



Hornby Island Local Trust Committee

Minutes of Special Meeting

Date: April 17, 2023
Location: Electronic Meeting

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

Staff Present: Sonja Zupanec, Island Planner
 Katherine Vogt, Recorder
 Wil Cottingham, Meeting Administrator

Others Present: Patricia Maloney, Consultant
 There were approximately thirty-eight (38) members of the public and no members of the media in attendance.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 4:02 pm. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations. He introduced himself, Trustees, Staff, Recorder and welcomed Consultant Maloney and members of the public. He noted that the meeting was being recorded and livestreamed.

2. APPROVAL OF AGENDA

Trustees discussed that members of the public may have further comments and questions after the presentations of the Consultant's and Staff reports.

Trustees considered the following addition to the agenda:

- 4.3 Public Comments

By general consent the agenda was adopted as amended.

3. PUBLIC COMMENTS

- Upcoming bylaws should be drafted by Islands Trust staff based on Advisory Planning Commission (APC) recommendations as originally planned so that members of the public have something concrete to react to. The Consultants' recommendations have some value but do not adequately reference the previous work of the APC.

- Trustees should direct Staff to prioritise the drafting of bylaws to take advantage of the funding opportunities identified by the Hornby Housing Network as being available to communities that have a solid Housing Strategy.
- Speaking as the Vice Chair of the Hornby Island Economic Enhancement Corporation (HICEEC), read from a February 27, 2023 HICEEC letter to the Local Trust Committee (LTC) that asks Trustees to focus on affordable housing rather than the divisive topic of Short Term Vacation Rentals (STVR)s.
- Another board member of HICEEC commented that the letter just referenced by previous speaker did not receive unanimous support by the board but was sent anyways. STVR expansion needs to be reassessed based on the unforeseen external forces such as the explosion of Airbnbs through social media; increasing property values; and climate change.
- Speaking as the President of Hornby Island Short Term Rentals Association (HISTRA), spoke on supporting that all dwellings be expected to adhere to water and septic regulations and that current bylaws be enhanced to include rainwater catchment; and that affordable housing be supported.
- Putting a brake on STVRs will drive the sector into a grey market.
- STVRs are essential for many long-term elderly residents and their families to maintain their properties and legacies.
- Vancouver urban STVRs, which are often bought primarily for that purpose and thus do take away long term rental opportunities, are not the same as Hornby rural STVRs whose owners are also using their properties.
- There is presently no legal way to rent a residence to a tenant for a fixed term as per recent amendments to Section 49 of the Residential Tenancy Act. If you want a tenant to move out, you must give them a 6 month notice and pay them 2 months of rent; and, there is a penalty of 12 month's rent if the owner does not then occupy the residence for 6 months. The Islands should be exempted from these requirements because many property owners would rent spaces out for fixed terms in their off-season; this used to be common practice on Hornby Island.

4. BUSINESS ITEMS

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

The Consultant offered to answer Trustees' questions regarding the recently completed 44-page report titled "Hornby Island Official Community Plan Engagement Summary report," dated March 2023 that is a comprehensive review of the subject areas of Riparian Areas; Indigenous Language; Affordable Housing; and Short Term Vacation Rentals.

Trustees noted or asked the following:

- When would be best to engage with K'ómoks First Nation (KFN) regarding proposed indigenous language changes in the Hornby Island Official Community Plan (OCP)?

- Consultant Maloney supported early in-person First Nations engagement.
- Planner Zupanec added that K'ómoks First Nations engagement would be expected before first reading of any proposed bylaws.
- A map of indigenous cultural features on Hornby Island is not available; such a map would provide Trustees with the tools to examine development permits properly.
 - The Consultant responded that First Nations are very hesitant to provide public maps of their sacred cultural areas for fear of damage; but they know immediately upon receipt of an application if the proposed development area is an important cultural site.
- A new riparian study would not seem to be worth the cost; and most people on Hornby do understand the riparian regulations.
 - The Consultant responded that some members of the public are confused as to why some ditches would be considered riparian areas.
- The APC is tasked with making recommendations, they are not decision makers; also, it is unfair to single out the APC as being biased when all committees and individuals have bias; also, the recent work of the APC was not sufficiently recognized in the Consultant's report.
- A recently compiled initial rough draft flow chart of potential accommodation sites on Hornby showed that there are approximately 2019-person accommodation spots currently advertised, yet only approximately 1300 residents.
- The rural character of Hornby Island seems to be diminishing as numbers of STVRs increase.
- Whatever the LTC decides regarding STVRs, existing ones will be able to continue.

The Chair expressed concern that the use of the word 'traditional' in reference to First Nations, as used in the Consultant's Report within the phrase 'traditional indigenous lands' at the top of page 38 under Advocacy Policy 3.1.9, has connotations and should be used carefully.

A Trustee thanked the Consultant for her work on this challenging project.

4.2 Hornby Island Official Community Plan Review Project - Staff Report (to be distributed)

The Planner presented the staff report that asks Trustees to review the updated draft Project Charter for the Official Community Plan (OCP) and Land Use Bylaw (LUB) review project and to provide direction for staff on possible amendments to the project workplan that could impact budgeting for the 2023/2024 fiscal year.

A Trustee suggested that giving the APC the opportunity to draft the bylaws could be less costly, faster, and more relevant than sending the project back to Planning Staff and Consultants.

- The Planner responded that the Consultant contract had ended; and further consultant engagement was at the discretion of the LTC. A lead planner has been appointed to the current project and their drafting of bylaws is the most cost-effective approach.

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It was MOVED and SECONDED,

that Hornby Island Local Trust Committee defer the Official Community Plan/Land Use Bylaw Review Project final report and draft project charter until the May 5, 2023 regular business meeting.

CARRIED

4.3 Public Comment

Members of the public noted the following:

- We allow family and friends to use our property, are compliant with bylaws, and do not advertise, so please do not lump us in with commercial STVRs. The small amount of money made by our visitors pays the property taxes and without this income we would have to sell.
- Having worked for the Provincial Heritage Branch for some years, I am aware that the Consultant is correct in noting that Indigenous Cultural Sites maps need to be kept out of the public domain for the reasons given.
- Worrying about future income, if I do not rush out now and start an STVR will I be permanently locked out of the opportunity?
- We need some future public meetings in person. My phone service has dropped 3 times at this meeting.
- The Provincial Government needs to be lobbied to amend the regulations so that fixed term rental opportunities can be brought back to Hornby. Many residents used to rent their house out for 11 months and use it for 1 month over the summer.
- Denman Island does not allow STVRs; but they have the same problems with affordable housing that Hornby has.
- I appreciate the Consultant for acting as a fresh perspective, professional individual that could gather information and create options for Trustees. Trustees do not seem happy with the report. I am not pacified by my rights being maintained as an existing STVR operator because I want these rights for my children and other long-term residents and elders who have contributed so much to our community, some of whom may be forced to sell their properties if they are not permitted to have an STVR.
- I support the timely drafting of bylaws by Planning Staff because until we have these bylaws, the community will keep going in circles.

- How was the APC constituted and would you consider a democratic process to create a new APC that is more broadly representative? The LTC seems to really lean on the APC.
 - The Chair noted the statutory process that governs the APC appointments by the LTC. It is a time commitment. Numbers of applicants may be many or few.
 - A Trustee noted that the LTC does not have to follow APC recommendations. An advertisement is put out for the APC and the LTC receives applications. Recently we appointed two young members because young people have been long underrepresented on the APC.
 - We support the Island economy through our vacation rentals. We need a budget to collect good data for making good decisions.
 - We have no facts on how many STVRs there are. The Bylaw Enforcement Manager says 112 but a few years ago it was 152; by these numbers, STVRs have come down. Are there facts that STVRs use too much water or take up too much ferry space? Currently, the water system on Hornby is low and has been low all winter even though STVRs do not operate during the winter, so where is the water going? How will stopping STVRs fix water issues?
 - A Trustee noted that the data was unclear. There seems to be 114 known STVRs. The Bylaw Enforcement Manager is also not clear on STVR numbers because of multiple advertising platforms and that many do not advertise.
 - Traditionally, when an APC finished a project it was dissolved until a new project came up and a new APC was advertised for. If we went back to this there would be greater community representation on the APC. We need very broad community consultation before drafting bylaws.
 - I, as a past minute-taker, do not recollect that the APC was dissolved after a project.
 - The Chair clarified that APC members were appointed for a 2-year term.
- A Trustee thanked everyone for participating today and noted that the STVR issue was very complicated and that there needed to be some limits on them yet to be determined.

5. UPCOMING MEETING

5.1 Next Regular Meeting Scheduled for Friday, May 5, 2023 at 11:30 am at Room to Grow

6. ADJOURNMENT

By general consent the meeting was adjourned at 5:47 pm.

Timothy Peterson, Chair

Certified Correct: _____

Katherine Vogt, Recorder