



Hornby Island Local Trust Committee Regular Meeting Agenda

Date: April 26, 2024
Time: 11:30 am
Location: Electronic Meeting

Pages

- | | | |
|---|----------------------------|---------|
| 1. CALL TO ORDER | 11:30 AM - 11:35 AM | |
| "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 | 11:35 AM - 11:55 AM | |
| 3.1 Trustee Reports | | |
| 3.2 Chair's Report | | |
| 3.3 Electoral Area Director's Report | | |
| 4. PUBLIC COMMENTS | 11:55 AM - 12:10 PM | |
| 5. DELEGATIONS | 12:10 PM - 12:20 PM | |
| 5.1 Hornby Island Community Economic Enhancement Corporation regarding Worker Housing Crown Land Application | | 4 - 4 |
| 6. MINUTES | 12:20 PM - 12:25 PM | |
| 6.1 Local Trust Committee Minutes dated February 2, 2024 - for adoption | | 5 - 15 |
| 6.2 Local Trust Committee Special Meeting Minutes dated March 22, 2024 - for adoption | | 16 - 20 |
| 6.3 Section 26 Resolutions-without-meeting Report dated April 19, 2024 | | 21 - 21 |
| 6.4 Advisory Planning Commission Minutes - none | | |
| 7. BUSINESS ARISING FROM MINUTES | 12:25 PM - 1:10 PM | |
| 7.1 Follow-up Action List Report dated April 19, 2024 | | 22 - 25 |
| 7.2 A1 Zone Agri-Tourism Accommodation Use - Staff Verbal Update | | |

- 7.3 Childcare Budget at Local Trust Committee Meetings - Staff Verbal Update
- 7.4 Advisory Planning Commission Member Terms and Appointments - Staff Verbal Update

~ BREAK 1:10 PM - 1:40 PM ~

- 8. APPLICATIONS AND REFERRALS 1:40 PM - 2:10 PM
 - 8.1 HO-DP-2023.2 (Ford's Cove) - Staff Report 26 - 54
 - 8.2 Rogers Cell Tower - Staff Verbal Update
- 9. LOCAL TRUST COMMITTEE PROJECTS 2:10 PM - 3:25 PM
 - 9.1 Minor Project: Heritage Register - Staff Report 55 - 62
 - 9.2 Major Project: Hornby Island Official Community Plan and Land Use Bylaw Review - Staff Report 63 - 67
- 10. CORRESPONDENCE 3:25 PM - 3:35 PM

Correspondence received concerning current applications or projects is posted to the LTC webpage

 - 10.1 Email dated February 2, 2024 from K. Dewinetz regarding Hornby Island Agricultural Association 68 - 68
 - 10.2 Letter dated March 15, 2024 from D. Ellis regarding Restrictions in Aquifer 1A (Whaling Station Bay Aquifer) 69 - 70
 - 10.3 Email dated March 25, 2024 from H. Holm regarding Cross-Island Traffic 71 - 74
 - 10.4 Letter dated April 2, 2024 from T. Law regarding Official Community Plan and Land Use Bylaw Review Project 75 - 83
- 11. NEW BUSINESS 3:35 PM - 3:45 PM
 - 11.1 Denman Local Trust Committee with Minister of Transportation Meeting Invitation regarding Cross-Island Traffic
- 12. STAFF REPORTS 3:45 PM - 4:05 PM
 - 12.1 2023/24 Annual Report - Approval of Hornby Islands Local Trust Committee's Section - Request for Decision 84 - 86
 - 12.2 Trust Conservancy Report - none
 - 12.3 Applications Report dated April 19, 2024 87 - 88
 - 12.4 Trustee and Local Expense Report dated February, 2024 89 - 89

12.5	Adopted Policies and Standing Resolutions	90 - 94
12.6	First Nations Relationship Building	
12.7	Local Trust Committee Webpage	
13.	WORK PROGRAM	4:05 PM - 4:20 PM
13.1	Active Projects Report dated April 19, 2024	95 - 95
13.2	Future Projects Report dated April 19, 2024	96 - 97
14.	UPCOMING MEETINGS	
14.1	Next Regular Meeting Scheduled for Friday, June 14, 2024 at 11:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC	
15.	ADJOURNMENT	4:20 PM - 4:20 PM

Hornby Island Local Trust Committee Regular Meeting
April 26th, 2024

HICEEC (Hornby Island Community Economic Enhancement Corporation) Delegation

Speaking: Ross Birchall (WCG) on behalf of HICEEC

HICEEC Representative(s): Katherine Ronan and/or Karen Ross

1. REDIP (Rural Economic Diversification Infrastructure Program) Grant Application Update
2. BC Builds Program Update
3. Crown Land Use Application Update
4. Zoning (Proposed Amendment to LUB 150 PU(a) Site Specific Regulations: “*Despite Subsection 8.21(1), the only **additional** permitted uses are:*”



Hornby Island Local Trust Committee

Minutes of Regular Meeting

Date: February 2, 2024
Location: Hornby Island Community Hall
 4305 Central Road, Hornby Island, BC

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

Staff Present: Sonja Zupanec, Island Planner by Zoom
 Ian Cox, Planner 2
 Jennifer Isaac, Meeting Administrator
 Katherine Vogt, Recorder by Zoom

Others Present: Daniel Arbour, Regional Director
 There were approximately thirty-two (32) members of the public in attendance.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 11:33 a.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations. He introduced himself, Trustees, and Recorder; and invited Staff to introduce themselves. Planner Cox noted that he had been recently reassigned to Hornby Island, and Administrator Isaac noted that this was her debut meeting as Meeting Administrator. Chair Peterson welcomed Regional Director Arbour and members of the public. He noted that the meeting was being livestreamed and recorded.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Under new business, add items 11.1 Childcare for Local Trust Committee Meetings and 11.2 Comox Valley Regional District Business Licensing for STVRs.

By general consent the agenda was adopted as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Scott reported on the following:

- Proposed logging in Tribune Bay Park for a new road and extension is concerning because that area of the park contains some of the oldest growth trees on Hornby Island.
- The recent closure of the Tribune Bay Outdoor Education Centre is an important issue for discussion.
- Glamping is an interesting way to bring people to the island and needs further discussion.
- The possibility of halting all short-term vacation rentals on Hornby has been generating a lot of concern.

Trustee Allen reported on the following:

- Looking forward to working with colleagues and four different groups in-person this term.
- Hoping to help make people happy with the situation regarding short-term vacation rentals and other important issues.
- Curveball issues such as the proposed cell tower have stalled progress on other issues; and it is hoped that more progress can be made this term.

3.2 Chair's Report

Chair Peterson reported on the following:

- Attending meetings of the Islands Trust Financial Planning Committee in preparation for budget considerations for 2024/2025 at the upcoming Trust Council meeting in March.
- Attending meetings of the Islands Trust Governance Committee to review and prioritize the recommendations contained in the 2022 Governance Report.
- Attendance at the Salish Sea Symposium last week in Vancouver put on by Transport Canada; trying to get the federal government to understand the transport issues of coastal communities can be challenging; relationship building with Transport Canada officials will be worked on going forward.

3.3 Electoral Area Director's Report

Director Arbour reported on the following:

- The new provincial housing rules have granted several new powers to local governments, including allowing regional districts to issue business licenses; and there is an opportunity this week to request Comox Valley Regional District (CVRD) funds to initiate a collaboration project between the CVRD and the Hornby Local Trust Committee (LTC) regarding possibilities for business licensing for STVRs within the Hornby Local Trust Area.
- The Hornby Boat Ramp Project funds were secured last fall and the project will engage Kómox First Nation (KFN) early on.

- The CVRD is looking at creating a housing authority and would like to consult with Denman and Hornby Islands on their willingness to be a part of it.
- Thank you to the Hornby Island Residents and Ratepayers Association (HIRRA) and the Hornby Island Community Economic Enhancement Corporation (HICEEC) for their information that will contribute to the CVRD draft budget deliberations next week.
- The closure of the Tribune Bay Outdoor Education Centre has been sudden news to everybody; upcoming meetings with various parties will seek to clarify the issues surrounding the closure.

4. PUBLIC COMMENTS

Members of the public asked about or made statements on the following:

- In support of prioritizing a CVRD and Hornby Local Trust Committee (LTC) collaboration regarding possibilities for business licensing on Hornby Island, given that the Hornby Island Community Economic Enhancement Corporation (HICEEC) has long wanted this for short-term vacation rentals.
- Karen Ross updated that the HICEEC application for use of crown lands for housing and a cemetery extension is expected to go in this month. Katherine Ronan is designated as responsible for this application and is requesting that the LTC support it.
 - Planner Cox noted that planning staff have a meeting scheduled with Katherine Ronan on February 6th to discuss zoning considerations and what may be required in terms of Islands Trust approvals.
 - Joanne Ovitsland clarified that the application for crown land for the cemetery will be a separate application.
- In an extraordinary federal court hearing yesterday, Salt Spring Advocate Clarke argued that Rogers had failed to fulfill their obligations to consult with the community as per existing protocols and had behaved poorly. Clarke asserted that Innovation, Science and Economic Development Canada (ISED) had jurisdiction, but not unfettered power, over the proposed Salt Spring cell tower which will contain 9 antennas and 22 panels. In my 15-page submission to ISED earlier this week on behalf of the Concerned Residents of Hornby Island (CRHI), I called on the Minister to discipline Rogers, SitePath, and Brian Gregg for obstructing fair process and to dismiss this and all further applications for cell tower siting on Hornby Island. Our Official Community Plan requires that all public services and utilities installations on Hornby Island should be for servicing Hornby Island only. Trustees should honor their oath to protect all their constituents and vote for non-concurrence today.
 - Chair Peterson reminded that members of the public who wished to speak for a longer time could be better served by speaking as a delegation, for which they would be allotted 10 minutes.
- This 24-story cell tower will need to be covered with lights, visible over the entirety of the island, because it is in the flightpath of the medivac helicopter. This cell tower is to improve Rogers's general cell coverage and bottom line, not to better service Hornby. For better emergency response, Hornby should be getting satellite phones.

- Erecting a fifth-generation tower in the middle of Hornby's main community service area will cover Hornby Island with unhealthy electromagnetic pulses. This military-like installation is designed for the "internet of things" and the surveillance of everything.
- The current cell tower site is a bad site and is too close to the ball park; the bike track and bike trail; the golf course; Joe King Clubhouse; the kitchen and warming center; the weight room; the soccer field; the community school; the pickle ball, basketball, badminton and Spark maker space which is also proposed for a water testing site; the free store; the community hall; the home support building, the outdoor performance area; the outside market; the credit union; the medical clinic; the natural history building; the proposed community housing site; the Hornby Residents and Ratepayers Association building; Room to Grow; and the pre-school. Trustees need to tell the provincial government that the site is inappropriate.
- Fiber optics gives you a much better system than what the tower can offer.
- Please vote for non-concurrence to the proposed cell tower because it is the right thing to do.
- Expressed concern whether planning staff had followed proper legislative process throughout the history of the file. The Official Community Plan states that no such tower can exist on Hornby. This is undisputed as based on documents obtained through the Freedom of Information Act. The law allows trustees to vote non-concurrence at any time.
- Housing advocate April Lewis updated that the Hornby Island Housing Network and the Hornby Island Housing Society have developed a draft Housing Strategy document that will be ready for community feedback soon. In addition, a Community Profile Project for Hornby and Denman Islands was completed and can be accessed online at communityprofile.ca. Please advise us of any errors or omissions in the community profile.
- Advisory Planning Commission (APC) Secretary Joanne Ovitsland noted that the APC housing and short-term vacation rentals (STVR)s recommendations, submitted two years ago, have been stalled and now complicated by the new provincial housing regulations. While business license possibilities are welcome, there are now 10 to 15% more short-term vacation rentals (STVR)s being listed this year than last. Should housing and STVRs be separated to allow for a more efficient process?
- Rogers's cell tower proposal should be null and void if it is going against existing laws.
- Many parents cannot come to this meeting if there is no childcare available.
- In support a cell phone tower free Hornby Island for safety and health reasons. Many people on Hornby have spent a lot of time on their research and presentations regarding this issue. My cell phone already works well in most places on Hornby.
- Does the Islands Trust have any input into road quality issues?
 - Chair Peterson responded that Trust influence over roads issues was limited to letter writing.
- Microwave radiation is damaging to human and plant cells and is a weapon of assault. Children's brains are compromised by microwaves. Safer cell phone technologies exist but have been suppressed.
- There is no public support for this cell tower at this meeting today.

5. DELEGATIONS

5.1 Stuart Amos regarding the Agricultural Land Reserve and A1 Zoned Properties

Stuart Amos, speaking on behalf of the following farms and owners of Agricultural Land Reserve (ALR) designated, A1 Islands Trust-zoned property on Hornby Island: Little Tribune Farm: Nikki Pierce and Stuart Amos; Lerena Vineyards: Daniel Goodman and Rebecca Goldman; 80 Acre Wood: Mike Holmes, Wilfredo Sánchez Vega, and Kristen Berg; Fossil Beach Farm: Aileen Fearman and Jeff Zamluk, noted the following:

- The current delegation is a follow-up to that of the last meeting.
- Farm owners want clear Islands Trust rules that reflect current ALR rules.
- Glamping, currently allowed by the ALR for agri-tourism, is a low impact and good way of bringing people to the island that does not take away from local housing or STVRs, and that provides crucial farm income.

Chair Peterson deferred LTC discussion of the ALR regulations issues to later in the meeting, under Item 13.1.

6. MINUTES

6.1 Local Trust Committee Minutes dated December 13, 2023 - for adoption

The following amendments to the minutes were presented for consideration:

- Under Item 4, bullet no. 14, line 2, correct the spelling of “Griegg” to “Gregg.”
- Under item 5.1, second paragraph, line 1 replace the last name “Savoi” with the correct last name “Fearman.”
- Under Item 5.3, first paragraph, line 3, correct the spelling of the last name “Hoffner” to “Hoepner.”
- Under Item 5.3, sixth bullet, second indented bullet, replace the name “Emily” with the correct name “Eula.”

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-without-meeting Report - none

6.3 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated January 26, 2024

Received for information.

8. APPLICATIONS AND REFERRALS

8.1 HO-3400-02-2022.1 (Rogers Communications) - Innovation, Science, Education and Development Canada (ISED) Antenna Systems Consultation Process - Memorandum

Planner Cox updated Trustees with the following information contained in the Rogers Communications Memorandum:

- That a recent letter from Ken Pungente, Coastal Offices Director for ISED, indicated that consultation processes between a proponent and a land use authority (LUA) can be extended past the default ISED 120 days in the case where a LUA has requested additional public consultation and notification.
- Staff recently reviewed a new public notification proposal prepared by the proponent who intends to send out the expanded notification area information on February 2nd, which is today. There is no specified timeline for this new notification process per the guidance from Mr. Pungente noted above.
 - A member of the public noted that public responses to the new notification were requested by the proponent by March 8, 2024.
 - Planner Cox to provide clarity for the LTC on whether Rogers will bring this newly compiled public response information directly back to the LTC prior to the anticipated BC provincial Crown Lands referral. To be added as an update to the Follow Up Action List.
- The Local Trust Committee (LTC) can submit a letter of non-concurrence at any time, though staff would not be recommending this approach considering the LTC has requested additional notification; should difficulty arise in communication between the LUA and a proponent, the proponent may seek assistance from ISED as an intermediary and/or request dispute resolution..
- There is some risk of the above to the LTC in deciding upon non-concurrence before the proponent's new public consultation process is completed, given that the new process was requested by the LTC.

Chair Peterson noted the following:

- That a letter of non-concurrence would need to provide rationale deemed acceptable by ISED.
- That the Province is only involved with the Rogers application because they want to use a piece of crown land, rather than private land, for the site of their proposed cell tower.
- If the Province rejects Roger's application, Rogers will need to find a new piece of land and start over again with the public consultation process.

Trustees noted the following:

- ISED has the final say on whether a cell tower would be placed on Hornby or not.
- The previously proposed cell tower had no lighting, but the new proposed tower has full lighting.
- LTC objections to the crown land site that Rogers is applying for seems more defensible than LTC objections to Roger's consultation processes.

By general consent the meeting recessed at 1:16 pm and reconvened at 1:50 pm

Chair Peterson finalized that, given Trustee agreement, a letter of support for Katherine Ronan's applications for crown land for community housing and a cemetery extension could be done by Resolution Without Meeting.

9. LOCAL TRUST COMMITTEE PROJECTS - none

10. CORRESPONDENCE - none

11. NEW BUSINESS

11.1 Childcare for Local Trust Committee Meetings

Trustee Allen noted that regular LTC meetings, especially as they were held on Fridays, were difficult for parents of younger children to attend; and that available childcare could support families to attend more meetings.

Chair Peterson noted that it would be important to know if LTC funds were available for this purpose, and to have an estimate of cost.

HO-LTC-2024-01

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee ask staff to explore funding for childcare during Local Trust Committee meetings and report back at the next possible opportunity.

CARRIED

11.2 Comox Valley Regional District Business Licensing.

HO-LTC-2024-02

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to send a letter to the Comox Valley Regional District Director in support of funding for a feasibility study concerning business licensing for short-term vacation rentals on Hornby Island, by February 6 if possible.

CARRIED

Chair Peterson noted that he would also be writing a letter of support before the February 6th deadline, so that if the Staff letter was delayed, Director Arbour would have something to work with.

12. REPORTS

12.1 Trust Conservancy Report - none

12.2 Applications Report dated January 26, 2024

Planner Cox clarified that the Temporary Use Permit (TUP) HO-TUP-2020.3 for water extraction and sales at the Co-op was approved by the LTC in 2020, but the permit has never actually been issued because one of the conditions of the permit, receipt of a water license from the Province, has not occurred. It is anticipated by planning staff that this license will be forthcoming and that no current action is required.

12.3 Trustee and Local Expense Report dated December, 2023

Received for information.

12.4 Adopted Policies and Standing Resolutions

Chair Peterson questioned the current relevance of Standing Resolution no.7 from 2020:

- Planner Cox responded that this covid emergency response measure from 2020 that allowed for expanded patio space licenses by the Liquor Control Branch had been wound down by the branch. Staff could look further into it.

A Trustee questioned the slow progress of Standing Resolution No.5 “First Nation Relationship Building.”

- Chair Peterson responded that there were some Band Council elections held in January 2024. Letters to newly elected Band Councils within a month or two of elections could be considered.
- Planner Cox updated that Staff was actively engaged with Kómox First Nation (KFN) and that Trustees could engage KFN through current projects. Advocacy First Nation engagement protocols will be updated shortly by the Regional Planning Manager.

A Trustee noted that Standing Resolution No.8 needed to be updated to reflect the new resolution HO-LTC-2023-046 that removes the end-dates from previous standing resolutions to conditionally defer bylaw enforcement of unlawful permanent dwellings.

- Planner Cox acknowledged the need for updating this item.

A Trustee requested that Planner Cox look into current Advisory Planning Commission (APC) appointments because two of the APC members were coming to the end of their term.

12.5 Local Trust Committee Webpage

12.6 First Nations Relationship Building Update – verbal

Planner Cox, speaking on behalf of Regional Planning Manager Jamurat who sends apologies for being unable to attend the meeting, provided the following First Nations relationship-building update:

- Regional Planning Manager Jamurat and other Islands Trust Staff met virtually with Kómox First Nation (KFN) Chief, Council and Staff on January 18, 2024 and shared

information on the current planning projects for Hornby, Denman, and Lasqueti Islands; and the major works underway by Islands Trust Conservancy and Trust Area Services.

- KFN has indicated that they are interested in participating in Denman and Hornby generally and in the Trust Policy Statement work.
- Capacity funding contained within project budgets will finance ongoing discussions with KFN.
- Planner Zupanec was also present at the virtual meeting with KFN with information regarding the Hornby Official Community Plan and Land Use Bylaw Review Project.
- Director Claire Frater of Trust Area Services and the Acting Senior Policy Advisor Mary Storzer were also present at the virtual meeting.
- Discussions went very well.

A Trustee expressed some concern that the Capacity Funding for First Nations relationship building of \$12,000 for Hornby was excessive given that other Trust Islands also needed funds.

- Chair Peterson noted that Capacity Funds came from the Province specifically for First Nations relationship building; any funds not used by Hornby would go back into the pool of funds for that specific use by other Trust Islands.
- Planner Zupanec noted that \$12,000 was set aside from the Hornby LTC Project budget for capacity funding with the Nation and has not yet been accepted. It would be prudent not to mislead KFN by removing funds just when plans for future work have been successfully set in motion.

13. WORK PROGRAM

13.1 Active Projects Report dated January 26, 2023

The Local Trust Committee (LTC) discussed the possibility for including the alignment of Agricultural Land Commission (ALC) regulations with local Trust regulations into the current Hornby Official Community Plan (OCP)/Land Use Bylaw (LUB) Review Project.

Planner Zupanec advised that a draft resolution to include the agricultural regulations issues could be prepared by planning staff for consideration at the next LTC meeting.

- Planner Cox added that better clarity around current agricultural regulations could be provided by planning staff before consideration of a resolution.
- A Trustee considered that this upcoming planner review of existing agricultural regulations across jurisdictions may be appropriate for Advisory Planning Commission (APC) referral.

13.2 Future Projects Report dated January 26, 2024

HO-LTC-2024-03

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee ask staff to add Future Projects Report Number 4 to the Official Community Plan/Land Use Bylaw Review Project.

CARRIED

Planner Zupanec clarified that Item No. 4 on the Future Projects Report, regarding the consideration of zoning amendments to allow chickens (but not roosters) in all zones and the consideration of excluding cisterns from setback regulations, would be added by Staff to the draft charter of the Hornby Official Community Plan (OCP)/Land Use Bylaw (LUB) Review Project for Local Trust Committee (LTC) endorsement at the next regular LTC meeting.

14. UPCOMING MEETINGS

14.1 Date Options for Hornby Local Trust Committee Special Meeting - for discussion

HO-LTC-2024-04

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Special Meeting for receipt of advice around provincial housing regulations and the Hornby Official Community Plan be scheduled for March 22, 2024, in person and hybrid, if possible, at the Hornby Island Hall.

CARRIED

14.2 Next Regular Meeting Scheduled for Friday, April 26, 2024 at 11:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC

15. ADJOURNMENT

By general consent the meeting was adjourned at 2:46 p.m.

Timothy Peterson, Chair

Certified Correct:

Katherine Vogt, Recorder

DRAFT



Hornby Island Local Trust Committee

Minutes of Special Meeting

Date: March 22, 2024
Location: Hornby Island Community Hall
 Central Road, Hornby Island, BC

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

Staff Present: Wil Cottingham, Meeting Administrator by Zoom
 Renée Jamurat, Regional Planning Manager
 Sonja Zupanec, Island Planner
 Katherine Vogt, Recorder by Zoom

Others Present: There were approximately 56 members of the public in attendance.

Regrets: Daniel Arbour, Electoral Area Director

1. CALL TO ORDER

Chair Peterson called the meeting to order at 11:40 a.m. He acknowledged that the special meeting was being held on the territory of the Coast Salish First Nations. He introduced trustees, staff, recorder, and members of the public and announced that Director Arbour was unable to connect to the meeting, but that he had forwarded his report. He noted that the meeting was being livestreamed and recorded; but that if the livestreaming connection became unstable, that it would be disconnected to preserve bandwidth for remote participants. He requested that members of the public refrain from using WIFI to preserve bandwidth. He acknowledged the imminent retirement and incredible service of long-time Gabriola office administrator Wil Cottingham, especially noting her amazing technical meeting support throughout the Covid crisis.

Trustee Scott acknowledged all the local Advisory Planning Commission members present and noted all the work they had recently completed.

Trustee Allen read from a personally written letter to acknowledge and thank retiring administrator Wil Cottingham and to express gratitude for her seven years of dedicated, exceptional service.

2. APPROVAL OF AGENDA

The following additions to the agenda were considered:

- Add item 3.1: Electoral Area Director's Report. Move staff report to item 3.2

By general consent the agenda was approved as amended.

3. BUSINESS ITEMS

3.1 Electoral Area Director Report

Chair Peterson delivered the report from Regional Director Daniel Arbour, noting the following:

- The Comox Valley Regional District (CVRD) Board recently supported working with Islands Trust (IT) staff to explore a short-term vacation rentals (STVR)s business licensing program for Hornby Island; this business licensing will be a key discussion topic at the upcoming IT/CVRD June 2024 meeting; and it is an expected outcome of these discussions that there be a budget allocation.
- The Electoral Areas Service Committee decided not to opt in to the Provincial STVR Program, pending further analysis.

3.2 Review of New Provincial Short-Term Rental Accommodation Act and Options for Hornby Island Official Community Plan Review Project - Staff Report

Planner Zupanec presented the staff report that asks trustees to consider four possible options for realigning the Hornby Island Official Community Plan (OCP) Project with new provincial regulations regarding STVRs, noting the following:

- The intent of the new provincial STVR regulations is to move some STVRs into long-term rentals; so even though Hornby Island is exempt from some of the mandatory requirements in the new legislation, the Province still wants all local governments to review their local bylaws with that general intent in mind.
- The four categories of options presented in the staff report do not exclude other possible options.
- Business licensing for STVRs is not a policy directive of the Local Trust Committee (LTC), but rather a tool to help implement several different options.
- The first option would be to allow Hornby to maintain their existing permissions of STVRs and to not opt-in to the new principal residence requirement; though STVR operators would still have to register their businesses when the new provincial registry becomes operational sometime this year. This registry may be an attractive alternative to CVRD business Licensing.
- The second option would be to consider opting in to the principal residence requirement with a deadline of March 31 of each year. Gabriola Island has opted in recently.
- The third option would be to compile, and then include, several specific detailed desired amendments to STVRs in the current OCP Project draft bylaw and to include this with opting in or staying out of the principal residence requirement. This option would result in any non-conforming operators losing their ability to operate without

compensation because non-conforming operators will no longer be protected by not conforming protection clauses; so, each amendment would have to be very carefully considered.

- The fourth option, to eliminate geographical zoning for STVRs in-perpetuity and require that they be managed through customized local Temporary Use Permits (TUP)s and provincial registration, also has implications for approximately 180 STVR operators on Hornby who could lose their non-conforming status if they cannot acquire a TUP.
- The principal host of a property who is not the owner of the property can be considered a principal resident; it is uncertain if that principal host must be on site; though it is considered unlikely that they must be on site.
- The First Nations Capacity Agreement has been finalized and signed and it is important that the Hornby OCP Project reflect First Nations input. Staff updates will be ongoing.
- If STVR issues are separated from the current Hornby OCP Project, they could constitute a future or current minor project.
- If Hornby opts in to the principal residence requirement, it is improbable that a local TUP could supersede this.
- Communities in the province that are not mandated to have the principal residence requirement are able to wait and see how the requirement plays out.
- CVRD STVR business license discussions will be affected by the anticipated extent of the numbers of STVRs that the LTC may allow to operate in the future on Hornby.

Trustees spoke on the following:

- Enforcement and administrative issues for the new Provincial STVR Registry, TUPs for STVRs, and business licenses for STVRs.
- Problems with TUPs have already been discussed extensively.
- Which APC recommendations could be included in possible future TUPs.
- Communities that do not opt in to the provincial principal residence requirement for STVRs could end up attracting numerous out-of-community operators.
- Local needs for STVR income to help pay mortgages, insurance, and property taxes.
- The contentiousness of the STVR issues on Hornby.
- Increasing numbers of visitors to Hornby affecting Hornby and Denman Island residents' quality of life.
- The APC recommendations for STVRs included a principal residency requirement.

By general consent the meeting was recessed at 1:08 pm and reconvened at 1:20 pm.

Planner Zupanec noted the following:

- The process of opting out after opting in to the principal residence requirement is unclear and may be complicated.
- APC recommendations are currently already included in OCP Project charter and the LTC is being asked to confirm the direction it wishes to take to advance this project.

HO-LTC-2024-005

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to prepare draft amendments to the Official Community Plan and Land Use Bylaw Review Project Charter to reflect:

- a) Option 3: not opting in to the principal residence requirement and incorporating the Advisory Planning Commission recommendations but excluding the temporary use permit.
- b) Updated project engagement plan with K'ómoks First Nation; and
- c) Updated work plan, community engagement plan and associated budget.

A trustee requested an amendment to the motion to remove the phrase “but excluding the temporary use permit.”

Trustees discussed Option 4: the use of TUPs for STVRs and whether they would be supplemental to or a replacement of zoning bylaws. A trustee clarified that TUPs would be an addition to zoning.

HO-LTC-2024-005

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to prepare draft amendments to the Official Community Plan and Land Use Bylaw Review Project Charter to reflect:

- a) Option 3: not opting in to the principal residence requirement and incorporating the Advisory Planning Commission recommendations.
- b) Updated project engagement plan with K'ómoks First Nation; and
- c) Updated work plan, community engagement plan and associated budget.

DEFEATED

Trustees reconsidered that the question of TUPs for STVRs could be postponed to next meeting; and brought back the original motion.

HO-LTC-2024-005

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to prepare draft amendments to the Official Community Plan and Land Use Bylaw Review Project Charter to reflect:

- a) Option 3: not opting in to the principal residence requirement and incorporating the Advisory Planning Commission recommendations but excluding the Temporary Use Permit.
- b) Updated project engagement plan with K'ómoks First Nation; and
- c) Updated work plan, community engagement plan and associated budget.

CARRIED

HO-LTC-2024-006

It was MOVED and SECONDED,

That the Hornby Island Local Trust Committee request staff to bring forward the updated Project Charter for the Official Community Plan and Land Use Bylaw Review to the April 26, 2024 regular business meeting for Local Trust Committee endorsement.

CARRIED

The Chair noted that the next meeting of the LTC would be held in person at Room to Grow on April 26, 2024.

- A Trustee added that Room To Grow was a small venue to hold the number of persons present as at the current meeting.
- Administrator Cottingham added that the Hornby Hall had been unavailable for rental.
- A member of the public added that hybrid meetings would not be possible at Room to Grow. It had to be all electronic or all in person.

4. ADJOURNMENT

By general consent the meeting was adjourned at 2:03 p.m.

Timothy Peterson, Chair

Certified Correct:

Katherine Vogt, Recorder



Resolutions Without Meetings Log

Hornby Island

Resolution Number	Action	Date
2024-002 Change April 26, 2024 in-person meeting to electronic That the Hornby Island Local Trust Committee request staff to change the format of the regular business meeting scheduled for April 26th from in-person to an electronic ZOOM meeting	Carried	19-Apr-2024
2024-001 Staff to prepare draft amendments to the Official Community Plan and Land Use Bylaw Review Project Charter That the Hornby Island Local Trust Committee request staff to prepare draft amendments to the Official Community Plan and Land Use Bylaw Review Project Charter to reflect: 1. Short Term Rentals as a permitted use be revoked in all zones. 2. At the same time all STR operators apply for TUP indicating approved septic and water.	Carried	03-Apr-2024

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.		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)		Target: 08-Sep-2023	Completed

08-Sep-2023

Activity	Responsibility	Dates	Status
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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.			Completed

13-Dec-2023

Activity	Responsibility	Dates	Status
1 Staff to investigate 2024 regular LTC business meeting dates. Endorsed: April 26, June 14, November 1 Investigate February 2 and 9, with potential additional meeting date of September 6 or 13	Ian Cox Wil Cottingham		Completed

Follow Up Action Report

Hornby Island

13-Dec-2023

Activity	Responsibility	Dates	Status
2 Planning staff to notify bylaw enforcement staff of LTC resolution and update deadlines for standing resolutions HO-2021-053 and HO-2021-054 as follows: The Hornby Island Local Trust Committee directs Bylaw Compliance and Enforcement staff to temporarily withhold enforcement against unlawful dwellings upon receipt of a written complaint, unless any of the following conditions apply: a) There is a complaint from an immediate neighbour; b) There is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement; and c) There appears to be more than one unlawful dwelling on a lot. Nothing in this enforcement policy should be interpreted as giving permission to violate the Hornby Island Land Use Bylaw and the Hornby Island Local Trust Committee may change this policy or give direction to expand enforcement activities at any time.	Daniel Schneider Ian Cox Warren Dingman	Target: 14-Dec-2023	Completed

02-Feb-2024

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Hornby Island

02-Feb-2024

Activity	Responsibility	Dates	Status
1 Staff to provide information to the LTC at next opportunity on the following regarding Rogers Communications tower proposal: ·clarity on proponent timeline for LTC-requested additional public notification; ·process for additional public input from notification to be provided to LTC before or at time of provincial Crown Lands referral?	Ian Cox		In Progress
2 HO-LTC-2024-01 Staff to explore funding for childcare during Local Trust Committee meetings and report back at the next possible opportunity.	Ian Cox		In Progress
3 Staff to check for consistency and correct potential error to Standing Resolution 2020-074 RE: enforcement on unlawful dwellings following amendment to resolutions 2021-53 and 2021-54 passed by resolution at December 13th regular meeting.	Ian Cox	Target: 22-Mar-2024	In Progress
4 HO-LTC-2024-02 Staff to send a letter to the Comox Valley Regional District Director in support of funding for a feasibility study concerning business licensing for short- term vacation rentals on Hornby Island, by February 6 if possible.	Ian Cox		Completed

DATE OF MEETING: April 26, 2024

TO: Hornby Island Local Trust Committee

FROM: Ian Cox, Planner 2
Northern Team

SUBJECT: Commercial Development Permit Application

Applicant: Matthew Fredbeck

Agent: Ronaldo F. Cruz

Location: 10835 Central Road, Hornby Island (PID 005-574-285)
Lot 9, Sections 2 and 18, Hornby Island, Nanaimo District, Plan 8602 Except
part lying to the north east of a boundary parallel to and perpendicularly
distant 50 feet from the north easterly boundary of said lot

RECOMMENDATION

1. That the Hornby Island Local Trust Committee approve issuance of HO-DP-2023.2.

BACKGROUND

The Hornby Island Local Trust Committee (LTC) is asked to consider development permit (DP) application HO-DP-2023.2 which seeks to authorize alteration to the rooflines of six (6) existing guest cabins and a washroom facility building on the property within the Commercial Centres (Retail and Visitor Accommodations) Development Permit Area (DPA). Staff finds that the application meets the DPA Guidelines as analysed in **Attachment 1** and recommend approval of the permit (**Attachment 2**).

The property is located at the end of Central Road at Ford Cove (Figure 1 below). Several planning applications have been submitted over the years as itemized in **Attachment 3** – Site Context. Of note are the following relevant to the current DP application:

- In November, 1996, the LTC issued HO-DP-1996.1 which repealed and replaced all previous DPs for the property and recognized the location of the existing buildings, camping spaces, and site design up to that date (**Attachment 4**).
- In October 2019, the LTC issued HO-DVP-2018.1 and HO-DP-2018.1 which varied several sections of the Hornby Island Land Use Bylaw No. 150 (LUB) to allow construction of a commercial retail building and restaurant, and ensured that parking, landscaping, and building façade materials met the DPA Guidelines, respectively. No Siting and Use Permit (SUP) application was submitted or issued at the time in 2018 for the proposed work; however the applicant has since formalized the structures that were the subject of the DP/DVP combination via HO-SUP-2023.14 that was issued by staff on February 16th, 2024.

ANALYSIS

K'ómoks First Nation

The [K'ómoks \(KFN\) Cultural Heritage Policy](#) specifies expectations for managing impacts to archaeological sites across KFN territory. At this time, no Cultural Heritage Investigation Permit (CHIP) is required where there is no ground disturbing activity taking place, as confirmed by the KFN Archaeology and Referrals Department on January 4, 2024 upon review of the proposed work.

Notwithstanding the foregoing, the property contains and is in proximity to, areas of cultural significance identified by both K'ómoks First Nation and the Provincial Archaeology Branch, with material protected under the *Heritage Conservation Act*. No ground disturbance is planned as part of the roofline alterations and the applicant is aware of their responsibility under the HCA and KFN CHIP process if ground alteration were to occur and/or material is encountered during development. Provincial Chance Find Procedures ¹ are in place and must be followed.

Islands Trust Policy Statement:

Staff has reviewed the Islands Trust Policy Statement (ITPS) concluding that the application is not at variance with those policies.

Official Community Plan:

The Hornby Island Official Community Plan Bylaw No. 149, 2014 (OCP) designates the subject property as CS/VA (Retail and Personal Service/Visitor Accommodation). The property is located within the Commercial Centres (Retail and Visitor Accommodations) DPA with Guidelines as analysed in **Attachment 1**.

Land Use Bylaw:

The property is zoned Comprehensive Commercial (Ford Cove) – C5 under the LUB which permits retail, restaurant, and visitor accommodation uses, with a maximum of six visitor accommodation units per lot (the existing cabins). The proposed alteration to the roofline and height of the guest cabins and washroom building and its cladding upgrade complies with the maximum height of 6.0 metres for buildings and structures within 100 metres of the natural boundary of the sea, per section 3.4(2) of the LUB. Section 8.13(6) stipulates a maximum floor area of 80m² for visitor accommodation units in the C5 zone. No alterations to the cabin or washroom footprints are proposed as part of the application.

Cabin Alterations

Proposed work to the six cabins includes alteration of the roofs from a pitched gable to a sloped shed design to accommodate the installation of solar panels (**Attachment 2**). Following the proposed interior renovations, the largest of the cabins will be 79.92 m² in floor area, which is functionally the maximum permitted as mentioned in the above LUB section of this report. Any further increase to the floor area would require a Development Variance Permit (DVP) for area beyond the maximum 80m². Although the interior renovations are not applicable to the DPA, they must adhere to the maximum floor area for visitor accommodation units which applies to all six existing cabins.

¹ <https://islandstrust.bc.ca/document/province-of-bc-archaeology-chance-find-procedure/>

Washroom Alterations

According to the applicant, planned alterations to the washroom building include changing the roof material from wood shingles to a metal panel roof and replacing the exterior cladding with a “Smart Panel” engineered plywood product resembling a Hardy Board type textured wood finished appearance. No photographs or drawings of the current washroom building and the proposed new cladding materials have been provided in the application, however, stipulation of materials per DPA Guidelines 9.1(10) has been included in the draft DP presented in **Attachment 1** in order to ensure compliance with the LUB. The layout inside the building will be changed also which is not included in the application since interior alterations do not trigger applicability of the DPA.

Consultation

Statutory Requirements

Development permits do not require statutory public notification or agency referrals per the *Local Government Act*.

Rationale for Recommendation

Staff consider the application to meet the DPA Guidelines as reflected on Page 1 of this report and therefore recommend issuing the permit. Under provincial legislation for the criteria to approve or deny DPs, the LTC must find that either a) the application meets the DPA guidelines, b) that additional information is required prior to making a decision, or c) that it does not meet the DPA Guidelines and provide specific reasons why this is the case.

ALTERNATIVES

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

1. Request Additional Information

The LTC may find that it requires additional information before making a decision. Recommended wording for the resolution is as follow:

That the Hornby Island Local Trust Committee request the applicant provide the following additional supporting information prior to further consideration of application HO-DP-2023.2: (insert information)

2. Approve Permit with Condition(s)

The LTC may wish to impose certain conditions on the permit within the legislative parameters and guidelines of the Development Permit Area. If selecting this alternative, the LTC should clearly describe the conditions. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee approve issuance of Development Permit HO-DP-2023.2 conditional upon the following: (insert conditions).

2. Deny the application

The LTC may deny the application. For example, the LTC may determine that the application does not meet the DPA Guidelines. If this alternative is selected, the reason for the decision must be clearly stated. Recommended wording for the resolution is as follows:

*That the Hornby Island Local Trust Committee deny application HO-DP-2023.2 for the following reasons:
(insert reasons).*

NEXT STEPS

If the LTC resolves to issue the DP based on the staff recommendation on page 1 of this report, the DP will be issued as presented in Attachment 2 or with conditions as resolved by the LTC. If the permit is denied, the application will be closed.

Submitted By:	Ian Cox, Planner 2	April 15, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	April 15, 2024

ATTACHMENTS

1. DPA Guidelines
2. Draft Development Permit
3. Site Context
4. Development Permit, HO-DP-1996.1

ATTACHMENT 1 – DEVELOPMENT PERMIT (DP) GUIDELINES FOR THE COMMERCIAL CENTRES (RETAIL AND VISITOR ACCOMMODATIONS) DEVELOPMENT PERMIT AREA

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Commercial Centres (Retail and Visitor Accommodations) Development Permit area shall apply to the Hornby Island Local Trust Committee for a development permit. Development Permits issued in this area should be in accordance with the following guidelines:

	Guideline	Complies	Notes
1	The character of each development (including campgrounds) should be in keeping with the rural environment and blend in with the aesthetic qualities of the natural surroundings.	Yes	Materials used to match existing vertical wood board and batten siding per HO-DP-2018.1.
2	The form of the development should incorporate low, small-scale building designs with such amenities as public walkways and outdoor open spaces for use by the public, and include sufficient services.	Yes	The proposed alteration to the existing cabins includes lowering rooflines to 5.8 m in height which meets the LUB maximum of 7 m for buildings and structures within 100 metres of the natural boundary of the sea.
3	Natural vegetation and trees should be maintained for screening of parking and storage areas and to enhance the privacy and rural flavour of public open spaces.	n/a	Proposed alteration to cabins does not include changes to landscaped areas.
4	In order to minimize light pollution to neighbouring properties, lighting should be softer and lower than supplied by mercury vapour lighting towers, and alternatives that do not light up adjacent private properties shall be required.	Yes	Per HO-DP-2018.1, the applicant has stated that light fixtures will be directed down
5	Off-street automobile parking should be provided as required by bylaw and the Permit should ensure that it is adequately screened and unobtrusive and, if possible, is located to the rear of the parcel and away from public open spaces and eating places.	n/a	Proposed alteration to cabins does not include changes to parking areas.
6	Adequate convenient toilet and washroom facilities should be provided for the number of customers anticipated.	n/a	Proposed alteration to cabins does not include changes to public washroom facilities.

7	Clustering of businesses in order to share in the provision of parking, services, and public facilities and open space should be encouraged.	n/a	Proposed alteration to cabins does not include additional uses/facilities.
8	A landscape plan incorporating natural landscaping should be required.	n/a	Proposed alteration to cabins does not include changes to landscaped areas.
9	Neon or internally lit signs should not be permitted.	Yes	None proposed.
10	All buildings should be finished in natural products such as wood or brick.	yes	Vertical wood board and batten siding to be used per existing façade materials authorized by HO-DP-2018.1
11	On any lot where residential use is permitted the sequence of construction should be that buildings to be used only for commercial purposes should be constructed prior to any construction of any building that may accommodate residential use, with the exception that one building to be used for commercial purposes that includes one dwelling unit may be constructed, if authorized by zoning regulation, in any sequence of construction on the lot.	n/a	Commercial and residential building already constructed.
12	Universal access design principles should be incorporated into the built environment to support the provision of equitable access for all abilities.	Yes	Per HO-DP-2018.1, owner/applicant has stated that aspects of the development are intended to improve access. No alteration to existing access for cabins proposed as part of this DP application.

**HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT
HO-DP-2023.2**

To: FORD'S COVE MARINA LTD. (BC NO. 0104267) & MATTHEW FREDBECK

1. This Development Permit (the "Permit") applies to the land described below:

Lot 9, Sections 2 and 18, Hornby Island, Nanaimo District, Plan 8602 except part lying to the North East of a Boundary Parallel to and Perpendicularly Distant 50 feet from the North Easterly Boundary of said Lot. (PID: 005-574-285)

2. This Development Permit HO-DP-2023.2, authorizes the following only:

- alteration to and replacement of the roofs and exterior cladding of six (6) existing visitor accommodation units described as the "cabins";
- alteration to and replacement of the roof and exterior cladding of an existing "washroom" facility building;

all within the Hornby Commercial Centres (Retail and Visitor Accommodations) Development Permit Area and subject to the following requirements and conditions.

CONDITIONS

- a) The proposed development shall be consistent with Schedule "A" – Site Plan Survey, and Schedule "B" – Cabin Plans and Elevations, attached to and forming part of this permit.
 - b) All buildings must be finished in natural products such as wood, stone, brick, or comparable materials.
3. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
 4. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
 5. This permit does not relieve the applicant from complying with the provisions of the Hornby Island Land Use Bylaw unless varied by this Permit.

This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of Hornby Island Land Use Bylaw No. 150, 2014 and to obtain other approvals necessary for completion of the proposed development.



Islands Trust

PROPOSED

AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE THIS XXth DAY OF April, 2024.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE XXth DAY OF April, 2026, THIS PERMIT AUTOMATICALLY LAPSES.

DRAFT

PROPOSED

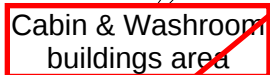
HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-DP-2023.2

SCHEDULE 'A' - Site Plan Survey

(begins on next page)

DRAFT

FORD, S COVE



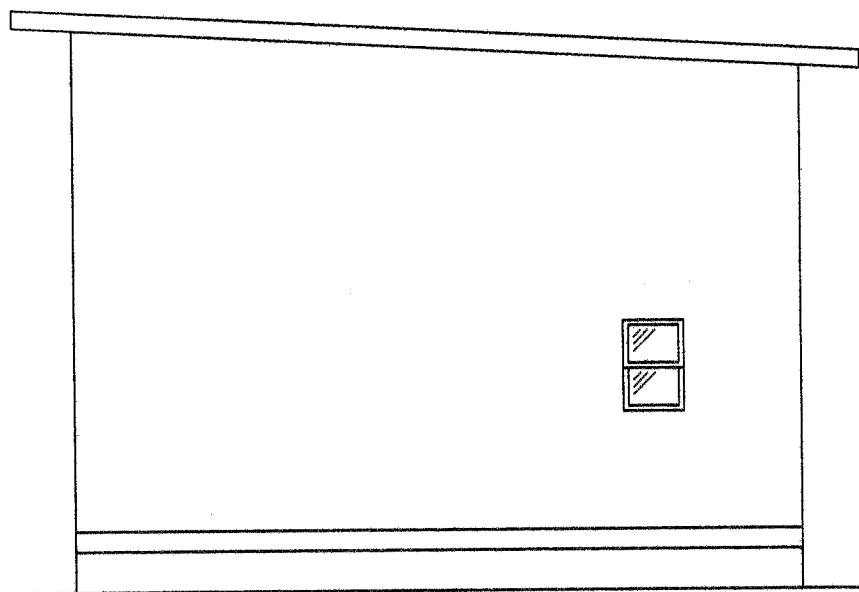
PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-DP-2023.2

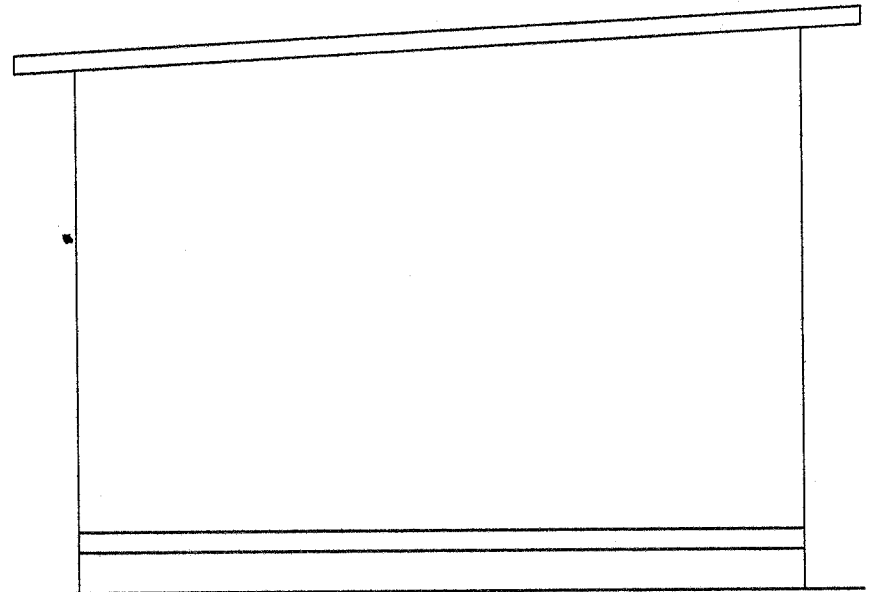
SCHEDULE 'B' - Cabin Plans and Elevations

(begins on next page)

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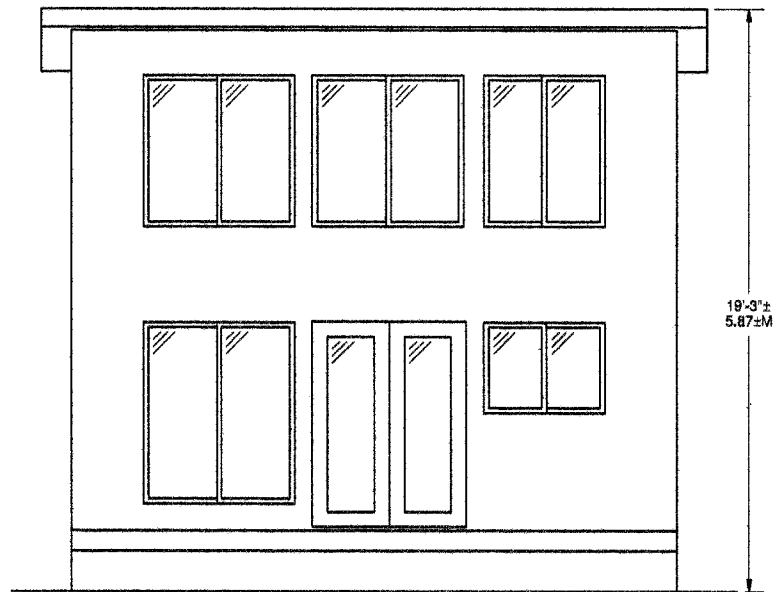


RIGHT ELEVATION
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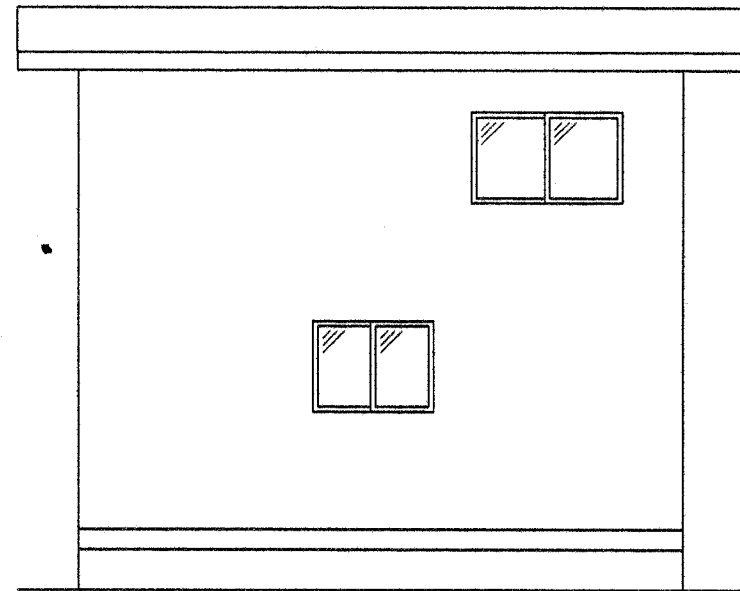


LEFT ELEVATION
SCALE 1/4"=1'

RENOVATIONS TO 2 BEDROOM CABINS

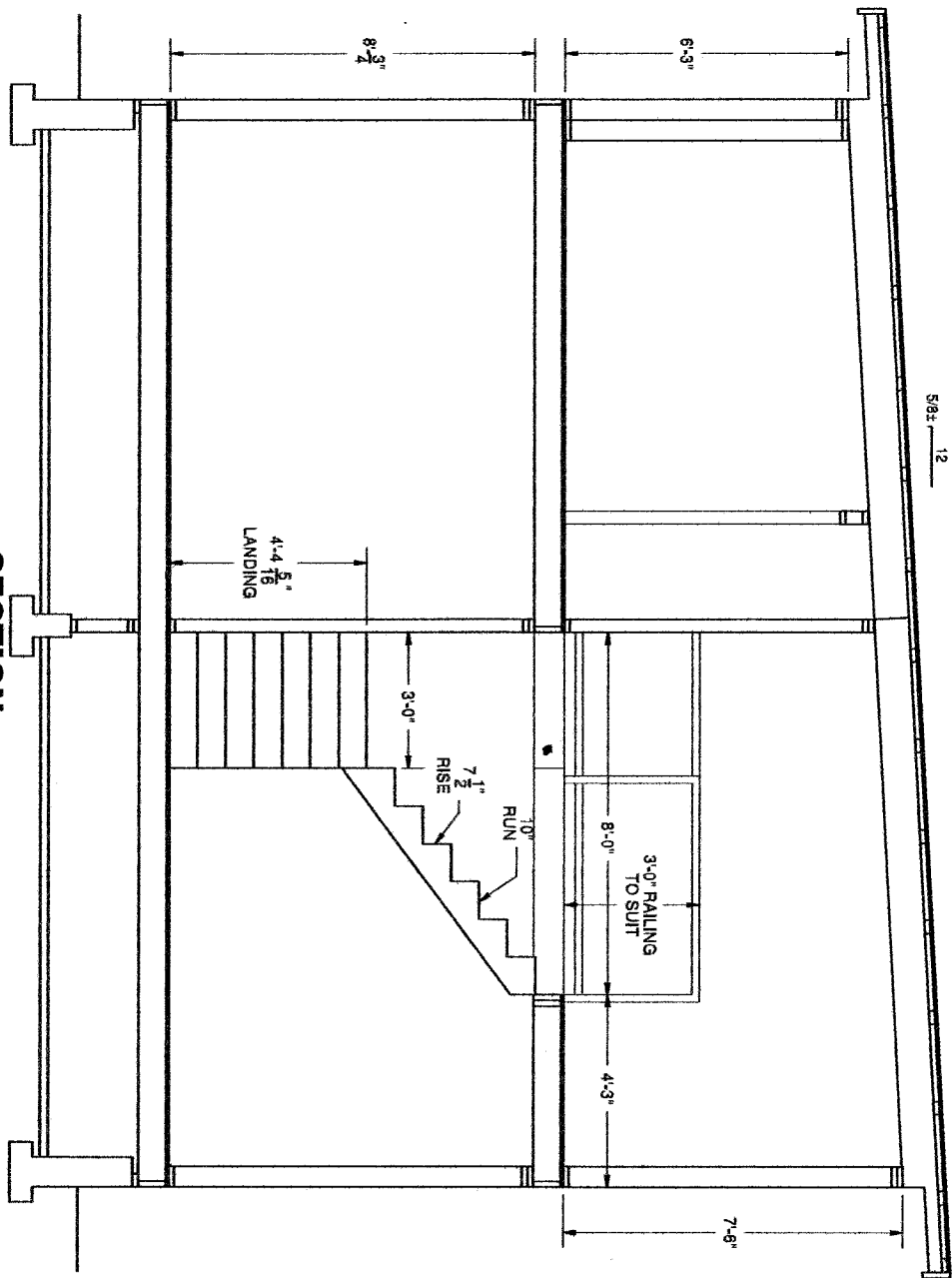


FRONT ELEVATION
SCALE 1/4"=1'



REAR ELEVATION
SCALE 1/4"=1'

RENOVATIONS TO 2 BEDROOM CABINS



SECTION
SCALE 3/8"=1'

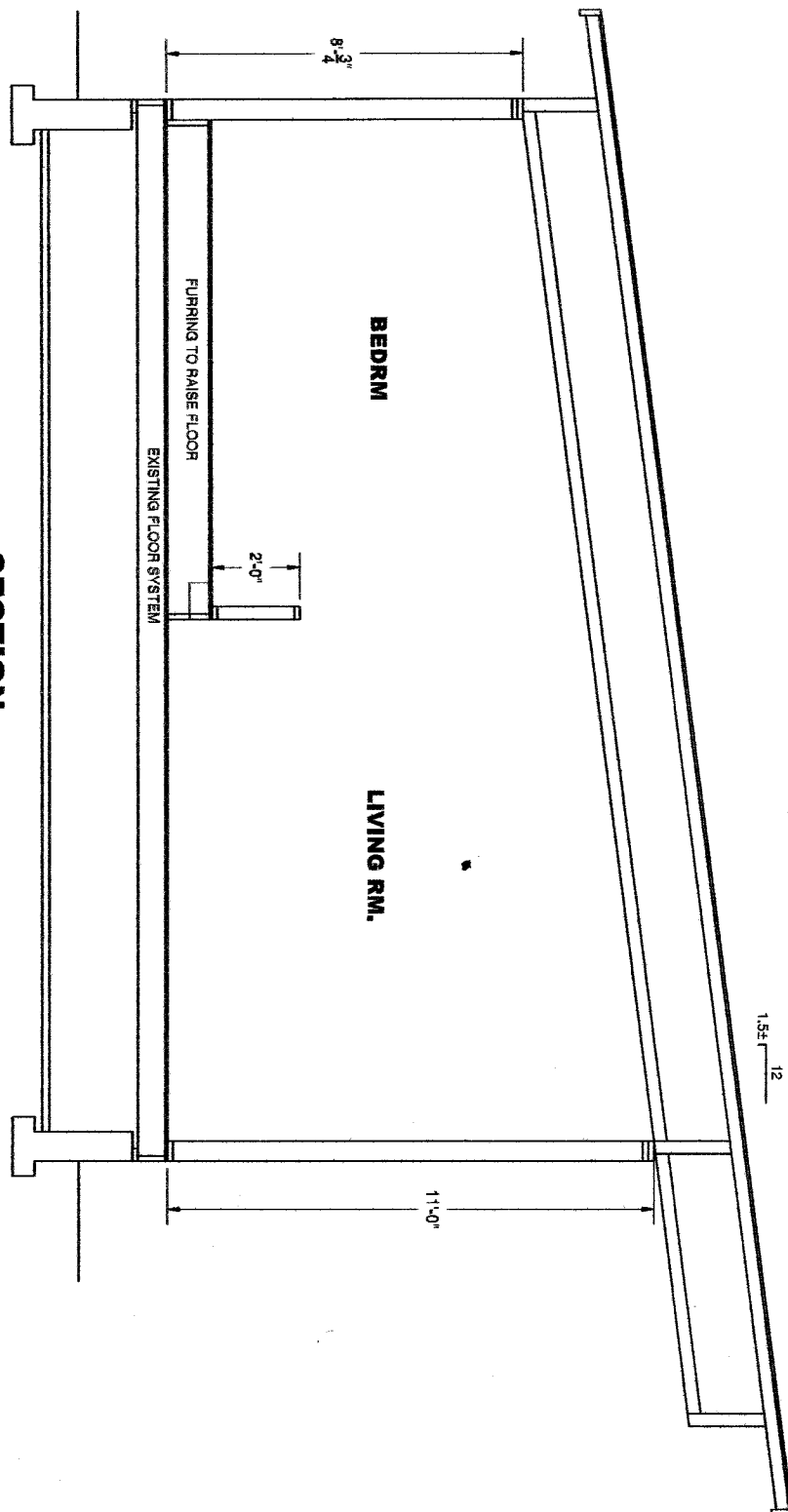
RENOVATIONS TO 2 BEDROOM CABINS



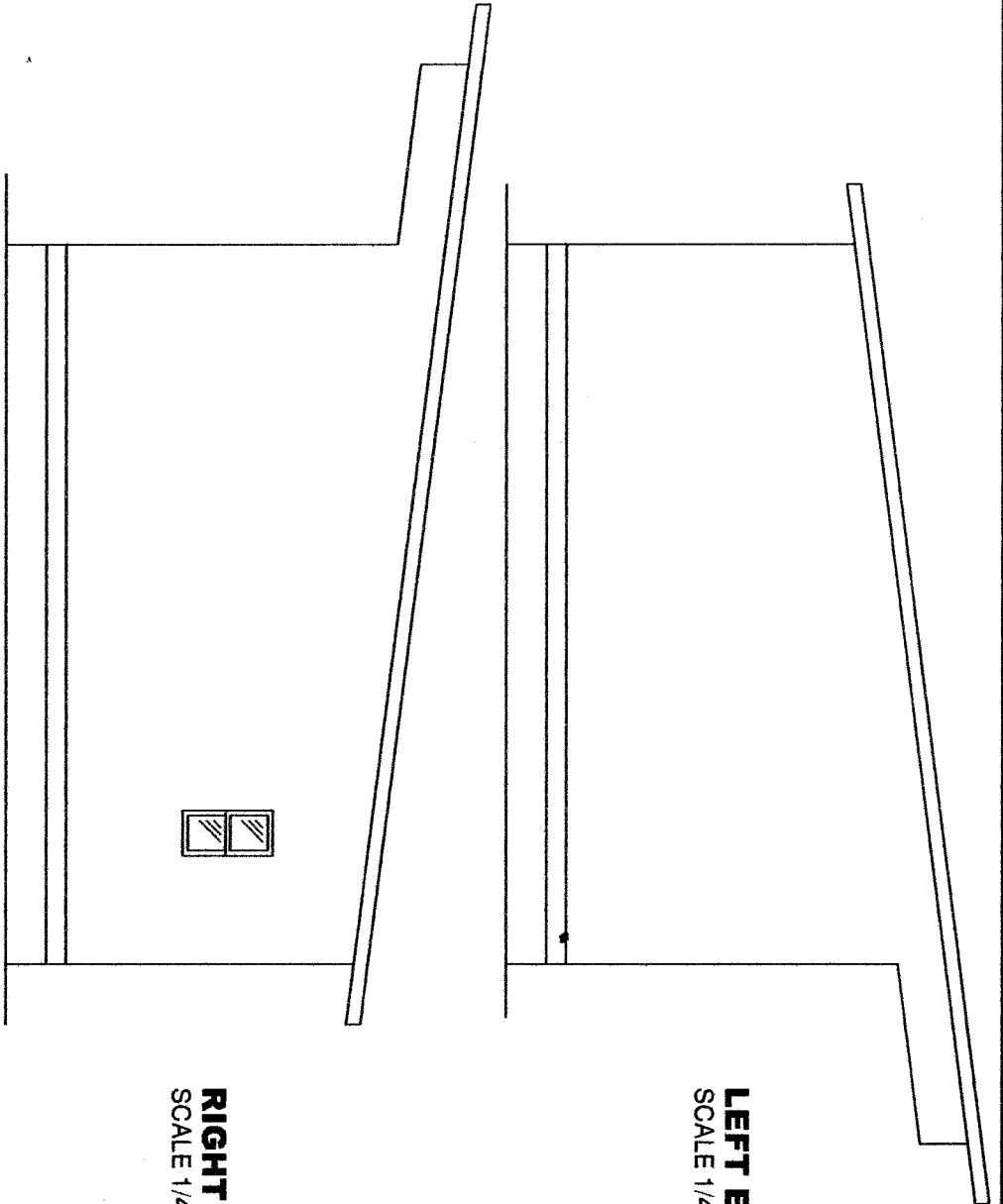
RENOVATIONS TO 2 BEDROOM CABINS

RENOVATIONS TO 1 BEDROOM CABINS

SECTION
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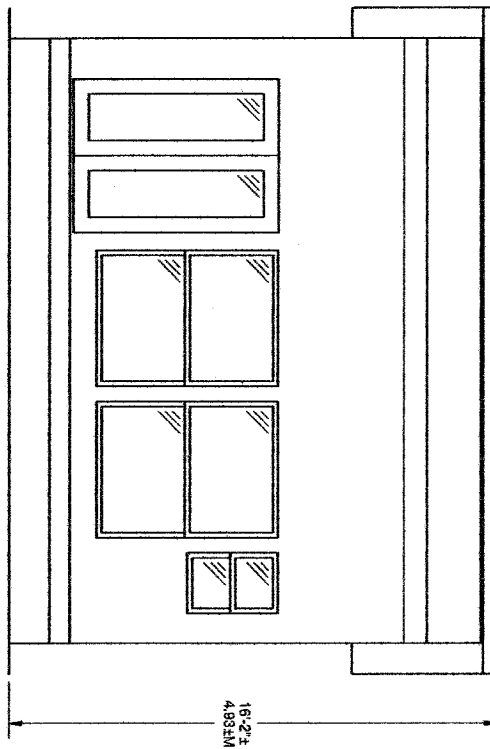


LEFT ELEVATION
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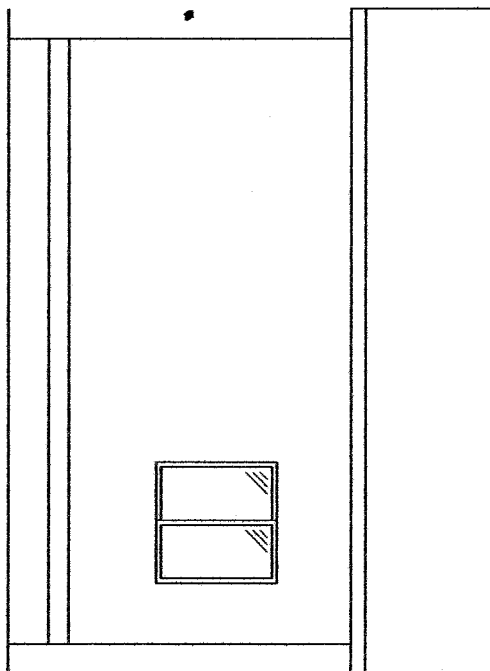


RIGHT ELEVATION
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RENOVATIONS TO 1 BEDROOM CABINS

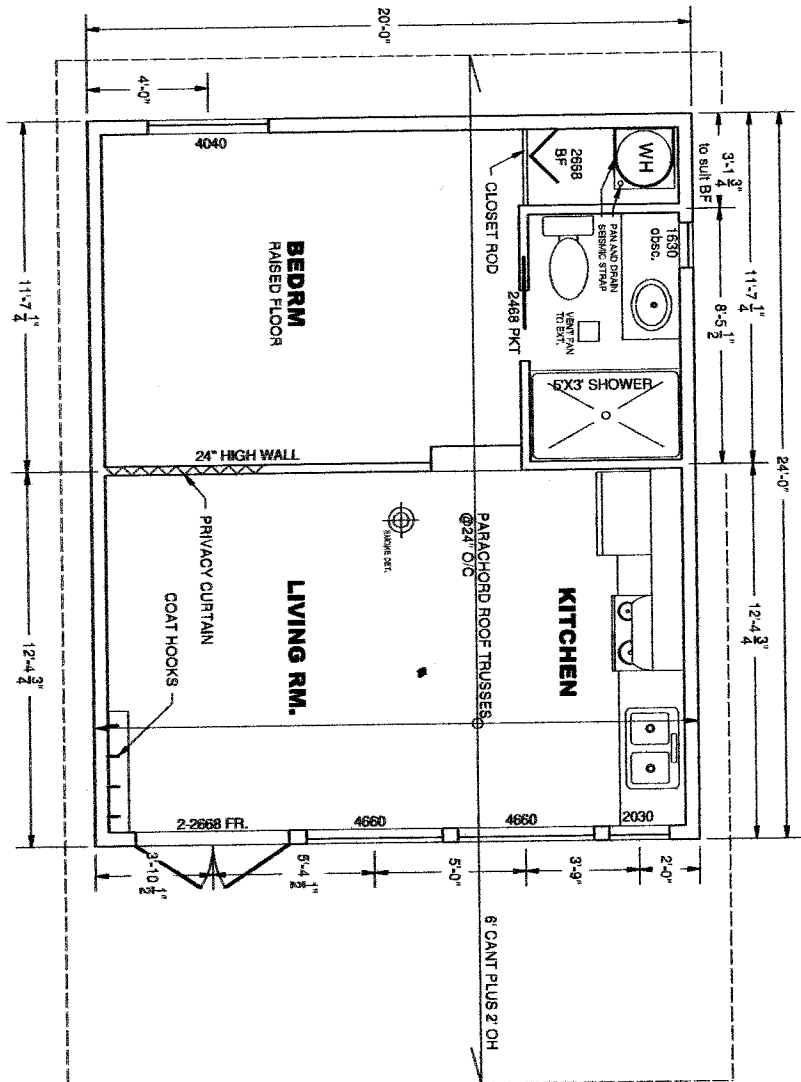


FRONT ELEVATION
SCALE 1/4" = 1'



REAR ELEVATION
SCALE 1/4" = 1'

RENOVATIONS TO 1 BEDROOM CABINS



LOWER FLOOR PLAN
SCALE 1/4"=1'

RENOVATIONS TO 1 BEDROOM CABINS

SITE CONTEXT AND POLICIES

LOCATION

Legal Description	Lot 9, Sections 2 and 18, Hornby Island, Nanaimo District, Plan 8602 Except part lying to the north east of a boundary parallel to and perpendicularly distant 50 feet from the north easterly boundary of said lot
PID	005-574-285
Civic Address	10835 Central Road, Hornby Island
Lot Size	0.85 Ha

LAND USE

Current Land Use	Commercial – retail, visitor accommodations, restaurant and accessory residential
Surrounding Land Use	West – Marina East – Agriculture North – Commercial South – Water 

HISTORICAL ACTIVITY

File No.	
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HO-DP-1981.10	To vary and supplement Hornby LUB (1972) related to construction of sundeck extension to existing store, including landscaping and provision of parking. Repealed and replaced by HO-DP-1996.1
HO-DP-1982.14	To vary and supplement Hornby LUB (1972) to permit 4 visitor accommodation cottages with limited floor area, plus setback requirement and exterior finishing requirements. Repealed and replaced by HO-DP-1996.1
HO-DVP-1992.13	<i>Not issued</i>
HO-SUB-1991.22	Created parcel A from Lot 9 (PID 005-574-668)
HO-DP-1996.1	To account for all existing and proposed development at the time (repealing and replacing HO-DP-10-81 and HO-DP-14-82) and to vary/supplement Hornby LUB No. 86. Excerpts from the 1996 Permit: "Section 9.21.6.1 of Hornby Island Land Use Bylaw No. 86, 1993 (setback from natural boundary of the sea) is varied from 15 metres to 3 metres that applies to the existing store/café/gallery building only as shown on Schedule "A" "Any future alterations or additions to the store/café/gallery building or any other buildings on lands subject to this permit will be required to comply with the minimum 15-metre setback to the natural boundary of the sea , as per Section 9.21.6.1 of the LUB"
HO-RZ-1996.1	Bylaw No. 91 amended HO LTC Land Use Bylaw No. 86 to site-specific rezone from Commercial Resort – Marina (C5) to Commercial Resort – Marina 1 (C5-1) for PID 005-574-285
HO-DVP-2009.1 & HO-DP-2010.1	To increase the maximum height of an accessory structure and decrease the setback from the natural boundary of the sea for a wind turbine. Variances granted. Permits issued.
HO-DP-2018.1	For Commercial building and landscaping – Granted, permit issued.
HO-DVP-2018.1	For Commercial building and landscaping - Granted, permit issued.
HO-SUP-2023.14	SUP to formalize 2018 DP and DVP authorizations - permit issued.

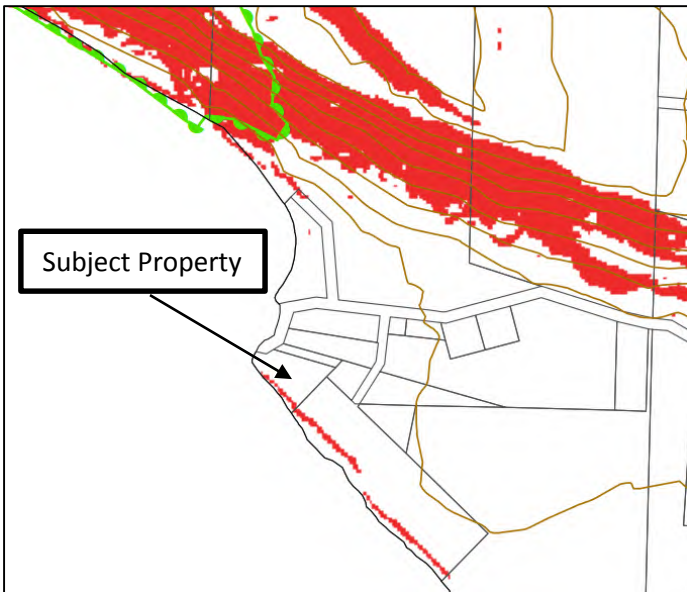
POLICY/REGULATORY

Islands Trust Policy Statement	a) Commitments of Trust Council 5.1.2 It is Trust Council's policy that the intensity of noise and lighting in and through the Trust Area should be compatible with community character. b) Directive Policy 5.1.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area. c) Recommendation 5.1.4 Trust Council encourages property owners, residents and visitors to reduce the burning of wood and fossil fuels by adopting alternative or innovative technologies. d) Commitments of Trust Council 5.2.1 Trust Council holds that growth and development in the Trust Area should be compatible with preservation and protection of the environment, natural amenities, resources and community character. e) Directive Policy 5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development. f) Directive Policy 5.2.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
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Hornby Island Official Community Plan	Subject property is located within a development permit area (Commercial). Relevant OCP objectives include: 6.5 Commercial and Home Occupations Section 6.5.1 Retail and Personal Service Objectives (1) To support the existing pattern of one major and three lesser centres for general or limited commercial uses; (2) To protect the environment from degradation and resources from depletion while providing opportunity for commercial activities; (3) To protect the integrity of quiet residential and rural neighbourhoods; (4) To prevent commercial strip development; and (5) To ensure the scale, form and character of all commercial development harmonize with the natural surroundings and the rural character of the island 6.5.1.4 The degree of servicing, including roads and parking, the provision of open space, signage and the form and character of any new commercial development shall be regulated through Development Permit. 6.9.1 Development Permits to Define the Form and Character of Commercial Development <u>Objective:</u> To ensure that the form and character of commercial development are compatible with the quiet rural atmosphere of the community and to encourage continuation of that trend and to maintain the island's rural atmosphere.
Hornby Island Land Use Bylaw, No. 150	Commercial 5 (C5) Permitted Buildings, Structures and Density (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited: (a) accessory buildings and structures; (b) a maximum of one accessory residential dwelling unit is permitted per lot; and (c) a maximum of six visitor accommodation units are permitted per lot. (3) Lot coverage must not exceed 40%. • Permitted uses in the C5 zone include: visitor accommodation, restaurant, retail, liquid fuel sales (boats) and accessory residential. Present and proposed uses are consistent with zoning. 3.4 Height Regulations (1) Buildings and structures other than agricultural buildings and structures must not exceed a height of 8.0 metres. (2) Buildings and structures, other than agricultural buildings and structures, located within 100.0 metres of the natural boundary of the sea must not exceed a height of 7.0 metres. • 2 bedroom guest cabins max. proposed height = 5.87 m • 1 bedroom guest cabin max. proposed height = 4.93 m Siting and Size (6) The floor area of a visitor accommodation unit must not exceed 80 m²

	Cabins maximum floor area = 79.92m ²
BC Sewerage System Regulation, 2010	Sewerage system capacity and maintenance confirmed as part of HO-DP-2018.1
Covenants	Currently none recorded
Bylaw Enforcement	HO-BE-2008.1 HO-BE-2009.1 HO-BE-2018.1

SITE INFLUENCES

Islands Trust Conservancy	This proposal does not directly affect an Islands Trust Conservancy Board (ITC)-owned property or conservation covenant nor directly affects a property adjacent to an ITC-owned property or conservation covenant. Therefore, referral to ITC for comment is not required.
Islands Trust Regional Conservation Plan (2018-2027)	Fords Cove is identified on map "Important Natural Areas in the Hornby Island Local Trust Area" as having medium value.
Species at Risk	Schedule D1 Environmentally sensitive areas Primary Class – Woodland (parking areas) Secondary Class – WN Tertiary Class - WD
Sensitive Ecosystems	Rare Ecosystem – Mature Forest/Primary Ecosystem (western portion of property) Woodland (WD) – Tertiary (shoreline) Wetland (WN) – secondary (shoreline)
Hazard Areas	Schedule D2 Environmentally Sensitive Areas Aquifers IIIA – moderately developed, high vulnerability Schedule F Hazard Areas Property identified as having slopes > 30% 
Archaeological Sites	Owner to contact Arch Branch if ground disturbance take place. Owner aware of requirement via HO-DP-2018.1/HO-DVP-2018.1 process and SFN Referrals on file.

Climate Change Adaptation and Mitigation	Sea level rise Motor vehicle traffic to the property expected for tourist accommodation/cabin use.
Shoreline Data in TAPIS	Mapping indicates presence of eel grass in the near shore.

HORNBY ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT HO-DP-01-96

To: J. Fredbeck (Ford's Cove Marina Ltd.)

1. This permit applies to Lot 9 and western portion of Lot 1 (currently zoned "C6-1), Plan 8602, Sections 2 & 18, Except N.E. 50 Feet, Parcel A, Plan 590A, Hornby Island, Nanaimo District.
2. Hornby Island Land Use Bylaw No. 86, 1993 is varied and supplemented as follows:
 - a. All buildings and camping spaces shall be in accordance with Schedule "A" attached to and forming part of this permit.
 - b. The exterior design of all buildings shall be in accordance with Schedules "B" and "C" attached to and forming part of this permit.
 - c. All exterior finishes shall be finished in natural materials and complement existing buildings.
 - d. The layout and dimensions of parking stalls, aisles and driveways shall be in accordance with Schedule "A" attached to and forming part of this permit.
 - e. The driveway and parking area shall be provided and maintained with a hard, durable surface or with gravel.
 - f. Landscaping shall be in accordance with Schedule "A" attached to and forming part of this permit.
 - g. All lighting shall be directed to shine onto the property and shall not illuminate or intrude on surrounding properties.
 - h. Section 9.21.6.1 of Hornby Island Land Use Bylaw No. 86, 1993 (setback from natural boundary of the sea) is varied from 15 metres to 3 metres that applies to the existing store/cafe/gallery building only as shown on Schedule "A" attached to and forming part of this permit.
 - i. Any future alterations or additions to the store/cafe/gallery building or any other buildings on lands subject of this permit will be required to comply with the minimum 15-metre setback to the natural boundary of the sea, as per Section 9.21.6.1 of the Land Use Bylaw.
 - j. Signage shall be made of wood, carved or painted.

3. Development Permits HO-DP-10-81 and HO-DP-14-82 are repealed.
4. This permit is not a building permit nor does it provide permission to construct any works without the required approvals and permits.
5. This permit does not relieve the applicant from complying with the provisions of Hornby Island Land Use Bylaw No. 86, 1993, unless varied by this permit.

AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE
THIS 15TH DAY OF NOVEMBER, 1996.



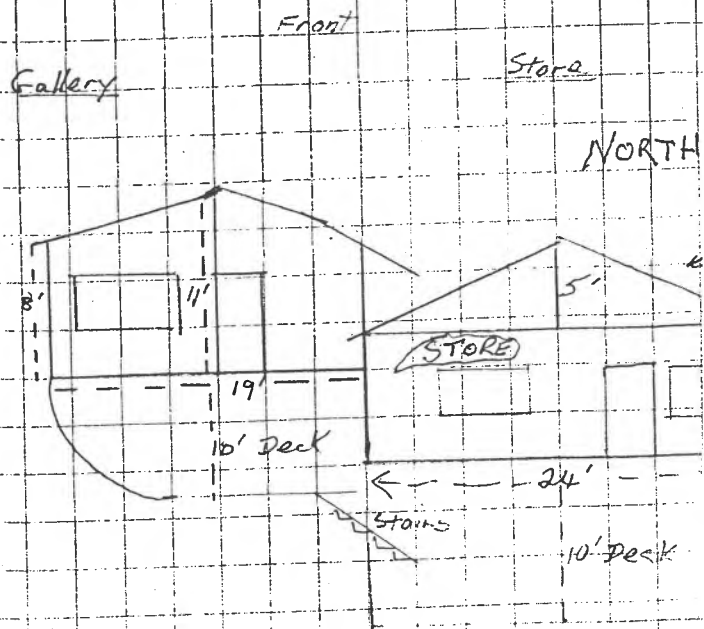
Deputy Secretary, Islands Trust



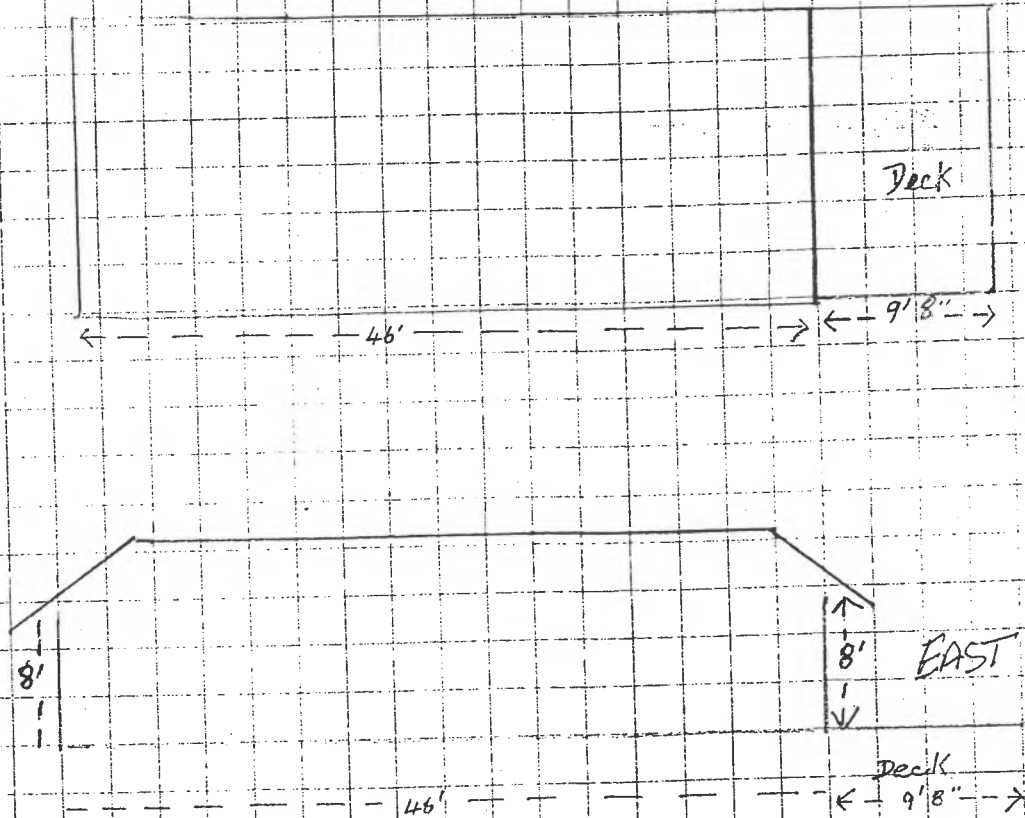
Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE 15TH DAY OF NOVEMBER
THIS PERMIT AUTOMATICALLY LAPSES

F:\WP\COLIN\HORNBY\DP\01-96.PMT



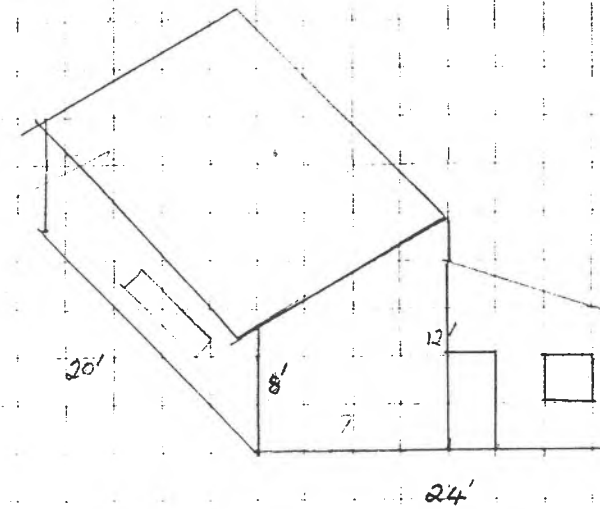
Gallery Floor Plan



Gallery from house

3' = 100'
Cabin
Shake roof
Cedar siding

Shake roof



6 cabins same dimensions

Wood siding

I hereby certify this to be Schedule "C" which is a
and forms part of Development Permit No. HO-DI

Kathy Jones
Deputy Secretary, Islands Trust

November 15, 1996

Date of Issuance

DATE OF MEETING: April 26, 2024

TO: Hornby Island Local Trust Committee

FROM: Ian Cox, Planner 2
Northern Team

COPY: Renée Jamurat, Regional Planning Manager

SUBJECT: Revised Project Charter for Endorsement - Community Heritage Register, Minor Project

RECOMMENDATION

1. That the Hornby Island Local Trust Committee endorse the revised Community Heritage Register Project Charter version 2.0, dated April 26, 2024, reflecting a revised work program, timeline, and budget.

REPORT SUMMARY

The purpose of this report is to provide the Hornby Island Local Trust Committee (LTC) with an updated draft Project Charter version 2.0 (**Attachment 1**) for the Community Heritage Register Minor Project, primarily to address advances in its OCP/LUB review Major Project related to broader and ongoing discussion and relationship building with K'ómoks First Nation (K'ómoks), and to advance the Minor Project most efficiently.

Staff propose that the LTC's Major Project formal engagement process to be the primary avenue for discussing and addressing K'ómoks' interests and concerns at this time rather than the Community Heritage Register Minor Project, as provided in the revised Project Charter version 2.0.

BACKGROUND

On December 13, 2023, the LTC endorsed the Community Heritage Register Project Charter version 1.0 (**Attachment 2**) which included engagement with K'ómoks as part of the project work program. Since that time, planning staff have begun work on the LTC's OCP/LUB review (Major Project), having initiated the formal engagement phase of that project with K'ómoks staff.

ISSUES AND OPPORTUNITIES

First Nations Engagement

A series of working group meetings, site visits and bylaw reviews are scheduled for May – December 2024 as part of the OCP/LUB Major Project, as mentioned in the Regional Planning Team staff report dated April 26, 2024 (LTC Meeting Agenda April 26, 2024). Engagement between K'ómoks staff and the Islands Trust Regional Planning Team

will be continuous and ongoing for the next several months in order to identify potential amendments to the Hornby OCP and Land Use bylaws that the LTC can consider in order to address the Nation's concerns and interests.

Staff consider this Major Project formal engagement process to be the primary avenue for discussing and addressing K'ómoks' interests and concerns at this time, without the need to additionally refer and engage the Nation on the Heritage Register project, particularly as it is relatively small in scope with the Old Schoolhouse, Community Hall, and Room to Grow buildings being the only potential site deposits to the register at this time.

As a result staff propose a revised Project Charter to reflect this change to the workplan tasks (**Attachment 1**).

Project Budget

The Regional Planning Team is requesting to spend \$1,500 from the Minor Project budget to cover costs associated with the OCP/LUB Major Project bylaw drafting, advertising and public hearing in the fall/winter of 2024. This would mean a reduction to the Minor Project budget to \$0, which staff consider acceptable if the LTC resolves to endorse the Project Charter version 2.0 without the previous K'ómoks engagement component and under the rationale as explained above. The OCP/LUB Major Project staff report is included in this agenda package for April 26, 2024.

Rationale for Recommendation

Endorsing the Project Charter version 2.0 will allow expedition of the Community Heritage Register Minor Project as well as permitting the Regional Planning Team to continue broader relationship building with K'ómoks First Nation as part of the LTC's Major Project work plan.

ALTERNATIVES

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

1. Do not amend the Project Charter

Staff advise that the implication of this alternative may cause significant delay in completing the Minor Project, possibly until the broader engagement with K'ómoks First Nation is complete as part of the OCP/LUB review Major Project.

2. Receive for information

The LTC may receive the report for information.

NEXT STEPS

If the LTC resolves to endorse the Project Charter version 2.0 as indicated with the staff recommendation on page 1 of this report, the updated document will be published and staff will carry out the workplan as amended, with the next formal step of presenting the LTC with a draft Heritage Register at the next possible opportunity in Summer/Fall 2024.

Submitted By:	Ian Cox, Planner 2	April 17, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	April 18, 2024

ATTACHMENTS

1. Draft Heritage Register Project Charter V.2
2. Heritage Register Project Charter V.1 (endorsed)

Hornby Community Heritage Register - Charter v2.0 DRAFT

Hornby Island Local Trust Committee

LTC Endorsement Date:

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

In Scope

- Research and identify community heritage resources, process, issues, and needs
- Inform affected owners and tenants
- Staff workshop with HIRRA
- 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 owners and tenants of affected sites	Spring 2024
Staff 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 APC referral/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

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

Budget

Fiscal	Item	Cost

RPM Approval:
Date:

LTC Endorsement:
Resolution #:
Date:

\$0

DRAFT

Hornby Community Heritage Register - Charter v1

Hornby Island Local Trust Committee

LTC Endorsement Date: 2023-12-13

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: 2023-12-13	LTC Endorsement: Resolution #: 2023-043 Date: 2023-12-13
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	Total	\$1500

Meeting	Deliverable/Milestone	Target Date	Cost
December 13, 2023	Staff present draft project charter to LTC	December 13, 2023	\$0
	Planner to research & gather info	ongoing	\$0
TOTAL			\$



DATE OF MEETING: April 26, 2024

TO: Hornby Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner (Regional Planning Team)
Northern Office

SUBJECT: OCP/LUB Review Project – Endorsement of Revised Project Charter

RECOMMENDATION

1. That the Hornby Island Local Trust Committee endorse the revised Project Charter v. 2.3, dated April 26, 2024 to reflect the revised in-scope topics, timeline, deliverables and budget of the Official Community Plan and Land Use Bylaw Review project.
2. That the Hornby Island Local Trust Committee request staff to schedule a special, electronic meeting in July 2024 for the LTC to review and consider the draft OCP and LUB bylaw amendments pertaining to housing and vacation rental regulations.

REPORT SUMMARY

The purpose of this report is to provide the Hornby Island Local Trust Committee (LTC) with an updated Project Charter for the Official Community Plan (OCP) and Land Use Bylaw (LUB) review major project based on LTC direction given by Resolution Without Meeting (RWM) on April 2, 2024.

The project charter is ready for LTC endorsement and staff is seeking the following confirmation from the LTC in order to re-commence bylaw drafting:

- Confirm that the project charter accurately reflects the LTC's direction for regulating vacation rentals.
- Confirm which stage(s) the APC may be involved in reviewing the draft bylaws.
- Confirm the budget intended for the Heritage Registry minor project (\$1,500) can be transferred/accessed by this major project to cover costs associated with advertising and holding a public hearing in the fall/winter 2024.

BACKGROUND

The following resolution was passed by the LTC during the regular business meeting on March 22, 2024:

HO-LTC-2024-005

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to prepare draft amendments to the Official Community Plan and Land Use Bylaw Review Project Charter to reflect:

a) Option 3: not opting in to the principal residence requirement and incorporating the Advisory Planning Commission recommendations but excluding the temporary use permit.

b) updated project engagement plan with K'ómoks First Nation; and

c) updated work plan, community engagement plan and associated budget. CARRIED

However on April 2, 2024, the following resolution was passed through a RWM, which significantly amended the LTC's March 22, 2024 direction regarding the regulation of vacation rentals:

It was MOVED and SECONDED

"That the Hornby Island Local Trust Committee request staff to prepare draft amendments to the Official Community Plan and Land Use Bylaw Review Project Charter to reflect:

1. Short Term Rentals as a permitted use be revoked in all zones.

2. At the same time all STR operators apply for TUP indicating approved septic and water."

ALL MEMBERS OF LTC NOTIFIED OF RWM THIS 2ND DAY OF APRIL, 2024

The LTC has received public correspondence expressing concerns related to this change in project direction. All correspondence is posted to the [project webpage](#).

Project Charter: Attachment 1 outlines the necessary amendments to the project charter in order for staff to proceed with bylaw drafting. The LTC is asked to review each section of the project charter to ensure it accurately reflects the LTC's intentions for the concurrent phases of this project which includes First Nations engagement, bylaw drafting, legislative review and limited public consultation. The first set of bylaws to be drafted are intended to address the housing, vacation rental, and associated minor amendments only. The second set of bylaws (OCP and LUB) are intended to be specific to the results of the First Nations engagement (currently underway) and anticipated to conclude March 2025.

First Nations Engagement: Planning staff have initiated the formal engagement phase of this project with K'ómoks First Nation staff. A series of working group meetings, site visits and bylaw reviews are scheduled for May – December 2024. Engagement between staff at K'ómoks and the Regional Planning Team will be continuous and ongoing for the next several months in order to identify the range of potential amendments to the OCP and LUB that the LTC can consider, to address the Nation's concerns and interests in both Hornby and Denman Islands. Separate OCP and LUB bylaws are proposed to be drafted, once the LTC considers the results of the First Nations Engagement Summary report in 2025.

Advisory Planning Commission: The LTC should confirm at which stage(s) the APC may be involved in reviewing the draft bylaws for housing and vacation rental regulations. Referral after first reading is reflected in the draft project charter workplan.

Community Consultation: The LTC should confirm the format and frequency of community consultation during the draft bylaw review stage for the housing and vacation rental bylaws. The proposed project charter identifies one formal Community Information Meeting opportunity after first reading and again prior to a Public Hearing being held. The LTC should specify any additional opportunities it wishes to be reflected in the workplan and budget at this time as it may impact the project completion which is identified by end of this fiscal.

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

ALTERNATIVES

- 1. **Amend the Project Charter:** If the LTC revokes its direction on how to regulate vacation rentals, the project charter will need substantial amendments. A resolution of the LTC would be required to request staff to prepare changes to the project charter for the LTC to consider. Suggested wording for a resolution is: *“That the Hornby Island Local Trust Committee request staff to amend the project charter by (specify new purpose, scope, objectives, in-scope and/or out of scope) for LTC review at the next business meeting.”*

NEXT STEPS

If the LTC concurs with the staff recommendation, planning staff will prepare draft bylaws for LTC consideration at a special electronic meeting in July 2024.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner (Regional Planning Team)	April 11, 2024
Concurred By:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	April 15, 2024

ATTACHMENTS

- 1. Project Charter v.2.3 April 2024

Hornby OCP and LUB Review Project - Charter v 2.3

Hornby Island Local Trust Committee

Endorsement Date: xxx, 2024

Purpose: To review and update the Hornby Official Community Plan (OCP) policies and Land Use Bylaw (LUB) regulations to increase housing options, regulate vacation rentals in residential zones through Temporary Use Permits and incorporate First Nations engagement recommendations.

Background: The Local Trust Committee (LTC) prioritized a “Comprehensive OCP/LUB Review” project in 2021 and requested the Hornby Island Advisory Planning Commission to provide recommendations for OCP and LUB amendments related to four specific topics. The APC spent much of 2021 and early 2022 meeting and providing recommendations regarding amendments. A consultant was hired in 2022 and prepared a report of final recommendations for LTC consideration of next steps in the 2023/24 fiscal year. In April 2024 the LTC confirmed the scope and purpose of the project to: 1) update policies and regulations related to secondary suites/dwellings, regulating short term vacation rentals through the use of Temporary Use Permits and other minor amendments; and 2) updating the OCP and LUB to better address the First Nations concerns and interests regarding land use planning on Hornby Island.

Objectives

Amend the Hornby Island OCP and LUB by incorporating select recommendations of the Hornby Island Advisory Planning Commission; consultant’s recommendations; targeted engagement with First Nations and comprehensive public input.

In Scope

- Updating OCP language, references to include First Nations and incorporate First Nations recommendations for policy and regulatory updates.
- Add the Islands Trust Reconciliation declaration to the OCP.
- Draft OCP and LUB Bylaw amendments:
 - o Supporting cooperative and purpose built rental housing;
 - o Supporting rezoning applications for ‘Large Lot Residential’ parcels to multi-family development for residential rental tenure;
 - o Permitting secondary suites in all small lot zones within the principle dwelling where septic capacity allows and sufficient groundwater is available;
 - o Permitting secondary suites or attached/detached secondary dwelling on lots over 2ha where septic capacity allows and sufficient groundwater is available;
 - o Prohibiting vacation rentals as an outright permitted use in residential zones and requiring a valid Temporary Use Permit;
 - o Designating all small lots in the Galleon and Sandpiper area as within the heavily developed aquifer (IA).
 - o Update PU(a) zone to include community housing.
 - o Explore option to exclude cisterns from all setback requirements.
 - o Explore options to amend residential zoning to permit keeping of chickens for personal/commercial use and prohibit keeping of roosters.

Out of Scope

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

Deliverables

- **2024/2025:** One OCP and one LUB amendment specific to updating regulations for housing, vacation rentals, chickens in residential zones and cisterns in setbacks;
- **2024:** Comprehensive First Nations Engagement Process
- **2025/2026:** First Nations Engagement Summary Report. One OCP and one LUB Amendment Bylaw specific to First Nations engagement recommendations;
- **PENDING:** Post Bylaw adoption community communication materials.

Workplan Overview	
Deliverable/Milestone	Date
<i>Project Charter Endorsed - COMPLETED</i>	<i>June, 2022</i>
<i>Execute Consultant Contract - COMPLETED</i>	<i>August, 2022</i>
<i>First Community Workshop - COMPLETED</i>	<i>October, 2022</i>
<i>Second Community Workshop - COMPLETED</i>	<i>Winter, 2022/23</i>
<i>Consultant Report on Workshops and Recommendations for Bylaws - COMPLETED</i>	<i>Spring, 2023</i>
<i>LTC endorsement of project charter - COMPLETED</i>	<i>June and Sept 2023</i>
Staff to participate in formal engagement with K'omoks and compile an engagement summary report for LTC consideration of potential policy and regulatory amendments to the Hornby OCP and LUB.	Spring 2024 – Spring 2025
LTC to consider endorsement of revised Project Charter.	April 26, 2024
Housing and vacation rental draft bylaws presented to LTC for consideration of First Reading.	Summer 2024
Consider referral responses from First Nations, agencies, APC and community groups/public.	Fall 2024
Community Information Meeting - consider 2 nd Reading of housing and vacation rental bylaws.	Fall/Winter 2024
CIM/Public Hearing for housing, vacation rental bylaws.	Winter 2024/25
3 rd Reading and forward bylaws to Executive Committee and OCP to Ministry of Housing for approval.	Winter 2024/25
Adoption of housing and vacation rental bylaw amendments.	Winter/Spring 2025
Staff to present First Nations Engagement Summary Report to LTC for consideration of comprehensive amendments to OCP and LUB.	Spring 2025
Draft amending OCP and LUB bylaws and commence legislative review process (bylaw readings and adoption) deriving from LTC endorsement of First Nations engagement recommendations.	Spring 2025-Winter 2025

Project Team	
<i>Island Planner (Regional Planning Team)</i>	Project Manager/ bylaw drafting
<i>Planner 2 – Hornby Island</i>	Bylaw drafting and legislative process
<i>Legislative Clerk</i>	Legislative Process / Bylaw Review
RPM Approval: Renee Jamurat, RPM June 2023; September 2023; April 2024	LTC Endorsement: Resolution #: 10-Jun-22; 9-Sept-22; Jun 16-23; Sep 8-23; April 26-24

Budget		
Budget Sources: TC Line Item Budget allocation		
2022/23	Consultant Contract	\$13,450 SPENT
2022/23	Minute-Taker	\$600 SPENT
2023/24	K'omoks First Nation Engagement/Capacity Funding	\$14,700 ALLOCATED and work in progress April 2024-March 2025
CURRENT FISCAL 2024/25	Public Hearing for OCP and LUB regarding housing, vacation rentals	\$1500 (from minor project budget – heritage registry)
2025/26	Public Hearing for OCP and LUB incorporating First Nations recommendations	TBD in next fiscal

From: katy [REDACTED]
Sent: February 2, 2024 9:21 AM
To: Alex Allen; gscott@islandtrust.bc.ca; Timothy Peterson
Subject: Hornby Island Agricultural Association

Dear Trustees,

I am writing you to express my concern regarding the newly formed Hornby Island Agricultural Association, of which I'm sure you are all well aware.

I wanted to write to you about the delegation reporting at Fridays Trust meeting, the newly formed Hornby Island Agricultural Association and my concerns about who they are representing.

As a member of the community garden, a project of the Farmlands Trust, who maintains relationships with a number of island producers, I was surprised to hear that a new agricultural association had been formed. I have not heard about any engagement or consultation with many Hornby growers and producers. My concern is that with a name like the Hornby Island Agricultural Association one may be led to believe that this group represents Hornby Islands agricultural community. However, the information in their letter to you leads me to believe this group represents and lobbies for their own interests in making money from tourist accommodation. So, I ask that you take that in consideration when looking at what this association is asking for and who they may be representing.

Glamping and other of agri-tourism activities as listed in HIAA's letter, are ancillary activities as per the Agricultural Land Commissions. Ancillary by definition means, "providing necessary support to the primary activities or operation of an organization, institution, industry, or system." Primary activities which are agricultural. The ALR, A1 zoned land is meant to protect farmland and support local food production. I understand the Agricultural Land Commission allows for ancillary activities to support farming, it is extremely difficult to make a living as a farmer.

I would however, encourage the Trustees to support and encourage the agricultural uses of all A1 zoned properties in their Land Use Planning decisions for the purpose of local food security on Hornby Island.

Thanks for your consideration,

Katy Dewinetz

Dean Ellis [REDACTED] Hornby Island, [REDACTED]

March 15, 2024

Dear Hornby Island Trustees

Concerning restrictions in Aquifer 1A (Whaling Station Bay Aquifer)

I see you are drafting a permit regulation concerning septic re inspection in aquifer 1a re STR's. Living in 1a I have a few observations and questions.

I suspect you are using 6.10.4 to justify these restrictions:

6.10.4 A professional assessment of hydrological impacts may be required when the proposed use is within an identified groundwater recharge area or an aquifer classified as heavily developed as shown on Schedule B or D2 and if the proposed use involves more than minimal potential impacts upon the groundwater resource.

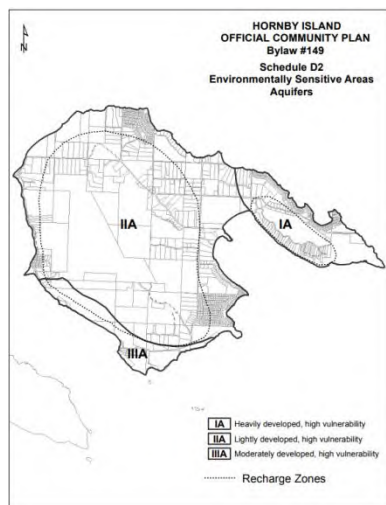
I see this problematic in 8 ways.

1. The 2 professional assessment reports used to establish Aquifer 1a were general reports.
 - **BRITISH COLUMBIA MINISTRY OF WATER, LAND AND AIR PROTECTION - 2002 - 1 - Environmental Indicator: Groundwater in British Columbia** but it does not designate the same area as Bylaw 149 nor does it give any recommendations .
 - I also have *Results of the Groundwater Geochemistry Study on Hornby Island, British Columbia Final Report Prepared by: D.M. Allen and G.P. Matsuo Department of Earth Sciences Simon Fraser University Burnaby, B.C. V3Y 2L4 Prepared for: Islands Trust Victoria, B.C* but it does not give any recommendations that would support sensitive area 1a restrictions.
2. The reports measured the age of the water and made up sample wells that **never existed**. They would not stand a legal review.
3. The reports concerning the High Salal (circled 1a area) contradicted the findings of the Ministry of Highways subdivision requirements, Highways originally and under an later Ombudsman review accepted that the strata was supplied by wells supplying an aggregate total of over 2000 gals per day for 37 dwellings this was also confirmed by the Supreme Court. **Are you disputing this information?**
4. To state that this aquifer is heavily developed is inaccurate, on the 400 acre aquifer (1A circle) there are at most 9 fulltime residences and 12 summer residences. As a result of a certain summer water paranoia, there is a lot of water, (besides the communal strata wells 2000 gal/d/lot proven legal requirement), there is 60000 gallons in communal storage, another 20000 storage spread on individual lots and 2 lots have private wells producing over 150 gallons per day.
5. The professional assessment requirement 6.10.4 makes no mention of septic fields. **Does Islands Trust have any authority to legislate overtop the Provincial Septic authority? What does provincially approved septic fields have to do with a recharge area?**

6. My STR makes less “minimal potential impacts on the ground water resource”, my STR limits occupancy to 5 persons (mostly less) when I have family and friends it is far more. Maybe STRs actually limit water impacts.
7. The requirement to hire a contractor who has far less expertise than Dave Colley (septic contractor being inspected by Dave Cherry of Health departments who did my field) seems merely like a rude and manipulated payoff scheme. If you can legally use this septic stipulation you may want to ask for the Provincial Septic approval documents (a provincial requirement is the tank is pumped every 2-3 Years). **Is it the Health Department’s requirement to police this not Islands trust?** We can gladly provide Provincial septic documents.
8. I find the limiting of small scale development on the basis of water rather silly, water is cheaply trucked or stored; even trucking 100 gallons of water per day per lot is almost nothing compared with food, building, taxes etc. For 8 months of the year water is readily available by roof catchment or shallow well. People conserve water when it becomes scarce. Maybe you could limit development by the number of carrots a property grows. The bureaucratic time and legal time the Trust wastes on water rules may be better spent elsewhere.

Dean Ellis

As a 50 year resident on the island I expect the usual no reaction from Trustees or planners, but I would like this discussion included in the record.



Under the Islands Trust Act, Section 8(6), an Official Regional Plan will empower the General Trust Committee to adopt special protective Zoning and Subdivision By-laws or regulations in regard to those areas of land or water considered to be of special importance. Although these areas are roughly defined on the Map accompanying this Plan the precise location of these areas, and the measures needed to deal with them will be the subject of site specific studies and consultation with the Local Trust Committees having jurisdiction.

From: HHolm [REDACTED]
Sent: March 25, 2024 2:56 PM
To: Denman Island Local Trust Committee; Hornby Island Local Trust Committee
Cc: Allan Danks; Cynthia Minden
Subject: Mar. 25-24 Cross-Island Traffic

Local Trust Committees for Denman and Hornby Island:

I have attached an article published in the March edition of The Flagstone, Denman Island's monthly newspaper.

My article focuses on one of too many aspects of cross-island traffic's damage to Denman Island: environmental impacts that are yearly intensified as a consequence of climate change, Hornby Island's escalating desire to accommodate massive numbers of part-time residents and tourists, and BC Ferries' Provincially mandated directive to move vehicles.

As far as I can determine, neither LTC is actively and vigorously seeking a solution(s) regarding the resulting damage to the environment and the disruption of the social fabric of these two small islands. Is this the case? If so, why?

Have you raised the issue and called for action at Trust Council? Without your advocacy, the Trust Council may remain content with ignoring the situation and, without the voice of those charged with carrying out the Trust mandate, the Provincial government will continue to dictate expansion of vehicular access.

I would appreciate a response to my questions. Trustees are in the best position to advocate. The Ferry Advisory Committee is by its terms of reference severely limited and by its composition dysfunctional even within its narrow margins.

Please include this email and attachment in the package for your next LTC meeting. I assume that Trust staff is in receipt of this email.

Thank you for responding.

Harlene Holm
[REDACTED] Denman Island

March 25, 2024

BC Ferries Cross-Island Traffic

The stunning increase in cross-island traffic for July and August 2023, over the same months in 2022, is the clearest indication that expanding ferry capacity significantly increases cross-island traffic. Below are the recorded vehicle counts:

2022	2023
July -8970	July -10291
Aug. -10,076	Aug. -11,499

In response to a Denman Island Residents Association (DIRA) request to the Minister of Transportation, Minister Fleming wrote, “The contract for performance term 6, starting April 1, 2024, includes an additional 996 annual round trips as core service for Route 21 (Buckley Bay to Denman Island) and 308 annual round trips as core service for Route 22 (Denman Island to Hornby Island).” Thus the 2023 July/August “performance” will be entrenched April this year as a “core service.”

The Minister was responding to a DIRA September 11/23 motion that read: “In 1995, Denman’s Trustees —Roxanna Mandryk and Rolf Ludvigsen— made the following public statement: ‘We believe that a direct sailing between Hornby Island and Vancouver Island is the only long-term permanent solution which satisfies Trust policies as well as the interests of the Community’...DIRA supports and forwards the above 1995 statement to the Minister of Transportation & Infrastructure and Premier Eby and requests that a direct sailing between Hornby Island and Vancouver Island be investigated as a priority.”

Minister Fleming’s entire misreading of the DIRA request is tone deaf at best.

BC Ferries’ sole focus on “providing efficient travel” supports Hornby Island Community Economic Enhancement Corporation’s active campaign to expand tourism to the “shoulder months” and the Hornby Island Short Term Rental Association’s lobbying for fewer restrictions.

In addition, Ferries’ monthly statistics do not reflect the type of vehicle despite higher fares charged for vehicle lengths over 6.10m and for vehicles over 5,500kg registered GVW. Most Denman residents will attest to the increasing number and volume of oversize and/or overweight vehicles.

Drivers, pedestrians and cyclists on Denman must “share” rural roads with through traffic that would be strictly limited within rural/residential areas elsewhere in BC.

1996 to 2024

In January 1997, Gerald Hodge completed a report titled *Disturbing Trends: The Impact of Through Ferry Traffic on Denman Island* for the Denman Island Local Trust Committee and the Denman Island Through Traffic Committee.

A report section — Natural Environmental Impacts — reads:

- a) Air Pollution — the 123,000 vehicles driving from ferry to ferry (approx. 13km) in 1996 emitted a total of 0.5 tonnes of hydrocarbons, 3.5 tonnes of carbon dioxide, and 1 tonne of nitrous oxide into the air of Denman Island.
- b) Vehicle Noise — generated by fast moving traffic on an hourly basis (or oftener) along 24km of roads.
- c) Gas/Oil Runoff — liquid effluents from vehicles that drain onto beaches and shellfish habitats on roads bordering the water (e.g. Lacon).
- d) Bank Erosion — additional traffic increases the tendency toward erosion on Lacon and East Roads.
- e) Visual Pollution — through traffic speed and volumes require many more traffic signs.
- f) Litter — greatly increased along “ferry roads”.
- g) Road Kill — greatly increased due to through traffic.

Consider point a) and the 1996 123,000 vehicles.

In order to formulate a current year-long baseline regarding traffic travelling across Denman Island to and from Hornby Island, I used the BC Ferries monthly statistics from October 2022 to September 2023 (last posting) to obtain the following: 70,217 round trips to Hornby Island which equal 140,434 vehicle crossings over 12 months. [NB these stats do not fall within the pandemic ‘footprint’.]

In the intervening 27 years, cross-island traffic has entirely obliterated Denmaners’ efforts to reduce their carbon footprint by dropping 13.5 tonnes of hydrocarbons, 94.5 tonnes of carbon dioxide and 27 tonnes of nitrous oxide. [using 1996 numbers without factoring in the cross traffic increase to 2023 of 14%]

Points b to g remain relevant. However, in the intervening years, climate change is intensifying the destructive impact of cross-island traffic.

Vehicles (dragging metal/chains, engine/exhaust heat, poorly maintained tire pressure and/or brakes) and their occupants’ matches and smoking materials can and do start fires. The more vehicles the greater the threat.

With extended extreme temperatures and drought conditions, a wild fire is a disaster in waiting. This threat, alone, should carry the case against cross-island traffic.

Scientists have identified more pollutants. Yale School of Environment states, “Researchers are only beginning to uncover the toxic cocktail of chemicals, microplastics, and heavy metals hidden in car and truck tires. But experts say these tire emissions are a significant source of air and water pollution and may be affecting humans as well as wildlife.” Studies show that long-term exposure to diesel exhaust particles poses the highest cancer risk of any toxic air contaminant. Volatile organic compounds, carbon monoxide and sulphur dioxide are also on the list of pollutants from vehicles.

2024

What can be done to convince Minister Fleming to change his math. Instead of adding more round trips, he needs to find a way to stop using Denman Island as a bridge for cross-island traffic. Do we take the downsizing discussion to the legislature and the press? Or do we continue to attend BC Ferries ‘consultation opportunities’ that let the corporation check off the box and continue to “provide efficient travel” with the blessing of the Provincial government?

*The
Flagstone
March 2024
submitted by
Harlene Holm*

Tony Law

Hornby Island, B.C.

To: Hornby Island Local Trust Committee

2 April 2024

I imagine the LTC's 22 March meeting was very challenging with difficult decisions to be made.

But I am very worried that the directions given to staff at that meeting will lead to undesirable consequences. I am inclined to believe that they do not reflect the intent of the LTC.

I am writing to support you in revisiting those directions to provide more clarity about the LTCs intentions.

As I see it, if the March directions stand unchanged they will result in:

- the APCs recommendations not being implemented,
- the LTC not having the ability to cap the number of short term rentals (STRs) on Hornby Island,
- continuing compliance challenges, and
- Hornby Island being the only jurisdiction in our region without effective management of STRs.

I believe it is premature to base the LTC's responsibility to address its STR land use policy on the uncertain future possibility that CRD might adopt a business licensing service to regulate this particular land use.

An examination of Temporary Use Permits suggests that they do not compare as unfavourably with other options (zoning regulations, business licenses) as some are suggesting.

I hope the information in this submission will assist the LTC in adjusting its directions. At the end of this letter is a suggestion of possible steps for a way forward.

1. The March 2024 Directions

My understanding is that the following resolution was carried:

That the Hornby Island Local Trust Committee request staff to prepare draft amendments to the Official Community Plan and Land Use Bylaw Review Project Charter to reflect: *Option 3: not opting in to the principal residence requirement and incorporating the Advisory Planning Commission recommendations *but excluding the temporary use permit***.**

**Option3:*

Amend existing vacation home rental regulations and choose whether or not opt-in/out of principal residence requirement.

*** Advisory Planning Commission recommendations:*

Short Term Rentals as a permitted use is revoked in all zones.

At the same time all STR operators apply for TUP effective

2. Consequences of the March 2024 Directions

I believe the consequences of these directions are as follows:

a) The APC recommendations cannot be implemented

The APC recommendations are based upon using Temporary Use Permits (TUPs) to permit STRs rather than allowing them as a permitted use in zoning regulations.

By deciding to not use TUPs, the only option to allow STRs is by continuing to permit them in zoning regulations.

This negates the core recommendation of the APC upon which all the others are predicated. This means that the resolution, as stated, cannot be readily implemented by staff as it is not possible to both exclude TUPs and implement the APC recommendations.

b) The LTC cannot cap the number of STRs on Hornby Island

A local government can cap the number of operations, such as STRs, by limiting the number of TUPs issued for that activity.

The only land use planning alternative to TUPs is to permit the use in zoning regulations which apply to every property in a zone. The use can be limited by, for example, not permitting STRs in some zones or by only allowing them on properties over a certain size. But this does not enable a cap on the total number.

The number of advertised STRs has increased by about 50% since they were permitted in Hornby Island's zoning regulations. It seems prudent for our local government to use TUPs to have the ability to cap this activity to a level that is considered acceptable to the community.

c) Rampant non-compliance cannot be effectively enforced

The Islands Trust has not had the enforcement capacity to address the widespread non-compliance with zoning regulations. Common violations are: over-occupancy, advertised use outside the permitted months, lack of signage, and absence of proof of sewage treatment capacity where required. If STRs continue to be permitted through zoning regulations these enforcement challenges will likely persist.

If TUPs are required, enforcement can be addressed through non-compliance resulting in a permit being revoked, not renewed or not reissued.

c) Hornby Island will be the only jurisdiction without effective STR management

Other local governments have taken measures to protect rural and small town communities from excessive STR activity. Some have not permitted the activity. Some have not permitted the use in zoning regulations, but allow it through a TUP. Some have permitted it in zoning regulations, but only when it is a home based business (ie on lots with two permitted dwellings and a resident operator of the STR living in one of them). Some municipalities have permitted the use in zoning regulations, but require a business license.

Only Hornby Island allows STRs as an outright permitted use on residential lots in zoning regulations.

Local governments - Islands Trust Area, Central Vancouver Island, the Sunshine Coast	
Regulation of STRs:	Jurisdictions:
Not permitted in zoning regulations	Denman Island, Salt Spring Island, Lasqueti Island, Courtenay, Qualicum, Comox, Parksville, Comox Valley Regional District, Nanaimo Regional District, Sunshine Coast Regional District
Not permitted in zoning regulations, but allowed through TUPs	Gabriola Island, *North Pender Island, South Pender Island, Galiano Island, Alberni-Clayoquot Regional District
Permitted in zoning regulations, but only when a resident is living on the lot	Saturna Island, *North Pender Island, Mayne Island, Gambier Island, Thetis Island
Permitted in zoning regulations, but only if a business license is obtained	Bowen Island, Tofino, Ucluelet, Port Alberni, Cumberland, Nanaimo, Powell River, Sechelt, Gibsons
Permitted in zoning regulations on any lot	Hornby Island

* On North Pender Island: where a resident is living in a permitted dwelling on the lot, STRs are permitted as home-based business in zoning regulations; all other STRs require a TUP.

How did Hornby Island end up being so out of line with other jurisdictions?

Hornby Island was one of the first jurisdictions in BC to tackle short term rentals. There were no established models to follow of similar communities in the province addressing the issue. STRs had been happening a non-permitted land use on Hornby Island for a long time in a low-key, off-the-radar, word-of-mouth kind of activity. But the availability of property management and internet advertising had cranked them up to a hard-to-ignore level as impacts on neighbourhoods were being reported.

The LTC began exploring, with planning staff and the community, ways to legalize and regulate them.

Planning staff recommended using Temporary Use Permits. A survey of residents and non-residents indicated that 55% supported using TUPs for short term rentals of a dwelling that is not a primary residence, or not permitting the use. 57% supported using TUPs for short term rentals on small lots, or not permitting the use.

A strong lobby objected to TUPs, stating a) that the objective was to simply legalize existing operations, and b) there was very little money to be made from short term rentals so the number was unlikely to grow beyond those already operating.

A review of what was happening elsewhere in the world indicated that growth in this activity had become problematic for affected communities. But there were strong feelings expressed that this should not be a concern for Hornby Island.

The LTC decided to permit vacation rentals at a limited level through zoning regulations while requiring TUPs for a more commercial level.

Because of uncertainty of how the regulatory framework would play out, the LTC included a policy in the OCP to review the regulations in 2017. The review has not yet been completed.

Since then...

STRs have become an issue for many other communities which have had to find ways to address it. It is worth noting that none have followed Hornby Island's model, presumably because they want to have more control over the activity than we have been able to achieve.

...Now...

The present LTC is in a much better position to address this issue in an informed way because:

- *there is evidence of how the regulations have actually worked – or not worked:*
 - *the number of vacation rentals have drastically increased;*
 - *a considerable proportion of operations are exceeding regulatory requirements;*
 - *none of these have applied for a TUP;*
 - *enforcement is a challenge.*
 - *there are models of how other local governments have managed short term rentals:*
 - *none have followed Hornby Island's "pioneering example";*
 - *all have either prohibited the use or limited it to where a resident is on the property – and/or are requiring a TUP or business licence*
 - *there are studies on the impacts of vacation rentals and options for addressing them*
 - *the provincial government has enacted legislation to support local governments to address short term rentals, recognizing the seriousness of the challenge.*
 - *the APC has provided recommendations resulting from a diligent, consultative process.*
-

3. Permitting STRs cannot be based on business licence availability

Some local governments permit STRs in zoning regulations based on the requirement that the use can only be conducted if a business license is obtained. Hitherto, this option was only available to municipalities. A recent change in provincial legislation enables regional districts, but not, local trust committees, to establish business license services.

However, whether or not the CVRD will establish a service that could issue business licences for STRs on Hornby Island is yet to be determined – and that determination could take some time. Although one trustee emailed me this statement just before the March LTC meeting:

" Something you may not be aware of but CVRD has agreed to issue business licenses on Hornby for STVRs so that alters the discussion",

the reality is that on March 11, the 3-member Electoral Area Services Committee (not the full 10-member CVRD Board) carried the following motion:

“That staff be directed to engage with Islands Trust staff to explore the concept of a business regulation service on Hornby Island for the regulation of short-term rental accommodations; and further that staff report back on the broad findings respecting the potential establishment of such a regulatory service, including considerations for a formal feasibility study.”

There is a long process involving many steps from this explorative direction to the possibility of an actual service being in place:

Step 1. Feasibility study

- *Scope and funding for the study will have to be established*
- *There is no precedent of a regional district establishing a business licensing service*
- *There is no precedent of one local government using business licenses to manage the land use regulations of a different local government (CVRD Staff Report: “Added complexity is noted by the separation of regulatory and land use policy jurisdiction.”)*
- *Division of responsibilities between the two local governments will have to be agreed upon:*
 - *who will be responsible for monitoring and enforcement?*
 - *what input will the CVRD have on the land use regulations they would be licensing?*
 - *what input will the Hornby LTC have on the licensing regulations?*
- *These requirements for a business licensing service will have to be determined (according to the CVRD Staff Report)*
 - *the purpose of the service,*
 - *how it will be delivered,*
 - *what the maximum cost will be,*
 - *how the costs will be recovered*
 - *how fair and lasting arrangements can be put in place.*
- *The policy and regulatory framework (i.e. land use authority of Islands Trust) and related public engagement regarding the land use is a key consideration to inform the feasibility study (according to the CVRD Staff Report.*

Step 2. Possible CVRD Board consideration?

The results of the feasibility study will be reported back to the Electoral Areas Services Committee. The Committee would then likely consider whether to:

- a) require more information;*
- b) direct further discussions with the Islands Trust*
- c) proceed no further with this possible service*
- b) support options and a recommendation being presented to the CVRD Board*

Step 3. Establishing a Business Licensing service

If the CVRD Board does decide to proceed with this possible service, the provincial government identifies details that needs to be considered in establishing a new service and specifies these steps:

- a service-establishing bylaw must be drafted*
- the board must give it three readings*
- the electoral area director must provide consent*
- the Province will conduct a review*
- the Inspector of Municipalities must approve the bylaw*
- elector approval must be obtained, such as through a referendum*
- the bylaw can then be adopted by the board*
- a period of one month must be allowed for possible court challenges*
- the adopted bylaw must be submitted to the Ministry of Municipal Affairs*

Step 4. Setting up the service

Before the service could be implemented:

- a regulatory bylaw must be drafted*
- the board would give it readings (as is or amended)*
- the public would be given notice of an opportunity to make representations*
- the board could then consider approval*
- policies, procedures, budgeting, fees and staff resources would need to be determined*

In other words:

CVRD business licensing to manage STRs on Hornby Island is a distant and uncertain possibility.

It is distant, because of the many steps involved.

It is uncertain because:

- the feasibility study may not be favourable;
- cost recovery might make fees unattractively high;
- there is no precedent of a local government regulating another government's land use activity;
- responsibilities for monitoring and enforcement may be hard to establish.
- it is unlikely to be a top priority of the CVRD Board;
- it is unlikely to be a top priority for the Islands Trust; other LTCs use IT planning authority;
- the CVRD may note that the LTC has authority to use TUPs to permit STRs.

In these circumstances, it would be inappropriate to establish zoning regulations for STRs based on the possibility that at some point in the future another local government will go to significant lengths to establish a new service in order to regulate one particular land use in one particular community.

4. Temporary Use Permits are a viable option

After careful consideration, the Advisory Planning Commission has recommended the use of Temporary Use Permits to allow STRs. TUPs were originally recommended by planning staff and generally supported by the community when legalizing STRs was first being explored in communities.

TUPs have been characterized as being more expensive, having an onerous application process burdensome and more restrictive than business licenses. Business licenses are not currently available and may or may not be available in the future. But how do Tups actually compare with business licenses?

- Cost

A TUP only needs to be applied for every six years ((involving a 3-year renewal after 3 years, which may or may not require a fee. A business licenses need to be applied for every year and the required fee paid. The total fees for a short term rental TUP over 6 years are \$800 in Alberni-Clayoqut Regional District and \$1,065 on North Pender Island. The municipalities in our region who issue business licences for short term rentals charge an annual fee of between \$210 (Cumberland) and \$505 (Tofino). That amounts to total fees for a short term rental business licence of between \$1,260 and \$3,030 over 6 years.

Thus a TUP can be significantly cheaper than a business licence.

- Application process

A TUP has a statutory notification* requirement that is not needed for a business licence. However, a TUP only needs to be applied for every six years while an annual application is required for a business licence. The licensing authority may have additional requirements such - as health and safety inspections, proof of sewage treatment capacity.

Thus a TUP's application process can be less onerous than for a business license, particularly if the application process is streamlined through batching.

- Restrictiveness

On North Pender Island, a TUP is only required for situations where there is not a resident living on site. (An STR where a resident is living on the lot is permitted in zoning regulations as a home-based business).

On the other hand, all the nearby jurisdictions that use business licenses only issue them to operations involving a principal residence and/or a resident living in a permitted dwelling on the lot and operating the STR.

TUPs can be less restrictive than business licenses. Guidelines for issuing them can be similar to requirements for a business license.

(*The notification requirement for TUPs can be of value when a subsequent TUP is being applied for to identify any problems the operation has been causing in the neighbourhood.)

Short Term Rental Use permitted by Business License or Temporary Use Permit				
Jurisdiction	Permitting tool	Fees		Requirement for short term rental use
North Pender Island (Local Trust Committee within the Islands Trust)	Temporary Use Permit - Valid for 3 years - Renewable for a further 3 years	Year 1	\$900	Required <u>except</u> when operator is living on site “Short term vacation rentals, shall not be permitted as a principal use except where authorized by a Temporary Use Permit.” “Short term vacation rentals may be permitted [without TUP] as accessory home businesses where the operator or other person responsible for the vacation rental is living on the same property in a permitted dwelling or cottage.”
		2		
		3		
		4	\$165	
		5		
		6		
		Total:	\$1,065	
Tofino (Municipality)	Business License - Valid for 1 year (Fee is for one sleeping unit. There is a \$166 fee for each additional unit.)	Year 1	\$505	Must be conducted by a permanent resident (“Short Term Rental use is permitted only where a Residential Use, occupied by a Permanent Resident, is occurring in a dwelling unit on the lot other than the dwelling unit in which the Short Term Rental use is occurring; Short Term Rental use is only permitted on a lot that contains two dwelling units.”)
		2	\$505	
		3	\$505	
		4	\$505	
		5	\$505	
		6	\$505	
		Total:	\$3,030	
Ucluelet (Municipality)	Business License - Valid for 1 year (There is an additional \$10 fee for each additional sleeping unit)	Year 1	\$245	Must be conducted by a permanent resident (“A vacation rental use must be “accessory to a permanent residential use and administered by the full-time and present resident”)
		2	\$245	
		3	\$245	
		4	\$245	
		5	\$245	
		6	\$245	
		Total:	\$1,470	
Cumberland (Municipality)	Business License - Valid for 1 year (Including \$100 for fire and safety inspection)	Year 1	\$210	Must be conducted by a permanent resident (“A vacation rental use is permitted only when a Residential Use is occurring, with a permanent resident present, on the same lot”)
		2	\$210	
		3	\$210	
		4	\$210	
		5	\$210	
		6	\$210	
		Total:	\$1,260	
Bowen Island (Municipality within the Islands Trust)	Business License - Valid for 1 year	Year 1	\$300	Restricted to principal residence (On 25 March 2024, Council voted to: - “opt in to the “principal residence requirement”; - “amend the Land Use Bylaw, Business Licence Bylaw, and Bylaw Notice Enforcement Bylaw to include a principal residence requirement for the Residential Guest Accommodation Use.”)
		2	\$300	
		3	\$300	
		4	\$300	
		5	\$300	
		6	\$300	
		Total:	\$1,800	

5. A course correction

In my view, a course correction is required because the directions provided at the LTC's March 2024 meeting would move things in a direction that does not reflect what I assume to be the LTC's intent.

- Permitting STRs as an outright use through zoning regulations will not provide effective management; it is not being used by any other jurisdiction.
- Permitting STRs using business licences is not available, may never be available, and if it becomes available will take a long process to establish and may not be acceptable.
- TUPs are a viable option that is recommended by the APC.

I support the LTC in finally implementing the APC recommendations, made two years ago.

Here are my suggestions:

- 1. Amend the OCP by including a policy requiring that short term rentals be addressed either:**
 - a) by requiring a Temporary Use Permit, or**
 - b) by permitting the use in zoning regulations, only if and when the CVRD has established a service whereby a business license is required for the use.****Include a policy stating in general terms the issues (as identified by the APC) that should be addressed through either a Temporary Use Permit or zoning/licensing regulations.**

(Such a policy will mean that the OCP will not have to be amended if, in the future, business licensing becomes available.)

- 2. Amend the LUB by**
 - a) deleting short term rentals (aka "vacation home rentals") as a permitted use in zoning regulations, and**
 - b) adding specific TUP guidelines to address the identified issues.**

(This will implement the APC recommendations)

- 3. Continue explorations with the CVRD with respect to possible business licensing, and if/when this appears to be likely, consult with the community and CVRD on drafting zoning regulations that address identified issues.**

(The LUB could then be amended to include new zoning regulations for short term rentals to be in place if and when business licensing becomes available.

It may turn out that business licensing is not needed if a well-administered TUP process is in place.

I also encourage replacing the term "*vacation home rentals*" (I don't know where that came from!) with "*short term rentals*" which provides an accurate description of the use and is now broadly used.

Thank you for considering this input I hope it is helpful.
Sincerely, Tony Law

REQUEST FOR DECISION

To: Hornby Island LTCs **For the Meeting of:** April 26, 2024
From: Trust Area Services **Date Prepared:** April 8, 2024
SUBJECT: 2023/24 ANNUAL REPORT – APPROVAL OF HORNBY ISLANDS LTC SECTION

RECOMMENDATION: That the Hornby Island LTC approves the attached text for inclusion in the 2023/24 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.

- 1 PURPOSE:** Committees are provided with their draft sections of the annual report for review and approval so that Trust Council is able to easily approve its annual report in June 2024 without further editing from staff or trustees at the Trust Council meeting.

BACKGROUND: Preparation of the Islands Trust Annual Report is undertaken by Trust Area Services Communications staff, reporting to the Executive Committee and consistent with Trust Council's [Annual Report Policy 6.10.1](#). The Executive Committee approved the format and outline of the 2023/24 Annual Report at its meeting on February 23, 2024. The Hornby Island Local Trust Committee annual report section also includes an introduction on the local trust area with information gathered from the Islands Trust website and Statistics Canada. The addition of this introduction is in line with the Islands Trust 50th anniversary activities as approved by Executive Committee on November 21, 2023.

2 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Under Trust Council's Policy, all LTCs and Council committees are expected to review and approve their sections at regular meetings in order to have the report approved by Trust Council at its June 2024 meeting.

FINANCIAL: None.

POLICY: No implications for existing policy

IMPLEMENTATION/COMMUNICATIONS: The process for development of the Annual Report is outlined in Trust Council's Annual Report policy 6.10.i. Once each committee has approved its section, staff will create a draft Annual Report for review by the Executive Committee and then Trust Council consideration of approval in June. Upon approval by Trust Council, staff will send the Annual Report to the Minister of Municipal Affairs and circulate it as indicated in Trust Council's policy.

FIRST NATIONS: Information about First Nations relations may be included within committee reports.

OTHER: None.

3 RELEVANT POLICY(S): Trust Council's Annual Report policy 6.10.i; *Islands Trust Act*

4 ATTACHMENT(S): Hornby Island LTC input to Annual Report (draft)

RESPONSE OPTIONS

Recommendation: That the Hornby Island LTC approves the attached text for inclusion in the 2023/24 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.

Alternative: That the Hornby Island LTC approves the attached text for inclusion in the 2023/24 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Municipal Affairs.

Prepared By: Morgana van Niekerk, A/Communications Specialist

Reviewed By/Date: Renée Jamurat, Regional Planning Manager – Northern Office/April 15, 2024

Hornby Island Local Trust Committee

The Hornby Island Local Trust Area comprises Hornby, Norris Rocks, Flora Islet, and Toby Islands.

The Hornby Island Local Trust Area is located within the territory of First Nations whose people have cared for these lands and waters since time immemorial.

The beautiful and vibrant islands in the Hornby Island Local Trust Area are home to some of British Columbia's rarest ecosystems, including the Great Blue Heron and the Western Screech-Owl.

(Statistics from the 2021 census, graphics that show change over time: total population (1971-2021) and percentage of private dwellings occupied by usual resident (1991 and 2021):

<https://islandstrust.bc.ca/document/hornby-island-lta-2021-census-profile/>)

The Hornby Island Local Trust Committee (HO LTC) held seven regular business meetings in the 2023/24 fiscal year, as well as four special meetings - three electronic and one in-person.

Work for this period focused on the HO LTC priority to advance its major Official Community Plan and Land Use Bylaw Review project with topic areas including housing, regulating short term vacation rentals, and First Nations engagement and relationship building. The latter priority was significantly advanced through the development of a work plan with K'ómoks First Nation in March 2024, for the purposes of working together to prioritize potential policy and regulatory changes to address the Nation's concerns and interests in land use planning for Hornby Island.

The LTC also initiated development of a Community Heritage Register as its minor project through the adoption of the first version of a project charter in December.

From April 1, 2023 to March 31, 2024, the LTC and staff received, considered and processed applications for 19 Siting and Use Permits, two subdivision referrals, two Development Permits, and one Development Variance Permit.

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: 03-Jan-2024 On hold pending updated information on septic field location and new plans. Applicant indicates March/April 2024.			
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.			

Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
HO-TUP-2020.3	Hornby Island Co-Operative Association Inc.	28-Oct-2020	PID: 026-371-791 Water extraction & sales Civic address: 5875 Central Road, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 10-Apr-2024

Transferred from M. McCargar to I. Cox. Staff to issue TUP following receipt of prov. license. (to be issued as batch with others in 2024 per staff communication with water authorizations).

Status Date: 15-Sep-2022

File transferred from RPM Kauer to Island Planner Marlis McCargar. No water license has been received as of this date. The permit expires on March 26, 2024 but the use is not permitted until a water license has been received.

Status Date: 25-Oct-2021

File transferred from Planner Cox to RPM Kauer.

Islands Trust
LTC EXP SUMMARY REPORT F2024
Invoices posted to Month ending February 2024

635 Hornby	Invoices posted to Month ending February 2024	<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	2,574.45	-1,713.45
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>3,004.73</u>	<u>-1,284.73</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: - 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; - For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; - 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; - 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; - 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.

Active Projects Report

Hornby Island

1. Major Project - Hornby Island Official Community Plan and Land Use Bylaw 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 Project - Heritage Register

Responsible

Dates

Establish a heritage register. LTC resolution to endorse project charter December 13, 2023. Advocacy, Policy

Ian Cox

Rec'd: 13-Dec-2023

Future Projects Report

Hornby Island

1. OCP

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. OCP & LUB

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. Advocacy and Communications

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. LUB

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