



Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: May 5, 2023
Location: Room to Grow
2100 Sollans Road, Hornby Island, BC

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

Staff Present: Sonja Zupanec, Island Planner
Margot Thomaidis, Planner 2
Katherine Vogt, Recorder by Telephone

Others Present: There were approximately twenty (20) members of the public and no members of the media in attendance.

1. CALL TO ORDER

The Chair called the meeting to order at 11:38 am. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations; and that today was Red Dress Day, a day of significance to First Nations. He introduced himself, Trustees, Staff and Recorder and welcomed members of the public. He noted that the meeting was being recorded.

- A Trustee explained that Red Dress Day is to acknowledge concerns for missing and murdered Indigenous women and girls in Canada.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. REPORTS

3.1 Trustee Reports

Trustee Allen reported that he had attended a Regional Planning Committee meeting in Nanaimo at which there was discussion of housing and organizing of a Housing Forum for the fall.

Trustee Scott reported on the following:

- That the always successful 23rd Annual Hornby Island Blues Workshop had been taking place all week.
- Public concerns about the Official Community Plan (OCP) and Land Use Bylaw (LUB) Project regarding vacation rentals.

- Acknowledgement of concerns regarding the proposed cell tower.
- Supporting that the fibre-optic cable lines installation process happening all over the island is a good thing.

3.2 Chair's Report

The Chair expressed that he was grateful to be on Hornby Island and looked forward to hearing about the issues that people were concerned with.

3.3 Electoral Area Director's Report

None

4. PUBLIC COMMENTS

The Chair advised members of the public that he would allot 4 minutes per speaker and then offer the opportunity for respeaking as time permitted.

Members of the public noted the following:

- Hornby Island has a long history of dealing with its own problems in its own way. This vibrancy is being threatened by planning and management forces, as are the freedom and good intentions of locals. They referenced the Thatch development and questioned the credibility of the Islands Trust.
- Desalination, water catchment, and other water-systems opportunities are not being looked at. Instead, a small clique are attacking Short Term Vacation Rentals (STVR)s which are the economic base of the island supporting local employment. Most locals have no complaints with STVRs. The current OCP is a long-time legal document based on extensive community consultation that already works well.
- Thank-you to the Advisory Planning Commission (APC) for attempting to deal with the difficult local problems as volunteers. Volunteers are the glue that holds Hornby together.
- Thank-you to the work of the Trustees. In the 1980s, locals laboured for a vision of the community and decided not to have commercial development such as resorts and hotels lining the beaches. Instead, people could rent their houses out to be able to live and stay on Hornby. There has been a current political shift involving people buying properties solely for renting out, but the locals of long ago still exist. There should be consideration for the status of homeowners as well as renters. Regulations can be improved without throwing the baby out with the bathwater. Young people should have the opportunity to have STVRs, not just those who are grandfathered in. Workers need the employment from STVRs. Where is all the correspondence collected over the last few months regarding STVRs? The correspondence needs to be compiled and shared with the community.
 - A Planner responded that all public correspondence with personal information redacted is placed chronologically on the project website as it is received.
- There is presently a formal request for the Provincial Government to provide data on the number of STVRs in the Province; to find out if these STVRs impact long term rentals; to provide licensing and regulations for STVRs; and to improve bylaw enforcement funding; all of which is needed on Hornby Island. The Local Trustee Committee (LTC) needs similar, real

information before it moves to affect more than a thousand property owners on Hornby Island.

- The consultant's report, prepared by a skilled senior professional, is a good Trustee resource. The Consultant's report refers to the 2014 Hornby Island OCP section 6.5.3 Vacation Home Rental which states: 'Property owners benefit from the opportunity to raise funds whether to assist with property costs or as a means to augment income while retaining their residence for its primary residential use for most of the year. Visitors benefit from a range of accommodation options to experience the Island's environment and amenities. The community benefits from these visitors.'
- Consultant Option 1 is ideal for Trustees to follow: 'Do not change the policies in the OCP. The current policies were adopted using a public engagement process and there are many legal existing Vacation Home Rentals (VHR). There are also illegal VHR located in zones that do not allow VHR as a permitted use. Continue enforcing the bylaw to shut down the illegal VHR. Increase the regulations for new VHR such as mandatory rainwater harvesting, Registered Onsite Wastewater Practitioner (ROWP) statement that the existing septic has capacity for the existing house and number of bedrooms.'
- Previous community consultation that allowed STVRs was problematic; and due to the global onslaught of capital, STVRs numbers have become overwhelming. They should be made illegal now. Existing STVR operators should calm down and enjoy what they have; they have had their way for so many years.
 - STVRs are out of control. It started with ten or twenty and now there are over fifty. We are the only island that allows STVRs. Locals are excluded from ferry spaces for getting to appointments. Trees and gardens are drying out, suntan oil slicks in the ocean, car exhaust, excess septic seepage, mountains of garbage and recyclables, and wear and tear on the roads are all degrading the environment.
 - Need to challenge the notion that local workers are provided with good employment through STVRs because many are living in marginal housing and using bikes and mopeds for transport. They are not making enough money to afford a decent rental. The trend going forward is that we need to decouple housing from profit making. Homes cannot be places to earn money anymore. The trend everywhere is to limit and regulate STVRs.
 - The APC has presented good recommendations for moving forward.
 - Do not forget about the locals who live here all year round who need to hide in the summer from the onslaught of tourists.
 - Homes need to be gathered for use as affordable rentals.

The Chair determined that everyone had had a chance to speak; and invited people who had already spoken to provide additional comments. Members of the public noted the following:

- The Vice-Chair of the Hornby Island Economic Enhancement Corporation (HICEEC) read a portion of a letter recently sent to the LTC that emphasizes that long-term, purpose-built affordable housing strengthens the long-term economy for everyone.
- STVR bans will not lead to more affordable housing. Instead, there will be elitism: people rich enough to stay on Hornby while others are forced out. The OCP provides that people can live and work from their properties in a variety of home occupations which is a form of

monetization of one's property. STVRs have regulations now that were laboured on and put in the OCP. Enforcement of regulations could improve. The Hornby Island Short Term Rentals Association (HISTRA) has been working for over 20 years taking responsibility for self-regulation in a way that raises the bar.

- STVRs are a sustainable, home-based occupation but are being smeared as overly commercial. Some people rent out for only two weeks in the year, but they are being lumped in with bigger enterprises. Many STVRs are not winterized and could not be used as long-term rentals. There is a problem with inadequate ferry capacity. The narrative against STVRs is out of control and there needs to be real leadership to deal with it.
- An incredible amount of administrative and physical labour goes into operating an STVR. Most guests are from BC rather than international locations. We need a real program of affordable housing on Hornby.
- Where are the facts on ferry traffic caused by STVRs; or that STVRs use more water than anything else? What about three families living on one property?

5. DELEGATIONS - none

6. MINUTES

6.1 Local Trust Committee Minutes dated March 24, 2023 - for adoption

By general consent the minutes of March 24, 2023 were adopted as presented.

6.2 Section 26 Resolutions-without-meeting Report - none

6.3 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated April 27, 2023

A Trustee expressed that the drafting of a letter congratulating the new Chief and Council of K'ómoks First Nation (KFN) was very delayed; such that when it is finally delivered it will not look good.

- A planner responded that Trust Area Services had staffing shortfalls.
- The Chair noted that the Senior Intergovernmental Relations Advisor position had yet to be filled.

A Planner updated that staff had yet to receive ROGERS compilation of correspondence report.

8. APPLICATIONS AND REFERRALS

8.1 HO-DVP-2023.1 Nelson (5255 Sandpiper Rd.) - late submission

Planner Thomaidis presented the staff report that recommends Trustees permit an existing dwelling and shed to remain as they were originally encroached within a lot line setback; given that the neighbours, the ecosystem, and the intent of the bylaw are not impacted.

The applicant spoke to Trustees and addressed their questions.

HO-LTC-2023-019

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee approve issuance of Development Variance Permit HO-DVP-2023.1 (Nelson) as attached.

CARRIED

By general consent the meeting was recessed 12:45 pm and reconvened at 1:20 pm.

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Hornby Island Official Community Plan Review Project - Consultant's Report March 30, 2023

Trustees received the report, from Patricia Maloney Consulting, titled 'Hornby Island Official Community Plan Engagement Summary report,' on pages 30 to 73 of the agenda package. The report provided numerous options for Trustees to consider on the subjects of 'Riparian Areas', 'Indigenous Language', 'Affordable Housing,' and 'Short Term Vacation Rentals.'

9.2 Hornby Island Official Community Plan Review Project - Staff Report

Planner Zupanec presented the staff report that asks Trustees to review the Project Charter and Workplan for the OCP/LUB Review Project, including the consideration of which of the Consultant's recommendations options for the project be included in the current Project Charter.

Trustees reviewed, for inclusion in the Project Charter, the Consultant's options for 'Riparian Areas' which included providing educational resources to the public on Riparian Areas Regulation; and requesting funding to update the previous Mimulus and Madrone Hornby riparian mapping reports.

- The Chair noted that mapping could be very expensive.
- A member of the public noted that the Advisory Planning Commission (APC) had recently addressed Riparian issues.

Trustees reviewed the Consultant's eight options for 'Indigenous Language,' focusing on the following two options:

- Option 1: 'Add the Islands Trust Reconciliation Declaration to the OCP (as drafted in Appendix A). '
- Option 2: 'Consider additional wording changes as outlined in Appendix A.'

Planner Zupanec noted that OCP Indigenous language changes would not affect the Hornby Island Land Use Bylaw; that First Nations are careful about disclosing the location of sensitive Indigenous cultural and heritage sites; and, that there is presently a unique protocol with KFN that all applications that are within 200 meters of a freshwater boundary or the natural boundary of the sea be referred to KFN.

- A Trustee added that the Hornby LTC had passed a resolution that all applications from Hornby be referred to KFN.

HO-LTC-2023-020

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee add Option 1 and 2 from Section 3.3 'Options for OCP Amendment' to the OCP/LUB Project Charter.

CARRIED

Trustees reviewed Consultant's Options 3 to 8. It was considered that regarding Option 3: 'Participate in Heritage and Traditional knowledge mapping with the K'ómoks First Nation;' that KFN might not want to participate.

HO-LTC-2023-021

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request Staff to place Options 3 to 8 under Section 3.3 'Options for OCP Amendments' on the Future Projects List.

CARRIED

By general consent, the meeting was recessed at 2:09 pm and reconvened at 2:11 pm.

Trustees reviewed the recent APC recommendations for housing, as contained in the March 29, 2022 APC document titled 'Housing and Short Term Rentals Recommendations;' and reviewed the Consultant's twelve options for amendments to the OCP regarding 'Affordable Housing;' for consideration of inclusion in the Project Charter.

Trustees discussed the following APC recommendations 1, 2 and 3:

- 1. 'In Large lot Residential zone, allow multi-family development through site-specific subdivision rezoning. Limit the development to "residential rental tenure."'
- 2. 'In Large Lot Residential zone, create a new zone permitting permanent second dwelling, Short Term Rentals (STR) prohibited. The location of this new zone will be determined through community consultation.'
- 3. 'Permit in all zones: site specific applications to permit a second dwelling for residential rental tenure, verifying proven septic, water, and lot coverage.'

Trustees discussed the following Consultants 'Affordable Housing' options 2 and 3:

- Option 2: 'Allow secondary / accessory dwelling units in all zones. In small lot zones, allow secondary units within the primary residence that does not exceed the original number of bedrooms for which the septic field was designed. On lots over two hectares, allow secondary suites internal to the primary residence, or attached to the primary residence with report from a Registered Onsite Wastewater Practitioner (ROWP) that the septic field is sufficient. Or allow detached accessory dwelling units that have individual well and septic, designed and constructed by a ROWP.'
- Option 3: 'Include policies that fully support cooperative housing and purpose -built rental housing.'

A Trustee considered that it would be beneficial for the APC concept of 'Residential Rental Tenure' to be merged with the Consultant's options.

HO-LTC-2023-022

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee include options 2 and 3 from the Consultant's Report Section 4.5.1; and include Advisory Planning Commission recommendations 1, 2 and 3 from their March 29, 2022 Report; and include proof of potable water, to the Project Charter.

CARRIED

A Trustee noted that Consultant Option 4: 'Revise the definition of affordable housing to match that of BC Housing,' could be further considered. Consultant Options 5 to 12 were received for information.

Trustees reviewed the Consultant's six options for moving forward with Short Term Vacation Rentals, also referred to as vacation home rentals (VHR); and reviewed the APC housing recommendations, for inclusion in the Project Charter.

Trustees discussed the following Consultant Options 2, 3, and 5:

- Option 2: 'Amend the OCP and the Land Use Bylaw to Prohibit VHR. By deleting VHR from the bylaws, there would be no new legal VHR. The existing VHR in zones Residential 1 – Small Lot (R1) Zone (Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot), Residential 2 – Large Lot (R2) Zone, Residential 4 – Forest (R4) Zone, and Agriculture 1 (A1) Zone, would remain legal non-conforming and could continue to operate permanently as they are. All of the current illegal VHR would remain illegal.'
- Option 3: 'Assess Current VHR's. Regardless of the option selected, the Local Trust Committee should follow through with the policy in the OCP to monitor the rate and use of vacation home rentals. During the engagement it was clear that no one actually knows how many legal and illegal VHR there are on the island (the estimates range between eighty and one hundred and twenty). It is critical to understand how many VHR there currently are, review their wells, septic and determine if, in fact, they are having a detrimental impact on the environment and, then, determine a future direction.'
- Option 5: 'Consider the use of Temporary Permits for all VHR in the future.'

A Trustee noted the following APC recommendation:

- 'All SR (Small Lot Residential) lots/zones be designated IA Heavily Developed Aquifer. Any STR operating in an IA Heavily developed Aquifer would apply for a Temporary Use Permit (TUP) and would be required to certify septic capacity.'

HO-LTC-2023-023

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee include options 2, 3 and 5 from the Consultant's report Section 5.3.1 to the Project Charter.

CARRIED

HO-LTC-2023-024

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee include in the Project Charter that all small lot residential zones be designated IA Heavily developed Aquifer.

CARRIED

9.3 Local Trust Committee Project Prioritization - Staff Report

HO-LTC-2023-025

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee defer Staff Report File No 6500 to the next meeting in June 2023.

CARRIED

10. CORRESPONDENCE - none

11. NEW BUSINESS - none

12. REPORTS

12.1 Trust Conservancy Report - none

12.2 Applications Report dated April 27, 2023

Received.

12.3 Trustee and Local Expense Report dated February, 2023

Received.

12.4 Adopted Policies and Standing Resolutions

12.5 Local Trust Committee Webpage

12.6 Approval of Hornby Island's LTC Section for 2022/23 Annual Report - request for decision

Trustees considered the following text for inclusion in the 2022/23 Trust Annual Report:

'The Hornby Island Local Trust Committee (HO LTC) held five regular business meetings in the 2022/23 fiscal year, as well as one Community Information Meeting, and one special meeting. Work for this period focused on advancing the HO LTC priorities to address building positive relationships with K'ómoks First Nation, and a review of the Official Community Plan including topics such as riparian areas, affordable housing, and short term vacation rentals. The Hornby LTC also worked on key projects, including an update to the Siting and Use Permit Bylaw, initiating an update to the Official Community Plan and Land Use Bylaw. From April 1, 2022 to March 31, 2023, the Hornby

LTC received and considered applications for two development variance permits, two development permits, one liquor and cannabis board referral, and one temporary use permit. During the same time period, staff also reviewed sixteen siting and use permit referrals and two subdivision referrals.'

HO-LTC-2023-026

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approves the attached text for inclusion in the 2022/23 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Municipal Affairs.

CARRIED

13. WORK PROGRAM

13.1 Active Projects Report dated April 27, 2023

Received.

13.2 Future Projects Report dated April 27, 2023

Received.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Friday, June 16, 2023 at 11:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC

HO-LTC-2023-027

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request that the Friday June 16, 2023 meeting be virtual.

CARRIED

15. ADJOURNMENT

By general consent the meeting was adjourned at 3:15 pm.

Timothy Peterson, Chair

Certified Correct:

Katherine Vogt, Recorder