



**HORNBY ISLAND
LOCAL TRUST COMMITTEE
AGENDA**

Revised – June 14, 2011

**AGENDA
Business Meeting
Wednesday, June 1, 2011 at 12:15 pm
In the New Horizons
1765 Sollans Road, Hornby Island, BC**

	Page No.	Approx. Time
1. CALL TO ORDER		12:15 pm
2. APPROVAL OF AGENDA		
3. MINUTES		
3.1 Local Trust Committee Special Meeting Minutes dated April 20, 2011– <i>for adoption</i>	1-5	
3.2 Local Trust Committee Meeting Minutes dated April 27, 2011– <i>for adoption</i>	6-22	
3.3 Local Trust Committee Special Meeting Minutes dated May 11, 2011– <i>for adoption</i>	23-32	
3.4 Section 26 Resolutions Without Meeting - <i>none</i>		
3.5 Advisory Planning Commission Minutes - <i>none</i>		
4. BUSINESS ARISING FROM MINUTES		12:35 pm
4.1 Follow-up Action List dated May 25, 2011 – <i>attached</i>	33-36	
4.2 Food Security in the Islands Trust Area - <i>for discussion</i>		
5. CORRESPONDENCE <i>“Correspondence specific to an active development application and/or project will be received by the Hornby Island Local Trust Committee when that application or project is on the Agenda for Consideration”</i>		
6. TRUSTEES’ REPORT		
7. CHAIR’S REPORT		
8. DELEGATIONS		
9. TOWN HALL SESSION		1:00 pm

10. APPLICATIONS AND PERMITS - none

11. LOCAL TRUST COMMITTEE PROJECTS

1: 20 pm

- 11.1 HO-OCP-2009.2 Vacation Home Rental
- 11.1.1 Compilation of Correspondence to May 24, 2011 - *attached* 37-61
- 11.1.2 Staff Report following from May 21, 2011 Community Information Meeting and Written Submissions – *attached*
- 11.1.3 Staff Report dated June 1, 2011 from Miles Drew, Bylaw Enforcement Co-ordinator - *attached*
- 11.2 HO-OCP-2009.1 Official Community Plan/Land Use Bylaw Review Memorandum dated May 27, 2011 – *attached*

12. REPORTS

2:15 pm

- 12.1 **Strategic Plan for Local Trust Committees** (updated April 4, 2011) - *attached* 62-77
- 12.2 **Work Program Reports**
 - Top Priorities Report and Projects List Report dated May 25, 2011 - *attached* 78-79
- 12.3 **Applications Log**
 - Report dated May 24, 2011 - *attached* 80-82
- 12.4 **Trustee and Local Expenses**
 - 12.4.1 Expenses – Fiscal to March 31, 2011 - *attached* 83
 - 12.4.2 Local Trust Committee Budget – Fiscal 2012 - *attached* 84-86

13. NEW BUSINESS

- 13.1 Town Hall Procedures

14. BYLAWS

2:45 pm

- 14.1 Proposed Bylaw No. 142 cited as “Hornby Island Official Community Plan Bylaw No. 104, 2002, Amendment No 1 2011.” – *consideration of amendments and scheduling of Public Hearing* amended
- 14.2 Proposed Bylaw No 143 cited as “Hornby Island Land Use Bylaw 86, 1993, Amendment No. 1 2011” – *consideration of amendments and scheduling of Public Hearing* amended

15. ISLANDS TRUST WEBSITE

- 15.1 Hornby Page - *attached* 95-97

16. NEXT BUSINESS MEETING DATE

Wednesday, June 29, 2011 at 12:15 pm at Joe King Clubhouse, Central Road, Hornby Island, BC

- 16.1 Discussion of Possible June 14, 2011 Special Meeting

17. ADJOURNMENT

3:30 pm

*Approximate time is provided for the convenience of the public only and is subject to change without notice.

ADOPTED

**MINUTES OF THE HORNBY ISLAND LOCAL TRUST COMMITTEE
SPECIAL BUSINESS MEETING
WEDNESDAY, APRIL 20, 2011 AT 12:15 PM
IN THE NEW HORIZONS
1765 SOLLANS ROAD, HORNBY ISLAND, BC**

PRESENT:	Louise Bell	Chair
	Fred Hunt	Local Trustee
	Tony Law	Local Trustee
	Brodie Porter	Island Planner
	Miles Drew	Bylaw Enforcement Coordinator
	Vicky Bockman	Minute Taker

There was one (1) member of the public in attendance.

1. CALL TO ORDER

Chair Bell called the meeting to order at 12:20 pm. She welcomed the public and acknowledged that the meeting is taking place in the traditional territory of the Coast Salish First Nation.

2. APPROVAL OF AGENDA

The agenda was adopted by consensus.

3. 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

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-020-2011

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

- 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.

4. NEXT BUSINESS MEETING

The next Local Trust Committee regular meeting will take place on Wednesday, April 27, 2011 at 12:15 pm in the Hornby Island Community Hall, Central Road, BC.

5. ADJOURNMENT

Chair Bell adjourned the meeting at 4:39 pm.

Minute Taker

Chair

**MINUTES OF THE HORNBY ISLAND LOCAL TRUST COMMITTEE
BUSINESS MEETING
WEDNESDAY, APRIL 27, 2011 AT 12:15 PM
IN THE HORNBY ISLAND COMMUNITY HALL
CENTRAL ROAD, HORNBY ISLAND, BC**

PRESENT:

Louise Bell	Chair
Fred Hunt	Local Trustee
Tony Law	Local Trustee
Brodie Porter	Island Planner
Sonja Zupanec	Island Planner
Vicky Bockman	Minute Taker

There were thirty-one (31) members of the public in attendance.

1. CALL TO ORDER

Chair Bell called the meeting to order at 12:25 pm. She introduced the Local Trustees, Island Planners, and Minute Taker and acknowledged that this meeting is being held in the traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The agenda was adopted by consensus, with the following amendments:

- Add Item 13.6: Memorandum from Nuala Murphy regarding Information Item for Proposed NAPTEP Covenant on the Howard Property
- Add Item 13.7: Memorandum from Nuala Murphy regarding Information Item for Proposed NAPTEP Covenant on the Tsurumi Property

3. MINUTES

3.1 Local Trust Committee Meeting Minutes dated March 23, 2011

The minutes were adopted by consensus with the following amendments:

1. Page 3, Line 3: Change text from “Nicky” to “Nicki”
2. Page 5, Item 6, Paragraph 2: Change text from “Trustee Hunt said he met with” to “Trustee Hunt said he attended a community meeting March 18 with speaker John Snyder...”
3. Page 9, Paragraph 6, Line 4: Change text from “concerns of the public however acknowledged...” to “concerns of the public. However he acknowledged...”
4. Page 9, Paragraph 6, Line 6: Change text from “Trustee Hunt stated he

prefers to address the questions and issues through the...” to “Trustee Hunt stated it appeared the questions and issues could be addressed through the...”

3.2 *Local Trust Committee Special Meeting Minutes dated March 29, 2011*

The minutes were adopted by consensus.

3.3 *Local Trust Committee Community Information Meeting Notes dated April 2, 2011*

The minutes were adopted by consensus with the following amendments:

1. Page 3, Paragraph 9: Change text from “Kopasky” to “Kopansky”
2. Page 7, Paragraph 4: Change text from “being suggested is a not an usual” to “being suggested is a not uncommon...”
3. Page 8, Item 2.2, Paragraph 2: Insert a New Paragraph: “He stated that the provincial government...”
4. Page 8, Item 2.2, Paragraph 2, Line 4: Change text from “has required” to “had required”
5. Page 8, Item 2.2, Paragraph 2, Line 5: Change text from “after community consultation the resulting draft includes a change to the prior amendment to the OCP on that topic.” to “after community consultation in the Fall of 2009 amendments to the current OCP on the topic of climate change were adopted.”
6. Page 9, Section I, Line 1: Change text from “Comox First Nations” to “K’omoks First Nations”
7. Page 11, Paragraph 9, Line 2: Change text from “depth of the bay” to “length of the bay”
8. Page 16, Paragraph 11, Line 6: Change text from “the process.” to “their process.”

3.4 *Local Trust Committee Community Information Meeting Notes dated April 4, 2011*

The minutes were adopted by consensus with the following amendments:

1. Page 2, line 4: Change text from “on Hornby and were actually required to maintain the status quo.” to “on Hornby and that advertising and third party management were required in order to maintain the status quo.”
2. Page 2, Paragraph 5: Change text from “who want to have a short-term...” to “who want to have a legal short-term...”
3. Page 3, Paragraph 3: Change text from “John Gallard” to “John Gellard”
4. Page 3, Paragraph 8, Line 5: Change text from “prosperities” to “properties”
5. Page 3, Paragraph 9, Line 2: Change text from “could apply for two, three year Temporary Use Permits and one year renewal-is this

correct?” to “could apply for a three year Temporary Use Permit, renewable for another three years. On expiry of that permit, the owner could apply again, and so forth.”

6. Page 4, Paragraph 7: Change text from “Miriam Olverick” to “Miriam Ulrych”
7. Page 5, Paragraph 2: Change text from “Ovi Dohlm” to “Avi Dolgin”
8. Page 5, Paragraph 3, Line 3: Change text from “land planning” to “land use”
9. Page 5, Paragraph 5, Lines 1 and 5: Change text from “Miriam Olverick” to “Miriam Ulrych”
10. Page 6, Paragraph 1, Line 3: Change text from “bylaw infraction” to “bylaw enforcement investigation”
11. Page 6, Paragraph 4: Change text from “Sarah Dipcot” to “Sarah Didcott”
12. Page 6, Paragraph 9 and page 7, paragraph 7: Change text from “Mike Tarbottom” to “Mike Tarbotton”
13. Page 6, Paragraph 11: Change text from “Ovi Dohlm” to “Avi Dolgin”
14. Page 7, Paragraph 6: Change text from “Lee Farrell” to “Leagh Farrell”
15. Page 8, Paragraph 1, line 3: Change text from “all enforcement is done on a complaint basis only” to “enforcement is commonly done on a complaint basis only”
16. Page 9, Paragraph 2: Change text from “Sara Dimcot” to Sarah Dipcot”
17. Page 10, Last Paragraph, Line 3: Change text from “reports show the water table on Hornby is slow getting lower...” to “reports show that the test wells in the Sandpiper and Whaler Station Bay areas are slowly getting lower...”

3.5 *Local Trust Committee Community Information Meeting Notes dated April 6, 2011*

The minutes were adopted by consensus with the following amendments:

1. Page 1, Item 2, Paragraph 3: Change text from “Trustee Hunt stated a general acceptance with the idea of an enforcement policy and stated that the trigger of advertisements has brought about the proposal...” to “Trustee Hunt stated there initially appeared to be acceptance of the idea of an enforcement policy but opposition to the triggers of advertising and third party management had brought about the proposal...”
2. Page 2, Paragraph 4, line 2: Change text from “that once enforcements defined as a trigger then option three would come into play.” to “that once the enforcement triggers are defined then option three would come into play.”
3. Page 3, Last Line: Change text from “A member of the public agreed...” to “Brian Smith agreed...”
4. Page 4, Line 1: Change the text from “Kathy” to “Katherine Ronan”

5. Page 4, Paragraph 3: Change the text from "Kathy" to "Katherine Ronan"
6. Page 5, Paragraph 5, Line 4: Change the text from "He adding..." to "He added..."
7. Page 5, Paragraph 5, Line 5: Change the text from "the island is owned by the absent owners." to "the majority of properties are owned by absent owners."
8. Page 7, Paragraph 3: Change text from "Brian" to "Brian Smith"

3.6 Section 26 Resolutions Without Meeting Log Dated April 18, 2011

Planner Porter presented the Section 26 Resolutions Without Meeting Log Dated April 18, 2011 and provided updates to the report.

Chair Bell advised that the resolution date of Resolution No. 2011-05 should be corrected from March 28, 2011 to March 27, 2011.

3.7 Advisory Planning Commission Minutes

None

4. **BUSINESS ARISING FROM MINUTES**

4.1 Follow-up Action List Dated April 18, 2011

Planner Porter presented the Follow-up Action List dated April 18, 2011 and provided activity updates.

Planner Porter reported that staff continue to prepare for the meeting with the K'omoks First Nation. Discussion followed and it was agreed that determining a date for the meeting should be a priority.

Trustee Law advised that there is funding available on a one-time-only basis to assist with community meetings and stated that while Hornby has already received this funding, Denman Island Local Trust Committee may consider completing an application to assist with meeting costs. Chair Bell replied that she will discuss this with Planner Campbell.

The budget and timing for the Greenhouse Gas Emissions and Riparian Areas Regulation climate change pamphlet was discussed.

5. **CORRESPONDENCE**

None.

6. TRUSTEES' REPORT

Trustee Hunt reported that since the last regular Local Trust Committee Business Meeting, Community Information Meetings were held and approximately 130 people attended. He stated that he found these meetings to be informative and useful and he thanked everyone for their attendance and engagement with the process. Trustee Hunt also said that he participated in an open house event sponsored by the Hornby Island Residents' and Ratepayers' Association with the theme of "How the Island Works". He stated that this was an opportunity for various organizations, including the Local Trustees, to interface with the public and for the community to learn more about what the groups were doing.

Trustee Law reported that a meeting of the task force of the Union of British Columbia Municipalities with the Minister of Transportation and Infrastructure, Blair Lekstrom, was rescheduled. As a member of the task force, he attended a pre-meeting with various delegations to discuss taking action on ferry fares which he said was useful as preparation for the future meeting. He said the Chair of the Ferry Advisory Committee has also requested a meeting with the Minister.

Trustee Law stated that he attended a telephone meeting of the Ferry Advisory Committee last week. He provided an update on BC Ferries route brochure changes. He said that the Hornby ferry service disruption for dock work proposed for October and plans for community consultation on transportation arrangement issues continue to be discussed.

Trustee Law reported that as a Local Government Representative of the working group for the environmental assessment of the Raven Coal Mine, he has been corresponding with the British Columbia Environmental Assessment Office on the Public Meeting process. He said that he is encouraging a daytime Public Meeting on Denman Island so that Hornby Islanders can attend. He also said that he has been active in the Comox Valley Regional District (CVRD) Housing and Homelessness Standing Committee. The Committee has been providing advice to the CVRD on the issue, setting up a task force to coordinate planning and development of housing solutions, and researching opportunities to pursue.

7. CHAIR'S REPORT

Chair Bell reported on activities of the Executive Committee noting that the Chair and Vice-Chair attended the Association of Vancouver Island and Coastal Communities annual convention and that work on the Derelict Vessel Program is progressing. She said that the Executive Committee is overseeing the final draft of the Gas Tax Fund application for a grant to be used to undertake a review of the Islands Trust Council's Policy Statement. Chair Bell stated that the Executive Committee has reviewed a draft of the Islands Trust Communications Plan for 2011-2011 and has met twice since the last regular business meeting of the Hornby Island Local Trust Committee on March 20, 2011. She provided a summary of the meetings and the six bylaws

which were presented for consideration at the April 19, 2011 meeting.

8. DELEGATIONS

None

9. TOWN HALL SESSION

Chair Bell explained that this is the opportunity for those present at today's meeting to comment on topics that will be addressed on the agenda or anything relating to the Islands Trust. She said that it will be the only opportunity during the meeting to address the Trustees.

Jim Saks asked if the bylaws for the pub would be discussed today.

Chair Bell affirmed that this will be discussed.

Derek Ward said he had reviewed the Staff Report on the proposed Costello development variance permit application and stated that he is against this variance.

Chair Bell advised that when considering development variance permits the Local Trust Committee is deliberating on the use of the land not the applicant. She requested that the audience restrict their remarks to the use of the land and proposed variants not the character of the applicants.

Mike Tarbotton asked if there is a non-conforming building on the remainder lot of the Costello proposed subdivision. He stated he might be amenable to the proposed subdivision if the large and possibly non-conforming building on remainder lot 7 were to be removed.

Chair Bell advised that the configuration of the lot is being considered with this application as opposed to the building.

Trustee Law commented that the question of the building is not relevant to the item under consideration. However to provide clarification he stated that he understands the building is legal and conforming.

Elsbeth Armstrong asked when the draft Official Community Plan and Land Use Bylaw amendments proposed on April 20, 2011 regarding short term vacation rentals would be submitted to the public.

Planner Porter responded that a Special Meeting date is being planned for on or about May 11, 2011.

Elsbeth Armstrong asked if all property owners and residents will be notified of the

meeting concerning the draft amendments so they are aware of it and can attend or submit written comments.

Planner Porter responded that the draft amendments will be presented to the Local Trust Committee at the proposed meeting of May 11, 2011 for consideration and staff will recommend a Community Information Meeting subsequent to that meeting so the public can attend and comment.

Chair Bell added that the Islands Trust website subscriber service is a very good, efficient and cost effective option for the public to keep informed of meetings and encouraged participation in that service.

Elsbeth Armstrong recommended notification of the meeting be mailed to all property owners and that it include the suggestion that the website can provide more information.

Karen Ross expressed her appreciation to the Local Trust Committee for the work it is doing on the vacation home rental issue and thanked them for the progress and for listening to the community's concerns.

Trustee Law said that he is aware that this is a very difficult issue for every community in the Islands Trust area and the participation of the Hornby community on this topic has been very much appreciated.

Cathie Howard asked the Local Trust Committee to vote against the Development Variance Permit Application HO-DVP-2011.2 (Costello) until more is known about the effect on the fragile land, water, and impact on neighbours.

John Howard said he wants the intended use of the property to be examined prior to consideration of the Development Variance Permit Application HO-DVP-2011.2 (Costello).

Chair Bell advised that this application is not addressing land use, however she asked Planner Porter to discuss land use and how it relates to the application on agenda item 10.3.

Elsbeth Armstrong said that the permissible dates proposed for vacation home rentals should not be restricted to the calendar period of May through September and asked the Local Trust Committee to reconsider as many people take holidays year-round. She also said that setting the minimum and maximum number of days at 7 or 30 may be too restrictive.

Carol Quin asked if it would be possible to have the relative named in the covenant as a consideration of subdivision under section 946.

Planner Zupanec stated that the name of the relative is not publicly available but the Ministry of Transportation and Infrastructure who are the approving authority for

subdivisions, may have requested or have this information from the applicant.

Trustee Law stated he understands that there is currently no requirement to make sure that the intent of the legislation is carried through. He said that the Union of British Columbia Municipalities has made a resolution to the Province for amendment to Section 946 of the Local Government Act to clarify the intent, to require proof of relationship, and to require recording of the name at the time of subdivision registration.

10. APPLICATIONS AND PERMITS

10.1 HO-RZ-2009.2 Hornby Island Resort Ltd.- Staff Report dated April 26, 2011

Planner Porter summarized the Staff Report regarding the rezoning application for Hornby Island Resort Ltd. He outlined the status of the proposal, some of the issues that have arisen and provided options for next steps. He explained that the Local Trust Committee has resolved to receive any new information that is available regarding proposed Bylaw 141 amendment to the Land Use Bylaw post public hearing. He said that as a consequence, the Local Trust Committee will have to decide whether proposed Bylaw 141 will have to be presented at another public hearing.

Trustee Law requested clarification of the existing covenant regarding offsite parking. Discussion followed regarding the existing covenant on parking, the lease requirement, and the potential impact on the applicant's ability to operate a dining facility. Planner Porter clarified that the terms of the covenant would continue to apply even if Bylaw 141 was adopted.

Trustee Hunt asked if the rezoning would remain in place if the rezoning application were granted and the development permit was subsequently declined. Planner Porter confirmed that the rezoning would stand.

John Ross, the applicant, stated he has addressed the concerns that have been expressed. He said that a possible solution to the lack of off site parking and associated downsizing of the pub would be to allow a reconfigured plan for on site parking at the commercial requirement of one vehicle per accommodation. This would support a pub capacity of 60 seats. He stated that since this is the original capacity proposed he does not see the need for a setback to the process. He said he would like to know what the new information was that influenced the Local Trust Committee member and would like the Committee to consider allowing the on site parking solution just proposed.

Planner Porter explained the principal of receiving additional information post public hearing and said that since a Trustee had been influenced by new information, case law requires proper process.

John Ross expressed his concerns regarding timelines and stated that the proposal presented at an additional public hearing would be the same as that already presented.

Trustee Law said he understands the concerns however he stated he had heard new information that influenced his thinking and was obligated to continue the process for clarification.

Jim Saks stated that it was his understanding that based on Bylaw 141 a smaller version of the pub than presented previously could be built or not built at all. He said that if the pub were sized as originally intended, a second public hearing would not be required. He offered to work with the applicant to sell the real estate for the off site parking.

Planner Porter advised that if dialog between those parties produced information about parking and the size of the pub a public hearing may still be necessary to ensure the public has the opportunity to comment.

Trustee Law explored an alternative solution involving fine tuning the Land Use Bylaw to keep it in line with the Official Community Plan, thereby possibly avoiding the need for a public hearing. It was determined that this approach would only save a marginal amount of time in the process.

Trustee Law said that the public came to the public hearing and were supportive because they believed the proposal would save the pub. He said that the intent of the community was a willingness to accept increased density in order to secure a valuable community facility. He said the community does not feel that a pub with a smaller capacity would provide the same community amenity as the current capacity. He stated it is important to have safeguards in place so that community expectations are realized.

Discussion followed regarding possible approaches to reflect the community intentions involving accessory use and pub capacity. Planner Porter advised that size criteria can be identified in the Land Use Bylaw. The options, implications, process and timeline required to move forward with that approach were considered.

Trustee Law stated that he would like to move forward on this issue in a timely manner. He said that a public hearing may not be necessary given the current consideration of an approach that is not raising any new information and provides assurances of the community's intent in this matter.

The Chair recessed the meeting at 2:26 pm. The meeting was reconvened by the Chair at 2:36 pm.

HO-021-2011 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee request staff to discuss possible amendments to proposed Bylaw 141 with the applicant for rezoning of the Hornby Island Resort and, if agreement is reached, to draft amendments that would:

- specify that residential and commercial occupancy is secondary to pub use, and
- specify the capacity of a pub that is in line with what was originally stated in the development proposal) and to bring this matter forward for Local Trust Committee consideration as early as possible.

CARRIED

Trustee Law expressed his hope that this resolution will facilitate a means for the applicant to work with the community.

10.1.2 Proposed Bylaw No. 141 cited as "Hornby Island Land Use Bylaw No. 86, 1993, Amendment No. 1, 2010

This was discussed previously.

10.2 HO-DVP-2011.1 (Wai and Van Gelder) - Staff Report Dated April 7, 2011

Planner Zupanec summarized the Staff Report and reported that no correspondence has been received on the application to date. There was discussion on the existing shared driveway agreement and Planner Zupanec confirmed that the Ministry of Transportation and Infrastructure has requested confirmation of shared access..

Dale Devost spoke as the representative of the applicants stating this variance is a technical requirement.

HO-022-2011 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee issue Development Variance Permit HO-DVP-2011.1

CARRIED

Trustee Law stated that this arrangement does limit further development and is in line with how the Local Trust Committee thought subdivisions would happen.

Chair Bell stated she did not think the configuration could have been changed to avoid the development variance permit and does not see that this will impact the use of the land in any way.

Trustee Law added that Section 3.12 of the Land Use Bylaw (lot proportions) may need to be reviewed to determine if this regulation is of value and if it

should be retained.

10.3 HO-DVP-2011.2 (Costello) - Staff Report Dated April 7, 2011

Planner Zupanec presented the Staff Report dated April 7, 2011 and summarized the proposed development variance permit application which is a section 946 covenant subdivision. She included a compilation of correspondence received over the past five days on this application request and explained that some of the correspondence received described some of the concerns related to other land use issues on that property. She stated that the use of the property is residential and there is a home occupation being conducted on the property. She advised that the purpose of the permit application is to relax the lot proportions on Remainder Lot 7 as required by Section 3.12 of the Hornby Island Land Use Bylaw and to waive the 10% lot frontage of Remainder Lot 7 as required under the Local Government Act.

There was discussion regarding purpose of the 10% frontage requirement. The option of delegating the Local Trust Committee's authority on the frontage requirement to the Ministry of Transportation and Infrastructure was considered and the concerns with that approach were identified.

Trustee Hunt inquired if the Local Trust Committee is permitted to request information on identity of the family relation that this subdivision is intended to accommodate.

Planner Zupanec replied that the information regarding the relation has not been provided however the Local Trust Committee can request that information from the applicant.

Trustee Hunt requested clarification of the Ministry of Transportation and Infrastructure's request that the applicant provide written confirmation stating that physical access to the proposed Remainder Lot 7 is via the Anderson Drive panhandle, unless a suitable reciprocal easement is registered.

Planner Zupanec explained that a reciprocal easement would allow right-of-way to use the existing driveway on proposed Lot 1.

Trustee Hunt inquired where the proposed micro-distillery would be located and if this is a consideration for the development variance permit application.

Planner Zupanec responded that the home occupation activity is not a part of the development variance permit application and as long as the operator meets the home occupation regulations, the discussion to expand operations would be

between the applicant and the approval authorities outside of the Local Trust Committee.

John Grayson expressed his appreciation for the thoroughness of the Local Trust Committee in consideration of this development variance permit application. He said that there is already an established driveway into Remainder Lot 7 and there will be a registered easement agreement completed. He stated that the applicant has no interest in developing road access through St. John Point Road and that things will remain as they are. He also reported that the relative being accommodated through the section 946 covenant is Joan Costello's mother-in-law.

Chair Bell noted that the proponent indicated the intention to undertake an easement so that proposed Lot 1 would be the access point for the proposed Remainder Lot 7. She said the Local Trust Committee would like assurance that this will happen. Discussion followed on possible approaches and associated difficulties.

HO-023-2011 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee issue HO-DVP-2011.2.

CARRIED

Trustee Law stated that since the intent of the permit is to address lot length/width ratio then he does not see a problem. He noted that the concerns which have been raised are not relevant to the matter under consideration.

Trustee Hunt reflected on the recent correspondence and noted that approximately 12 were in favour and 15 or 16 were opposed based on safety, traffic, land use, and history of owners. He stated he understands those concerns can not be considered as relevant to this discussion.

Chair Bell agreed that concerns expressed in the written correspondence did not address the configuration of the lots.

Trustee Hunt added that the intention of the bylaw is to avoid long, narrow lot proportions and while this is far less than the requirement it does not create a long, thin lot.

Planner Zupanec stated for the members of the audience that comments and concerns regarding safety issues resulting from this proposed lot subdivision should also be directed to the Ministry of Transportation and Infrastructure as that agency, as the approving office, has the responsibility to respond to public

safety issues and concerns regarding accessing those new lots.

HO-024-2011 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee authorize staff to initiate cost recovery with the applicant for the preparation and review of a section 946 covenant.

CARRIED

HO-025-2011 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee grant a frontage waiver under section 944 of the Local Government Act to approve the proposed lot frontage of Proposed Remainder Lot 7.

CARRIED

Trustee Law stated that he had been concerned with access to the Proposed Remainder Lot 7 however was satisfied with the applicant's response.

Trustee Hunt expressed his reluctance to grant the frontage waiver when ultimate approval authority for the subdivision rests with the Ministry of Transportation and Infrastructure. He said he would like more information.

Planner Porter explained that this provision has been in the Local Government Act for many years and the Ministry of Transportation and Infrastructure is responsible for approval of the subdivision, with safety being a consideration. It is traditional for the Local Trust Committees to consider the waiver requests.

Trustee Law asked if staff is generally made aware of any concerns that the Ministry of Transportation and Infrastructure may have on applications such as this. Planner Zupanec stated that staff has been provided with copies of correspondence to the applicant from the Ministry of Transportation and Infrastructure as it reviewed the subdivision request, and there were no concerns raised.

The Chair recessed the meeting at 3:45 pm. The meeting was reconvened by the Chair at 3:50 pm.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 HO-OCP-2009.2 Vacation Home Rentals

Planner Porter reported that all correspondence regarding vacation home rentals received through April 18, 2011 was compiled and included in this agenda. He stated that at the April 20, 2011 Local Trust Committee meeting staff was requested to work on preparation of draft Official Community Plan and Land Use Bylaw amendments to allow vacation home rentals as a permitted use in residential zones and to consider bylaw enforcement policies. Planner Porter presented the overall timeline and possibilities of process and community consultation. Possible dates for upcoming meetings were discussed.

Compliance of the proposed draft amendments with the Trust Policy Statement and possible steps to take to address this issue were discussed. Chair Bell advised that if a Local Trust Committee has a bylaw that is possibly at variance with or contrary to the Trust Policy Statement, viable justifications for that variance are required to be a part of the proposed bylaw. She suggested that this work be considered at the May 11th meeting.

11.1.1 Compilation of Correspondence to April 18, 2011

Received.

11.2 HO-OCP-2009.1 - Draft Official Community Plan

There was a discussion of the Local Trust Committee work program and whether it would be desirable to identify and pursue updating some critical issues in the Draft Official Community Plan in the remainder of this term. The Local Trust Committee agreed it might be possible to address some particular issues that have some urgency and community support.

11.2.1 Compilation of Correspondence from March 18 to April 18, 2011

Chair Bell requested this correspondence be referenced again at the June 1, 2011 meeting.

11.3 HO-LUB-2011.1 - Land Use Bylaw Review

This item was deferred to a future agenda.

12. REPORTS

12.1 Strategic Plan for Local Trust Committees (Updated April 4, 2011)

Chair Bell stated that this report is now being presented quarterly. She reported that changes that have been made to the Islands Trust Council Strategic Plan are reflected in this version of the report.

12.2 Work Program Reports Top Priorities Report and Projects List Report Dated April 18, 2011

Planner Porter suggested the Local Trust Committee give consideration to identifying #1 Vacation Home Rentals as the key priority for the remainder of this term and modify #2 to give staff direction to work on draft documents, perhaps with the assistance of the Advisory Policy Commission, for presentation at the start of next term.

Potential referrals to the Advisory Planning Commission were proposed for the June 1, 2011 business meeting.

12.3 Applications Log - Report Dated April 18, 2011

Planner Porter presented the Applications Log. In response to a request for an update on HO-SUB-2010.9, he stated he would research this application and report back to the Committee.

12.4 Trustee and Local Expenses

12.4.1 Expenses Posted to February 23, 2011

Received.

12.4.2 Expenses Posted to March 22, 2011

The Local Trust Committee discussed the fiscal 2011/2012 budget and it was agreed to keep the same budget for the upcoming year. Planner Porter stated he would confirm this with the Finance Officer.

The Local Trust Committee requested staff to confer with the Director of Local Planning Services regarding the changes in the timeline for the Hornby Official Community Plan/Land Use Bylaw review and the consequent budget implications.

13. NEW BUSINESS

13.1 Letter dated March 3, 2011 to Hornby Local Trust Committee from Sheila Malcolmson, Chair of Islands Trust Council Regarding Food Security in the Islands Trust Area and Report

Chair Bell stated she would like a discussion including comments and ideas from the Local Trustees on this item at the next regularly scheduled Local Trust

Committee business meeting.

13.2 Annual Meeting with Ministry of Transportation and Infrastructure and Emcon Services

Trustee Hunt provided an update on efforts to schedule a meeting with the District Manager to discuss items of interest and concerns about roads.

13.3 Climate Change Communications

The status of the climate change brochure was discussed. Planner Porter suggested that if the Local Trust Committee is considering modifying the Official Community Plan/Land Use Bylaw review for next term, perhaps Riparian Area Regulations should be given consideration at that time. Chair Bell commented that this is a good reminder as there will be a desire to complete the Riparian Area Regulations next term.

13.4 Trust Council Request to Local Trust committees and Bowen Island Municipality - Working Sheet for Regional Conservation Plan Goals

Chair Bell gave an overview of this document stating the basis for the plan is the threat to biodiversity and opportunities for protection. She stated that the matter might best be deferred to next term in order to explore and clarify the objectives and process involved and perhaps to get advice from Trust Fund staff. She stated that it would be useful to determine if it affects the Official Community Plan early in the process.

13.5 Comox Valley Regional District and Islands Trust Protocol Agreement Staff Memorandum Dated April 15, 2011

The Staff Memorandum was received.

HO-026-2011 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee approve the proposed Protocol Agreement between the Comox Valley Regional District Board and the Hornby Island and Denman Island Local Trust Committees and refer it to the Executive Committee for approval.

CARRIED

13.6 Memorandum from Nuala Murphy regarding Information Item for NAPTEP Covenant on the Howard Property *Proposed*

Received.

13.7 Memorandum from Nuala Murphy regarding Information Item for NAPTEP Covenant on the Tsurumi Property *Proposed*

Received.

14. BYLAWS

None.

15. ISLANDS TRUST WEBSITE

15.1 Hornby Page

Trustee Hunt asked for an update on when the MapIT program would be on the website. Chair Bell responded that the implementation on the website has been delayed.

The following changes to the website were requested:

- Remove HO-DVP-2009.1 and HO-DP-2010 (Fredbeck) from Applications
- Remove Draft Hornby Island Local Trust Area ecosystem maps and feedback form from Ecosystem Mapping and create a link for the final version.

16. NEXT BUSINESS MEETING DATE

The next Local Trust Committee regular business meeting will take place on Wednesday, June 1, 2011 at 12:15 pm in the New Horizons, 1765 Sollans Road, Hornby Island, British Columbia.

A Special Meeting of the Local Trust Committee will take place on May 11, 2011 with time and venue to be determined.

17. ADJOURNMENT

Chair Bell adjourned the meeting at 5:03 pm.

Minute Taker

Chair

**MINUTES OF THE HORNBY ISLAND LOCAL TRUST COMMITTEE
SPECIAL BUSINESS MEETING
WEDNESDAY, MAY 11, 2011 AT 12:15 PM
IN THE NEW HORIZONS
1765 SOLLANS ROAD, HORNBY ISLAND, BC**

PRESENT:

Louise Bell	Chair
Fred Hunt	Local Trustee
Tony Law	Local Trustee
Brodie Porter	Island Planner
Vicky Bockman	Minute Taker

There were four (4) members of the public in attendance.

1. CALL TO ORDER

Chair Bell called the meeting to order at 12:22 pm. She welcomed the public and acknowledged that the meeting is taking place in the traditional territory of the Coast Salish First Nations. Chair Bell introduced the Local Trustees, Islands Trust Planner and Minute Taker.

2. APPROVAL OF AGENDA

The agenda was approved by consensus, with the following amendments:

- Add item 4.1.i, Memorandum dated May 9, 2011 Re: Addendum to Staff Report of May 11, 2011 – Rezoning Application - Hornby Island Resort Ltd.
- Add item 4.2.i, Memorandum dated May 9, 2011 Re: Addendum to Staff Report dated May 5, 2011 and draft bylaws 142 and 143 Re Vacation Home Rentals
- Add item 4.3, Update on Islanders' Secure Land Association Letter of February 22, 2011
- Add item 4.4, Draft Agenda for May 21, 2011 Hornby Island Local Trust Committee Special Business Meeting

3. MINUTES

Local Trust Committee Minutes dated April 20, 2011

The minutes were adopted by consensus.

4. NEW BUSINESS

4.1 *HO-RZ-2009.2 Hornby Island Resort Ltd. Staff Report dated May 3, 2011*

Planner Porter presented the Staff Report dated May 3, 2011 regarding the rezoning application for Hornby Island Resort Ltd. He summarized the proposed amendment to Bylaw 141 which provides that visitor accommodation units would be a permitted accessory use to a permitted pub. The draft amendment also establishes a minimum seating capacity of 50 seats for the pub. He stated that the proposed zoning provides for an increased definition of maximum floor area of 5,000 square feet for the commercial building from 4,000 square feet and reported that a development permit may not be used to alter that permitted floor area.

Planner Porter discussed the key issues and outlined possible recommendations. He noted that the proposed covenant to address conservation and sustainability has been submitted by the applicant.

4.1.i *Memorandum dated May 9, 2011 Re: Addendum to Staff Report of May 11, 2011 – Rezoning Application - Hornby Island Resort Ltd.*

Planner Porter presented the Memorandum of May 9, 2011, an addendum to the staff report, which corrects a numbering sequence error and provides for an option to waive an additional public hearing.

4.1.1 *(3rd Reading) Proposed Bylaw No. 141 cited as “Hornby Island Land Use Bylaw No. 86, 1993, Amendment No. 1, 2010”*

This item was not considered for discussion.

4.1.2 *(Draft Amendment) Proposed Bylaw No. 141 cited as “Hornby Island Land Use Bylaw No. 86, 1993, Amendment No. 1, 2010”*

There was discussion of the proposed pub minimum seating capacity of 50 seats. Planner Porter said that the 50 seat capacity is intended to address indoor seating. It was noted that as the proposal is written, the use of the outside deck, with a capacity of approximately 30 seats, could allow the applicant to reduce the number of indoor seating. He suggested consideration of adding the word “indoor” to the proposed amendment section 9.16.6.

There was discussion regarding the parking requirements for the pub’s 50 indoor and 30 outdoor seats based on the requirement of one parking space per two seats.

John Ross, the applicant, affirmed that it is his intention to secure off-site parking and that there is a tentative agreement to do so dependent on successful rezoning. He stated that during the summer many customers arrive by walk-on ferry transportation, boats and bikes and do not require parking. He said that the 44 off-site parking spaces combined with the 15 spaces around the pub on-site would be more than adequate to meet the requirement. Planner Porter confirmed that this equals 59 parking spaces for the pub and restaurant facilities.

Jim Sax commented that negotiations for the applicant to purchase the off-site parking are proceeding. He said he wants the pub to be the size originally proposed.

Discussion followed on possible methods to ensure adequate and safe parking for all elements of the project. Planner Porter advised that it is up to the applicant to secure the necessary parking spaces either by the addition of off-site parking or by on-site parking alone which would require significant redesign of plans. He also said that safe parking is determined by a combination of available parking capacity, responsibility of the public to park properly, and some responsibility for Royal Canadian Mounted Police to enforce highway parking regulations if necessary.

Trustee Hunt said that the community has an expectation that the pub, restaurant and adequate parking would be included in this proposal. He confirmed the possibility that the Local Trust Committee could reconsider the proposed bylaw amendment should additional information make that necessary.

Trustee Law said that the Local Trust Committee needs certainty of enough parking. He stated that he had a degree of comfort moving forward with the proposed amendments knowing that the full development requires the off-site parking and that it is the intention of the applicant to secure that parking. He said he is satisfied that if more information is received later causing concern that the amendment could be reconsidered.

Chair Bell said that she wants to address the community's wishes for the pub size. She recommended consideration of the amendment with the addition of the specification of the 50 seat capacity being indoors to prevent the calculation of seating capacity being the sum of indoor and outside seats regardless of the time of year. She expressed her concern that with no size requirement the seating capacity could be smaller.

HO-027-2011 It was **MOVED** and **SECONDED** that Third Reading of proposed Bylaw 141 cited as “Hornby Island Land Use Bylaw No. 86, 1993, Amendment No. 1, 2010” be rescinded.

CARRIED

HO-028-2011 It was **MOVED** and **SECONDED** that proposed Bylaw 141 cited as “Hornby Island Land Use Bylaw No. 86, 1993, Amendment No. 1, 2010” be amended as specified on page 5 of the Staff Report dated May 3, 2011 – Rezoning Application Hornby Island Resort Ltd. – with the following change: that the word “indoor” be inserted before the word “seats” in 9.16.6.3

CARRIED

HO-029-2011 It was **MOVED** and **SECONDED** that proposed Bylaw 141 cited as “Hornby Island Land Use Bylaw No. 86, 1993, Amendment No. 1, 2010” be given second reading as amended.

CARRIED

HO-030-2011 It was **MOVED** and **SECONDED** that proposed Bylaw 141 cited as “Hornby Island Land Use Bylaw No. 86, 1993, Amendment No. 1, 2010” and the draft covenant be referred to BC Ferries; Ministry of Transportation and Infrastructure; K’omoks First Nation; Hornby Island Fire Department, Vancouver Island Health Authority and the Liquor Control Branch for information.

CARRIED

Chair Bell invited discussion to determine if an additional public hearing is considered to be necessary.

Trustee Law stated that he does not believe there has been new information presented and that the Local Trust Committee is reinforcing the community’s expectation of what the bylaw is accomplishing. He expressed his opinion that returning to a public hearing is not necessary.

Trustee Hunt said that in his opinion there has not been new information received and that there has been confirmation of the community’s understanding of the proposal. He stated that he does not believe an additional public hearing is necessary.

Chair Bell stated that one reason to waive the requirement for returning to public hearing is that there has been nothing new or different presented. She asked about the effect on timing if the decision is made to go forward with the process without an additional public hearing.

A general discussion followed on the possible timelines, notification

requirements and procedures for advancing the bylaw amendment.

HO-031-2011

It was **MOVED** and **SECONDED** that proposed Bylaw 141 cited as “Hornby Island Land Use Bylaw No. 86, 1993, Amendment No. 1, 2010” is considered to be consistent with the Hornby Island Official Community Plan and therefore another public hearing for proposed Bylaw 141 and the draft covenant is waived provided notice is provided in accordance with s. 893 of the Local Government Act.

CARRIED

Planner Porter advised that the draft covenant is included in the agenda material however recommended it not be considered today.

Chair Bell recessed the meeting at 1:35 pm. The meeting was reconvened by Chair Bell at 1:44 pm.

4.2 HO-OCP-2009.2 - Vacation Home Rentals
Staff Report dated May 5, 2011

Planner Porter reviewed the Staff Report dated May 5, 2011 which outlines the proposed draft of the Vacation Home Rental amending bylaws for community discussion. He summarized key issues including compliance with legislation, Trust Policy and Hornby Island Official Community Plan (OCP). He noted that the draft OCP encourages the establishment of a vacation home rental association.

4.2i Memorandum dated May 9, 2011 Re: Addendum to Staff Report dated May 5, 2011 and Draft Bylaws 142 and 143 Re Vacation Home Rentals

Planner Porter presented the Memorandum dated May 9, 2011 and reviewed the additional information and further suggestions for draft Bylaws 142 and 143.

4.2.1 (OCP) Vacation Rentals - Draft Bylaw No. 142 cited as “Hornby Island Official Community Plan Bylaw No.104, 2002, Amendment No. 1, 2011”

The Local Trust Committee discussed the Broad Community Objectives and recognized that tourism is not reflected in any of the objectives.

Discussion followed on the draft proposed Bylaw 142 Schedule A and the draft was amended as follows:

Section 1

1. 1.3: Insert a blank line after the first paragraph

2. 1.3, Paragraph 2, Line 1: Add “and summer residents” after “visitors”
3. 1.3, Paragraph 2, Line 5: Change “There has been” to “There is”
4. 1.3, Paragraph 2, Line 6: Change “others” to “visitors”
5. 1.3, Paragraph 2, Last sentence: Change to “The Hornby Island Community Profile (March, 2010) provides more detailed information.”

Section 2

1. a., 6.5.2.7 b): Insert “Vacation home rentals and” before “Agritourism”

Section 3

1. Delete policy 6.5.3.1 and renumber subsequent policies
2. New policy 6.5.3.1: Change to “Where a dwelling is permitted on a parcel, 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
 - b) provided that the vacation home rental use is occurring during the temporary absence of the owner or tenant; or
 - c) where the owner or tenant is residing in another lawful dwelling on the property.”
3. New policy 6.5.3.2: Change to: “Where a dwelling is permitted on a parcel and the owner of the parcel resides only seasonally in the dwelling, the rental of that dwelling as a vacation home rental should be permitted in the zoning regulations.”
4. New policy 6.5.3.3: Change the bullets to be alphabetical such as a); b) etc.
5. New policy 6.5.3.3 a): Delete “restrict the number of days of consecutive occupancy by paying guests so as not to establish a residential tenancy use (which is permitted as a residential use) but also to”
6. New policy 6.5.3.3 a): Change “insure a level of...” to “require a level of...”
7. New policy 6.5.3.3: Delete second bullet (“prohibit shorter...”)
8. New policy 6.5.3.3 c), as proposed in staff addendum report with insertion of “normal” before “residential”
9. New policy 6.5.3.4, Line 2: Insert a comma after “characteristics”
10. New policy 6.5.3.4: Change the bullets to be alphabetical such as a); b) etc.
11. New policy 6.5.3.4: Delete last bullet (“limited potential...”)
12. New policy 6.5.3.5, Line 1: Change “Association” to “association”
13. New policy 6.5.3.5, Sentence 2: Change “the Association” to

“Any such association”

14. New policy 6.5.3.5, Line 6: Change “Association” to “association”
15. New policy 6.5.3.6, Line 1: Change “Association” to “association”

4.2.2 (LUB) Vacation Rentals

Draft Bylaw No.143 cited as “Hornby Island Land Use Bylaw 86, 1993, Amendment No.1, 2011

The Local Trust Committee discussed the draft proposed Bylaw No.143 Schedule 1 and the draft was amended as follows:

1. 1.a.i : Change to: “vacation home rental use means the use of a lawfully permitted residential dwelling unit on a lot for the temporary accommodation of paying guests, where:
 - a) the owner or tenant of the lot is ordinarily resident on the lot and the vacation home rental use is occurring during a temporary absence of that owner or tenant; or
 - b) the owner of the parcel resides only seasonally in the dwelling; or
 - c) the owner or tenant is residing in another lawful dwelling on the property.”
2. 1.a.ii: Delete quotation marks before “visitor accommodation unit”
3. 1.b.ii, 3.23.3: Change to: “No dwelling used for vacation rental use shall accommodate more than 2 beds per bedroom and more than 3 bedrooms if the lot on which the dwelling is located has an area of less than one hectare, or more than 4 bedrooms if the lot has an area of one hectare or more.”
4. 1.b.ii: Delete 3.23.4 and renumber subsequent regulations accordingly
5. New 1.b.ii, 3.23.4, Line 5: Insert “only” after “posted”
6. New 1.b.ii, 3.23.6, Line 3: Insert a comma after 104
7. 1.d., 7.7: Change to: “On lots where a vacation home rental use is in use, a sign no larger than 15 centimetres (6 inches) by 30 centimeters (12 inches) is required and must provide contact information including name and telephone number of the owner or their agent.”
8. 1.e.v.: Delete “subject to approval by the Agricultural Land Commission”.

4.2.3 Draft Enforcement Policy - Vacation Home Rentals

Planner Porter read a statement from Bylaw Enforcement Coordinator Drew. The Bylaw Enforcement Coordinator’s written statement recommended that the Local Trust Committee endorse a

proactive review of all operating vacation home rental operations on Hornby Island this summer to determine compliance with the new regulations. The statement recommended firm standards of enforcement be adopted and suggested that ignoring of regulations should not be tolerated. He recognized that some operations will not comply with new regulations and suggested options to address compliance would include applying for a temporary use permit, applying for a rezoning, or to change the way they operate.

The Trustees discussed the options and concluded that after adoption of the new bylaws, and preliminary to enforcement, there should be an education and communication plan that might include a public information session. The appropriateness of the review options could be address at that time, however, it was determined that the Bylaw Enforcement Coordinator cannot investigate without a basis. It was also suggested that the Community Information Meeting would be an opportunity to inform the public of the enforcement options being considered.

The Local Trust Committee discussed the possibility of giving first reading to draft Bylaws 142 and 143 at this time. The timing of necessary steps in the process was considered.

Trustee Law stated that he would like the process to be as open as possible but recognized that this proposal reflects the input given by the community and that giving first reading gets the process started and can be changed if necessary. He confirmed that the bylaws as amended have not yet had legal review and verified that the bylaws can be referred for legal review at this time.

Trustee Hunt stated that although he remains concerned that not many opposing views to this position have been heard, he said that the proposed bylaws are based on the community input that has been received. He noted that the proposed bylaws can be given first reading with the understanding that they can be changed if warranted.

Chair Bell stated that the timing concerns of the various necessary steps and referral process would support a first reading at this time.

HO-032-2011

It was **MOVED** and **SECONDED** that draft Bylaw 142 cited as “Hornby Island Official Community Plan Bylaw No. 104, 2002, Amendment No. 1, 2011” as amended following discussion at the meeting of the Hornby Island Local Trust Committee on May 11, 2011 be given first reading.

CARRIED

Chair Bell stated that this approach responds to the community’s stated desires to have vacation home rentals as a permitted use and to have the bylaws changed to reflect that position.

HO-033-2011

It was **MOVED** and **SECONDED** that pursuant to section 879 of the Local Government Act that proposed Bylaw 142 be referred to the following agencies for comment:

- BC Ferries
- Comox Valley Regional District
- Denman Island Local Trust Committee
- Hornby Island Volunteer Fire Department
- Islands Trust Fund
- Ministry of Community, Sport and Cultural Development
- Ministry of Jobs, Tourism, and Innovation
- Ministry of Transportation and Infrastructure
- Vancouver Island Health Authority
- Whaling Station Bay Improvement District

CARRIED

There was discussion as to whether there would be a benefit to referring the proposed bylaw to the Advisory Policy Commission and it was deemed unnecessary at this time given the significant community involvement in the matter.

HO-034-2011

It was **MOVED** and **SECONDED** that pursuant to section 882 of the Local Government Act that Bylaw 142 be referred to the Agricultural Land Commission for comment.

CARRIED

HO-035-2011

It was **MOVED** and **SECONDED** that proposed Bylaw 142 be presented at a community information meeting to be held on May 21, 2011.

CARRIED

HO-036-2011

It was **MOVED** and **SECONDED** that draft Bylaw 143 cited as "Hornby Island Land Use Bylaw 86, 1993, Amendment No. 1, 2011" as amended following discussion at the meeting of the Hornby Island Local Trust Committee on May 11, 2011 be given first reading.

CARRIED

HO-037-2011

It was **MOVED** and **SECONDED** that proposed Bylaw 143 be referred to agencies for comment.

CARRIED

It was **MOVED** and **SECONDED** that proposed draft Bylaw 143 be presented at a community information meeting to be held on May 21, 2011.

CARRIED

4.2.4 Draft Agenda for Special Business Meeting CIM on May 21, 2011

The general format for presentation of draft Bylaws 142 and 143 at the Special Business Meeting Community Information Meeting on May 21, 2011 was discussed. Publication and notification requirements of the meeting were confirmed and will be completed including mailing of a notice of meeting to all non-resident property owners.

4.3 Islanders' Secure Land Association Letter of February 22, 2011 - Update

The Chair reported that the Islands Trust Executive Committee had now responded to the February 22, 2011 letter from Islanders' Secure Land Association to the Executive Committee.

5. NEXT BUSINESS MEETING

5.1 Special Business Meeting to hold a Community Information Meeting: Saturday, May 21, 2011 at 12:15 pm in the New Horizons, 1765 Sollans Road, Hornby Island, British Columbia

The next Local Trust Committee Special Business Meeting to hold a Community Information Meeting will take place on Saturday, May 21, 2011 in the New Horizons, 1765 Sollans Road, Hornby Island, British Columbia.

5.2 Regular Business Meeting

The next Local Trust Committee regular business meeting will take place on Wednesday, June 1, 2011 at 12:15 pm in the New Horizons, 1765 Sollans Road, Hornby Island, British Columbia.

6. ADJOURNMENT

Chair Bell adjourned the meeting at 5:24 pm.

Minute Taker

Chair



Follow Up Action Report w/ Target Date

**Hornby Island
Mar-17-2010**

No.	Activity	Responsibility	Target Date	Status
1	HO-OCP-2009.1 (OCP and LUB review project) Resolution: request staff to implement changes to draft OCP and LUB versions 1 March 2010 as identified in the meeting. Resolution: LTC expresses interest in Toby Islet, Norris Rocks and Flora Islet being rezoned from Rural Residential to Park as part of the OCP and LUB review process and request staff to prepare a report on the conservation values of the islets and to consult with their owners. Report back to LTC on APC resolution and recommendations (see APC minutes); respond to APC request for more information. Staff to advise LTC on s946 subdivision resolution; respond to APC recommendations regarding build out map.	Sonja Zupanec	Aug-25-2010	On Going

Oct-13-2010

No.	Activity	Responsibility	Target Date	Status
6	Request Ministry of Attorney General to designate the Hornby LTC as a local government under the Local Government Bylaw Notice Enforcement Act and to enact a regulation under Section 29 of said Act to apply the Act to the LTC.	Miles Drew		Done

Dec-15-2010

No.	Activity	Responsibility	Target Date	Status
1	Hornby Land Use Bylaw - consider Ron McMurtrie's comments regarding septic fields expressed in his Oct 17, 2010 email when drafting the proposed LUB.	Sonja Zupanec		On Going

3 HO-RZ-2009.2 (Thatch) Cost recovery agreement authorized to draft a covenant to address issues of sustainability and conservation and that the covenant be tabled prior to referral of bylaw 141 to Executive Committee. Cost recovery agreement in place and draft covenant is with applicant.

On Going

Brodie Porter

8 HO-OCP-2009.1 - Staff to amend the draft OCP as discussed at Dec 15, 2010 meeting; proceed with work on draft OCP and LUB in accordance with Nov 16 2009 terms of reference that provides an OCP and LUB concurrently; and revised timeline dated Dec 15, 2010 is endorsed.

Done

Brodie Porter

10 GHG and RAR Budgets - proposed Climate Change pamphlet to be considered and staff asked upon completion of draft to contract for formatting and printing of pamphlet. RAR budget to be reconsidered at next LTC meeting.

On Going

Chris Jackson
Brodie Porter

Feb-18-2011

No.	Activity	Responsibility	Target Date	Status
7	Meeting with K'omoks Nation - Hornby LTC agrees that a meeting with KFN should be held in coordination with Denman LTC in June or September on Denman Island; that Denman and Hornby LTCs share the costs; that the meeting be posted and held as joint LTC meetings; that the public are allowed to attend to view; that food be provided to LTCs and KFN; and that a gift be considered for KFN. Staff asked to further explore arrangements.	Courtney Campbell Sonja Zupanec		On Going

Mar-23-2011

No.	Activity	Responsibility	Target Date	Status
3	A resolution that no enforcement be carried out on vacation home rentals for the rest of this term unless a new vacation home rental enforcement policy is adopted was tabled.	Miles Drew Brodie Porter		On Going

Apr-20-2011

No.	Activity	Responsibility	Target Date	Status
1	Staff to: <ul style="list-style-type: none"> a. draft OCP amendments to enable VHR as a permitted use as per page 9 of April 19, 2011 staff report b. draft amendments to LUB to illustrate 	Miles Drew Brodie Porter	May-11-2011	Done

- implementation of draft OCP policy
- c. draft enforcement policy for consideration of LTC to bring forward for community comment.

Apr-27-2011

No.	Activity	Responsibility	Target Date	Status
1	Staff to confirm meeting dates and locations and recommend notification processes for Vacation home rental discussion.	Brodie Porter		Done
1	Staff to update HOLTLC webpage by removing old application file HO-DVP-2009.1 and updating ecosystem mapping link.	Sonja Zupanec	Apr-28-2011	Done
1	HOLTLC resolution to approve draft protocol agreement with CVRD and refer it to the Executive Committee.	Sonja Zupanec	Apr-29-2011	Done
1	Staff to correct the date for RWM 2011.05 to March 27, 2011.	Sonja Zupanec	Apr-29-2011	Done
1	HO-DVP-2011.1 (Wai/van Gelder) HOLTLC resolution to issue DVP. Notify applicants and issue permit.	Becky McErlean	May-06-2011	Done
1	HO-DVP-2011.2 HOLTLC resolution to issue DVP. Staff to notify applicant and issue permit.	Becky McErlean	May-06-2011	Done
1	HO-SUB-2010.9 (Costello) HOLTLC resolution granting 10% frontage waiver and requesting staff to enter into a cost recovery agreement with applicant for the preparation of a S. 946 covenant with the HOLTLC.	Sonja Zupanec	May-06-2011	On Going
1	HO-RZ-2009.2 Hornby Island Resort - Staff to propose amendments to proposed bylaw 141 to provide that visitor accommodation units are secondary to a pub and to establish a minimum size or capacity for a pub.	Brodie Porter	May-11-2011	Done
1	HO-OCP-2009.1 and HO-LUB-2011.1 Staff to bring forward report and recommendations to June HOLTLC meeting on next steps and information requirements for the OCP/LUB review. Update work program and notify RPM as needed of changes in timeline and budget implications.	Sonja Zupanec	Jun-01-2011	On Going

3	Staff to advise Finance that HOLTC wishes to maintain same budget breakdown for 2011/2012.	Sonja Zupanec	Apr-29-2011	Done
May-11-2011				
No.	Activity	Responsibility	Target Date	Status
1	Proposed Bylaw 141 (Hornby Island Resort HO-RZ-2009.2) - rescinded 3rd reading, amended bylaw, provided new 2nd reading and waived public hearing - prepare notices and refer for information to selected agencies.	Jacquie Hill Brodie Porter	Jun-01-2011	Done
2	Bylaws 142 and 143 (Vacation Home Rentals) - amended draft bylaws and gave 1st reading as amended. present bylaws at CIM on May 21; refer bylaws to specified agencies	Jacquie Hill Brodie Porter	May-21-2011	Done

Compilation of Correspondence
Regarding Vacation Home Rentals
from April 21, 2011 to May 24, 2011

Dan Bruiger
Hornby Island, BC
April 15, 2011

Islands Trust
700 North Road
Gabriola Island, B.C. V0R1X3



Dear Islands Trust,

Thanks to all who participated in the April 2 meeting of the Local Trust Committee on Hornby Island. The remarks below are further to that meeting and subsequent discussions of STVR, and in addition to my comments in earlier submissions, as per request to make submissions before April 15. I intend for them to be my last on the subject of STVR. They are followed by some comments on other aspects of the proposed revision of the OCP.

BALANCE OF CONCERNS regarding STVR. Clearly, a balance of concerns is at stake in the issue of short-term vacation rentals on Hornby. On the one hand, there is an established practice of STVR, which at present conforms *more or less* to the intention expressed in the current OCP “to encourage a kind of tourism which is compatible with preserving and protecting the environmental and social qualities of Island life for present and future generations and to discourage large scale tourist accommodation” (6.5.2 “Visitor Accommodation and Tourism: objectives). On the other hand, nearly half of Hornby properties are used only seasonally; potentially, these properties could become a source of housing for either long-term or short-term rentals. A legitimate concern of IT, to the degree it is able, would therefore be to encourage the use of these properties for year-round rental. One means to this goal, if practicable, would be to *limit the total time allowed for STVR per year*. (A simple calculation establishes 6 weeks total as roughly the point at which profitability of STVR exceeds profitability of year-round or long-term rental. To encourage year-round rental economically, STVR should be limited to 6 weeks or less.)

To judge the importance of properties that are not occupied year round as a future housing resource, or as a source of uncertainty for planning purposes, it is necessary to know the current and intended future uses of these properties. This information is unfortunately not included in the 2008 report on “Housing Needs on Hornby and Denman Islands”, which simply cites Statistics Canada for the figure of 43 percent of non-resident ownership on Hornby. I suspect that the majority of these properties are currently occupied seasonally by the owners, many of whom may plan, in retirement, to take up permanent residency here in future. It would be important to know how many of these properties are currently used for STVR, and what the long-term intention of the owner is. According to a local management company, of the 42 properties managed by that company, 33 are owned by “off-island” owners, 18 of which have indicated they “may possibly retire here.”

The “more or less” caveat above is important for the STVR issue because of the range of actual situations involved. Some property owners involved in STVR are clearly residents, in the sense that this is where they are to be found during most of the year, and possibly in the additional sense that a Hornby property is claimed as the “principal residence” for the Home Owner Grant (for property tax assessment purposes). Others property owners, in these same senses, are not Hornby residents; some of them may currently use their property for STVR, others not. A third category would include Hornby residents with a second Island property that may be rented on a long-term or a short-term basis, or a second dwelling on their property that may be rented on either basis.

CURRENT OCP. The current Official Community Plan (Bylaw 104) is explicit about STVRs:

—“The rental of an individual dwelling unit in order to provide temporary accommodation for paying guests *shall be permitted as a home occupation*. The home occupation shall be operated in accordance with land use bylaw and with guidelines prepared by the LTC in consultation with the community.” This is stated under “Visitor Accommodation and Tourism” (6.5.2.11) and repeated verbatim under “Home Occupation” (6.5.3.7) [italics added]

—“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 must be clearly incidental to the use of the dwelling or parcel for residential purposes.” (6.5.3.1 “Home Occupation”) [italics added]

—“Home Occupations shall be permitted *as a secondary use* to a permitted residential use and shall be regulated by land use bylaw.” (6.5.3.2 “Home Occupation”) [italics added]

—“Home occupations must be clearly *secondary to residential use* and the character of the property must remain residential in appearance.” (6.5.3 “Background”) [italics added]

—“to allow opportunities for *residents* to carry out limited businesses *on the property of their principal residence*; (6.5.3 “Home Occupation: objectives”) [italics added] While the OCP does not explicitly define ‘residential’, it does state: “In 1997, of the 1126 titles listed with the Assessment Authority, 1053 or 93.5% were classified residential for tax purposes.” (6.3.1 “Residential—General”) This suggests that the meaning of ‘residential’ is tied to taxation assessment purposes, hence at least linked to the criterion of ‘primary residence’.

In combination, the above considerations lead me to conclude that the current OCP allows STVR as a home occupation, at least for properties that are the principal residence of the owner; and perhaps more inclusively for “full or part-time” residents, where the STVR use is “secondary” or “clearly incidental” to its residential use. This leaves open the question of properties where the primary use is STVR, with the need for a criterion to establish what is residential use. I do not feel that IT has so far come forth with a measure to address this concern that is both reasonable and definitive, in part, perhaps because of the complicated nature of the issue. The need or attempt to deal with STVR as practiced by non-residents should not interfere with STVR by residents.

‘ENHANCING STATUS QUO’. The *closest* that IT has come to a reasonable resolution of the STVR issue is the recent proposal tagged “Enhancing the Status Quo”. This proposal, introduced on Hornby at the April 2 LTC meeting, consists of four parts: 1) amending the OCP in specific ways; 2) amending the LUB to allow STVR as “home occupation” *only* on those properties where there are *two* dwellings (where “there is a resident living on the property”); 3) allowing STVR on other properties through temporary use permits; 4) investigating and enforcing bylaw infraction only where certain minimal triggers are involved. The policy of minimal enforcement seems reasonable in the short term, but the coordinated changes proposed for the OCP and LUB severely restrict the allowed STVRs and may not be sustainable in the longer term in the face of community will.

It could be argued, on the one hand, that the OCP should be an up-to-date document that reflects current community will, which may change over time. What the community wills may be unclear in a situation where people are divided over an issue, and where it is difficult even to define what “the community” is (residents or non-residents?) On the other hand, it can be argued that the OCP is a bylaw, not merely a guideline, and that the LUB is required by Provincial law not to contradict the OCP. The present LUB narrowly avoids an outright conflict by simply avoiding mention of STVR; nevertheless it does not conform to the clear intention of the OCP. It

defines home occupation (see below) and provides a list of allowed activities as examples. STVR is not on that list, but is not explicitly excluded either. According to Katherine Owen, Barrister and Solicitor, who is part owner of a Hornby property, “courts have consistently interpreted such lists as illustrative only, and not exclusionary.”

I believe it would be improper to modify the current OCP in such a way as to weaken its clear endorsement of STVR as a home occupation, without a clear mandate from “the community” to do so. Short of a non-binding referendum, such a mandate might be difficult to obtain. Failing such a mandate, the right thing to do is to modify the present LUB to conform to the present OCP.

CURRENT LUB. The current Land Use Bylaw 86 is mute about STVRs. It defines ‘residential’ as: “a use of land providing for the home life of a person or persons in common occupancy”. It also spells out ‘home occupation’ as: “a commercial activity conducted for gain within a dwelling unit or permitted accessory building by a resident of the lot on which the building is located and includes bed and breakfast, artist or artisan studio, professional office, personal service, daycare, food processing, manufacture, repair and assembly of goods, the incidental retail sale of goods commonly associated with these uses and the retail sale of agricultural products or articles produced or assembled on the same lot”. Again, the LUB is silent on the matter of STVR, neither “including” it among the above examples of home occupation, nor anywhere explicitly excluding it.

RESIDENCY. From the point of concern over an abuse of STVR as home occupation, the above passage specifies that a home occupation is engaged in by “a resident of the lot” (as opposed to an “owner”). This would seem to exclude cases where a non-resident owner is using the dwelling primarily for commercial gain.

However, in recent discussions, IT has construed ‘resident of the lot’ to mean that the resident must be *present on the lot at the time of use for STVR*. Anyone therefore who vacates their premises for vacation rental ceases to be a resident. IT has built its case for the recent proposed “draft revision” of the OCP on this interpretation of residential use, stating that “a home occupation implies that an owner or resident is living in a home on the property while conducting the occupation. Therefore such a policy can only be applied to the limited number of properties that contain two permitted dwellings with the owner occupying one as their home while operating the other as a rental.” [Draft revision 6.5.3 “Vacation Home Rental: Background”] This is a litigious contention if ever there was one! As phrased, it would enshrine in the OCP the questionable logic of Staff’s interpretation, which should not be presented as fact, but only as an opinion which many others question.

This interpretation of residency is nowhere supported by either the OCP or the LUB, nor apparently by judicial decision let alone common sense. Nor is it the meaning of “usual residence” (the place one lives most of the year) employed by Statistics Canada. Such misconstrual leads to absurdity: for example, that a person ceases to be a resident when they set foot from their property!

I submit that *use* remains residential regardless of *who* the user is. As proposed, IT reasoning has attached “use” to the particular individual who is the owner of the property and/or the operator of the STVR. This is not consistent with other IT policy and interpretation, where use is attached to the activity not the person. The primary activity in the case of a property that is normally lived in is residential, regardless of who occupies it. The short-term rental is a permitted “secondary use”. (Apparently IT has no objection to a property being rented *year round* as a secondary use.) In particular, however, IT’s recent interpretation is that the use changes when the person normally occupying it contracts for money with another party for occupancy. However, I submit that the most consistent and reasonable interpretation is that ‘residential use’ continues no matter who occupies or whether money is exchanged.

LEGALITY. Nevertheless, IT has claimed on various occasions that STVR on Hornby is “illegal,” and specifically that there have been court decisions differentiating in a relevant way between residential and commercial use. I have asked on more than one occasion for a clarification of exactly which court decisions are involved in this differentiation, but have received no answer. IT Staff seem nonetheless to be committed to a policy based on the premise that STVR is a commercial rather than residential use, and that residential use is somehow threatened by STVR as a home occupation. However, this is not a situation involving a zoning change or some irrevocable change to the property (such as happens, for example, when agricultural land is built upon). On the contrary, in most cases, every year STVR simply reverts to its normal use by its usual occupant. The contention that STVR involves a change of use from ‘residential’ to ‘commercial’ is unfounded, absurd, and litigious. If it finds its way into the OCP or LUB, it will surely lead to judicial tests!

In contrast, lawyer Katherine Owen (mentioned above) has provided citations from relevant court decisions in an open letter. For example:

“It is quite clear that a person may have more than one residence. For example a person may have a residence at his summer cottage and another residence in town. Having a residence at a summer cottage is not broken by a temporary absence from the cottage during the winter months...

“The word ‘reside’ is very flexible and has more than once been said to be incapable of exact definition. The duty of the Court in interpreting any statute where the word is found is to attribute to it such meaning as will best give effect to the legislative will...” (Ontario H.C. case *Peterbaugh v. Marsbergen* [1984] O.J. No. 392)

IT has in past made reference to a particular court case to support its contention that STVR is illegal on Hornby. It might seem that the decisions of the BCSC and BCCA, in the case of *Whistler (Resort Municipality) v. Miller* [2001] BCJ No. 69, speak against the legality of STVR. However, according to Ms. Owen, the Whistler municipal bylaw, unlike the current Hornby OCP or LUB, expressly excludes temporary accommodation from the definition of residential use. Should we feel obliged to follow Whistler’s example and redefine residential use in our bylaws so as to make STVR illegal? Or would it be wiser to revise our LUB to uphold the legality of STVR?

The legality of the present Hornby LUB is at least as questionable as that of STVR on Hornby. The present LUB contradicts the intent, if not the letter, of the present OCP. The proper (and legal) thing to do is to revise the LUB to accord with that intent, if indeed community opinion still supports that intent.

LARGER ISSUES. Beyond housing and legality issues, STVR represents an aspect of the Island’s general commitment to a tourist economy. In that context, the long-term wisdom of short-term rentals may indeed be questionable, though not more so than the tourist economy as a whole. Some have called STVR an expression of greed. Whatever the individual motivations and circumstances of STVR operators, the Island’s general dependence on seasonal tourism at least reflects, and perhaps contributes to, our demographic crisis—to name a situation in which an aging citizenry lacks the means to maintain a balanced population profile. This lack comes down to specifics of employment opportunities and rental housing. A population of retirees does not make for a vibrant economy, and rental housing has never been a great investment on the islands. Given property prices, without rental housing employment is futile, and vice-versa. How can we convert this downward spiral into an upward one, in which increasing employment opportunities are matched with increasing housing opportunities?

COMMUNITY HOUSING. In addition to limiting the maximum legal time of STVR, one approach to the above problem is to encourage low-cost rental or other housing. The draft changes proposed for the OCP, regarding housing, are laudable from this perspective and I support them. The few comments below are minor and intended constructively.

The initial wording of 6.3.5.4 is unclear: "Criteria that should be addressed in the provision of community housing includes:..." IT is not in a position to "provide" community housing, only to consider applications for zoning, etc., by the actual providers. The wording should be something like: 'Criteria to consider in assessing applications for re-zoning or re-designation as Community Housing should include:...'

6.3.5.12 is awkward in substance, trying to provide specifics where they are not necessary. If this is a discretionary matter, expressing intent, it can be left vague as to location.

6.3.5.13 seems inherently problematic and asking for (enforcement) trouble. How can one realistically expect a permanent dwelling to be used for non-permanent accommodation? This makes more sense if it is restricted to movable structures.

6.3.5.21 seems an open invitation to densification without some indication of intent regarding density, since there are many properties of 4 hectares (10 acres?) or more, most of which were originally supposed to have a single dwelling.

OTHER REVISIONS OF OCP. The current OCP explicitly states that "Condominiums, convention centers, attached or joined dwelling units, or multi-room hotels shall not be permitted." (6.5.2.1 "Visitor Accommodations and Tourism"). The proposed draft revision changes this passage to read: "Convention centers or multi-room hotels should not be permitted." The new version fails to disallow condominiums and attached dwelling units. The intent of the present OCP is clear, though I have been informed that 'condominium' is a form of ownership rather than a type of construction or dwelling unit and so cannot be prohibited as such. I presume that 'attached or joined dwelling units' is omitted because the LTC wishes to make provision for attached units in other circumstances than outright "row housing". However, this omission could set a dangerous precedent, and I believe the intent of the existing OCP should be preserved, if indeed the community still endorses that intent. A more careful re-wording might be: "Convention centers, multi-room hotels, and attached dwelling units where more than two units are joined together should [shall] not be permitted."

PROCEDURE. I am not alone in experiencing dissatisfaction with the protocol of LTC meetings. One basic problem is that there is not enough time made available, at such meetings as the recent one Hornby (April 2, 2011), for input from community participants. In part, this is due to the scheduling of time for "questions" ahead of a time for "comments," which seems to doom the latter to be curtailed. I suggest that these periods not be separated.

More broadly, a general pattern seems to be that IT presents the community with "drafts" for comment, prepared by Staff, and then doesn't allow full opportunity (except in writing) for that commentary. I would suggest, rather, that proposals for revisions should originate in the community and be presented to Staff for comment. Then the process would not be driven by available Staff resources and scheduling. The LTC, with the APC, can work with the community in their own time frame to have something ready for Staff when they are available.

Thank you for your kind attention.

Sincerely,



Dan Bruiger
Past Secretary
HIRRA

From: Dan Bruiger
Sent: Monday, May 16, 2011 8:46 PM
To: Brodie Porter; Tony Law; Fred Hunt
Subject: Hornby VHR & OCP/LUB draft revisions for comment

Dear Hornby Trustees, Islands Trust Staff, and friends,

I am pleased to say I think we are finally getting there. I have but a few minor, mostly technical comments about the latest proposed revisions to the Hornby OCP and LUB, which seem to be duly coordinated in the matter of Vacation Home Rentals, as they are now being called. Text in question is in **red**, my comments in **green**.

I may not be able to attend the upcoming meeting, May 21, so these written comments are respectfully submitted for your consideration. Thanks for all your efforts.

Sincerely,

Dan Bruiger

dbruiger@telus.net

May 16, 2011

“Hornby Island Official Community Plan Bylaw No. 104, 2002” is amended by modifying

SECTION VI- OBJECTIVES AND POLICIES FOR SUSTAINABLE DEVELOPMENT, Subsection 6.5.2 – Visitor Accommodations and Tourism as follows:

a. Replacing Policy 6.5.2.7 which reads: “6.5.2.7 Small resorts and lodges with cabins, hostels, camping facilities, or dormitories used only for transient accommodation are considered appropriate on non- Agricultural Land Reserve acreage upon site specific zoning only.”

with the following:

“6.5.2.7 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...

[‘visitor accommodation’ is defined in the proposed LUB revision (Section 2: Definitions)** as ‘commercial’ and attached to commercial zoning. To consider ‘vacation home rentals’ in this category will be a source of confusion and potential

conflict between OCP and LUB. They are separate categories and, to be logically consistent, “vacation home rentals” should be deleted from 6.5.2.7a]**

6.5.3.2 Where only one dwelling is permitted on a parcel the rental of that dwelling as a vacation home rental, where the owner or tenant of the parcel is ordinarily resident on the property **during which the owner or tenant does not establish a residence elsewhere** and the vacation home rental use is occurring during a temporary absence of the owner or tenant, should be permitted in the zoning regulations. [as this stands it is either redundant or not grammatical. I believe the intention was to match the wording in the DEFINITIONS (Section 2) of the proposed LUB revision—see below]

6.5.3.4 Vacation home rental use should be subject to regulations which:

- restrict the number of days of consecutive occupancy by paying guests **so as not to establish a residential tenancy use (which is permitted as a residential use)** but also to insure 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; [what is the point of this? It doesn’t make apparent sense. Should read: “restrict the number of consecutive days by paying guests and insure a level of continuous occupancy that allows visitors to experience ... etc”]

6.5.3.5 Vacation home rental use may be subject to regulations, depending upon location and site characteristics[,] which require:

- placement of a cistern on the property for rainwater catchment and the use of this catchment water for outdoor water use. This cistern should be appropriately sized to provide water for outdoor uses for the months when the vacation rental is operating;
- that property owners provide evidence from a qualified professional that the septic tank has been inspected in the last calendar year and is capable of supporting the proposed occupancy load;
- screening or fencing to provide for separation of uses; and
- limiting potential impacts that a vacation home rental use may bring upon any

adjacent agricultural operations within the agricultural land reserve. [The comma is important in legalese—“which require” refers to “regulations”, not to “characteristics”. However, this whole section (6.5.3.5) seems frivolously meddlesome to me.]

1. The Hornby Island Land Use Bylaw No. 86 cited as the "Hornby Island Land Use Bylaw No. 86, 1993" is amended by:

a. Amending Part **2.0 DEFINITIONS** by deleting the existing definition for **visitor accommodation unit** and adding the following definitions in alphabetical order:

i. “**vacation home rental use** means the use of a lawfully permitted residential dwelling unit on a lot for the temporary accommodation of paying guests, where an owner or owners or tenant of the lot is ordinarily resident on the lot and the vacation home rental use is occurring during a temporary absence of the owner or tenant who is ordinarily resident on the lot[,] during which [absence] the owner or tenant does not establish a residence elsewhere, or [where] the owner of the parcel resides only seasonally in the dwelling and the dwelling is otherwise unoccupied as a residence in accordance with Section 3.23”;

3.23.1 No dwelling unit may be occupied by paying guests **outside of the months of May, June, July, August and September.** [how does this jive with the intention to spread tourism throughout the year? Wouldn't it be better to limit the total time (number of weeks in a given year) that a VHR can occur rather than restrict to particular months?]

**Section 2 DEFINITIONS of the Hornby Island Land Use Bylaw No. 86, 1993 is amended by replacing the definition for “visitor accommodation unit” which currently reads:

“**visitor accommodation unit** means a lodge, resort, hotel, or motel room or any other room or set of rooms used to provide for a rental charge temporary overnight accommodation of not more than 4 consecutive weeks to transient guests;”

with the following text:

“**visitor accommodation unit** means commercial accommodation sited on a property zoned for commercial use that consists of the temporary rental of a room or set of rooms for not more than four (4) consecutive weeks to traveling public whose permanent domicile or home life is elsewhere;”

From: Jon O'Riordan
Sent: May-18-11 7:49 PM
To: Fred Hunt; Louise Bell
Cc: Tony Law
Subject: Short Term rentals

Louise and Fred:

I sent this note to Tony earlier today.

I have read the proposed bylaws 143/143 regarding short term rental policy for Hornby Island. Ralph Archibald will be attending the meeting on Saturday on behalf of our partnership and I request that if you respond to this note that you copy him in your reply.

I must say that I am feeling let down when I read the draft bylaws. You will recall that I met with you on February 22 and I also attended the community meeting in April on this topic in Oak Bay. I received the distinct impression from you at both meetings that our house would not be affected by the policy. You indicated that as we arranged rentals only by word of mouth and only to family and friends that there was no intent on your part or that of the other trustees to regulate our rental arrangements.

As I read the revised bylaws this agreement has changed dramatically with no explanation. According to bylaw 143 we will not be able to rent at all during the months of October – April inclusive. Further, during the months of May – September we will be restricted to renting for a minimum of 7 days and a maximum of 30 days. I don't know how you would be able to enforce this requirement and I don't understand the rationale for these restrictions.

I seek one clarification on bylaw 142 Schedule A. Under policy 6527 (b), it states that visitor accommodation may be considered for vacation home rentals situated on ALR lands. We are situated on ALR lands and wonder if we might be exempt from the short term rental policies.

Tony, we have worked with you in good faith to ensure that we operate our rentals on the Island consistent with the policy intent of the OCP. As stated above, I have met both with you twice and I also spoke with the two other Trustees at the April Meeting. All of you indicated that there was no intent to regulate owners such as ourselves who rent on an occasional basis, without advertising and only to family and friends.

It is most disheartening to feel misled on this proposed policy after I thought that we had come to a clear agreement that we would not be affected by any regulatory change.

I would appreciate a response in advance of the meeting on Saturday so that the partnership can formulate a position to take to the meeting.

Jon O'Riordan

From: Robert Gee
Sent: Wednesday, May 18, 2011 7:26 PM
To: northinfo; Brodie Porter; Fred Hunt; Louise Bell; Tony Law
Subject: \may 21 STVR Meeting Commnets

RE Islands Trust call for Comments- Short Term Vacation Rentals May 21st meeting
Date Wednesday May 18th
Frm RS Gee Euston Road Hornby Island

The document provided for comment was the proposed new OCP for which comments were called for in April of this year and which this writer provided detailed notation in the PDF. Though this latest notice to the public is for the Vacation Rentals it is interesting to note that other sections of the Proposed OCP have changed as well- for example deletion of statistical reference backing up the rational for rental housing. As some of my previous comments were not addressed, I would like to reiterate a couple for the record

Rural Residential zone section 6.3.3.2 allowance page 69 is being made for joint owners of a property to allow subdivision when such was a ' historical situation and the arrangement no longer is suitable for the owners'- in not so many words. Once again, this writer questions the Trust's legal right to make decisions of land planning, and zoning based on the Trust's broad conceptual interpretation of "Historical " and "property arrangements that no longer work". Or fundamentally based on the ownership rights and not environmental or land planning principles. These concepts carry from the Trust's ill advised OCP amendment to allow any party owning land in tenancy in common prior to 1981 to subdivide their property- clearly discriminatory against all other property owners. Changing the term of tenancy in common to "Joint owners" will also have tremendous complicating effects in interpretation to wit the current Trust Committee is likely to use its discretionary decision and vision making preferential to some and not to others. The Trust of course is not listening when "Joint Owners" will be defined by the public as "Joint Tenants" and a party that are spouses or common-law, may be on title as "Joint Tnants" and thus ALL rural residential properties will illegible
Furthermore it is worth reiterating that allowing subdivision of parcels in a zone that was primarily, for example 4 ha parcels varies the planning- and the conditions under which others in that zone many have acquired the properties--- only to find their neighbours subdivided and density increased

In relation to the ALR (Page78) and it's interlink to the TUP section pages 101 and 1032, allowance is being made for non ALR activities- for which the ALR Act has a range of allowances already for supporting the financial viability of parties owning in the ALR. Most ALR property holders on Hornby are not bonafide farm operations- and such an allowance will one again be applied without consideration of the downstream effects and impacts- i.e. many such TUP allowances will become permanent fixtures. This writer does not buy the Trust's intention to allow such if the ALC approves- for the Trust Committee has in the most recent past support variations in the ALR on Hornby by promoting such to the ALC by way of covenants- one of which this writer is aware has already been

broken- and the Trust has and will likely have no intention of following up. The Trust should adhere to the strictest convention --- that of the ALC

Similarly secondary accommodation allowances by way of TUP for family in the case of seniors or the infirm have already been applied for in the Sandpiper area- and the property was subsequently sold with a secondary unit which is now used for vacation rentals. This former comment illustrates that the Trust does not have the mechanism, administration- and often not the intention to enforce TUP conditions or by laws esp. if the object persons are “the right kind of people”.

TUP’s have as outlined in the OCP- a specific range of purpose and intent. One notes that TUP’s on Hornby have not been adequately monitored in the past. So ALR variations, or temporary secondary accommodations under TUPS should not be the mechanism for such allowances.

As the call for comment has been for the Vacation Rental Policy- it appears that the current OCP is worded on two principles page 83

- 1) To entire the concept that a short term vacation rental is illegal under the previous OCP a legal distinction the Trust is not able to make, and to wit, though advising the public that this is their council’s “opinion” of such, the Trust is unwilling to provide the public the opinion documentation. There are many lawyers on Hornby and elsewhere who have looked at this and give the opinion that “illegality” is not the case.- therefore this preamble should not be in the OCP page 84

To define short-term vacation rental as any rental of a home or property that is of less then one month’s duration. Thus the OCP but defines Short Term Vacation rental- while the Bylaws and conditions are yet to be defined ??? STVRs are also going to be allowed under the area outline in a diagram in Schedule “B”, a schedule the Trust has not directed to the public or- the public’s attention to where such can be found on the Trust’s web site.

Best Regards Bob Gee

From: Suzel Bernier

Sent: May-23-11 10:56 AM

To: northinfo

Cc: Louise Bell; Fred Hunt; Tony Law; Brodie Porter

Subject: re: STVR

Dear Committee,

I have been a resident and active member of Hornby Island for the past 40years, and have rented my home in the summer in the past, in the 1980's and recently for the past 9 years.

I now rent in the summer(8 weeks maximum) because i have to , due to a grave illness , only able to work part -time, I am supplementing my income with the STVR, in order to keep residing on the island and continue maintaining my home. Please do not amend the OPC with your new proposed bylaws 142 and 143. Instead of following a predetermined set agenda the Trust should respect the will of the Hornby Community. Instead of preserving and protecting you are destroying and squandering the assets and economy of our island, and may be in breach of fiduciary trust. If some of us cannot rent in the summer because of restricting and imposed new bylaws we will have to put our homes on the market. Why not deal with the issue like any other? and concentrate on the specific complaints as they arise. Most of us are very careful of who we bring in our homes, some of my renters have been coming to Hornby for generations.

Hornby relies on tourism to function as a Community, with out the STVR's the island will not be able to survive and only the rich will be able to live here.

I trust that you will take my comments into consideration.

Sincerely

Suzel Bernier

From: Dale
Sent: May-24-11 3:37 PM
To: northinfo
Subject: STVR bylaws

From: Dale Chase, VOR 1Z0
To: Tony Law, Fred Hunt, Louise Bell
Re: proposed STVR Bylaws

24 may, 1911

Having read Elspeth's letter, I find myself much in agreement with her perspective.

I have a septic field, working fine, Thank You, but i often find myself thinking that a good composting system is truly a more responsible and enviromentally useful method of human waste disposal. It's all right there visible and odiferous (or not) and a useful product.

The OCP is clear about STVR's.

It seems to me (despite your verbal gymnastics to the contrary) that STVR's are obviously a Home Occupation. I would like to suggest that your definition of "Home Occupation" not including STV R's is angels dancing on pinheads. Change the definition of "home occupation" if you must change something.

IF IT AIN'T BROKEN, DON'T FIX IT.

The OCP is Community driven, not trustee driven.

The Status Quo is working fine. Surely you are not required to meddle in things that are eworking well as they are.

You must have real issues to deal with. If not, then take some time off and smell the flowers

Dale chase

From: dean ellis
Sent: May-24-11 8:41 PM
To: northinfo
Cc: Karen Ross
Subject: STR Hornby Island

Hornby Trustees and unelected, paid , appointed by Islands Trust and conflict of interest - Louise Bell

I think the community has spoken quite clearly that STR should be continued on Hornby and not endlessly deconstructed by Island Trustees.

If the Trustees care about this community any problem they have with legality (??) should be clarified in the OCP in a manner to reflect what is happening now.

STR's are happening, we want them, make the OCP reflect reality if you have problems with wording.

There are more important land use planning issues on this island than this continuous regurgitating STR issue.

thank-you

Dean Ellis

From: Elspeth Armstrong
Sent: May-24-11 8:41 AM
To: northinfo
Cc: Louise Bell; Fred Hunt; Tony Law
Subject: comments re draft bylaw nos 142/143

Attn: Islands Trust Land Use Committee, Hornby Island: Louise Bell, Chairperson; Fred Hunt, Trustee; Tony Law, Trustee

Perhaps I am being overly iterative in stressing that the OCP is a community-based document and if, changes are to be made, they must be “community led.” As I mentioned at the LTC community meeting, May 21st, back in 1999 when the issue of STVRs was first studied on Hornby by a committee of Hornby residents, trustee Tony Law was then in favour of TUPs [temporary use permits] whereas the majority of the committee were strongly in favour of leaving STVRs in the OCP as a “home occupation”. In other words, leave the OCP alone! The push to amend the OCP and subsequent bylaws has always come from the Island Trustees NOT the community at large, and consequently, contrary to the intent of the OCP.

Apparently, the Trustees’ justification for their actions is that STVRs classified as a “home occupation” in residential zones, is illegal, as stated by the Trust’s lawyer. In my rather lengthy research of the Islands Trust since its inception in 1974, I have yet to find any reference or wording regarding that opinion. Also, there has been significant differing of opinions by other lawyers and in court cases based on “common law” stating that the Trust lawyer’s interpretation may be incorrect. Perhaps this is an issue the courts will need to address.

The proposed amendment to the OCP redefines STVR as VHR [vacation home rental] and VHR is addressed as an “outright use” rather than as a “home occupation”. The Trust argues that this definition gives “greater clarity and certainty in the role of VHRs. What is the definition of an “outright use”? Would that not be argued to include “home occupation” as one of the outright uses? I suggest the community has never had a problem before about the role of STVRs – why do the trustees?

In Schedule A, bylaw no.142, it is mentioned that the population of visitors and summer residents is estimated to quadruple the island population during the summer months. I believe a very conservative estimate would be about 4000, plus, with the majority being summer visitors. It doesn’t take a rocket scientist to realize that Sea Breeze Lodge, Fords Cove, private campgrounds and b&bs will NOT come anywhere near meeting the demand for occupancy. Thus, the critical importance of VHRs to the health and welfare of the island economy as recognized in sec. 1.3! However, in 2b, policy 6.5.2.11 has been deleted, to be replaced by 6.5.2.14 - a position of “welcome with information” to tourism use is encouraged as a means to inform visiting tourists about best practices when visiting the island. What possible intelligent individual with even a modicum of understanding of the English language would think that there is a similarity in intent between these two policies? Obfuscation at its best.

With regards to 6.5.3.1, there is an exclusion of those property owners who do not use their properties, even seasonally, to rent their houses as VHRs, although they would be permitted to rent for 30 days or more. Is this not discriminatory? Perhaps these owners may eventually retire or live/work full-time on the island and need the summer income to defray expenses.

6.5.3.3 (a) Delete – as any number chosen is arbitrary – people come because they enjoy the island and take as many days as they can.

(b) Delete – VHR is still a residential use – visitors are residing in a home and availing themselves of what Hornby has to offer – biking, walking Helliwell park, swimming, days spent at the beach, fishing, kayaking, etc; the same as what other full-time or part-time residents do.

(c) Delete – as pointed out at the May 21st meeting, Trust has no place in the bedrooms of the community.

6.5.3.4 (a) Delete – this is a rather silly, poorly worded statement – “water for outdoor use” – what is that supposed to mean? Is it for a children’s swimming pool, raising vegetables for a week’s stay, washing a car?

(b) The problem with this statement is that it is discriminatory. A VHR property owner is required to get their septic system approved, whereas an adjacent home, say, rented for more than 30 days, is excluded, as is a full-time resident.

6.5.3.7 Delete – the Trust cannot force people to rent their homes year round, nor can the Trust dictate whether a home should or should not be used as a VHR in order to provide more homes for sale or rent. This was pointed out very clearly that these types of decisions fall into the realm of real estate.

Bylaw No. 143 Schedule 1(a). As was pointed out in the proposed OCP bylaw no. 142, “owners who do not reside on their property, period, are prohibited from renting their home as a VHR. Yet the same owner could rent his/her house for a period of 30 days or more. This is discriminatory.

(b) 3.23.1 Delete. As was stated by several participants at the May 21st meeting, there are businesses and activities that will be sacrificed at this “altar”; e.g., yoga, photography, music and artist workshops, weddings, family reunions, not to mention holiday weekends – Thanksgiving, Christmas, Easter, spring break. During these times, the campgrounds are shut down and Sea Breeze Lodge is closed. Where are these people going to stay?

3.23.2 Delete. Again, these short term events mentioned above would not even be permitted year round. As was pointed out at the meeting, most VHRs during the summer will automatically be rented for at least 5- 7 days. It makes economic sense. Let the market decide.

Is the Islands Trust going to erect a sign at Buckley Bay advising NO visitors allowed on Hornby Island from October to April, and during May to September must stay a minimum of 7 days if using a VHR? Should these policies be

enacted, the Trust would be in violation of part of their mandate....to preserve and protect.....and of the province generally. Wouldn't this look good for BC's tourism promotion of visiting beautiful BC and the jewels of the west coast, the Gulf islands!

Sec 3.2.3.6 Lots designated as Aquifer 1A

3.23.6.1 VHR owner must comply with sewage system regulations.

However, an owner next door to a VHR who rents his/her own place for 30 or more consecutive days is not required to meet this standard. That is discriminatory!

3.23.6.2 Again discriminatory.

Sec 884(2) of the Local Government Act requires all bylaws enacted, permits issued, and works undertaken be consistent with the OCP. This is what the community has to date and for the most part has worked well. The community has not asked for the present OCP regulations regarding STVRs [now referred to as VHRs] to be changed. The community at large wants to maintain the status quo. Graham Dinsdale, Bowen Island Trustee and Executive Committee Chairman in 1993, stated that the **“Function of land use is a local community issue and there is very little that the policy statement can do to disenfranchise people from the use of their land.”** It is the homeowners who are paying for the Islands Trust, including the Trustees' significant wages, via property taxes. So, I am asking Hornby Island's Local Trustees to have the courage to hearken what the community is saying – leave well enough alone. Hornby is unique. If the Executive Committee of the Islands Trust does not approve, our Trustees can, with community support, appeal their decision to the Minister. That's all the community seems to be asking is for your support for a continuation of the status quo.

Elsbeth Armstrong

From: Frances Millan

Sent: Tuesday, May 24, 2011 12:30 PM

To: northinfo

Cc: Tony Law; Fred Hunt; Brodie Porter; Louise Bell

Subject: Proposed bylaw and ocp changes

To North Island committee members

Some short notes for the proposed LUB and OCP changes regarding VHRs

First of all, thank you for all your work on this issue of the VHR, It has been a long process and an onerous one.

OCP Bylaw #142 schedule A

6.5.3.1

Addition to match LUB 143 proposed change. Under 2.0 Definitions item b)

The owner of the property resides only seasonally in the dwelling;

6.5.3.3 item f.

addition

Require accommodation be within the permitted dwelling and that camping, or use of tents, or recreational vehicles as an accessory accommodation or in association with the vacation home rental be prohibited

A tent is permissible if it belongs to the tenants and not used to increase the maximum occupancy.

6.5.3.4 a)

I have a problem with the wording of this. I understand there are areas on the Island that have water issues, but the wording for outdoor use is ludicrous although I understand the intention. Rain water collection is slowly becoming an acceptable water source for household use, but not considered a potable source yet.

c) screening or fencing requirement deters from the rural nature.

As I understand it, these items may be subject to regulations depending on location and site characteristics. Aquifer area A1 is a concern due to the small size of the lots on Anderson Drive and cistern of adequate size (3000 galleons or more) should be recommended for all new construction or additions.

Septic system testing should be done at least every 2 years and once a year or more if type 2 or 3 septic treatment systems.

Screening or fencing should be determined by the owners not Islands Trust.

LUB Bylaw #143 schedule 1

Ensure item part 2.0 definitions item b) match OCP 6.5.3.1

3.0 General Regulations

i. "Uses Prohibited in all zones"

3.2.15 Use of tents, or recreational vehicle as an accessory use or in association with vacation home rental use. A tent is may be permissible if it belongs to the tenants and not used to increase the maximum occupancy.

Vacation Home rental Uses

3.23.1 No dwelling unit may be occupied by paying guests outside of the months of May, June, July, August and September, spring and Christmas breaks, and statutory holiday weekends *.

Note: there is a need and push from local businesses, artisans and HICEEC to encourage off-season visitors.

3.23.2 No dwelling unit may be occupied by any particular paying guests, or group of paying guests for a period of less than 7 consecutive days in July and August, and for a minimum of 2 days or no more than 30 consecutive days in any other period of the year.

3.23.3 No dwelling for used for vacation home rental shall be used to accommodate more than 2 beds per bedroom with maximum occupancy of 3 persons per bedroom.

3.23.6.2

Eliminate as 200 gallons for outside use is useless. If require cistern then ensure it will be of useful size

“a cistern been provided for rainwater catchment with a minimum capacity of 500 imperial gallons” .

7.0 Sign Regulations

Neighbours to be have access of whom to contact and contact information whether via signage or personal notification.

I hope these points and modifications will be helpful in your process.

Regards

Frances Millan, manager

Wind & Waves Vacation Homes

Office: (250) 335-0968

webpage: <http://mars.ark.com/~wind/>

Date: May 24, 2011
Subject: Comments on Proposed Bylaws 142/143
To: northinfo@islandstrust.bc.ca

I have objected to this hijacking of the OCP Revision process from the public by the LTC before. The reasons given by the LTC have been consistantly specious, since the major portion of vacation rentals take place in subdivisions which were never intended for year-round residential us, so trying to "preserve neighborhoods" is a misapplication of ideas relevant to municipal planning. Rural vacation cabins do not constitute "neighborhoods" in the accepted sense of that word.

Proposed Bylaw 142

6.5.3.3 a)

Is really meaningless fluff.

c) Limiting # of beds and bedrooms is unnecessary and intrusive.

e) Imagination fails me here. How would one alter a house so that it no longer looked "residential" ?

6.5.3.4 a,b,c

The requirement of a rain catchment system in order to store water for "outdoor water use" makes little practical sense. Yearly septic tank inspection, is far more than necessary as other jurisdictions only require inspection at 5 year intervals. "Screening or fencing to provide for separation of uses" is too ambiguous. What uses are being separated from what?

6.5.3.7 is a kitchen sink clause. It is not the LTCs job to provide houses for sale to the real estate market, let alone provide "housing for tenants". What on earth does "or a reduction in projected needs for community facilities" even mean? Will reduced use of the library or in movie going be blamed on vacation rentals?

Proposed Bylaw 143

3.23.1

I think that confining weekly rentals to the May-September period is counter productive to the need of the community for more economic activity during the rest of the year. As Karen Ross pointed out, there are 3 groups working to "enhance economic activity" throughout the year. May-September would certainly be counterproductive to their efforts.

3.23.2

I find the wording awkward since it is frequency of turnover and not occupancy which is meant to be regulated.

3.23.5

Counting beds in bedrooms as an indirect way of managing the number of people allowed on the lot is too intrusive.

3.23.6.2

Again, this makes little practical sense. 200 gallons is very little, hardly worth the instalation of a rain-catchment system and what "outdoor uses" are being referred to?

Yours truly,
Judy Cross

From: Karen Ross
Sent: Tuesday, May 24, 2011 1:41 PM
To: northinfo; Louise Bell; Fred Hunt; Tony Law; Brodie Porter
Subject: Hornby OCP and LUB drafts

Comments on the latest OCP/LUB drafts.

To Hornby Island Trust Committee.
Follow-up comments to the May 21 Community Info. Mtg.

When I think of VHR, and how they impact the island, I wear two hats.....one as a VHR property owner (for the time being anyway), and the other as a community member who wants to have a vibrant, year round economy where people can live and thrive, not just survive. A community that is resilient and able to be flexible in providing services, and meeting the needs of visitors and residents alike.

Comments on the OCP, Bylaw 142:

6.5.2.7 I believe the plan should specifically exclude VHR on any public lands, to help preserve residential stock that the community has provided. This includes Elder Housing projects, ISLA lands, firehall conversions, undeveloped public lands, etc.

I would also suggest that if VHR are going to occur on Agricultural Lands that the overall density should conform to local zoning bylaws. i.e. Units shouldn't be built to a higher density than local zoning allows to "house farm workers" and then be converted to VHR's.

6.5.2.11 This section currently allows unregulated vacation rentals on the ten acre parcels that allow two houses, as a home occupation. If regulation is to occur, **restrictions should not now apply to these properties.....otherwise the owners are "losing something"**.

Currently, homes on ten acres are legitimately renting a second home as a home occupation. Any changes to this status means that these property owners would be accepting regulations that they don't currently have.

Comments on the LUB, Bylaw 143:

3.23.1 Should we be so lucky as to have a longer season than 5 months. VHR business is really market driven. Hornby is very different from Whistler – Whistler has a draw in the winter for skiing, and the summer for outdoor activities, and lots of infrastructure. Hornby is a summer destination only. Local people rent their house out in July and August, when the demand is there, and live in it the rest of the year.

Mainly it would be the “summer people” renting out year round.....is that bad?

Do VHR take business away from the “commercial guys”, or do they provide clients for the commercial services on the island.....the stores, galleries, restaurants, etc.?

Would it be better for Hornby to have these houses sit empty for most of the year?

Or is it better for those houses to have people visiting, and spending money in the community?

If the commercial accommodation businesses are open, and vacant, and a person chooses to stay in a VHR, isn't that simply a matter of consumer choice?

I do not agree with limiting VHR's to the five busiest months, I support them being available for 12 months.

3.23.2 This is a self-regulating issue, in the summer most operators don't want to have the extra time/effort/expense of renting for less than a week. However, off season, the visitors mainly want to come for weekends only. I don't think it benefits the small business operators.....yoga retreats, cellist retreats, diving groups, whatever, to have specific periods of stay mandated. As Judy Cross said at the meeting.....if a person only wants to come for a weekend, how are we going to make them stay for 7 days?

I support a minimum two night rental minimum year round.

3.23.3 I don't object to having limitations placed on the number of people occupying a **home on a half acre lot**.....density is an issue, respect for the neighbours, etc.

At the meeting an example was given that a family could legally build a 4 bedroom house on a half acre lot, therefore the Trust should not put a limit on the number of people that stay there when it is a VHR.

If I build a 4 bedroom house, it could be for a family of 5.....the parents, and 3 children all with their own bedrooms, I don't think that means that it should be available for a VHR for 8 – 10 people. It seems like too much to me.

- I support the maximum occupancy levels suggested at 6 for the half acre lots.

HOWEVER, larger lots DON'T have the same impact on the neighbours, or servicing options. (even if a septic was overtaxed on an acreage there's still lots of area for remedial action).

- I support small acreage properties (greater than half an acre, less than 5 acres) allowing more people, maybe eight max.

The ten acre properties, which **have not have limitations up until now**, and have had legal home occupations, maybe shouldn't have any specified limitations at all. These are the properties that could be available for small retreats, workshops, groups, etc.

- If there is a limit on occupancy levels on houses larger than five acres, it should be higher.....say ten or twelve.

3.23.4 Signs: I agree with posting a sign, so that anyone having an issue with the activity would have a number to call.....stop conflicts in the neighbourhood. (although the story that Jennifer Armstrong told at the May 21st meeting was interesting.....quiet VHR guests having trouble with noise from the owners next

door.) I would suggest a minimum size of 6" x 12" and a max. size of 12" x 24" and that reg.s should state it be clearly readable from a public road. This ensures the sign is readable from the road, and the info. is available

3.23.5 Off street parking spaces.....this seems fair, one space/bedroom, if that's what the commercial operators have to provide. This is one area that the VHR should provide a level playing field.

3.23.6.1 Owners of all lots should be responsible for water, septic, noise, occupancy levels, etc. issues. If the Whaling Station area is proven to be particularly sensitive, this would be a reason to treat all these owners differently than the rest of the island owners. But I do think that VHR's should not be targeted for meeting higher standards than other property owners.

3.23.6.2 Cistern or pond as suggested at the meeting, not limited to outdoor use.

Thank you for considering my opinion. These are my own personal opinions and not necessarily representative of the group that I have been working with on the STVR issue.

Cheers,
Karen Ross

From: j kamlade
Sent: May-24-11 8:30 PM
To: northinfo
Cc: Louise Bell; Fred Hunt; Tony Law
Subject: STVR ORVHR

HORNBY ISLAND LOCAL TRUST COMMITTEE

It seems evident that the LTC is relentlessly pursuing changes to the OCP of hornby based on what the trust lawyers have said

Perhaps a court of law should decide if the current STVR policy is legal or not BEFORE any changes are made

The OCP should be left alone until a court of law decides

The majority of the community believes the current OCP is fine

The current stvr policies are fine

As for the proposed bylaws

I'm not quite sure why someone renting longer than 30 days is not required to abide by the proposed regulations this seems highly unfair

If you are going to require STVR property owners in Aquifer 1A to comply with sewage system regulations then so should everyone in that Aquifer

Cistern??? For outdoor use?? For STVR???? Now this one I do not understand

What purpose would this fulfill so vacationers can wash their cars water the lawn or grow a garden ???

I would suggest that full time residents should be required to have a cistern as they would benefit from them

Restricting VHR to summer mouths and dictating the number of days is ridicules are we now going to tell visitors who come to hornby how many days they can stay??? That they can only come to hornby at specific times of the year??

What about Easter spring break Christmas thanksgiving??? Long weekends??

This would have a devisting effect on hornbys economy

Does the Trust also want to try and control the real estate market?? Try to regulate how many homes are for sale or rent??

The Trust cannot do this

This section 6.5.3.7 should be completely deleted

On Hornby since 1974

Walt and Jane Kamlade



STAFF REPORT

May 30, 2011

File No.: HO-RZ-2009.2

To: Hornby Island Local Trust Committee
For meeting of June 1, 2011

From: Brodie Porter
Island Planner
Northern Team

CC: Chris Jackson, Regional Planning Manager
Sonja Zupanec, Island Planner

Re: Vacation Home Rentals

THE PROPOSAL:

This report follows from a community information meeting held on May 21, 2011 in which proposed bylaws 142 (Official Community Plan (OCP) amendment) and 143 (Land Use Bylaw (LUB) amendment) that addressed the topic of vacation home rentals were presented for public comment. This report addresses issues that were raised and outlines options and recommendations for amendments to the proposed bylaws.

COMMUNITY INFORMATION MEETING(S):

Community information meetings were held previously on April 2, 4 and 6th with a proposal to address vacation home rentals (VHRs) through the use of enforcement policy. The general conclusions arising from those meetings were that VHRs should be permitted on Hornby Island, but some comment advocated that the authorization of such use should be addressed in the OCP and LUB. The Local Trust Committee subsequently proposed amendments to the OCP and LUB to authorize such use with criteria that would allow authorization of the use to respond to public issues and comply with provincial legislation, Trust Policy and the principles and objectives of the Hornby Island OCP. The amending bylaws and concepts for the continuing use of an enforcement policy were presented at a community information meeting on May 21, 2011 and the following is a general list of comments that were expressed either at the meeting or in associated correspondence. Please refer to the meeting minutes and correspondence for a more complete listing:

- Some comments suggested that VHR use should be permitted without undue restrictions;
- Other comments were supportive of some of the proposals;

- Allow tent use at a VHR provided it does not increase overall occupancy on a property;
- Allow VHR use outside of May – September, especially during major holidays;
- Concerns about sign requirement to post personal contact information or that the sign would detract from residential character;
- Extended families sometimes visit and require more bedrooms than are permitted;
- Cistern requirements should require larger capacity and water should not be restricted to outdoor use, lots should be self sufficient in water;;
- Apply sewage system certification to all properties and require periodic checks every few years;
- Apply minimum and maximum size for a sign;
- Some comments supported restrictions on bedrooms, sewer requirements and sign requirements;
- Some suggested length of stay be amended to 7 days for July and August and 2-3 nights for other months while others suggested greater flexibility in length of stay;
- Some operators rent by word of mouth in months outside of May- Sept and would like to continue to provide such options;
- Some persons suggested that proposed policy 6.5.3.7 in bylaw 142 was an effort to regulate the real estate market.
- Several comments suggested the bylaws provided too much regulation and a more permissive self management approach should be permitted.

RESULTS OF CIRCULATION:

The bylaws have been referred to agencies but at the time of writing of this report, staff is still waiting for some responses. At this time of writing of this report the following comments have been received:

1. The Agricultural Land Commission staff advise they have no concerns in allowing VHRs in the ALR;
2. BC Ferries interests are unaffected.
3. The Ministry of Community, Sport and Cultural Development advises they will comment upon submission of bylaw 142 (OCP amendment) for approval by the Minister.
4. The Denman Island Local Trust Committee advises that their interests are unaffected.

STAFF COMMENTS:

Staff has reviewed comments and suggestions and offers the following as proposed points of consideration. A track change format of the proposed bylaws is attached to this report to illustrate the suggested amendments:

Bylaw 142 – proposed amendment to the Official Community Plan

The following is an inventory of proposed edits to bylaw 142 that are reflected in the attached draft of the bylaw:

1. Some bylaw reformatting to reflect current bylaw drafting standards and some grammatical edits to improve clarity have been inserted in the bylaw.
2. Policies 6.3.3.8 and 6.3.3.10 in the OCP make reference to “short-term vacation rentals” as home occupations and address sewage treatment and water supply within the Small Lot Residential / Water Resource Protection Area (Whaling Station Bay/Anderson Drive Area). It is recommended that these policies be amended to reference the use as “vacation home rentals”.
It is also important to note that these existing policies address the water self sufficiency and sewage standards for this area, which is further addressed by proposed new policies regarding VHRs for this area.
3. Edits to capitalization in proposed policy 6.5.2.7 were inserted.
4. Grammatical edits to the “Background” and “Objectives” in proposed section 6.5.3 were inserted.
5. Grammatical amendments to Policy 6.5.3.1 were inserted and policy 6.5.3.2 was incorporated into policy 6.5.3.1 with all subsequent policies renumbered accordingly.
6. “Insure” was changed to “ensure” in policy 6.5.3.2 (previously 6.5.3.3).
Section 6.5.3.2 f) has been reworded to explicitly state that tents and RVs cannot be used for vacation home rental use. Some members of the public suggested that if a visiting family wanted to allow their children to camp out in a tent on the property, that such use should be permitted. Bylaw enforcement can use some discretion regarding this regulation, but it is suggested the regulation remain so that such use does not conflict with surrounding residential enjoyment of properties or negatively impact the environment or area resources.
7. Policy 6.5.3.3 (previously 6.5.3.4) is amended to explain that a cistern is required for rainwater catchment that is suitable for outdoor use. A hose attachment would have to be evident on the cistern. This does not preclude use of a cistern for potable water use or for indoor use of water that is not potable but there are differences as to the management of a cistern for potable water supply versus outdoor use. The focus of the policy is to enhance water self sufficiency. It should also be noted that the cistern must be available for rainfall collection. It is possible that an owner wants to have a cistern that is filled by an on site potable water supply (e.g. a well) during months of available water supply for use in other drier months. A water storage cistern filled by on site sources is permitted but is not required under this policy for VHR use.

Public comment also suggested that requirements for a cistern should not be restricted to VHR use and should be required for any residential use. A cistern requirement can be applied to any new use of a property. Given that VHR uses are not yet lawfully established on properties on Hornby Island, the requirement for a cistern can be applied upon adoption of any LUB requirement for a cistern to any VHR use that is initiated. It could not be applied retroactively to existing residential land uses that are already permitted in an LUB.

The topic of water self sufficiency is one that may require further discussion as a separate initiative if it is to be considered for application on other properties on Hornby Island.

Policy 6.5.3.3 (previously 6.5.3.4) is amended to address “sewage system” rather than “septic tank” which is only part of an on site sewage system. The policy is also proposed for amendment to require that evidence be provided from a registered practitioner or professional that the system is capable of supporting the proposed occupancy load of the building. It is suggested that the previous requirement of inspection not be required provided that the evidence of qualification of the system is available. It is important to note that such practitioners or professionals may not be willing to provide assurances as to the design and construction of existing sewage systems without having to dig up the existing system. There are practical matters to consider as a result. If there is a health hazard the Health Officer can order a property owner to alter or repair their sewage system.

Proposed Bylaw 143 did not propose any regulations regarding screening or fencing in association with VHRs. It is suggested that policy 6.5.3.3.c) that addressed screening and fencing be removed as a consequence.

8. Minor word amendments in policies 6.5.3.5 (previously 6.5.3.6) and 6.5.3.6 (previously 6.5.3.7) were inserted.
9. A requirement to delete existing OCP policy 6.5.3.7 (renumbered to 6.5.4.7) under the Home Occupation section of the OCP was added as the existing policy makes reference to VHRs as a home occupation.

Bylaw 143 – proposed amendment to Land Use Bylaw

The following is an inventory of proposed edits to bylaw 143 that are reflected in the attached draft of the bylaw:

1. Definition of “vacation home rental” is amended for clarity. Note that the definition explicitly prohibits VHR use in a dwelling that is lawfully non-conforming as to use. This would mean that if there was more than one dwelling on a lot and only one dwelling was permitted by the current LUB, then only one dwelling could be used for VHR use. Note that this does not prohibit use of a dwelling that may be nonconforming as to siting, size, height etc.
Some minor amendment to the definition of “visitor accommodation unit” is suggested for clarity. This same definition is proposed for amendment in proposed bylaw 141 related to the rezoning at Hornby Island Resort. A similar amendment to Bylaw 141 should be considered before final adoption to insure consistency.
2. Section 3.2.15 wording is amended for clarity regarding prohibition of tents and RVs as a VHR use.

3. Section 3.23.3 is amended by deleting the word “accessory” as VHR use is not an accessory use.
4. Section 3.23.4 is amended to clarify that the added parking standards are consistent with the requirement to retain the residential character of the property.
5. Section 3.23.6.1 – In the area designated Aquifer IA amendments are proposed that require that a certification letter addressing compliance with Sewage System Regulations of the Public Health Act be provided to the Islands Trust. Given that the requirement for a certification letter is a relatively recent requirement of provincial legislation (regulation was deposited in 2004), this amendment will ensure that septic systems are meeting current standards. It removes any requirement for inspection other than to seek certification to current standards. An issue arises in situations where the sewage system has been constructed prior to the enactment of the regulations in 2004. The draft wording would require an authorized person to confirm that the system meets current sewage disposal standards. The authorized person may not be able to provide such a confirmation without digging up the complete system. Alternatives are:
 - a. Require the owner to provide confirmation that they installed a sewage system under the regulations applicable by the Province at the time of installation of the system. This would confirm that the owner did comply with provincial standards applicable at the time of installation. It is possible that in some older developments there were no requirements and consequently such a requirement would not apply in all situations.
 - b. Remove the requirement for confirmation on existing sewage systems and apply the certification requirement on new developments only or alternatively recognize that such certification is a provincial requirement on new systems and not require such certification in the bylaw. Note also that if there is a health hazard, the Provincial Health Officer can intervene and require alteration or upgrade to an existing sewage system.
6. Section 3.23.6.2 - In the area designated Aquifer IA amendments are proposed that a cistern be increased in minimum capacity from 200 gallons to 500 gallons (2273 litres) and requires that the cistern be capable of being used for outdoor water use. As noted with respect to bylaw 142, this does not preclude development of a cistern for potable water use or other uses.
3. Section 7.7 – Required Signs – amend the bylaw to require a sign measuring 6 inches by 12 inches rather than the sign being no larger than 6 x 12 and specify that the sign must be readable from the road. Signs are not subject to setback regulations from property lines so the sign must be close enough to the property line to be readable from the road.

Other Points of Consideration

A number of suggestions have been advanced that have not been incorporated into the suggested amendments to the bylaws. The following outlines some of these suggestions and options or reasons for their lack of inclusion in the suggested amendments:

1. Request that the LTC not spend time on addressing VHRs in the bylaws or allow more flexibility in VHR use such as removing restrictions on months when VHR use can occur, length of stay or number of bedrooms or number of beds per bedroom.

The position taken by staff is that the current land use bylaw does not allow VHR use on Hornby Island. The consequence is that pursuant to current Islands Trust enforcement policy, actions would be taken to prevent such use that is not authorized by bylaw. The OCP suggests that VHR use should be permitted as a home occupation, but implementation of such a policy has not occurred and staff suggest that it is not feasible to implement such a policy due to the requirement that the owner continue to reside on a property when a home occupation is underway and due to the size restrictions for home occupations.. Community commentary has voiced support for VHR use on Hornby Island and the only means to address such direction is to consider amendments to the bylaws. The LTC consequently requested that bylaws be drafted that enabled VHR use.

The request for flexibility in bylaws regarding VHR use arises from recognition that VHR operators provide their accommodations in many different situations with differing characteristics and timelines and that visitors have varying needs regarding accommodation. While flexibility may accommodate certain needs and be seen by some to enhance economic opportunity, other criteria must be considered including land use management, balancing multiple interests, provincial requirements to plan for residential needs, the principles and objectives of the Hornby Island OCP, and objectives and policies in the Trust Policy Statement. Many of these criteria have been addressed in previous staff reports.

2. Remove limitations on the May – September occupancy and on the 7 day occupancy.

Many of these comments on removal of these limitations speak to the desire for economic enhancement and the desire to promote year long economic activity. Several comments suggested that there was demand for the off season (Sept – May) accommodation while others suggested that there was no demand for accommodation in the off season. The following are issues that impact this discussion:

- a. The Hornby Island LTC must plan, as a provincial requirement, for residential housing requirements, whether for permanent or seasonal use. If there is flexibility in the provision of VHR use outside of the May-Sept period, there is no assurance that a dwelling will be available at any point in time for residential purposes. This places the LTC in a position where it cannot effectively plan for such residential needs as there is no certainty as to the availability of residential housing.
- b. The Trust Policy Statement requires that economic opportunities are compatible with conservation of resources and protection of community character. Resource management initiatives have been introduced in the

bylaws (water, sewer) to address possible impacts of VHR use but given that VHR use replaces residential use at any point in time, some have suggested that there is no additional environmental or resource impact added by the VHR use. Community character is defined by the existing principles and objectives of the Hornby Island OCP and by the existing character of the community. The OCP speaks to the direction of community character while existing character is reflected by existing land use and activity. Some key statements in the OCP that address such character include:

- Section 1.3 Principles – Two key priorities are identified in the first paragraph of this section as follows:

“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.”

A general objective stated in this section is:

3. To maintain a rural community that is safe, creative, self reliant and diverse.
- Section 2.1 Broad Community Objectives
 - (2) 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.
 - (4) To limit or reduce present and future stresses upon natural and community resources, particularly those generated by increasing seasonal uses.
 - (5) To encourage a self-reliant rural community based on agriculture, low impact businesses and home occupations that are sustainable and non-polluting.
 - (6) To ensure changes, growth and development are gradual and support the sustainability of the community.
 - (7) To maintain the community's sense of unity and to promote a residential development pattern consistent with the rural character of the Island.
 - (12) To preserve the rural character of the Island.

The emphasis on rural character, self reliance, addressing needs of visitors, unity of community and gradual change are key to the sense of a Hornby community. Any change in land use has the ability to impact these characteristics and the introduction of a VHR use perhaps has one of the greatest potential impacts. Alternatively VHR use, while not authorized by existing bylaws, has from all available evidence been a characteristic of the Hornby community for some period of time and reflects the seasonal nature of occupancy of the island and needs of visitors. There is no absolute certainty as to whether allowing a VHR use will alter community character and at this time, it is not measurable in any definite manner. Nevertheless it is important that any potential impacts be monitored and addressed. Policy has been introduced to encourage such monitoring as a result.

- c. Land Use regulation through rezoning or use of temporary use permits are the only means available in BC to regulate land use and provide certainty as to land use administration. Land owners who wish greater flexibility in VHR use can apply for a temporary use permit or seek rezoning to allow for greater flexibility in land use. Such processes will allow the owners to seek the flexibility they wish and allow other stakeholders to offer comments during the decision making process when considering such applications.
 - d. Several VHR proponents suggested that a minimum 7 day occupancy was common during July and August but during the shoulder months of May, June and September that some visitors would want shorter occupancies. The reasons for suggesting a minimum 7 day occupancy were:
 - i. As per suggested OCP policy and in keeping with the object of the Islands Trust, visitors should come to experience and develop awareness of the island rather than to simply seek accommodation. A minimum 7 day occupancy would allow for such an experience.
 - ii. While a visitor cannot be required to stay for a full 7 day period, the intent is not to allow a high frequency of turnover of persons at a residential property. A 7 day stay or frequency of use has less impact on the residential character of an area compared to a higher frequency of movement of changing visitors over a shorter period of time. If a VHR operator wants to rent their dwelling for fewer than 7 days, then they can either limit the occupancy to no more than one set of visitors per 7 days or consider rezoning or a temporary use permit to allow for greater flexibility.
 - iii. A general approach of allowing higher turnover of visitors would be considered a more significant alteration of community character and detract from the residential character of the area.
3. Prohibition of use of tents detracts from family activity at a VHR where children may wish to camp out on the property.

The purpose of this regulation is to ensure that visitors do not invite friends etc to stay overnight outside of the dwelling. Residents can periodically (rather than permanently) allow accessory use of their property for tenting or RV occupancy whether by a visitor or perhaps by children of the family, but it is suggested that allowing such use in association with VHRs will potentially allow for a higher frequency of such use and a potential greater number of persons to occupy the site than would otherwise normally be associated with a residential use of the property. Bylaws cannot limit occupancy of tents to children as there is no authority to enact such age distinction in a bylaw (except for seniors housing).

4. Concerns about Signs

The intent is to require a small enough sign that it does not detract from the residential character of the area and at the same time provide information so that

neighbours and interested persons have contact information to follow up with the owner or manager on issues or enquiries. If there are concerns about provision of personal information, perhaps the owner can provide 3rd party contact information so as to insure that some form of responsive contact is available.

5. Objections to limitations on number of bedrooms and number of beds per room.

The intention is to limit occupancy of bedrooms to a similar occupancy provided by bed and breakfast operations with one added bedroom in lieu of an owner residing on the property. The number of beds per room is limited to two which could typically allow for up to four people in any one bedroom.

RECOMMENDATIONS:

1. **THAT** first reading of proposed Bylaw 142 cited as “Hornby Island Official Community Plan Bylaw No. 104, 2002, Amendment No 1 2011” be rescinded.
2. **THAT** draft Bylaw 142 cited as “Hornby Island Official Community Plan Bylaw No. 104, 2002, Amendment No 1 2011” be amended as outlined in the draft bylaw 142 attached to the staff report dated May 31, 2011 – Vacation Home Rentals.
3. **THAT** draft Bylaw 142 cited as “Hornby Island Official Community Plan Bylaw No. 104, 2002, Amendment No 1 2011” be given first reading as amended.
4. **THAT** first reading of proposed Bylaw 143 cited as “Hornby Island Land Use Bylaw 86, 1993, Amendment No. 1 2011” be rescinded.
5. **THAT** draft Bylaw 143 cited as “Hornby Island Land Use Bylaw 86, 1993, Amendment No. 1 2011” be amended as outlined in the draft bylaw 143 attached to the staff report dated May 31, 2011 – Vacation Home Rentals
6. **THAT** draft Bylaw 143 cited as “Hornby Island Land Use Bylaw 86, 1993, Amendment No. 1 2011” be given first reading as amended.
7. **THAT** proposed bylaws 142 and 143 be presented at a public hearing.

Prepared and Submitted by:

Brodie Porter

May 30, 2011

Brodie Porter

Date

Attachments:

1. Draft Bylaw 142 with track change amendments
2. Draft Bylaw 143 with track change amendments



STAFF REPORT

File No.:

To: Hornby Island Local Trust Committee

From: Miles Drew, Bylaw Enforcement Coordinator

Date: For the Hornby Island Local Trust Committee meeting of June 1, 2011

Re: Hornby Island Bylaw Enforcement Policy for Vacation Home Rentals

THE PROPOSAL:

This report address the enforcement issues related to Bylaw 143, the Vacation Home Regulations Bylaw.

BACKGROUND:

Bylaw 143 permits the use of residentially zoned land as vacation home rentals subject to several conditions. Some of the conditions limit the number of bed rooms and beds, restricts the VHR use to a portion of the year, requires that no more than one VHR exist on any lot, requires rain water use for irrigation and requires certification of septic systems. If these and other conditions are met the VHR may operate in an overtly commercial manner. This means that advertising and third party management is permitted.

While these new regulations will legalize many of the VHRs on Hornby Island it will not render all the current operations lawful.

Most VHRs will have to make adjustments to their operations to satisfy the regulations.

Additionally, there are some currently operating vacation home rentals that cannot meet the requirements of the regulations. And there are some that operate in an essentially residential manner who do not advertise and do not use third party management.

In order to manage the above circumstances the Hornby Island Local Trust Committee should adopt enforcement policies to ensure the successful implementation of the new regulations.

The below enforcement policies will help manage three circumstances. These are:

1. Vacation Home Rentals that do not operate in an overtly commercial manner and do not meet the requirements of the regulations but do not violate any other aspect of the land use bylaw.
2. Vacation Home Rentals that operate in an overtly commercial manner and can meet the requirements of the regulations.
3. Vacation Home Rentals that operate in an overtly commercial manner and can not meet the requirements of the VHR regulations.

For VHR that are in category one above staff recommend that the LTC adopt the following enforcement policy:

1. Given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities Vacation Home Rentals (VHRs) that have the following characteristics will not be subject to enforcement:

1. They not advertised on the internet, newspapers or other media;
2. They are managed by the property owner or long term renter;
3. Only one dwelling on a lot is simultaneously made available for VHR by the same owner or resident;
4. While the property is use as a VHR persons are not permitted to stay in tents, trailers, RVs, or accessory buildings;
5. There no are issues related to health and safety;
6. There is not a written complaint by an owner or resident of nearby properties about bona fide serious nuisance issues such as noise or parking congestion related to the VHR;
7. The operator of the VHR does not use more than one property on Hornby Island as a VHR.

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

For VHR that are in category two above staff recommend that the LTC adopt the following enforcement policy:

1. That bylaw enforcement staff monitor and inspect each VHR to ensure that the requirements of the VHR are met.

For VHR that are in category three above staff recommends that the LTC adopt the following enforcement policy:

1. That bylaw enforcement staff take enforcement action against any VHR that cannot either meet the requirements of the VHR regulations or cannot or will not operate in a manner which the enforcement policy in category one provides.

STAFF COMMENTS:

For many years VHRs have operated unlawfully on Hornby Island and this may have established a belief that the standards required in Hornby Island land use bylaws can be ignored. In order to prevent a repeat of this circumstance care should be taken to ensure that the new VHR regulations are effectively implemented within the community.

RECOMENDATONS:

The Bylaw Enforcement Coordinator recommends that the Hornby Island Local Trust Committee adopts the following resolution.

The Hornby Island Local Trust Committee resolves:

1. That given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities Vacation Home Rentals (VHRs) that have the following characteristics will not be subject to enforcement:

1. They not advertised on the internet, newspapers or other media;
2. They are managed by the property owner or long term renter;
3. Only one dwelling on a lot is simultaneously made available for VHR by the same owner or resident;
4. While the property is used as a VHR persons are not permitted to stay in tents, trailers, RVs, or accessory buildings;
5. There no are issues related to health and safety;
6. There is not a written complaint by an owner or resident of nearby properties about bona fide serious nuisance issues such as noise or parking congestion related to the VHR;
7. The operator of the VHR does not use more than one property on Hornby Island as a VHR.

2. That bylaw enforcement staff monitor and inspect each VHR to ensure that the requirements of the VHR regulations are met.
3. That bylaw enforcement staff take enforcement action against any VHR that cannot either meet the requirements of the VHR regulations or cannot or will not operate in a manner which the enforcement policy in section one of this enforcement policy describes.
4. That nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Hornby Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.

Miles Drew
Bylaw Enforcement Coordinator



Memorandum

700 North Road Gabriola Island, BC BC V0R 1X3

Telephone **250 247-2063** FAX: 250 247-7514

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC **1.800.663.7867**

northinfo@islandstrust.bc.ca www.islandstrust.bc.ca

Date May 30, 2011 File Number HO-OCP-2009.1 (OCP and LUB Review)

To Hornby Island Local Trust Committee

From Sonja Zupanec
Island Planner
Local Planning Services

Re Input received on Draft Version 2 OCP

Community Information Meetings were held in April 2011 in Victoria, Vancouver and Hornby Island regarding draft changes to the Official Community Plan and vacation home rental regulations. Several property owners have submitted comments specific to the general OCP review and these submission are attached to this memorandum for LTC discussion. Input has been received on the following pertinent sections of the OCP/LUB:

- Land use designation and subsequent zoning for Bradsdadsland
- Agri-tourism housing policies and regulation
- Reduction in average lot size for Rural Residential designation
- Secondary suites
- Section 946 subdivisions
- Agricultural policies and compliance with ALR regulations
- Limited expansion of commercial zoning

Staff anticipates LTC discussion on these topics and possible further direction on revisions to the draft OCP and LUB.

The OCP/LUB review is #2 on the Work Program Priority List. Staff will be focusing largely in part on the vacation home rental bylaw legislated process once Planner Porter's retirement commences. However, as time allows, staff will continue work on the OCP and LUB revisions identified to date, with the intention to bring forward a revised draft for LTC and community review in early 2012.

copy Chris Jackson, Regional Planning Manager, Northern Office

Attachments:

1. Public correspondence package from April 2011
2. OCP proposed revisions from Trustee Tony Law May 6, 2011
3. Draft APC policy review list from Trustee Tony Law May 26, 2011

From: Care _____
Date: March 28, 2011 11:37:38 AM PDT
To: fhunt@islandstrust.bc.ca
Cc: lbell@islandstrust.bc.ca, tlaw@islandstrust.bc.ca
Subject: **Regarding the OCP process**

March 28, 2011

Attention:

Fred Hunt, Louise Bell, and Tony Law

(in their role as Members of the Local Trust Committee for Hornby Island):

It is our understanding that all OCP related procedures must be held at all times in full view of the public.

This is intended only to serve as a reminder to the members of the LTC of this legal fact. RWM (resolution without meeting), in camera meeting, or any sort of closed meeting by the LTC as it relates to any OCP is not legitimate, no matter how minor any such change involved may be.

Thank you for your time.

Regards,

V. & C. Snowdon

----- Original Message -----

From: Betty Kennedy

To: 'Tony Law' ; fhunt@islandstrust.bc.ca

Cc: tlaw@islandstrust.bc.ca ; lbell@islandstrust.bc.ca

Sent: Sunday, April 03, 2011 8:22 PM

Subject: FW:

Tony Law, Louise Bell, and Fred Hunt.

I am sending this letter on to you to remind you of the letter from the fourteen neighbors of Bradsdadsland that was sent to you on June 11 2005 requesting your attention to our opposition to the possible rezoning to 'commercial campsite' of the property. I have copies of that letter signed by all fourteen neighbors as well as an email from Tony Law sent on March 29, 2010 stating the following. "The current working version of the draft revised OCP includes a change that removes the sentence requiring Bradsdadsland to be put in a commercial Development Permit Area and regulated through the land use bylaw.

"Thus the property would remain in Rural Residential zoning under what is provided for in these drafts."

Please assure us that this will be taken care of in the current review of the OCP.

Some of the neighbors have changed in the area, but the sentiment has not.

Thank you for your attention to this.

Betty Kennedy

Tony Law
(Hornby Island Trustee)
Box 13, Hornby Island,
B.C. V0R 1Z0

To: Peter Hicken, Janet Hicken, Betty Kennedy, Dan Milek, Marg Joyce, Don Joyce, Jeffrey Runinoff, Mary Savoie, Kim McGee, Ivy Gordon, Nicki Johansen, Grant Scott, Carol Scott and Denise Fenwick, Hornby Island, BC

cc: Isaac Kramer, Eleanor Kneffel, David Marlor

19 July 2005

Dear Peter, Janet, Betty, Dan, Marg, Don, Jeffrey, Mary, Kim, Ivy, Nicki, Grant, Carol and Denise:

re: Bradsdadsland

This letter provides my personal response to your letter of 11 June 2005 that was sent to Linda Adams, Chief Administrative Officer of the Islands Trust regarding your adamant opposition to any rezoning of the property known as Bradsdadsland.

Please note that the authority for any land use decisions affecting properties on Hornby Island rests with the Local Trust Committee and are only made at convened business meetings of the Committee that are advertised and open to the public.

I certainly appreciate that this is a significant issue for people in your neighbourhood. I apologize for not responding sooner. I first wanted to obtain more clarity about the reasons for your position (which Betty Kennedy has kindly provided), to have a better understanding of the options available to the Local Trust Committee (which staff has provided) and to get the perspective of the property owner (which I did with Isaac Kramer a couple of days ago).

First, it might be helpful to provide some background as to why a proposed "campground" zone for BradsdadaInnd was included in the first draft of a new Land Use Bylaw.

In the spring of 2001, an extended series of public meetings were held by the Advisory Planning Commission on the first draft of the Official Community Plan. In this process a suggestion was introduced and discussed regarding Bradsdadsland being put "on the map" with respect to being a visitor accommodation land use so that it could be subject to similar regulations and Development Permit provisions as other visitor accommodation operations.

A proposed policy to reflect this suggestion was included in the second draft of the OCP which was made available for public comment and was referred to the APC for

recommendations. As I recall, the proposed policy was modified to reflect input during this stage and was included in the second and third drafts that were also made available for public comment.

Prior to the Public Hearing, a map showing proposed land use designations for Hornby Island was posted on the Islands Trust notice board on the Co-op porch. This map showed Bradsdadsland designated as "visitor accommodation."

A Public Hearing was held on 29 November 2002 at which any member of the public whose interests in land were affected by the proposed bylaw could provide oral or written comment. The minutes show no comments with respect to Bradsdadsland. After making some minor amendments, the OCP bylaw was given further readings and submitted to the Minister for approval. After receiving approval, the bylaw was adopted in June 2003.

The Official Community Plan has three provisions with respect to Bradsdadsland:

1. It designates the property as "visitor accommodation."
2. It includes the property in a Development Permit Area
3. It requires that "land use regulations will limit the permitted development to the established legally non-conforming use".

Consequently, in light of this requirement, the first draft of the new Land Use Bylaw creates a site-specific "campground" zone for Bradsdadsland. The only permitted uses in this zone would be "campground" and "residential". The number of campsites would be limited to what is understood to be the number allowed under the legal non-conforming use. Additionally, the zoning regulations would include conditions of use with respect to camping spaces and set backs for camping spaces from all lot lines.

In talking with Betty, it is my understanding that the neighbours object to this for two reasons:

- 1) Although there is general appreciation that Bradsdadsland is well-managed, the neighbours would prefer to see the property revert to residential use should the legal non-conforming status be discontinued (under Section 911(2) of the *Local Government Act*, this would likely require an entire season's operation as a campground to be missed).
- 2) The neighbours are apprehensive that any rezoning, even just to provide for the existing legal use, might open the door to future rezoning for other purposes.

In discussing these concerns with staff, it is my understanding that it is quite appropriate for a community plan and zoning bylaw, during review, to be updated to address and regulate a long-standing existing legal use, particularly one that has been in place for two decades and has not been subject to complaint. Any proposed rezoning for a use that is different from an existing legal use would require an application to amend the land Use Bylaw. This would be subject to an extensive public process, including referral to the

Advisory Planning Commission, notification of neighbours and a Public Hearing as a minimum.

Nevertheless, I certainly understand and appreciate the depth and unanimity of concerns in the neighbourhood, as made clear by your letter. I have re-read the files from the 1980s and 1990s to refresh my understanding of the historical and legal context.

As I see it, the Local Trust Committee has two options:

1. To continue to propose a "campground" zoning in the second draft of the Land Use Bylaw.

This would meet the requirements of the Official Community Plan and would reflect what was heard during that planning process, but would clearly go against the wishes of the neighbourhood.

2. To drop the proposal and leave Bradsdadsland zoned as a residential lot.

This would not be in compliance with the OCP. The Official Community Plan would have to be amended before a new land Use Bylaw for Hornby could be adopted. This would require a Public Hearing at which residents and property owners, including the owner of Bradsdadsland, would have an opportunity to provide comment on changing the Community Plan.

I have talked with Isaac Kramer, owner of Bradsdadsland, and he has stated that he would not oppose the property remaining in the present rural residential zoning. (I should make it clear that the proposal to create a "campground" zone did not come from the owner but from community members wanting to see planning bylaws reflect the legal use of the property).

Consequently, I have suggested that staff prepare the following for consideration of the Local Trust Committee:

1. That the proposed "C10" zone be dropped from the second draft of the Land Use Bylaw and that the Bradsdadsland property be included in the R6 zone.

2. That the OCP be amended to change the designation of Bradsdadsland from "visitor accommodation" to "rural residential".

3. That the OCP be amended by removing the Development Permit Area from Bradsdadsland.

4. That the OCP be amended by changing the wording of the following policy from:

"6.5.2.5 One existing property, Lot A Plan 38493 Section 13 (known as Bradsdadsland), has been designated as Visitor Accommodation to recognize an historically legal non-conforming situation in which the parcel has been used for a campground. This parcel shall be designated as

a Development Permit Area and land use bylaw regulations will limit the permitted development to the established legally non-conforming use."

to something like:

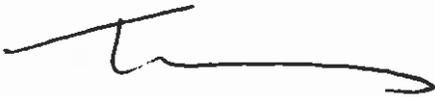
"6.5.2.5 This plan recognizes the long existing legal non-conforming use of Lot A Plan 38493 Section 13 (known as Bradsdadsland) for a campground."

I understand from Betty that this would satisfy her concerns. It would be helpful to hear soon from any other neighbouring property owners if you have questions or concerns.

Of course, any decisions will have to be made by the Local Trust Committee, but I do want staff and the Committee to be in a position to consider an option that will likely address this to the neighbourhood's satisfaction.

Thank you for your input and for alerting us to this concern early in the process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tony Law', with a long horizontal flourish extending to the right.

Tony Law
Hornby Island Local Trustee

From: Judy Cross F
Sent: April-13-11 7:50 PM
To: northinfo
Cc: Louise Bell; Fred Hunt; Tony Law; Brodie Porter
Subject: Comments on Draft OCP and rentals

Hornby Island, B.C.
V0R 1Z0

April 12, 2011

To: Hornby Island Local Trust Committee
Re: comments on draft updates to the Hornby Island Official Community Plan
input on approaches to "allow" vacation rentals

Yet another meeting has just been announced for April 20, before and in addition to, the scheduled meeting of April 27, so that the Local Trust Committee can ram through their long-planned changes to the Hornby Island Official Community Plan to restrict/outlaw rentals of less than one month while calling it "*allowing*". It is classic "spin" and frankly, I find it abusive.

The phrase used on the handout distributed at the CIMs of April 2, 4, and 6, 2011, "Enhancing the Status Quo" is another blatant example of the "spin" where black becomes white, which has often been employed by LTCs on Hornby over the years. Calling the planned destruction of the economy of Hornby Island "Enhancing the Status Quo" is surely a homegrown example of "Newspeak" as first illustrated by Orwell's 1984.

I doubt there will be enough time for the LTC to read and comprehend all of the correspondence before this suddenly scheduled "special working meeting" on April 20. To me, this is just another example of going through the motions while pretending to listen.

In reality the changes proposed as a Proactive Target Review constitute a "Preemptive Strike" in the long simmering war against the Hornby Economy. Since Trustee Law, employed by the Islands Trust Corporation, is also the main driver of the Hornby Island Economic Enhancement Corporation, does his left hand not perceive what his right hand is doing?

The situation is made even more outrageous by the fact that the LTC member from Denman Island, Louise Bell, was elected on a platform in which she promised to reduce the summer traffic headed for the Hornby Ferry. She therefore has a vested interest in the outcome of this Hornby OCP and its unasked-for Revision because her income could be affected if she fails to deliver on her promise to her *real* and *only* constituents. This situation clearly illustrates the flaw in the design of the Hornby Local Trust Committee as well as the Colonial Model of all LTCs. In cases where islands may have interests which conflict with each other, a LTC member can not be objective and serve both islands. This

is a clear instance in which Trustee Bell must excuse herself for conflict of interest

Planner Porter described what is happening as a "Targeted Review" and that it has been initiated by the Local Trust Committee at the March 23 and April 4th meetings which I attended. The attempted revision of the Official Community Plan by the Local Trust Committee, especially one in which two members have lost credibility, is a usurpation of the rights of this community to self-determination.

The present OCP, Bylaw 104 specifically endorses vacation rentals as a home occupation:

6.5.2.11 The rental of an individual dwelling unit in order to provide temporary accommodation for paying guests shall be permitted as a home occupation.

6.5.3.1 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.

6.5.3.7 The rental of an individual dwelling unit in order to provide temporary accommodation for paying guests shall be permitted as a home occupation.

No case law backs up the LTC opinion that because one is not in actual residence when one rents, it is either "illegal" or "un-permitted" or "not permitted". That interpretation is totally arbitrary since LUBs are to be interpreted with reference to the OCP. Bylaw 104 defines home occupation as being conducted by a "full time or part-time resident".

As Katherine Owen pointed out in 2005:

"In the BC Supreme Court case, Nanaimo (Regional District) v. BC (Information and Privacy Commissioner) {1991} BCJ No. 1283, (BCSC), the Judge states:

"...the OCP does have a legal effect on the government bodies referred to, in that it controls or restricts all future development. It also does have some legal effect regarding private landowners as well, because zoning by-laws, which effect them, must be consistent with the OCP";

"I am also of the view that the OCP is a by-law or legal instrument "by which the local public body acts". When a regional district adopts an OCP by by-law it triggers, or brings into play, S. 884(2) of the [then] Municipal Act, which is a statutory obligation, and thereby requires all subsequent by-laws enacted and works undertaken to be consistent with the OCP".

In 2005, the LTC tried to ignore the OCP and attempted to change Bylaw 86 by fiat with Draft Bylaw 105. They, who as Trustees had attempted to subvert the will of the community, quickly learned that this attempt led to the failure of those same candidates to be re-elected

In order to prevent the same thing from occurring, the present LTC is planning to shove this Draft Revision through well before November, so that whoever is elected for the next term will be obliged to continue their economically destructive agenda by revising Bylaw 86 to agree with it.

Just as arbitrary is the present Draft OCP definition of “**Rental Housing**” as *"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."*

The community did not ask for these revisions to the OCP. The community is being led into an economically destructive trap to satisfy someone's dystopian version of how to run an *island, off an island, off an island.*

At the same time the summer tourist economy is being targeted for destruction, plans are presented to increase the year round population with plans for "affordable housing". Summer people don't need heating, they don't need to cut down trees for warmth and the septic tank effluent they produce flows into dry ground, so they do not contribute to the E.coli flowing in the ditches in winter. The year round population is far more of a danger to the environment than the summer visitors, yet the emphasis is always placed on what happens in the short summer season.

That drumbeat has been constant for a number of years and has been used to rally a "politically correct" version of life on Hornby in which those who rent for the summer are seen as somehow "ripping off" the community instead of providing the basis for the economy.

The perception that we would attract young people with skills needed to keep an aging population serviced by providing more year round rental housing by denying house owners the opportunity to rent the house by the week, has been a steady undercurrent for many years. There is still only one electrician and one plumber. The young people attracted to Hornby are too often skill-less, clueless and difficult to employ and the last people one would want to rent to at all.

At the April 4th meeting, Planner Porter produced the latest spin on the reason for revising our present OCP. *"We have to know how much housing will be available in 5 years"*. Hornby is not a municipality and has a year round population of +/- 1000, so I fail to see the utility of such a policy for so small a place. It is an obvious fig leaf which does little to hide the real agenda, but which, at least, is based on planning and not on "health, safety or nuisance issues" which is not in the Island Trust's mandate.

I have watched the attempt to micro-manage this community since 1999 when I became involved in the OCP Revision process for the present OCP Bylaw 104. I find what is going on a symptom of a pathological need to be all things to all people by what is only supposed to be a simple land use planning body.

Again, the impetus for this OCP revision is "top down" when it is supposed to be "bottom up". The Local Trust Committee is usurping power from the community and it should not be tolerated.

The Local Trust Committee is in danger of destroying the economy of the island and increasing the destructive year round population should it continue the revision of the OCP without the real community input of a properly conducted revision process such as that in which I participated from 1999 to 2002 which produced Bylaw 104.

An OCP is like a constitution. Imposing a constitution on an unwilling people is a totalitarian act. Imposing an OCP to serve the interest of another island is beyond the pale.

I feel this process is tainted by the conflicting interests of one, and perhaps two, of the three persons on the Hornby Island Local Trust Committee and must be abandoned.

Yours truly,
Judy Cross

April 14, 2011

To: The Hornby Island Local Trust Committee.

northinfo@islandstrust.bc.ca

cc: Brodie Porter: bporter@islandstrust.bc.ca; Louise Bell: lbell@islandstrust.bc.ca

Fred Hunt: fhunt@islandstrust.bc.ca; Tony Law: tlaw@islandstrust.bc.ca

From: **Outer Island R&R**

Hornby Island V0R 1Z0

Karen Young

Jed Young

Jim Garton

Re: Review of the Hornby Island Official Community Plan and Land Use Bylaw

We are submitting a request to the Hornby Island Local Trust Committee asking that it consider the needs of local farming operations by further enabling the integration of agri-tourism into their operations. To make this happen it is important that the local Land Use Bylaw and OCP align themselves with the ALR regulations.

Specifically, we would ask that you consider:

a) including a policy in the updated Official Community Plan and subsequent land use regulations to enable agri-tourism accommodation in accordance with section 3.(1).(a) of the ALR Use Subdivision Procedure Regulation by allowing up to 5 or more agri-tourism sleeping units on lots over 3.5 hectares.

b) amending draft policy 6.4.1.4 and subsequent land use regulations to allow both one dwelling containing a secondary suite and a second dwelling on lots over 3.5 hectares in accordance with section 3.(1).(b) of the ALR Use Subdivision Procedure Regulation.

Reasons Why:

a) Small farms generally require an additional income stream to be economically viable and thus to be able to contribute sustainably to local food security.

b) The Islands Trust Policy Statement requires local trust committees to adopt policies that support the economic viability of farms.

c) West Coast Environmental Law notes that "agri-tourism has enormous potential to add value to farming operations. It can supplement and diversify agricultural income, contributing to the stability of agriculture in rural communities. It may also help urbanites

to understand agricultural practices and gain an appreciation of how difficult it is to farm surrounded by suburban and urban uses."

d) In 2002 the Agricultural Land Reserve legislation was amended to include agri-tourism as a permitted farm use, including allowing up to 10 sleeping units for agri-tourism accommodation where permitted by local regulations. Such units can be provided through a combination of rooms in a dwelling and seasonal cabins or campsites. These can only be developed on properties that have farm status and the accommodation and associated infrastructure is limited to no more than 5% of the land.

Comments:

Agriculture is currently the fastest growing tourism sector. We have seen the importance of agri-tourism first hand over the last 15 years of our farming and B&B operations on Hornby. Our tourist clientele are very engaged in our daily farming activity. We have found that our guests then show great interest in how and what other farms produce on Hornby and thereby spent their travel \$ on local products at the farmers market, wineries, nurseries, and roadside stands as well as restaurants, artist's studios, and cultural events.

Allowing these changes would enable us and other growers to thrive by increasing awareness of our products, as well as contributing to the overall island's economy. We believe that as long as the local regulations are aligned with the ALR regulations as suggested, this will be possible.

We respectfully appreciate your consideration.

Karen Young

Jed Young

Jim Garton

April 14 2011

From: Karen Ross

Sent: April-15-11 1:34 PM

To: northinfo; tbell@islandstrust.bc.ca; Fred Hunt; Tony Law; Brodie Porter

Subject: OCP submissions

Attachments: OCP review0411.doc

Attached are my comments for your consideration in the Hornby OCP review.

Thank you.

Karen Ross

OCP

Sec. 6.1.2 Regarding Local Government Act, Sec. 946.

COMMENT:

When asked why this was being included in the OCP, Brodie said that other areas restrict these subdivisions, that Hornby is one of the few areas that don't, and the clauses in the new OCP will freeze it on Hornby, too. He also said that only a handful of properties on Hornby have done these subdivisions.
Top down management of our OCP?

Sec. 6.3.1. "The principal use should be residential with any accessory uses consistent with the residential character."

COMMENT:

SHOULD READ: The principal use should be residential with any accessory uses consistent with the residential character, **which could include both short and long term residential rentals.**

Sec. 6.3.3. ".....The retention of large parcels is now considered a primary objective....."

COMMENT:

THIS WHOLE PARAGRAPH SHOULD BE **DELETED** as it does not reflect the values of the Community.

In the Community Visioning Statement, under housing: "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 participate and contribute to the well-being of the community.

The community takes collective responsibility for land availability, housing options, creating local mortgage funds and land-use planning. We have in place easy and amicable ways of assessing and deciding on land and housing issues. There is a broad range of housing options and choices available for everyone from home ownership to temporary accommodation, from large lot rural to clustered housing and single person dwellings. Some areas combine mixed use zoning, multi-generational housing and communally available resources, facilities and services."

Sec. 6.3.3.1. "For any subdivision of properties in the Rural Residential designation an average lot size of ten acres should be maintained....."

COMMENT:

SHOULD READ: An average lot size **of five acres** should be maintained.

Let's call it like it is. The subdivision of many ten acre parcels has already happened, based on land ownership, into five acre average lot size. Being told that good zoning practices are based on land use, not on land ownership, indicates that there is an area where five acres is considered acceptable. We have not seen any problems with these subdivisions in the Sollans and Roburn Road areas, and based on land use planning, all lots in this area should have the same subdivision potential. Not just for fairness and equity in the same zoning, but also to allow a limited amount of land into the inventory (which in a demand/supply market helps to keep prices down. i.e. Scarcity drives prices up).

Sec. 6.3.3.4 "Only one dwelling unit should be permitted on parcels smaller than 8.75 acres and a maximum of two dwellings shall be permitted on lots 8.75 acres or greater."

COMMENT:

SHOULD READ: "Only one **PRIMARY** dwelling unit...", to allow for the inclusion of secondary suites.

Sec. 6.3.3.5 "Home occupations may be permitted but shall be limited to those having little impact on the rural residential character of the area and its environmental qualities."

COMMENT:

SHOULD READ: "Home occupations, **including short term vacation rentals**, may be permitted..."

Sec. 6.3.3.6 "Public access to the existing trail system shall be secured wherever possible through dedication, covenant or easement."

COMMENT:

SHOULD ADD: **with the exception of trails that were built by the community, under the Ratepayer's umbrella, with permission of the landowners. At this time, specifically, the Ratepayer constructed trails adjacent to Central and St. John Pt. Roads.**

I read the proposed statement in a negative manner, as though the property owners are somehow holding onto something that should belong to the public. As one of the property owners that was happy to join the walking path network, I cannot support the unamended statement, not only does it cast a negative light on our intentions but it also appears to be a form of expropriation without pay.

Sec. 6.3.4.5 "Home occupations....."

COMMENT:

SHOULD READ: "Home occupations, **including short term vacation rentals**, may be permitted..."

Sec. 6.3.5 Housing, “For purposes of interpretation the following terms are used in this section”

COMMENT:

Should add definitions for secondary suites, non-permanent accommodation, and short term vacation rentals.

Sec. 6.5 para. 2: “Home occupations also provide some opportunity for commercial activity and may involve the.....provision of personal services.....Home occupations are permitted only if the residential character of the property is maintained...”

COMMENT:

This is an endorsement for residential rentals, be they long term or short term. What other home occupation retains the residential character more than using it residentially?

Sec. 6.5.1.4 “Limited expansion of commercial zoning to allow for small scale retail and personal service use with secondary residential use may be considered...”

COMMENT:

In Sec. 6.5.1.11 Temporary Use Permits are introduced, as part of the Commercial zoning policies. Clearly, Sec. 6.5.1.4 does not allow TUPs as a commercial use for singular residential rentals. (specifically referring to residential use as a “secondary” use).

Sec. 6.5.2 Visitor Accommodation and Tourism. Background.

Para. #1 “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...”

COMMENT: It appears that the policy would preclude encouraging visitors to focus on the summer months, and would support encouraging visitors in other seasons.

Sec. 6.5.2 Visitor Accommodation and Tourism. Background.

Para. #4 “...Limiting occupancy for any visitor accommodations ...to levels of an average household size (four persons according to Statistics Canada) may help address such water supply issues.”

COMMENT: Everyone gets guests visiting. This clause would more accurately reflect residential use if it said: “to levels of an average household size, (four persons according to Statistics Canada), **plus an allowance for a family of guests, of the same size.....**”

Sec. 6.5.2.1. “Accommodation for visitors should be environmentally sensitive, small-

scale and low density and may be dispersed around the island....”

COMMENTS: We consistently hear this policy quoted at Island meetings.

Sec. 6.5.2.7 “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 house or vacation home rentals (less than one month occupancy) on non A.L.R. land.....”

COMMENTS: Is this a new policy? When did our houses start to be lumped in with resorts, hostels, lodges, campgrounds, hotels, or even B & B’s that can serve restaurant style meals, etc.?

Alternative action:

- i) **DELETE** the reference to vacation home rentals from this inclusion with commercial undertakings.
- ii) Specify that this includes STVR’s where more than two houses on acreages are used in that manner (or more than one house on the small lots).

Sec. 6.5.3 Vacation Home Rental, Background

COMMENTS: **Remove Para. 3, 4, and 5** as being un-necessarily negative.

Para.#6 “The previous Plan attempted to address this issue by including a policy suggesting that a vacation rental could be permitted and regulated as a home occupation.....Therefore this approach can only be applied to the limited number of properties that contain two permitted dwellings with the owner occupying one as their home while operating the other as a rental.”

COMMENT: Does this grant a “grandfather” situation to all properties that are currently qualifying as having a home occupation under the “previous plan”. (i.e. still current)

Para #6 goes on to say “Zoning property to allow for a vacation home rental use or addressing this use through approval of a temporary use permit are other options.”

COMMENT:

SHOULD READ: “**Where densities exceed current allowed residential densities,** zoning property to allow for a vacation home rental use

ADD PARAGRAPH #7:

This plan encourages RETAINING YEAR ROUND RESIDENTIAL USE:

The OCP should preclude any temporary guest accommodation, or short term vacation rentals, in any property that has a

- secondary suite
- a non-permanent accommodation unit

Is in the:

- Community Housing zone
- Special Needs Housing zoning
- agricultural zoning where units are designated for farm workers
- units designated as staff accommodation in commercial areas
- Community Service Use zone

Sec. 6.5.3.2 **REMOVE**

Sec. 6.5.3.3. **REDUNDANT**

Sec. 6.10.9 “In consideration of applications for vacation home rentals the LTC may consider the following:.....”

COMMENT: Brodie said that this section will be re-written. He also noted: TUP guidelines in an OCP are not binding on the LTC.

OTHER COMMENTS:

- only 37% of property owners have Hornby Island addresses. Full, time residents are in the minority.

-

From: Breatheasy
Sent: April-17-11 2:21 PM
To: northinfo
Cc: Louise Bell; Fred Hunt; Tony Law; Brodie Porter
Subject: Letter to the HORNBY LTC for the latest deadline of April 18th., regarding the 2011 OCP "REVIEW"

Letter to the HORNBY LTC regarding the 2011 OCP "REVIEW"

ATTENTION:

Louise Bell, Chair, Hornby Island Local Trust Committee

lbell@islandstrust.bc.ca

Fred Hunt, Hornby Island Local Trustee

fhunt@islandstrust.bc.ca

Tony Law, Hornby Island Local Trustee

tlaw@islandstrust.bc.ca

Brodie Porter, Island Planner

bporter@islandstrust.bc.ca

*"A politician sees only as far as the next election.
A statesman sees as far as the next generation."*

If one asks the wrong questions, one is bound to be given the wrong answers.

All laws which guide the LTC Corporation state clearly that when it comes to the OCP, our own constitutional document, in every case the LUB shoe must fit the OCP foot, never the other way around.

IN OTHER WORDS: ALL LAWS WHICH GUIDE THE TRUST STATE CLEARLY THAT THE SHOE MUST FIT THE FOOT, NOT EVER THE OTHER WAY AROUND - IN THIS CASE LAND USE BYLAWS OR LUBS ARE THE SHOE WHICH MUST FIT THE FOOT.

THE FOOT OF THIS COMMUNITY IS ITS OCP..

WHAT THE LTC CONTINUES TO INSIST ON DOING IS THIS: OPERATE ON AND ALTER THE FOOT. THEN, ONCE IT IS DISFIGURED, CREATE A SPECIAL SHOE TO FIT THE DISFIGURED FOOT.

We ourselves have learned the hard way to choose LTC actions over LTC words. It is time to ask what kind of leader tells each island community it is "unique", and then takes their tax money and uses it to create mass proposals to convert all Trust area islands into one standardization meat grinder.

Members of the LTC, (both on Hornby and elsewhere), have continued, year in and year out, to either ignore or remain oblivious to how they are perceived by the community while seemingly only heeding their own need to use our hard earned taxes to **"PROACTIVELY TARGET"** us and our OCP.

What on earth makes the LTC assume that Hornby is really about to allow itself to be dragged away from our own comfortable functional status quo when we already have a working OCP of this community's own creation?

What would make members of the LTC remain so out of touch with the constituency of Hornby as to really expect this community of stakeholders to settle for replacing an **Official Community Plan** devised by us with an **Official Gated Community Plan** devised by the LTC?

For those who mistake any of this for "improvement", the reality is that an LTC does not return again and again to pick over the strong bones of our current Hornby OCP only in order to try to dress that OCP up in their own unsolicited proposal rags as if this was simply an afternoon at the free store. This is especially true when all of this has been "proactively" initiated without any justification and when those who ignore constituents then proceed to devour and delete what is ours, and ours alone.

Why would anyone who cares about this community expect it to enter into any undesirable negotiation about the fine print of a written undoing of our lives, accompanied by solicitations for verbal songs of praise for their own unsolicited ideas, - especially when it is relatively easy for most to see that what is actually on the table here is a burial mound dressed up as a proposal which destroys by pre-emptive deletion so much of what is currently ours by right?

Which community in its right mind would willingly forfeit the very freedom we have worked so hard to protect for so long? Whether this process has become demoralizing by design or by default has become irrelevant. We are weary of witnessing, let alone debating, the fine details of what appears tantamount to a fraudulently arrived at diminishment of choice, a proposed wholesale change to our lives for the worse.

The LTC has never provided a sound reason for any of this, not other than the presentation that there is somehow a pressing need to use "allocated funding", presumably from our tax dollars. There appears to be no legitimate explanation for why this arbitrary process is being imposed at our expense or for why it is occurring at all.

We are not alone. Many other islands are asking just this, demanding to know why their own local economies are being - or already have been - destroyed in just this same manner, one OCP revision at a time. Isn't it well past time for the LTC to stop trying to entrap the community into debating unto the edge of prostrate exhaustion the minutiae of wearisome parts and points of what are in truth outright revisions and abrogations of community held rights?

When exactly did we as a majority of this community ask for:

- **mass rezoning?**
- **wholesale map changes with no maps to provide the visuals to grasp how extensive this really is?**
- **mass doubling of density via secondary suites on all lots greater than 3.5 hectares?**
- **renaming of most of the island?**
- **new kinds of zones?;**
- **new minimum lot sizes?**
- **drastic inversions and deletions of current definitions which permits vacation rentals as a home occupation for both part and full time owners?**
- **deletion of other activities essential for sustainable island living?**

- outright white out deletions reframed as "amendments"?
- with this **entire proposal agenda** presented by means of distractions and redirects?
- with over attention to often irrelevant minor details, **presumably meant to to distract from what are actually substantive proposed radical revisions and outright abrogations to our community document, not to mention to our lives, properties and income(s)?**
- with all of this and **more inadequately reframed as "minor amendments", a misuse of the legal intent and definition of this term, apparently employed so as to bypass the provincial legal requirement for the otherwise requisite two full years of community based steering committee input into any revision (versus "amendments"), which even then the community mandates, not the LTC?**

No one we know is anything but worn down, and none are interested in further discussion about whether or not what appears to be tainted OCP appetizers should precede or follow the last meal served up before carrying out an unjust execution of a community's future socio-economic well being.

The LTC certainly seems to view the community as if we are infantile, as if we are not capable of being responsible mature stewards of our own island, its economy, its environment, and our private properties.

This entire protracted exercise is nothing more or less than an uncalled for directive to carry out an aggressive overhaul of all we hold dear, a process which has, from the start, stepped outside the bounds of respectful consideration of the wishes of Hornby constituents, albeit usually politely done.

By rights, none of this should even be happening at all, not unless the mandate for change comes from the stakeholders of this island. And it has not. There is no explanation for ignoring this fact.

What, other than an vain attempt at an exercise in public pretence, is supposed to be the point of unchanged essentials reframed in meeting after meeting, especially when nothing that the LTC has been so set on doing from the get go seems to ever be relinquished?

What is the point of the exercise wherein we witness the LTC sit with a blank stare silence when faced with legitimate and rising resistance, or where we watch as the LTC resorts to circuitous retrenchment to close ranks and reposition?

Why do we mostly only observe how the LTC avoids the obvious path, which is to cease and desist, to leave well enough alone our non enhanced status quo OCP, and to stop calling "enhancements" these LTC initiatives which are in truth full scale OCP revisions. Calling what is happening here "enhancement" is an insult, almost as if all of this were some kind of a perverse advert for a drug for an island version of loval erectile dysfunction.

This repeat upheaval has become a model of what many feel and have stated is an abusive process. It is not in any way worth what we are told we must be expected to give away. And, at this point the LTC is at risk of giving the impression that they see themselves as free to disregard the majority - or even every last one of us - as they

appear to doggedly persevere, and in the process seem to be in taking this wrong headed venture over a constitutional cliff.

If the LTC continues to listen without hearing, to patronize or obfuscate without genuine respect, to make use of circular reasoning to conflate and appear to confabulate,.....

If the LTC remains closed to actual substantive reversal of this process altogether and instead offers only the appearance of openness to persuasion, while at the same time arranging to schedule a public hearing and.....

If the LTC remains essentially inflexible about what seems to be their own single minded agenda, ...

the fact is that they will lose far more than simply what is left of any possible respect for their ability to handle process, - if indeed this happens to concern them at all.

If they do continue, the LTC will also serve to create a new creature born of this anomalous process, perhaps generating an entire island peopled with justified scofflaw stakeholders who may by then have learned by example from their own non representational process to ignore those who would seek to abuse power.

The Precautionary Principle has been discarded here. The supporting science for this kind of whole cloth extreme makeover, or indeed for any regressive change, is simply not there. So the real choice of doing absolutely nothing would more than suffice, had we had the proper opportunity to offer up legitimate community based steering advice, informally offered more than once to date to the LTC.

There is no OCP "solution" since there is no OCP "problem". Those who either seek to harm - or else fail to realize that harm would be the net result of this kind of devaluation of community options done in the name of good - have given Hornby stakeholders the impression that the LTC has by prior arrangement sought to find ways to try to take away home occupation generated vacation income flow, and even seem intent on the destruction the community's own means to pay the property taxes which in ever larger part fund the thrust of the Trust's unseemly expansion during a recession.

All of what we are witnessing certainly appears to be part of a hierarchically devised scheme to demoralize property owners on many islands throughout this process, perhaps hedged by yet another agenda, one which might be aimed at those left with no other options and who would then ultimately fall into the final trap of donating their devalued land back to the Trust's own land trust branch. Ultimately, however, we can only surmise the motives for LTC initiatives to implement such unwarranted destructive policies, proposals, and revisions.

In any event, the process has been overtaken by stealth, a process for an OCP which is ours alone to opt to change - or to not change. All we are saying is please just stop the erosive meetings, and leave the OCP alone, because it is ours.

At this point we want to see hard evidence beyond mere words that the LTC is both competent and confident enough to relent, as of now, and to accept that it is time to bow to the wisdom of the majority and to defer and hand over the reins to the STVR/HOVR (Home Occupation Vacation Rentals) advocacy group that is working so hard to effectively streamline this activity on Hornby.

We remain unconvinced to date that the LTC feels it is able to take this unique opportunity to show true leadership by bowing out and allowing the community to decide

on its own whether it is satisfied with its own current OCP, a document hard earned and much beloved by its co-creators.

There really is no further reason NOT to defer to the collated wisdom and well thought out grass roots innovative approach of the vacation rental advocacy group in this HOVR matter, instead of the non viable option of the LTC insisting on having the last word.

Currently these largely absurd proposals themselves have actually managed to take a back seat to the far greater emerging issues:

- the negative impact of a failure to assure legitimate open inclusiveness;
- an inclination to take over the conversation that is the community's to create with one another on an "as needed" basis;
- CIMs which exist only to formalize a direction or to inform an "audience" but which then remain largely unreceptive to the over arching need for the LTC to exercise self examination;
- a bureaucratically closed system process seemingly not capable of embracing well thought out community based plans brought forward on how to keep the status quo intact.

Apparently an absence of transparency during key parts of this process is only observable to those who witness it and who understand the decisiveness of the rule of case law regarding vacation rentals and the lear regulations for LTCs embodied in provincial law pertaining to how this kind of process must be carried out, as needed, - and only as needed.

We ourselves did not initially enter into this exercise in an adversarial way. Over the years, however, as we have withstood what can only be called repeat assaults to all that this island has collaboratively created, we have been forced to become "proactive" critics of what in fact is an adversarial process based on the creation of a sense of community defensiveness by the adversarial way in which the LTC seems to feel the need to target an entire way of life.

If the LTC continues to listen without hearing while giving the impression of being patronizing and of obfuscating, inadvertently or otherwise,

- if the LTC cannot lead by its own example through genuine respect for the inherent humanity of its "target",
- if the LTC continues to use circular reasoning to return again and again to essentially the same substantive place,
- if the LTC persists in conflating, and even seemingly confabulating, while in reality remaining closed to persuasion,
- if the LTC thinks its main and most important priority is to close ranks and remain essentially inflexible about its own single minded agenda(as defined by Trust Council or otherwise), then this LTC may well remain only a corporate committee that claims it must take its marching orders from Trust Council, but this LTC will not have demonstrated anything approaching leadership.

This community has remained overweeningly polite and has offered up deference and patience beyond all measure toward the LTC during what has most frequently been tantamount to a broken record series of repeat affronts to community sensibilities and priorities.

We have withstood meaningless variations on the same recurring theme of "targeted" proposal schemes created to effect countless adverse changes to every aspect of this community's future. We have overcome intimidation by "trigger" happy enforcement proposals. We have tolerated "proactive" reworking of proposed disfigurements of an island way of life, all of which have only been crafted to appear superficially different from one another, over much of the last decade, but in fact which remain as foreign to the real Hornby way of life as ever.

Enough is not only enough, at this point. Enough is now too much. Heed us: Hands off our OCP.

Rearguards,
Care & Vic Snowdon
Hornby Island, B.C.

April 18, 2011

Thanks for all the hard work done by the LTC towards updating the OCP and working on solutions to allow Vacation Home Rentals. I understand that the focus of this work is undertaken from the perspective that the Islands are unique and special and deserve protection from human influence as much as possible. However, I feel that the people living in this community are also part of the picture and that protectionism must support a healthy balance between the two.

Over the last 20 years, population has decreased significantly and diversity has suffered on the island. I would expect this to accelerate over the coming years. Rural areas are depopulating all over the planet. With that we are losing our heritage as human beings as urban life is a recent and unnatural development in our evolutionary history. I would have expected that by now alarm bells should be going off in the Island's Trust about the stagnation and decline of some of its communities. It has been very apparent to me that protectionism of the human communities on the islands takes a distant back seat to the protection of the environment.

Many of the provisions in this revision take measures to further lock up opportunities for survival on the island. I certainly support the introduction of things like secondary suites and possibilities for subdivision in difficult circumstances. I'm disappointed to see subdivision under provision 946 effectively being removed even though it has not been heavily subscribed to. It may certainly be of significant importance in the future however, and should be preserved until there is a good reason to curtail it.

I would like to make a comment about the proposed secondary suites. There are currently being proposed for large lots and are being limited to within the main dwelling unit. I can't understand why it is being limited to the dwelling unit itself and why it could not be contained within a separate dwelling nearby. This seems punitive and unsupportable. I challenge the staff to explain this restriction. I would support a distance limitation to encourage "clustering" of buildings; however, I believe that there would be more "buy in" if the secondary suite could be outside the main dwelling.

I have been aware of a significant "disconnect" between staff, trustees and our community when it comes to fully understanding the value and significance of Vacation Home Rental activity on the island. Even though the "rules in the box" threaten our existence, there has been a distinct reluctance on the part of staff to *a)* accept the past mistakes of Trust staff in advising us to legalize Vacation Home Rentals and *b)* look creatively at ways of allowing the activity to go ahead as we move forward. I would ask that staff and members of the LTC look hard at what this activity means to this community and what we could lose if solutions aren't found. Yes we need to be aware of possible "unintended" consequences. However, we have very real, daunting consequences of inhibiting this activity that seems many times more pressing than the possible unlikely consequences that we haven't seen, even after 4 decades of having this activity in our community.

I would like to suggest that the potential to restrict proposed secondary suites could serve to fill the requirement for "dedicated" residential housing.

Comments on OCP revisions

Section 3.2, page 17, under a) Important Terrestrial Habitat viii) Ford Cove Creek (fish bearing).

Over the last 15 to 20 years at least this creek dries up in the summer and no longer flows. I've never seen fish in the remaining pools. I don't think it deserves the same protection as a year round stream.

6.3.3 Rural Residential

6.3.3.2 Exceptions to policy 6.3.3.1 may apply in the following circumstances:

I want to make sure that this policy applies to all properties on the island (excluding agricultural land reserve) greater than 3.5 hectares (where two legal houses can exist). It would be terribly unfair to exclude those properties not designated at "Rural Residential" as everyone in this situation faces the same challenges.

6.3.5.12 Secondary Suites

Secondary suites, should be allowed on all large acreages on the island. I would suggest that 2 acres or more is probably large enough to support a secondary suite provided water and septic are suitable. This is a "smart growth" direction that many communities are recognizing as a means of providing affordable housing while not changing the character of a community. As our population ages, it will become an essential ingredient in allowing people to live in their homes with a built in caregiver. There is an inadequate supply of housing geared towards seniors. I applaud the LTC for supporting this initiative. I would suggest that this category of housing be excluded from use as Vacation Home Rentals in order to protect residential housing stock in the future.

6.5.3 Vacation Home Rental

Paragraph one and two seem to represent the situation accurately. Paragraph 3, 4 and 5 are either unsubstantiated, negatively biased unfairly or wrong.

Paragraph 6 should make mention of the fact that the original OCP strongly encourages STVRs as an acceptable home business. The original decision to use the word "home occupation" was based upon either bad staff advice at the time of the draft or subsequent redefinition of the term "home occupation". In either case the blame for the current lack of security for this activity rests with the Trust staff and must be addressed in a way that allows for this activity. It is completely unfair to criminalize this activity due to past Trust ineptitude. If there is another explanation I would be happy to hear it.

Under "Objectives", I disagree with the wording of this entire section. I believe there is strong prejudice against the activity in the language used here. It does not support the fact that the original OCP provided strong support for this activity. A much better approach would be to comment on how positive this activity is, how it has improved in community opinion and how it should be supported to

include best practices. I disagree with much of the language used under “policies”. There is no consideration being given here for the fact that our neighbourhoods don’t look the same as “standard” neighbourhoods due to their high levels of use as recreational property. Attempts to force us into this mold seem inappropriate. In many ways Vacation Home Rental use is much more in keeping with the expectations of residential use than by that of recreational property users or permanent residents who have large numbers of summer guests.

A general comment of this section is that it attempts to minimize the intent of the original OCP and it provides copious language that could be relied upon to seriously curtail this activity. This is unacceptable.

6.8 climate Change Adaptation and Mitigation

The most relevant way that this community can alter its carbon footprint is by encouraging the “sharing” of major amenities. This includes homes “secondary suites”, vacation homes and vehicles. We will all need to live in smaller spaces that require fewer resources to heat and maintain. Therefore, all attempts to contain single families (individuals) in single homes is decidedly in direct opposition to any forward thinking community in this context.

Helen Grond and Stephen McGrath,

TO: Homby Island Trust Committee, North Office Islands Trust
FROM: Robert Gee (Former Trustee) ✓
RE: Call for submissions the Draft OCP and STVR Policy due April 18th 2011
Date: April 18 2011

The Trustees forwarded e-mail links to review pdf documents on March 31. The STVR guideline (1 p.) a graphic was clear, and a nice lay out. The Draft OCP (114 pges) reflects a tremendous amount of hard work. I was also given by others, the Trustee Law suggestions coming out of a April 2nd Public Meeting. If providing the Public pdf formats, those responsible for reviewing submissions should also then be able to receive back notational comments directly on the documents themselves. This enables direct comments on relevant pages. Therefore all are attached together as one PDF of 34 pages. Page 1, this page, Page 2 the STVR Policy, pages 3 & 4, the T.Law, post April 2 proposals, the Draft OCP section 26 pages, includes pages 9,54,59,60,63,65 to 78,80 to 82,84 to 86, 102 &103 of the original Draft OCP, followed by two letters for the community news paper the First Edition- to appear in May and a draft third to follow in another month.

AN EXECUTIVE SUMMARY is that the Draft OCP has some real problems major caveats being:

- a) Wording of several sections will have unintentional effects by promoting further subdivision, i.e. words "joint owners" not specific. (Tenant in Common Old OCP).
- b) The section on Co Operative Housing will allow Co Ops amongst residential acreages – increasing density and poor planning.
- c) Unspecified leeway is given to Trustee discretionary decision- making that will be open to abuse under the current Trustee regime.
- d) The Agricultural section should requiring passing siting & use permits by the Agricultural Land Commission because of a current culture of non compliance, an unwillingness to enforce contraventions and Trustee discretionary decisions
- e) Some but not all sections, lack definition of the minimum lot size as it relates to Section 946 subdivisions
- f) Tourism & Vacation Rentals (STVRS) is fraught with fundamentally flawed perception of the facts, activities and impacts of STVRS and thus promote solutions to problems that don't exist. One is driving the allowance for secondary accommodation – an anathema to density provisions and will create conditions for further subdivision. The result is an element of self- righteousness, an ideological overtone on rentals of private property that makes it impossible for this committee to successfully resolve the STVR issue.

As an island citizen and believer in the Trusts mandate of preserve and protect, I find it rather telling that the current Trust's overbearing process nature calls for comments by April 18th, while sits to decide these issues on the morning of the 20th. It is far too little time for serious review of public comment. Additionally, the current philosophical approach to the community and the proposed OCP encourages further subdivision and increased density in a geographically hap hazard manner- thus affecting property owners who have bought in areas for the express purposes of avoiding increased density. In conclusion the OCP and the STVR Policy document and subsequent Use Bylaws addressing STVRS will be clearly unfair, inequitable, and will promote other policy and density changes driving unnecessary further development.

I trust you will take serious note and consideration of my sidebar comments and remain

Sincerely R Gee
E-mail & Attch PDF "April 18th STVR OCP Submission "
C/C Ida Chong Minister

Housing A Question of Numbers Part 1 Letter to First Edition May Issue

Paul Martin, a fine Canadian Liberal Prime Minister, was reported to have said that his successful campaign to reduce Canada's debt was "driven, not by politics or ideology but arithmetic" There is also another arithmetic notion that relative (like %) and absolute numbers (like integers) provide different answers when compared to themselves or each other. So where is this going?

The Trust is part way through a policy direction that will permanently impact the character of the island and community with their approach to the problem of housing. A reason is given in the OCP on page 65 where it states that rentals consist of 18% of the residential pool, this number being below community averages. Stating a need to increase this number, opportunities for amenity traded land gifts, rezoning areas for denser cluster development- and an on going propensity to allow secondary accommodation units will solve this. Is this a complete or correct interpretation of the facts by the Trust? The OCP provides 2006 census back up numbers also p65. So what do the numbers actually say?

Dwellings on Hornby 968	100% or 968
Dwellings Occupied 56%	56% or 542
Dwellings Occupied by Owners 37% of the 968	37% or 358
Balance of Occupied Dwellings likely rentals or 542-358	19% or 184
Dwellings Unoccupied 968-542	44% or 426
Community Activity Ratio (CRA) rentals/(rentals +owner occupied)	34% or 184/(184+358)
Statistical Number of rentals available 34% x 426	34% or 144
Argue a further 50% reduction of CRA 50% of 144 rentals available	17% or 72

The Trust's 18% is the 19% of rentals in the calculations (rounding errors). What 18% represents though is a % of the TOTAL dwellings on Hornby where 44% are not occupied. Most jurisdictions don't have that level of unoccupied houses, but to adjust for the negative effect of empty house numbers on occupied owner/ rental ratios, all jurisdictions use the Community Activity Ratio (CAR) – that is comparing rentals to the total OCCUPIED Houses, which is a more realistic indication of the owner/rental character of the community For Hornby the CAR is 34%, which is actually higher, then most communities.

So what? And does this make any sense?

The 18% doesn't give a proper picture of being a problem- and as such doesn't provide a solution. The 18% makes an assumption that all empty houses are not available for rental- but in fact we don't know what that might be- unless some effort were put into finding out. Statistically it would be proper to use the CAR because it is the characteristic footprint of our owner/rental occupancy ratios. This would lead one to calculate that 144 of the 426 houses could be rentals. Even if just a portion of these- say 1/2 or 72, it is more than likely that currently built housing stock can look after housing needs. (Another statistic used in the OCP is 97 families have housing needs- another arithmetic article for next month).

The conclusion- is that the Trust is increasing development and density (somewhat counter to their preserve and protect mandate) to answer their newfound focus in community development, while such development already exists. There are more available rentals out there at a lower environmental and financial cost if only the effort was made to find them. There is also a job here for someone - which is exactly what my spouse and I had from 1984 to 96.

R Gee

Former Trustee & Former Wind and Waves Property Management Owner

Housing A Question of Numbers Part 2

In part one we pointed out that this exercise was driven, not by “politics or ideology but arithmetic”. If one keeps their First Editions, look back to calculations on the Draft OCP given for housing availability. This suggests that around 426 (44%) of 968 dwellings are left vacant--- although the OCP points out that there are actually 100 plus more (some 1080). Reducing 1080 to 968 is what statisticians call a conservative’s principle, reducing the primary data to account for possible errors. The conclusion in the previous article was that we are not sure of how many rental houses are available- aside from occupied rental houses- but with 44% of dwellings empty- more then likely there are alot more houses to be had for rent if effort were put into finding them out. The other side of the question to how many are available- is how many are needed.

The OCP quotes a study from 2006 that 97 families were in need of housing. What does this say and is that correct too? Using the scientific approach on the OCP data.....

The Population quoted as 1075 at the time

The % of the Older Households given as 78% or 839 persons

The % of Younger Households therefore is 22% or 1075-839 or 196

The foregoing treats each **individual** as a household.

Furthering the data to find average households

Older households likely would be 1 or 2 persons no children –the Cdn standard is 1.5 persons

Younger households, Couples, Singles, Single & Multiple Family the Cdn Standard is 2 persons

The number of older households is 837 persons divided by 1.5 or 479 Households

The number pf younger households is 196 persons divided by 2, or 98 households

Using population approaches the number of households is 479 older and 98 younger or 577

The OCP points out that 542 Dwellings are occupied. Therefore Households lacking a dwelling

are 577 Households-542 Dwellings or 35. The 35 value is likely high as there are slightly more

younger households here then the 98 while the older household number given would be slightly

lower i.e. the number of total households of 577 would be too high because we reduce the

household numbers more by dividing the total population by a larger number of “2”

households. Subtracting the 543 occupied dwellings from a lower household count would result in a lower number than 35

So using population and dwelling stats in the OCP, the result is 35 households in need of accommodation, yet the referenced study says 97. Additionally in 2006 the Trust and a housing committee struck for housing needs did their own study- and the number in need that responded was significantly less then the 35. Indeed anecdotally and I could stand to be corrected- only 6 family units showed up for a meeting on the question. So What?

Well 6 to 35 families needing housing in 2006 is shown by a local survey, - but even if wrong they are an order of magnitude i.e. 1/3 less then what the OCP is reporting from a professional Housing report. The conclusion here is that the data likely is not accurate and this says we don’t really know how many households lack housing while our Part 1 analysis in the last paper issue shows we don’t know how many rentals are available. Not withstanding, there are still 426 plus empty houses out there, a 22% rental success rate on the 426 empty houses would look after the 97. Once again, policy driven activities in Housing will be incorrect if based on poorly analyzed numbers.

R Gee

(608 words Title and Signature included- 600 word limit)

5.7 Water Transport

Background

As a result of the ferry service through two protected wharfage areas, the ferry dock and the Ford Cove government wharf. The two wharfage areas and sheltered bays. The resort near the ferry terminal (Shingle Spit) offers superior water access. The wharf at Ford Cove is under Federal lines 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 Ministry of Forests, Lands and Natural Resources Operations. This Plan can therefore define the only broad objectives for development of all water access to the island except that riparian and water zoning regulations must be applied before a private individual can proceed to install any structure for a private wharf or moorage.

Aims
All areas identified on Schedule B (Map Designation) and in describe the areas designated Marine Transport (MT) are subject to the following objectives and policies.

Objectives

- (1) to protect designated sheltered bays for temporary anchorage.
- (2) to provide seasonal access to the area.
- (3) to maintain a ferry service directed toward the needs of the local community.
- (4) to provide a safe and secure environment for the disposal of waste at the ferry terminal 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 containing prohibition 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 Manufacture 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, rowboats and dinghies may be considered upon application to allow for safe and easy water access.

SECTION VI—OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE

6.1 Objectives and Policies for Development

Background.

One of the main functions of the 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 identified 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 Honey Local Tract Area, including Parkland 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 1379 parcels for the Island. This includes those parcels that are currently in the Parkland Crown land, and all of the parcels that are currently in the Parkland Crown land. Of these parcels, 80.7% of the land use is for residential, 2.2% for commercial, 1.3% for institutional, 0.8% for transportation, communications, and utilities and 2.6% for other institutional and recreational purposes. The remaining 12.6% is composed of other designations, vacant land, and lots with outbuildings using BC Assessment. Authority classification for land uses (Community Profile 2010).

AZE

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

Objectives

- 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 require or create loads on surrounding land uses; and
- 4) to obtain the maximum benefit in any significant rezoning application.

Policies

- 6.1.1 Policies in Section 8 apply to all sections of the Plan.
- 6.1.2 The maximum size of buildings and structures on all lots should be regulated.
- 6.1.3 A minimum parcel size should be established for a parcel that may be subdivided pursuant to section 946 of the Local Government Act so as to uphold the objectives of the applicable land use designation.

All applications for subdivision considered by the Local Trust Committee should demonstrate that there is sufficient water supply and sewer disposal capability for serving the property both at the time of application and at ultimate projected growth levels.

Author: Bob Cox	Subject: Lot 4	Date: 4/12/2011 2:21:16 PM
From: 6.1.3 RZCP Amend, Greenfield CA, CA, No. 10 for the Mapping Paragraph		
Author: Bob Cox	Subject: Note	Date: 4/12/2011 2:24:45 PM
This should be changed to: The acreage of some other lands in this example shows a 10% increase density and impact on land — contrary to Trust policy of not recognizing denser development.		
Putting aside # 1 the policy means a 10% increase in density but does NOT INCREASE the impact density on land that can be developed, and it is the latter that should be of concern as it also provides to business financial purposes approvals at 8 ft air ing.		
- effectively increasing the density in the area # of the same density an actual consideration is required		
Author: Bob Cox	Subject: Note	Date: 4/12/2011 2:29:11 PM
2 Comments on or in regard to the Trust currently create issues with a decision pending for the decision of endorsement 3) The Trust has a program in place that may or should not be able to 2) Change the terms and conditions. The water flows of one Trust hold covenant that will be the subject study		

6.1.4 Increasing net residential density through rezoning should not be permitted in the Small Lot Residential designations of Sandpiper, Gallatin Beach and Malibu Subdivisions.

6.1.5 Applications for amenity zoning may be considered by the Local Trust Committee for purposes of provision of a needed amenity such as: affordable housing, community, community food production, a community facility, access to a trail. Any density increase authorized by an amenity zone should not exceed the density authorized by the applicable land use designations of the area plus, in exceptional circumstances, where the amenity is considered of significant value to the community as determined by the Local Trust Committee. The Local Trust Committee may consider the total number of additional lots, and the total acreage, that may be developed on the land should not exceed five from the date of adoption of this Plan with the next review or update. For purposes of application of this policy, the term "lot" may be used interchangeably to mean "dwelling".

Information Note: An illustration of the application of Policy 6.1.5 (Amenity Zoning) is the owner of 4 hectares of land designated Rural Residential wishes to designate hectares of land for conservation as an addition to an adjacent park (for example, community amenity) the applicant may, through an amenity rezoning, be able to create two lots on the remaining 3 hectares.

6.1.7 The Local Trust Committee should consider the need of a covenant for purposes of protecting the environment and specifically the agricultural resources of the subject 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 a buyback is enforced, the covenant should be held by the Local Trust Committee for the Trust Fund Board (where appropriate) and should be monitored regularly.

6.1.8 Subject to Ministry of Environment and the Ministry of Agriculture regulations, specified agricultural and horticultural activities that are permitted by the applicable zoning bylaw to ensure that water resources are protected and that agricultural activities on agricultural land do not disturb the quiet of residential neighborhoods. 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 food waste, on-farm disposal of mortals, feeding areas, access to water and use and storage of agricultural products.

6.1.9 Recommendations from the Ministry of Environment Stormwater Management Guidelines regarding the maintenance or pre-development initiation and drainage regimes should be considered in the development of land use regulations.

6.1.10 Lot coverage should not exceed 15% on lots less than one hectare (2.5 acres) and 10% on lots greater than one hectare (2.5 acres). 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.

Author: Bob Gies Subject: Note Date: 4/6/2011 12:38:41 PM
6.2.7 Should be incorporated to ensure that the affordable housing is made in some manner or that the Crown land can not be applied for and purchased by private interests.
Example: Crown land already granted to CLS on Henry's now going to have a development to allow for 50 units a program to private ownership for which the land grant was not initially approved

6.2.1 A Community Trades and Services Area, developed and operated under the jurisdiction of an organization (such as a cooperative or land trust) with accountability to the community, should be permitted on land designated "community service use" and should 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 origination directly north of the GWPEA designation on Schedule B should be included in a Development Permit Area for the purpose of protecting the groundwater resource. A development permit may be required for any new development that involves significant excavation and/or water treatment, alteration of the land or vegetation, or use of potential energy. Other development that may be permitted includes: parking lots, service developments, new recreational or service facilities such as 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 (rent/housing or special needs housing for island residents, including facilities for seniors, displaced year-round residents and summer workers, operated by a community non-profit society, should be permitted on land designated community service use and be regulated by development permit and 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 or a craft union), 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 by non-profit organizations, such as community kitchens, gardens, public showers and laundry facilities should be permitted.

6.2.9 Screening of operations should be required by regulation to ensure that wide buffers of native vegetation are left along roads and property lines.

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, 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.

Author: Bob Carr Subject: Note Date: 4/4/2011 10:52:00 AM
Having been in Real Estate and Property Management Professionally for many years, I have seen the numbers in the numbers in the numbers. Analyze of GDP data quoted by
My Editor later at end of full paper.

Author: Bob Carr Subject: Note Date: 4/4/2011 10:09:00 PM
I would suggest that the numbers indicate the economy is in a recession with a portion of real estate. See my comment
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Author: Bob Carr Subject: Note Date: 4/7/2011 4:17:43 PM
I would suggest that the numbers indicate the economy is in a recession with a portion of real estate. See my comment
I would suggest that the numbers indicate the economy is in a recession with a portion of real estate. See my comment
I would suggest that the numbers indicate the economy is in a recession with a portion of real estate. See my comment

Author: Bob Carr Subject: Note Date: 4/7/2011 4:18:26 PM
I would suggest that the numbers indicate the economy is in a recession with a portion of real estate. See my comment
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I would suggest that the numbers indicate the economy is in a recession with a portion of real estate. See my comment

Author: Bob Carr Subject: Note Date: 4/4/2011 10:43:00 PM
I would suggest that the numbers indicate the economy is in a recession with a portion of real estate. See my comment
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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 population, including most of the high ground, being in public ownership, mostly as parks.

Historically, the island has had a character with predominantly large acreages. The small lot subdivisions were assessed prior to the island's Trust assuming planning authority for the island and all subsequent areas for subdivision into lot size are already subdivided. By 1980, approximately 66% of all residential parcels on the island (less 0.2 hectares, about 0.5 acre) or less, 45,000 more than 85% of the private dwellings are single-detached and 15% are rented.

Residential land uses are designated as Small Lot Residential, Large Lot Residential, Rural Residential, Forest, Social Housing and Land Co-operatives. Residential use is also authorized in by-law zones (lot 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 this small lot areas where on-site sewage treatment and groundwater wells are present on most lots.

The BC Assessment Authority in 2009 identified 1,065 properties assessed for residential use. Of these 1,065 properties are also assessed as agricultural and they also have a residential use whereas 124 properties are small lot or only large-lot dwellings.

The 2006 census records 863 dwellings and a resident population of 1,065 dwellings which would suggest almost 1 dwelling per resident. However, the census records that only 56% of dwellings are occupied year-round while the BC Assessment Authority indicates that only 37% of properties are owned by family residents.

There are three major ongoing challenges facing the community:
1) Residential properties with long-term resident population is now in the older age group and many are approaching retirement age.
2) Property prices are out of scale with the incomes that can be earned 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 (generally thereby limiting the availability of year-round rental accommodation).

ABB are aware identified on Schedule B (Map Designations) as SR (Small Lot Residential), RR (Rural Residential), F (Forest), COH (Community Service Use), SH (Social 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:

Homey Island
Official Community Plan- DRAFT REVISIONS APRIL 2011 V2

Policies:
6.3.2.1 The principal use should be residential with any accessory uses consistent with the residential character.

6.3.2.2 The minimum parcel size should be one hectare (2.5 acres).
6.3.2.3 For one specific parcel only Lot A, Plan 24913), a small portion of the ~~the~~ **Shamir Spit**, the designation is Small Lot Residential with no potential for subdivision.

6.3.2.4 Existing Small Lot Residential developments of Shingorri, Gallion Beach and Whaling Station B should be expanded and no new small lots should be created except for purposes of park dedication, neighborhood water treatment or to create ecological reserves.

6.3.2.5 One dwelling unit should be permitted on each lot.

6.3.2.6 The keeping of animals should be limited and regulated to protect the quiet of the neighborhood and the quality of the groundwater resources and the well-being of wildlife populations.

6.3.2.7 Additional development of the groundwater resource should be strongly discouraged. The use of septic and sewage systems for household and garden use and in particular for 6th and 6th class home occupancies, should be strongly 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 hectare that is the product of the consolidation of smaller lots: the density of the lot should be no less than the density of any one of the lots that it is 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 should be permitted as a home occupation providing the number of guests is limited based on lot size.

6.3.2.11 The provision for shared water supply systems and/or sewage and used water treatment involving two or more lots is supported where appropriate to local situations and in accordance with the Vancouver Island Health Authority standards.

6.3.2.12 One lot, Lot 11 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 hydrological report by Pirani Associates Engineering Ltd., (2002) should remain in an undisturbed state (except for measures such as ditching that are required to protect the water

Author: Bob Coe
 Subject: Misc
 Date: 4/20/11 15:28 PM
 This LRA should be approved and regulation to allow large lot owners and users to have their. The principle should be the reference of the right of property with a view to the protection of the lot users and density in the designation of a non-conforming situation
 Author: Bob Coe
 Subject: Misc
 Date: 4/20/11 9:17:14 AM
 Item 3 should be revised. Entry into a land sharing situation without consultation. Priority in common or common law should be created elsewhere. It is in land sharing elsewhere in the province. An objective such as this is not dealing equitably with other individual owners of property rights while is dealing with people as opposed to land capability in human development

- c) resource) and should be protected by a covenant or through transference to local government for protection purposes. before any development is permitted, a site drainage plan should be prepared and implemented in accordance with recommendations from the Pitcair Associates Engineering Ltd. (2002) report, and this lot should be included as a Development Permit Area designation on Schedule E for the Protection of the Natural Environment (groundwater resource) to enable the implementation of policies 6.3.2.12 a), b) and c) above.

6.3.3 Rural Residential

Background:
 This Rural Residential designation was intended to promote the retention of large parcels of land, while still providing an opportunity for extensive land sharing. These rural residential areas are intended to maintain rural landscape appeal while permitting home occupation that minimizing the impacts on surrounding land parcels.

In the previous Plan the Rural Residential designation was further divided into a Rural Residential designation, 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 widows in common prior to 1991, and Large Lot Residential/High Resource Protection Area (LRA 6.5) are parcels where an additional lot could be created and it was an 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 return the large lots. Split options may still be available to allow subdivision in those situations of long time joint ownership.

Area
 The areas identified on Schedule B (Map Designations) as RR (Rural Residential) are subject to the following objectives and policies.

- Objectives**
- (1) The objectives of this subsection are
 - (2) to promote retention of large parcels of land and existing densities;
 - (3) to provide some limited opportunity for land sharing without encouraging subdivision;
 - (4) to enable some residents to resolve existing land sharing challenges; and
 - (5) 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 any subdivision of properties in the Rural Residential designation an average lot size of four hectares (10 acres) should be maintained, with a minimum lot size of one hectare (2.5 acres) when subdivision averaging takes place unless the subdivision is for

the purpose of creating a park, ecological reserve, community land trust or other community service use.

- 6.3.3.2. ~~Existing lots between 3.5 and 4.5 hectares may be subdivided into lots of 3.1 hectares or more, provided that the principal use of the property is residential, with any accessory uses consistent with the residential character.~~
 - b) Where two owners have jointly owned a property between 3.5 hectares and 4.5 hectares designated Rural Residential and over the span of time find that continued joint ownership is not feasible, a minimum lot size not smaller than 1.0 hectare may be considered for subdivision if the applicant submits an application using the amenity zoning policies of this Plan.
 - b) On property described as Lot 10, Plan 48977 designated large Lot Residential / Water Supply Production Area in the previous plan, a minimum lot size of 0.4047 hectares (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 shall be permitted on lots 3.5 hectares (8.75 acres) or greater.

6.3.3.5 Home occupations may be permitted but shall be limited to those having little impact on the rural residential character of the area and its environmental qualities.

6.3.3.6 Public access to the existing trail system shall be secured wherever possible through dedication, covenant or easement.

6.3.3.7 New road development in association with subdivision in this designation is discouraged and the use of allowances developed as public trails to provide vehicle access to lots created by subdivision in this designation shall not be supported.

6.3.3.8 The use of water catchment and storage systems for household and garden use for new and existing development shall be encouraged.

Deleted: density transfer or

Deleted: 6.3.1.1 all lots within 4 the number of lots created through subdivisions shall be smaller than the number of lots that were removed from the original subdivision lot size.

Deleted: 4

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 B).

There are many long established and well-used trails enabling public enjoyment of the forest landscapes and the scenic viewpoints on the escarpments. Potential for land slippage exists in the steeply sloping areas, exacerbated by the closure of the shoreline road from Ford Cove to Stungie Creek. The area is of prime importance to the community. The uniqueness of these areas is intended to be preserved for residential use. Because these areas are vital for water catchment, ground disturbance should be minimised 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.

Aim
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 patches of land;
- (5) provide some limited opportunity for land use change without encouraging subdivision;
- (6) maintain the visual quality of the surrounding neighbourhoods; and
- (7) allow for the siting of home occupancies subject to regulations which ensure such occupancies do not detract from the areas designated Rural Residential and to where a visible negative impact on neighbouring properties.

Policies

Policies in subsections 6.1 and 6.3.1 apply to the subsection.

6.3.4.1 For any subsection 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) within subsection averaging taken place unless the subcommittee for the purpose of creating a park, ecological reserve, other community service use or a community land bank.

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).

6.3.5.2 Residential and Community Services Use designated parcels that have demonstrated ability to meet Provincial Ministry standards of water, used water (sewage, and waste water) treatment and other health and environmental requirements may be considered upon application for a Community Housing designation and subsequent site specific rezoning and regulations. A development plan should be requested upon application for re-designation or rezoning that includes information and 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.

6.3.5.3 A housing agreement may be required upon application for re-designation and rezoning of Community Housing.

6.3.5.4 Criteria that should be addressed in the provision of community housing includes:

- (a) the form of tenures of the housing units,
- (b) the availability of the housing units for classes of persons if 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 within a class referred to in paragraph (b); and
- (d) rents and leasehold or share options that may be offered, and the rates at which these rents or 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 only 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 V1997054 and Lot 1, Section 11, Hornby Island, Plan 07390 may be used to provide affordable or special needs housing.

Affordable Housing

6.3.5.8 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 section 6.3.2 and section 6.3.6 of this Plan.

6.3.5.9 A campus operated by a non-profit society may be considered within the Community Services Use designation as a means to provide temporary summer accommodation for summer workers, summer visitors, and displaced residents who can not otherwise find accommodation.

6.3.5.10 Housing should be permitted on land designated for community services use provided such housing is affordable or provides for persons with special needs.

Rental Housing

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

Author: Bob Cole Date: 4/1/2011 4:58:20 PM
 These changes to 6.3.12, 6.3.13, 6.3.14, 6.3.15, 6.3.16, 6.3.17, 6.3.18, 6.3.19, 6.3.20, 6.3.21, 6.3.22, 6.3.23, 6.3.24, 6.3.25, 6.3.26, 6.3.27, 6.3.28, 6.3.29, 6.3.30, 6.3.31, 6.3.32, 6.3.33, 6.3.34, 6.3.35, 6.3.36, 6.3.37, 6.3.38, 6.3.39, 6.3.40, 6.3.41, 6.3.42, 6.3.43, 6.3.44, 6.3.45, 6.3.46, 6.3.47, 6.3.48, 6.3.49, 6.3.50, 6.3.51, 6.3.52, 6.3.53, 6.3.54, 6.3.55, 6.3.56, 6.3.57, 6.3.58, 6.3.59, 6.3.60, 6.3.61, 6.3.62, 6.3.63, 6.3.64, 6.3.65, 6.3.66, 6.3.67, 6.3.68, 6.3.69, 6.3.70, 6.3.71, 6.3.72, 6.3.73, 6.3.74, 6.3.75, 6.3.76, 6.3.77, 6.3.78, 6.3.79, 6.3.80, 6.3.81, 6.3.82, 6.3.83, 6.3.84, 6.3.85, 6.3.86, 6.3.87, 6.3.88, 6.3.89, 6.3.90, 6.3.91, 6.3.92, 6.3.93, 6.3.94, 6.3.95, 6.3.96, 6.3.97, 6.3.98, 6.3.99, 6.3.100, 6.3.101, 6.3.102, 6.3.103, 6.3.104, 6.3.105, 6.3.106, 6.3.107, 6.3.108, 6.3.109, 6.3.110, 6.3.111, 6.3.112, 6.3.113, 6.3.114, 6.3.115, 6.3.116, 6.3.117, 6.3.118, 6.3.119, 6.3.120, 6.3.121, 6.3.122, 6.3.123, 6.3.124, 6.3.125, 6.3.126, 6.3.127, 6.3.128, 6.3.129, 6.3.130, 6.3.131, 6.3.132, 6.3.133, 6.3.134, 6.3.135, 6.3.136, 6.3.137, 6.3.138, 6.3.139, 6.3.140, 6.3.141, 6.3.142, 6.3.143, 6.3.144, 6.3.145, 6.3.146, 6.3.147, 6.3.148, 6.3.149, 6.3.150, 6.3.151, 6.3.152, 6.3.153, 6.3.154, 6.3.155, 6.3.156, 6.3.157, 6.3.158, 6.3.159, 6.3.160, 6.3.161, 6.3.162, 6.3.163, 6.3.164, 6.3.165, 6.3.166, 6.3.167, 6.3.168, 6.3.169, 6.3.170, 6.3.171, 6.3.172, 6.3.173, 6.3.174, 6.3.175, 6.3.176, 6.3.177, 6.3.178, 6.3.179, 6.3.180, 6.3.181, 6.3.182, 6.3.183, 6.3.184, 6.3.185, 6.3.186, 6.3.187, 6.3.188, 6.3.189, 6.3.190, 6.3.191, 6.3.192, 6.3.193, 6.3.194, 6.3.195, 6.3.196, 6.3.197, 6.3.198, 6.3.199, 6.3.200, 6.3.201, 6.3.202, 6.3.203, 6.3.204, 6.3.205, 6.3.206, 6.3.207, 6.3.208, 6.3.209, 6.3.210, 6.3.211, 6.3.212, 6.3.213, 6.3.214, 6.3.215, 6.3.216, 6.3.217, 6.3.218, 6.3.219, 6.3.220, 6.3.221, 6.3.222, 6.3.223, 6.3.224, 6.3.225, 6.3.226, 6.3.227, 6.3.228, 6.3.229, 6.3.230, 6.3.231, 6.3.232, 6.3.233, 6.3.234, 6.3.235, 6.3.236, 6.3.237, 6.3.238, 6.3.239, 6.3.240, 6.3.241, 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6.3.353, 6.3.354, 6.3.355, 6.3.356, 6.3.357, 6.3.358, 6.3.359, 6.3.360, 6.3.361, 6.3.362, 6.3.363, 6.3.364, 6.3.365, 6.3.366, 6.3.367, 6.3.368, 6.3.369, 6.3.370, 6.3.371, 6.3.372, 6.3.373, 6.3.374, 6.3.375, 6.3.376, 6.3.377, 6.3.378, 6.3.379, 6.3.380, 6.3.381, 6.3.382, 6.3.383, 6.3.384, 6.3.385, 6.3.386, 6.3.387, 6.3.388, 6.3.389, 6.3.390, 6.3.391, 6.3.392, 6.3.393, 6.3.394, 6.3.395, 6.3.396, 6.3.397, 6.3.398, 6.3.399, 6.3.400, 6.3.401, 6.3.402, 6.3.403, 6.3.404, 6.3.405, 6.3.406, 6.3.407, 6.3.408, 6.3.409, 6.3.410, 6.3.411, 6.3.412, 6.3.413, 6.3.414, 6.3.415, 6.3.416, 6.3.417, 6.3.418, 6.3.419, 6.3.420, 6.3.421, 6.3.422, 6.3.423, 6.3.424, 6.3.425, 6.3.426, 6.3.427, 6.3.428, 6.3.429, 6.3.430, 6.3.431, 6.3.432, 6.3.433, 6.3.434, 6.3.435, 6.3.436, 6.3.437, 6.3.438, 6.3.439, 6.3.440, 6.3.441, 6.3.442, 6.3.443, 6.3.444, 6.3.445, 6.3.446, 6.3.447, 6.3.448, 6.3.449, 6.3.450, 6.3.451, 6.3.452, 6.3.453, 6.3.454, 6.3.455, 6.3.456, 6.3.457, 6.3.458, 6.3.459, 6.3.460, 6.3.461, 6.3.462, 6.3.463, 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6.3.5.12 A secondary suite, limited in size and contained within a permitted dwelling, may be permitted on larger rural lots in central areas of the Island up to a maximum of 1000 sqm in section 6.3.3 (Rural Residential) and 1000 sqm in section 6.3.3 on lots larger than 3.5 hectares or areas located within two kilometers of either the junction of Central Road and Sollars Road or the junction of Central Road and St. Johns Point Road in order to provide rental opportunities provided the owner or residential tenant occupies the principle residence.

6.3.5.13 A detached unit used to provide non-permanent accommodation for a relative or a caregiver or to provide non-permanent, affordable rental accommodation to a student or a person with a disability, shall be permitted for a period of 12 months or less with guidelines specified in Section 6.10 (Temporary Use Permits), but use of such a permit will only establish the temporary nature of such use and will not manage who can occupy the non-permanent accommodation.

Advocacy Packages for Rental Housing
6.3.5.14 Owners of land where a second dwelling is permitted are encouraged to provide the second dwelling as on-going rental accommodation to increase the available rental housing supply unless the second dwelling is otherwise used or needed for use by the owner.

6.3.5.15 Agreements under the Residential Tenancy Act are strongly encouraged for the rental of dwelling units for periods of one month or longer.

Special Needs Housing (including housing for seniors)
6.3.5.16 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, according to the carrying capacity of the property and may be expanded through the acquisition of adjoining land.

6.3.5.17 A registered living facility, a hostel and day facility for providing emergency and/or temporary accommodation should be permitted on land zoned for community services use (as applicable with policies in Section 6.2 (Community Services Use) of this Plan).

6.3.5.18 This Local Trust Committee may explore opportunities for temporary accommodation for summer workers and/or displaced residents.

Advocacy Packages for Social Housing
6.3.5.19 Homeby 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.

6.3.5.20 Where appropriate to person's needs and preferences, Homeby 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 Cooperatives
6.3.5.21 Upon application, properties 4 hectares or greater may be considered for redesignation as "land co-operative" and for (incoming based upon a development plan that addresses

Projected discharge. Provision for water supply and waste treatment, impede on the neighborhood reduction of regulation subject to the land use plan. The land use plan is a restricted state of development and the land use plan is a restricted state of development.

6.3.5.22 Three properties have been designated as Land Co-operatives as a result of 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.

6.3.5.23 The principal permitted uses in this designation should be residential and agricultural.

6.3.5.24 Home occupations subject to land use bylaw regulations may be permitted but shall be limited to those having little impact on the area's character and environment.

Author: Bob Case Subject: Name Date: 4/16/2011 11:30:03 AM
Overturn the legality of front to create zoning based on residential as opposed to primary zoning use
a) History not defined - Providing Tri-state discriminatory decision upon to whom
b) Share not defined - Owners in Corporation have advised of unlimited share - holders
c) The share should only be applicable if the corporation is incorporated
d) The section should only be applicable if the corporation is incorporated

DRAFT

Author: Bob Carr Subject: Note Date: 4/2/2011 11:38:01 AM
The text should bring your regulations and plans in accord to the Act between those other CLR
as the text being a private and general meeting
The clarity of most documents is clearly lost and references to self-sustainability

Author: Bob Carr Subject: Note Date: 4/2/2011 11:19:12 AM
The text should bring your regulations and plans in accord to the Act between those other CLR
as the text being a private and general meeting
The clarity of most documents is clearly lost and references to self-sustainability

Author: Bob Carr Subject: Note Date: 4/1/2011 5:02:40 PM
The text should bring your regulations and plans in accord to the Act between those other CLR
as the text being a private and general meeting
The clarity of most documents is clearly lost and references to self-sustainability

6.4 Agricultural

6.4.1 Agricultural

Background:
The assessment of Hornby Island included agriculture as a primary occupation. However
by 2009 the Assessment Authority listed 160 parcels with an Agricultural Use. Most 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. 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 subdivided a
minimum subdivision potential of 16 hectares (39.5 acres) or greater unless otherwise specified.

Agriculture on Hornby has been declining and many prime agricultural reports have previously
been subdivided or are not being actively farmed.

Area:
The areas identified on Schedule B (Map Designations) or AG (Agriculture) are subject to the
following objectives and policies.

Objectives:

- (1) To ensure that the use of agricultural land and associated activities
- (2) To ensure that the use of land for agriculture 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 (36 acres) should be maintained except that a minimum parcel size of 4
hectares (9 acres) shall be maintained for the Agricultural Land Reserve of the
South East 1/2 and the East 1/2 of the South West 1/4 of Section 16, Hornby Island,
Nanaimo District.

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 acres).

6.4.1.4 On parcels 3.5 hectares (8 acres) or greater the following should be permitted:
a) one dwelling with a secondary suite within the dwelling, or

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 Agriculturist, or if authorized as 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 shall 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 Ministry of Environment.

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) shall 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.

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: the traditional land-based economic activity of Herby Island. There are about 824 hectares (2050 acres) of land base in the Agricultural Land Reserve, and subject to the Agriculture Land Commission Act, the Commission has the authority to provide a secure source of land for the future residents of the Prince Edward Islands in parcels within the Reserve, and non-farming use is regulated by the Commission.

There are 102 parcels on Herby 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 map shows land used primarily for agriculture. Most Agricultural Land Reserve land falls in that category.

Aim: 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

Approved by: The Local Trust Commission Date: 11/27/2011 11:27:29 AM

Section 6.4.2.10

Does not conform as same refers to the ALR Act. The section also does not conform to the AG section of the old OCP. The section has been emailed to the documents by the Trust as it changed as other sections have been too. This is not within the Trust's discretionary domain relating to irregularity that some, and the lack of endorsement being showing for it being not respected by some in the community to conduct a farm-tract business that is not allowed by the ALR Act or the current Henry AG Bylaws.

(3) to enable necessary uses that are compatible with farming and the preservation of agricultural land.

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 that is proposed for non-agricultural uses deemed to be in the public interest by both the Agricultural Land Commission and the Local Trust Commission shall be returned to the Reserve. The intent of the Reserve is to protect the 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, necessary uses should be permitted where they do not impact on the principal farm use and do not degrade the land nor reduce its capability for future 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 highlighted in buffer areas for properties adjacent to land in the Agricultural Land Reserve to minimize any adverse impacts.

6.4.2.7 Soil removal shall be prohibited for purposes of improving the agricultural soil resources 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 is authorized by the Agricultural Land Commission should be permitted.

6.4.2.9 Farm Use is defined by the Agricultural Land Reserve Use, Subdivision and Procedure Regulation as 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 m² 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.

d) seasonal activities.

6.5.1.12 Land may be rezoned to supply an offsite parking lot to a commercial use within 100 meters of the property containing the commercial use without an amendment to the Official Community Plan map Schedule "B" provided the zone does not permit associated structures nor human habitation of vehicles.

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 increased its reputation as a key component of the local economy and a cause for concern because of its fragile ecosystems. The island's ecosystems are susceptible to degradation. The increased human activity generated in the summer months has increased the volume of garbage and wastewater generated. The large volume of wastewater is generated at the time of declining groundwater availability while the adequacy of existing systems to handle the volume of sewage and wastewater is questionable. The large volume of people can be stressful to a small community and can present safety and law enforcement problems.

The challenge of providing visitor accommodation is a mixed one and at a level that caters to visitors and provides much-needed employment while preserving the island's environment, utilizing its resources and amenities and preserving the ambience and character of the community.

Unsupervised and unreserved camping is not considered desirable because of the impact on quiet residential or rural neighborhoods, 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 the cottage rentals, three resorts with rental cabins and a restaurant, and a small bed and breakfast. Short-term rental of residential units has been a long-standing means of providing visitor accommodation, but there is also concern about impact on neighbourhoods and communities.

The Whaling 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. Limited occupancy for any visitor accommodations (e.g. Bed and Breakfast) to levels of an average household size (four persons according to Statistics Canada) may help address such water supply issues.

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 allow, through appropriate zoning, for a variety of types of small-scale visitor accommodation operations that meet health, safety and environmental objectives.

common neighborhoods character, health and safety issues and the application of a
range of historic and commercial promotion.

6.5.3.2 Provision of a residence for vacation home use...
The use of a residence for vacation home use...
The use of a residence for vacation home use...
The use of a residence for vacation home use...

6.5.3.3 The rental of a residence for a term of one month or more should be considered a
residential use of land while a rental of less than one month is a vacation home rental.

6.5.3.4 The use of a residence for a vacation home rental may be considered a residential use
of a property where there is a second dwelling on the property occupied by the resident
of the lot in which case such a rental may be permitted as a home occupation.

6.5.4 Commercial/Residential General

Background
The Commercial/Residential General zone contains those properties that have historically been zoned for broad range
of residential, ranging from low density residential to medium density residential. The properties are not generally used for
such commercial purposes as are permitted in the Commercial/Residential General zone.
The current owners have secured the properties with the commercial zoning, generally use the
properties for residential purposes and may be reluctant to relinquish such 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 Designation) 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.

Table with 2 columns: Description and Details. The table contains various zoning-related details and objectives.

6.5.5 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 on the island is not considered a home occupation. The retail sale of materials used in a home occupation (such as lumber, fabric and sewing day) 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 disruption in the use of the property as a home occupation and applicants are zoning regulations to date but policies have been revised that provide guidance in the development of 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. 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 section 6.5.3 (Vacation Home Rental).

In order to provide a range of possible activities that are compatible with the neighbourhood and environment home occupations can be considered differently with different zoning permit areas if the island. Furthermore an opportunity for affordable housing develop opportunities for home occupations that are unique to the needs of such housing might be considered.

AREA
The areas identified on Schedule B (Map Designations) are subject to the following objectives and policies:

- Objectives:**
The objective of this subsection is:
- (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 principal 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 occupation of the household or property which is not a business. Occupations should be clearly incidental to the use of the dwelling or parcel for residential purposes.

- The types of home occupations uses are:
- a) Limited Home Occupations which should be allowed on all properties less than 0.1 hectares designated on Schedule B for residential use and shall be conducted entirely within the permitted dwelling.
 - b) Basic Home Occupations which should be allowed on all properties 0.1 hectare or larger and less than 2.0 hectares designated on Schedule B for residential use and

Hornby Island Official Community Plan – April 2011 Draft

Tony Law suggestions in response to community input. 6 May 2011

Change:

1.4 Historical perspectives

6th paragraph:

Hornby Island and its surrounds, immediately prior to the advent of western civilization, was the territory of the Pentlatch, a people belonging to the Coast Salish group of West Coast people. They and their ancestors, being semi-nomadic, used the Island seasonally and cyclically nine months of the year and became part of the Island's ecosystem. The island could provide for nearly all their needs. Hornby Island was known as *Jai dai aich* meaning "outer island". (check spelling)

Change:

1.5 The Natural Setting

Terrestrial Ecosystems

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 (60 acres) of these sensitive ecosystems. They contain many rare and uncommon plants —and also support other species, such as rare butterflies and moths ~~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.

Change:

1.5 The Natural Setting

Fresh Water

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 temporarily established in the Strachan Valley; ~~it was established in the 1990's by beaver activity resulting . This resulted~~ in a significant increase in biodiversity in the area ~~and a more consistent year round flow in Ford Creek. The~~ but the dam has now been abandoned and ~~surface water is categorized as~~ the lake has become 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) have been known to be ~~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 potential fish-bearing streams. Many of these areas have been affected by logging, road-building and settlement.

Change:

3.2 Environmentally Sensitive Areas

Other inventories, fieldwork carried out by biologists and local knowledge have identified the following ~~habitat~~ areas and features that provide, or have in recent memory provided, wildlife habitat (shown in Schedule D2):

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) Beluah Creek (historical salmon habitat), its riparian corridor and feeder creeks,
- viii) Ford Cove Creek (historical fish habitat bearing), its riparian corridor and feeder creeks,
- ix) meadows and Gary Oak stands in and adjacent to the south western part of Helliwell Park providing habitat for butterfly and moth species ~~the only extant colony of Taylor's Checkerspot butterfly,~~ and
- x) buildings providing established habitat for Townsends big-eared bat;

Change

3.7.7 The Ministry of Transportation and Infrastructure is requested to designate Savoie Road and Little Tribune Bay Road as heritage roads, in addition to the existing designation of the Fords Cove Hill portion of Central Road, 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.

Change:

5.8.6 g) consult with the local trust committee on ~~setting priorities for~~ proposed annual road work and ditching programs.

Change:

6.1.2 A minimum parcel size should be established for a parcel that may be subdivided pursuant to section 946 of the *Local Government Act* so as to uphold the objectives of the applicable land use designation. This may be reviewed if the province establishes legislation to ensure that subdivided parcels created under this section are transferred to an identified relative of an owner in order to meet the intent of the provision.

Change

6.3.3.2 Exceptions to policy 6.3.3.1 may apply in the following circumstances:

- a) Where two owners have jointly owned a property as tenants-in-common between 3.5 hectares and 4.5 hectares designated Rural Residential and over the span of time find that continued joint ownership is not feasible. A minimum lot size not smaller than 1.0 hectare may be considered for subdivision if the applicant submits an application using the amenity zoning policies of this Plan.
- b) On property described as Lot 10, Plan 48077...etc

Change:

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 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 occupied dwellings are rented compared with 30% for BC. 47% of dwellings are not occupied year-round. The average Hornby renter has moved 12 times. While 90% of elders own their homes, almost half of these need repairs.

Change:

6.3.5.4 Criteria that should be addressed in considering applications for the provision of community housing includes:.....etc

Change:

6.3.5.12 A secondary suite, limited in size and contained within a permitted dwelling, may be permitted on larger rural lots in central areas of the Island (in accordance with policies in section 6.3.3 (Rural Residential) of this Plan) and despite section 6.3.3 on lots larger than 3.5 hectares ~~in areas located within two kilometers of either the junction of Central Road and Sollans Road or the junction of Central Road and St. Johns Point Road in order to provide rental opportunities~~ provided the owner or residential tenant occupies the principle residence.

Change:

6.3.5.13 A detached unit used to provide non-permanent accommodation for a relative or a care-giver or to provide non-permanent affordable rental accommodation to a community resident may be permitted through a Temporary Use Permit (in accordance with guidelines specified in Section 6.10 (Temporary Use Permits)), ~~but u~~ . Use of such a permit will only establish the temporary nature of such use and will not manage who can occupy the non-permanent accommodation. Non-permanent accommodation unit could be provided in a removable mobile unit or in a building that can be converted for non-residential accessory use.

Add

6.3.5.16 Community efforts to support best practices on the part of landlords and tenants are encouraged.

Change:

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 first dwelling with a secondary suite~~ and 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; or if authorized as a non farm use by the Agricultural Land Commission.

Change:

6.4.2.9 Farm Use, including accommodation for agri-tourism, as defined by the Agricultural Land Reserve Use, Subdivision and Procedure Regulation is permitted within the Agricultural Land Reserve and may be regulated byland use bylaw.

Add

6.5.2.16 The Ministry of Environment is requested to ensure that measures are in place to address compliance with park and liquor control regulations in the provincial parks on Hornby Island.

Typo

6.8.3 – add a comma after “food”

Hornby OCP Review

Key new or amended policies identified for review by APC

draft suggestions prepared by T. Law 24 May 2011

3.4.8, 3.4.9 - Groundwater Protection / Sustainable Ecosystem Management Area

4.4.1, 4.4.2 - Renewable energy

5.1.4 - Use of a well for extraction of ground water for transportation

5.8.1 - Speed limits

6.1.2 - Section 946 subdivisions

6.1.5 – Amenity zoning

6.3.3.2 – Subdivision of rural residential lots

6.3.5.12 – Secondary suites

6.3.5.13 – Temporary housing units

6.4.1.4 – Housing on agricultural lots

6.4.2.3 – Subdivision of agricultural parcels

6.5.1.4 – Expansion of commercial zoning

6.10 - Temporary Use Permits



Islands Trust

Preserving Island
communities, culture
and environment

Our Provincial Mandate

“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, other persons and organizations and the government of British Columbia”

– Islands Trust Act



Islands Trust Council - Strategic Plan 2008-2011

Adopted: September, 2009 – Updated: April 4, 2011

The Trust Area

The Trust Area covers the islands and waters between the British Columbia mainland and southern Vancouver Island, including Howe Sound and as far north as Comox. This is a unique and special place composed of 13 major islands and more than 450 smaller islands covering approximately 5200 square kilometres.

The beauty, tranquility, and unique natural environment of the islands in the Strait of Georgia and Howe Sound have given the area national recognition.

The islands support strong communities characterized by a mix of lifestyles, livelihoods and individuals. Island residents bring unique skills, viewpoints and sense of place together to sustain a tradition of community involvement.

Our Council

The Islands Trust Council is made up of the 26 locally-elected officials of the Trust Area who are responsible for land use decisions in their island communities. Our Council has a unique mandate from the province to protect the unique environment and amenities of the islands. It meets quarterly to make decisions about overall policy, staff resources and budget. Our current Council was elected for a 3-year term during BC Local General Elections in November 2008. The current term will end in December 2011.

A Strategic Plan for our 2008-2011 term

Since December 2008, we have worked hard to identify the most important goals for the current term. By identifying these goals and developing a strategic plan to achieve them, we can focus finite resources and measure progress. Through adoption of a Strategic Plan, we have confirmed the following focus areas for our 2008-2011 term:

Goal 1 Ecosystem Preservation and Protection

We can create a legacy for the future by preserving and protecting the most significant parts of our natural environment:

- We will identify and protect our most significant riparian areas.
- We will improve the identification and protection of island biodiversity, as well as our most sensitive environments, and significant natural areas.
- We will work to reduce greenhouse gas emissions, both by managing our internal operations and by fostering energy-efficient communities in our land use decisions.

Goal 2 Stewardship of Island Resources

We will work to steward island resources, and to ensure that the scale, rate and type of development is compatible with the maintenance of island ecosystems.

- We will use land use planning tools to address the sustainability and quality of freshwater resources.
- We will support initiatives to achieve reliable, adequate and sustainable funding for the Trust Fund Board, our conservation land trust.
- We will take steps to advance good management of coastal areas, by encouraging landowner stewardship and by considering new planning tools.

Goal 3: Sustain Island Character and Healthy Communities

We recognize that the health of our communities is improved if our islands are safe and secure, if there is strong public involvement in decision-making, and if we accommodate people of differing age groups and income levels.

- We will work to support and restore socio-economic diversity with strategies for affordable, accessible and appropriate community housing.
- We will work to understand and minimize the negative effects that climate change could have on island communities.
- We will cultivate community engagement and participation in land use planning.

Goal 4 Organizational Effectiveness

Our island communities need effective and efficient government services:

- We will continue our work to provide services on an increasingly cost-effective basis.
- We will encourage recognition and support of the Islands Trust object by our communities and by other agencies and levels of government.

(Italics indicate significant changes since last Trust Council meeting; shaded text represents actions in past and future years)

*** See last page for key to abbreviations used in this document**

Goal 1: Ecosystem Preservation and Protection...

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS	
1.1 To identify and protect riparian areas	1.1.1 Implement Riparian Area Regulations throughout the Trust Area	FY 2009/10 1.1.1.1 Review watershed mapping by UBC	LPC	Funded by 09/10 program budget	By whether watershed mapping contract is complete.	Complete	
		FY 2010/11 & 2011/12 1.1.1.2 Obtain MOE designation of RAR watersheds	LPC	Funded by base budget	By whether MOE designation of RAR watersheds is complete	Designation for 11 LTAs in progress	
		FY 2010/11 1.1.1.3 Establish application processing procedures compliant with RAR	LPC	Funded by base budget	By whether all applications are processed compliant with RAR	Complete	
		FY 2010/11 & 2011/12 1.1.1.4 Develop bylaws re RAR requirements, subject to MOE's RAR designation	LTCs***/BIM*	Funded by program budget	By whether all islands are RAR compliant through bylaw development	Two islands are RAR compliant through bylaw development. Model staff report to LTCs is with planners.	
		FY 2010/11 & 2011/12 1.1.1.5 Develop communications materials about RAR for use in LTC meetings	LPC	Funded by program budget	By whether staff have developed RAR communications materials	QEP presentation made to Trust Council in Sept 2010. Presentations to LTCs underway	
		FY 2010/11 & 2011/12 1.1.1.6 Utilize RAR communication materials in LTC meetings	LTCs***	Funded by program budget	By whether LTCs have utilized RAR communications materials	Underway	
		1.1.2 Integrate riparian area protection into Regional Conservation Plan	FY 2009/10 & 2010/11 1.1.2.1 Within the Regional Conservation Plan, set targets and develop implementation plan for riparian area protection where mapping is completed.	TFB**	Funded by base budget	By whether the 2011-2015 Regional Conservation Plan and implementation plan is complete	Complete
			FY 2011/12 1.1.2.2 Implement riparian area protection strategy	TFB**	Subject to funding	To be determined (by objectives set in RCP)	Not started
			1.1.2.3 Mapping of non-RAR watercourses and riparian areas	TFB**	Subject to funding	By whether mapping of non-RAR watercourses and riparian areas is complete	Not started
			FY 2009/10 1.2.1.1 Complete DEM acquisition & implementation programs for Trust Area	LPC	Funded by 09/10 program budget	By whether DEM program is complete	Complete
1.2 To improve the identification and protection of biodiversity,	1.2.1 Continue improvements to mapping data (i.e. ecosystem maps)	FY 2010/11 & 2011/12 1.2.1.2 Complete SEM acquisition and implementation programs for Trust Area	LPC	Funded by program budget	By whether SEM program is complete	On track for completion this term	
		FY 2009/10	TFB**	Funded by	By whether mapping is finalized	Complete	

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 *** Depends upon decisions of individual Local Trust Committees

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS
environmentally sensitive areas and significant natural sites, features and landforms		1.2.1.3 Finalize TEM mapping for Howe Sound FY 2009/10 & 2010/11 1.2.2.1 Complete first draft of RCP FY 2010/11 1.2.2.2 Community consultation re RCP 1.2.2.3 Finalize RCP FY 2011/12 1.2.2.4 Implement RCP	TFB**	09/10 program budget Funded by 09/10 program budget Funded by base budget Funded by base budget May be subject to funding	By whether first draft is complete By whether consultation has been completed By whether plan is finalized By whether plan has been implemented	Complete Complete Complete Complete Council planning session complete
	1.2.2 Develop 2011-2015 Regional Conservation Plan (RCP)		TFB**	Funded by base budget		Complete
	1.2.3 Protect sensitive and significant land through land use planning decisions	2008-2011 term 1.2.3.1 Optimize opportunities to protect land	LTCs**/BIM*	Funded by base budget	By the hectares of land that have been protected	Awaiting opportunities and LTC decisions. (e.g. Denman Provincial Park). LTCs are developing relevant OCP policies on several islands.
	1.2.4 Monitor and enforce LTC conservation covenants	FY 2009/10 & 2010/11 1.2.4.1 Establish management plan for LTC conservation covenants FY 2011/12 1.2.4.2 Implement management/monitoring program for LTC conservation covenants	LPC	Funded by base budget	By whether a management plan has been finalized	Covenant inventory complete. Covenant monitoring report to Trust Council in Mar/11.
	1.2.5 Improve protection & planning for 'executive' islands	FY 2009/10 1.2.5.1 Develop work program for 'Executive' Islands FY 2010/11 & 2011/12 1.2.5.2 Develop new bylaws for 'Executive' Islands	EC	Funded by base budget	By whether a work program for Executive Islands protection has been approved.	Complete
	1.2.6 Finalize Crown land profiles (including ID of environmentally sensitive areas, etc.)	FY 2009/10 & 2010/11 1.2.6.1 Finalize Bowen and Gambier profiles	LPS	Funded by 11/12 program budget	By whether new bylaws have been developed.	OCP drafts under review
		1.2.6.1 Finalize Bowen and Gambier profiles (including ID of environmentally sensitive areas, etc.)	TPC	Funded by program budget	By whether Bowen and Gambier Crown land profiles are complete	Bowen – pending Parks Canada proposal Gambier – scope under review
		FY 2009/10 1.2.7.1 Approach Comox Valley RD	TPC	Funded by base budget	By whether Comox Valley RD has been formally contacted to discuss NAPTEP	Complete

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS
1.3 To reduce greenhouse gas emissions	1.2.7 Expand NAPTEP program to entire Islands Trust Area	FY 2010/11 1.2.7.2 Roll out to Comox Valley RD	TFB**	Funded by 10/11 program budget	By whether NAPTEP program is in place in Comox Valley RD.	Complete
		FY 2010/11 1.2.7.3 Approach Powell River RD	TPC	Funded by base budget	By whether Powell River RD has been formally contacted to discuss NAPTEP	Complete Outreach begun
	1.2.8 Seek legislative change to expand to island municipalities	FY 2009/10 & 2010/11 1.2.8.1 Monitor/advocate with MCRD re legislative changes for 2010	EC	Funded by base budget	By whether legislative changes have been made.	Complete
		FY 2011/2012 1.2.8.2 Roll out on Bowen (develop tax impact models, agreements & revised promotional materials)	TAS	Funded by 11/12 program budget	By whether NAPTEP is in place in Bowen Island Municipality	Not started
	1.2.9 Acquire land for conservation	FY 2009/10 & 2010/11 1.2.9.1 Complete Fairy Fen Crown land Acquisition (Bowen)	TAS	Funded by base budget	By whether Fairy Fen Crown land has been acquired.	Complete
		FY 2010/11 & 2011/12 1.2.9.2 Initiate action on Lasqueti Crown land acquisition	TFB**	Funded by donors	By whether funding is in place for acquisition.	Pending TFB priorities for Crown land acquisition
	1.2.10 Develop and implement plans to ensure safety and ecological integrity of protected areas	1.2.9.3 Initiate FN consultation re Lasqueti Crown land acquisition (if acquisition funding in place).	TAS	Funded by base budget	By whether consultation is complete	In progress
		FY 2009/10 1.2.10.1 Hire property manager	TFB**	Funded by base budget	By whether property manager has been hired	Complete
	1.3.1 Make Islands Trust operations carbon neutral by 2012	FY 2010/11 & 2011/12 1.2.10.2 Implement high priority management recommendations from Risk Management Assessment	TFB**	Funded by base budget	By the number of high priority risk management tasks completed	Completed 4 out of 6 high priority tasks
		FY 2010/11 & 2011/12 1.2.10.3 Implement medium and low priority management recommendations from Risk Management Assessment	TFB**	Funded by base budget and donors	By the number of medium and low priority risk management tasks completed	Completed 9 out of 10 medium priority tasks
1.3.1.1 Collect data regarding organizational GHG emissions	FY 2009/10 1.3.1.1 Collect data regarding organizational GHG emissions	TAS	Funded by 09/10 program budget	By whether data have been collected	Complete	
	FY 2009/10 1.3.1.2 Develop strategy to reduce GHG or purchase offsets.	TAS	Funded by 09/10 program budget	By whether a strategy has been developed	Complete	

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS <i>Italics indicate status changes since last TC meeting</i>
		FY 2009/10 to 2011/12 1.3.1.3 Implement the staff education program and GHG reduction strategies and actions related to transportation, building energy use, and paper consumption set out in our 2008 Corporate Climate Action Plan	ADMIN	Funded by base budget	By whether the 2008 Corporate Climate Action Plan has been implemented.	In progress
		FY 2011/12 1.3.1.4 Develop policy regarding carbon neutrality and purchase of carbon offsets				
		FY 2012/13 1.3.1.5 Purchase carbon offsets for remaining corporate emissions	ADMIN	Subject to funding (12/13 budget)	By whether IT operations are carbon neutral.	Not started. Pending policy development
		FY 2012/13 1.3.1.6 Initiate on-going corporate emissions reporting	ADMIN	Subject to funding (future budgets)	By whether we have a program for on-going reporting of corporate emissions.	Initial planning started
		FY 2010/11 & 2011/12 1.3.2.1 Finalize community GHG emissions inventories	TPC	GB LTA funded by 11/12 budget	By whether GHG emissions inventories have been prepared for each LTA/IM.	Complete except for GB LTA assoc islands
		1.3.2.2 Review inventories at Trust Council workshop	TPC	Funded by 09/10 program budget	By whether Council has reviewed GHG emission inventories.	Complete
		FY 2010/11 1.3.2.3 Establish and fund a strategy for ongoing reporting of community GHG emissions	TPC	May be subject to funding	By whether we have developed and funded an on-going strategy to report community GHG emissions.	Complete (Province will provide 2007 baseline + 2010 and every 2 years thereafter)
		FY 2012/13 1.3.2.4 Evaluate and respond to 2012 provincial reports regarding GHG emissions	LPC	Subject to funding (12/13 budget)	By whether community GHG emissions reductions are reducing	Not started
		FY 2009/10 1.3.3.1 Hold Council workshop on GHG emission reduction, with advice about targets and a 'menu' of model policies and actions for inclusion in OCPs	TPC	Funded by 09/10 program budget	By whether we have held a Trust Council workshop and provided recommended targets, model policies and actions by Sept 09.	Complete
		FY 2009/10 1.3.3.2 Develop communications tools to assist LTCs in including GHG emission reduction targets, policies and actions in OCPs.	TPC	Funded by 09/10 program budget	By whether communications tools have been distributed to LTCs.	Complete

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS
	1.3.4 Amend OCPs to include emission reduction targets, policies and actions (TPAs)	<p>FY 2009/10 1.3.4.1 LPS staff to attend ministry workshops for planners re TPAs</p> <p>1.3.4.2 Develop a Trust-wide work program to include targets, policies and actions for GHG emission reduction in all island OCPs by legislated deadline (May 31/10)</p> <p>FY 2010/11 & 2011/12 1.3.4.3 Establish targets, policies, and actions in OCPs by legislated deadline (May 31/10)</p>	LPS LPC LTCs**/BIM*	Funded by base budget Funded by base budget Completion funded by base budget	By whether relevant staff have attended workshops By whether LTCs and BIM have focused work programs to include targets, policies and actions for GHG emission reduction in their OCPs. By whether all OCPs have been amended to include GHG emission reduction targets, policies and actions by May 31/10	Complete Complete Targets, policies and action included in eighteen OCPs submitted for ministerial approval. One planned for 11/12.
	1.3.5 Foster energy-efficient communities through land use planning decisions	<p>FY 2009/10 1.3.5.1 Develop relevant information on a Trust-wide basis that will serve all LTCs</p> <p>FY 2010/11 1.3.5.2 Consider the inclusion of the information provided by the LPC into appropriate bylaws and processes</p>	LPC LTCs**/BIM*	Funded by program budget (09/10 budget) Funded by 10/11 program budget	By whether we have developed tools to assist LTCs/LIMs in reducing GHG emissions through land use decisions By whether GHG emission reduction is achieved in LTC land use decisions	Complete All future OCP reviews must address GHG emissions reduction
	1.3.6 Foster energy efficient communities through public education	<p>FY 2009/10 1.3.6.1 Place relevant links on IT website</p> <p>FY 2010/11 1.3.6.2 Develop new public education tools in addition to website.</p> <p>FY 2011/12 1.3.6.3 Continue development of new public education tools</p>	TAS LTCs*** TPC and LTCs***	Funded by base budget Funded by program budget Subject to grant funding	By whether relevant links are on IT website By whether new public education tools have been funded and developed By whether new public education tools have been funded and developed	Webpage complete Addition of new links on-going GHG Communications Plan being implemented regionally. Staff training re GHG emission reduction scenarios complete In progress

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Goal 2: Stewardship of Island Resources...

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS
2.1 To increase the sustainability and quality of freshwater resources	2.1.1 Include new policies and regulations as OCPs and LUBs are amended	FY 2009/10 2.1.1.1 Provide trustees and planning staff with Groundwater Bylaws Toolkit	TAS	Funded by base budget	By whether Groundwater Bylaws Toolkit has been circulated.	Complete
		FY 2009/10 2.1.1.2 OCP/LUB reviews underway on selected islands	LTCs***	Funded by 09/10 program budget	By the number of LTCs/IM with new policies and regulations for protection of freshwater resources	Reviews continuing in 10/11
		FY 2010/11 & 2011/12 2.1.1.3 OCP/LUB reviews underway on selected islands	LTCs***	Funded by program budget		Reviews underway or planned to begin in 11/12
		FY 2010/11 & 2011/12 2.1.1.4 Advocate for provincial regulation of island groundwater	TAS	Funded by base budget	By whether submissions to the provincial review have been made	First and second submissions complete
2.2 To establish reliable, adequate and sustainable funding for TFB to meet Regional Conservation Plan goals and stewardship requirements for protected lands	2.2.1 Identify and implement strategies for long-term funding	FY 2009/10 & 2010/11 2.2.1.1 Analyze options and develop a long term funding strategy	TFB**	Funded by 09/10 program budget	By whether a strategy has been adopted	Compete
		2.2.1.2 Prepare implementation plan including the development of a business case in support of the long-term funding strategy	TFB**	Funded by 10/11 program budget	By whether the implementation plan and business case have been developed	Received advice from Province to focus on specific properties and on building public profile
		FY 2010/11 and beyond 2.2.1.3 Execute the implementation plan. Evaluate and adjust plan as required – Develop strategy for name change	TFB**	Funded by base budget	In early stages: by whether initial reaction to the long-term funding strategy is positive. Later on: by whether we have secured source(s) of long-term funding.	Action Plan to TFB in July 2010 to include seeking champions and identifying specific properties to acquire Council has endorsed name change request
		FY 2011/12 Seek legislative change re new name	TFB**	Funded by base budget	By whether legislation has been changed	Initial meeting held with ministry
2.3 To advance the stewardship of coastal areas and marine shore lands	2.3.1 Provide stewardship information about waterfront lands to community members	FY 2012/13 2.2.1.4 Implement name change strategy IF any required legislative change is in place	TFB	Subject to funding	By whether a name change strategy has been implemented	Not started
		FY 2009/10 2.3.1.1 Host a landowner workshop on one island	TFB**	Funded by base budget	By whether one workshop has been hosted	Complete (workshop on Pender held)
		FY 2009/10 & 2010/11 2.3.1.2 Update website links regarding existing shoreline stewardship information	TPC	Funded by base budget	By whether website links have been updated	Content being developed in cooperation with TFB and LPS

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OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS
		<p>FY 2011/12 2.3.1.3 Circulate stewardship information to shoreline property owners</p> <p>FY 2009/10 2.3.2.1 Develop integrated shoreline and watershed protection mapping for one island to assist OCP process (joint UBC/IT project)</p> <p>FY 2009/10 to 2011/12 2.3.2.2 Thetis Island LTC – consider the use of integrated shoreline & watershed protection into OCP review process</p> <p>FY 2010/11 2.3.2.3 Provide recommendations to the Trust Council regarding a Trust –wide adoption of an integrated shoreline & watershed protection approach for OCP processes</p> <p>FY 2011/12 2.3.2.4 Initiate Green Shores for Homes project: Extend integrated shoreline & watershed protection approach to Islands Trust Area</p>	LPC	Subject to budget or grants	By whether stewardship information has been circulated	See item 2.3.2.4
			LPC	Funded by 09/10 program budget	By whether mapping is complete	Complete
			LTC***	Funded by program budget	By whether OCP has been amended to include new forms of protection	Background shoreline research complete OCP review underway
	2.3.2 Develop and implement new land use planning tools for shoreline and marine protection		LPC	Funded by base budget	By whether recommendations have been provided to TC.	Complete
			EC	External and internal funding in place	By whether integrated shoreline and watershed protection mapping is complete	Work underway

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Goal 3: Sustain Island Character and Healthy Communities...

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS
<p>3.1 To support socio-economic diversity of island communities</p>	<p>3.1.1 Support/restore socio-economic diversity through land use planning strategies about affordable/accessibile/appropriate housing</p>	<p>FY 2009/10 3.1.1.1 Provide recommendations and guidance for LTCs with respect to relevant options for land use planning decisions to advance affordable housing</p> <p>FY 2010/11 & 2011/12 3.1.1.2 Consider implementing land use planning decisions to advance affordable housing</p> <p>FY 2011/12 3.1.1.3 Measure and report on Island housing affordability</p>	<p>LPC</p> <p>LTCs***</p> <p>TAS LPS</p>	<p>Funded by 09/10 program budget</p> <p>Funded by program budget</p> <p>TBD</p>	<p>By whether recommendations/guidance has been provided.</p> <p>By the number of LTCs have implemented land use planning decisions regarding affordable housing.</p> <p>TBD</p>	<p>Complete</p> <p>Being taken into consideration in current OCP reviews</p> <p>Completed for SSI&GB May be included in indicators program</p>
	<p>3.1.2 Support local food security</p>	<p>FY 2009/10 3.1.2.1 Support public education by creating IT resource webpage (e.g. with SSI area farm plan) and encouraging community gardens</p> <p>FY 2009/10 3.1.2.2 Provide trustees with current BC documents about local government's role in food security</p> <p>FY 2010/11 & 2011/12 3.1.2.3 Complete a second area farm plan (Denman)</p>	<p>TAS LPS</p> <p>TAS</p> <p>LTC***</p> <p>TPC LPS</p> <p>EC</p>	<p>Funded by base budget</p> <p>Funded by base budget</p> <p>Initially funded by 10/11 programs budget. Completion funded by 11/12 program budget</p> <p>Funded by base budget</p> <p>Funded by base budget</p>	<p>By whether IT resource webpage with food security links have been created</p> <p>By whether relevant documents have been provided to trustees</p> <p>By whether a second area farm plan is complete</p> <p>By whether a workshop has been held</p> <p>By how many protocols have been amended to address food security</p>	<p>Complete</p> <p>Complete</p> <p>Complete</p> <p>Denman Agricultural Strategy posted on-line. Matching funding received.</p> <p>Complete. Council endorsed recommendations Dec/10</p> <p>Not started</p>
	<p>3.1.3 Include new policies and regulations about food security in OCPs and LUBs as they are reviewed</p>	<p>FY 2010/2011 3.1.2.5 Trust Council workshop about local government role in food security</p> <p>FY 2011/12 3.1.2.6 Amend internal protocols to address food security</p> <p>FY 2009/10 to 2011/12 3.1.3.1 Address in OCP reviews underway on selected islands</p>	<p>LTC***</p>	<p>Funded by program budget</p>	<p>By the number of LTCs/IMs with new policies and regulations related to food security</p>	<p>Food security toolkit complete OCP/LUB reviews underway</p>

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OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS	
<p>3.2 To minimize the impact of climate change upon islands and communities</p>	<p>3.2.1 Research and communicate about expected climate change impacts</p>	<p>FY 2009/10 3.2.1.1 Apply for funding</p> <p>FY 2011/12 3.2.1.2 Conduct Trust Area vulnerability assessment and risk assessment (part of adaptation planning framework) and communicate results</p>	<p>TPC</p>	<p>N/A</p>	<p>By whether funding has been obtained.</p>	<p>No funding sources identified</p>	
	<p>3.2.2 Develop climate change adaptation plan</p>	<p>FY 2011/12 3.2.2.1 Initiate implementation of existing adaptation planning framework, including establishment of Adaptation Planning Working Group</p>	<p>TPC</p>	<p>Funded by base budget</p>	<p>By whether assessments have been completed</p>	<p>Not started. Provincial studies may be sufficient. Some staff training underway.</p>	
	<p>3.2.3 Integrate climate change adaptation into land use planning and regulatory decisions</p>	<p>FY 2012/13 3.2.2.2 Continue implementation of adaptation planning framework.</p> <p>FY 2012/13 3.2.3.1 Continue implementation of adaptation planning framework</p>	<p>TPC</p>	<p>Subject to funding (grant or partnership with others)</p>	<p>TBD</p>	<p>Not started. May be delayed.</p>	
	<p>3.3 To cultivate community engagement and participation in land use planning</p>	<p>3.3.1 Develop new tools and strategies to encourage community engagement in land use planning processes</p>	<p>FY 2009/10 3.3.1.1 Develop new tools and strategies to encourage community engagement in land use planning processes</p>	<p>LPC</p>	<p>Funded by base budget</p>	<p>By whether information about new tools and strategies has been circulated to trustees and staff.</p>	<p>Not started. May be delayed.</p>
		<p>3.3.2 Enable greater diversity of trustee candidates</p>	<p>FY 2010/11 & 2011/12 3.3.1.2 Consider new tools and strategies to encourage community engagement in land use planning processes</p>	<p>LPCs***</p>	<p>Funded by base budget</p>	<p>TBD</p>	<p>Not started. May be delayed.</p>
			<p>FY 2009/10 3.3.2.1 Develop process and budget for review of trustee remuneration</p>	<p>FPC</p>	<p>Funded by base budget</p>	<p>By whether a process has been designed and a budget approved</p>	<p>Complete</p>
		<p>FY 2010/11 3.3.2.2 Complete review of trustee remuneration</p>	<p>FPC</p>	<p>Funded by 10/11 programs budget</p>	<p>By whether a review is complete</p>	<p>Complete</p>	

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OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS
		FY 2010/11 3.3.2.3 Develop policy regarding trustee remuneration	FPC	Funded by base budget	By whether trustee remuneration policy has been developed	Complete
		FY 2011/12 3.3.2.4 Amend Trustee Remuneration bylaw in accordance with policy	FPC	Funded by 11/12 base budget	By whether a trustee remuneration bylaw has been adopted in accordance with policy	Remuneration bylaw adopted – to take effect Dec/11
3.4 To foster good relations with First Nations	3.4.1 Develop a strategic approach to First Nations relations	FY 2011/12 3.4.1.1 Develop a First Nations Relationship Strategy and Policy– identify overlapping interests, treaty process schedules, priorities and resource requirements for protocol agreements, referral practices, etc.	EC	Funded by 11/12 program budget	By whether a strategy has been completed	Not started
		FY 2012/13 3.4.1.2 Acquire or identify sufficient staff capacity to implement First Nations Relationship Strategy and Policy	EC	Subject to budget (12-13 budget)	By whether sufficient staff capacity(or work program adjustment/training) has been identified and/or acquired to implement strategy	Not started

Goal 4: Organizational Effectiveness...

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?*	IS FUNDING IN PLACE OR REQUIRED?	HOW WOULD WE MEASURE SUCCESS?	STATUS	
4.1 To provide services on an increasingly ineffective basis	4.1.1. Develop cost effective bylaw enforcement tools	<u>FY 2009/10 & 2010/11</u> 4.1.1.1 Establish a Bylaw Dispute Adjudication System for the Islands Trust	LPC	Funded by base budget	By whether a Bylaw Dispute Adjudication System is established.	Regulatory adjustments approved by province for six islands. Ministerial approval of North Shore agreement received	
		<u>FY 2009/10 to 2011/12</u> 4.1.1.2 Consider bylaw amendments to allow Bylaw Dispute Adjudication System	LTCs***	Funded by base budget	By the number of islands where a Bylaw Dispute Adjudication System is in place	Two LTCs have given 3 rd reading to implementing bylaw. Model bylaw received by LPC.	
	4.1.2 Organizational review and improvements to corporate secretary/legislative services functions	<u>FY 2009/2010</u> 4.1.2.1 Review responsibilities and capacity in existing positions re: corporate services and consider establishment of corporate secretary/ legislative services (records management, FOIPP, administrative procedural certainty and consistency, policies, legislation, inter-agency agreements and elections)	EC MGMT	Funded by base budget	By whether the review is complete and presented to EC	Complete	
		<u>FY 2010/11</u> 4.1.2.2 Hiring, orientation and transfer of functions from senior managers to legislative services manager position	MGMT	Funded by base budget	By whether a new position has been created/filled and functions transferred	Complete	
	4.1.3 Seek alternate forms of funding (i.e. grants)	<u>FY 2010/11 & 2011/12</u> 4.1.2.3 Develop strategies for further improvement of corporate secretary/legislative services functions	MGMT	Funded by base budget	By whether there is a greater capacity and consistent delivery of corporate secretary/legislative services functions and a greater capacity for delivery of core services by senior managers.	Improvements underway	
		<u>FY 2009/10</u> 4.1.3.1 Develop and implement policy and procedures for seeking funding and awards.	TAS	Funded by base budget	By whether a policy is in place and implemented (e.g. on-line data base)	Complete Grant revenue is now 10 times that in 2008/09	
	4.1.4 Improve records management systems	<u>FY 2009/10 to 2011/12</u> 4.1.4.1 Develop records management procedures	ADMIN	Funded by 11/12 program budget	By whether records management bylaw and manual is in place	By whether staff/trustee training is complete	Bylaw approved by Trust Council. Training and implementation underway.
		4.1.4.2 Staff/trustee training					
			4.1.4.3 Destroy unneeded records			By whether unneeded records have been culled	

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OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?*	IS FUNDING IN PLACE OR REQUIRED?	HOW WOULD WE MEASURE SUCCESS?	STATUS
		<p>FY 2011/12 4.1.4.4 Develop and implement auditing of records handling 4.1.4.5 Evaluate and revise 4.1.4.6 Evaluate RM software</p> <p>FY 2012/13 4.1.4.7 Purchase RM software 4.1.4.8 Incorp. RM software procedures 4.1.4.9 Staff training on new procedures</p> <p>FY 2009/10 4.1.5.1 Amend TC meeting procedure bylaw or committee Terms of Reference as necessary</p> <p>FY 2009/10 and 2010/11 4.1.6.1 Prepare and adopt amendments to meeting procedure bylaw</p> <p>FY 2009/10 4.1.7.1 Amend administrative fairness policies</p> <p>FY 2010/11 & 2011/12 4.1.7.2 Select policies for review and amendment</p> <p>FY 2010/11 & 2011/12 4.1.7.3 Develop and implement a regular maintenance schedule for Islands Trust Council Policy Manual and Procedures Manual</p> <p>FY 2011/12 4.1.8.1 Develop terms of reference and identify budget and data needs for review of application fees</p>	ADMIN ADMIN EC TFB** EC EC EC FPC LPC	Funded by base and program budgets Subject to budget and staffing (12/13 budget) Funded by base budget Funded by base budget	By whether RM procedures are in place By whether software has been purchased and procedures incorporated. By whether staff have been trained. By whether bylaw and/or committee terms of reference have been amended. By whether the meeting procedure bylaw has been adopted By whether administrative fairness policies have been reviewed and amended. By whether selected policies have been reviewed and amended. By whether the Islands Trust Policy Manual is being regularly maintained to keep policies current and consistent By whether terms of reference has been developed and any necessary budget and data needs have been identified.	Not started Not started Complete Complete Three policies amended in 2009. Review of policies begun. Initial inventory in development. Joint FPC/LPC task force approved by Trust Council Mar/11
	4.1.5 Develop new TC/LPC/FPC/TPC meeting procedure regarding electronic meetings					
	4.1.6 Develop new TFB meeting procedure regarding electronic meetings					
	4.1.7 Ensure Trust Council policies are current and consistent					
	4.1.8 Review of devt application fee levels and cost recovery mechanisms					

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?*	IS FUNDING IN PLACE OR REQUIRED?	HOW WOULD WE MEASURE SUCCESS?	STATUS
4.2 To encourage recognition and support of the Island Trust object in policies and programs of other levels of government and agencies	4.2.1 Advocacy to influence other levels of government (federal/provincial/RD)	FY 2011/12 4.1.8.2 Review of application fees, development of amendments to model fees bylaw and related policies	FPC LPC	Funded by base budget	By whether application fees and cost recovery mechanisms have been reviewed, policies have been amended and a model fees bylaw has been developed.	Not started
		4.1.8.3 Adoption of amended fees bylaws	LTCs***	Funded by base budget	By whether all LTCs have adopted amended fees bylaws	Not started. May be delayed.
		FY 2009/10 4.2.1.1 Maintain existing levels of advocacy (e.g. UBCM resolutions, letters to relevant jurisdictions as issues arise and staff capacity permits)	EC	Funded by base budget	By whether current levels of advocacy are maintained.	EC meeting with provincial government re PMFL Act. UBCM resolution re ferries. EC attendance at UBCM Chair correspondence
		FY 2010/11 to 2012/13 4.2.1.2 Maintain enhanced levels of advocacy (e.g. UBCM resolutions, letters to relevant jurisdictions as issues arise and staff capacity permits) with a high priority on marine advocacy.	EC	Funded by base budget	By whether enhanced levels of advocacy are maintained, and progress is made in protection of the marine environment	UBCM workshop and resolutions complete re derelict vessels and NMCA. More frequent Chair correspondence. Meeting with provincial agencies. Enhanced advocacy re marine issues approved by Trust Council
4.3 To promote understanding and support of the Islands Trust and its object in island communities	4.3.1 Develop new tools to communicate about organizational successes	FY 2010/11 4.2.1.3 Repeat 2004 Ipsos Reid poll regarding public support for preservation and protection of Islands Trust Area	EC	Funded by base budget	By whether the 2004 Ipsos Reid poll has been repeated	Complete
		FY 2009/10 to 2011/12 4.3.1 Finalize Indicators Program reports	TPC	Funded by base budget	By whether Indicators Program reports are complete	Staff meeting and trustee survey complete. Agricultural indicators complete. Economic dependency underway. Housing is next.
		4.3.1.2 Develop plans/strategies/related budgets for new communications tools	EC	Funded by base budget.	TBD	Considering use of social media – staff training on-going. Some pilot projects underway.
		FY 2011/12 4.3.1.3 Implement new communication tools. Add Advocacy sections to web-site	EC	Funded by 11/12 program budget	TBD	Marine advocacy page complete Further work pending website upgrades.

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OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?*	IS FUNDING IN PLACE OR REQUIRED?	HOW WOULD WE MEASURE SUCCESS?	STATUS
	4.3.2 Develop new tools to communicate about the history and role of the Islands Trust	<u>FY 2009/10 & 2010/11</u> 4.3.2.1 Develop presentations for delivery at TC meetings/LTC meetings/professional conferences in 2009 (35 anniversary)	EC	Funded by base budget	By whether presentations have been created/delivered	Complete
		<u>FY 2010/11 & 2011/12</u> 4.3.2.2 Develop video re-interviews with former trustees	EC	Subject to external funding	By whether funding is received and a video is created	Funding approved Video history project advisory group meetings underway
	4.3.3 Develop new tools and use plain language to communicate to communities about relevance of land use planning and conservation	<u>FY 2009/10 – 2011/12</u> 4.3.3.1 Continue delivering approved communications strategy	EC	Funded by base budget	By whether approved priorities are delivered	On track (e.g. e-news, annual reports) Nineteen staff attended a 'plain language' webinar
		<u>FY 2009/10</u> 4.3.3.2 Develop presentation/display for use at public meetings to explain the linkage between GHG emissions and land use/conservation	EC	Funded by base budget	By whether a presentation has been developed and delivered	Complete
		<u>FY 2009/10</u> 4.3.4.1 Develop plans and strategies and related budgets	EC	Funded by base budget	By whether a plan and related budget is in place to review and redesign website	Initial plans and budget estimates complete.
	4.3.4 Review and redesign website	<u>FY 2010/11</u> 4.3.4.2 Develop business case and proposed budget	EC	Funded by base budget	By whether a business case and proposed budget is complete	Complete
		<u>FY 2011/12</u> 4.3.4.3 Review and redesign website	EC	Funded by 11/12 program budget	By whether website has been reviewed and redesigned	Initial meetings and public survey underway
		<u>FY 2009/10</u> 4.3.5.1 Hold legal session and develop checklist for trustees	EC	Funded by base budget	By whether a legal session and checklist have been prepared	Complete
	4.3.5 Develop new tools to enhance administrative fairness practices	4.3.5.2 Develop staff checklist and hold staff workshop regarding administrative fairness	EC	Funded by base budget	By whether a staff checklist and workshop are complete	Complete
		<u>FY 2011/12</u> 4.3.5.3 Develop focused training for orientation of new trustees in December 2011	EC	Funded by base budget	By whether new trustee orientation session includes a focus on administrative fairness	Not started

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OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?*	IS FUNDING IN PLACE OR REQUIRED?	HOW WOULD WE MEASURE SUCCESS?	STATUS
		FY 2010/11 & 2011/12 4.3.6.1 Initial scoping of Policy Statement review topics and process	TPC (PSSC)	Funded by base budget	By whether an initial scoping exercise is complete	Topic review inventory to Dec Trust Council. Task Force final report due June 2011. Assembly and evaluation of information about previous reviews is planned.
	4.3.6 Review and update Islands Trust Policy Statement	FY 2011/12 4.3.6.2 Preliminary research and design of review process	EC	Subject to external grants	By whether preliminary research is complete and review process has been designed	Review process approved by Council Mar/11
		FY 2012/13 4.3.6.3 Public, agency and First Nations consultation regarding Policy Statement update and development of draft amendments	EC	Subject to budget (12/13 budget) or external grants	By whether consultation is complete and draft amendments prepared	Not started
		FY 2013/14 4.3.6.4 Adoption of revised Policy Statement bylaw	EC	Subject to budget (13/14 budget)	By whether an amended Policy Statement bylaw is adopted	Not started

Abbreviations:

- ADMIN – Administrative Services
- BIM – Bowen Island Municipality
- DEM – Digital Ecosystem Mapping
- EC – Executive Committee
- FN – First Nations
- FPC – Financial Planning Committee
- FY – Fiscal Year
- GHG – Green House Gases
- ID – Identification
- IM – Island Municipality
- IT – Islands Trust
- LPC – Local Planning Committee
- LPS – Local Planning Services

- LTA – Local Trust Area
- LTC – Local Trust Committee
- LUB – Land Use Bylaw
- MCSC – Ministry of Community and Rural Development
- MGMT – Management Team
- NA – Not Applicable
- NAPTEP – Natural Area Protection Tax Exemption Program
- OCP – Official Community Plan
- PSSC – Policy Statement Sub Committee
- PMFL – Private Managed Forest Land
- RAR – Riparian Area Regulations
- RCP – Regional Conservation Plan
- RD – Regional District

- RFD – Request for Decision document
- RM – Records Management
- SEM – Sensitive Ecosystem Mapping
- SSI – Salt Spring Island
- TAS – Trust Area Services
- TEM – Terrestrial Elevation Mapping
- TBD – To Be Determined
- TC – Trust Council
- TFB – Trust Fund Board
- TPA – Targets, Policies and Actions (re GHG emission reduction)
- TPC – Trust Programs Committee
- UBC – University of British Columbia
- UBCM – Union of BC Municipalities

For more information, contact
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 Islands Trust Council
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 telephone 250.247.8078

Linda Adams, Chief Administrative Officer,
 Islands Trust
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 telephone 250.405.5151

Visit our website at
www.islandstrust.bc.ca

Colour Key for fourth column:

Local Planning (through Local Planning Committee, Local Planning Services staff, Local Trust Committees or Bowen Island Municipality)	Potential committee/unit/body taking lead for strategy/activity
Trust Programs Committee or Trust Area Services staff	Financial Planning Committee/Administrative Services staff
Executive Committee/CAO's office	Management team
	Trust Fund Board or Islands Trust Fund staff

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Islands Trust

Top Priorities

Hornby Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Short Term Vacation Rentals - Regulations Review	Staff to develop an enforcement policy and address STVRs in the OCP review	Sep-14-2009	Brodie Porter	Sep-30-2011	On Going
2	Official Community Plan and Land Use Bylaw Review	Targetted review and update of the OCP and LUB.	Sep-14-2009	Brodie Porter		On Going



Islands Trust

Projects

Print Date: May-25-2011

Hornby Island

No.	Description	Activity	Received/Initiated	Status
1	Preparing information material on land use regulations for new property owners to Projects List as a new item		Mar-17-2008	On Going
2	Having a Siting and Use Permit review meeting coordinated with Denman Local Trust Committee and staff; and to use that as an opportunity to plan outreach material for our permits" as item # 8.		Sep-08-2006	On Going



Applications w/ Status - Hornby Island Status: Open

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
HO-ALR-2010.1	Downes Point Holdings Ltd. Planner: Sonja Zupanec	Nov-02-2010	

Planning Status

Status Date: Dec-15-2010

Application approved to forward to ALC with comments.

Rezoning

File Number	Applicant Name	Date Received	Purpose
HO-RZ-2009.2	Hornby Island Resort Ltd. Planner: Brodie Porter	Sep-10-2009	Pub, restaurant accommodation, office space, moorage - would like to rebuild after the summer operation of 2010.

Planning Status

Status Date: May-11-2011

BL 141 amended and public hearing waived. Notifications in process.

Status Date: Dec-15-2010

Report tabled on applicant's progress to comply with LTC requirements

Status Date: Aug-25-2010

Public hearing held and LTC established requirements for further consideration of bylaws

Subdivision

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2010.1	Helen Grond	Apr-08-2010	to create two parcels under Section 946 of the Local Government Act

Planner: Linda Prowse

Planning Status

Status Date: Mar-28-2011

Waiting to receive registered Sec 946 covenant

Status Date: Mar-17-2011

Final letter of approval sent to MOTI

Status Date: Dec-10-2010

Signed section 946 covenant sent to surveyor with instructions to send us the signed covenant and subdivision plan when registered at Ito

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2010.2	Ron Tuele	Apr-29-2010	

Planner: Marnie Eggen

Planning Status

Status Date: Mar-14-2011

Applicant drafting covenant

Status Date: Jan-06-2011

Memo for RWM to enter into cost recovery for legal counsel review/draft of covenant

Status Date: Oct-08-2010

Referral complete; requires a 946 covenant

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2010.9	Peter Mason	Sep-28-2010	To create 2 parcels

Planner: Sonja Zupanec

Planning Status

Status Date: Apr-27-2011

holtc granted waiver; dvp; cra for covenant

Status Date: Dec-24-2010

Contacted surveyor by phone requesting more information.

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2011.1	Joan & David Harris/Wiseman	Dec-23-2011	3 lot Boundary Adjustment

Planner: Linda Prowse

Planning Status

Status Date: May-19-2011

Referral Response sent to Ministry of Transportation, Applicant and LTC

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2011.1	Stewart McGregor Planner: Marnie Eggen	Jan-04-2011	Build Storage Shed and Deck

Planning Status

Status Date: Mar-15-2011

Requesting further information

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2011.5	Roy & Virginia Jorgensen Planner: Marnie Eggen	Mar-14-2011	1 Residence

Planning Status

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2011.6	Lynn Nunley Planner: Marnie Eggen	Apr-11-2011	Accessory Building - Storage

Planning Status

From: Nancy Roggers
Sent: May-02-11 8:33 AM
To: Brodie Porter; Fred Hunt; Louise Bell; Sonja Zupanec; Tony Law; Becky McErlean
Cc: Craig Elder
Subject: Hornby expense report - final to March 31/11

		Budget	Spent	Balance
FINAL FISCAL 2011 to March 31, 2011				
635 Hornby	65000 Trustee Expense	1,300.00	1,220.92	79.08
635 Hornby	65200 LTC Meetings	4,550.00	4,296.20	253.80
	65210 APC Meetings	600.00	937.16	(337.16)
	65220 Communications	500.00	536.11	(36.11)
	65230 Special Projects	500.00	935.00	(435.00)
	65240 Miscellaneous	-		-
	TOTAL LTC Local Expense	6,150.00	6,704.47	(554.47)
635 Hornby	72300 OCP/LUB Expense	8,250.00	3,251.91	4,998.09

Thanks!

Nancy Roggers
 Finance Officer

Islands Trust
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www.islandstrust.bc.ca

Preserving *island* communities, culture and environment

Please consider the environment before printing this email.

From: Nancy Roggers
Sent: Thursday, May 05, 2011 8:37 AM
To: Brodie Porter; Fred Hunt; Louise Bell; Sonja Zupanec; Tony Law
Cc: Craig Elder
Subject: Hornby LTC budget - Fiscal 2012

Hello Trustees,

Please find below the Fiscal 2012 LTC trustee and local expense budgets. Some LTCs distribute their "LTC Meetings" budget out amongst the APC, Communications, Special Projects and Miscellaneous LTC expense accounts. As outlined in the attached LTC Local expense account policy Section 1d, please prepare and adopt by resolution a detailed working budget that outlines the anticipated expenditures for the year. If you want to split the budget out into the various categories listed please include that in your resolution.

The Island Planner will forward your detailed budget information to me for future expenditure reporting.

		Budget	Spent	Balance
Budget Information for Fiscal 2012				
635 Hornby	65000 Trustee Expense	1,300.00		1,300.00
635 Hornby	65200 LTC Meetings	4,600.00		4,600.00
	65210 APC Meetings			-
	65220 Communications			-
	65230 Special Projects			-
	65240 Miscellaneous			-
	TOTAL LTC Local Expense	4,600.00	-	4,600.00
635 Hornby	72300 OCP/LUB Expense	8,000.00		8,000.00

Thanks!

Nancy Roggers
 Finance Officer
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 Phone: (250) 405-5154
 Fax: (250) 405-5155

www.islandstrust.bc.ca

Preserving *island* communities, culture and environment

Please consider the environment before printing this email.

4.1.viii. Policy & Procedure**LOCAL TRUST COMMITTEE
LOCAL EXPENSE ACCOUNT**

Trust Council: June 6, 1992

Amended: September 16, 2005; June 13, 2008; March 9, 2011

A: PURPOSE:

To define procedures for the planning, accounting and administration of Local Trust Committee (LTC) Local Expense account as provided for in the annual budget. Implementation of the policy will allow for independent management of and responsibility for the funds by the Local Trust Committee.

B: REFERENCES:

1. Annual Budget Document
2. *Islands Trust Act, S. 14*

C: POLICY:**1. Planning**

- a) A funding allocation for each local trust committee will be prepared at the beginning of every fiscal year, subject to the total amount approved in the Islands Trust budget;
- b) The allocation will be based on the pro-rata share of converted assessed values for each local trust area, adjusted as follows:
 1. the minimum local expense budget for an LTC is adjusted to \$3,000
 2. any adjustment required to bring the total of all LTC Local Expense budgets to the total amount approved by the Islands Trust Council shall be applied to the three highest local expense budgets in proportion to those budgets
 3. the resulting calculated amounts for each LTC shall be rounded to \$100 until the total result equals the total amount approved by the Islands Trust Council
- c) Local Expense funds may be enhanced through an internal transfer for funds from the LTC Trustee (Travel) Expense account. Similarly, funds may be transferred from Local Expenses to Trustee Expenses; and
- d) LTCs should prepare and adopt by resolution a detailed working budget that outlines the anticipated expenditures for the year.

2. Disbursement

- a) Disbursements must only be made as authorized by the *Islands Trust Act* and typically include the following:
 - i) Advisory Planning Commission expenses (meeting and secretarial costs)
 - ii) LTC meeting costs including hall rental, external facilitation costs, and secretarial costs
 - iii) Local mail-outs and/or trustee newsletters
 - iv) Open house costs
 - v) Funding to outside organizations or individuals for goods or services that support the land use planning mandate of the LTC.

- b) Disbursements must be made in accordance with the budget allocation, be processed via the Trust's financial system, and comply with all financial policies and procedures, including use of purchase orders or service contracts where required, and appropriate approvals by the Treasurer and/or designate;
- c) Disbursements should be approved by a local trustee as authorization to charge the expense against the local expense account, however any disbursement over \$200 must be approved by resolution of the local trust committee;
- d) Expenditures under \$20 should be charged as a personal expenditure and will be reimbursed accordingly through an expense voucher submission; and
- e) Expenditures cannot exceed the annual budget allocation provided to each LTC by Trust Council. However, if an LTC anticipates extraordinary costs they should approach Executive Committee for a budget adjustment.

3. Reporting

- a) LTCs, via the Regional Planning Managers, will be provided with monthly expense summaries; and
- b) Trust Council will be apprised of the status of the overall Local Expense budget on a quarterly basis.

4. Responsibilities

- a) Trust Council is responsible for approving the annual LTC Local Expense budget allocation;
- b) The Treasurer is responsible for preparing the annual budget request; for calculating the distribution to LTC's, for ensuring that periodic reports are provided to LTCs, and for ensuring that all financial controls, policies and procedures are adhered to;
- c) Regional Planning Managers are responsible for coordinating LTC budget requirements and for assisting LTCs in the planning and disbursement of Local Expense funds; and
- d) Local Trust Committees are responsible for adopting a budget for the funds allocated to them, for spending funds according to that budget, and for ensuring that all planned disbursements are reported to the Trust's finance department.

HORNBY ISLAND LOCAL TRUST COMMITTEE

BYLAW NO.142

A BYLAW TO AMEND THE HORNBY ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 104, 2002

WHEREAS the Hornby Island Local Trust Committee is 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 Section 29 of the Islands Trust Act gives the Hornby Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the Local Government Act;

AND WHEREAS the Hornby Island Local Trust Committee wishes to amend the Hornby Island Official Community Plan Bylaw No. 104, 2002;

AND WHEREAS the Hornby Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Hornby Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as "Hornby Island Official Community Plan Bylaw No. 104, 2002, Amendment No 1 2011."

2. SCHEDULES

Hornby Island Official Community Plan Bylaw No. 104, 2002 is amended as shown on Schedule A, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this 11th day of May, 2011.

PUBLIC HEARING HELD this day of , 201X.

READ A SECOND TIME this day of , 201X.

READ A THIRD TIME this day of , 201X.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this day of , 201X.

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT this

day of , 201X.

ADOPTED this day of , 201X.

SECRETARY

CHAIR

**HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 142**

SCHEDULE A

1. Hornby Island Official Community Plan Bylaw No. 104, 2002 is amended by modifying **SECTION I- BACKGROUND** by adding a new section 1.3 as follows and renumbering the existing section 1.3 – **Principles** as section 1.4:

“1.3 Socio-economics of Hornby Island

A permanent population of 1075 persons in 2006 represents an 11.2% population increase or double the provincial increase since 2001. The population is generally aging with increases in numbers of persons age 45 and older and a drop in persons aged 44 and younger. Seventy-eight per cent (78%) of the family units are persons without children at home representing the higher concentration of older couples who choose to retire on Hornby Island. 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 and summer residents 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 is a long history of homeowners renting their homes to visitors for short periods of time (vacation home rentals) as a means of creating an income or to offset some home ownership costs that has made a significant contribution to the Island's economy. The construction industry, some public service positions and an increasing number of caregivers round out an integrated economy.

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The Hornby Island Community Profile (March, 2010) provides more detailed information.”

2. [Hornby Island Official Community Plan Bylaw No. 104, 2002 is amended by modifying SECTION VI- OBJECTIVES AND POLICIES FOR SUSTAINABLE DEVELOPMENT, Subsection 6.3.3 – Small Lot Residential / Water Resource Protection Area \(Whaling Station Bay / Anderson Drive Area\) as follows:](#)

- [a. Replacing policy 6.3.3.8 which reads:](#)

[“6.3.3.8 Bed and Breakfasts and short-term rentals are permitted as a home occupation \(subject to 6.3.1.7\) providing the number of guests does not exceed the design capacity of the approved sewage treatment system.”](#)

[with the following:](#)

[“6.3.3.8 Bed and Breakfasts and vacation home rentals may be permitted providing the number of guests does not exceed the design capacity of the approved sewage treatment system.”](#)

- [b. Replacing policy 6.3.3.10 which reads:](#)

[“6.3.3.10 Additional development of the groundwater resource shall be strongly discouraged. The use of water catchment and storage systems for household and garden use, and in particular for Bed and Breakfasts and short term rental home occupations, shall be strongly encouraged.”](#)

[with the following:](#)

“6.3.3.10 Additional development of the groundwater resource shall be strongly discouraged. The use of water catchment and storage systems for household and garden use, and in particular for Bed and Breakfasts and vacation home rental use shall be strongly encouraged.”

3. Hornby Island Official Community Plan Bylaw No. 104, 2002 is amended by modifying **SECTION VI- OBJECTIVES AND POLICIES FOR SUSTAINABLE DEVELOPMENT, Subsection 6.5.2 – Visitor Accommodations and Tourism** as follows:

- a. Replacing Policy 6.5.2.7 which reads:
“6.5.2.7 Small resorts and lodges with cabins, hostels, camping facilities, or dormitories used only for transient accommodation are considered appropriate on non-Agricultural Land Reserve acreage upon site specific zoning only.”

with the following:

“6.5.2.7 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

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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.”

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- b. Deleting Policy 6.5.2.11 which reads as follows and renumbering all subsequent policies accordingly:

“6.5.2.11 The rental of an individual dwelling unit in order to provide temporary accommodation for paying guests shall be permitted as a home occupation. The home occupation shall be operated in accordance with land use bylaw and with guidelines prepared by the LTC in consultation with the community.”

- c. Replacing Policy 6.5.2.14 which reads:

“6.5.2.14 A position of “welcome without promotion” to tourism use of the Island shall be adopted.”

with the following:

“6.5.2.14 A position of “welcome with information” to tourism use is encouraged as a means to inform visiting tourists about best practices when visiting the island.”

4. Hornby Island Official Community Plan Bylaw No. 104, 2002 is amended by adding to **SECTION VI- OBJECTIVES AND POLICIES FOR SUSTAINABLE DEVELOPMENT** a new **Subsection 6.5.3 – Vacation Home Rentals** as follows and renumbering **subsection 6.5.3 – Home Occupations** as **subsection 6.5.4** with all associated policies renumbered accordingly:

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“6.5.3 Vacation Home Rentals

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.

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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.

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.

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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 of the parcel resides seasonally in the dwelling and the vacation home rental use is occurring during the absence of the owner; or
- c) where the owner or tenant is residing in another lawful dwelling on the property while the vacation home rental is occurring

Deleted: Where a dwelling is permitted on a parcel, 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 ¶
b) provided that the vacation home rental use is occurring during the temporary absence of the owner or tenant; or ¶
c) where the owner or tenant is residing in another lawful dwelling on the property

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 of a property is not altered by the short-term rental unit; 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.

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6.5.3.3 Vacation home rental use may be subject to regulations, depending upon location and site characteristics, which require:

- a) placement of a cistern on the property for rainwater catchment that is suitable for outdoor water use. This cistern should be appropriately sized to provide added water supply for outdoor uses for the months when the vacation rental is operating; and
- b) that property owners provide evidence from a registered practitioner or professional that the sewage system is capable of supporting the proposed occupancy load.

6.5.3.4 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.

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6.5.3.5 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.

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6.5.3.6 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. If as a consequence of increasing use of residential dwellings for vacation home rentals, there is a shortage of available housing for tenants or for purchase by potential residents, a significant change in community character, an increasing negative impact upon the natural environment or a reduction in projected usage of community facilities and services then the Local Trust Committee should re-examine its housing policies and ensure that residential needs, community character and other identified criteria are addressed.”

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5. Hornby Island Official Community Plan Bylaw No. 104, 2002 is amended by modifying SECTION VI- OBJECTIVES AND POLICIES FOR SUSTAINABLE DEVELOPMENT subsection 6.5.4 – Home Occupations as follows:

Deleting policy 6.5.4.7 which reads as follows and renumbering all subsequent policies accordingly:

“6.5.4.7 The rental of an individual dwelling unit in order to provide temporary accommodation for paying guests shall be permitted as a home occupation. The home occupation shall be operated in accordance with land use bylaw and with guidelines prepared by the LTC in consultation with the community.”

PROPOSED

**Hornby Island Local Trust Committee
BYLAW NO 143**

**A BYLAW TO AMEND THE HORNBY ISLAND LAND USE BYLAW TO REGULATE
VACATION HOME RENTALS**

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. ~~Hornby Island Land Use Bylaw No. 86, 1993 is amended as shown on Schedule 1 attached to and forming part of this bylaw.~~
2. This bylaw may be cited as "Hornby Island Land Use Bylaw 86, 1993, Amendment No. 1 2011"

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READ A FIRST TIME THIS	11th	DAY OF	May	20 11
PUBLIC HEARING HELD THIS		DAY OF		20 xx
READ A SECOND TIME THIS		DAY OF		20 xx
READ A THIRD TIME THIS		DAY OF		20 xx
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS		DAY OF		20 xx
ADOPTED THIS		DAY OF		20 xx

SECRETARY

CHAIRPERSON

Hornby Island Local Trust Committee

Bylaw No. 143

Schedule 1

1. Hornby Island Land Use Bylaw No. 86, 1993 is amended by:

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a. Amending Part **2.0 DEFINITIONS** by deleting the existing definition for **visitor accommodation unit** and adding the following definitions in alphabetical order:

i. "**vacation home rental use** means the use of a residential dwelling unit permitted by this bylaw for the temporary accommodation of paying guests, where:

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a) an owner or tenant of the lot is ordinarily resident in the dwelling and the vacation home rental use is occurring during a temporary absence of that owner or tenant; or

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b) the owner or tenant is residing in another lawful dwelling on the lot while the vacation home rental is occurring; or

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c) the owner of the lot resides seasonally in the dwelling and the vacation home rental use is occurring during the absence of that owner,

Deleted: the owner or tenant is residing in another lawful dwelling on the lot.

and does not include 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,

ii. **visitor accommodation unit** means commercial accommodation sited on a property zoned for commercial use that consists of the temporary rental of a room or set of rooms for not more than four (4) consecutive weeks to members of the traveling public whose permanent domicile or home life is elsewhere;"

b. Amending Part **3.0 GENERAL REGULATIONS** as follows:

i. by adding the following to section 3.2 "USES PROHIBITED IN ALL ZONES":

"3.2.15 Overnight accommodation in tents or recreational vehicles accessory to or in association with vacation home rental use."

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and amending the punctuation to a semi colon at the end of section 3.2.14.

ii. by adding the following new section directly after 3.22:

"VACATION HOME RENTAL USES

3.23 Vacation home rental uses must be in accordance with the following limitations:

3.23.1 No dwelling unit may be occupied by paying guests outside of the months of May, June, July, August and September.

3.23.2 No dwelling unit may be occupied by any particular paying guest, or group of paying guests occupying the dwelling unit, for a period of fewer than seven (7) consecutive days or more than thirty (30) consecutive days.

3.23.3 No dwelling used for vacation rental use shall be used to accommodate more than 2 beds per bedroom and more than 3 bedrooms if the lot on which the dwelling is located has an area of less than one hectare, or more than 4 bedrooms if the lot has an area of one hectare or more.

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3.23.4 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](#) a required sign that must be posted only when a vacation home rental is in use as required in Part 7.0.

3.23.5 Motor vehicle parking spaces shall be provided in accordance with Part 5.0 of this bylaw.

3.23.6 On lots designated as Aquifer IA on Schedule D1 of the Hornby Island Official Community Plan Bylaw No 104, vacation home rental use is permitted provided [that](#):

3.23.6.1 [the owner has complied with the Sewerage System Regulations under the *Public Health Act*, an authorized person as defined in the Regulations has filed with the Vancouver Island Health Authority a certification as described in section 9\(1\)\(b\) of the Regulations in relation to the sewage disposal system to which the building accommodating the vacation home rental use is](#)

connected, and the owner has provided a copy of the filing to the Islands Trust, or in the case of a sewerage system constructed prior to the enactment of the Regulations, an authorized person as defined in the Regulations has advised the Islands Trust in writing that the sewage disposal system to which the building accommodating the vacation home rental use is connected would comply with the Regulations and the authorized person would be in a position to file a certification as described in section 9(1)(b) of the Regulations, if the construction of the system had been subject to the Regulations.: and

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3.23.6.2 a cistern with a minimum capacity of 2273 litres (500 imperial gallons), has been provided on the lot for rainwater catchment capable of being used for outdoor water use.

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- c. Amending Part 5.0 **PARKING REGULATIONS** by amending section 5.1.1 under USE to read "bed and breakfast and vacation home rentals"
- d. Amending Part 7.0 **SIGN REGULATIONS** by adding the following subsection:

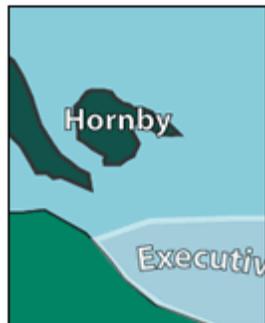
"REQUIRED SIGNS

7.7 On lots where a vacation home rental use is in use, a sign measuring 15 centimetres (6 inches) by 30 centimetres (12 inches) clearly readable from a public road is required and must provide contact information including name and telephone number of the owner or their agent who is reasonably available on an ongoing basis."

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- e. Amending Section 9.0 **ZONE REGULATIONS** by adding the following subsections:
 - i. "9.7.1.5 Vacation Home Rental Use";
 - ii. "9.8.1.4 Vacation Home Rental Use";
 - iii. "9.9.1.7 Vacation Home Rental Use";
 - iv. "9.9A.1.7 Vacation Home Rental Use";

- v. "9.10.1.7 Vacation Home Rental Use"; and
- vi. "9.11.1.7 Vacation Home Rental Use".


Population:

Approximately 1,074

Size:

2,990 hectares (7,388 acres)

Location:

31 kilometres south-east of Courtenay on Vancouver Island.

[Land Use Planning](#)
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Hornby Island Local Trust Committee

Latest News

In this section you will find current news items that are relevant to your Local Trust Area and your community. [Subscribe](#) to the Hornby Island Latest News updates and receive the latest information on official community plan reviews, staff reports, notifications and other documents published in the latest news section.

May 2011

- [Notice of Community Information Meeting regarding Vacation Home Rentals May 21, 2011](#)
- [Summary and Proposed Bylaws 142 and 143 re Vacation Home Rentals for May 21 Community Information Meeting](#)

April 2011

- [Notice of Hornby Island Short Term Vacation Rentals and Official Community Plan Community Information Meetings April 2, 4 and 6, 2011](#)
- [Discussion Documents for Short Term Vacation Rentals and Official Community Plan Community Information Meetings](#)

March 2011

- [Hornby Island Local Trust Committee Special Meeting March 29, 2011](#)

December 2010

- [Hornby Island Local Trust Committee Business Meeting Schedule - 2011](#)

October 2010

- [2007 Community Energy and Emission Inventory Reports \(CEEIs\) now available](#)
- [New Islands Trust GHG Emission Inventories webpage posted](#)

August 2010

- [Tax-Incentive to Conserve Land Arrives on Denman and Hornby](#)

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Hornby Island Local Trust Committee Projects

Official Community Plan and Land Use Bylaw Review

- **Discussion Documents for April, 2011 Community Information Meeting:**
 - [Draft Hornby OCP Revisions April 2011](#)
 - [Draft Schedule B \(April 2011\) - Land Use Designations](#)
 - [Schedule C - Land Status and Road Designations](#)
 - [Schedule D2 - Environmentally Sensitive Areas](#)
 - [Draft Schedule E \(April 2011\) - Development Permit Areas](#)
 - [Schedule F - Hazard Areas](#)
- [OCP/LUB Project Terms of Reference - November 2009](#)
- [Staff Report - March 2011](#)
- [Staff Report - December 2010](#)

Committee Links

[Committee Home](#)
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[Contact Trustees](#)
[Contact Planning Staff](#)
[Planning Bylaws](#)
[Administrative Bylaws](#)
[Meetings Schedule](#)
[Meeting Agendas](#)
[Meeting Minutes](#)
[Resolutions-Without-Meeting](#)
[Associated Islands](#)
[Land Use Application Forms](#)

- [Staff Report - October 2010](#)
- [Staff Report - September 2010](#)
- [Staff Report - July 2010](#)
- [Staff Report - March 2010](#)
- [Staff Report - February 2010](#)
- [Staff Report - September, 2009](#)

Vacation Home Rentals

- [Summary and Proposed Bylaws 142 and 143 re Vacation Home Rentals for May 21 Community Information Meeting](#)
- [Discussion Document for April 2011 Community Information Meeting](#)
- [Staff Report - March 21, 2011](#)
- [Staff Report - December 15, 2010 STVR Enforcement Policy](#)
- [Staff Report - September 2010](#)
- [Staff Report - August 2010](#)
- [Staff Report - July 2010](#)
- [Draft Bylaws Permitting and Regulating Short Term Vacation Rentals on Hornby Island 2010](#)
- [Early Referral Letter to Agricultural Land Commission, April 2010](#)
- [Staff Report - March 2010](#)
- [Staff Report and Appendix - December 2009 \(HO-OCP-2009.2\)](#)
- [Staff Report - October 2009 \(HO-OCP-2009.2\)](#)
- [Staff Memo - September 2009](#)
- [Short-term Vacation Rental Staff Report - July 2009](#)
- [Short-term Vacation Rental Survey - Final Results](#)
- [For Discussion: A Proposal For Permitting and Regulating Vacation Rentals](#)
- [Short Term Vacation Rental Staff Report - July 2008](#)

Island Information and Reports

- [Hornby Island Local Trust Committee Submission Regarding Water Act Modernization](#)
- [Hornby Island Community Profile](#)
- [Building on Hornby Island \(October 2009\)](#)
- [Living on Hornby Information Pamphlet \(October 2009\)](#)
- [Hornby Island DRAFT Build Out Map, December 2008](#)
- [Final Report - Results of the Groundwater Geochemistry Study on Hornby Island by D. Allen and M. Suchy April 2002](#)
- [Heart of the Island - A Report on Hornby Vacant Crown Land, 2000](#)

Climate Change Action

- [Staff Report - March 2010](#)
- [Preliminary Climate Change Initiative Report - October 2009](#)
- [Climate Wise Islands Program](#)
- [Newsletter - 2009](#)
- [Fact Sheets](#)
- [Minutes - November 2, 2010](#)
- [Community Information Meeting Notes - November 15, 2009](#)
- [Proposed Bylaw No. 139](#)

Ecosystem Mapping

- [Hornby Island Ecosystem Map 2001](#)

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Applications

HO-RZ-2009.2 (Hornby Island Resort Ltd. - The Thatch)

- [Staff Report dated December 2, 2010](#)
- [Staff Report dated July 2010](#)
- [Staff Report dated June 2010](#)
- [Staff Report dated March 2010](#)
- [Staff Report dated November 2009](#)

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Hornby Island Local Trust Committee Work Program

- [Top Priorities](#)

Housing

- [Housing Needs Assessment on Hornby and Denman Island - Final Report](#)
- [Secondary Housing on Hornby Island - Staff Report June 2008](#)
- [Enabling Secondary Accommodation Units on Hornby Island](#)
- [Hornby Island Advisory Housing Committee Report - 2004](#)

K'omoks First Nation

- [K'omoks Treaty Process - Message from Trustees](#)
- [Hornby Island Local Trust Committee Submission to Negotiations Division Ministry of Aboriginal Relations and Reconciliation on Vacant Crown Land on Hornby Island in connection with the K'omoks First Nation Treaty Negotiation, September 2008](#)

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