



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