



**HORNBY ISLAND  
LOCAL TRUST COMMITTEE  
AGENDA**

**REGULAR BUSINESS MEETING  
OF THE HORNBY ISLAND LOCAL TRUST COMMITTEE  
11:00 AM, Friday, February 3, 2012  
Hornby Island Community Hall  
Central Road, Hornby Island, BC**

**LATE ITEMS, ADDITIONS**

**AMENDMENTS/ADDITIONS  
TO ITEMS:**

- 14.1 Hornby Island Local Trust Committee Bylaw No. 142 (Vacation Home Rentals) cited as "Hornby Island Official Community Plan Bylaw No. 104, 2002, Amendment No. 1, 2011." – *for consideration of adoption*
  
- 14.2 Hornby Island Local Trust Committee Bylaw No. 143 (Vacation Home Rentals) cited as "Hornby Island Land Use Bylaw Bylaw No. 86, 1993, Amendment No. 1, 2011." – *for consideration of adoption*

HORNBY ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 142

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A BYLAW TO AMEND THE HORNBY ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 104, 2002

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WHEREAS the Hornby Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Hornby Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS Section 29 of the Islands Trust Act gives the Hornby Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the Local Government Act;

AND WHEREAS the Hornby Island Local Trust Committee wishes to amend the Hornby Island Official Community Plan Bylaw No. 104, 2002;

AND WHEREAS the Hornby Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Hornby Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as "Hornby Island Official Community Plan Bylaw No. 104, 2002, Amendment No. 1, 2011."

2. SCHEDULES

Hornby Island Official Community Plan Bylaw No. 104, 2002 is amended as shown on Schedule A, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this 6th day of June, 2011.
PUBLIC HEARING HELD this 28th day of June, 2011.
READ A SECOND TIME this 29th day of June, 2011.
READ A THIRD TIME this 29th day of June, 2011.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this 26th day of July, 2011.
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT this 31st day of December, 2011.
ADOPTED this day of , 201X.

SECRETARY

CHAIR

**HORNBY ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 142**

**SCHEDULE A**

1. Hornby Island Official Community Plan Bylaw No. 104, 2002 is amended by modifying **SECTION I- BACKGROUND** by adding a new section 1.3 as follows and renumbering the existing section 1.3 – **Principles** as section 1.4:

**“1.3 Socio-economics of Hornby Island**

A permanent population of 1075 persons in 2006 represents an 11.2% population increase or double the provincial increase since 2001. The population is generally aging with increases in numbers of persons age 45 and older and a drop in persons aged 44 and younger. Seventy-eight per cent (78%) of the family units are persons without children at home representing the higher concentration of older couples who choose to retire on Hornby Island. The population is characterized by lower than average incomes and higher than average education. If trends continue, the challenges of ensuring housing affordability and safety, mobility and security will increase and efforts to provide for supportive services will be of concern.

The economy follows a seasonal cycle and is highly dependent on a population of visitors and summer residents that is estimated to quadruple the island population in summer months. There are an estimated 100 businesses on Hornby Island, of which about 80% operate as home based businesses. Tourism is the major economic driver manifested in the range of accommodations, services, arts and crafts, performing arts and alternative health experiences that are available. There is a long history of homeowners renting their homes to visitors for short periods of time (vacation home rentals) as a means of creating an income or to offset some home ownership costs that has made a significant contribution to the Island's economy. The construction industry, some public service positions and an increasing number of caregivers round out an integrated economy.

The Hornby Island Community Profile (March, 2010) provides more detailed information.”

2. Hornby Island Official Community Plan Bylaw No. 104, 2002 is amended by modifying **SECTION VI- OBJECTIVES AND POLICIES FOR SUSTAINABLE DEVELOPMENT, Subsection 6.3.3 – Small Lot Residential / Water Resource Protection Area (Whaling Station Bay / Anderson Drive Area)** as follows:

- a. Replacing policy 6.3.3.8 which reads:

“6.3.3.8 Bed and Breakfasts and short-term rentals are permitted as a home occupation (subject to 6.3.1.7) providing the number of guests does not exceed the design capacity of the approved sewage treatment system.”

with the following:

“6.3.3.8 Bed and Breakfasts and vacation home rentals may be permitted providing the number of guests does not exceed the design capacity of the approved sewage treatment system.”

- b. Replacing policy 6.3.3.10 which reads:

“6.3.3.10 Additional development of the groundwater resource shall be strongly discouraged. The use of water catchment and storage systems for household and garden use, and in particular for Bed and Breakfasts and short term rental home occupations, shall be strongly encouraged.”

with the following:

“6.3.3.10 Additional development of the groundwater resource shall be strongly discouraged. The use of water catchment and storage systems for household and garden use, and in particular for Bed and Breakfasts and vacation home rental use, shall be strongly encouraged.

3. Hornby Island Official Community Plan Bylaw No. 104, 2002 is amended by modifying **SECTION VI- OBJECTIVES AND POLICIES FOR SUSTAINABLE DEVELOPMENT, Subsection 6.5.2 – Visitor Accommodations and Tourism** as follows:

- a. Replacing Policy 6.5.2.7 which reads:

“6.5.2.7 Small resorts and lodges with cabins, hostels, camping facilities, or dormitories used only for transient accommodation are considered appropriate on non-Agricultural Land Reserve acreage upon site specific zoning only.”

with the following:

“6.5.2.7 Visitor accommodation may be considered in the following situations if enabled by other policies of this Plan:

a) small resorts, hostels, lodges, cabins and camping facilities, guest houses or vacation home rentals on non-Agricultural Land Reserve land; and

b) vacation home rentals and agri-tourism accommodation on Agricultural Land Reserve land in accordance with Agricultural Land Reserve policy and regulations if zoning allows such a use.”

- b. Deleting Policy 6.5.2.11 which reads as follows and renumbering all subsequent policies accordingly:

“6.5.2.11 The rental of an individual dwelling unit in order to provide temporary accommodation for paying guests shall be permitted as a home occupation. The home occupation shall be operated in accordance with land use bylaw and with guidelines prepared by the LTC in consultation with the community.”

- c. Replacing Policy 6.5.2.14 which reads:

“6.5.2.14 A position of "welcome without promotion" to tourism use of the Island shall be adopted.”

with the following:

“6.5.2.14 A position of “welcome with information” to tourism use is encouraged as a means to inform visiting tourists about best practices when visiting the island.”

4. Hornby Island Official Community Plan Bylaw No. 104, 2002 is amended by adding to **SECTION VI- OBJECTIVES AND POLICIES FOR SUSTAINABLE DEVELOPMENT** a new **Subsection 6.5.3 – Vacation Home Rentals** as follows and renumbering **subsection 6.5.3 – Home Occupations** as **subsection 6.5.4** with all associated policies renumbered accordingly:

### **“6.5.3 Vacation Home Rentals**

#### Background

Given the island's increasing popularity as a summer destination, there has been increasing demand for visitor accommodation, and a tradition has been established of some home owners renting their cottages or homes for short periods of time predominantly during the summer months.

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 the economic inputs from these visitors.

Objectives:

The objectives of this subsection are:

- 1) to allow vacation home rental use while ensuring that the residential use of property and its residential character are retained; and
- 2) to address potential impacts of vacation home rentals.

Policies:

6.5.3.1 Where a dwelling is permitted on a parcel by the land use regulations, the rental of that dwelling as a vacation home rental should be permitted in the zoning regulations:

- a) provided 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
- b) where the owner of the parcel resides seasonally in the dwelling and the vacation home rental use is occurring during the absence of the owner; or
- c) where the owner or tenant is residing in another lawful dwelling on the property while the vacation home rental is occurring

6.5.3.2 Vacation home rental use should be subject to regulations which:

- a) require a level of continuous occupancy that allows visitors to experience and develop an awareness of the local community and Hornby Island in general through a vacation experience;
- b) limit the portion of year that a vacation home rental use may be in operation so as to ensure that the residential use of the property is retained;
- c) limit the total number of bedrooms and beds which may be accommodated based on the area of the lot on which the dwelling is located so as to ensure that the scale of vacation home rental occupancy does not exceed what might otherwise be accommodated by normal residential use;
- d) require adequate off-street parking spaces to limit vehicle crowding on public roadways;
- e) ensure that the residential appearance and character of a property is not altered by the vacation home rental use; and
- f) require that accommodation be within the permitted dwelling and prohibit camping or use of tents or recreational vehicles for vacation home rental use.

6.5.3.3 Owners of vacation home rentals, especially those located in the Whaling Station Bay/Anderson Drive area and other small lot areas are strongly encouraged to minimize impacts upon groundwater resources by:

- a) utilizing a rainwater catchment and storage system;
- b) installing water-saving fixtures; and
- c) providing information about water conservation practices to all guests.

6.5.3.4 Vacation home rentals that do not comply with limitations imposed by land use regulations may be considered upon application for Temporary Use Permit.

6.5.3.5 Vacation home rental use should be subject to regulations, depending upon location and site characteristics, which require that property owners provide evidence that the sewage system is capable of supporting the proposed occupancy load.

- 6.5.3.6 Owners of vacation home rentals are encouraged to form an association to establish bylaws or best practices that would be required of all members in good standing and to consider informing owners, visitors and other interested persons of Local Trust Committee regulations. Any such association is encouraged to augment such regulations with other requirements that would assist in resolution of any potential issues that may arise such as requiring on-island contact information of association members or managers who could respond in a timely manner to neighbourhood issues.
- 6.5.3.7 Owners of vacation home rentals are encouraged, in the absence of any association membership, to provide contact information to visitors and neighbours and to provide timely response to issues that may be presented to them in relation to the vacation home rental use.
- 6.5.3.8 The Local Trust Committee should monitor the rate of use of vacation home rental development and be satisfied that such use is not increasing the commercial use of the housing stock so as to effectively displace the ability to provide residential housing.
- 6.5.3.9 The Local Trust Committee should consider reviewing with the community the regulations for vacation home rentals after they have been in place for five years.”
5. Hornby Island Official Community Plan Bylaw No. 104, 2002 is amended by modifying SECTION VI- OBJECTIVES AND POLICIES FOR SUSTAINABLE DEVELOPMENT subsection 6.5.4 – Home Occupations as follows:
- Deleting policy 6.5.4.7 which reads as follows and renumbering all subsequent policies accordingly:
- “6.5.4.7 The rental of an individual dwelling unit in order to provide temporary accommodation for paying guests shall be permitted as a home occupation. The home occupation shall be operated in accordance with land use bylaw and with guidelines prepared by the LTC in consultation with the community.”
6. Hornby Island Official Community Plan Bylaw No. 104, 2002 is amended by modifying SECTION VI- OBJECTIVES AND POLICIES FOR SUSTAINABLE DEVELOPMENT section 6.9 – Temporary Use Permits as follows:
- a. Deleting “and” at the end of objective (4).
  - b. Replacing the period with a comma and adding the word “and” at the end of objective (5).
  - c. Adding the following as a new objective (6):  
“(6) to allow vacation home rental use that does not comply with limitations imposed by land use regulation.”
  - d. Replacing Policy 6.9.1 which reads:  
“6.9.1 Upon application, Temporary Use Permits may be considered for all parcels of land within the Hornby Island Local Trust Area, as shown on Schedule B, with the following exclusions:  
a) properties less than one quarter of a hectare (0.63 acre),  
b) land designated as park, ecological reserve, water supply protection area, as shown on Schedule B, and  
c) land identified as an ecologically sensitive area, as shown on Schedule D1 or D2.”
- with the following:
- “6.9.1 Upon application, Temporary Use Permits may be considered for all parcels of land within the Hornby Island Local Trust Area, as shown on Schedule B, with the following exclusions:  
a) properties less than one quarter of a hectare (0.63 acre) except when the application is for vacation home rental use,  
b) land designated as park, ecosystem management area or water resource protection zone, as shown on Schedule B, and

c) land identified as an environmentally sensitive area, as shown on Schedule D1 or D2, unless information is provided to illustrate that the proposed land use does not negatively impact the environmentally sensitive features.”

e. Replacing Policy 6.9.2 which reads:

“6.9.2 All applications for Temporary Use Permits shall be referred to the Advisory Planning Commission which shall be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.”

with the following:

“6.9.2 Applications for Temporary Use Permits may be referred to the Advisory Planning Commission which may be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.”

Late Item 14.2

# PROPOSED

## Hornby Island Local Trust Committee

### BYLAW NO. 143

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**A BYLAW TO AMEND THE HORNBY ISLAND LAND USE BYLAW TO REGULATE VACATION HOME RENTALS**

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The Hornby Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Hornby Island Local Trust Area under *the Islands Trust Act*, enacts as follows:

1. Hornby Island Land Use Bylaw No. 86, 1993 is amended as shown on Schedule 1 attached to and forming part of this bylaw.
2. This bylaw may be cited as “Hornby Island Land Use Bylaw No. 86, 1993, Amendment No. 1, 2011”.

READ A FIRST TIME THIS	6th	DAY OF	June	20 11
PUBLIC HEARING HELD THIS	28th	DAY OF	June	20 11
READ A SECOND TIME THIS	29th	DAY OF	June	20 11
READ A THIRD TIME THIS	29th	DAY OF	June	20 11
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	26th	DAY OF	July	20 11
ADOPTED THIS		DAY OF		20 xx

\_\_\_\_\_  
**SECRETARY**

\_\_\_\_\_  
**CHAIRPERSON**

## Hornby Island Local Trust Committee

### Bylaw No. 143

#### Schedule 1

1. Hornby Island Land Use Bylaw No. 86, 1993 is amended by:
  - a. Amending Part **2.0 DEFINITIONS** by deleting the existing definition for **visitor accommodation unit** and adding the following definitions in alphabetical order:
    - i. “**vacation home rental use** means the use of a residential dwelling unit for the temporary accommodation of paying guests, where:
      - a) an owner or tenant of the lot is ordinarily resident in the dwelling and the vacation home rental use is occurring during a temporary absence of that owner or tenant; or
      - b) the owner or tenant is residing in another lawful dwelling on the lot while the vacation home rental is occurring; or
      - c) the owner of the lot resides seasonally in the dwelling and the vacation home rental use is occurring during the absence of that owner,and includes such a use of a dwelling unit the residential use of which is a lawfully non-conforming use under s. 911 of the *Local Government Act*;
    - ii. **visitor accommodation unit** means commercial accommodation sited on a property zoned for commercial use that consists of the temporary rental of a room or set of rooms for not more than four (4) consecutive weeks to members of the traveling public whose permanent domicile or home life is elsewhere;”
  - b. Amending Part **3.0 GENERAL REGULATIONS** as follows:
    - i. by adding the following to section 3.2 “USES PROHIBITED IN ALL ZONES”:

“3.2.15 Overnight accommodation in tents or recreational vehicles accessory to or in association with vacation home rental use.”

and amending the punctuation to a semi colon at the end of section 3.2.14.
    - ii. by adding the following new section directly after 3.22:

**“VACATION HOME RENTAL USES**

3.23 Vacation home rental uses must be in accordance with the following limitations:

3.23.1 A dwelling unit may only be occupied by paying guests during the months of May, June, July, August and September.

3.23.2 During a period of seven (7) consecutive days a dwelling unit may be occupied by only one group of paying guests.

3.23.3 A dwelling used for vacation home rental use shall not be used to accommodate more than 2 beds per bedroom and more than 3 bedrooms if the lot on which the dwelling is located has an area of less than one hectare, or more than 4 bedrooms if the lot has an area of one hectare or more.

3.23.4 A vacation home rental use shall not alter the residential character or appearance of the lot in which the vacation home rental use is located, with the exception of required parking spaces and a required sign that must be posted only when a vacation home rental is in use as required in Part 7.0.

3.23.5 Motor vehicle parking spaces shall be provided in accordance with Part 5.0 of this bylaw.

3.23.6 On lots designated as Aquifer IA on Schedule D1 of the Hornby Island Official Community Plan Bylaw No 104, vacation home rental use is permitted provided that an authorized person as defined in the Sewage System Regulations under the *Public Health Act* has stated in writing to the Islands Trust that the sewage disposal system to which the building accommodating the proposed vacation home rental use is connected is capable of providing adequate sewage treatment for residential use and for the proposed vacation home rental use. An owner may secure a written statement of a second authorized person if the first authorized person is not able to confirm the required capability.

c. Amending Part 5.0 **PARKING REGULATIONS** by amending section 5.1.1 under USE to read “bed and breakfast and vacation home rentals”

d. Amending Part 7.0 **SIGN REGULATIONS** by adding the following subsection:

**“REQUIRED SIGNS**

7.7 On lots where a vacation home rental use is in use, a sign measuring 15 centimetres (6 inches) by 30 centimetres (12 inches) clearly readable from a public road is required and must provide contact information including name and

telephone number of the owner or their agent who is reasonably available on an ongoing basis.”

e. Amending Section 9.0 **ZONE REGULATIONS** by adding the following subsections:

- i. “9.7.1.5 Vacation Home Rental Use”;
- ii. “9.8.1.4 Vacation Home Rental Use”;
- iii. “9.9.1.7 Vacation Home Rental Use”;
- iv. “9.9A.1.7 Vacation Home Rental Use”;
- v. “9.10.1.7 Vacation Home Rental Use”; and
- vi. “9.11.1.7 Vacation Home Rental Use”.