



Hornby Island Local Trust Committee

Minutes of Regular Meeting

Date: December 13, 2023

Location: Electronic Meeting

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

Staff Present: Sonja Zupanec, Island Planner
Wil Cottingham, Administrator and Meeting Host
Ian Cox, Planner 2
Margot Thomaidis, Planner 2
Katherine Vogt, Recorder

Others Present: There were approximately fifty-two (52) members of the public in attendance.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 4:34 p.m. He acknowledged that the meeting was being held on the territory of the Coast Salish First Nations. He introduced Trustees, Staff and Recorder; and welcomed members of the public. He noted that the recording of the meeting would be available on the Islands Trust website within a few days.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- add item 11.1: Standing Resolution of Motions HO 2021-053 and HO 2021-054

By general consent the agenda was adopted as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Allen reported on the following:

- acknowledgement that the island we are gathering on is the unceded traditional territory of the K'ómoks First Nation, the traditional keepers of this island.
- at the last Trust Council meeting, the following vision statement was proposed: "through our journey of reconciliation, Islands Trust Council envisions a vibrant

tapestry of caring, diverse, and rural communities within the Salish Sea to flourish in harmony with nature;” and Trustees shared their challenges dealing with short term vacation rentals (STVR)s

- Thank you to the 50 or so members of the public who recently wrote letters regarding vacation rentals to the Local Trust Committee (LTC). The letters were filled with interesting back-stories.

Trustee Scott reported on the following:

- Concerns and unknowns regarding the new provincial housing legislation and how it will affect STVRs.
- To what extent STVRs regulation will affect long-term housing availability.
- Concerns regarding in person versus electronic LTC meetings.
- Public support for proposed changes to the Official Community Plan (OCP) is mixed.

3.2 Chair's Report

Trustee Peterson reported on the following:

- At the last Trust Council meeting, the meeting schedule for next year and work plans were approved.
- Today, the LTC will be receiving a verbal report from staff regarding the Rogers cell tower proposal. At some point, a crown land referral from the Province will be received by the LTC, which precedes any LTC consideration of concurrence.
- New provincial housing legislation will have a direct impact on the LTC’s proposals for regulating STVRs. A request for staff analysis of Bill 35, followed by a hybrid electronic/in-person Community Information Meeting (CIM), preferably prior to the LTC March 2024 meeting, would be helpful.

3.3 Electoral Area Director's Report

None

4. PUBLIC COMMENTS

Members of the public asked or noted the following:

- We own property on Hornby, but have lived off island due to inability to find suitable employment. We have rented our place to the same friends and family for over 30 years. Our place is not empty for 10 months of the year, it is being constantly used. We will not be renting our place long-term if we cannot conduct STVRs. It is very difficult to manage a long-term rental from far away.
- I worked on the Community Profile for Hornby Island, and as of November 2, 2023, there were 131 STVRs advertised, 29 of which did not have names or addresses, and 43 that did not have names. This information needs to be collected. Is it clear that the new provincial housing regulations allow for Hornby Island to be exempt or to opt in? It is very important that our current compliant STVRs remain grandfathered in.

- Hornby had a unique proposed bylaw and solutions to STVRs. If we don't move forward with this, it leaves Hornby extremely vulnerable to a relocation of money from places where STVRs will no longer be permitted. Under new provincial regulations, primary residence conducted STVRs will be allowed to continue; but on Hornby, there are also long-term residents who own non-primary residences from which they conduct STVRs that Hornby wants to be allowed to continue. It is the new investment-based STVRs that Hornby wants to block.
- I was born and raised on Hornby but currently reside in Vancouver. The Province has given you a good solution for the housing problems on Hornby. There are currently no opportunities on Hornby for young families and workers to live on the island year-round. Proliferation of STVRs will decimate the island.
- On Page 70 of the current agenda package, which is the last page of proposed Bylaw No 173, is a map insert that dramatically expands the area of the island classified as heavily developed/high vulnerability aquifer. Where is the scientific justification for this designation expansion and can staff explain this? Schedule D2 Environmentally Sensitive Areas: Aquifers is being used to suppress siting and use permits.
- I have spoken to the Executive Directors of Legislation in both the Housing Ministry and the Ministry of Municipal Affairs, and both have said that, excepting the principal-residence requirement that communities can opt in or out of, that Hornby Island is impacted by every other aspect of the new provincial housing regulation. So, the LTC needs to clarify how this legislation will affect the local situation before any new LTC proposals proceed.
- Many long-time part time residents are now living on the island full-time, which has taken many rentals off the market, whether they were short or long-term. STVRs add about 250 extra visitors to the island per week. Each home, if given four people per home, increases the island population to 3000, while campers, resorts and B&Bs, when full, add about an extra 1000 visitors. STVRs sustain a large group of artists, businesses, and workers throughout the year. It is unknown how many STVRs stop each year. The 2023 Community Profile referring to 131 STVRs is showing a reduction from the 165 counted 3 years ago by the Islands Trust bylaw team. Substantial changes to long time property rights that may remove 1 in 5 jobs and promote economic hardship should be based on facts.
- I encourage the LTC to move forward with First Reading of the proposed OCP bylaw to allow housing security to move forward.
- My parents purchased their property on Hornby in 1975, I do STVRs to maintain the property in the family. Stopping STVRs and visitors on Hornby would cut off many livelihoods. We would have to sell our property if we could not maintain an STVR; and it would be too expensive to develop a long-term rental.
- My parents purchased their property in the 1980s and I have taken over the property, and own one other waterfront property, neither of which would be suitable for a year-round rental. We have 2 STVRs which goes to local hiring, and we spend many weeks ourselves on Hornby. I support good bylaw management of STVRs and the permission to conduct STVRs year-round so that Hornby could have year-round economic support.
- Hornby has always had a housing crisis; now the whole country has one because of all levels of government. When the provincial government banned winter rentals about 4 years ago,

- it created an enormous local housing crisis. We also need a good quality summer campground. STVRs are the one good way to maintain existing middle-class homes because of high taxes and inflation. STVRs should not be conflated with long-term housing. Removing STVRs would plunge many people into poverty.
- Regarding licencing of STVRs, it is important that the carrying capacity of the existing sewage system be considered. As a retired wastewater practitioner, I note that people are unclear on the regulations. For a 2-bedroom household, a system may be designed for a minimum of 3 people or 1000 litres of sewage per day; for a 1 bedroom house it is designed for a minimum of 2 people; and for a 3 bedroom house for a minimum of 4 people; but for each additional person that may be added to that household, one must design for an additional 350 litres per day as per BC sewerage regulation, pages 20 and 21. Yearly annual maintenance is required in BC. STVRs should be required to provide a yearly receipt of this.
 - Trustee Peterson requested that this information be forwarded to Trustees and Staff.
 - Given that the Provincial Government has just made drastic changes to housing regulations, I recommend that the LTC supports the staff recommendation to slow down the OCP bylaw process to allow for staff analysis; for the LTC to immediately start lobbying the Comox Valley Regional District for a Hornby STVR licencing system; for the LTC to continue their focus on affordable housing; for the LTC to consider rising property taxes which have been 20% or \$6000.00 this year for this speaker, which is a hardship for many long-time property owners; and that the LTC encourage the STVR community to use the local STVR website rather than other more global platforms. I am opposed to the opting-in to the principal-residence requirement for STVRs, which excludes many off-island property owners with long generational histories on Hornby.
 - There were 300 signatures collected in 4 hours against the Rogers proposed cell tower, which has been dismissed by consultant Brian Gregg. Planners did not report this in the minutes, have excluded other important information, and made numerous other errors in the public information process.
 - The proposed cell tower brings up questions and concerns around surveillance. A whistleblower has recently come forward with allegations of corruption in Innovation Science and Economic Development Canada (ISED) which the LTC should take into consideration.
 - I would like to see the letter from our lawyer submitted to the LTC for this meeting of December 13, 2023, and that it be posted in full on the Islands Trust website. The Rogers cell tower proposal is in direct violation of the Hornby OCP and is meant to serve other jurisdictions. The public process has been marred by blatant election interference, secrecy, planner overrule of a trustee, and other violations of protocols and process. Trustees should vote non-concurrence today.
 - As a 52-year resident, I would like to opt-in to the new STVR provincial regulations to preserve and protect the island.
 - Where is the data that STVRs could be converted to long-term rentals? I do not want to be a long-term landlord. What will be the enforcement mechanism of STVRs? Anonymous

complaints are unsettling because it can be a form of harassment. As a 19-year resident, I have observed that at every turn, affordable housing is blocked by regulations.

- We have purchased my mother's decades owned Hornby property and use STVRs responsibly for 8 weeks a year to help pay for it. We visit our Hornby residence every month. Many other next generation property owners on Hornby rely on STVRs.
- As a lifetime resident on Hornby with no home, I observe that STVRs are being used to finance second and third homes while others don't even have one home.
- The province should be lobbied to reinstate the ability to provide semi long-term winter rentals. This is impacting the local rental housing supply much more than STVRs; also, I would like for this electronic meeting to provide for the ability to see people at the meeting.
- We use our Hornby home every month and would not be able to convert our STVR to long-term housing; we support other affordable housing initiatives, legal STVRs, and further LTC research.
- There are many responsible STVRs operators whose neighbours are happy with them.
- As the Chair of the Advisory Planning Commission (APC), I urge everyone to read our APC Recommendations document of March 2023. Nowhere in our recommendations were STVRs to be ended as a permitted home occupation; rather, we wanted to find out who is doing what where, and to regulate around water and septic.

By general consent the meeting was recessed at 5:57 pm and reconvened at 6:16 pm.

- The combination of the proposed OCP as it is currently written with the new provincial regulations will eliminate all grandfathered STVRs if the provincial regulation applies to Hornby.
- How can Hornby survive this potentially dangerous provincial legislation, Bill 35?
- A category of STVR, as when a house is for sale and it is being encouraged to be purchased based on its ability to do weekly rentals, is driving increased property prices and needs to be considered.

5. DELEGATIONS

5.1 Stuart Amos from Hornby Island Agricultural Association regarding Agricultural Land Reserve Regulations

Stuart Amos spoke on behalf of the Hornby Island Agricultural Association (HIAA), noting a recent letter from HIAA sent to the LTC requesting an amendment to the Hornby Island Land Use Bylaw (LUB) to align Agriculture Land Reserve (ALR) properties zoned ALR A1 on Hornby with the Agriculture Land Commission Act, to safeguard local farmers' livelihoods.

Aileen Fearman, on behalf of HIAA, read out the 2-page letter from HIAA dated December 13, 2023, as contained on pages 4 to 5 on the current agenda package.

5.2 Margaret Birch from Hornby Island Community Hall Committee regarding Establishment of a Hornby Island Community Heritage Register

Margaret Birch, on behalf of the Hornby Island Residents and Ratepayers Association (HIRRA), provided a 6-page slide presentation describing the history of the efforts to establish a local Community Heritage Register and a detailed description of Hornby Island's Community Hall and First School, for which Cultural Heritage Statements of Significance have been completed by a hired consultant who is presently developing a statement for Room to Grow.

Margaret Birch conveyed that HIRRA is requesting that the LTC advance the Cultural Heritage Project so that HIRRA may access needed resources to upgrade the Community Hall.

5.3 Hornby Island Short Term Vacation Association regarding the Municipal and Regional District Tax

Michelle Easterly, speaking as a member of the board of the Hornby Island Short Term Rental Association (HISTRA), made up of 120 members with 80 properties, thanked Angelea Hoeppner of PlanH Healthy Communities for developing, with help from the Comox Valley Regional District (CVRD), HIRRA, and Denman Works, the 2023 Hornby Community Profile which contains a wealth of housing data, some of which was conveyed at today's meeting. She noted the following:

- Housing needs cannot be addressed by the bylaw changes being considered because 59% of homes on Hornby are now filled by full-time residents and this trend is growing such that 70% of homes could be filled by 2026.
- 115 or 20% of households on Hornby rent. One third of these renters (39) are precariously housed.
- The median rental housing cost on Hornby of \$700.00 is half that of BC; and the precariously housed pay about \$300.00 or less per month. At these low rents, property owners cannot afford to develop rental dwelling units because the actual cost to develop and maintain them would necessitate \$1000.00 rent per month.
- STVRs owners either use their homes throughout the year or cannot afford to develop long-term rental units, so purpose-built rentals will need to be built by a collective.
- The 3% Municipal and Regional District Tax (MRDT) or "pillow tax" charged to visitors of fixed-roof accommodations now provides \$50,000.00 of annual, predictable funds for Hornby and allows for the establishment of a Housing Coordination Program with multiple options for this money.
- If STVRs are stopped, Hornby will lose 75% of this money.
 - A Trustee asked about the other 25% of the MRDT.
 - Eula Mills responded that that money represents resorts and B&Bs on the island, excluding glamping and camping operations, which must be registered to pay the tax.

6. MINUTES

6.1 Local Trust Committee Minutes dated September 8, 2023 - for adoption

By general consent the Local Trust committee meeting minutes of September 8, 2023 were adopted as presented.

6.2 Local Trust Committee Special Meeting Minutes dated September 29, 2023 - for adoption

By general consent the Local Trust committee special meeting minutes of September 29, 2023 were adopted as presented.

6.3 Section 26 Resolutions-without-meeting Report dated December 6, 2023

6.4 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated December 6, 2023

Received.

8. APPLICATIONS AND REFERRALS

8.1 Rogers Cell Tower Proposal - Verbal Update

Planner Thomaidis provided an update on the proposed cell tower, noting the following:

- Ongoing correspondence on this proposal is being received.
- The LTC, at the last meeting, directed the applicant Rogers to engage in more extensive public consultation, which has not started yet.
- There has been no change in the status of this referral since the last meeting. The LTC has not yet received a crown land referral from the Province.
- A vote of non-concurrence today is possible, but not advised because the public consultation process has not been completed and the provincial referral has not been received.
- The ISED requirement to complete public consultation within 120 days may not apply given that the LTC has requested further public consultation. Staff will seek more clarity from ISED on this and report back to the LTC at the next available opportunity.
- Staff are working on an applications page on the Islands Trust website where all correspondence and information received about the cell tower proposal can be posted.

Trustee Allen noted that a Hornby group has already communicated to the Province that the proposed cell tower crown land site is wanted for other community uses.

- Chair Peterson added that it would be helpful for the LTC to know what the plans for this space were and to be kept up-to-date.

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Minor Project: Heritage Register Proposed Project Charter - Staff Report

Planner Thomaidis presented the staff report that recommends that the LTC approve the proposed Heritage Register Project Charter as a minor project for the next fiscal year.

Trustees discussed possible First Nations interests in the project.

HO-LTC-2023-043

It was MOVED and SECONDED,

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

CARRIED

9.2 Major Project: Hornby Island Official Community Plan and Land Use Bylaw Review Project - Staff Report

Planner Zupanec presented the staff report that recommends that trustees consider the need for staff review of the new provincial regulations contained in “The Short-Term Rental Accommodation Act,” noting the following:

- First reading of the current draft Official Community Plan (OCP) bylaw should not move forward until an analysis of Bill 35 is completed; so that redundant referrals are not sent out prematurely if the LTC decides to amend their approach to the draft bylaws.
- Current staff understanding is that legal non-conforming status of short-term vacation rentals would be extinguished, as of May 1, 2024, regardless of whether Hornby decides to opt in.
- Regarding the ‘D2 Schedule: Environmentally Sensitive Areas: Aquifers’ referenced in Town Hall, this new map was the outcome of an LTC directive to staff to update the schedule by including 2 new areas of the island in the aquifer designation.
- If the short-term vacation rentals section of the proposed OCP bylaw becomes overly complicated by the new provincial regulations, the LTC has the option of removing it from the current draft OCP bylaw and treating it as a separate project.

A Trustee noted that Temporary Use Permits for short-term vacation rentals and caps on numbers of operating short-term vacation rentals would need extensive review of options, including off-season capacity, CVRD licensing, San Juan Islands examples of regulation, Ed Hoepfner’s septic recommendations, and many other considerations to explore.

Chair Peterson clarified that the existing Hornby Land Use Bylaw permits short-term vacation rentals without restriction, while the new proposed bylaw, in conjunction with the new provincial regulations, would eliminate the potential for all short-term rentals; and that Hornby is unique in being the only Trust area that has an outright permitted use for vacation rentals in the residential zoning.

- Planner Zupanec agreed that other islands in the Trust Area were in a completely different situation than Hornby, given that their Temporary Use Permits-regulated STVRs would not be affected;

HO-LTC-2023-044

It was MOVED and SECONDED,

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

CARRIED

HO-LTC-2023-045

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to schedule a special meeting (hybrid or in-person) in February 2024 to consider a staff report and public input on the options and implications of the *Short Term Rentals and Accommodations Act*.

CARRIED

10. CORRESPONDENCE

10.1 Email dated September 7, 2023 from Comox Valley Regional District regarding Regional Parks and Trails Strategic Plan Update

Received for information.

10.2 Letter dated November 29, 2023 from G. Burtinsky regarding Responsibilities and Due Diligence

Received for information.

10.3 Email dated November 29, 2023 from W. Burton & J. Ovitsland regarding APC Recommendations

The Chair of the Advisory Planning Commission (APC), noted the following:

- The intention of the letter was to remind Trustees that we had recommended in our previous referral regarding the “Thatch Condominium Development,” that there was insufficient language in the bylaws governing the Thatch regarding short or long-term rentals at this site; which is notable, now that this development is currently advertising condominiums for sale as “freehold strata” and that they will create and maintain a rental pool.

Planner Cox noted that it appears from preliminary analysis, that the zoning for the Thatch development does allow for both residential and tourist accommodation use and that such was the intent at the time the zoning was adopted; however, it is unknown if

STVRs would still be permitted under the new provincial legislation (Bill 35) if the unit is not an owners' primary residence.

Planner Zupanec offered that staff could include a section on 'implications for other zones' in the upcoming staff analysis of Bill 35 report, which would include the Thatch Development.

11. NEW BUSINESS

11.1 Standing Resolution of Motions HO 2021-053 and HO 2021-054

Trustee Allen introduced a new Standing Resolution motion to address the December 31, 2023 expiry date of both previous LTC Standing Resolution motions HO-2021-053 and HO-2021-054; to better reflect the current housing reality; and to allow the LTC to address housing in a way that did not need to be continuously renewed.

HO-LTC-2023-046

It was MOVED and SECONDED,

that 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.

CARRIED

12. REPORTS

12.1 Trust Conservancy Report - none

12.2 Applications Report dated December 6, 2023

Chair Peterson clarified that the applications HO-DVP-2023.2 and HO-SUP-2023.11 were two separate applications at the same address; but that one was for a Development Variance Permit and the other was for a Siting and Use Permit.

12.3 Trustee and Local Expense Report dated October, 2023

Received for information.

12.4 Adopted Policies and Standing Resolutions

12.5 Local Trust Committee Webpage

12.6 2024 Local Trust Committee Meeting Schedule - Staff Report

Planner Thomaidis and Planner Cox spoke on the staff report prepared by Planner Cox that proposes LTC regular business meeting dates for 2024.

HO-LTC-2023-047

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee schedule its regular business meetings on the following dates in 2024: April 26, June 14, and November 1; and that staff be requested to investigate February 2 or 9 and September 6 or 13 as additional meeting dates.

CARRIED

Trustee Scott commented that the members of the public who attended the current meeting from Room to Grow did not constitute a true hybrid meeting because there was no staff attendance there.

Trustee Allen noted that Room to Grow is not big enough to handle the large numbers of members of the public who want to attend meetings.

Chair Peterson clarified that in person meetings would be the default on Hornby; and that hybrid in-person/electronic meetings would be ideal going forward; and that the anticipated fibre optic infrastructure will make hybrid meetings much easier.

13. WORK PROGRAM

13.1 Active Projects Report dated December 6, 2023

13.2 Future Projects Report dated December 6, 2023

14. UPCOMING MEETINGS

14.1 Next Regular Meeting To Be Decided

Chair Peterson noted that staff would be reporting back on whether February 2nd or 9th 2024 would be a possible next LTC meeting date.

15. ADJOURNMENT

By general consent the meeting was adjourned at 8:11 p.m.

Timothy Peterson, Chair

Certified Correct:

Katherine Vogt, Recorder