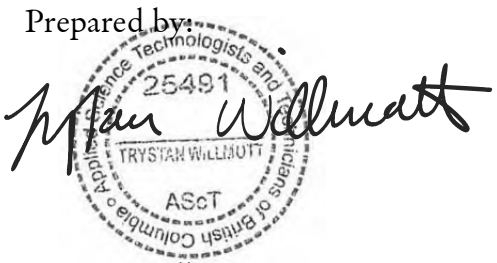
It is worth noting that farming activities are not subject to the RAR, but are subject to the federal Fisheries Act. The RAR does apply, however, to non-farming activities on ALR land.

The RAR does not apply to existing land uses and structures, as these are considered legally non-conforming. Any new developments inside a previously developed SPEA or RAA would trigger the RAR, and the new development would be subject to the RAR. Enhancement of riparian areas using appropriate techniques (e.g. replanting with native vegetation to stabilize banks) is encouraged in previously impacted riparian areas.

As part of the RAR bylaw planning and implementation phase, Islands Trust should liaise with the provincial government. Liaison with appropriate government personnel will help ensure that the bylaws that are enacted meet or beat the standards of the RAR.

If you have any questions or comments about the mapping project, please do not hesitate in contacting the undersigned.

Prepared by:



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5.0 REFERENCES

Mimulus Biological Consultants. 2012. RAR Stream Identification of the Ford Creek and Lower Beulah Creek Watersheds.

Pitt, S and Bryden, G. Denman and Hornby Islands Water Allocation Plan. 1994. Regional Water Management, Vancouver Island Region, Nanaimo, BC.

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APPENDIX I – PHOTOS

Beulah Creek Watershed
Beulah Creek main-stem

Typical characteristics of Beulah Creek at the mapping start point (Coltsfoot trail crossing) – looking upstream.

Looking upstream along the middle segment of the mapped portion of Beulah Creek.

Typical characteristics of the upper segments of the mapped portion of Beulah Creek. Note poorly defined channel morphology and shallow surface flow over an organic substrate.

Dense sword fern and slough sedge at the source of Beulah Creek.

Tributary 1 and Tributary 1-1

Shallow surface flow through sword fern indicating the characteristics of Tributary 1 at the point where mapping commenced.

Looking downstream from the first trail crossing over Tributary 1. Note well defined ditch banks merging into a poorly defined channel in the low gradient forested ecosystem downstream.

Looking downstream along the ditch branching to the north from the main Tributary 1 ditch line.

Looking upstream along the ditch pictured above at the crossing under the trail. Note well defined ditch banks.

Looking downstream along the ditch pictured above. Note lack of channel definition beyond the ditched section.

Looking upstream along Tributary 1 where it is ditched immediately upstream of the first trail crossing.

Looking upstream along Tributary 1 where it is not confined along the trail in a ditch. Note poorly defined channel morphology and minimal surface flow through slough sedge.

Looking upstream along Tributary 1 immediately upstream of the Coltsfoot trail crossing.

Looking upstream along Tributary 1 where it flows adjacent to a trail.

Looking upstream along Tributary 1 where it flows over Spasm Chasm trail.

Looking upstream along Tributary 1 where it flows in a high-sided ditch parallel to Spasm Chasm trail.

Looking upstream along Tributary 1 upstream of Spasm Chasm trail. Note channel/bank instability and evidence of high, flashy flows.

Looking upstream along Tributary 1 upstream of Lox's Bagel trail.

Patchy slough sedge in a depression close to the height of land represents the source of Tributary 1.

Tributary 1-1

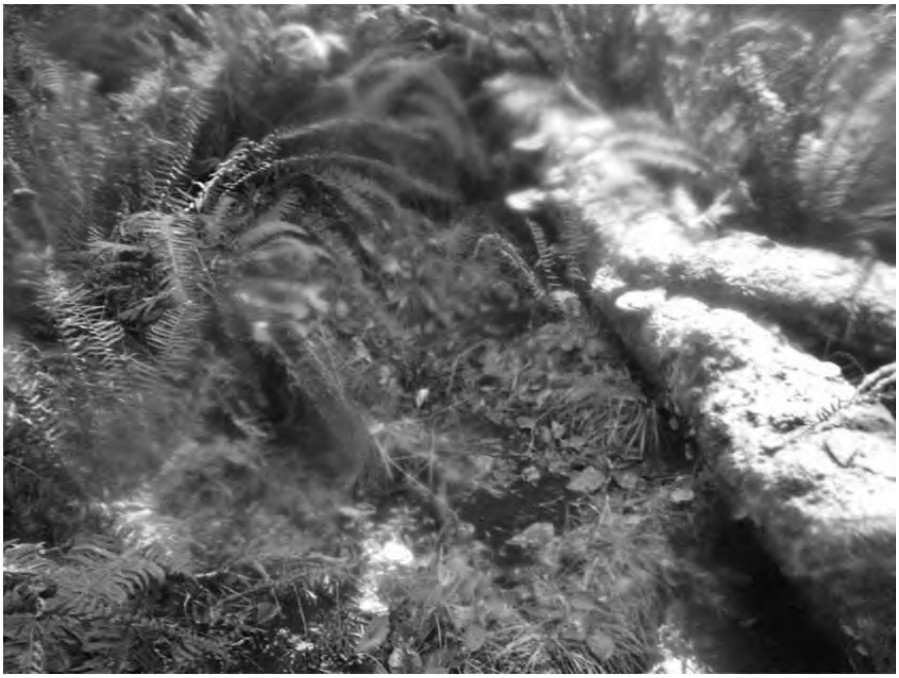
Looking downstream along the middle segment of Tributary 1-1.

Looking downstream along Tributary 1-1 where it flows through a narrow draw immediately upstream of the Northwind trail.

Looking upstream along Tributary 1-1 at the Northwind trail crossing.

Wide flat area close to the height of land represents the source of Tributary 1-1.

Tributary 2



Looking upstream along Tributary 2 close to the confluence with Beulah Creek. Note poorly defined channel morphology and shallow surface flow over an organic substrate.

Tributary 3

Looking downstream along Tributary 3 at the confluence with Beulah Creek.

Tributary 4

Looking upstream along Tributary 4 close to the confluence with Beulah Creek.

Tributary 5

Looking upstream along Tributary 5 close to the confluence with Beulah Creek. Note shallow surface flow through slough sedge over an organic substrate.

Slough sedge and patches of sword fern and surrounding red alder represents the source of Tributary 5.

Unconnected Watercourse

Looking upstream along the watercourse where it is defined in a ditch adjacent to Coltsfoot trail.

Looking downslope from the defined ditched segment of the watercourse towards the moist, flat forest where water from the drainage appeared to dissipate.

Looking upstream along the watercourse where it flows over Coltsfoot trail.

Looking upstream along the watercourse where it flows adjacent to (and over) the Slickrock trail surface. Note surface flowing water (albeit minimal) and cobble substrate.

Looking upstream along the watercourse where it is defined adjacent to Slickrock trail.

Looking upstream along the watercourse upslope of Slickrock trail.

Moist depression with red alder, western redcedar and Douglas-fir represents the source of the watercourse.

Southern Tributary Sub-basin Extension

Looking upstream along the mapped extension of the tributary. Note relatively well defined channel and alluvial deposits.

Looking upstream along a higher gradient segment of the mapped extension of the tributary. Note cobble substrate, which indicates high energy seasonal flows.

Potential RAR Watershed 1

Looking upstream from the natural boundary of the marine environment. Note the accumulation of drift wood and dense reed canary grass growth.

Looking downstream at the subject drainage. Note the channel morphology, which is consistent with that of a constructed ditch.

Looking upstream at the headwaters of the subject drainage. This wetland contains a component of both open water habitat and densely vegetated areas.

Potential RAR Watershed 2

Looking east at the area where the stream flows into the intertidal habitat near Hidden Beach Park.

Typical channel morphology of the lower sections of the stream. Note the channel definition and alluvial substrate.

Looking downstream at the channel morphology of the East Fork of the drainage. Note the straight channel and excavated sidewalls, which are typical of ditches.

Looking west at the area where the East Fork flows through a roadside ditch immediately upstream of its convergence with the West Fork of the stream.

A photo depicting the anthropogenic influence on the subject stream. Note the lack of biologically functioning riparian vegetation, a common observation where the stream flows through residential areas.

Looking north at a portion of the stream which was excavated, forming a pond. Anecdotal evidence indicated this pond was constructed to provide a viable source of water for residential use.

Looking northwest from the high water mark of the slough sedge wetland, which is the headwaters of the watershed. Throughout this area channel definition is lacking and organic substrate dominates.

Tributary 1

The confluence of Tributary 1 and the main drainage channel. Note Tributary 1 flows from the southwest.

A photo depicting the general channel morphology of Tributary 1 throughout the assessed area. The upper section of Tributary 1 displays evidence suggesting that it is a constructed watercourse.

Potential RAR Watershed 3

Looking southeast from the natural boundary of the marine environment. Note the placement of boulders, cement and sandbags for the purpose of stabilizing the bank.

Looking south (upstream) at the stream as it nears Savoie Road.

Looking south at a dam system that was likely installed for the purpose of retaining water in particular areas of the stream to provide a water source for residential use.

Looking north (downstream) at the West Fork of the stream, which was excavated as a drainage ditch. Note the consistent depth and width of the channel.

Looking north at the area where the West Fork of the stream flows into the ocean. The drainage flows over a moderately steep ledge and is extensively overgrown.

Looking upstream at the culverts that direct the stream under a residential access road.

Tributary 1

The confluence of Tributary 1 with the main stem of the stream. Note that Tributary 1 is the watercourse in the foreground of the photo.

Tributary 1 flows north, adjacent to Savoie Road and possesses channel morphology typically observed in roadside ditches.

ISLANDS TRUST
SUITABLE LAND ANALYSIS

Islands Trust

Hornby Local Trust Committee
Special Meeting

07 February 2025

To preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia in cooperation with municipalities, regional districts, improvement districts, First Nations, other persons and organizations and the government of British Columbia.

Islands Trust

The Suitable Land Analysis (SLA) Tool is designed to evaluate and prioritize areas across the Islands Trust region for sustainable development while emphasizing environmental conservation and community resilience.

The tool integrates data on ecological sensitivity, freshwater sustainability, transportation, infrastructure, and slope stability to support informed land-use decisions.

Objectives of the Suitable Land Analysis is to:

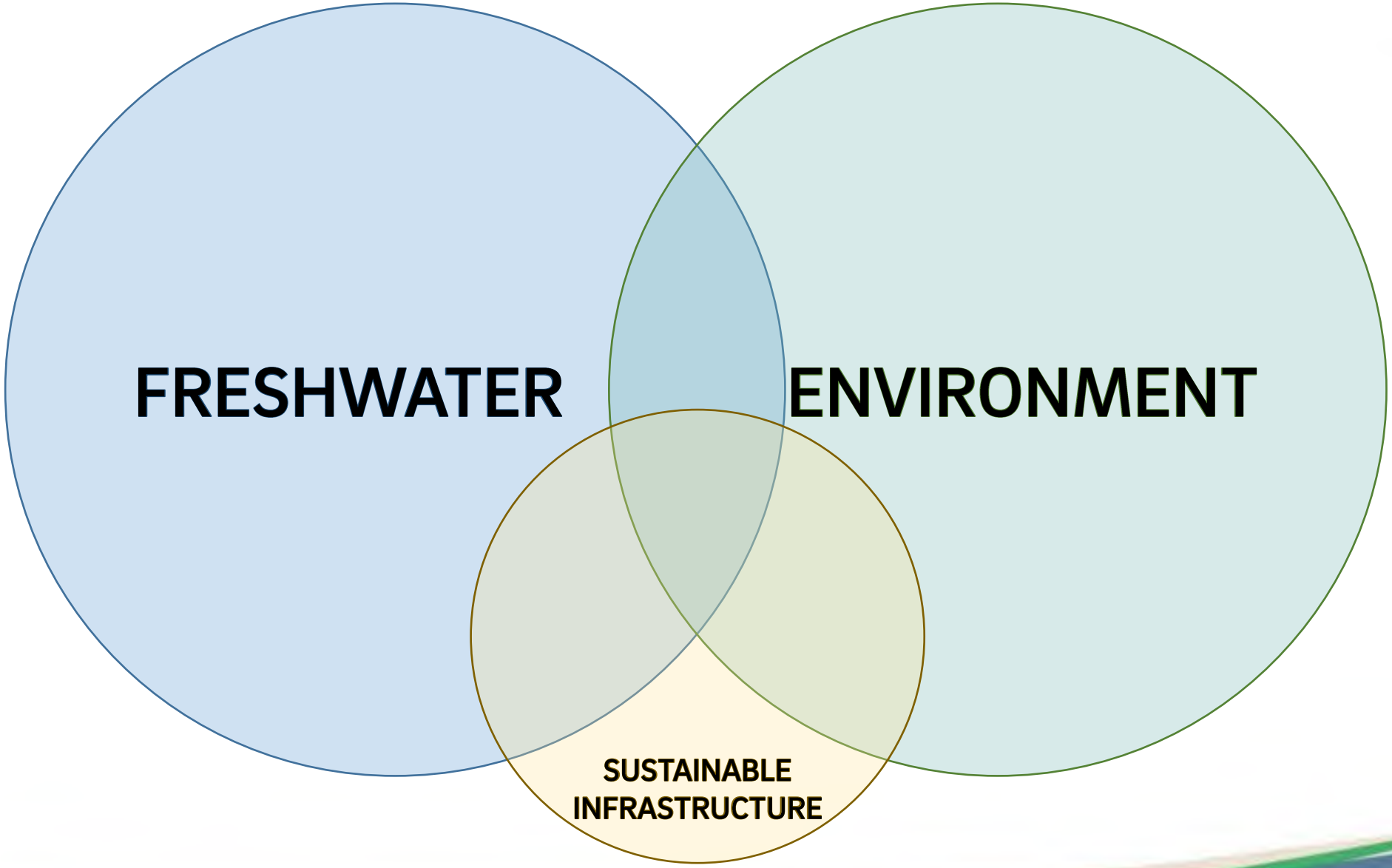
- Identify areas suitable for additional residential density while prioritizing environmental conservation.
- Support evidence-based land-use decisions using geospatial analysis.
- Integrate ecological, social, and economic factors into planning.
- Align with Official Community Plans (OCPs) and Land Use Bylaws (LUBs).

The methodology involved collating and processing datasets related to:

- Ecological Sensitivity: critical habitats, protected areas, biodiversity zones.,
- Freshwater Sustainability: Groundwater vulnerability, recharge zones.
- Watershed Resiliency Mapping,
- Transportation & Infrastructure: Accessibility, road networks, service availability.
- Slope Stability & Geohazards: Identifying landslides, erosion-prone areas.
-

The methodology involved using existing maps and spatial information:

- Use of ArcPro's Suitability Modeler Tool to apply weighted scoring systems.
- Application of Multiple-Criteria Decision Analysis (MCDA) for prioritization.
- Overlaying datasets to assess suitability for residential expansion.


FRESHWATER
ENVIRONMENT
SUSTAINABLE
INFRASTRUCTURE

Themes and Layers

- **Protect Environment**
  - Marine Shore Adjacency
  - Sensitive Ecosystems
  - At Risk Ecological Communities
  - Dominant Age of Forests
- **Preserve Freshwater**
  - Groundwater Recharge
  - Groundwater Well Density
  - Watershed Resiliency
  - Saltwater Intrusion Risk
- **Sustainable Infrastructure**
  - Road Access
  - Steep Slopes and Geohazards

SUITABLE LAND ANALYSIS

Suitability Weighting

THEME	OVERALL THEME WEIGHTING	SUITABILITY WEIGHTING	LAYER	REFERENCE NAME
PROTECT ENVIRONMENT	40	10	Marine shore adjacency	Methods for Determining High Value Biodiversity Areas and Identifying Land Securement Options Within the Islands Trust Area
		10	Sensitive Ecosystems	Howe Sound Terrestrial Ecosystem Mapping to Sensitve Ecosystem Mapping
		10	At Risk Ecological Communities	Methods for Determining High Value Biodiversity Areas and Identifying Land Securement Options Within the Islands Trust Area
		10	VRI Dominant Age	Forest Inventory Strategic Plan
PRESERVE FRESHWATER	40	10	Groundwater Recharge Potential	Islands Trust Area Groundwater Recharge Potential Mapping Report
		10	Watershed Resilliency	Watershed Resilliency Mapping in the Islands Trust Area
		10	Groundwater Well Density	GIS process Kernel Density of the BC Groundwater Wells Registry (GWELLS)
		10	Risk of Saltwater Intrusion	GIS Modelling of Sea Water Intrusion Risk Along British Columbia's Coast
SUSTAINABLE INFRASTRUCTURE	20	10	Road Adjacency	Digital Road Atlas geodatabase
		10	Steep Slopes	Processed LIDARBC Digital Elevation Model

Suitability Weighting

THEME	LAYER	OVERALL SUITABILITY WEIGHTING	LAYER UNITS	ORIGINAL CLASSIFICIATION	CLASSIFICATION VALUE	SUITABILITY	SUITABILITY FACTOR
PROTECT ENVIRONMENT	Marine shore adjacency	5	SHORE ZONES IMPORTANCE SCALE	Man-made	0.5	MODERATE	5
				Unknown	0.5	MODERATE	5
				Rock Cliff	0.6	LOW	3
				Channel	0.7	LOW	2
				Mud Flat	0.7	LOW	2
				Gravel Flat	0.9	VERY LOW	1
				Gravel Beach	0.9	VERY LOW	1
				Rock with Gravel Beach	0.9	VERY LOW	1
				Sand Beach	1	VERY LOW	1
				Estuary, Marsh or Lagoon	1	VERY LOW	1
				Rock with Sand Beach	1	VERY LOW	1
				Sand Flat	1	VERY LOW	1
				Rock Platform	1	VERY LOW	1
				Sand and Gravel Beach	1	VERY LOW	1
				Sand and Gravel Flat	1	VERY LOW	1
				Rock, Sand and Gravel Beach	1	VERY LOW	1
	Sensitive Ecosystems (PRIMARY, SECONDARY, AND TERTIARY)	15	SENSITIVIY IMPORTANCE SCALE	NA	0	VERY HIGH	10
				YOUNG FOREST	1	VERY LOW	1
				SEASONALLY FLOODED	1	VERY LOW	1
				MATURE/OLD FOREST	1	VERY LOW	1
				HERBACEOUS	1	VERY LOW	1
				CLIFF	1	VERY LOW	1
				SAND	1	VERY LOW	1
				WETLAND	1	VERY LOW	1
				WOODLAND	1	VERY LOW	1
				OLDER FOREST	1	VERY LOW	1
				RIPARIAN	1	VERY LOW	1
				FRESHWATER	1	VERY LOW	1
	At Risk Ecological Communities	10	RISK SCALE	NONE	0	VERY HIGH	10
				YELLOW	.33	HIGH	6
				BLUE	.66	MODERATE	3
				RED	1.0	LOW	1
	Dominant Age	10	AGE SCALE PERCENTAGE	Cleared	0	VERY HIGH	10
				Pole/Sappling	10-20	HIGH	8
				Young Forest	40-60	MODERATE	5
				Mature Forest	60-100	LOW	2
				Old Forest	>100	VERY LOW	1

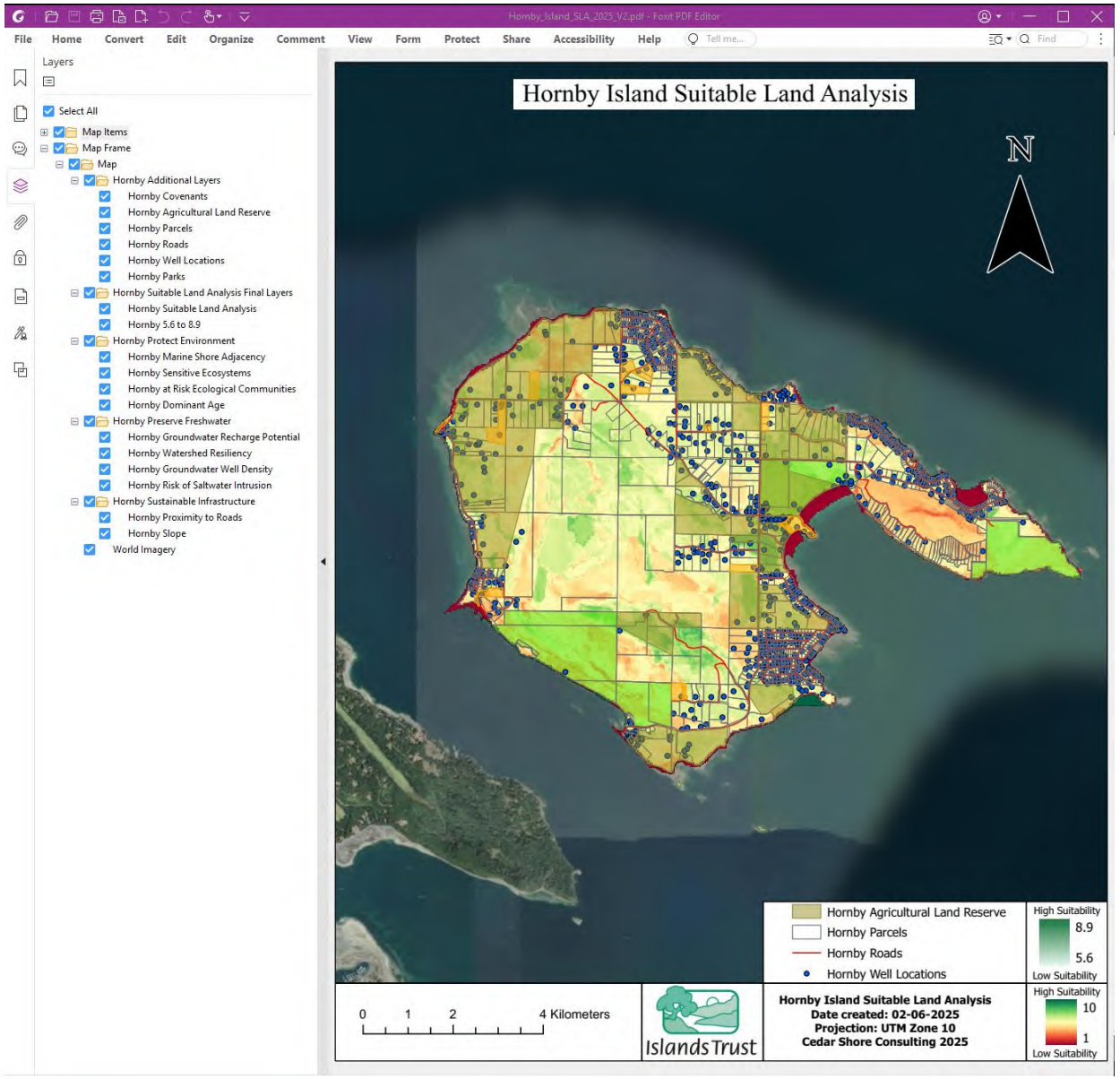
Suitability Weighting

THEME	LAYER	OVERALL SUITABILITY WEIGHTING	LAYER UNITS	ORIGINAL CLASSIFICIATION	CLASSIFICATION VALUE	SUITABILITY	SUITABILITY FACTOR
PRESERVE FRESHWATER	**Groundwater Recharge Potential**	10	POTENTIAL RASTER SCALE	HIGH DISCHARGE	0.0-0.1	LOW	5
				LOW	0.1-0.2	HIGH	8
				MODERATE	0.2-0.4	HIGH	8
				HIGH	0.4-0.8	LOW	2
				VERY HIGH	>0.8	VERY LOW	1
	Watershed Resilliency	10	RESILLENCY RASTER SCALE	VERY HIGH	0.8-1.0	VERY LOW	1
				HIGH	0.5-0.8	LOW	1
				MODERATE	0.3-0.5	MODERATE	5
				LOW	0.1 - 0.3	HIGH	9
				VERY LOW	0 - 0.1	VERY HIGH	10
	Groundwater Well Density	10	WELLS per Km^2	VERY LOW	<1	VERY HIGH	10
				LOW	1-10	HIGH	8
				MODERATE	10-20	MODERATE	4
				HIGH	20-30	LOW	2
				VERY HIGH	>30	VERY LOW	1
	Risk of Saltwater Intrusion	10	RISK CLASS	VERY LOW	VERY LOW	VERY HIGH	10
				LOW	LOW	HIGH	8
				MODERATE	MODERATE	MODERATE	5
				HIGH	HIGH	LOW	2
				VERY HIGH	VERY HIGH	VERY LOW	1

Suitability Weighting

THEME	LAYER	OVERALL SUITABILITY WEIGHTING	LAYER UNITS	ORIGINAL CLASSIFICIATION	CLASSIFICATION VALUE	SUITABILITY	SUITABILITY FACTOR
SUSTAINABILE INFRASTRUCTURE	**Road Adjacency**	10	DISTANCE (m)	VERY NEAR	<200	VERY HIGH	10
				NEAR	200-400	HIGH	8
				MODERATE	400-600	MODERATE	5
				FAR	600-800	LOW	2
				VERY FAR	800-1000	VERY LOW	1
	Steep slopes	10	DEGREE SLOPE	VERY LOW	0-5	VERY HIGH	10
				LOW	5-9	HIGH	9
				MODERATE	9-15	MODERATE	5
				HIGH	15-30	LOW	1
				VERY HIGH	>30	VERY LOW	0

Planning PDF DEMO



- The results of the Suitable Land Analysis have been compiled into a layered PDF for presentation and review by Planning Staff
- This is a static tool, thereby desired changes in suitability weighting cannot happen dynamically.
- The project team has addressed the need for an online dynamic approach to this tool that can be an engaging tool for planners, LTCs, and the public. If requested the project team can submit a business case for such a tool.

Role of the Suitable Land Analysis in **Freshwater Sustainability**

- Integration with the Islands Trust Freshwater Sustainability Strategy.
- Protection of watersheds, recharge zones, and drinking water sources.
- Supporting equitable and sustainable water resource management.

Role of the Suitable Land Analysis in **Policy Integration**

- Supporting Land-Use Planning
  - Official Community Plans (OCPs): Aligning zoning & density allocations.
  - Land Use Bylaws (LUBs): Ensuring sustainable regulations.
- Collaboration, Partnerships, and Community Engagement
  - Use of third-party government information and academic research
  - Potential for Collaborating with First Nations, local interest groups, and other agencies.
- Enhancing access to data and public transparency in planning decisions.

Challenges

- Data Availability & Accuracy
  - Inconsistent or incomplete spatial data from island to island can limit the tool's effectiveness.
  - Standardizing data collection especially with environmental data
  - Working with data source agencies can improve accuracy.
- Complex Ecosystem Interactions
  - Environmental factors like groundwater, biodiversity, and climate resilience are interdependent.
  - Dynamic models and adaptive strategies may enhance analysis.
- Balancing Conservation vs. Development
  - Growth pressures may conflict with ecological protection.
  - Transparent, science-based planning may help mitigate conflicts.

Opportunities

- Improved Data-Driven Decision-Making
  - GIS and MCDA create objective, evidence-based land-use assessments.
  - Structured data management supports better planning and policy decisions.

- Proactive Conservation Planning
  - Early identification of sensitive areas helps prevent environmental degradation.
  - Specific focus on a certain value or theme may support long-term sustainability.

- Facilitating Climate Resilience & Sustainability
  - The tool helps align development with climate adaptation needs.
  - This promotes resilient communities and ecosystems.

- Collaborating with First Nations
  - Increased housing density should not impact First Nations' interests, rights, and cultural sites.
  - Early engagement ensures respectful and equitable planning.

Development Questions

1. How can the SLA Tool be used alongside existing land-use regulations to support decision-making while maintaining community-driven planning approaches?

2. Where does First Nation's engagement fit into the process of developing and using the SLA?

3. What factors should be prioritized in weighting the SLA Tool's criteria to better reflect the unique ecological and social values of Hornby?

4. How can the SLA Tool ensure that increasing the opportunity to build more secondary dwelling units and affordable housing aligns with the unique cultural and environmental values of Hornby Island?

5. How can local community groups contribute island-specific environmental and cultural data to enhance the accuracy of the SLA Tool?

6. What challenges exist in applying regional-scale modeling tools like SLA to islands with highly localized environmental conditions, and how can we address them?

ISLANDS TRUST
SUITABLE LAND ANALYSIS

Islands Trust

Hornby Island Suitable Land Analysis