

Hornby Island Local Trust Committee Regular Meeting Agenda

Date: December 13, 2023
Time: 4:30 pm
Location: Electronic Meeting

Pages

1. **CALL TO ORDER** 4:30 PM - 4:35 PM

"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."
2. **APPROVAL OF AGENDA**
3. **REPORTS** 4:35 PM - 4:55 PM
 - 3.1 **Trustee Reports**
 - 3.2 **Chair's Report**
 - 3.3 **Electoral Area Director's Report**
4. **PUBLIC COMMENTS** 4:55 PM - 5:10 PM
5. **DELEGATIONS** 5:10 PM - 5:30 PM
 - 5.1 **Stuart Amos from Hornby Island Agricultural Association regarding Agricultural Land Reserve Regulations** 4 - 5
 - 5.2 **Margaret Birch from Hornby Island Community Hall Committee regarding Establishment of a Hornby Island Community Heritage Register** 6 - 11
 - 5.3 **Hornby Island Short Term Vacation Association regarding the Municipal and Regional District Tax** 12 - 15
6. **MINUTES** 5:30 PM - 5:35 PM
 - 6.1 **Local Trust Committee Minutes dated September 8, 2023 - for adoption** 16 - 23
 - 6.2 **Local Trust Committee Special Meeting Minutes dated September 29, 2023 - for adoption** 24 - 25
 - 6.3 **Section 26 Resolutions-without-meeting Report dated December 6, 2023** 26 - 26
 - 6.4 **Advisory Planning Commission Minutes - none**

7.	BUSINESS ARISING FROM MINUTES	5:35 PM - 5:50 PM	
7.1	Follow-up Action List Report dated December 6, 2023		27 - 28
8.	APPLICATIONS AND REFERRALS	5:50 PM - 5:55 PM	
8.1	Rogers Cell Tower Proposal - Verbal Update		
	~ BREAK 5:55 PM - 6:25 PM ~		
9.	LOCAL TRUST COMMITTEE PROJECTS	6:25 PM - 8:00 PM	
9.1	Minor Project: Heritage Register Proposed Project Charter - Staff Report		29 - 62
9.2	Major Project: Hornby Island Official Community Plan and Land Use Bylaw Review Project - Staff Report		63 - 82
10.	CORRESPONDENCE	8:00 PM - 8:05 PM	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
10.1	Email dated September 7, 2023 from Comox Valley Regional District regarding Regional Parks and Trails Strategic Plan Update		83 - 83
10.2	Letter dated November 29, 2023 from G. Burtinsky regarding Responsibilities and Due Diligence		84 - 90
10.3	Email dated November 29, 2023 from W. Burton & J. Ovitsland regarding APC Recommendations		91 - 92
11.	NEW BUSINESS - none		
12.	REPORTS	8:05 PM - 8:25 PM	
12.1	Trust Conservancy Report - none		
12.2	Applications Report dated December 6, 2023		93 - 96
12.3	Trustee and Local Expense Report dated October, 2023		97 - 97
12.4	Adopted Policies and Standing Resolutions		98 - 102
12.5	Local Trust Committee Webpage		
12.6	2024 Local Trust Committee Meeting Schedule - Staff Report		103 - 104
13.	WORK PROGRAM	8:25 PM - 8:40 PM	
13.1	Active Projects Report dated December 6, 2023		105 - 105

13.2 Future Projects Report dated December 6, 2023

106 - 107

14. UPCOMING MEETINGS

14.1 Next Regular Meeting To Be Decided

15. ADJOURNMENT

8:40 PM - 8:45 PM



December 13th, 2023

Dear Islands Trust Council

Grant Scott GScott@IslandsTrust.BC.ca,

Alex Allen AAllen@IslandsTrust.BC.ca,

Timothy Petersen tpeterson@islandstrust.bc.ca

We, the undersigned owners of Agricultural Land Reserve (ALR) designated, A1 (Islands Trust) zoned property on Hornby Island would like to take this opportunity of the LUB review to requesting an amendment to the Hornby Island Land Use Bylaw Charter that ALR/A1 zoned properties align with BC's current and future Agricultural Land Commission ALC act.

The current Land Use Bylaws (LUBs) regarding ALR and A1 zoned properties on Hornby are unclear and can be contradictory. This makes investment and operation in the agricultural sector and the farms on Hornby uncertain and unstable, threatening our livelihoods and our very existence on the island.

The rules should be clear.

Agriculture is a cornerstone of this community and part of what makes this island unique and special. ALR based businesses on Hornby Island contribute immensely to Hornby's vibrant culture, well-being and are a major source of income for the island. We are all full-time residents on the island, but our farms cannot prosper without the ability to augment our core activities with ancillary farm uses permitted under ALR rules.

One specific example of ancillary farm use permitted under the ALC act is glamping.

Glamping is crucial to supplementing any farming income we may generate and offers numerous advantages, including a light environmental footprint and no impact on the available housing stock. This mode of tourism allows visitors to enjoy the island without straining our housing resources. Being environmentally sensitive and of a small scale, with approved septic and water, they align seamlessly with Hornby

Island's ethos of protecting and preserving the unique character of the land through sustainable and responsible land use.

Hornby Islanders strongly support local agricultural practices which are increasingly precious. We believe, aligning with ALR rules is the most practical way to do so. We feel that by aligning our local LUB's with a provincial regulating body we will have the best science and support to make farming sustainable on Hornby.

Each of us has a vision for how our farms can be accessible to the community, whether it's visiting our farms, learning about our products, picking, tasting, making our products available, for purchase on site locally and beyond, or the ancillary offerings such as events, musical performances, culinary fare, stays and more. We provide food. Enjoyment. Jobs for the local community. And even, local housing.

We all passionately share in the Islands Trust and the Agriculture Land Reserve's common mission to protect and preserve our precious agricultural land. We want to work together to ensure that our local bylaws give us a clear framework and mandate by aligning to BC's current and future Agricultural Land Commission ALC, allowing farming on Hornby to continue to thrive into the future.

Thank you for considering our request. We look forward to a positive resolution.

Hornby Island Agricultural Association & Agricultural Land reserve Owners.

Represented by:

Little Tribune Farm: Nikki Pierce, Stuart Amos

Lerena Vineyards: Daniel Goodman, Rebecca Goldman

80 Acre Wood: Mike Holmes, Wilfredo Sánchez Vega, Kristen Berg

Fossil Beach Farm: Aileen Fearman, Jeff Zamluk

**Islands Trust
Hornby Island
Local Trust Committee**

December 13, 2023

Delegation Presentation:

**Update on the establishment of a Hornby
Island Community Heritage Register**

Work Program Project HO-221-078

Presented by:

**Margaret Birch on behalf of
HIRRA Community Hall Committee**



Hornby Island Community Hall

Photo Courtesy: HIRRA

Recent Background...

- January 20, 2023, LTC Meeting – Delegation Presentation by HIRRA Community Hall Committee – led Local Trust Committee (LTC) to endorse their “...support to the Community Hall Committee (CHC) in establishing a Hornby Island Community Heritage Register, by requesting that the Chair write a letter of support to the CVRD.”
- June 16, 2023, LTC Meeting – the LTC approved “...to request staff prepare a Project Charter for the Community Heritage Register for the 2023/2024 fiscal year, with the scope and objectives to be determined by the Local Trust Committee.”
- LTC endorsement led to the CVRD grant of \$5,000, summer 2023 to HIRRA, through the *Hornby Island Heritage Conservation Service Establishment Bylaw No. 317, 2014*, to support the CHC to draft Statements of Significance.



Top: Community Hall, 2008. Photo Courtesy: Kahn, 2008
Bottom: Old Schoolhouse/Fabricators. Photo Courtesy: Birch, 2023

Through summer/fall 2023...

- The CHC advertised locally for a Cultural Heritage Consultant to develop cultural heritage Statements of Significance (SOS) for the Community Hall and Hornby's First School, now commonly called Fabricators.
- A *'cultural heritage statement of significance'* is the necessary first step before a Community Heritage Register Bylaw can be prepared.
- Two Statements of Significance were completed in November 2023 for HIRRA and the committee, and were shared with the CVRD and Islands Trust, copies which accompanied my presentation request for today.
- By late December, a third Statement of Significance, also covered under the CVRD grant, will be completed for another heritage public building, the "Room to Grow".



Top: Community Hall, 1928. Photo Courtesy: Smith and Gerow 1988:39

Bottom: Old Schoolhouse, circa 1920. Photos Courtesy: Hornby Island
Archives Heritage Buildings,

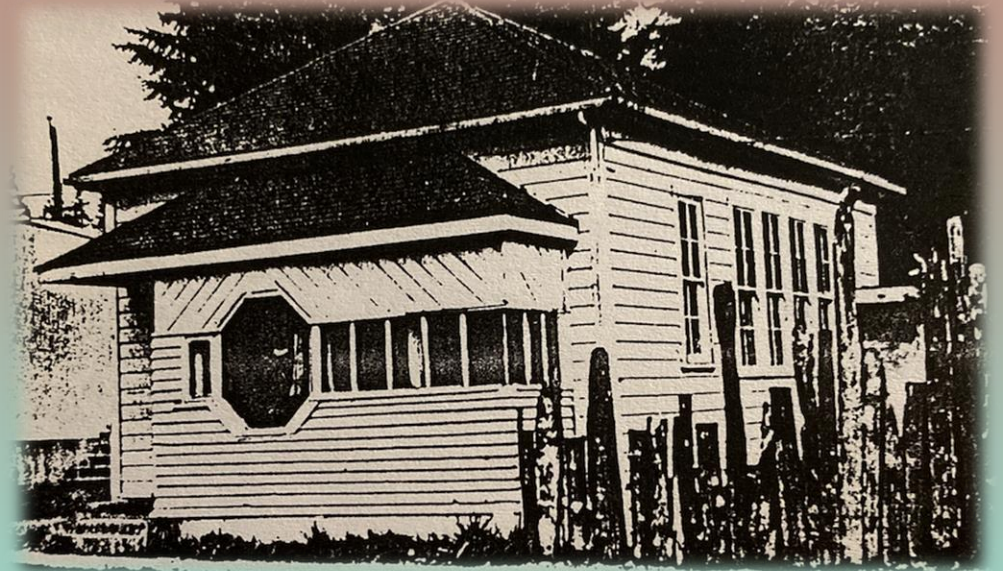
Community Hall Statement of Significance, Nov 2023 provides...

- Building location, ownership, age, construction timelines, and current use information.
- At 96 years old, the Community Hall provides significant heritage value, locally in the context of Hornby Island history and culture, and regionally in the context of Pacific Coast vernacular architecture.
- Updates and additions through the 1970's and 80's, the Hall embodies Hornby Island's spirit of civic volunteerism and artistic creativity.
- “ ‘The Hall,’ as we call it, is a community centre in the truest sense of the word: centrally located, the focus of community spirit, a point from which collective energy radiates...’ “



Old Schoolhouse – Hornby's First School Statement of Significance, Nov 2023 provides...

- Building location, ownership, age, construction timelines, and current use information.
- Second oldest public building, at 132 years old, the Schoolhouse has been home to the Hornby Island Fabricators weaving centre since 1988.
- The school served as a public school building, for 92 consecutive years (1892 – 1984).
- Served as a community education and social centre since it first opened its doors.
- This building is the embodiment of Hornby Island community heritage, particularly as it relates to education and the transmission of local cultural knowledge.



Above: First School. Photo Courtesy: Island Heritage Buildings, 1984. Below: Present day, as Fabricators Weaving Centre, 2023





- The HIRRA CHC has provided the Islands Trust Committee and Planning staff with the information needed to get started on establishing a Hornby Island Community Heritage Register.
- The request for advancing this project has been raised through three delegation presentations since December 2021.
- LTC requested a Project Charter for the Heritage Register project six months ago, for 2023/24.
- We hope the LTC will advance this small project with staff support this winter, and not delay until the next program year. The register will bring valuable social benefits to bettering Hornby's heritage buildings, specifically the Community Hall.
- The Hall needs significant foundation and insulation upgrades, accessible washroom and other improvements. Establishing a register will help support HIRRA and its Community Hall Committee to access needed capital resources to address improvements over the coming years.

Thank-you

Hornby Island Residents and Ratepayers (HIRRA) Community Hall Committee



Hornby Island Short Term Rental Association

Email: hornbyshortterm@gmail.com

Background Information

Hornby Island Short Term Vacation Rentals Association
December 13th, 2023 Delegation to the Local Trust Committee

Housing on Hornby – Facts and Figures¹

There were 655 full time households on Hornby in 2021, 80% of whom own their homes. This is a higher proportion of homeowners than in BC or Canada (both 67%), but lower than Denman (87%).

The Hornby Community profile counted 131 Vacation Rentals in 2023, that's a little over 10% of the number of houses on Hornby, close to the number (120) that are rented long term.

41% of the homes on Hornby are lived in part time.

If every home on Hornby housed the average 1.9 family members, Hornby's full time residents would grow to just over 2,100 people.

If each home has 4 people – as often happens in the summer months – just homes on Hornby bring an additional 3,240 people to our island.

Looking at 20 years of ferry data, summer ferry traffic has decreased a little – the average between 2005 and 2009 was just over 50,000² people over the two summer months, the average between 2014 and 2022 is about 45,000³.

Hornby has a higher percentage of part time home owners (41%) than Quadra (20%), Cortes (31%) or Denman (21%). We have a very long tradition of seasonal homes and families, moving into a fourth generation on some properties.

Hornby now has more full time (59%) than part time households (and the number of full time residents are growing – 245 new full time residents moved to Hornby between 2016 and 2021. If that trend continues, we could add another 300 full time people to our community by 2026.

Just under 20% of our households (115) are tenants, 35 of whom pay more than 30% of their income towards housing costs. 50 of our homeowners (10%) also pay more than 30% of their income towards housing.

One in three renters (39) on Hornby are precariously housed and 16 (41%) of those also pay more than 30% of their income for housing.

Median rental housing cost (half above and half below) on Hornby is \$700, this is about half of the cost in BC as a whole (\$1,370) and a third below costs in the CVRD (\$1,180).

¹ All data used here is from the 2023 Draft Hornby Island Community Profile
<https://communityprofiles.ca/wp-content/uploads/2023/11/DRAFT-Hornby-Report-1.pdf>

² 2010 Hornby Island Community Profile

³ 2023 Hornby Island Community Profile



Hornby Island Short Term Rental Association

Email: hornbyshortterm@gmail.com

We suggest that our community housing efforts need to focus first on addressing the 39 renter households who are precariously housed, 95% of whom pay \$1000 or less in housing costs, most (61%) pay \$300 or less.

At the same time we need to look for ways to support the 50 home owners who face the same financial stress.

In most cases, individuals cannot create housing at rents that meet the rates our community members can afford to pay. The cost of a suite or ADU with proper water, septic and heat is too high to allow rents to be below \$1000 a month let alone below \$300. The Vacation Rental homes do not meet that need.

As we did with Elder Housing, this can be done with co-op or affordable purpose built rentals, created by a collective – a community, a government.

The Municipal and Regional District Tax (MRDT)

The MRDT is 3% tax charged to visitors in 'fixed roof' accommodations – Resorts, B and Bs and Vacation Rentals all contribute – it is not paid by campgrounds or glamping sites. Most of these funds come directly back to the community (the Provincial government keeps a fixed amount).

Hornby began paying into it in 2022 and we are about to receive the funds for the first time.

The province sets the framework for what MRDT funds can be spent on and housing was not part of that initially. They added an additional 1% to the tax specifically for housing in 2021. This allocates about 1/3 of the funds generated towards housing.

In 2023, key players on Hornby agreed to work to make the changes needed to allocate 50% of the MRDT funds to support affordable housing.

This allows the MRDT to provide \$50,000 of predictable, annual funding to affordable worker housing, most of it (75%) directly from Vacation Rentals.

What can this create?

- Annual, predictable funding that can support work to solve our affordable housing challenge, particularly for our working population.
 - We could create a housing coordination program to link those in need with those who have spaces to offer
 - We could create a paid position to navigate the bureaucracy and bring local solutions for our housing needs and ideas to fruition (like tiny homes or a workers version of the Village)
 - We could pay the interest on about \$1Million of investment in land or building costs
 - We could provide \$275 a month rent subsidies to 15 households for a year
 - We could support the change to rainwater collection at 10 long term rental homes a year.



Hornby Island Short Term Rental Association

Email: hornbyshortterm@gmail.com

- We can turn our dedicated housing workers and volunteers loose on determining how best this amount of regular funding can help them get even more things done.

Most importantly, this is the first time affordable housing efforts on Hornby will have annual funding they can predict and rely on.

In 2023 Cortez negotiated a breakthrough with the Provincial government allowing them to direct all of the MRDT funds towards housing. Our hope is that Hornby can and will follow this path.

Summary

Like the rest of BC, Hornby has real housing challenges. Changes to Vacation Rentals and Additional Dwelling Units (ADUs) were suggested primarily under the belief they could increase affordable, long term housing on Hornby.

Unlike in urban areas, making Vacation Rentals illegal will not have any measurable impact on affordable or long term housing on Hornby. 90% or more Vacation Rental owners are Island community members, full and part time residents. Even if they are no longer able to rent seasonally, they will not offer a long term rental, as they stay in their home throughout the year. Those that would be forced to sell, would also not create affordable housing. These properties simply are not in the 'affordable' category and will likely be sold at market rates to off island owners who do not have deep and long connections to Hornby.

Similarly ADUs, while they can create long term housing, are unlikely to be available at or below the very low rent most in our community who are precariously housed can afford.

Relying on individuals to invest the costs of building more housing or taking away needed income from more than a hundred families, families that are our friends and neighbours, cannot and will not help the precariously housed – the Vacation Rental homes are not available as long term rentals and those few that might be, along with new ADUs, will not be affordable to those who need them most.

But you can make a real impact and put us on the road to solving the needs of our community. By maintaining the MRDT funding from Vacation Rentals, the LTC members directly support the creation of affordable housing on Hornby with \$50,000 a year.



Hornby Island Short Term Rental Association

Email: hornbyshortterm@gmail.com

As it is related to an ongoing LTC project, the information below is context and cannot be included in the Delegation Presentation

Why the MRDT Funds are at Risk:

1. The Hornby Island LTC began the formal process to remove Vacation Rentals as a legal property use from our Official Community Plan and Land Use Bylaws in the fall of 2022. In September 2023 the LTC removed the TUP as a means to approve any new Vacation Rentals.
2. In October 2023, the Province of BC passed into law new legislation regarding short term vacation rentals that, among other things, removes Legal Non-Conforming (Grandfathering) protections specific to Vacation Rentals beginning in May 2024– this applies province wide with no exclusions.

If the Island Trust changes the LUBs to remove Vacation Rental's as a legal use, combined with the Provincial changes to the BC Municipal Act removing grandfathering protections in relation to Vacation Rental's, Hornby will have no pathway to legal operation for any Vacation Rental's existing or new. In effect all Vacation Rentals will no longer be legally allowed.

75% of the MRDT funds come from legal Vacation Rentals

A few Pieces of Information about Vacation Rentals on Hornby

To be legal under the current bylaws, Vacation Rentals must charge the MRDT, PST and GST. 75% of the MRDT funds are coming from Vacation Rentals

Around half of the 130 or so properties that host Vacation Rentals will rent in any one summer week⁴, representing about 375 visitors to the island, less than 10% of the estimated 4-5,000 visitors.

Between owners and the 300-400 weekly Vacation Rental visitors, Vacation Rentals put \$2.4 million dollars⁵ every year towards the incomes of artists, artisans, restaurants, small businesses and workers on Hornby and at least another million in taxes that support services all residents receive.

\$2.4 million is equivalent to the average annual income for almost 20% of Hornby's labour force. Vacation Rentals sustain our island by directly supporting locals, artists, restaurants and small businesses. None of them will survive the loss unharmed.

Both Trustees and the Advisory Planning Committee (APC) chair have stated in public meetings and/or in writing to residents that they do not intend to close Vacation Rentals on Hornby but rather want to address our pressing housing issues.

⁴ 2021 HISTRA Owners survey

⁵ 2021 HISTRA Owners and Visitors Surveys



Hornby Island Local Trust Committee

Minutes of Regular Meeting

Date: September 8, 2023

Location: Room to Grow
2100 Sollans Road, Hornby Island, BC

Members Present: Timothy Peterson, Chair
Alex Allen, Local Trustee
Grant Scott, Local Trustee

Staff Present: Sonja Zupanec, Island Planner
Margot Thomaidis, Planner 2
Katherine Vogt, Recorder (by Teleconference)

Others Present: Brian Gregg, Consultant for Rogers Communications Inc., (by Teleconference)

There were approximately 25 members of the public in am and 5 members of the public in pm, and no members of the media in attendance.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 11:52 am. He acknowledged that the meeting was being held on the territory of the Coast Salish First Nations. He introduced himself, Trustees, Staff, Recorder, and members of the public.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Under Item 11: New Business, add item 11.2: Letter of support for the Hornby Island Community Economic Enhancement Corporation (HICEEC).

By general consent the agenda was adopted as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Allen reported on the following:

- Attendance in June at the annual Comox Valley Regional District meeting.
- Working on funding for the Hornby boat launch.

- Attendance at meetings in August as a member of the Trust Programs and Regional Planning Committees.
- A survey for Hornby residents regarding future possibilities for Islands Trust webinars has been posted on Facebook. An email link to the survey can be provided upon request.
- Recent Regional Planning Committee work on the Housing Toolkit, the Housing Strategy, and a Trust-wide housing report.

Trustee Scott reported on the following:

- Input from members of the Hornby Island Ferry Advisory Committee contributed to B.C Ferries summer season use of the bigger ferry “Quinitsa” for Hornby Island, and of two ferries for Denman Island, which seems to have worked well.
- Conservancy Hornby Island is holding a ForestFest event in October to celebrate local forests and ecosystems, to include guest speaker John Vaillant, author of Fire Weather.
- An amazing year for coho and spring salmon around Hornby Island.

3.2 Chair's Report

Chair Peterson reported on the following:

- The June Trust Council meeting included work on the new corporate planning process which integrates strategic and financial planning; and an initiative to improve the First Nations referral process.

3.3 Electoral Area Director's Report

None.

4. PUBLIC COMMENTS

Members of the public asked or noted the following:

- Having a 3-minute time limit for members of the public to speak at a public meeting is unacceptable. In the past there were no time limits.
 - The Chair noted that the agenda allotted 15 minutes for the Public Comments period; and there were 9 speakers wanting to speak.
 - A Trustee noted that, in the past, meetings were extended to accommodate people who wanted to speak.
 - A Trustee noted that Public Comments had been moved from the end of the agenda to the beginning so that speakers would not have to wait so long to speak.
- A representative from the Hornby Island Community Economic Enhancement Corporation (HICEEC) made a call for support from the Local Trust Committee (LTC), the Islands Trust, and the Comox Valley Regional District (CVRD) for two current HICEEC grant applications to fund affordable housing initiatives. There will be an upcoming public consultation event at the Hornby Island Community Hall. Further support is sought for rectifying language in the bylaws regarding the Public Use Zone, to make affordable housing in this zone possible.

- A former Trustee spoke on the history and insecurity of affordable housing on Hornby Island. Barriers to affordable housing remain strong; so, a range of solutions is needed to overcome them.
 - A Trustee acknowledged that the recent report “Housing and Land Use on Hornby Island prepared by Tony Law, dated August 2023” was comprehensive and appreciated.
- Most residents overwhelmingly rejected a previous Telus cell tower proposal like the one that Rogers is currently proposing. Residents are still waiting for a face-to-face meeting with a Roger’s representative. Hornby already has decent cell phone coverage, with dead zones able to be serviced by Starlink. Rogers has recently signed contracts with Starlink, which indicates that the Roger’s cell tower proposal is obsolete. Trustees should reject the Roger’s application.
- If a referendum on Roger’s proposed cell tower had taken place before the last LTC election, it could have changed the outcome of the election.
 - An applicant to the Advisory Planning Commission (APC) expressed concern about being denied appointment to the APC. The Chair reminded that the APC election process is done in camera.
 - A Trustee responded that it was not permitted to make public why a person was selected to be on the APC.
 - Planner Zupanec noted that government hiring, firing, and appointments were all done in camera, as a legislated requirement.
 - A member of the public responded that the secrecy surrounding Hornby APC appointments was a problem.
- A current subdivision applicant expressed concern that Planning and Bylaw Enforcement Staff are targeting their application with bylaw contraventions, while letting other developments on the island with similar issues go ahead.
- Starlink is fast and reliable, and the cost is coming down. Over 300 people have signed a petition against the Rogers cell tower proposal, which is unsightly, health hazardous, and obsolete. Trustees should educate themselves on the cell tower health studies. Trustees have the legal power to say ‘no’ to the tower.
- There is a need for an environmental assessment of the Rogers Cell Tower proposal.
- A representative from the Hornby Island Housing Society (HIHS) spoke on current affordable housing initiatives and issues.
 - A Trustee thanked them for all their work and congratulated that the HIHS was the first housing group to give feedback to the Regional Planning Committee.
- A cell tower on Hornby Island is a massive fire and health risk. Trustees should work for the people who elect them and reject the cell tower proposal.
- Overwhelming numbers of tourists in illegal rentals are killing the Hornby Island environment which the Trust has a mandate to preserve and protect.
- Young people who are sustaining residents in their old age should not have to be living in campers.

The Chair clarified that the LTC had the option to concur or not concur to the Rogers cell tower proposal; however, non-concurrence could be overruled by the Federal Government.

- A member of the public noted that the Regional Manager for Innovation, Science and Economic Development Canada (ISED), when recently challenged, did not offer any legislation to show that ISED could overrule local government non-concurrence. ISED did not overrule Hornby's rejection of the previous Telus tower proposal, so there is no reason to think that they would overrule this new Rogers's proposal.

5. DELEGATIONS

None.

6. MINUTES

6.1 Local Trust Committee Minutes dated June 16, 2023 - for adoption

By general consent the Local Trust committee meeting minutes of June 16, 2023 were adopted.

6.2 Section 26 Resolutions-without-meeting Report dated September 1, 2023

Trustee Allen noted that his last name had been misspelled in the Resolutions Without Meeting Log.

6.3 Advisory Planning Commission Minutes – none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated September 1, 2023

Received.

8. APPLICATIONS AND REFERRALS

8.1 Rogers Cell Tower Proposal - Staff Report

Planner Thomaidis presented the staff report that recommends that Trustees require that Rogers align their proposal with the Hornby Antenna Strategy notification content requirements, which are more expansive than the default federal notification requirements.

Brian Gregg noted the following:

- Rogers was amenable to conducting expanded notifications.
- Many current Telus customer residents had requested that Telus be permitted on the Rogers structure and a major update is that Telus is formally now part of the Rogers proposal and would be sharing the tower and adding their equipment to it. Customers of Telus and its subsidiaries such as Koodo, Public Mobile, Bell, and Virgin Mobile; along with Rogers and its subsidiaries such as Fido, and Chatter: nearly every service provider other than Freedom Mobile could be serviced.

HO-LTC-2023-035

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request that Brian Gregg plan a meeting in the Hornby Island Community Hall to discuss the cell tower proposal.

CARRIED

HO-LTC-2023-036

It was MOVED and SECONDED,

1. that the Hornby Island Local Trust Committee request that staff work with Rogers to ensure that any future written notification meets the Hornby Antenna Strategy notification content requirements; and
2. that the Hornby Island Local Trust Committee request that staff work with Rogers to provide a list of addresses of property owners and residents not yet notified of the proposal, within a notification distance of ten metres for every one metre in height from the base of the proposed antenna structure; and request that Rogers send written notice of the proposal to these remaining property owners and residents; and
3. that the Hornby Island Local Trust Committee request that Rogers send written notice of the proposal to the School District and ambulance services.

CARRIED

8.2 HO-DVP-2022.4 (5905 Maclean Road) - Staff Report

Planner Thomaidis presented the staff report that recommends that Trustees approve the Development Variance Permit (DVP) application HO-DVP-2022.4, which seeks to rectify existing siting contraventions, because there are insignificant affects to neighbouring properties, public beach access, surrounding ecology, or the intent of the bylaw regulation.

The applicant's representative, who introduced himself as the new builder hired by the applicants to correct the errors of the previous builders, explained that unfortunate mistakes had been made by the original architect and builders, mistakes which the applicants had spent considerable time and money to correct. Kómox First Nation (KFN) had reviewed the application and determined that it did not require a Cultural Heritage Investigation permit. A representative from Environment Canada had also inspected the site and saw no issues.

HO-LTC-2023-037

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approve issuance of Development Variance Permit HO-DVP-2022.4 (Song & Li).

CARRIED

By general consent, the meeting was recessed at 1:35 pm and reconvened at 1:53 pm.

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Major Project proposal Endorsement for Fiscal 2024/2025 Budget Process - Staff Report

Planner Thomaidis presented the staff report prepared by Regional Planning Manager Jamurat that asks Trustees to endorse the proposal for First Nation Relationship-Building Major Project, for inclusion in the 2024/2025 Islands Trust budget.

HO-LTC-2023-038

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee endorse the proposal for First Nation Relationship Building-Major Project and that the Hornby Island Local Trust Committee request staff forward the proposal to the Islands Trust Regional Planning Committee and Financial Planning Committee for consideration of inclusion in the 2024/2025 Islands Trust budget.

CARRIED

9.2 Major Project: Hornby Island Official Community Plan / Land Use Bylaw Review Project – Memorandum

Planner Zupanec updated Trustees that staff have been working on a draft capacity funding agreement with the staff from the K'ómoks First Nation (KFN) to allow KFN staff to review the scope of potential amendments to the Official Community Plan (OCP) and Land Use Bylaw (LUB) regarding First Nations references, housing options, and regulating short term vacation rentals.

A Trustee expressed concern that the drafting of bylaws for the OCP/LUB Review Project was being rushed; and, that recent submissions and the Advisory Planning Commission's (APC) key recommendations for housing information needed further consideration.

The APC Chair commented that the housing recommendations in the recent submission: "Housing and Land Use on Hornby Island prepared by Tony Law, dated August 2023," had been substantially included in the APC's March 2023 recommendations document.

The Chair clarified that Trustees wanted regulations regarding short term vacation rentals (STVR)s; but that they wanted the Temporary Use Permit (TUP) application for STVRs references removed from the Project Charter.

HO-LTC-2023-039

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee direct staff to amend the Project Charter to remove references of temporary use permits for short term vacation rentals.

CARRIED

10. CORRESPONDENCE

10.1 Department of Fisheries and Oceans Canada Consultation check-in - Schedule 1 of the Species at Risk Act - Received.

10.2 BC Ferries email dated August 23, 2023 regarding Archeological Site - Received.

11. NEW BUSINESS

11.1 Housing and Land Use on Hornby Island prepared by Tony Law, dated August 2023

Trustees acknowledged the 48-page document from former Trustee Tony Law, submitted to the LTC on August 27, 2023, that 1) proposes a comprehensive approach to land use planning for housing on Hornby Island; and 2) provides a description and context for the error in the "Public Use Zone" which needs correction for the HICEEC proposal for community housing in the public use zone south-west of Central Road to be permitted.

HO-LTC-2023-040

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee direct staff to amend the current Land Use Bylaw Project Charter to correct the error in the Public Use Zone to provide for community housing.

CARRIED

11.2 Letter of support for the Hornby Island Community Economic Enhancement Corporation (HICEEC).

A Trustee expressed apprehension regarding extra content in the letter of support drafted by HICEEC for Trustee endorsement; and questioned the Trust policy and protocol regarding letters of support from Trustees.

- Planner Thomaidis responded that the Regional Planning Manager could draft a letter of support, as has been done by LTCs in the past.

HO-LTC-2023-041

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee direct staff to prepare a letter of support for the Hornby Island Community Economic Enhancement Corporation regarding funding for affordable housing, under the Chair's signature.

CARRIED

12. REPORTS

12.1 Trust Conservancy Report dated June, 2023 - Received.

12.2 Applications Report dated September 1, 2023 - Received.

12.3 Trustee and Local Expense Report dated July, 2023- Received.

12.4 Adopted Policies and Standing Resolutions- Received.

12.5 Local Trust Committee Webpage

12.6 Census Infographics – Briefing - Received.

13. WORK PROGRAM

13.1 Active Projects Report dated September 1, 2023 - Received.

13.2 Future Projects Report dated September 1, 2023 - Received.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Friday, November 3, 2023 at 11:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC

15. ADJOURNMENT

By general consent the meeting was adjourned at 2:34 pm.

Timothy Peterson, Chair

Certified Correct:

Katherine Vogt, Recorder



Hornby Island Local Trust Committee

Minutes of Special Meeting

Date: September 29, 2023

Location: Electronic Meeting

Members Present: Timothy Peterson, Chair
Alex Allen, Local Trustee
Grant Scott, Local Trustee

Staff Present: Renée Jamurat, Regional Planning Manager
Margot Thomaidis, Island Planner
Katherine Vogt, Recorder

Others Present: Wendy Burton, Chair of the Hornby Island Advisory Planning Commission
There was approximately one (1) member of the public and no members of the media in attendance.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 8:48 am. He acknowledged that the meeting was being held on the territory of the Coast Salish First Nations. He introduced himself, Trustees, Staff, and Recorder; and welcomed members of the public. He noted that Trustee Scott would be delayed in attending the meeting.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 Major Project: Draft Proposal for 2024/2025 Budget Process - for direction and endorsement

Regional Planning Manager Jamurat presented the staff report, titled "Major Project Proposal Endorsement for 2024/2025 Budget Process" dated September 8, 2023, which recommends that Trustees endorse the proposal for First Nation Relationship-Building as a Major Project for budget consideration for the 2024/2025 fiscal year.

Regional Planning Manager Jamurat offered that the Major Project could start with only Option 1: to focus on actions to initiate and continue relationship-building; or could also include Option 2: to explore the interest to initiate a Memorandum of Understanding (MOU) or protocol agreement with K'ómoks First Nation; and that the Major Project could extend over two years.

Trustee Allen noted the following:

- It is important that K'ómoksFirst Nation (KFN) lead the terms of engagement.
- The 2018 Thatch situation, at which a KFN ancestral remains site was disturbed, was recently recapitulated for KFN when BC Ferries mistakenly removed an arbutus tree near the BC Ferries terminal site without consultation with KFN; as noted on the KFN website with the August 22, 2023 Chek News story "[Hornby Island Indigenous midden 'desecrated' in BC Ferries terminal construction](#)."
- It is not known if any responses to the introduction letters recently sent out to First Nations by the Director of Trust Area Services have been received.
- 'Friendship Accord' is an interesting new way that First Nations are engaging that should be explored.
- The focus should be on how to better represent First Nations' interests by improving the First Nations referral process; expanding education stewardship of Cultural Heritage Sites; inclusion of First Nations place names; and proper adherence to First Nations' policies on Cultural Heritage Sites.
- A 2018 letter from KFN Chief Rempel summarizes KFN's vision for collaboration and reconciliation.
 - Regional Planning Manager Jamurat requested a copy of the hard copy letter to be included in the Major Project business case.

Trustee Scott joined the meeting at 9:13 am.

Planner Jamurat noted that the Major Project budget estimate could range from \$5000 to \$12,000, and include capacity funding for First Nations engagement; and that this business case would be reviewed by the Financial Planning Committee at their budget deliberations meeting on October 18, 2023.

Planner Jamurat clarified that 'Friendship Accord' exploration would be included in Option 2.

HO-LTC-2023-042

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee endorse the proposal for the First Nation Relationship Building Major Project, including Option 1 and Option 2.

CARRIED

4. ADJOURNMENT

By general consent the meeting was adjourned at 9:31 pm.

Timothy Peterson, Chair

Certified Correct:

Katherine Vogt, Recorder

Resolutions Without Meetings Log

Hornby Island

Resolution Number	Action	Date
2023-005 Reschedule November 3, 2023 Regular Meeting That the Hornby Island Local Trust Committee postpone their Regular Business meeting scheduled in-person for Friday, November 3rd, 2023 to an electronic Regular Business meeting on Wednesday, December 13th, 2023 beginning at 4:30 PM	Carried	25-Oct-2023
2023-004 Schedule Special Electronic Meeting "that the Hornby Island Local Trust Committee request Staff to schedule and electronic Special Meeting on Friday, September 29, 2023 from 8:30 a.m. to 10:00 a.m. to discuss the Major Project Proposal Endorsement for 2024/2025 Budget Process report."	Carried	22-Sep-2023

Follow Up Action Report

Hornby Island

20-Jan-2023

Activity	Responsibility	Dates	Status
1 Staff to work with ROGERS to prepare a report including an analysis on consultation completed to date and comparison with Hornby Strategy for Antenna Systems; summary of public correspondence received to date and next steps in the application process.	Margot Thomaidis	Target: 08-Sep-2023	Completed

16-Jun-2023

Activity	Responsibility	Dates	Status
1 Staff to prepare a Project Charter for the Community Heritage Register for the 2023/2024 fiscal year, with scope and objectives as defined by the Local Trust Committee. (PENDING)	Margot Thomaidis	Target: 08-Sep-2023	In Progress

08-Sep-2023

Activity	Responsibility	Dates	Status
----------	----------------	-------	--------

Follow Up Action Report

Hornby Island

08-Sep-2023

Activity	Responsibility	Dates	Status
1 Rogers Communications Proposed Cell Tower Referral: ·Staff to work with Rogers to ensure that any future written notification meets the Hornby Antenna Strategy notification content requirements. ·Staff to work with Rogers to provide a list of addresses of property owners and residents not yet notified of the proposal, within a notification distance of ten metres for every one metre in height from the base of the proposed antenna structure. ·Rogers to send written notice of the proposal to the remaining identified property owners and residents, School District, and ambulance services. ·Staff to review Rogers' plans for an additional public information session.	Margot Thomaidis		In Progress
2 Staff to amend the current OCP/LUB Project Charter by removing references to TUPs for short term vacation rentals.	Sonja Zupanec		Completed
3 Staff to amend the current OCP/LUB Project Charter to correct the error discovered in the PU(a) zone to include Community Housing.	Sonja Zupanec		In Progress

File No.: HO-LTC-6800 – Community
Heritage Register

DATE OF MEETING: December 13, 2023
TO: Hornby Island Local Trust Committee
FROM: Margot Thomaidis, Planner 2
Northern Team
COPY: Renée Jamurat, Regional Planning Manager
SUBJECT: Project Charter for Community Heritage Register

RECOMMENDATION

1. That the Hornby Island Local Trust Committee approve the draft Project Charter version 1.0 for developing a Community Heritage Register as a minor project in the 2024-2025 fiscal year.

REPORT SUMMARY

This report introduces a draft Project Charter for a minor project containing information about the possible deliverables, scope, budget, community consultation and staff time required to develop a Community Heritage Register (Register) for three historical buildings on Hornby Island. Best practices suggest implementing a Register as an integral part of a local government's larger heritage program to help achieve community goals. The proposed minor project will include planning and research, assessing community heritage issues and needs, and support the identification of heritage values. These values will be used to establish eligibility criteria contained in the Register. In addition, this work will involve the opportunity to further identify aesthetic, historic or cultural, scientific, social, spiritual, and any other qualities, used to categorize heritage values for the community.

A Register will enable the LTC to understand and identify the significance of the community's historic places, to support future monitoring of heritage properties for proposed changes, and to integrate heritage conservation activities into land use planning processes in the future.

After receiving direction from the LTC in June 2023, staff have prepared a project charter proposed to begin in 2024. The LTC is asked to decide whether to revise or approve the draft Project Charter version 1.0 as proposed.

BACKGROUND

This report follows a request to the LTC by the Hornby Island Residents and Ratepayers Association (HIRRA) Community Hall Committee regarding establishing a Register for Hornby Island, in order to secure funding through the Comox Valley Regional District's (CVRD's) *Hornby Island Heritage Conservation Service Establishment Bylaw No. 317, 2014*.

The LTC is being asked to move forward a project to establish a Community Heritage Register in order to officially recognize three historic buildings: the Community Hall, the Old Schoolhouse, and the Room to Grow building.

At the December 10, 2021 LTC meeting, the following resolution was passed:

C:\Program Files\eSCRIBE\TEMP\fdb3a3d9-794c-451f-98c8-d88124b787e1\1651438282HO-LTC-2023-12-13_Heritage Register Project Charter_RPT_FNL.docx

HO-2021-078

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee add Community Heritage Register to the Projects List.

CARRIED

At the January 20, 2023 LTC meeting, the following resolution was passed:

HO-LTC-2023-006

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee ask staff for analysis on resources and funding in adding 'Heritage Registry' and 'Excluding cisterns from the setback requirement' and adding to the projects list by next meeting.

CARRIED

At the June 16, 2023 LTC meeting, the following resolution was passed:

HO-LTC-2023-028

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to prepare a Project Charter for the Community Heritage Register for the 2023/2024 fiscal year, with the scope and objectives to be determined by the Local Trust Committee.

CARRIED

During summer 2023, a grant from the CVRD for \$5,000 was provided to HIRRA to assist the Community Hall Committee to retain a cultural heritage consultant to prepare Statements of Significance for the Community Hall and the Old Schoolhouse. Statements of Significance are an important initial step in forming a Register and require professional expertise and/or oversight to produce. In mid-November, HIRRA completed two draft Statements of Significance, one for each property (Attachment 2). According to HIRRA, the full extent of the grant was not utilized for the initial two Statements of Significance, and remaining funds are being used to prepare a third statement of significance for the Room to Grow building.

The Community Hall building currently requires significant foundation and insulation upgrades, an accessible washroom, and other overdue maintenance and structural improvements. Establishing a Community Heritage Register and adding these buildings would open HIRRA's access to significant capital funding opportunities for current and future ongoing improvements for all three buildings. Although a Community Heritage Register is not a regulation, policy, or bylaw; it still must be formally established by local government resolution, therefore the LTC's involvement is key.

A draft Project Charter version 1.0 is provided in Attachment 1 for the LTC's consideration, with staff work anticipated to start in early 2024.

ANALYSIS

Policy/Regulatory

The Islands Trust Policy Statement and the Hornby Island Official Community Plan policies below support the identification, preservation, protection, and enhancement of heritage values. A Register is a first step in identifying local heritage resources and values that align with OCP policies.

The project charter is proposed based on the Trust Council [Policy 5.9.1](#) Best Management Practices for Delivery of Local Planning Services.

Islands Trust Policy Statement

Two Islands Trust Policy Statement (ITPS) directive policies are relevant to heritage conservation:

5.6.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.

5.6.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.

Official Community Plan

The Hornby Island Official Community Plan (OCP) contains statements supporting heritage conservation in the Local Trust Area. Section 3.7 – Heritage Features includes:

The community supports the concept of preservation of areas of unique or representative natural systems and of preserving heritage resources.

The OCP includes the following Heritage Features Objectives, Policies, and Advocacy Policies:

Heritage Features Objective

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

Heritage Features Policies

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

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

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

Heritage Features Advocacy Policies

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

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

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

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

Heritage Conservation Tools in the Local Government Act

LTC authority to introduce regulation(s) related to heritage conservation derives from the *Local Government Act (LGA)*. Under the *LGA*, there are four actions an LTC can take concerning heritage conservation. In order of lowest to highest level of heritage conservation and protection, these are:

1) Community Heritage Register (LGA Section 598)

Established by local government resolution, a Community Heritage Register (Register) is an official list of historic places, specific to a community, which have been identified by a local government as having heritage value or heritage character. A Register provides formal recognition for historic places and may be used as a planning tool by communities interested in integrating heritage conservation activities into local government land use planning processes. Potential benefits of a Register include:

- Enhancing public appreciation of community character and identity;
- Facilitating public access to heritage information;
- Informing property owners and prospective buyers of a property's heritage value;
- Integrating heritage conservation into community planning;
- Enhancing community sustainability;
- Facilitating eligibility for heritage programs and incentives;
- Enabling special provisions within the BC Building Code for heritage properties; and
- Enabling local governments to consider and take protective actions to protect historic places.

A Register enables a local government to understand and identify the significance of a community's historic places, to monitor heritage properties for proposed changes, and to integrate heritage conservation activities into other local government land use planning processes.

A Community Heritage Register alone ***does not***:

- provide legal heritage designation or any other type of formal protection of a historic place;
- apply nor is it enforced under the Land Use Bylaw (or any Islands Trust Bylaws);
- limit the alterations a heritage property owner may make to an historic place; or
- create eligibility for any financial incentive or compensation from the local government.

2) Heritage Recognition (LGA Section 599)

As an advocacy action, the local government may formally recognize the heritage value of a property through installation of a plaque or other marker on the property. This can only be done with the permission of the property owners.

3) Heritage Conservation Area (LGA Section 614)

This considers a land use designation, where the local government may designate particular locations and the built or landscape features within it to be a Heritage Conservation Area in its Official Community Plan. This is a more regulated option, whereby once established in the OCP, development must be consistent to support it and may require an additional permit and related application processing. A Heritage Conservation Area (HCA) functions in a similar manner to a Development Permit Area, in that undertaking particular types of alterations to a building or landscape feature identified in the HCA would require a Heritage Alteration Permit (HAP) from the local government. The OCP would be amended to introduce a number of guidelines that a property owner would be required to meet if their proposed development plans triggered the requirement for a HAP. Introduction of a HCA does not require the consent of effected property owners.

4) Heritage Designation Protection Bylaw (LGA Section 611)

This option considers more regulatory measures, whereby the local government may adopt a heritage protection bylaw for a particular property. Such a bylaw prohibits certain activities from being undertaken without a Heritage Alteration Permit from the local government, such as alteration to the exterior of a building or other structure protected under this section. This tool may also consider establishing land use designations and zoning through the OCP and LUB bylaws.

The proposed Project Charter only considers establishing a Community Heritage Register (option #1 above) and not options 2, 3, or 4. Options 3 and 4 may be considered as future major projects.

Issues and Opportunities

Community Heritage Register Establishment

While the LTC has broad authority and land use regulatory tools available under the *Local Government Act* with respect to heritage conservation, the Register offers a logical, easy, and achievable starting point for Heritage Conservation planning within the scope of an LTC minor project. A Register does not place a financial responsibility or liability on an LTC (for example, to compensate property owners for potential loss of property value as a result of heritage designation).

The addition of historic places to a Register must be established by local government (LTC) resolution following consideration of associated Statements of Significance. A Statement of Significance (SoS):

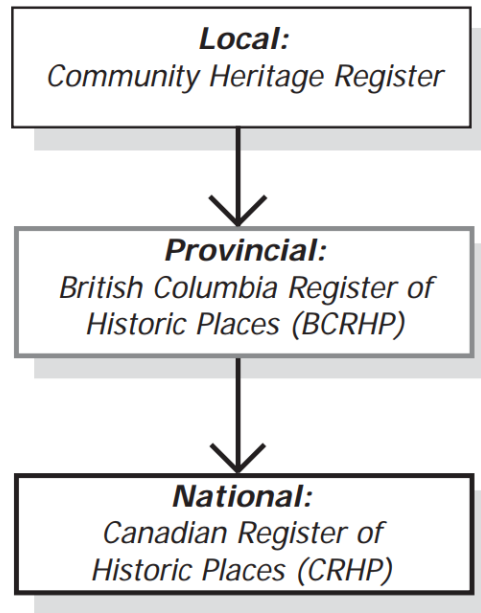
- Summarizes the description, heritage value and character-defining elements of each historic place;
- Reflects modern values concerning history and historic places; and
- Identifies what part of history a historic place represents, and how and why that is of value and importance today.

Statements of Significance should follow guidelines established by the Province.¹

British Columbia Register of Historic Places/Canadian Register of Historic Places

Register listings may also be included in the British Columbia Register of Historic Places (BCRHP) the official provincial listing of historic places that have been formally recognized for their heritage value by the Province or local governments. BCRHP listings may also be included on the Canadian Register of Historic Places (CRHP).

¹ Province of BC Heritage Branch. Guidelines for Writing Effective Statements of Significance. https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/our-history/historic-places/documents/heritage/guidelines_writing_statements_significance.pdf (April 13, 2023).



Source: Government of British Columbia

Statements of Significance must meet provincial and federal standards, and further data gathering and submission could be required. Community groups seeking to add sites to the provincial or national Registers are encouraged to employ the services of a consultant, which HIRRA has already done.

Community Heritage Register Process

Heritage BC (a charitable society with provincial scope) offers step-by-step guidance for local governments when establishing and maintaining a Community Heritage Register, as outlined in the following eight steps. Staff recommend this minor project focus on STEPS 1-7 (establishing the Register). STEP 8 (maintenance) may require additional staff time, which is identified as out of scope based on the project timeline, resources and key deliverables. The suggested steps for the LTC are as follows:

STEP 1: Research and identify community heritage resources. Obtain or develop the required documentation, including Statements of Significance for each property.

STEP 2: Create a preliminary Community Heritage Register list of resources. This may be prepared by local government staff, members of the community heritage commission, or by a group appointed by local government, like a Heritage Advisory Planning Commission. Review the list to ensure it reflects the community's heritage values.

STEP 3: Consult with property owners, if applicable and consider sharing information to raise awareness by such means as:

- preparing clear and simple information packages (explain that register status is not the same as designation status);
- preparing a map of heritage properties;
- assembling available information (such as before and after restoration photos, maps, archival material, inventories, etc.);
- holding a review meeting or workshop;
- explaining eligibility criteria for financial assistance for conservation; and/or
- offering technical assistance (e.g., design advice or rehabilitation standards).

STEP 4: Review, and, if necessary, revise the proposed Community Heritage Register (for LTC consideration and decision).

STEP 5: By resolution, establish or add to a Community Heritage Register (for LTC decision).

STEP 6: Develop a database of Register records and/or post list of records on website.

STEP 7: Within 30 days of including a property on the heritage register, LTC to provide notice to the Heritage Branch for inclusion on the BC Register of Historic Places. Historic places that are fully documented, including a Statement of Significance, are added to the Canadian Register of Historic Places by the BC Registrar at the Heritage Branch.

STEP 8: Regularly maintain, review, and add to the Register. Properties may be added to, or deleted from, the Community Heritage Register by resolution of the LTC.

Staff recommend holding one workshop with HIRRA and the Community Hall Committee to consider the proposed Eligibility Criteria and the Register together (STEP 2), prior to LTC consideration (STEP 4).

The LTC may also decide to hold one Community Information Meeting (CIM) or one Advisory Planning Commission (APC) referral before making a final resolution to establish the Register (STEP 5). However, including both a CIM *and* an APC referral would go beyond the scope of a minor project. The LTC will be asked to consider their preferred method during STEP 4.

Consultation

First Nations

Staff recommend sharing information with K'ómoks First Nation (KFN) about the proposed Register process and the Statements of Significance for the three identified historic settler buildings in order to understand if the locations include culturally significant sites within KFN's territory. Should their comments or feedback impact the scope of the project, staff will return to the LTC to consider including the comments as part of the project. Contacting KFN and sharing the draft Statements of Significance with them will be an important early step in this process.

Community Heritage Registers may include archaeological sites and/or sites of First Nations cultural significance. If the LTC is contemplating inclusion of such sites in a Hornby Island Register, extensive and meaningful consultation should be undertaken with local First Nations to ensure that the inclusion of such sites is done - at the very least - with permission and in a culturally respectful manner, if not through direct partnership with KFN. Similarly, if a settler site is to be included where there is known archaeological or cultural interest, a similar approach would be highly recommended. These activities are directly related to ongoing recognition, relationship building, and reconciliation efforts, and are not included in-scope for a minor project.

Staff note that the LTC has endorsed a Major Project proposal for the 2024/2025 fiscal year related to relationship building with K'ómoks First Nation. Should the LTC wish to include relationship building as part of the scope for establishing a Register, then it will require a major project, and the LTC has already identified a major project for next fiscal year so it would be deferred until after that project is completed.

Community Consultation

In addition to sharing with First Nations early on, the LTC should consult with other affected property owners and tenants of the three buildings under consideration, before drafting and adopting the Register.

Statutory Requirements

Section 598 of the *LGA* obliges local governments to notify the property owner and provincial minister responsible for the Heritage Conservation Act when a Register is created. If a Hornby Island Community Heritage Register is officially established, staff will contact the *Heritage Branch*.

Rationale for Recommendation

Staff recommend approving the Community Heritage Register Minor Project Charter v.1 for the following reasons:

- A Register offers a logical, easy, and achievable starting point for Heritage Conservation planning;
- Establishing a Register and adding the three proposed Statements of Significance will support HIRRA in upgrading and restoring well-used historical community buildings; and
- The steps involved are simple and require an achievable scope of work as a minor project within the fiscal year.

ALTERNATIVES

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

1. Revise the Project Charter and Approve as Amended

The LTC may make revisions to the draft Project Charter as desired. Recommended wording for the resolutions is as follows:

That the Hornby Island Local Trust Committee revise the Community Heritage Register Minor Project Charter v.1 by _____; and,

That the Hornby Island Local Trust Committee approve the Community Heritage Register Minor Project Charter v.1 as revised.

2. Do not approve the Project Charter

Staff advise that the implication of this alternative is that HIRRA may be unsuccessful in securing funding for accessibility and capital upgrades, since local government heritage recognition is a requirement for the funding. If selecting this alternative, the LTC would simply not pass a resolution to approve the Project Charter and staff would not initiate a project. However, it is recommended that an explanation be provided to HIRRA CHC if this is the case.

3. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Submitted By:	Margot Thomaidis, Planner 2	December 1, 2023
---------------	-----------------------------	------------------

Concurrence:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	December 6, 2023
--------------	---	------------------

ATTACHMENTS

1. Draft Community Heritage Register Minor Project Charter v.1
2. Letter from Margaret Birch (HIRRA) with Attached Statements of Significance Dated November 24, 2023

Hornby Community Heritage Register - Charter v1 **DRAFT**

Hornby Island Local Trust Committee

LTC Endorsement Date: xxxx-xx-xx

Purpose: To develop and establish a preliminary Community Heritage Register (CHR) for Hornby Island and add Statements of Significance for three existing buildings: the Community Hall; the Old Schoolhouse; and the Room to Grow building.

Background: At the Dec. 10, 2021 LTC meeting, the Hornby Island Residents and Ratepayers Association Community Hall Committee (HIRRA CHC) requested the LTC establish a Community Heritage Register (CHR) for Hornby Island, in order to secure funding through the Comox Valley Regional District's (CVRD's) Hornby Island Heritage Conservation Service Establishment Bylaw No. 317, 2014. A CHR is a cornerstone to a local government's community heritage program. It should be implemented as part of a carefully planned heritage program to achieve clearly stated community goals. At the June 16, 2023 LTC meeting, the LTC requested staff to prepare a Project Charter for a CHR. This project will achieve the basic steps in developing a CHR for the Island and establish a preliminary Community Heritage Register with Eligibility Criteria.

Deliverables

Establish a preliminary Community Heritage Register for Hornby Island containing three Statements of Significance for settler sites:

- Community Hall
- Old Schoolhouse
- Room to Grow Building

In Scope

- Research and identify community heritage resources, process, issues, and needs
- Inform K'ómoks First Nation, affected owners, and tenants
- Workshop with HIRRA
- One CIM or one referral to APC
- Draft Register with Eligibility Criteria & Statements of Significance

Out of Scope

- Review or amendment of OCP and LUB policies and regulations
- Community engagement
- First Nations engagement
- Designation of Heritage Conservation Areas
- Heritage Designation Protection Bylaw

IAP2 Engagement Level:

- ☒ Inform
- ☐ Consult
- ☐ Involve
- ☐ Collaborate

Workplan Overview

Deliverable/Milestone	Target Date
Draft Project Charter to LTC for consideration	December 13, 2023
Staff to research community heritage issues, needs, and resources and process	February 2024
Share project and site information with K'ómoks First Nation, owners, and tenants of affected sites	Spring 2024
Workshop with HIRRA regarding Eligibility Criteria and Draft Register	Spring 2024
Staff Report to present draft Heritage Register to LTC for review	Spring 2024
One CIM <u>OR</u> one APC Meeting	Summer 2024
Staff Report to present Heritage Register to LTC to establish by resolution	Summer 2024
Staff to provide notice to the <i>Heritage Branch</i> for Inclusion on the BC Register of Historic Places	Fall 2024

Project Team

Island Planner	Project Manager
Planner 2	Project Support
RPM	Project Sponsor
IT Administration Staff	Administrative Support
IT Mapping Department	Mapping Support
IT Communications Staff	Media/Webpage Support

Budget

Budget Sources:

Fiscal	Item	Cost
2024/2025	Workshop venue, materials, and supplies	\$500
	CIM venue, advertising, materials and supplies	\$1000

RPM Approval: <i>Renée Jamurat</i> Date: xxx	LTC Endorsement: Resolution #: Date: xxx
--	--

	Total	\$1500

Delegation Presentation Synopsis – Hornby Island Local Trust Committee for Dec 13, 2023

Subject: Establishment of a Hornby Island Community Heritage Register - Update

Following the HIRRA Community Hall Committee Delegation presentation, at the Regular Meeting for the Hornby Island Local Trust Committee, on January 20, 2023, the Local Trust Committee (LTC) gave their *“...support to the Community Hall Committee in establishing a Hornby Island Community Heritage Register, by requesting that the Chair write a letter of support to the Comox Valley Regional District (CVRD).”*

Subsequently, at the Regular Meeting for the Hornby Island Local Trust Committee, on June 16, 2023, the LTC Committee approved *“...to request staff to prepare a Project Charter for the Community Heritage Register for the 2023/2024 fiscal year, with the scope and objectives to be determined by the Local Trust Committee.”*

The January 2023 LTC Resolution successfully led the Comox Valley Regional District to grant HIRRA with \$5,000, through *Hornby Island Heritage Conservation Heritage Service Bylaw No. 317*, towards development of a Register, specifically for drafting one or two ‘*cultural heritage statements of significance*,’ the necessary first step before a Bylaw/Register can be developed. The Community Hall Committee commissioned a local area heritage consultant to prepare Statements of Significance for the Hornby Island Community Hall, and Hornby’s First School. Copies of these statements accompany this report. Fortunately, some funds remained in the grant, and a third Statement of Significance, for the “Room to Grow,” another publicly used historical building, will be completed by year end.

The Hornby Island Residents and Ratepayers Association’ Community Hall Committee urges the LTC to move forward with this Register project, without further delay. This request was first brought to the attention of the LTC two years ago, when the Community Hall Committee raised the request to establish a community heritage register at the Hornby Island Local Trust Committee meeting on December 10, 2021, when it was added to the project list. And it has been six months since the LTC made its request to staff to develop a project charter for the 2023/2024 fiscal year.

The Community Hall Committee has done everything it can do to assist the LTC and planning staff and hope the project can move forward with the next steps to develop the Register Bylaw. Our committee is prepared to provide whatever ongoing in-kind support to advance this work. Further, we have an opportunity to access further grant support from the CVRD through their Heritage Service Bylaw, for next year, following a discussion of the details this winter.

In closing, we encourage the LTC to advance this work with staff support. It is a small project that will bring valuable social benefits to bettering Hornby’s heritage buildings, specifically the Community Hall. The Hall needs a significant foundation and insulation upgrade, an accessible washroom and other improvements that are overdue. Establishing a Hornby Island Community Heritage Register Bylaw would open HIRRA’s access to significant capital funding opportunities through the 2024/2025 year for much needed and future ongoing structural improvements.

Sincerely


Margaret Birch,
Member, HIRRA, Community Hall Committee


cc. HIRRA Executive HIRRA Community Hall Committee

Attachments:

1. Statement of Significance, Hornby Island Community Hall, November 2023
2. Statement of Significance, Hornby Island First School, November 2023

Prepared November 24, 2023

Statement of Significance

COMMUNITY HALL

Building Name:	Hornby Island Community Hall
Building Address:	4305 Central Road, Hornby Island, BC V0R 1Z0
Building Owner:	Hornby Island Residents' & Ratepayers' Association (HIRRA)
Building History:	Built 1927; Major Additions 1974, 1982
Current Use:	Community Hall

Introduction

The Community Hall has significant heritage value, locally in the context of Hornby Island history and culture and regionally in the context of Pacific Coast vernacular architecture. Built in 1927 as a 25' x 40' hall and radically redesigned in the 1970s and 80s in the Pacific Coast vernacular style, the Community Hall embodies Hornby Island's spirit of civic volunteerism and artistic creativity. The Hall's early history is intertwined with the adjacent Community School property, particularly the Old Schoolhouse. Prominently situated at the junction of Central and Sollans Roads, the Community Hall today is Hornby Island's most distinctive and visible building.

1922-28 – Planning, Construction, and Opening

Prior to the opening of the Community Hall in 1928, most of Hornby Island's social life took place in the one-room schoolhouse located on Hornby Island Community School property at the corner of Central and Sollans Roads (Ovanin 1984: 23). "Dances were held there.... Public meetings, church services, political gatherings and entertainment evenings took place at the school and, as the population of the Island increased, the need for a larger public building became apparent" (Smith and Gerow 1988: 39). A committee was struck to build a community hall in 1922.

While volunteers began immediately clearing land at the corner of Central and Sollans Roads, it would be a number of years before construction began. The property was donated by the government and money for lumber was raised by the Social Club, Football Club, Farmers' Institute, and Women's Institute. Indeed, "All the work on the new hall was done by voluntary labor.... Mr. Leon Savoie who ran a boat to Courtenay hauled the lumber free. Harry Carmichael was appointed foreman for the foundation and laid out the work. Each family donated some money" (Corrigall and Arthurs 1978: 41). Construction started in 1927.

The *Comox Argus* newspaper described the June 1928 opening of the Community Hall (Figure 1) as follows: "All Hornby Island was there and a boat-load from Union Bay and Cumberland. The new building is 25' x 40' and was built entirely by volunteer labour. Soon after eight o'clock, the crowd began to arrive. Mr. Savoie brought fifty over from Denman and fourteen came with MLA Dr. McNaughton. After speeches, prizes were awarded for best costumes. Jack Parnell won the Gentlemen's First as a Spanish bullfighter. Then the dancing, with music by Jackson Arthurs and Albert Savoie. There were one hundred and twenty crowded into the new Hall" (Smith and Gerow 1988: 39).



Figure 1. The 25' x 40' peaked-roof Hornby Island Community Hall opened in 1928. Source: Smith and Gerow 1988: 39.

1974 – The Round Room Addition

By the early 1970s, population growth had rendered the Community Hall too small. The solution was the Round Room addition, designed by J  Titus, who envisioned a “conical cedar roof hovering over a circle of stone” (Helliwell and McNamara 1978: 473). Limited funds meant “the project had to be labour intensive and use locally available materials: stone to be hand gathered, beach-poles collected for the structure and cedar bolts to be hand-split for the roof shakes.” Construction of the Round Room (Figure 2) began in the spring of 1974. The design called for a “24ft diameter circle of 12 beach log posts, each holding a log rafter radiating from [an] old truck wheel. A piece of salvaged logging cable acts as tension ring to absorb the horizontal thrust. 1½in cedar decking, rigid insulation and shakes, complete the conical roof structure. After foundations, this roof was erected; then came the stone walls and fireplace, windows, and finally, the floor and interior finishing” (1978: 473).



Center hub:
'56 Ford
truck tire

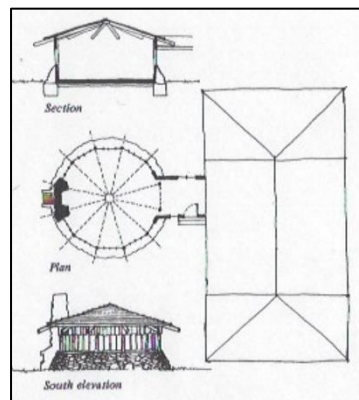


Figure 2. The Round Room was added on to the side of the original hall in 1974.
Photo source (left): Kahn 2008: 34.
Sketch source (above): Helliwell and McNamara 1978: 473.

1982 – The Green Roof Addition

By the early 1980s, population growth had once again rendered the Hall too small for the community, resulting in the 1982 Green Roof addition/renovation (Figures 3, 4, 5, and 6). Planning started in 1981 and “showed how the old roof could be resupported and the main hall widened so as to form raised aisles or sitting-out spaces along both sides. Altogether the floor area would be increased by almost 50% and, with most of the outside walls new, and a new heating system, the new-old Hall would be ready to start another long life of service to the Island” (Smith 1981: 3). Construction started in 1982 and Anne Ngan provided regular updates in *The First Edition* (Ngan 1982a, 1982b, 1982c).

The addition included three distinctive components: a green roof, a grand entryway made of an upturned stump, and exterior siding made of cut log rounds. Goya Ngan (2014: 6) discusses the Hall’s green roof in light of Hornby Island and North American architectural history: “Green roofs were so common on [Hornby Island] by the early 1980s, that when the Community Hall was expanded, there was no question—it would have a green roof. The members of the design committee, Ernst Snijders, Lloyd House, and Michael McNamara, were all versed in green roofs.” According to Ngan, the initial idea in the 1950s “to put sod on a roof on Hornby Island began with none other than our visionary architect, Arthur Erickson. His design for a modest cabin at Shingle Spit included a green roof” (2014: 5).

Lloyd House describes the origin of the Community Hall’s grand entry: “Bo Helliwel found a huge log on the beach, and said, ‘You better come and look at it, Lloyd.’ We went to the beach and cut the doorway in the log. Then we split it in half, brought the two halves to the site, and put them back together. This was the first thing that was put up. A local said, at the time, ‘We’re all on a journey and nobody knows where we’re going’” (Kahn 2008: 34). House provides this practical explanation for the Hall’s unusual exterior siding (Figure 6): “When we got to the siding we were nearly out of money. So we got scrap logs and cut log rounds on the bias 4 inches thick” (Kahn 2008: 34).



Figure 3. The Hall's exterior today. The peaked roof of the 1927 hall is visible back-right (with skylight). The 1974 Round Room addition is front-left (with chimney). The 1982 Green Roof addition is front-right (with grand entry at centre). Source: HIRRA.

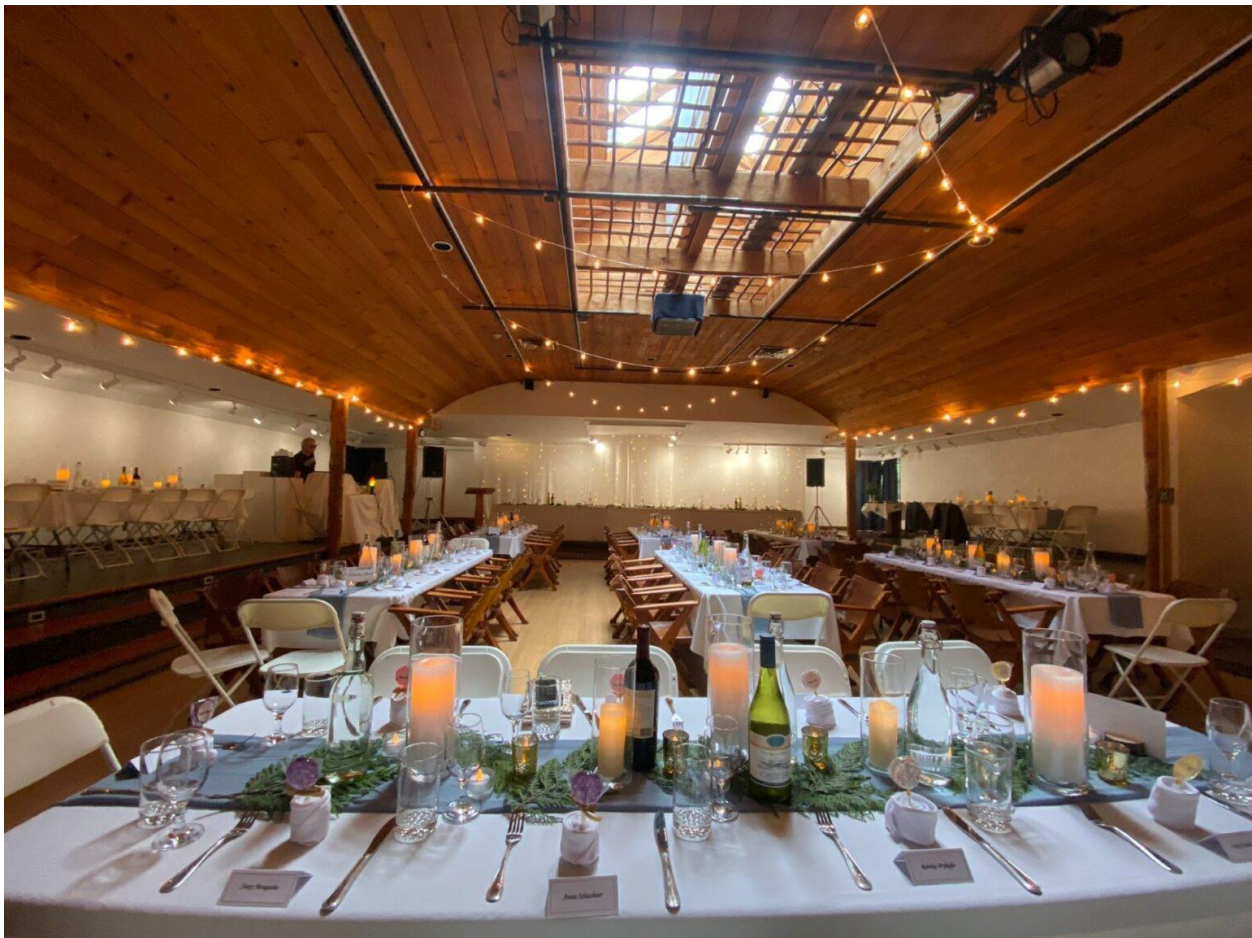


Figure 4. Inside the Main Hall today. Source: HIRRA.

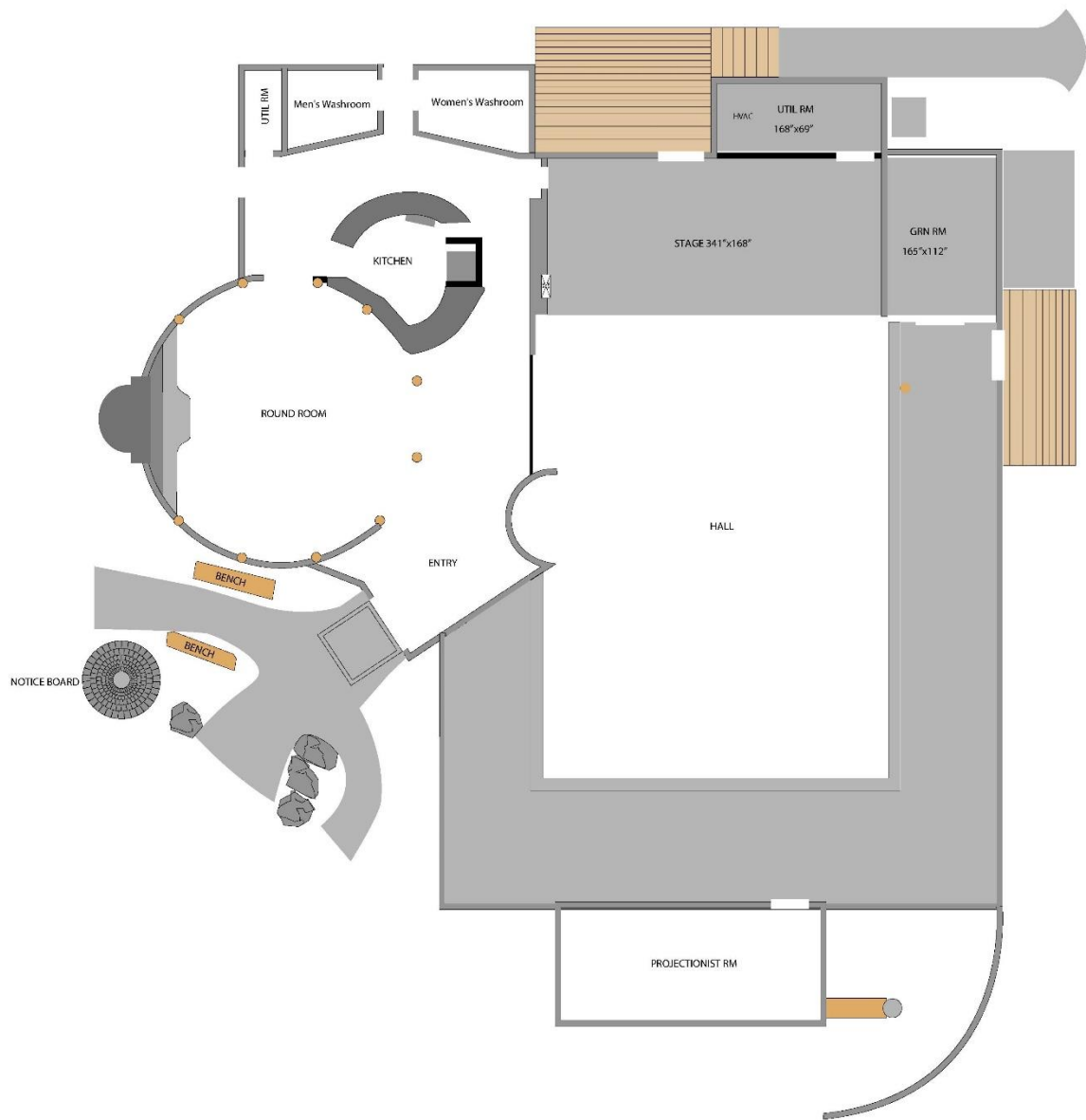


Figure 5. Planview diagram of the Community Hall complex. Source: HIRRA.



Figure 6. Close up view of the log-round exterior siding on the Green Roof addition. Source: Kahn 2008: 34.

Summary

The Community Hall has significant heritage value, locally in the context of Hornby Island history and culture and regionally in the context of Pacific Coast vernacular architecture. Locally, the Community Hall reflects Hornby Island's spirit of civic volunteerism and artistic creativity. Regionally, the Community Hall exemplifies Pacific Coast vernacular architecture (Helliwell and McNamara 1978; Kahn 2008; Ngan 2014).

The Community Hall's character-defining elements are:

- Central location at the corner of Central and Sollans Roads;
- Vernacular/local design; and
- Public accessibility.

Architectural elements of the Community Hall that exemplify the Pacific Coast vernacular tradition are:

- The Round House addition, including the radial wood roof and stone wall and fireplace, all constructed by locals with locally sourced materials; and
- The Green Roof addition, including the original hall, living roof, grand entryway made of an upturned stump, and exterior siding made of cut log round, all constructed by locals with locally sourced materials.

The Community Hall is living insofar as it represents the work of multiple generations of Hornby Islanders. “‘The Hall,’ as we call it, is a community centre in the truest sense of the word: centrally located, the focus of community spirit, a point from which collective energy radiates. Not only does energy radiate from the Hall, but a considerable amount of energy is put into events held there. But if the Hall is to retain its warm and welcoming atmosphere, some of our energy needs to be directed...to the building itself” (The Recreation Committee 1985: 1).



Figure 7. A public event in the Main Hall. Source: Hornby Island Conservancy.

Postscript

This statement's narrow scope—geographically and historically—obscures larger regional, social, economic, and political contexts (Hutchings 2017; Hutchings and Williams 2020; Stewart 2017), including the relationship between heritage, architecture, and the social construction of place in settler-colonial contexts (Rayner 1995; Smith 2006; Tucker 2014). Toward this, the author respectfully acknowledges the location of the Hornby Island Community Hall on the Unceded Traditional Territory of the K'ómoks First Nation (KFN 2023).

Bibliography

Corrigall, Margery, and Vera Arthurs, 1978. *Historic Hornby Island*. Revised Edition. Published by M. Corrigall: Hornby Island.

Helliwell, Boh, and Michael McNamara, guest editors, 1978. *Architectural Design* 48(7): 450-491. Special Issue: 'Hand-Built Hornby.'

Hutchings, Richard M., 2017. *Maritime Heritage in Crisis: Indigenous Landscapes and Global Ecological Breakdown*. Routledge: London.

Hutchings, Richard M., and Scott Williams, 2020. Salish Sea Islands Archaeology and Precontact History. *Journal of Northwest Anthropology* 54(1): 22-61.

Kahn, Lloyd, 2008. *Builders of the Pacific Coast*. Shelter Publications: Berkeley, CA.

K'ómoks First Nation (KFN), 2023. K'ómoks First Nation Unceded Traditional Territory Acknowledgement. Electronic document: <https://komoks.ca/>

Ngan, Anne, 1982a. The Hall Project is on its Way!! *The First Edition*, January 1982, pg. 14.

Ngan, Anne, 1982b. The Hall Expansion. *The First Edition*, March 1982, pg. 8.

Ngan, Anne, 1982c. Its Going Well! The Expansion and Renovation of the Hall. *The First Edition*, May 1982, pg. 1.

Ngan, Goya, 2014. Early Green Roofs of Hornby Island. *Sightlines: Landscape Architecture in British Columbia*, April 2014, pgs. 5-6.

Ovanin, Thomas K., 1984. *Island Heritage Buildings: A Selection of Heritage Buildings in Islands Trust Area*. Islands Trust: Gabriola Island. Reprinted by Queen's Printer, 1987.

Rayner, Anne P., 1995. Everything becomes Island: Gulf Islands Writing and the Construction of Region. Unpublished PhD dissertation, Department of English, University of British Columbia.

Recreation Committee (The), 1985. Our Hall. *The First Edition*, October 1985, pg. 1.

Smith, Elizabeth, and David Gerow, 1988. *Hornby Island: The Ebb and Flow*. Ptarmigan Press: Campbell River.

Smith, Laurajane, 2006. *Uses of Heritage*. Routledge: London.

Smith, Michael, 1981. Ratepayers. *The First Edition*, November 1981, pg. 3.

Stewart, Howard M., 2017. *Views of the Salish Sea: One Hundred and Fifty Years of Change around the Strait of Georgia*. Harbour Publishing: Madeira Park.

Tucker, Brian J., 2014. Inventing the Salish Sea: Exploring the Performative Act of Place Naming off the Pacific Coast of North America. Unpublished MA thesis, Department of Geography, University of Victoria.

*This report was prepared by Richard M. Hutchings, PhD for the Hornby Island Residents' and Ratepayers' Association, November 13, 2023. The report is licensed to the author under CC BY-NC 4.0. To view the license, visit <http://creativecommons.org/licenses/by-nc/4.0/>
Author contact: rmhutchings@alumni.ubc.ca*

Statement of Significance

OLD SCHOOLHOUSE

Building Name:	Old Schoolhouse; also known as: Hornby Island School/Preschool; Betty Smith Centre; Fabricators Building
Building Address:	1765 Sollans Road, Hornby Island, BC V0R 1Z0
Building Owner:	Hornby Island New Horizons Society
Building History:	Built 1891; Modified 1972; Relocated 1984; Modified 1993, 1998
Historic Uses:	School 1892-1984; Weaving Centre 1988-present
Current Use:	Hornby Island Fabricators, a weaving and spinning collective

Introduction

The Old Schoolhouse has significant heritage value in the context of Hornby Island community history and culture. It is Hornby Island's second oldest standing building¹ and has served as a community education and social centre since its doors opened in 1892. Constructed in 1891 at the corner of Central and Sollans Roads and relocated to its present location at the New Horizons Centre in 1984, the structure has sequentially housed an elementary school (1892-1973), a preschool (1973-84), and a weaving centre (1988-present). Since 1984 the Old Schoolhouse building has been owned and managed by the Hornby Island New Horizons Society, which provides social and educational opportunities for people 50 and older. In 1988, New Horizons named the relocated building the Betty Smith Centre in memory of Hornby Island historian, New Horizons member, schoolteacher, and weaver Elizabeth (Betty) Smith (1901-89). Today the Old Schoolhouse is home to the Fabricators, a weaving and spinning collective.

¹ The Maude Farmhouse, constructed circa 1875, is still standing as part of the larger Tribune Bay Lodge. The 14-acre Lodge property, located within Tribune Bay Provincial Park, was listed on the BC Register of Historic Places in 1979 and given the provincial heritage designation DjSd-16 (Ovanin 1984: 24; see also <https://www.historicplaces.ca/en/rep-reg/place-lieu.aspx?id=18066>).

1891-1984 – Public School

Hornby Island's first public school—the Old Schoolhouse—was built in 1891 on a donated one-acre parcel of land at the corner of Central and Sollans Roads.² The building, constructed by J.A. Coates of Comox for \$720.00, was commissioned by the newly established Hornby Island School District, formed in 1889. The one-room schoolhouse measured 20' x 34' and consisted of pole floor joists, square nails, a high peaked roof, clapboard, rough lumber, and white paint (Figures 1 and 2).

The school opened for classes in the spring of 1892 and was the social centre of the island until the community hall was built in 1927-28 (Ovanin 1984: 23); “Most of the Island's social life took place in the one-room schoolhouse. Dances were held there.... Public meetings, church services, political gatherings and entertainment evenings took place at the school and, as the population of the Island increased, the need for a larger public building became apparent. In 1922, ‘a committee was formed to inquire into the cost of lumber, etc., to erect a community hall’” (Smith and Gerow 1988: 39).

The Old Schoolhouse building was modified in 1972 when an enclosed front porch with a distinctive octagonal window was added (Ovanin 1984: 23). Rectangular windows were added along the sides and rear at the same time. The foundation was replaced, as were the log floor beams (Helliwell and McNamara 1978: 473). Over the next decade, numerous new, larger school buildings were erected around the one-room schoolhouse to accommodate the island's growing student population. Too small to use as a regular classroom, from 1973 to 1984 the building was used by the Hornby Island Daycare Society for a preschool. Figure 3 shows the modified Old School building in 1982, surrounded by the newer, larger school buildings.

² Although sometimes referred to as Hornby Island's “first schoolhouse” (Ovanin 1984: 23), the Old Schoolhouse is technically the island's second school. The first school was constructed circa 1880 near the ferry landing at Shingle Spit under the direction of the Ford family, which had the island's first children (Corrigall and Arthurs 1978: 35). Just as the Shingle Spit school has been referred to as Hornby Island's ‘first private school,’ the Old Schoolhouse may be considered Hornby Island's first public school.



Figure 1. Old Schoolhouse exterior, circa 1920. Source: Hornby Island Archives Photograph Collection, box 3, file 11, item 2.



Figure 2. Old Schoolhouse interior, circa 1920. Source: Hornby Island Archives Photograph Collection, box 3, file 11, item 1.



Figure 3. The Old Schoolhouse (second from right) in 1982 at its original location and surrounded by newer school buildings. The 1972 modification to the front of the building is clearly visible. Source: Hornby Island Archives Photograph Collection, box 3, file 11, item 13.

1984-present – Relocation and New Horizons

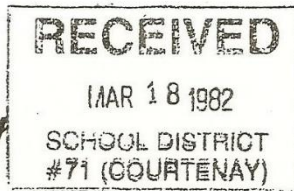
The Old Schoolhouse was slated for demolition in 1981 to accommodate new school expansion. In response, the Hornby Island New Horizons Society—led by its Archives Committee under the leadership of local historian and New Horizons member Betty Smith—began discussing ways to save the building. On March 15, 1982, New Horizons formally petitioned the District 71 Board of School Trustees in Courtenay (Figure 4). Their letter states: “The Hornby Island New Horizons Society at its regular meeting in February discussed the preservation of the little original school building now being used as a pre-school here. Our members were in unanimous agreement that we should request your Board to ensure that the original building is not destroyed when the new school buildings are erected. If it is necessary to remove the old school we request that it be moved to the New Horizons land and that our Society be responsible for its care and preservation” (Smith and Brown 1982).

New Horizons’ rationale for preserving the Old Schoolhouse was twofold: (1) it had “educated four generations of Hornby children” as it was an active schoolhouse for 92 consecutive years and (2) “the [School] Board encourages the placing of schools built before 1930 under Heritage designation.” New Horizons maintained the Old Schoolhouse was “definitely a Heritage Building” and it “would be a shame to bulldoze or otherwise destroy this landmark” (Smith and Brown 1982).

In 1984 New Horizons got its wish and the Old Schoolhouse was relocated a few hundred metres up Sollans Road (Figure 5) to its present location in the New Horizons Centre. In 1988, New Horizons honoured Betty Smith’s community works by naming the building the Betty Smith Centre (Figure 6).³ The building has since been used by the Fabricators, a weaving and spinning collective (Figure 7).

³ For a biography of Elizabeth (Betty) Walker Smith, nee Paterson (1901-89), see https://hornbyislandarchives.ca/finding_aids/betty-smith-collection/. Smith taught in the Old Schoolhouse for a single year in 1921 (Smith and Gerow 1984: 21).

*Hornby Island
New Horizons Society*



Hornby Library Cen.
Solon Road
Hornby Island, B.C.
VOR 1Z0

March 15, 1982.

Mr William Burns,
Secretary-Treasurer,
District 71 Board of School Trustees,
Courtenay, B.C.

Dear Mr Burns,

The Hornby Island New Horizons Society at its regular meeting in February discussed the preservation of the little original school building now being used as a pre-school here. Our members were in unanimous agreement that we should request your Board to ensure that this original building is not destroyed when the new school buildings are erected. If it is necessary to remove the old school we request that it be moved to the New Horizons land and that our Society be responsible for its care and preservation.

The little school presently occupied by the pre-school children was built where it stands in 1891 and has educated four generations of Hornby children to date. Last October we hosted a reunion of pioneer Hornby students and realized how much the little building was a part of Hornby, both for schooling and community enjoyment.

We know that your Board encourages the placing of schools built before 1930 under Heritage designation. This is definitely a Heritage Building and we feel that it would be a shame to bulldoze or otherwise destroy this landmark. On the other hand we recognize that more space is required for the expanding school population today.

The New Horizons land is close to the School property. It consists of $3\frac{1}{2}$ acres of land, ample space on which to put the old school building if it has to be moved. Our Society would then restore it to its former appearance and use it as a museum.

Our society now has a lovely debt-free building comprised of a large cosy well-furnished recreation room with a large fireplace, and a splendid library of which we are justly proud. We are in the process of enlarging the building to take care of an archives section, kitchen and an office. The library will be expanded to make room for a special children's section. The archives is being built according to accepted archives standards.

The little school we understand is the oldest school in British Columbia being used for children learning. Our society would be glad to cooperate with you in its preservation.

cc. David Gerow.
H.I. Education Society
Hornby Island Trust .

Yours sincerely,

Betty Smith - Archives Committee.
Hilary Brown - President.

Betty Smith - *Hilary Brown*
P.P.

Figure 4. Letter dated March 15, 1982, from New Horizons Society to District 71 Board of School Trustees petitioning for the preservation of the Old Schoolhouse. Hornby Island Archives/New Horizons Collection.



Figure 5. Relocating the Old Schoolhouse with truck, 1984. The 1972 modifications (front entry and windows) are clearly visible. Hornby Island Archives/New Horizons Collection.



Figure 6. The Old Schoolhouse was named the Betty Smith Centre at this event in 1988. Betty Smith is seated at far right. Photo by Bob Cain, 1988.



Figure 7. Members of the Fabricators collective working in the Old Schoolhouse today. Photo by R.M. Hutchings, 2023.

The Old Schoolhouse was modified twice in the 1990s. In 1993 a room measuring 12' x 20' was added to the back of the building, along with a small deck. This modification is detailed in a Fabricators' heritage photo album dated 1993. In 1998, a composting toilet/bathroom was added to the back end of the 1993 addition.

Based on its current appearance (Figure 8), New Horizons has lived up to its promise to care for and preserve the Old Schoolhouse. The building's history is recognized on a commemorative plaque on the front door that identifies it as the Betty Smith Centre and Hornby's Original Schoolhouse (Figure 9).



Figure 8. Outside of the Old Schoolhouse today. Photo by M. Birch, 2023.

One Fabricator interviewed for this project described (1) being brought up the road from school to the building in the 1990s for an introductory lesson in spinning and weaving, (2) subsequently joining the collective, and then (3) witnessing their own children participate the same field trip a generation later.



Figure 9. Commemorative plaque on the front door of the Old Schoolhouse. Photo by R.M. Hutchings, 2023.

Summary

The Old Schoolhouse is the embodiment of Hornby Island community heritage, particularly as it relates to education and the transmission of local cultural knowledge. The Old Schoolhouse:

- is the second oldest standing building on Hornby Island (built 1891);
- served as a public-school building for 92 consecutive years (1892-1984); and
- has served as a community education centre for 131 consecutive years (1892-present).

The building's character-defining elements are:

- One-room building measuring 20' x 34';
- High peaked roof;
- Front entry with distinctive octagonal window; and
- Location on Sollans Road near its original site.

Postscript

This statement's narrow scope—geographically and historically—obscures larger regional, social, economic, and political contexts (Hutchings 2017; Hutchings and Williams 2020; Stewart 2017), including the relationship between heritage, architecture, and the social construction of place in settler-colonial contexts (Rayner 1995; Smith 2006; Tucker 2014). Toward this, the author respectfully acknowledges the location of the Old Schoolhouse on the Unceded Traditional Territory of the K'ómoks First Nation (KFN 2023).

Bibliography

Corrigall, Margery, and Vera Arthurs, 1978. *Historic Hornby Island*. Revised Edition. Published by M. Corrigall: Hornby Island.

Helliwell, Boh, and Michael McNamara, guest editors, 1978. *Architectural Design* 48(7): 450-491. Special Issue: 'Hand-Built Hornby.'

Hutchings, Richard M., 2017. *Maritime Heritage in Crisis: Indigenous Landscapes and Global Ecological Breakdown*. Routledge: London.

Hutchings, Richard M., and Scott Williams, 2020. Salish Sea Islands Archaeology and Precontact History. *Journal of Northwest Anthropology* 54(1): 22-61.

K'ómoks First Nation (KFN), 2023. K'ómoks First Nation Unceded Traditional Territory Acknowledgement. Electronic document: <https://komoks.ca/>

Ovanin, Thomas K., 1984. *Island Heritage Buildings: A Selection of Heritage Buildings in Islands Trust Area*. Islands Trust: Gabriola Island. Reprinted by Queen's Printer, 1987.

Rayner, Anne P., 1995. Everything becomes Island: Gulf Islands Writing and the Construction of Region. Unpublished PhD dissertation, Department of English, University of British Columbia.

Smith, Betty, and Hilary Brown, 1982. Letter from Hornby Island New Horizons Society to District 71 Board of School Trustees, Courtenay, B.C., regarding the preservation of the Old Schoolhouse building. Hornby Island Archives/New Horizons Collection.

Smith, Elizabeth, and David Gerow, 1988. *Hornby Island: The Ebb and Flow*. Ptarmigan Press: Campbell River.

Smith, Laurajane, 2006. *Uses of Heritage*. Routledge: London.

Stewart, Howard M., 2017. *Views of the Salish Sea: One Hundred and Fifty Years of Change around the Strait of Georgia*. Harbour Publishing: Madeira Park.

Tucker, Brian J., 2014. *Inventing the Salish Sea: Exploring the Performative Act of Place Naming off the Pacific Coast of North America*. Unpublished MA thesis, Department of Geography, University of Victoria.

*This report was prepared by Richard M. Hutchings, PhD for the Hornby Island Residents' and Ratepayers' Association, November 13, 2023. The report is licensed to the author under CC BY-NC 4.0. To view the license, visit <http://creativecommons.org/licenses/by-nc/4.0/>
Author contact: rmhutchings@alumni.ubc.ca*



DATE OF MEETING: December 13, 2023

TO: Hornby Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner
Northern Office

SUBJECT: OCP/LUB Review Project – Draft Bylaw No. 173 (OCP)

RECOMMENDATION

1. That prior to consideration of draft bylaws to amend the Hornby Island Official Community Plan or Land Use Bylaw, the Hornby Island Local Trust Committee request staff to prepare an analysis of options and implications of *“The Short-Term Rental Accommodation Act (Bill 35)”* as it pertains to the regulation or prohibition of vacation home rental use.

REPORT SUMMARY

The purpose of this report is to present the Hornby Island Local Trust Committee (LTC) with a draft bylaw to amend the Official Community Plan (OCP), based on LTC direction provided in September 2023.

Staff also are providing the LTC with a brief overview of recent provincial government legislation enacted to increase housing supply throughout BC that may impact the current LTC approach to regulating vacation rentals on the island.

BACKGROUND

The following resolution was passed by the LTC in September 2023:

HO-LTC-2023-039 It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee direct staff to amend the Project Charter to remove references of temporary use permits for short term vacation rentals. CARRIED

The reference to the use of temporary use permits (TUP) for regulating new vacation rentals was removed and the updated project charter (Attachment 3) was posted to the project website. A draft bylaw (No. 173 – OCP) has been prepared for LTC consideration.

Draft Bylaw No. 173 (OCP)

Attachment 1 is the draft amending bylaw for the Official Community Plan to achieve the following LTC directives:

1. Support cooperative and purpose built rental housing;
2. Prohibit new vacation rentals;
3. Permit secondary suites in all small lot zones within the principal dwelling where septic capacity allows and sufficient groundwater is available;

4. Permit secondary suites or attached/detached secondary dwelling on lots over 2ha where septic capacity and sufficient groundwater is available; and
5. Designate all small lots in the Galleon and Sandpiper areas as within the heavily developed aquifer (IA).

Staff are not recommending first reading of this bylaw until the LTC has considered the options and implications of Bill 35 and a land use bylaw amendment bylaw has been presented to the LTC.

New Provincial Legislation

The British Columbia Government has so far enacted, or is in the process of enacting, five pieces of legislation to increase housing supply throughout BC. A comprehensive briefing on this matter from the Islands Trust Director of Planning Services is included as Attachment 2. There appear to be several implications of the proposed “*Short-Term Rental Accommodation Act (Bill 35)*”, if the LTC proceeds with the current directive to prohibit any NEW vacation rentals on the island. A significant issue is the potential loss of legal non conforming status of most existing vacation rental operations on the island if the LTC proceeds with the current directives for bylaw drafting. Staff recommend the LTC consider the options and implications of the new legislation so it can determine whether or not it wants to opt-in to a new Provincial restriction on short-term rental accommodations which would over-ride any previously legal vacation rentals on the island. Bill 35 received Royal Assent on October 26, 2023. Regulations are expected to be released in December 2023 so additional updates for the LTC will be available in the new year for further consideration of next steps.

Project Charter

The current OCP/LUB project charter (Attachment 3) provides specific direction on bylaw drafting to prohibit vacation rentals and not permit Temporary Use Permits as a means to regulate new vacation rentals. The project charter may need to be amended if after considering the options and implications of Bill 35, the LTC decides to amend their approach to regulating vacation rentals.

First Nations Engagement: Staff have reached out to K’omoks First Nation to determine their capacity to provide a review of the draft bylaws. Staff have provided a comprehensive briefing to K’omoks First Nation staff for review. An updated project budget will be prepared to reflect capacity funding earmarked for the Nation once we have confirmation of their preferred level of involvement in the review project.

Advisory Planning Commission: The LTC should determine at which stage(s) the APC may be involved in reviewing either the draft bylaws, or the options and implications of Bill 35. Early referral prior to first reading is strongly recommended to ensure the LTC receives the APC’s input prior to broader community consultation. The project charter workplan reflects an early referral opportunity.

Rationale for Recommendation: The newly announced provincial legislation changes appear to have a direct impact on vacation rental use on Hornby Island. A comprehensive analysis of options and implications prepared by staff is recommended to be presented to the LTC, to assist the LTC in considering next steps in the OCP/LUB review project.

ALTERNATIVES

1. **Proceed with amendments to the OCP and LUB as per the current Project Charter:** No resolution of the LTC would be required. Staff will prepare an amending bylaw for the LUB as per the project charter direction.

NEXT STEPS

If the LTC concurs with the staff recommendation, a comprehensive report including analysis of options and implications to Bill 35 will be presented to the LTC in the new year. Staff will not proceed with further refining draft OCP/LUB amendments until the options and implications are considered and the LTC provides clear direction on how it wishes to regulate vacation home rental use on Hornby Island.

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

ATTACHMENTS

- 1. Draft Bylaw No. 173 (OCP)
- 2. Islands Trust Briefing on Housing Statute Changes to British Columbia Legislation
- 3. OCP/LUB Review Project Charter v. 2.2 (endorsed September 2023)

DRAFT

HORNBY ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 173

A BYLAW TO AMEND HORNBY ISLAND OFFICIAL COMMUNITY PLAN, 2014

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

1. This bylaw may be cited for all purposes as “Hornby Island Official Community Plan Bylaw No. 149, 2014, Amendment No. 1, 2023”.
2. Hornby Island Local Trust Committee Bylaw No. 149, cited as “Hornby Island Official Community Plan, 2014,” is amended as per Schedule “1” and “2” attached to and forming part of this bylaw.

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

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

PUBLIC HEARING HELD THIS - DAY OF - , 202x

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

- DAY OF - , 202x

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS

- DAY OF - , 202x

ADOPTED THIS - DAY OF - , 202x

Chair

Secretary

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 173
Schedule “1”

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

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

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

1.2 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.1 Residential – General, Policies**, is amended by adding the following new policy after 6.3.1.3 “6.3.1.4 Vacation Home Rental use should be prohibited in the Plan Area.”

1.3 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential, Background** text, second paragraph is deleted and replaced with “The Anderson Drive/Whaling Station Bay, Galleon and Sandpiper aquifer areas are classified as the highest vulnerability in the province as 1A (heavily developed with high vulnerability). This is reflected in the area’s water quality and quantity problems, including saltwater intrusion, sulphureous water and poor-yielding wells.”

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

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

1.6 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential, Policies** 6.3.2.10 is amended by removing the words “and vacation home rentals”.

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

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

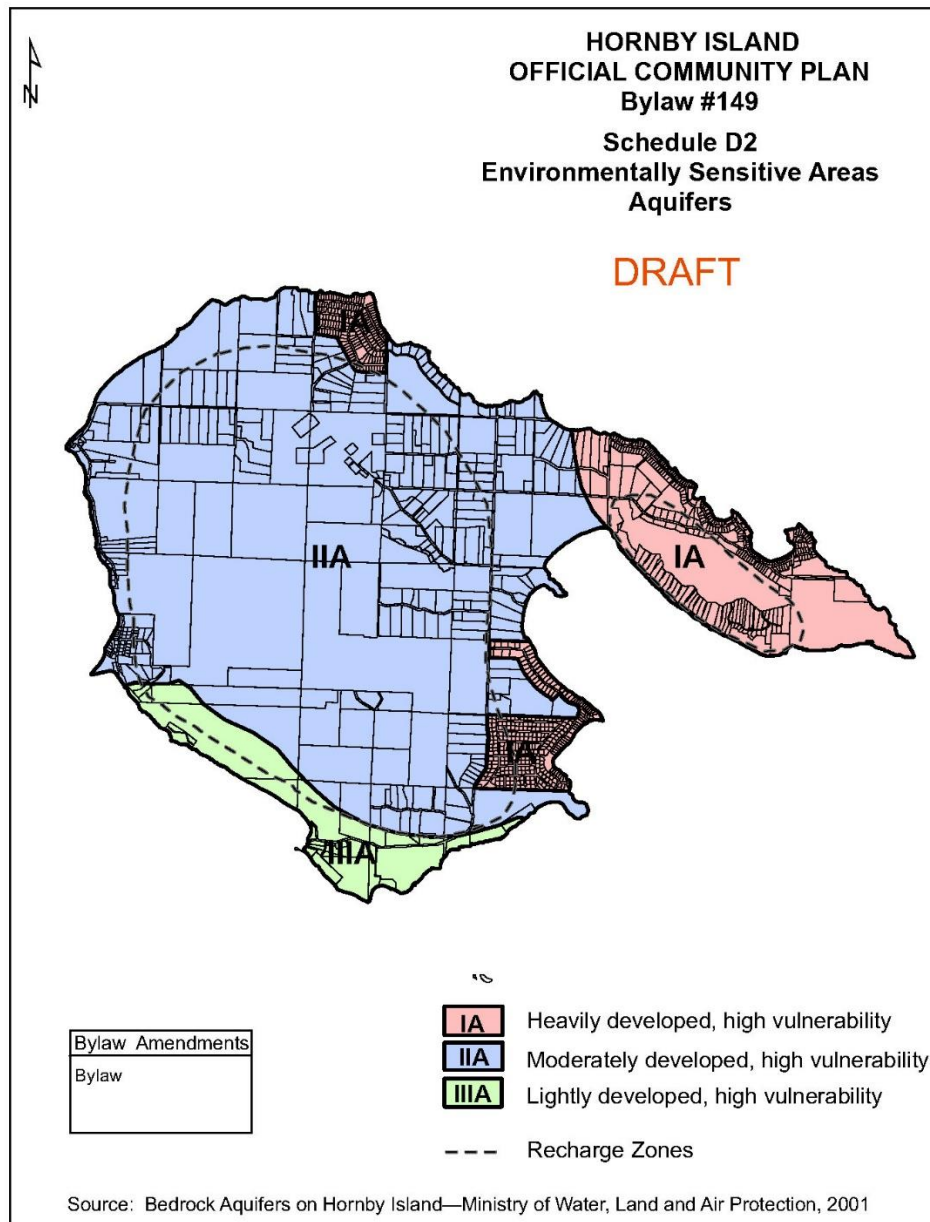
- 1.9 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential, Additional Policies for small lots in the Anderson Drive/Whaling Station Bay area, Policy 6.3.2.16** be amended by deleting the words “and vacation home rentals”.
- 1.10 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Objectives**, be amended by adding a new objective after (4) which reads: “(5) to support multi-dwelling residential rental tenure development in the Large Lot Residential zone, through rezoning applications.”
- 1.11 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Policies 6.3.3.4** is deleted in its entirety and replaced with “6.3.3.4 Only one principal dwelling unit and one secondary suite should be permitted on lots smaller than 2.0 hectares. A maximum of two dwelling units and two secondary suites should be permitted on lots 2.0 hectares or larger.”
- 1.12 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Policies 6.3.3.6** is amended by deleting the words “and vacation home rentals”.
- 1.13 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Policies** is amended by adding a new policy 6.3.3.10 that reads “Applications for multi-dwelling developments restricted to residential rental tenure are encouraged to ensure affordability is maintained in perpetuity.”
- 1.14 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.4 Forest, Policies 6.3.4.3** is deleted in its entirety and replaced with “6.3.4.3 Only one principal dwelling unit and one secondary suite should be permitted on lots smaller than 2.0 hectares. A maximum of two dwelling units and two secondary suites should be permitted on lots 2.0 hectares or larger.”
- 1.15 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.5 Housing, article Rental Housing Policies, 6.3.5.13** be deleted in its entirety and replaced with “6.3.5.13 A secondary suite, limited in size and contained within a permitted dwelling, should be permitted on lots smaller than 2.0 hectares. A secondary suite, limited in size by regulation and located either within, attached to or detached from a permitted dwelling should be permitted on lots 2.0 hectares or larger.”
- 1.16 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.4 Agriculture**, article **6.4.1 Agriculture, Policies, 6.4.1.4** be deleted in its entirety and replaced with “6.4.1.4 On lots 2.0 hectares or larger, one principal dwelling and one secondary suite within the principal dwelling should be permitted. One additional secondary dwelling limited in floor area and consistent with the Agricultural Land Commission is permitted per lot.”
- 1.17 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.2 Visitor Accommodations and**

- Tourism, Policies 6.5.2.5 a)** is amended by removing the words “, guest houses or vacation home rentals”.
- 1.18 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.2 Visitor Accommodations and Tourism, Policies 6.5.2.5 b)** is amended by removing the words “vacation home rentals and”.
- 1.19 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.2 Visitor Accommodations and Tourism, Policies** is amended by adding a new policy 6.5.2.8 after 6.5.2.7 that reads: “Vacation home rental use should not be permitted in the Plan area.” And renumber subsequent subsections accordingly.
- 1.20 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.3 Vacation Home Rental**, is deleted in its entirety and rescinded.
- 1.21 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.5 Home Occupations, Background**, paragraph 2 is amended by removing the words “and vacation home rental of a primary residence is addressed in Subsection 6.5.3 (Vacation Home Rental)”.
- 1.22 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.5 Home Occupations, Policies**, policy 6.5.5.7 is deleted in its entirety and subsequent policies renumbered accordingly.
- 1.23 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.10 Temporary Use Permits**, Objective (9) is deleted in its entirety.
- 1.24 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.10 Temporary Use Permits**, Guideline 6.10.1 a) is amended by removing the words “, except when the application is for vacation home rental use”.
- 1.25 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.10 Temporary Use Permits**, Guideline 6.10.1 c) is amended by removing the words “or vacation home rentals”.
- 1.26 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.10 Temporary Use Permits**, Guideline 6.10.10 is deleted in its entirety.

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

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

Plan No. 1



To: Regional Planning Committee **For the Meeting of:** November 15, 2023

From: Stefan Cermak, Director,
Planning Services **Date Prepared:** November 7, 2023

SUBJECT: Housing Statute Changes to British Columbia Legislation

PURPOSE: To provide the Regional Planning Committee with an update on recent and upcoming legislative changes regarding provision of housing in British Columbia, and how the legislation may affect the Islands Trust Area and local trust committees.

BACKGROUND:

The British Columbia Government has so far enacted, or is in the process of enacting, five pieces of legislation to increase housing supply throughout BC. They are:

1. ***Speculation and Vacancy Tax Act*** – came into force in on the 27th of November, 2018. The Speculation and Vacancy Tax Regulation was last amended April 3, 2023.
2. ***The Short Term Rental Accommodation Act (Bill 35)*** – received Royal Assent on October 26, 2023 and will be brought into force by Ministerial regulations expected in December 2023.
3. ***The Housing Statutes (Residential Development) Amendment Act (Bill 44)*** - received First Reading on November 6, 2023, and is expected to receive Royal Assent before the end of 2023. This Act will also be brought into force by Ministerial regulations, which are expected in early 2024.
4. ***Housing Statutes (Development Financing) Amendment Act (Bill 46)*** – received First Reading on November 7, 2023, and is expected to receive Royal Assent before the end of 2023.
5. ***Housing Statutes (Transit Oriented Areas) Amendment Act (Bill 47)*** received First reading on November 8, 2023 and is expected to receive Royal Assent before the end of 2023.

Speculation and Vacancy Tax Act

The *Speculation and Vacancy Tax Act* requires owners in prescribed areas to declare their primary home, and with certain exceptions, would be taxed on homes that they do not occupy as a primary residence. The Act applies to areas specified in the Act (municipalities in the Capital Regional District and Metro Vancouver, as well as seven other municipalities (Abbotsford, Chilliwack, Kelowna, Nanaimo, West Kelowna, Lantzville and Mission)). The Act also includes one unincorporated area, the University Endowment Lands. In April 2023, the list was expanded by Ministerial regulation to include six more municipalities (Duncan, North Cowichan, Squamish, Ladysmith, Lake Cowichan and Lions Bay).

Islands Trust Area and the rest of the Province is excluded from the *Speculation and Vacancy Tax Act* requirements. The Act allows the Minister, by regulation, to add areas to the list of areas to which the *Speculation and Vacancy Tax Act* applies.

The Short-Term Rental Accommodation Act.

The attached Speaking Notes” provides an overview of the Act and how it applies in the Islands Trust Area. Staff understands that the regulations that bring the Act into force will include the ability for any municipality, regional district electoral area or local trust committee area, that are currently not included in the principal residence requirement for a short-term vacation rental, to opt-in. The regulation should address whether opting-out (once in) is something that could be considered, and if so, what the mechanism would be. Staff will know more about this once the regulations are released in December 2023.

The Act requires that platforms that advertise short-term rental accommodations to be registered with the Province. This may help with bylaw enforcement if the Province shares that information with local governments (the Act authorizes disclosure of personal information collected by the province under the authority of the legislation to be disclosed to local governments to support bylaw enforcement).

The Act also allows regional districts to issue business licenses for short-term rental accommodations, and where a business license scheme is in place, that a business license be required for advertising on platforms. The option for business licenses is not open to local trust committees, only regional districts.

The Act also removes legal non-conforming protection for short term rental accommodation uses.

Action for the Islands Trust is for each local trust committee to consider whether or not it wants to opt-in. Opting-in would mean the Provincial restriction on short-term rental accommodations will over-ride any schemes that the local trust committee has enacted (where there is a collision between them). For example, a local trust committee may have adopted a temporary use permit scheme and issued permits to non-resident owners; if that committee opted-in, those temporary use permits would become void. The owners would not have legal non-conforming status as the Act states that the legal non-conforming provisions of the local government act do not apply to short-term accommodation rentals. Similarly, any currently legal non-conforming vacation rentals will no longer be lawful; consequently in local trust areas where bylaw amendments have prohibited previously legal vacation rentals there will likely be an increase in enforcement files.

The Housing Statutes (Residential Development) Amendment Act

The attached Speaking Notes” provides an overview of the Act and how it applies in the Islands Trust Area.

Residential Density Requirements

The Islands Trust Area is excluded by an amendment to the *Islands Trust Act* from the provincially mandated minimum density requirements. Ministerial regulation will establish to which municipalities the minimum density requirements will apply (staff understands that this will be all municipalities over 5,000 population).

The Act also allows the Minister by regulation to add an electoral area to the list on request of a regional district board. It is important to note that local trust committee areas could never be included in the density requirement without an amendment to the *Islands Trust Act*. However, Bowen Island Municipality could be included by Ministerial regulation either by virtue of its population (if the population goes over 5,000 Bowen may be automatically included), or on request of Bowen Island Municipal Council. The Act excludes land that is not on a municipal water or sewer system, is protected or are lots over a certain size.

There is no action required on this for local trust committees.

Housing Needs Reports Amendments

Housing Needs Reports now must include housing needs for 20 years (previously it was 5 years), and the first report is due by December 2028. Transitional provisions in the Act require that an interim report be received before a date to be prescribed by Ministerial regulation, or existing reports be updated by the prescribed date to reflect the new 20 year horizon and a few other changes to housing needs content requirements.

These reports must then be published as soon as possible to the Islands Trust website, and the requirement to consider them in official community plans is continued. It appears that the mandatory requirement to adopt an official community plan and land use bylaw to reflect the housing needs report does not apply to local trust committees (this appears to only apply to municipal councils). This is a point that needs clarification with Ministry staff.

Action for Islands Trust is to ensure resources and funding is in place to update existing housing needs reports to meet the new requirements so they qualify as transitional, and then plan budget and resources to commission updates to the housing needs reports starting in 2028 and then every five years after that. While it is not mandatory for local trust committees, there should also be a program to ensure that all 20 official community plans are kept up to date reflecting the housing needs reports findings.

Public Hearing Changes

The Act now prohibits public hearings being held for land use bylaw amendments that are exclusively, or at least 50 per cent, residential. The intent is to allow public comment at the policy level (amendments to official community plans still require public hearings) and to streamline the approval process. There is nothing in the legislation that would prohibit less formal discussions between the local trust committees and Bowen Municipal Council and the community, such as open houses, surveys and community information meetings.

Action for Islands Trust is a change in process for local trust committees when considering land use bylaw amendments for residential rezonings, or land use bylaw amendments that contains at least a 50 per cent component of residential.

Housing Statutes (Development Financing) Amendment Act

Amenity Cost Charges

The Act adds a new section to the *Local Government Act* regulating how local governments develop and levy amenity cost charges (ACC), and makes changes to development cost charges and development cost levies (in the Vancouver Charter). The new system provides a framework and regulation on what may be considered as an amenity, who may be required to pay them and who may be exempted, the process to develop an amenity cost charges bylaw, and a reporting requirement. Amenity cost charges are charged at time of subdivision or issuance of a building permit.

Local trust committees are excluded by an amendment to the *Islands Trust Act* from the new ability of local government to levy amenity cost charges. Local trust committees are already exempt from the ability to levy development cost charges. The reason for the exemption is that both of these tools are intended to fund infrastructure improvements related to development, and local trust committee are not responsible for infrastructure.

The new legislation appears to apply to regional districts, and regional districts could, by bylaw, determine to collect amenity cost charges for new construction in the Islands Trust Area.

Housing Statutes (Transit Oriented Areas) Amendment Act

The Act adds a new section to the *Local Government Act* establishing minimum density and height requirements around prescribed transit stations and major bus stops. Regulations will establish which transit stops are included (likely in larger cities) and establish the distance around the stop and the minimum height requirements.

While local trust committees are excluded by an amendment to the *Islands Trust Act*, this is included here to complete the currently known legislative updates to the local government planning legislation.

ATTACHMENT(S):

Speaking Notes – Bill 35 (Short-term Vacation Accommodation) and Bill 44 (Housing Statutes).

FOLLOW-UP:

As requested by the Regional Planning Committee.

As this is new information, staff will update as more information on regulations becomes available. This should be forwarded to Trust Council and all trustees for information and to assist with answering public questions.

Prepared By: David Marlor, Director, Legislative Services

Reviewed By/Date: Robert Kojima, Regional Planning Manager
Stefan Cermak, Director, Planning Services/ November 8, 2023

November 3, 2023 – [Bill 44 Housing Statutes \(Residential Development\) Amendment Act, 2023](#)

- The first reading of Bill 44 – 2023 HOUSING STATUTES (RESIDENTIAL DEVELOPMENT) AMENDMENT ACT, 2023 was on November 1
- In this Act, "housing unit" means a self-contained dwelling unit
- "local government" includes a local trust committee as defined in section 1 of the *Islands Trust Act*

Minimum Density Requirements

The new provincially mandated minimum residential density requirements added to the planning section (Part 14) of the Local Government Act do not apply to local trust committees by a consequential amendment to the Islands Trust Act. My understanding is that this section will also not apply to municipalities under a certain population. The BC Government News Release suggests most municipalities with a population under 5,000 people will be exempt; however this will be implemented by regulation. Likely this section will not apply to Bowen Island Municipality based on population. And if it does, would only apply where lots are connected to municipal water and sewage and the legislation excludes specified protected lots or large lots. We will need to wait for the regulation to know for sure.

Housing Needs Reports

Changes to the Housing Needs Reports requirements apply to local trust committees and Bowen Island Municipality as follows:

- Housing needs reports must consider 5-year and 20-year timelines for expected housing requirements (previously only 5 years required).
- When developing or amending an Official Community Plan (OCP), the governing body must consider the most recent housing needs report and the OCP must include statements and map designations. The housing needs report should include approximate location, amount, type, and density of residential development that is required to meet anticipated housing needs over a period of 20 years.
- An OCP must now include provisions for 20 years of housing as determined in the housing needs report
- OCPs must be updated within a time period to be prescribed by regulation following receipt of an updated housing report (which will be required once every 5 years).
- The minimum requirements for housing must be permitted outright in the OCP, not conditional. i.e. cannot require conditions (such as provision of amenities) for the housing to be provided.

Anticipated Timing:

- Housing Needs Report and Interim Housing Needs Report instructions to be provided in provincial regulation – expected by January 2024.
- Interim Housing Needs Report required – expected by January 2025.
- New Housing Needs Reports must be received by December 31, 2028, and then by December 31st every 5 years after that.
- No funding support for Interim or Amended Housing Needs Reports announced.

Public Hearing for Housing Rezoning

The following changes to the public hearing requirements for housing rezoning apply to local trust committees and Bowen Island Municipality:

- Public hearings on proposed zoning bylaws must **not** be held if:
 - an official community plan is in place for that area
 - the bylaw is consistent with the official community plan
 - the purpose of the bylaw is to permit a residential development
 - the residential component of the development accounts for at least half of the floor area of all proposed structures in the development
- Note that notice must be given if a public hearing is not held.

Official Community Plan Adoption

Previously, the decision to adopt an official Community Plan was discretionary. **Now it is mandatory.** This appears to not apply to the Islands Trust as it states municipal council and a prescribed class of regional districts. This needs to be clarified with Ministry staff but would be obvious once the regulation has been released.

- All municipal councils, board of a regional district, or a board in a prescribed class of regional districts must adopt one or more OCPs

Notes on BC Government - [Bill 35: 2023 Short-Term Rental Accommodations Act](#)

(Royal Assent October 26, 2023) – will be brought into force by regulation, which is expected in December 2023.

Registration of Short Term Rental Platforms

- Requires that all platforms advertising short-term rentals must be registered with the Province

Restrictions on Homes that can be used for Short Term Rentals

- For those lands not exempted, legislation requires that the short term rental occurs in the host's residence, or in not more than one accessory dwelling unit.
- Local trust areas are exempted; municipalities under a certain size will be exempted, unless adjacent to a major municipality that is not exempted. Not sure if Bowen Municipality will be included or exempted given its proximity to Metro Vancouver.

- Local trust committees may opt-in so that the residence restriction applies. How this happens will be determined by regulation; however, it is likely a resolution of the local trust committee requesting to be removed from the exempted list. The regulation will also indicate how local trust committees that choose to opt-in can opt-out in the future.

No legal Non-Conforming Status

- The legislation removes legal non-conforming status for short-term rentals. This means that if there are any short-term rentals operating and the bylaws change to prohibit them, those short-term rentals cannot continue to operate. Non-conforming use protection will continue to exist for other land uses.

Business Licenses

- The legislation now allows regional districts to require business licenses for short term rentals. This option is not available to local trust committees. Local trust committees may seek cooperation with regional districts to use this new authority.

Focus of the Legislation

- The legislation focuses on three key areas:
 - Increasing fines for Municipal Ticket Information (MTI), and strengthening tools for local governments. This is not applicable in all local trust areas, since only three LTAs have MTI bylaws (though those that don't can adopt an MTI bylaw). Bylaw Enforcement Notification ticketing can continue to be used to enforce.
 - Returning more short-term rentals to long-term homes
 - Establishing provincial rules and enforcement
- This proposed legislation will not apply to:
 - Hotels and motels
 - Additional types of properties, for example, timeshares and fishing lodges
 - Communities on First Nations reserve land
 - Modern Treaty Nations will also be exempt but will be able to opt into the legislation, if desired
 - Resort municipalities and mountain resort areas
 - Regional district electoral areas
 - Municipalities of less than 10,000 population, unless adjacent to a larger municipality that is under the regulation (but not an electoral area close to one)

Islands Trust Background:

- Islands Trust is a special-purpose government mandated to preserve and protect over 450 Islands and surrounding waters in the Salish Sea in cooperation with other levels of government
 - Growth pressures could threaten the preservation and protection of the Trust Area

- The Islands Trust Council has declared that a housing equity and workforce shortage crisis exists on many of the islands within the Islands Trust Area
 - Strengthening housing affordability is an Islands Trust Council priority
 - Lack of available workforce housing impacts the viability of island businesses, the ability to deliver services, and other aspects of community life such as volunteerism
- Short Term Vacation Rentals (STVR) have been a long standing concern for Islands Trust
 - In 2012, the Salt Spring Island Local Trust Committee was unsuccessful at seeking an injunction via the Supreme Court of British Columbia to restrain a company from using or offering residentially-zoned properties for commercial guest accommodation rather than on individual property owners
- It is recognized that STVRs likely have a positive economic impact on the islands
- While some STVRs are operated legally and responsibly, many are completely unlawful
- The funds generated through the rental of STVRs are also, in many cases, vital to the financial well-being and solvency of the property owner
- Primary concerns with STVRs are around impacts on availability of long-term rental housing, as well as the effect on limited groundwater resources
- Other negative impacts which are frequently mentioned are:
 - Increased noise, traffic and parking concerns
 - Increased fire risk
 - Increased consumption of disposable goods, production of solid waste, and sewage
 - Impacts to community character and cohesiveness
 - Lack of a fair playing field between legal and non-legal STVR operators, as well as regular commercial accommodation such as hotels and motels

Existing Islands Trust Regulations

- Local trust committees have taken a variety of approaches consistent with its each island's individual culture, history, and intensity of tourist use
- The main tools available to LTAs under the *Islands Trust Act* are modifications to the official community plans (OCP) and associated land use bylaws (LUB) to include STVR-specific provisions
 - Within the LUBs, this generally takes the form of home occupation regulations or zoning that specifically permits STVR use, and places limits upon their operations.
- The OCP allows TUPs to be issued for limited periods of time, and several islands have created specific guidelines
 - Bowen Island issues business licenses to operate a Residential Guest Accommodation, as it is incorporated as an island municipality and has more powers than local trust areas
 - There is interest from some islands in asking regional districts to institute business licenses for STVRs

Current Islands Trust Enforcement

- In 2012, the Islands Trust lost a Supreme Court of BC case that would have restrained a rental agent from using or facilitating the use of residential homes for STVRs on Salt Spring Island because the judge found that the activities of the rental agent did not, on their own, constitute a breach of the land use bylaw
- Islands Trust continues to find that accommodation platforms are not cooperative or assistive to bylaw enforcement efforts
- Currently, 204 open bylaw enforcement files, with the majority on Salt Spring Island
- There may be 500+ advertisements at any given time for all local trust areas, which must be continually vetted to ensure compliance
- Bylaw staff regularly review and update a database for the known operators
 - Co-op planning students have, at times, reviewed the listings
 - Since 2005, 532 STVR enforcement files have been closed
 - During the peak summer season, the majority of bylaw staff resources are for STVRs
- Seven local trust areas have directed proactive bylaw enforcement on STVRs because of concerns about diminishing housing supply
- Bylaw notices (tickets) are issued when contraventions are confirmed. There is a mixed response to ticketing:
 - Some are disputed and there is a good response to negotiating compliance agreements to ensure a cease of unlawful operations
 - For those that have proceeded to adjudication, 90 percent of the tickets are upheld by an adjudicator
 - However, with a \$500.00 limit on bylaw notices penalties, the upscale operations charging \$500-700 per night can treat the penalties as the cost of doing business and makes court action, the next step in enforcement, an expensive choice
- Enforcement staff note that the clear bylaw language in the Gabriola Island LUB has resulted in less complications and conflicts than have occurred in other LTAs
- The Land Use Bylaw also explicitly states that you cannot operate without that permit:
 - *B.6.3 Commercial Vacation Rentals*
 - B.6.3.1 All dwelling units, including secondary suites, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee*
- There is currently a trend towards “glamping” operations on larger lots in an effort to maximize the number of rentals:
 - These operations are considered non-permitted campgrounds and it appears to be the next trend for STVRs, as it offers a lower cost for guests
 - These non-permitted campgrounds create a unique challenge because of the risks of improper sewage disposal for a large number of customers, and the threat to neighboring wells

Provincial Statistics

- In British Columbia in June 2023, there was an average of 28,510 short-term rental listings active each day (a year-over-year increase of 17.8%)*
- While the province’s STVR market is dominated by commercial operators*, this may not be the case for the Islands Trust Area

- The top 10% of hosts earned 48.8% of revenue*
- Listings operated by hosts with multiple listings were 48.4% of active listings and 51.7% of total host revenue in June 2023*
- In June 2023, 16,810 housing units were taken off BC's long-term and shifting to the STVR market*

**Data from The Housing Impacts of Short-Terms Rentals in British Columbia's Regions. A report prepared by researchers from the Urban Politics and Governance research group, School of Urban Planning, McGill University*

Hornby OCP and LUB Review Project - Charter v 2.2

Hornby Island Local Trust Committee

Endorsement Date: *September 8, 2023*

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

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

Objectives

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

In Scope

- Draft OCP and LUB Bylaw amendments:
 - Supporting cooperative and purpose built rental housing;
 - Supporting rezoning applications for ‘Large Lot Residential’ parcels to multi-family development for residential rental tenure;
 - Permitting secondary suites in all small lot zones within the principle dwelling where septic capacity allows and sufficient groundwater is available;
 - Permitting secondary suites or attached/detached secondary dwelling on lots over 2ha where septic capacity allows and sufficient groundwater is available;
 - Prohibiting new short term vacation rentals (STVRs) as an outright permitted use in residential zones;
 - Designating all small lots in the Galleon and Sandpiper area as within the heavily developed aquifer (IA).
- Updating OCP language, references to include First Nations.
- Add the Islands Trust Reconciliation declaration to the OCP.
- Develop a system to monitor the rate and use of STVRs.

Out of Scope

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

Deliverables

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

Workplan Overview

Deliverable/Milestone	Date
Project Charter Endorsed - COMPLETED	<i>June, 2022</i>
Execute Consultant Contract - COMPLETED	<i>August, 2022</i>
First Community Workshop - COMPLETED	<i>October, 2022</i>
Second Community Workshop - COMPLETED	<i>Winter, 2022/23</i>
Consultant Report on Workshops and Recommendations for Bylaws - COMPLETED	<i>Spring, 2023</i>

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

Project Team	
<i>Island Planner</i>	Project Manager/ bylaw drafting
<i>Legislative Clerk</i>	Legislative Process / Bylaw Review
RPM Approval: Renee Jamurat, RPM June 2023	LTC Endorsement: Resolution #: 10-Jun-22; 9-Sept-22; Jun 16-23; Sep 8-23

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

From: Community Services <communityservices@comoxvalleyrd.ca>
Sent: Thursday, September 7, 2023 4:17 PM
To: Sonja Zupanec <szupanec@islandstrust.bc.ca>
Subject: CVRD Regional Parks and Trails Strategic Plan Update

Dear Sonja;
Care of: Islands Trust

The Comox Valley Regional District is developing our first **Regional Parks and Trails Strategic Plan** to guide the future of regional parks and trails over the next 20 years and beyond. The Strategic Plan will inform service delivery to protect regionally significant natural areas, develop a network of regional trails, and complement the existing community and provincial parks networks as the region grows. The planning process is just getting underway and will run through fall 2024.

Part of this process will be hearing from interest groups and community members about potential areas of interest for future regional parks and trails. Interests may include lands where informal recreation currently occurs or that are considered to have regionally-significant natural or cultural values.

As a large landholder in the region, we wanted to inform you about the planning process. The intention is to keep you informed throughout the process, including an update in early 2024 to invite your comment on emerging directions. If you have questions in the meantime, please contact Mark Harrison, CVRD Manager of Parks, at the contact details listed below.

Please visit our Project page to learn more: <https://engagecomoxvalley.ca/RegionalParksPlan>

Sent on behalf of Mark Harrison, Manager of Parks:

CVRD Community Services
770 Harmston Avenue, Courtenay, BC V9N 0G8
Tel: 250-334-6000

The CVRD respectfully acknowledges the land on which it operates is on the unceded traditional territory of the K'ómoks First Nation, the traditional keepers of this land.



Looking for More Information?

- ▶ Visit engagecomoxvalley.ca/RegionalParksPlan to learn more about the project, process, and upcoming opportunities for involvement
- ▶ Email Mark Harrison, Manager of Parks at mharrison@comoxvalleyrd.ca
- ▶ Phone: 250-334-6000

Responsibilities and Due Diligence

Presentation prepared by Gary Burtinsky, a concerned resident of Hornby Island.

If this delegation is assumed to deal with the Rogers tower proposal for Hornby Island then that assumption would be wrong. The reason for the many references to the Rogers proposal is the result of much of the information relating to this delegation has come from the Concerned Residents of Hornby Island FOIA request HO-FOI-17-2023. Excerpts from the FOIA will be used as examples of where appropriate protocols were not followed by Trust staff.

The intention of this delegation is to provide evidence and questions about what appears to be a very dysfunctional corporate entity known as the Islands Trust. Many residents on Hornby Island have had serious concerns over the years about the dealings of the Islands Trust in general and the Local Trust Committee and certain decisions that have been made under seemingly questionable circumstances. The intention here is to provide some serious reminders to all Trust staff about the legal and moral responsibilities to the wants and needs of all the island communities, and to cease being seen as the business corporation that seems to be pandering to other corporate or private interests to the detriment of the residents of the islands they are supposed to be serving as a government.

What is the purpose of the Islands Trust?

If we are to believe the principles espoused on the Islands Trust website it is supposedly to protect and preserve the integrity of all the islands it serves for its residents:

“Our special-purpose government is unique in the world with a preserve and protect mandate, the ability to regulate and conserve land, and a governance system that supports island-based decision making”.

The Islands Trust Mandate

The mandate is spelled out in the **Islands Trust Act** and provides the “purpose” for all Islands Trust corporate bodies: *(and one must ask why purpose is enclosed in quotes!!)*

“The object [mandate] of the Trust is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia in cooperation with municipalities, regional districts, improvement districts, First Nations, other persons and organizations and the government of British Columbia.”

FOIA documents can demonstrate that as a corporation it seems to have foregone its responsibilities and due diligence and handed over much control of the islands they are intended to protect to greater corporate interests.

Following are examples of questionable decisions or actions made throughout the process of the Rogers application to site a tower on Hornby Island.

- Planner suggesting to corporate proponent that they could go for concurrence at an LTC meeting prior to any public consultation having taken place.
- Planner not making the LTC land-use authority aware of a proposal to site a massive cell tower in their LTA, contrary to even the ISED Default Siting Process.
- Planner fails to mention to trustees at LTC meeting that a proposal for a cell tower had been made for their LTA, and one month prior to new elections for trustees.

- Hornby island voters have to vote for trustees being unaware of the proposal for a cell tower proposal being in the works.
- Planner not being aware of a motion to adopt the Trust Model Strategy being passed by an LTC for over three months.
- Proponent, not being aware of the Trust Model Strategy being in place for the LTA, fails to provide adequate public notification, with no mention of such in the two local Hornby papers. The FOIA provides no indication that a more appropriate information package and notification was provided to affected Hornby residents.
- Proponent lists the regional planner as the “land-use authority” for the proposal in question. Which begs the question what does this make of the Hornby LTA / LTC and its purpose in the Trust structure?
- The proponent schedules a Microsoft Teams one-hour digital meeting with the intention of expecting this will fulfill the requirement for “extensive public consultation”. Many Hornby residents don’t have adequate internet access to accomodate such as digital meeting. Neither of the local trustees were available or able to attend this digital meeting.
- A Hornby trustee emails planning staff asking why he had to find out about the proposal from a local resident.
- Director of Planning Services informs trustees that they don’t control the engagement process, when even the Model Strategy states that “<0.1% of cases require [ISED’s] decision.”
- The propoent is sent copies of a petition signed by over 300 Hornby residents against the proposal where the collectors of said petition were slandered for the manner of collection of some of those signatures, and initially refuses to receive them because it is over two months past the proposals final submission date. Almost two months later a letter of support for the proposal from the Comox Valley RCMP is gratefully accepted by the proponent.
- Planner receives in early January 2023 the proponents “Consultation Package - Rogers - W6420 - Hornby Island copy.pdf”. At the January 8, 2023 LTC meeting one of the trustees states that he’s waiting to hear more from the proponent about their application and to have them provide a consultation on-island.
- Also at the September 8, 2023 meeting the planner in their report on the tower application states that their report does not intend to review the whole proposal in alignment with all the LTC’s bylaws... Again this begs the question what does this make of the Hornby LTA / LTC and its purpose in the Trust structure?

These examples relate only to the Rogers tower proposal, but there have been many other seemingly very questionable decisions that have been made here on Hornby Island, and so it would be no stretch to believe that similar questionable decisions are also being made on the other Gulf islands as well. It would do well for all Islands Trust staff to carefully consider how they carry out their duties going forward. The principle of due diligence must be carefully considered when following the Islands Trust

operating guidelines and protocols, and the laws that govern the operation of the Islands Trust corporation.

Following will be excerpts from some of those laws or Acts that all need to be aware of when acting in their capacity as officers or staff of this corporation. There will also be additional information provided after each that may begin to inform you of other realities that you may do well to inform yourself of, as the consequences of those realities could have serious implications for you.

Islands Trust Act

Object of trust

3 The object of the trust is to preserve and protect the trust area and its unique amenities and environment **for the benefit of the residents of the trust area** and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, First Nations, other persons and organizations and the government of British Columbia.

Corporate status

12 (1)The trust council is a corporation.

A corporation is a business. The purpose of a business is to make money. In this world we do not have governments, as they are all in reality corporations. The Islands Trust is a service corporation to the service corporation known as the PROVINCE OF BRITISH COLUMBIA, which itself is a service corporation to the GOVERNMENT OF CANADA, which itself is a service corporation to the British Crown. If you do not understand this then you will also not understand that there are also other forms of laws that most have not been made privy to, yet these laws provide the common people that are aware of them the power to deal with any corporation if they fail to act with integrity. All corporations dealings are handled through contracts.

There are four elements that are required to form a valid contract:

- 1) An offer. For a product or a service.*
- 2) Consideration, or a meeting of the minds. Here the parties discuss all the details of the contract, and this requires full disclosure of all aspects or details. If any detail is not disclosed by one party in order for them to attempt to benefit in some way this is fraud, which invalidates the contract and comes with its own consequences.*
- 3) Unconditional acceptance. If one party is not in agreement with either the offer or some detail they can provide a conditional acceptance, with unconditional acceptance coming subject to a condition being met.*
- 4) The transaction. The product or service is exchanged for some form of compensation.*

ISLANDS TRUST ELECTRONIC MEETINGS REGULATION B.C. Reg. 283/2009

Electronic regular meetings of a trust body

2 (1) If it is authorized by a procedure bylaw under section 225 (1) (a) and (b) [procedure bylaws] of the Local Government Act, as that section applies to a trust body, and the requirements of subsection (2) of this section are met, regular meetings of a trust body may be conducted by means of electronic or other communication facilities.

(2) The following requirements apply in relation to a regular meeting of a trust body referred to in subsection (1): (a) the meeting must be conducted in accordance with the applicable procedure bylaw; (b) in the procedure bylaw, a trust body must (i) provide for advance public notice of the following: (A) the way in which the meeting is to be conducted by means of electronic or other communication facilities; (B) the place where the public may attend to hear, or watch and hear, the proceedings that are open to the public, and (ii) establish the procedures for giving that notice; (c) the facilities must enable the meeting's participants to hear, or watch and hear, the meeting; (d) except for any part of the meeting that is closed to the public, the facilities must enable the public (i) to hear, or watch and hear, the meeting, and (ii) to hear, or watch and hear, the meeting at the specified place, and an officer or employee designated by the trust body must be in attendance at the specified place.

(3) Section 128 (3) [participants deemed present] of the Community Charter applies in relation to a trust body.

COMMUNITY CHARTER
[SBC 2003] CHAPTER 26
Part 1 — Principles, Purposes and Interpretation

Principles of municipal governance

1 (1) Municipalities and their councils are recognized as an order of government within their jurisdiction that

- a) is democratically elected, autonomous, responsible and **accountable**,
- b) is established and **continued by the will of the residents of their communities**, and
- c) provides for the municipal purposes of their communities.

If you'd like to believe that you have until the next election cycle to remain in your current position you may want to consider reviewing the information provided in the previous section.

Local Government Act

Oath or affirmation of office for board members

202 (1) A person elected or appointed to office on a board must make an oath or solemn affirmation of office within the following applicable time limit:

- (a) in the case of an electoral area director elected by acclamation, within 50 days after the date set for general voting day had an election by voting been required;

You would do well to review the oath or affirmation you signed to be able to fill your current position as a Trust staffer.

BONDING ACT
[RSBC 1996] CHAPTER 30

Definition

1 In this Act, "**bond**" means security of any kind, including money, given to ensure performance of an obligation arising under an enactment, a licence, a permit, a contract or another similar obligation, and includes the terms under which the security may be realized.

Application

2 (1) This Act applies only to bonds required or permitted under another enactment if the other enactment

- (a) is designated by a regulation made under this Act, or
- (b) states expressly that the Bonding Act applies.

(2) If there is a conflict between this Act, or a regulation made under this Act, and an enactment to which the Bonding Act applies, this Act or the regulation made under this Act prevails unless the other enactment expressly provides otherwise.

Bond payable to minister

3 (1) A bond must be payable to the minister.

Custodian of bond

4 (1) The minister is the custodian of a bond.

Trust

5 The minister holds a bond in trust for persons who establish rights to recover on the bond.

Notice to government

8 If a bonded person or a person who provided a bond to ensure the performance of the bonded person becomes aware of an actual or proposed claim or action against the bond, the person must promptly give that information to the minister responsible for the administration of the enactment under which the bond is required.

Person who is not party to a bond may bring action

9 A person who is not a party to a bond may bring an action against the government in the person's own name for payment under the bond if the person has a right of action against the bonded person because of the failure to perform an obligation that the bond ensures.

Rights under bond not affected

10 A person's right to payment of a claim against a bond is not affected only because the bond does not comply with this Act or a regulation made under this Act.

Unrelated, but provided for informational purposes only!

A Public Declaration
&
Notice of Immediate Withdrawal of Consent to be Represented
FREEDOM FROM SERVITUDE
IF YOU ARE NOT WILLING TO LEARN, NO ONE CAN HELP YOU.
IF YOU ARE DETERMINED TO LEARN, NO ONE CAN STOP YOU.

Self-government is not possible unless the citizens are educated sufficiently to enable them to exercise oversight.

From:

To:

Due to unresolvable government deception, fraud, and malevolence, I, _____, a living soul of flesh and blood born to a natural family Mother and Father on _____, _____, and an inhabitant domiciled in Canada, hereby declare my full and complete renunciation, denouncement, and withdrawal of all possible forms of consent to the creation of, operation of, and enforcement by a “presumption of consent” to the de facto CANADA ET AL and all its subsidiaries, misrepresented as the People’s government to represent me.

This withdrawal of consent includes every known or hidden fraudulent agreement, obligation, devise, or contract, past, present, or future, relating to any vessel, individual, actor, natural or artificial person, corporate fiction, commercial entity, legal fiction, legal term, trust, status, or any possible combination of carefully constructed “words of art,” CAPITIS DIMINUTIO MAXIMA, or other creative “color of law” misrepresentation of my flesh and blood existence intentionally designed to replace my God given unalienable Rights, to Life, Freedom, Liberty, and the pursuit of Happiness.

All past, present, or future participation in this fraudulent corporate CANADA ET AL, including all related, subsidiary or participatory corporate entities, shall be considered acts under duress, protest, and “Without Prejudice” until such a time as we, the men and women who constitute “the People” retain benevolent and honourable Trustees to form a truly honourable Government by and for the people of Canada.

Signed: _____ Date: _____, _____, _____

Witness 1: _____ Witness 2: _____

Print Name: _____ Print Name: _____

From: Wil Cottingham on behalf of northinfo
Sent: Thursday, November 30, 2023 9:00 AM
To: Nadine Mourao
Cc: Ian Cox; Sonja Zupanec
Subject: FW: Add to December 13 Hornby LTC agenda

Wil Cottingham
Office Administrative Assistant
Islands Trust | T 250-247-2203

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

From: Alex Allen <aallen@islandstrust.bc.ca>
Sent: Wednesday, November 29, 2023 3:25 PM
To: northinfo <northinfo@islandstrust.bc.ca>
Subject: Add to December 13 Hornby LTC agenda

Hi,

Can you add this to our December 13 agenda?

With thanks.

"We are writing to enquire about the status of one of the APC Recommendations completed on March 29, 2022, regarding the review of our Official Community Plan, specifically:

Zoning

3. Clarify "visitor accommodation" and relevant bylaws for Hornby Island Resort (the "Thatch") development.

With the recent changes to BC legislation regarding Short Term Rentals (<https://www2.gov.bc.ca/gov/content/housing-tenancy/short-term-rentals>) and real estate listings being posted for the Thatch Beach Homes, we request that this issue be included on the Agenda of the LTC Meeting scheduled for December 13, 2023

BACKGROUND

The current/relevant zoning of this property is:

HORNBY ISLAND LAND USE BYLAW No.150, 2014

8.11 Commercial 3 – Comprehensive Commercial (C3) Zone (Hornby Island Resort – Thatch Permitted Uses

(e) accessory uses including visitor accommodation units;

(f) residential use of visitor accommodation units, provided the visitor accommodation unit constitutes only one dwelling unit; and

(g) residential use

There are relevant definitions regarding the Thatch development as per Hornby Island Land Use Bylaw No. 150, 2014 – Schedule A:

visitor accommodation unit means commercial accommodation on a lot zoned for commercial use that consists of the temporary rental of a room or set of rooms for not more than four consecutive weeks to members of the traveling public whose permanent domicile or home life is elsewhere.

vacation home rental use means the use of a residential dwelling unit for the temporary accommodation of paying guests, where:

(a) an owner or tenant of the lot on which the dwelling unit is located is ordinarily a resident in the dwelling and the vacation home rental use is occurring during a temporary absence of that owner or tenant; or

(b) the owner or tenant is residing in another lawful dwelling on the same lot while the vacation home rental is occurring; or

(c) the owner of the lot resides seasonally in the dwelling unit and the vacation home rental use is occurring during the absence of that owner

The Thatch Beach Homes are being sold as Freehold /Strata, which means Freehold strata is a type of property ownership that combines elements of freehold ownership and leasehold condominiums. Whereas freehold ownership means you fully own the property and the land it sits on, freehold strata means you fully own your home and the land, but you share common areas and amenities.

The real estate listing <https://www.realtor.ca/real-estate/26315790/215-4305-shingle-spit-rd-hornby-island-hornby-island> states There is also a fully managed rental pool for those looking to earn additional income while not living in their home or perhaps an investment alone or with a group of friends. The dedicated website <https://www.thatchbeachhomes.ca/> states We also operate a fully managed rental pool if you'd like additional income while not living in your new home.

Our current bylaws and zoning do not address the model as presented by the owner(s) of the Thatch Beach Homes project, as indicated in the recommendations made to HOLTTC May 6, 2022. We would like to ensure that this issue is resolved as part of the OCP and LUB review.

Thank you,
Wendy Burton – Chair, HO-APC
Joanne Ovitsland – Secretary, HO-APC"

Alex Allen
Hornby Island Trustee
(250) 335-1129 Ext. 420

I respectfully acknowledge that I live, work and play on the Traditional Territory of the K'ómoks First Nation, the traditional keepers of this land and many Coast Salish People.



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2023.2	Ford's Cove Marina Ltd. Planner: Ian Cox	24-Nov-2023	PID: 005-574-285 renovation of existing cabins at Ford's Cove Marina on Hornby Island.
Planning Status			
Status Date: 05-Dec-2023 Under staff review.			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2023.2	Ron McMurtrie & Associates Planner: Ian Cox	26-Sep-2023	PID: 003-603-806 proposing to move the existing septic system at 6555 Anderson Drive on Hornby Island.
Planning Status			
Status Date: 04-Oct-2023 On hold pending updated information from Agent/septic technician.			
Status Date: 03-Oct-2023 Under staff review. X-Ref HO-SUP-2023.11			
Status Date: 27-Sep-2023 File opening letter sent to applicant.			



Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2023.11	1427714 B.C. LTD., INC.NO. BC1427714	22-Aug-2023	PID: 003-603-806 construction of SDF at 6555 Anderson Drive on Hornby Island.

Planner: Bruce Belcher

Planning Status

Status Date: 22-Sep-2023

K'omoks letter received - CHIP permit is required

Status Date: 06-Sep-2023

K'omoks letter to be expected - no further action until CHIP permit process is complete

Status Date: 31-Aug-2023

K'omoks FN referral letter sent in regards to construction within 200m of the sea.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2023.12	Savour Group Ltd.	10-Nov-2023	PID: 004-784-448 siting of two wood platforms as temporary structures (for tents, canopies, shade) at 7250 Central Road on Hornby Island.

Planner: Gillian Nicol

Planning Status

Status Date:

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2023.13	Bank, Jane	23-Nov-2023	PID: 001-495-526 construction of studio at 7150 Anderson Drive on Hornby Island.

Planner: Ian Cox

Planning Status

Status Date:



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2023.15	Hudson & Therrien, Angela & Raymond Planner: Ian Cox	22-Nov-2023	PID: 003-036-651 construction of a new primary bedroom at 5445 Reicken Rd on Hornby.
Planning Status			
<u>Status Date:</u>			

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2023.8	Canthal & Foran, Mark & Lesley Planner: Bruce Belcher	09-May-2023	PID: 000-434-108 new construction of SFD and conversion of old cottage into workshop at 5285 Arthurs Rd on Hornby Island.
Planning Status			
<u>Status Date:</u> 29-Aug-2023 New drawings expected in the next 2 weeks.			
<u>Status Date:</u> 19-May-2023 Applicant contacted requiring an updated site plan and building plans for the existing dwelling being converted into a workshop.			

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2023.1	Berman & Gray, Michael & Catherine	20-Jun-2023	PID: 000-095-826 subdivision of 10 acre lot into 2 5-acre parcels at 1305 Sollans Rd on Hornby Island.

Planner: Marlis McCargar

Planning Status

Status Date: 26-Sep-2023

Referral response sent to the MOTI. Awaiting MOTI PLR.

Status Date: 08-Sep-2023

Planner sent email to applicant asking for clarification.

Status Date: 04-Sep-2023

Planner reviewing file.

Islands Trust
LTC EXP SUMMARY REPORT F2024
Invoices posted to Month ending October 2023

635 Hornby	Invoices posted to Month ending October 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-635	LTC "Trustee Expenses"	244.00	0.00	244.00
LTC Local				
65200-635	LTC - Local Exp - LTC Meeting Expenses	861.00	1,618.45	-757.45
65210-635	LTC - Local Exp - APC Meeting Expenses	333.00	430.28	-97.28
65220-635	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-635	LTC - Local Exp - Special Projects	276.00	0.00	276.00
TOTAL LTC Local Expense		<u>1,720.00</u>	<u>2,048.73</u>	<u>-328.73</u>
Projects				
73001-635-2004	Hornby OCP/LUB	<u>15,000.00</u>	<u>260.30</u>	<u>14,739.70</u>
TOTAL Project Expenses		<u>15,000.00</u>	<u>260.30</u>	<u>14,739.70</u>

Hornby Island Local Trust Committee Policies & Standing Resolutions

No.	Meeting Date	Resolution No.	Issue	Policy
1.	January 27, 2017 <u>UPDATES-below:</u> September 28, 2018 November 6, 2020 October 8, 2021	HO-2017-011 <u>UPDATES-below:</u> HO-2018-070 HO-2020-081 HO-2021-053	Enforcement actions against three specific properties for unlawful dwellings	It was MOVED and SECONDED that the Hornby Island Local Trust Committee adopt the following Standing Resolution: 1. That whereas the Hornby Island Local Trust Committee intends to facilitate a community process to review residential density to address community housing needs, which may result in amendments to the Official Community Plan and Land Use Bylaw, it is resolved that related enforcement actions against properties identified as: a) Lot B, Section 15, Hornby Island, Plan 24652 (1655 Central Road); b) Lot B, Section 6, Hornby Island, Plan 30442 (7205 Central Road); and c) Lot 6, Section 10, Hornby Island, Plan 26332 (2475 St. Johns Point Road) shall be held in abeyance; 2. That nothing in this enforcement policy should be interpreted as giving permission to any party to violate Hornby Island Land Use Bylaw No. 150 and the Hornby Island Local Trust Committee may change this policy at any time and may give direction to commence enforcement activities with respect to the identified properties at any time without notice; and 3. That unless the Hornby Island Local Trust Committee extends the effective period, this enforcement policy expires on October 31, 2018 or when the housing needs project is complete, whichever is the sooner.
2.	August 3, 2018	HO-2018-044	Processing non-medical cannabis retail license applications	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following Standing Resolution with respect to the processing of non-medical cannabis retail license applications: • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal.

No.	Meeting Date	Resolution No.	Issue	Policy
				- However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - Name of the applicant and a description of the proposal in general terms - The location of the proposed establishment and the subject site - The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered. - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - How public comments may be submitted to the Local Trust Committee.
3.	September 28, 2018	HO-2018-070 See HO-2017-011 above	Enforcement actions against three specific properties for unlawful dwellings	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee extend the effective period of Standing Resolution HO-2017-011 to expire on October 31, 2020 or when the Housing Review Project is complete, whichever is the sooner.
4.	January 25, 2019	HO-2019-007	Notices of intention to apply for a federal cannabis license	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following standing resolution: “That the Hornby Island Local Trust Committee request that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.”

No.	Meeting Date	Resolution No.	Issue	Policy
5.	May 24, 2019	HO-2019-038	First Nations Relationship Building	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing Trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.
6.	January 24, 2020	HO-2020-013	Bylaw Enforcement to undertake proactive enforcement of non-compliant STVRs	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following Standing Resolution: authorize proactive enforcement of the Hornby Island Land Use Bylaw No. 150 regulations for Vacation Home Rentals. Short Term Vacation Rentals that have one or more of the following characteristics, will be subject to proactive enforcement: • Non-compliant Short Term Vacation Rentals are advertised on the internet, newspapers or other media. • More than one dwelling on the lot is made available simultaneously for a Short Term Vacation Rental.

No.	Meeting Date	Resolution No.	Issue	Policy
				- While the property is rented, additional persons are staying in tents, trailers or recreational vehicles. - There are issues related to health and safety in accordance with the Land Use Bylaw. - There is more than one complaint from the immediate neighborhood (defined as being within 200 meters of the subject property) regarding issues related to the Short Term Vacation Rental, such as noise, parking congestion, more than one guest/party in a week, or too many people. - The residential dwelling being used as a Short Term Vacation Rental does not meet the following criteria for Short Term Vacation Rentals from the Hornby Island Official Community Plan Bylaw No. 149: - 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 - where the owner or residential tenant of the parcel resides seasonally in the dwelling and the vacation home rental use is occurring during the absence of the owner or tenant; or - where the owner or residential tenant is residing in another lawful dwelling on the property while the vacation home rental is occurring. - The Short Term Vacation Rental is not managed locally, or was purpose built to be a Short Term Vacation Rental. - A complaint is made by an official of a government regulatory body or the bylaw enforcement officer and it concerns overuse of water, inadequate septic capacity, or too many buildings on the property.
7.	June 26, 2020	HO-2020-055	Standing Resolution regarding Restaurant Expansion during COVID Emergency Response - Staff Report	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following standing resolution: That the Hornby Island Local Trust Committee has no objection to Liquor and Cannabis Regulation Branch issuance of Temporary Expanded Service Area Authorizations for liquor primary and manufacturer licensees in the Hornby Island Local Trust Area.
8.	November 6, 2020	HO-2020-074	Proactive Enforcement of Year-Around Unlawful Housing	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following Standing Resolution: That enforcement on unlawful permanent dwellings be deferred until such time that the Local Trust Committee can review the critical housing supply issue on Hornby Island or until December 31, 2021.

No.	Meeting Date	Resolution No.	Issue	Policy
9.	November 6, 2020	HO-2020-081 See HO-2017-011 HO-2018-070 above	Enforcement actions against three specific properties for unlawful dwellings	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee amend the expiration date of Standing Resolution No. HO-2017-011 to December 31, 2021.
10.	October 8, 2021	HO-2021-053 See HO-2017-011 HO-2018-070 and HO-2020-081 above	Enforcement actions against three specific properties for unlawful dwellings	It was MOVED and SECONDED, that Hornby Island Local Trust Committee amend the expiration date of Standing Resolution No. HO-2017-011 to December 31, 2023.
11.	October 8, 2021	HO-2021-054	Enforcement actions on unlawful permanent dwellings – deferral	It was MOVED and SECONDED, that Hornby Island Local Trust Committee adopt the following Standing Resolution: That enforcement on unlawful permanent dwellings be deferred until such time that the Local Trust Committee can review the critical housing supply issue on Hornby Island or until December 31, 2023.
12.	September 9, 2022	HO-2022-053	Model Cell Tower Consultation Process	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the Islands Trust Model Strategy for Antenna Systems.

File No.: 3026-10 (LTC General –
Meeting Logistics)

DATE OF MEETING: December 13, 2023
TO: Hornby Island Local Trust Committee
FROM: Ian Cox, Planner 2
Northern Team
SUBJECT: 2024 Local Trust Committee Meeting Schedule

RECOMMENDATION

1. That the Hornby Island Local Trust Committee schedule its regular business meetings on the following dates in 2024: March 1, April 26, June 14, August 23, and November 1.

DISCUSSION

Each Local Trust Committee (LTC) is asked to endorse, by resolution, its regular business meeting schedule for 2024. Tentative dates have been identified in relation to anticipated project commitments, application volumes, trustee availability, ferry schedules, statutory holidays, conferences, Trust Council, Trust Council Committees, Islands Trust Conservancy, and available staff and financial resources. Tentative meeting dates are identified in Attachment 1.

If alternative dates are proposed, LTCs should avoid scheduling meetings on dates which may conflict with other planned meetings or events. Key dates are noted for reference in Attachment 1. Note, LTCs do not need to identify the planned start times or locations for in-person meetings. Meeting details will be advertised in accordance with legislated notification requirements.

As part of this endorsement, the LTC may wish to designate which meeting dates are anticipated to be electronic or in-person. This would allow staff to plan further in advance to accommodate meeting logistics. The alternative is that the format of each meeting is chosen at the end of each previous meeting. If the LTC chooses the latter, staff will book venues for the year and anticipate cancelling the bookings if the meetings get changed to electronic-only.

Also of note, LTCs may consider additional special meetings that require dedicated time to discuss and provide direction on matters such as key deliverables of major projects, prioritization of the LTC's upcoming year initiatives, or direction for upcoming fiscal budget proposals.

Submitted By:	Ian Cox, Planner 2	November 16, 2023
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	November 17, 2023

ATTACHMENT

1. Tentative 2024 Northern Local Trust Committee Meeting Schedule

ATTACHMENT 1 – TENTATIVE 2024 NORTHERN LOCAL TRUST COMMITTEE MEETING SCHEDULE

LTC	Denman	Gabriola	Gambier	Hornby	Lasqueti	Thetis
	-	January 18	January 29	-	-	-
	February 13	February 22	-	-	-	February 6
	-	March 21	March 26	March 1	March 4	-
	April 9	April 18	-	April 26	-	April 30
	-	May 23	May 28	-	May 6	-
	June 4	June 27	-	June 14	-	-
	-		July 30	-	July 15	July 9
	August 13	August 8	-	August 23	-	-
	-	September 5	-	-	-	September 10
	October 8		October 1	-	October 21	-
	-	November 7	November 26	November 1	-	November 19
	December 10	-	-	-	December 16	-
Total	6	9	6	5	5	5
Start Time -In Person	10:00 am	10:30 am	10:00 am	11:30 am	11:00 am	9:30 am
Location if in person	Denman Activity Centre	Gabriola Arts & Heritage Ctr/ The Haven	<i>Gibsons/ Keats Is./ Gambier Is.</i>	Room to Grow or Community Hall	Judith Fisher Centre	Thetis Community Centre

Key Dates

Stat Holidays	Jan 1; Feb 19; Mar 29; Apr 1; May 20; Jul 9; Aug 5; Sep 2; Oct 14; Nov 11; Dec 25,26
Trust Council	Mar 12-14, Jun 18-20, Sep 24-26, Dec 3-5
Executive Committee	Jan 10, Jan 31, Feb 28, Mar 27, Apr 24, May 15, Jun 5, Jul 3 & 24, Aug 21, Oct 9 & 30, Nov 20, Dec 18
Financial Planning Committee	Jan 24, Feb 21, May 29, Aug 28, Oct 16, Nov 13
Islands Trust Conservancy	Jan 23, Mar 19, May 28, Jul 23, Oct 1, Nov 19
Trust Programs Committee	Feb 12, Apr 15, May 27, Aug 26, Nov 4
Regional Planning Committee	Feb 16, May 24, Sep 4, Nov 8
AVICC Conference	Apr 12-14
LGMA	Jun 11-13
UBCM Conference	Sep 16-20

Active Projects Report

Hornby Island

1. Major Project - Comprehensive OCP Review

Responsible

Dates

Topic areas of focus: First Nations, Short Term Vacation Rentals, Housing, and the Riparian Areas DPA and that the project include APC recommendations regarding the LUB referenced in the March 26, 2021 LTC meeting agenda package. Update: add consideration of steep slope area regarding heritage portion of central road to ford cove and consideration of wetland categories.

Sonja Zupanec

Rec'd: 06-Nov-2020

2. Minor - Advocacy, Policy

Responsible

Dates

**not yet initiated.* Establish a heritage register.

Margot Thomaidis

Future Projects Report

Hornby Island

1. <i>OCP</i>	Responsible	Date Received
- Ford's Cove Neighbourhood and Transportation Plan - Aquifer Classification System: A review of the aquifer classification system as described in the email letter from Sadie Chezenko dated December 19, 2021 - Freshwater Sustainability: LTC project absorbed into regional project managed by RPC in 2018-2022 term		09-Sep-2022
2. <i>OCP & LUB</i>	Responsible	Date Received
- Climate Change: Address climate change through amendments of OCP policies and LUB regulations - Regional Conservation Plan: Consider amendments to the OCP and LUB that would make these documents consistent with the Regional Conservation Plan		09-Sep-2022
3. <i>Advocacy and Communications</i>	Responsible	Date Received
- Marine Protection: Ongoing participation in public education, advocacy and regional processes with respect to the marine environment and shoreline protection.		09-Sep-2022
4. <i>LUB</i>	Responsible	Date Received
Consider zoning amendments to allow chickens (but not roosters) in all zones. Consider excluding cisterns from setback regulations.		09-Sep-2022

Future Projects Report

Hornby Island

5. Administrative

Responsible

Date Received

- Consider the use of Covenants (enabled under S. 219 of the Land Title Act) in conjunction with rezoning applications, to reduce the direct impacts of development on Indigenous culturally sensitive areas.

20-Jan-2023

6. Bylaw Enforcement

Responsible

Date Received

7. First Nations

Responsible

Date Received

- Participate in heritage and traditional knowledge mapping with the K'omoks First Nation.
- Consider the use of covenants in conjunction with rezoning application to reduce the direct impacts of development on indigenous culturally sensitive areas.
- improve communications with K'omoks First Nation by setting up regular LTC/Chief and Council meetings to discuss a wide range of issues of mutual concern.
- Consider the development of an agreemetn similar to the qathet Regional District, City of Powell River and Tla'amin First Nation.
- Work with K'omoks First Nation to determine how they wish to be engaged, information circulated in review of development and policy plans.
- Consider inviting K'omoks representatives to attend as non voting members and Advisory Planning Commission and Local Trust Committee meetings.

05-May-2023