



A NOTICE OF A BUSINESS MEETING OF **THE HORNBY ISLAND LOCAL TRUST COMMITTEE**
to be held at 12:30 PM on Friday, July 6, 2012
New Horizons, 1765 Sollans Road, Hornby Island, BC

AGENDA

		Page No.	Approx. Time
1.	CALL TO ORDER		12:30 pm
2.	APPROVAL OF AGENDA		
3.	MINUTES		
3.1	Local Trust Committee Special Meeting Minutes dated June 1, 2012 – <i>for adoption</i>	1-6	
3.2	Local Trust Committee Meeting Minutes dated June 1, 2012 – <i>for adoption</i>	7-16	
3.3	Section 26 Resolutions Without Meeting - <i>none</i>		
3.4	Hornby Island Advisory Planning Commission Minutes with Recommendation dated June 21, 2012 - <i>attached</i>	17-21	
4.	BUSINESS ARISING FROM MINUTES		
4.1	Follow-up Action List dated June 27, 2012 – <i>attached</i>	22-23	12:45 pm
5.	CORRESPONDENCE <i>“Correspondence specific to an active development application and/or project will be received by the Hornby Island Local Trust Committee when that application or project is on the Agenda for Consideration”</i>		
6.	TRUSTEES’ REPORT		
7.	CHAIR’S REPORT		
8.	DELEGATIONS		
9.	TOWN HALL SESSION		1:00 pm
10.	APPLICATIONS AND PERMITS		1:10 pm
10.1	HO-DP-2011.1 and HO-DVP-2012.2 (Hornby Island Resorts) Staff Report dated May 14, 2012 – <i>attached</i>	24-93	
	10.1.1 Letter dated June 2, 2012 from Michele Easterly - <i>attached</i>	94	
	10.1.2 Letter dated June 8, 2012 from Karen Ross - <i>attached</i>	95	
	10.1.3 Letter dated June 11, 2012 from Jacquelin Ross - <i>attached</i>	96	
	10.1.4 Letter dated June 20, 2012 from Ron Nessman - <i>attached</i>	97	
	10.1.5 Email dated June 18, 2012 from Patrick Healey - <i>attached</i>	98	
	10.1.6 Email dated June 22, 2012 from Peter Grant - <i>attached</i>	99	

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|------------|--|---------|---------|
| 11. | LOCAL TRUST COMMITTEE PROJECTS | | |
| 12. | REPORTS | | 2:00 pm |
| 12.1 | Work Program Reports | | |
| | Top Priorities and Projects List Report dated June 27, 2012 - <i>attached</i> | 100-101 | |
| 12.2 | Applications Log | | |
| | Report dated June 27, 2012 - <i>attached</i> | 102-105 | |
| 12.3 | Trustee and Local Expenses | | |
| | 12.3.1 Expenses posted to May 31, 2012 - <i>attached</i> | 106 | |
| | 12.3.2 Expenses posted to June 30, 2012 - <i>attached</i> | 107 | |
| 13. | NEW BUSINESS | | |
| 14. | BYLAWS | | 2:15 pm |
| 14.1 | Proposed Bylaw No. 145 cited as "Hornby Island Land Use Bylaw No. 86, 1993, Amendment No. 1, 2012". <i>for consideration of adoption</i> | 108-109 | |
| 15. | ISLANDS TRUST WEBSITE | | |
| 15.1 | Hornby Page - <i>attached</i> | 110-112 | |
| 16. | NEXT BUSINESS MEETING DATE | | |
| | Friday, September 21, 2012 at 12:30 pm at New Horizons, 1765 Sollans Road, Hornby Island, BC | | |
| 17. | ADJOURNMENT | | 2:30 pm |

*Approximate time is provided for the convenience of the public only and is subject to change without notice.

DRAFT

**MINUTES OF THE HORNBY ISLAND LOCAL TRUST COMMITTEE
SPECIAL BUSINESS MEETING
HELD AT 9:30 AM ON FRIDAY, JUNE 1, 2012
AT NEW HORIZONS, 1765 SOLLANS ROAD, HORNBY ISLAND, BC**

PRESENT:	David Graham	Chair
	Alex Allen	Local Trustee
	Tony Law	Local Trustee
	Sonja Zupanec	Island Planner
	Vicky Bockman	Recorder

There were three (3) members of the public in attendance.

1. CALL TO ORDER

Chair Graham called the meeting to order at 9:30 am. He welcomed the public and introduced himself, the Local Trustees, the Island Planner and Recorder.

2. APPROVAL OF AGENDA

The agenda was adopted by consensus.

3. MINUTES

3.1 Advisory Planning Commission Minutes dated April 17, 2012

The Advisory Planning Commission Minutes dated April 17, 2012 were received.

3.2 Advisory Planning Commission Minutes dated April 24, 2012

The Advisory Planning Commission Minutes dated April 24, 2012 were received.

3.3 Advisory Planning Commission Minutes dated May 1, 2012

The Advisory Planning Commission Minutes dated May 1, 2012 were received.

3.4 Advisory Planning Commission Minutes dated May 3, 2012

The Advisory Planning Commission Minutes dated May 3, 2012 were received.

4. **LOCAL TRUST COMMITTEE PROJECTS**

4.1 *HO-OCP-2009.1 (Official Community Plan and Land Use Bylaw Review)*

4.1.1 *Draft Official Community Plan dated February, 2011*

Planner Zupanec gave an overview of the scope of the work to be accomplished in this Local Trust Committee Special Meeting. She advised that the draft changes to the Official Community Plan identified in today's discussion will be presented at a future Local Trust Committee meeting for consideration.

Trustee Law noted that the Advisory Planning Commission had inquired as to the present status of Norris Rocks property and he asked for an update. Planner Zupanec provided background on previous correspondence from the owner of the property and stated that more recent communication suggests that there may be interest in rezoning the property, however at this time she had no further update.

The Local Trust Committee reviewed the minutes of the Advisory Planning Commission dated April 17, 2012; April 24, 2012; May 1, 2012 and May 3, 2012. The changes recommended to the Official Community Plan in those minutes were considered and were either accepted as written, referred to Planner Zupanec for rewriting based on discussions, or declined as follows:

Advisory Planning Commission Minutes of April 17, 2012

Section 1

Planner Zupanec will draft changes to the following items as discussed:

- Page 25, first and fourth paragraphs
- Page 26, eighth paragraph
- 1.4 fourth paragraph
- 1.6 demographic data
- 1.6 second paragraph
- 1.6 last paragraph

Section 2

Planner Zupanec will draft changes to the following items as discussed:

- 2.2 Ecosystems, first sentence

Section 3

Advisory Planning Commission recommendations were accepted as written in the following items:

- 3.1 Environmental Stewardship, first paragraph, last sentence
- 3.3.8 Policies

Planner Zupanec will draft changes to the following items as discussed:

- 3.3 Background
- 3.3.1 Policies, first and second sentences

Advisory Planning Commission Minutes of April 24, 2012

Advisory Planning Commission recommendations were accepted as written in the following items:

- Minutes item 2. Review and Approve Minutes of Previous Meeting item 2.1. b. - 3.3.11c Advocacy Policy

Planner Zupanec will draft changes to the following items as discussed:

- Minutes item 3.k) distinguish Federal Departments from Provincial Ministries throughout the Official Community Plan. This item is also referenced in the May 1, 2012 minutes in 2.a).

Section 3

Advisory Planning Commission recommendations were accepted as written in the following items:

- 3.2 Background, Threats to Ecosystems, first sentence
- 3.5.1 Advocacy Policies
- 3.6.6 Advocacy Policies
- 3.7 Background, second paragraph
- 3.7.9 Advocacy Policies

Planner Zupanec will draft changes to the following items as discussed:

- 3.4 Background
- Minutes item 3.l) - Reinstate 3.6.13 from current Official Community Plan. This item is also referenced in the May 2012 minutes in 2.b).
- 3.7 Background, second paragraph

Section 4

Advisory Planning Commission recommendations were accepted as written in the following items:

- 4.2 Background, first sentence
- 4.3.1 Policies
- 4.3.4 Policies
- 4.4 Background, first sentence

Planner Zupanec will draft changes to the following items as discussed:

- 4.4.1 Policies

- Minutes item 3.m), the suggested sentence to be inserted into 4.5 Background
- Minutes 3.p), draft new section into 4.5

Section 5

Advisory Planning Commission recommendations were accepted as written in the following items:

- 5.2.6 create new section and renumber 5.2.6 and 5.2.7
- 5.7, first paragraph

Planner Zupanec will draft changes to the following items as discussed:

- 5.2.8 create a new section

Advisory Planning Commission Minutes of May 1, 2012

Section 3

Advisory Planning Commission recommendations were accepted as written in the following items:

- 3.6 Background

Section 6

Advisory Planning Commission recommendations were accepted as written in the following items:

- 6.1.2 Policies
- 6.1.5 Policies
- 6.2 Objective (9)
- 6.2.7 Policies
- 6.2.13 Policies
- 6.3.1 Background, third and last paragraphs
- 6.3.2.8 Reinstate from current Official Community Plan
- 6.3.3 Background, third paragraph, last sentence

Planner Zupanec will draft changes to the following items as discussed:

- 6.2 Background, second paragraph, line 4; before sentence beginning "The previously designated..." and add a new paragraph
- 6.3.2 Background
- 6.3.2 Objective (3)
- 6.3.2.10 Policies
- 6.3.3.1 Policies
- 6.3.3.2 Policies
- 6.3.3 consider reinstating small Lot Residential/Water Resource Protection Area

Advisory Planning Commission Minutes of May 3, 2012

Planner Zupanec will draft changes to the following item as discussed:

- Minutes, page 4, item a): Change term “joint ownership” to “tenants in common” throughout the Official Community Plan

Section 6

Advisory Planning Commission recommendations were accepted as written in the following items:

- 6.3.3 Policies Background, second paragraph, fourth line
- 6.3.5.12 Rental Housing Policies
- 6.5.2.12 Advocacy Policy
- 6.5.5 Background, second paragraph
- 6.5.5.7 Policies
- 6.6.1.6 (c) Advocacy Policies
- 6.7.2.4 Policies
- 6.10 Objective (7)
- 6.10 Objective (8)
- 6.10 correct the numbering in the Guidelines section

Planner Zupanec will draft changes to the following items as discussed:

- Minutes 3. a) i), ii) and iii)
- Minutes 3. b) i) and ii)
- Minutes 3. c) i), ii) and iii)
- Minutes 3. d) iv)
- 6.3.3.11 draft reinstatement
- 6.3.5.15 Advocacy Policies for Rental Housing
- 6.5.2.6 Policies
- 6.5.3.2 (f) Policies
- 6.5.3.5 Policies
- 6.5.3.6 Policies
- 6.5.3.9 Policies
- 6.5.5 Background
- 6.6.1 Minutes page 5, item q) first paragraph
- 6.10.9 Guidelines

Advisory Planning Commission recommendations declined:

- 6.5.3.5 to define “location and site characteristics” more clearly
- Inclusion of other agencies’ rules and regulations in the Official Community Plan; consider incorporating this information into a stand-alone document for community reference
- 6.3.3 Objective (3) removal
- 6.5.2.1 Policies- reinsertion of “condominium” with the mention of the exception of the Thatch
- 6.5.5.5 (h) Add examples
- 6.6.1 Minutes page 5, item q) second paragraph

HO-029-2012 It was **MOVED** and **SECONDED** that staff update the draft Official Community Plan based on the recommendations discussed at the Special Local Trust Committee meeting of June 1, 2012 and the recommendations by the Advisory Planning Commission of April 17, 2012; April 24, 2012; May 1, 2012 and May 3, 2012 and to return the revised draft Official Community Plan to the Local Trust Committee at a future date prior to public release.

CARRIED

The Chair and Local Trustees thanked the Advisory Planning Commission for their diligence and excellent work on this project.

Sheila Farrington stated that the Advisory Planning Commission would like to request that all resolutions of the Advisory Planning Commission be read into the minutes of the Local Trust Committee of the meeting at which they are received and she asked if this would be possible.

Discussion followed on this request. It was the consensus that Local Trust Committee minutes are limited in their ability to be expanded and that continuing to include the Advisory Planning Commission minutes as a part of the Local Trust Committee agenda packages as well as posting them to the Islands Trust website would be recommended at this time.

HO-030-2012 It was **MOVED** and **SECONDED** that the Advisory Planning Commission minutes of April 17, 2012; April 24, 2012; May 1, 2012 and May 3, 2012 be posted to the website.

CARRIED

5. NEXT BUSINESS MEETING DATE

The next meeting of the Hornby Island Local Trust Committee will take place on Friday, June 1, 2012 at 12:30 pm at New Horizons, 1765 Sollans Road, Hornby Island, BC

6. ADJOURNMENT

The Chair adjourned the meeting at 11:53 am.

Recorder

Chair

DRAFT

**MINUTES OF THE HORNBY ISLAND LOCAL TRUST COMMITTEE
BUSINESS MEETING
HELD AT 12:30 PM ON FRIDAY, JUNE 1, 2012
AT NEW HORIZONS, 1765 SOLLANS ROAD, HORNBY ISLAND, BC**

<u>PRESENT:</u>	David Graham	Chair
	Alex Allen	Local Trustee
	Tony Law	Local Trustee
	Sonja Zupanec	Island Planner
	Miles Drew	Bylaw Enforcement Coordinator
	Vicky Bockman	Recorder

There were twenty-one (21) members of the public in attendance.

1. CALL TO ORDER

Chair Graham called the meeting to order at 12:39 pm. He welcomed the public and introduced himself, the Local Trustees, Island Planner, Bylaw Enforcement Coordinator and Recorder.

2. APPROVAL OF AGENDA

The agenda was adopted by consensus with the following amendments:

- Add item 10.2.6 – Emails Received as Late Correspondence
- Add item 13.1 - Public Agenda Information
- Add item 13.2 - Draft Official Community Plan Policy on Subdivision of Rural Residential Lots
- Add item 13.3 – Age-Friendly Development
- Add item 13.4 - Downsizing Density Process Information

3. MINUTES

3.1 *Local Trust Committee Meeting Minutes dated April 27, 2012*

The minutes were adopted by consensus with the following amendments:

- Page 6, item 9, first line: add “and” after Island
- Page 7, item 11, third paragraph, third line: change “polls” to “poles”
- Page 10, item 13.1.3, third line: change “indicted” to “indicated”

3.2 *Local Trust Committee Public Hearing Record dated April 27, 2012*

Received.

3.3 *Section 26 Resolutions Without Meeting*

There were no Resolutions Without Meeting to report.

4. **BUSINESS ARISING FROM MINUTES**

4.1 *Follow-up Action List dated May 22, 2012*

Planner Zupanec summarized the report.

5. **CORRESPONDENCE**

5.1 *Email dated May 16, 2012 from John Chapman regarding the Official Community Plan and Land Use Bylaw Review*

Planner Zupanec summarized the email dated May 16, 2012 from John Chapman. The Plan of Survey attached to the email was reviewed and Mr. Chapman provided clarity regarding the plans.

There was discussion of the relevance of this topic to the current Official Community Plan review. Trustee Law presented a proposed change to the policy on Rural Residential subdivision for consideration.

HO-031-2012

It was **MOVED** and **SECONDED** that staff be requested to draft an alternative option to policy 6.3.3.1 in the draft Official Community Plan that would enable any lot 3.5 hectares or larger designated Rural Residential to be subdivided to create one additional lot no larger than one hectare and to provide information that would assist in considering this option.

CARRIED

Planner Zupanec confirmed that the information to be provided at a future meeting will include a map of pertinent properties for reference.

6. **TRUSTEES' REPORT**

Trustee Law reported that he recently attended a CAST Community Solutions Together meeting where a number of community organizations gathered to share information and opportunities to work together and to coordinate fundraising, particularly relating to housing. He reported on numerous BC Ferries telephone conferences in which he participated and stated that he has written a report on these to provide to anyone wishing more detail. Trustee Law commented on consultations to integrate coastal communities. He announced that BC Hydro has responded to requests to consult with the community on smart meter concerns and that this process is being arranged. He advised that BC Hydro has agreed to hold off on smart meter installations on Hornby Island until completion of the consultation period.

Trustee Allen reported that he attended a Trust Programs Committee meeting and described the responsibilities and advocacy work of this group, and his focus to bring awareness to legislative and agency changes that might affect Hornby Island. He advised that nominations for the 2012 Islands Trust Community Stewardship awards

have been received and he reported that the Hornby Quilters Group has been nominated in the group category. He encouraged Hornby Islanders to consider putting forth more nominations next year. Trustee Allen commented on a meeting he attended with Bruce Jolliffe, the Comox Valley Regional District Area A Director that included discussions regarding the Firehall and Waste Management.

7. **CHAIR'S REPORT**

Chair Graham reported that he will be attending the next Trust Council meeting June 12-14, 2012 on North Pender Island. He noted that work on the Strategic Plan will be a focus at that meeting in preparation for adoption in September. He advised that public input regarding the proposed Strategic Plan will be solicited.

8. **DELEGATIONS**

There were no delegations.

9. **TOWN HALL SESSION**

John Cooper – noted that the Staff Report on the Hornby Island Resorts indicates that the maximum permitted height is 7.0 meters if located with 100 meters of the natural boundary of the sea. He asked if there are any parts of the project that are outside of the 100 meter area. He also noted that the drawings indicate a setback of 100 feet as opposed to 100 meters and recommended that be corrected.

Planner Zupanec responded that there is an area near the back property line that is approximately 100 meters, however the setback requirement would not permit construction there.

Doreen Cooper – stated that she is Director of Shingle Spit Resorts, Ltd. and read a letter, authorized by all owners of property on the Spit, which had not been included in the agenda package. The letter stated their opposition to height variances, the high density and water demands of the proposed Hornby Island Resorts project.

Planner Zupanec explained that the Trustees are technically in receipt of the letter.

Joe Rietkerk – stated that he is a full-time resident, living adjacent to the Hornby Island Resort tennis court. He expressed his opposition to the height variance application and noted that the 8.0 meter height being requested is an average and could be higher in places which will restrict his view and is not appropriate for Hornby. He noted that if the water cisterns were buried the structures could be lower.

Michelle Easterly – expressed her opposition to the proposed Hornby Resort project density, concern with the proposed height of buildings and the proposed setback variance of the pub which she stated would be unsafe and create traffic bottlenecks.

Scott Kittleson – expressed his concern that approving the proposed height variation and high density would create precedent for future projects and would not be in

accordance with the Islands Trust mandate to preserve and protect. He questioned the realistic effectiveness of the proposed septic capacity.

Tony Quin – asked in what situations the Local Trust Committee would be referring applications to the Advisory Planning Commission.

Trustee Law responded that in general the Advisory Planning Commission works on proactive issues, however the suggestion of referring applications can be considered.

John Cooper – commented that it was the previous Local Trust Committee that approved the development rezoning for the Hornby Island Resorts and that the present Local Trust Committee has the chance to mitigate the effects by requiring the existing height regulations be maintained and not approving a variance.

Russell Prediger – expressed his opposition to the proposed Hornby Resort development based on concerns about high density.

William Thomas – expressed his opposition to the Hornby Island Resorts development in its present form and stated that the proposed height and setback variances would make it even more inappropriate for Hornby.

Scott Kittleson – stated that the true representation of how many people oppose this development is underestimated as many are working and cannot attend the Local Trust Committee meetings.

Michelle Easterly – stated that she would like the requested variances for the Hornby Resort development project to be reviewed more closely prior to a vote by the Local Trust Committee and suggested that this would be an important issue to refer to the Advisory Planning Commission.

Marlene Gustafson – expressed her concern with the expansion of vacation home rentals on Hornby, especially in high density small lots without anyone overseeing problems that occur. She expressed her opinion that bylaw enforcement is not effective in this area.

Michelle Easterly – described a loud noise that occurs when ferries come into the new dock and asked if the Local Trust Committee could request BC Ferries to make changes, such as adding wood to the metal structure, to buffer the impact of the disturbance.

Scott Kittleson – asked a question regarding the resolution passed earlier in the meeting that concerns subdivision of a 3.5 hectare or larger lot.

Trustee Law clarified the proposed change and added that at this point the Local Trust Committee is requesting more information in order to further consider this alternate option and that any change drafted for the Official Community Plan review would be presented for community input prior to adoption.

10. APPLICATIONS AND PERMITS

10.1 *HO-DVP-2012.1 (Mills and Marshall, 5115 Sandpiper Road)*
Staff Report dated May 16, 2012

Planner Zupanec summarized the Development Variance Permit application and confirmed that no complaints from neighbours had been received on this matter.

HO-032-2012

It was **MOVED** and **SECONDED** that HO-DVP-2012.1 (Mills and Marshall) be issued.

CARRIED

10.2 *HO-DP-2011.1 and HO-DVP-2012.2 (Hornby Island Resorts)*
Staff Report dated May 14, 2012

Planner Zupanec referenced the late correspondence pertaining to the applications for the Hornby Island Resorts. She advised that although separate permits are being considered, should the Development Variance Permit not advance, the Development Permit will not as well.

Planner Zupanec presented the background on the proposal and explained the guidelines for consideration of the Development Permit, providing comments on the applicant's proposals relating to the guidelines. She advised that if the guidelines are met the Local Trust Committee is required to issue the permit. She responded to questions regarding age-friendly design, parking, and the sustainability covenant.

Trustee Allen questioned where the proposed conference room will be located and why the decision had been made to have two washrooms in the units rather than one and he asked for the proponent's response.

John Ross, the proponent, responded that the intention is to use the restaurant when it is not open for conferences and explained that current expectations in real estate of this nature are for one washroom and another ensuite.

Planner Zupanec outlined the Development Variance Permit application and reported that notices had been sent to adjacent landowners as required with responses received primarily concerned with height and setback of the pub. She clarified that the setback variance requested is behind the large rock outcrop and that prior to construction the applicant will be required to obtain a permit from the Ministry of Transportation and Infrastructure.

Trustee Law asked if the siting of the pub behind the rock coincides with the location of the existing building.

John Ross, the proponent, responded that the area in question is where the laundromat is located.

Discussion followed on aspects of the height variance request including what is included in the height calculations, the Hornby style curved roof design, the

heights expected for various buildings in the proposal and the impacts of the height variances being considered.

Trustee Law commented that while views have been heard from neighbours and the community, another level of review of these applications might be warranted and he suggested that it might be beneficial to refer the applications to the Advisory Planning Commission for consideration.

HO-033-2012

It was **MOVED** and **SECONDED** that HO-DP-2011.1 and HO-DVP-2012.2 be referred to the Advisory Planning Commission for its recommendation.

CARRIED

Prior to the vote, Trustee Law noted that the lot coverage has not changed in this proposal, however now that the request is to vary the bylaw, more community input prior to a decision would be useful.

The Chair recessed the meeting at 2:12 pm and reconvened at 2:17 pm.

10.2.1 Email dated May 1, 2012 from Jocelyn Fontaine, British Columbia Ferry Services Inc.

Received.

10.2.2 Email dated May 21, 2012 from Brenda and Herm Kovits

Received.

10.2.3 Email dated May 21, 2012 from John and Doreen Cooper

Received.

10.2.4 Email dated May 21, 2012 from Steve and Diane Salter

Received.

10.2.5 Email dated May 22, 2012 from Bill and Gail McKerlich

Received.

10.2.6 Late Correspondence Received:

Email dated May 22, 2012 from Jim and Yoko Nishimura

Email dated May 22, 2012 from Bill and Gail McKerlich

Email dated May 25, 2012 from William Thomas

Email dated May 25, 2012 from Georgia Henderson

Email dated May 25, 2012 from Michelle Metzelaar-Easterly

Email dated May 26, 2012 from William Thomas

Email dated May 27, 2012 from Scott Kittleson

Email dated May 28, 2012 from Jo Lechay and Eugene Lion

Email dated May 29, 2012 from Deborah Wyndham and Russell Prediger
Email dated May 29, 2012 from Scott Kittleson
Email dated May 28, 2012 from Jo Lechay and Eugene Lion

10.3 *HO-ALR-2012.1 (Savoie, 2500 Carmichael Rd.)
Staff Report dated May 14, 2012*

Planner Zupanec presented the Staff Report and outlined the proposal for a Section 946 subdivision to create a lot for a family member. She advised that the property is in the Agricultural Land Reserve and that subdivision requires Agricultural Land Commission approval.

HO-034-2012 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee support this application HO-ALR-2012.1 and instruct staff to forward it to the Agricultural Land Commission.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 *HO-RZ-2012.1 (Vacation Home Rental Regulation)*

11.1.1 *Staff Report dated May 17, 2012*

Planner Zupanec presented the staff report including the options and recommendations for suggested amendments to proposed Bylaw No. 145.

Bylaw Enforcement Coordinator Drew commented on the proposed amendment to Bylaw No. 145. He observed that the Hornby Island Land Use Bylaw has carefully balanced density considerations and that allowing a second density for vacation home rentals in the form of camping would require a reconsideration of the principals of overuse of the lot. He expressed his concern that the proposed change to regulation 3.23.1 would increase the complexity of bylaw enforcement of vacation home rentals.

Chair Graham acknowledged that encouraging year around events on Hornby is important and noted that the staff report outlines alternative options for guest accommodations in the off season. He suggested that the regulation can be amended in the future if it appears that the alternatives cannot meet the demand.

Trustee Law stated that proposed regulation 3.23.2 is being suggested in response to an oversight in crafting the bylaw. He noted that at the Public Hearing on the bylaw amendment most people who spoke were against the draft of 3.23.1 which changed the permitted timeframe to any five consecutive months. He noted the complexity of the issue and suggested that a cautionary approach with assessment of the situation over a period

of time might be advisable. He commented that Hornby Island is already more open than other Gulf Islands on this issue.

HO-035-2012

It was **MOVED** and **SECONDED** that proposed Bylaw No. 145 cited as “Hornby Island Land Use Bylaw No. 86, 1993, Amendment No. 1, 2012” be amended by removing sub section 1.a) i entirely and by replacing 3.23.2 with the following text: “Despite 3.23.1, on any lot permitted two dwelling units, one dwelling unit may be occupied by paying guests at any time, provided that an owner or tenant is resident in a second lawful dwelling unit on the lot during the vacation home rental occupancy.”

CARRIED

HO-036-2012

It was **MOVED** and **SECONDED** that proposed Bylaw No. 145 cited as “Hornby Island Land Use Bylaw No. 86, 1993, Amendment No. 1, 2012” as amended be read a second time.

CARRIED

HO-037-2012

It was **MOVED** and **SECONDED** that proposed Bylaw No. 145 cited as “Hornby Island Land Use Bylaw No. 86, 1993, Amendment No. 1, 2012” be read a third time and forwarded to Islands Trust Executive Committee for approval.

CARRIED

11.1.2 Staff Report from Miles Drew, Bylaw Enforcement Coordinator dated May 10, 2012

Bylaw Enforcement Coordinator Drew summarized the Staff Report which responds to a Local Trust Committee request for review and recommendations of the proposed enforcement policy for vacation home rentals prior to implementation. He recommended that existing bylaw enforcement policy be followed, with no need for a special enforcement policy to direct staff on how to manage violations of vacation home rental regulations.

Discussion followed on the rationale for this proposed approach and how to direct the limited enforcement resources.

HO-038-2012

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee instruct staff to follow existing bylaw enforcement policies when managing issues related to tourist accommodations on Hornby Island and to focus limited resources upon responding to bona fide complaints and addressing circumstances where visitors are being accommodated other than in a lawful dwelling.

CARRIED

12. REPORTS

*12.1 Work Program Reports
Top Priorities and Projects List Report dated May 22, 2012*

Planner Zupanec reviewed the Top Priorities and Projects List report and responded to questions about Riparian Areas Regulation.

*12.2 Applications Log
Report dated May 22, 2012*

Planner Zupanec reviewed the Applications Log dated May 22, 2012 and provided updates.

*12.3 Trustee and Local Expenses
Expenses posted to Fiscal Year end March 31, 2012*

The expenses posted to fiscal year end March 31, 2012 were received.

13. NEW BUSINESS

13.1 Public Agenda Information

Trustee Law proposed expanding the information provided on the agenda items as a way to provide more information to the public. He advised that currently Trustees are attempting to provide this information when requested by email, however he noted that this approach is not ideal.

Planner Zupanec advised that the preference is for a standardized approach for agendas throughout the Islands Trust area. She added that new agenda software is in the process of being implemented and that she will discuss the proposal with Northern Region staff.

The Trustees noted that this proposal might be an appropriate topic of discussion for the upcoming Trust Council team meeting.

13.2 Draft Official Community Plan Policy on Subdivision of Rural Residential Lots

This item was addressed earlier in the agenda under 5.1.

13.3 Age-Friendly Development

Trustee Law suggested that in the process of the Official Community Plan review it might be useful to consider asking staff to draft a new commercial area guideline for development form and character provisions with respect to requirements for age-friendly development.

13.4 Downsizing Density Process Information

Trustee Allen requested clarification of the process involved in site-specific rezoning amendments and asked what would be involved to downsize density on the Hornby Island Resorts Ltd. property.

Planner Zupanec responded by explaining procedures, costs and implications that might be involved in such a consideration.

14. BYLAWS

14.1 Proposed Bylaw No. 145 cited as "Hornby Island Land Use Bylaw No. 86, 1993, Amendment No. 1, 2012"

This item was addressed earlier in the agenda.

15. ISLANDS TRUST WEBSITE

15.1 Hornby Page

The following changes were requested to the Hornby page of the website:

- Add the Trustee Reports
- Update the website with any information as usual

16. NEXT BUSINESS MEETING DATE

The next meeting of the Hornby Island Local Trust Committee will take place on Friday, July 6, 2012 at 12:30 pm at New Horizons, 1765 Sollans Road, Hornby Island, BC.

17. ADJOURNMENT

The Chair adjourned the meeting at. 3:30 pm.

Recorder

Chair

DRAFT

MINUTES OF THE HORNBY ISLAND ADVISORY PLANNING COMMISSION MEETING

HELD AT 7:30 P.M. ON THURSDAY, JUNE 21, 2012
HORNBY DENMAN COMMUNITY HEALTH CARE BUILDING,
1965 SOLLANS ROAD
HORNBY ISLAND, B.C.

<u>PRESENT:</u>	Greg Moys	Commission Member
	Carol Quin	Commission Member
	Elaine Antilla	Commission Member
	Rudy Rogalsky	Commission Member
	Ross Muirhead	Commission Member
	Tony Law	Hornby Island Trustee
	Barbara Baird	Recording Secretary

Commission members absent: Sheila Farrington.

Mr. John Ross, representing Hornby Island Resort Ltd., and three members of the public were in attendance. The meeting came to order at 7:52 pm.

1. **APPROVE AGENDA**

Chair Rogalsky presented the proposed agenda. It was accepted by consensus.

2. **DISCUSSION OF HO-DVP-2012-2 (HORNBY ISLAND RESORT LTD)**

Member Quin read the existing regulation in the Land Use Bylaw Sections 3.4 and 3.5 regarding building heights within 100 meters of the ocean. The limit is 7 meters. She noted that when the residential units at the Thatch were changed to 'accessory' status, the applicable height limit became 6 meters, rather than the previous 7 meters. Chair Rogalsky added that the heights are average roof heights, meaning that some areas of the roof line may be higher than the height limit.

Trustee Law said that a development permit approval is based on whether all applicable regulations have been satisfied. The approval of a variance permit, on the other hand, may be guided by other, site specific, considerations. He noted that the height restrictions in the LUB have been in effect since 1992.

The proponent, **John Ross**, said that he had understood from the beginning of the development process that the applicable height limit for the residential units was 8 meters. Mr. Ross said that when the Local Trust Committee suggested making the residential units accessory to the construction of the Pub, he had agreed to the change without realizing that building height limits would change.

Mr. Ross said that the Island Planner had subsequently realized that the designation of the units as 'accessory' automatically triggered a 6 metre height restriction. Mr. Ross said that he did not think the residential units were properly considered accessory which is usually a shed or other out building accessory to a residential building. Mr. Ross said that he did not think that the neighbours would be adversely affected by the variance permit. In particular, he asserted that , in the case of the closest neighbour, his development would impede the view over just 30 degrees out of a total of 180 degrees.

Member Muirhead asked Mr. Ross whether he would be able to work within the 7 meter limit. Mr. Ross said that he could probably work with the limit. Member Moyles pointed out that the slope of the roof is averaged to meet the height limit. A steeply pitched roof can be higher at the peak than a lower pitched roof.

Member Quin said that when the rezoning bylaw was approved, the subject of roof heights should have been addressed in terms of the applicable regulations.

A discussion followed regarding the variance request for the decreased set-back from the road allowance. Mr. Ross said that he had not heard from anyone who opposes the variance for the decreased set-back from the road allowance. Chair Rogalsky said that it is clear from the site drawing that the large rock (located behind the Laundromat building) is the reason why the road allowance is as wide as it is. The proposed building is not on the road allowance itself, but it is within the setback from the road allowance. The Ministry of Transportation and Infrastructure (MOTI) has not yet commented on this variance permit application.

Member Quin asked Mr. Ross if MOTI has approved the plans for vehicle parking. Ross said that it was close to approval, with the property purchase for the parking lot within a week of being finalized.

John Cooper said that he is a close neighbour of the proponent and said that he would like to remind the Commission that this variance permit application relaxes two regulations, the accessory building height limit, and secondly the more important regulation that applies to all ocean front properties limiting the height of buildings to 7 meters. He noted that development permits need to be in compliance with all applicable bylaws.

Joe Reitkerk said that he is a close neighbour overlooking the Thatch property and has owned his home for nine years. He said that he had invited Mr. Ross over to see what the effect of a 26 foot high roof line would be on his ocean view. The view would be blocked by a building that height. He said that the proposed units in the rear, closest to his property, are raised to give the new residents a better view of the ocean. He said that he would like to see a compromise where the buildings were redesigned to be lower so that everyone would continue to have a view. He commented that, of the 150 degrees view not affected by the new development, trees impede the view of the water and Denman Island.

Member Moyles asked whether it was only the last four units that would obscure the view. Mr. Reitkerk agreed that it was only those units.

Chair Rogalsky spoke about the history of the Thatch and that, when the community briefly owned the facility, there was an intention to construct residential units as a means of improving the financial viability of the eventual development.

Trustee Law said that the bylaw changes made were to uses and maintained what was already permitted. He said that the footprint of usage of the property had not changed.

Mr. Reitkerk said that the density issue was water under the bridge as the rezoning approval has already been given for the development changes. The height change is now what is at issue..

Member Moyles said that changing the designation of the residential buildings to accessory had not been intended as a way to control the height of the buildings.

Member Quin said that the term accessory in this sense indicates which is the primary use and which is a secondary use of the property.

Trustee Law clarified that the reason that the buildings were made 'accessory' was to ensure that the residential units were secondary to the Pub. The changes were made to allay concerns in the community that only the residential units would be built. The automatically triggered changes to height regulation did not occur to anyone at the time of the change.

Chair Rogalsky summarized the questions before the commission as: Should the regulation regarding accessory buildings be varied, and, if yes, should the regulation regarding buildings within a certain distance of the ocean be varied?

HIAPC120621-1 It was **MOVED** and **SECONDED** that the Advisory Planning Commission recommend that the maximum height restriction should be 7 meters which is the allowable limit within 100 meters of the ocean.

PASSED UNANIMOUSLY

Member Quin spoke in favour of the motion saying that because of the density of the property development, it would set a powerful precedent if the height limit were relaxed further in this situation.

Member Muirhead said that relaxing the height limit within the 100 metre zone would not meet the intent of the controlling bylaw.

Member Moyles said that it appears that the four units concerned could be redesigned so that the effect on the neighbours would be reduced and encouraged the proponent to work in that direction.

Member Quin said that if the commission were to approve a height limit of 8 meters, she would be uncomfortable because it would set a precedent for commercial and residential properties around the island. She pointed out that the public have not had a chance to comment on this aspect of the development.

HIAPC120621-2 It was **MOVED** and **SECONDED** that the Advisory Planning Commission recommend that the Local Trust Committee approve the setback variance subject to approval by the Ministry of Transportation and Infrastructure.

PASSED

Member Quin opposed the motion on the grounds that the procedure was not correct because the APC does not have enough information at this point to judge the matter as the MOTI has not yet reviewed the implications of the relaxation of the set back restriction.

There was a short discussion of the Development Permit and whether it should be discussed by the Advisory Planning Commission. It was felt that the Variance Permit was the relevant subject for the Advisory Planning Commission to consider.

Member Quin commented that it is essential to finalize the parking issue before final approval is given to the development.

The Commission noted that if the Local Trust Committee accepts the APC recommendation on the maximum height restriction, the max allowable height should be altered on the relevant site plans of the Development Permit, as it probably will still show the 8 meter maximum height allowed on the buildings in question on the site plans which are to be attached to and approved by the Development Permit. ["to be built substantially in accordance with the site plans..."]

3. ADJOURNMENT

Chair Rogalsky adjourned the meeting at 9:07 pm.

Recorder

Chair



Islands Trust

Follow Up Action Report w/ Target Date

Hornby Island Dec-15-2010

No.	Activity	Responsibility	Target Date	Status
1	GHG and RAR Budgets - proposed Climate Change pamphlet to be considered and staff asked upon completion of draft to contract for formatting and printing of pamphlet. RAR budget to be reconsidered at next LTC meeting.			On Going

Jun-01-2011

No.	Activity	Responsibility	Target Date	Status
1	HO-OCP-2009.1 (OCP and LUB review project) Resolution: Request staff to flag the following issues arising from the Islands Trust Food Security report for the OCP/LUB review: farm worker housing; amenity zoning policy; community food storage facilities; shared equipment storage facilities. Resolution (2010):LTC expresses interest in Toby Islet, Norris Rocks and Flora Islet being rezoned from Rural Residential to Park as part of the OCP and LUB review process and request staff to prepare a report on the conservation values of the islets and to consult with their owners. Consider Ron McMurtrie's comments regarding septic fields expressed in his Oct 17, 2010 email when drafting the proposed LUB.	Sonja Zupanec		On Going

Sep-21-2011

No.	Activity	Responsibility	Target Date	Status
1	Meeting with K'omoks First Nations- reschedule.	Theresa Vieau	Nov-30-2011	On Going

Apr-27-2012

No.	Activity	Responsibility	Target Date	Status
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1 Riparian Areas Implementation: Resolution to proceed with northern working group for RAR implementation.

Chris Jackson

May-31-2012

On Going

Jun-01-2012

No.	Activity	Responsibility	Target Date	Status
1	HO-OCP-2009.1 - LTC Resolution: Staff to amend and update the draft OCP with recommendations from the APC endorsed by the LTC at June 1 LTC special meeting and return to LTC for review. Staff be requested to draft alternative option to 6.3.3.1 draft OCP enabling any lot 3.5 ha or larger designated RR to be subdivided to create one additional lot no larger than 1 ha and provide information to assist in providing this option. Add guideling to commercial DP area with respect to requirements for age friendly development.	Sonja Zupanec		On Going
1	HO-DVP-2012.1 (Mills and Marshall) LTC resolution to issue DVP.	Linda Prowse		Done
1	HO-DP-2011.1 and HO-DVP-2012.2 LTC Resolution to forward both applications to the APC for recommendations.	Sonja Zupanec		Done
1	HO-ALR-2012.1 (Savoie) LTC Resolution to forward application to the ALC without comment.	Marnie Eggen		Done
1	HO-RZ-2012.1 (Vacation Home Rental) - Proposed Bylaw 145 be amended (see minutes); given second and third readings; forward to EC for approval.	Sonja Zupanec		On Going
1	Enhanced LTC Agendas - forward comments from LTC to RPM re: benefit of providing more information on agenda covers to clearly identify applicants, purpose of applications and recommendations being considered by the LTC. For discussion at Trust Council in northern breakout session.	Chris Jackson		On Going
1	April 27th 2012 HOLTC meeting minutes adopted as amended.	Theresa Vieau	Jun-15-2012	On Going



STAFF REPORT

Date: May 14, 2012

(For June 1, 2012 Local Trust
Committee meeting)

File No.: HO-DP-2011.1 and
HO-DVP-2012.2
(Hornby Island
Resort Ltd.)

To: Hornby Island Local Trust Committee

From: Sonja Zupanec
Island Planner
Local Planning Services

Copy: Chris Jackson, Regional Planning Manager

Re: Development Permit and Development Variance Permit Application –
Lot B, Section 4-A, Hornby Island, Nanaimo District, Plan 24913,
Except Part in Plan 2638 RW

Owner: Hornby Island Resorts Ltd.

Applicant: John Ross

Location: Shingle Spit Road

THE PROPOSAL:

The Hornby Island Local Trust Committee (LTC) adopted bylaws 140 and 141 in 2011, which amended the Official Community Plan (OCP), and Land Use Bylaw (LUB) to support the redevelopment of the Thatch pub and restaurant. The applicant is now required to apply for a development permit and siting and use permit to commence construction. The proposal is to construct a new pub, restaurant, office, meeting room, liquor store and 15 visitor accommodation units on the subject property located in the Commercial Development Permit Area (DPA). This DPA stipulates guidelines for the form and character of commercial development under Hornby Island Official Community Plan No. 104.

A copy of the draft Development Permit is attached to this report. If issued, the permit would be valid for two years. An amendment to the permit can be applied for should the applicant make changes to the building plans, which would alter the form and character of the original proposal.

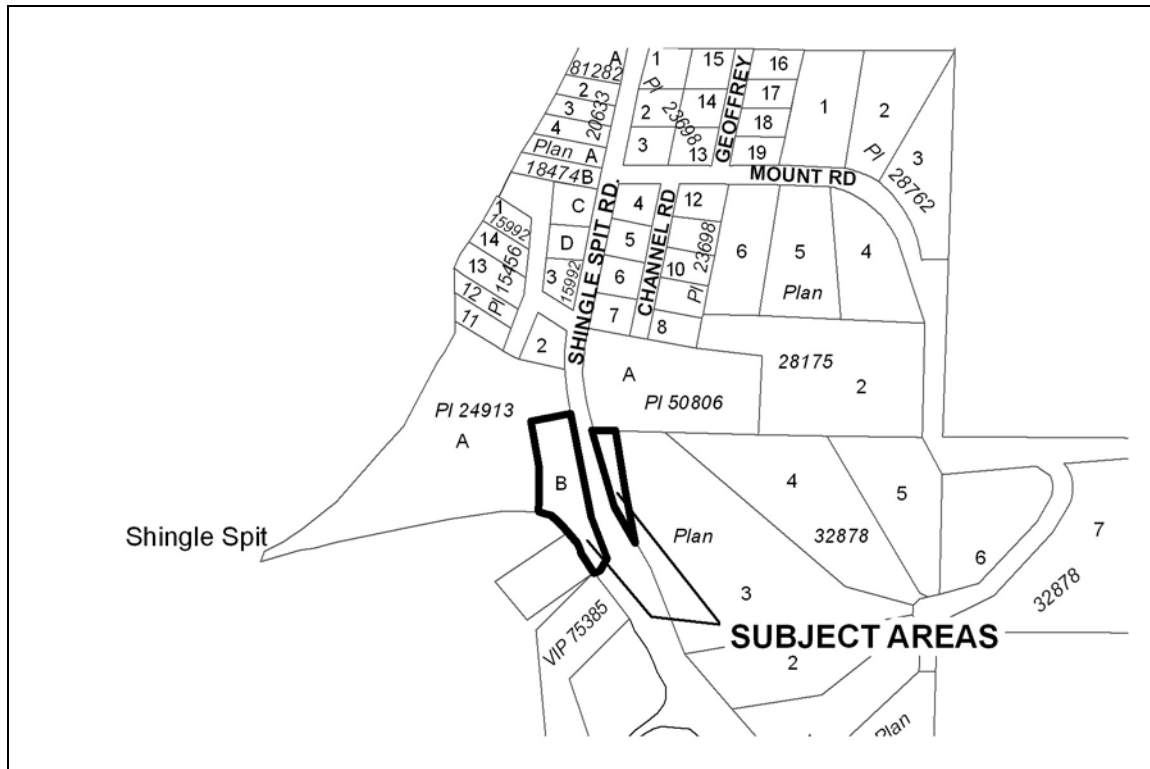
The applicant is also applying for a Development Variance Permit to authorize:

- The construction of visitor accommodation units # 8 through #11 at a height of 6.5 meters. Prior to the adoption of Bylaw 141 an amendment was made changing the use of the visitor accommodation units to 'accessory' to the pub/restaurant. The Land Use Bylaw stipulates that accessory buildings cannot exceed 6 meters in height;

- The construction of visitor accommodation units #12 through #15 at a height of 8.0 meters; and
- The construction of the pub/restaurant as close as 0.3 meters to Shingle Spit Road where 6.0 meters is required by Bylaw.

SITE CONTEXT:

The subject property is a 1.4-acre waterfront lot located on the south-west shore of Hornby Island, on Shingle Spit Road by the ferry landing. The Thatch has a waterfront lease as well as a lease for one half acre parking lot across Shingle Spit Road, shown on the site map below.



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

Policies relating to this application are found in sections Aesthetic Qualities (5.1), and Growth and Development (5.2).

The proposal is not contrary to or at variance with the Trust Policy Statement.

Official Community Plan: Hornby Island Official Community Plan Bylaw No. 104 (OCP)

Land Designation: The subject property is located in the Retail & Personal Service and Visitor Accommodation (CS/VA) Land Use Designation as shown in Schedule B of the OCP. The

rezoning application was deemed consistent with the OCP policies in the CS/VA land designation. Background information on how the application addressed the OCP policies are found in HO-RZ-2009.2 staff reports and are available upon request.

Development Permit Area: The subject property is in the Commercial Development Permit Area as outlined in Schedule E of the OCP. This DP area specifies the general character of the development and the siting and form of buildings and structures.

Development Permit Area guidelines and OCP policies are addressed in the “Staff Comments” section of this report.

Sensitive Ecosystem Mapping – Islands Trust Ecosystem Mapping divides the subject property into two classifications: Developed and Rural. There are no hazard areas or sensitive ecosystems mapped on the subject property.

Riparian Areas Regulation – the subject property is not within the verified or unverified watersheds which are subject to the Riparian Areas Regulation (RAR).

Land Use Bylaw: Hornby Island Land Use Bylaw No. 86 (LUB)

The subject property is in the Comprehensive Commercial (C-3) zone. Permitted uses in this zone allow a pub, restaurant and visitor accommodation units.

Other relevant parts of the land use bylaw relate to permitted buildings and structures and density, screening regulations, setbacks, height, parking, lighting, and signs. The application is consistent with the regulations of the land use bylaw except for the following:

- *Section 3.6 Accessory buildings and structures must not exceed a height of 6 m (20 ft).*

The applicant is proposing that Units #8 through #11 be 6.5 m (21.3 ft) in height and that Units #12 through #15 be 8.0 m (26.2 ft) in height. A variance is required to proceed with the application.

- *9.16.5.1/9.16.5.5 The minimum setback for any building or structure, except for a fence or pump/utility house shall be 6.0 meters from a front lot line/ 6.0 meters from an exterior side lot line.*

The applicant is proposing that the pub/restaurant be sited as close as 0.3 meters to Shingle Spit Road. A variance is required to proceed with the application.

Other:

There are two covenants registered on the property:

EG107386: This section 219 (formerly 215) covenant is registered on title and held by the Hornby Island Local Trust Committee. The covenant was registered in 1993 when the owner constructed an expansion of the Hornby Island Resort, which resulted in an increased need for parking. The owner obtained a lease over a portion of a nearby parcel of land for parking of vehicles for the patrons of the Resort, and the lease was registered in the Land Title Office on October 1, 1992 under EF128275. This covenant runs with the land and meets the requirements of Section 5.5.2 of the Official Community Plan.

The Ministry of Transportation and Infrastructure has given *Preliminary Layout Approval* (PLA) for a subdivision of that parcel from the parent parcel. The parking parcel will be hooked to the subject property across Shingle Spit Road and will not be a separate title. A copy of the relevant subdivision referral response is attached. The Ministry is requiring that the owner of Lot B obtain a current commercial access permit for 4 access locations on Shingle Spit Road as per the attached parking plan. The applicant will also require a 'Provincial Public Highway Permit' from the Ministry of Transportation and Infrastructure to site the pub/restaurant within 4.5 metres of the Shingle Spit road allowance.

CA2090177: This covenant is held by the Hornby Island Local Trust Committee to ensure that the design, construction and operation of buildings on the subject property incorporate rainwater catchment; green roofs; water conservation fixtures; energy conservation; landscaping; paving; lighting sewage treatment and recycling. The covenant also grants a statutory right of way to an agent of the LTC for the operation and maintenance of the covenant.

Vancouver Island Health Authority (VIHA) will require the sewage disposal system to be filled. Water supply and quality requirements will need to adhere to VIHA requirements. A statement from a professional engineer regarding the sewage system design has been included for reference only and does not form part of the development permit.

An archeologist will be required on site during mechanical excavation as per the *Heritage Conservation Act* requirements.

All site servicing will need to comply with provincial requirements including the BC Building Code and Ministry of Transportation and Infrastructure road standards.

The applicant will require a Siting and Use Permit to be issued by the Islands Trust. Compliance with the sustainability covenant (copy attached) will be required prior to the issuance of the siting and use permit.

DEVELOPMENT PERMIT ISSUES SUMMARY:

The Commercial Development Permit Area requires that certain guidelines must be met prior to certain types of development commencing.

STAFF COMMENTS ON DEVELOPMENT PERMIT:

The following Development Permit Area guidelines and staff comments are provided for LTC consideration:

1. *The character of each development (including campgrounds) shall be in keeping with the rural environment and blend in with the aesthetic qualities of the natural surroundings.*

The landmark landscaped and gently curving rooflines of the old Thatch are to be characterized in the redevelopment as a gateway to Hornby Island. Native landscaping throughout the property as indicated on the landscape plan is in keeping with the rural and natural surroundings.

2. *The form of the development shall incorporate low, small scale building designs with such amenities as public walkways and outdoor open spaces for use by the public, and include sufficient services to ensure public health is maintained.*

The applicant has chosen to site and design the buildings so as to step down with the natural topography of the property to maintain ocean view lines and blend in with the setting. The architecture chosen for the proposed redevelopment of the site is a mix of Hornby Island and west coast contemporary in form, materials and colours. Low roof lines at the entrances to the buildings appear to reduce the scale of the buildings. While a maximum of 7.0 meters is required for principle buildings on the subject property and 6.0 meters for accessory buildings, the applicant is requesting a variance to increase the permitted building height for several vacation accommodation units.

A walkway to the shoreline is proposed for use by guests/owners of the visitor accommodation units and a pathway to the beach from the take-out window of the restaurant is proposed for patrons.

3. *Natural vegetation and trees should be maintained for screening of parking and storage areas and to enhance the privacy and rural flavor of public open spaces.*

A landscape plan prepared by a landscape architect has been submitted and will form part of the Development Permit. A variety of native plants and pacific dogwood trees are proposed for the parking areas and planting areas adjacent to buildings. Lawn/boulevard areas are proposed to be seeded with an eco-lawn seed mix that is drought tolerant. Beach edge restoration is proposed including the removal of invasive species and replacement with dune grasses and silver burweed. A six foot wooden slat fence is proposed along the length of Shingle Spit Road to screen the parking and visitor accommodation units.

4. *In order to minimize light pollution to neighbouring properties, lighting should be softer and lower than supplied by mercury vapour lighting towers, and alternatives that do not light up adjacent private properties shall be required.*

The applicant has confirmed that solar lighting will be used where possible to light pathways on the property. Downward cast lights will be used for building entrances and parking areas. This is also a requirement of the sustainability covenant.

5. *Off-street automobile parking must be provided as required by bylaw and the Permit should ensure that it is adequately screened and unobtrusive and, if possible, is located to the rear of the parcel and away from public open spaces and eating-places.*

Fifty-eight parking spaces are required by bylaw and 61 are provided for as shown on the site plan. The parking spaces for the visitor accommodation units are adequately screened with a combination of landscaping and a fence along Shingle Spit Road. The parking spaces for the pub/restaurant are sited behind landscaped boulevards and not in view of the patio and dining area.

6. *Adequate convenient toilet and washroom facilities must be provided for the number of customers anticipated.*

Public washrooms are located in the pub/restaurant building and accessible from the main lobby.

7. *Clustering of businesses in order to share in the provision of parking, services and public facilities and open space shall be encouraged.*

The pub and restaurant are within the same building at the south end of the property near the ferry and separate from the visitor accommodation units. A landscaped network of paths links the residential units to the commercial services.

8. *Natural landscaping shall be encouraged.*

A landscape plan prepared by a landscape architect has been submitted and will form part of the Development Permit. Native plants are proposed for the parking areas and planting areas adjacent to buildings. Lawn/boulevard areas are proposed to be seeded with an eco-lawn seed mix that is drought tolerant. Beach edge restoration is proposed including the removal of invasive species and replacement with dune grasses and silver burweed. A six foot wooden slat fence is proposed along the length of Shingle Spit Road to screen the parking and visitor accommodation units. Portions of the roof will be landscaped with drought tolerant grasses and sedums.

9. *Neon or internally lit signs should not be permitted.*

The north facing elevation indicates three signs for: 1) liquor store; 2) The Thatch pub and restaurant; and 3) Hornby Island Beach Homes. The applicant has confirmed that the signs as shown will not be neon or internally lit signs. This is also a requirement of the sustainability covenant.

10. *All buildings shall be finished in natural products such as wood or brick.*

The applicant is proposing to utilize a mix of exterior building materials including hardi-board siding; wood trim windows and doors; cross slices of random diameter wood logs; cedar shakes and hardipanel with cedar battens. The roofing will be a mix of torch on membrane and landscaped roof planted with grasses and sedums.

It is important to note that the Development Permit can only address the above noted guidelines and would expire in 2 years from the date of issue if development has not substantially commenced.

Staff recommends the issuance of Development Permit HO-DP-2011.1 as the application is in compliance with the Development Permit Guidelines of the Hornby Island Official Community Plan. However, the DP can only be issued if the Local Trust Committee approves the following requested variances.

STAFF COMMENTS ON DEVELOPMENT VARIANCE PERMIT

The applicant is requesting a variance to authorize the construction of visitor accommodation units #8 through #11 at the originally proposed height of 6.5 meters, and units #12 through #15 at 8.0 meters in height. Notification of the attached DVP was sent to adjacent property owners and any recent comments received will be presented to the LTC.

The LTC has received correspondence (attached) from neighbouring property owners expressing concerns over the proposed development and the increase in height for the visitor accommodation units (particularly units #12 - #15) which could impact their views to the water. The closest neighbor to the north is 47 meters away and approximately 8 meters higher in elevation than proposed units #12 - #15.

Under the existing zoning, the maximum permitted height for principle dwellings on Hornby Island is 8.0 meters, or 7.0 meters if the dwelling is located within 100 m of the natural boundary of the sea. The buildable portions of the subject property fall almost entirely within the 100 m setback to the natural boundary of the sea, resulting in a 7.0 meter maximum height restriction on almost every part of the lot. It would seem reasonable for adjacent property owners to surmise that future development potential would be restricted to structures no larger than 7.0 meters. In the case of the Thatch, the use of the vacation rental units was changed late in the bylaw development process to accessory to residential, which unintentionally subjected all the units to a maximum permitted height of 6.0 meters.

The applicant is wishing to vary this regulation and staff must evaluate the merits of the proposal based on the information provided.

The OCP does not provide any direction or support for the protection of private property views. It does contain one policy that is applicable to this application:

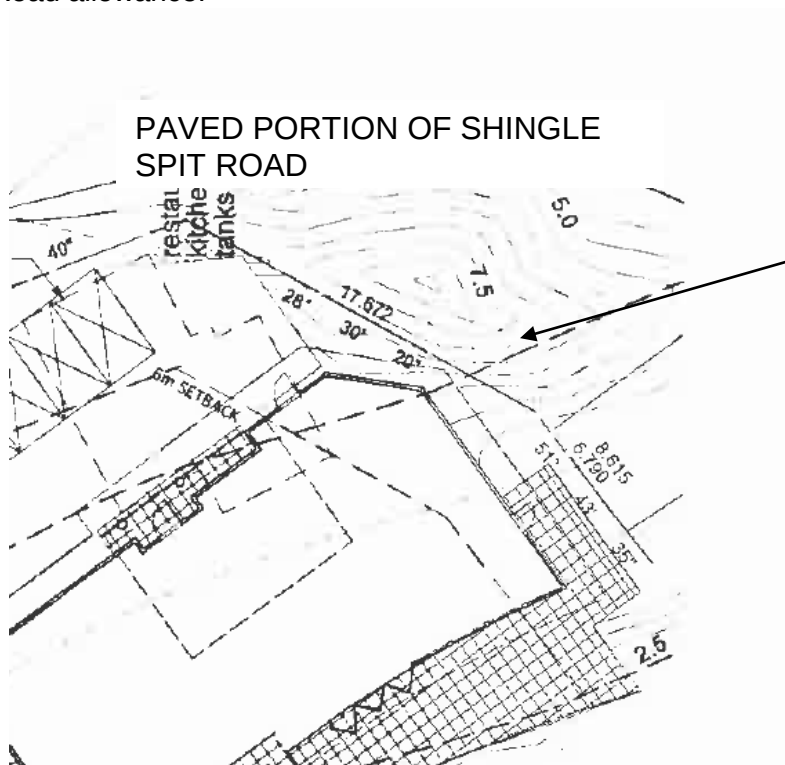
6.3.1.3 Setbacks and heights of buildings shall be regulated to ensure that the environmental integrity and amenity of adjacent lots, public roads and public land are not adversely affected.

An 'environmental amenity' can be interpreted as the water view that the Shingle Spit residents north of the existing tennis courts currently enjoy. However the site specific impact of the proposed development on this, the nearest neighbor, seems reduced by the 8 meter difference in elevation between buildings and the 47 meter distance separating the residence from the vacation accommodation units. The proposed curved roofline and 2 meter space between units 12/13 and 14/15 are intended to help soften the line of sight towards the water.



Approximate
location of
proposed
units 12 - 15

The applicant is also requesting a variance to site the pub/restaurant as close as 0.3 meters to the Shingle Spit Road allowance.



LARGE ROCK
OUTCROP IN
ROAD
ALLOWANCE

A large, partially vegetated rock outcrop within the undeveloped Shingle Spit Road allowance would provide visual separation from the restaurant building to the road. It is unlikely that this portion of the road will be developed.

The applicant has been advised that they will require a permit from the Ministry of Transportation and Infrastructure to site the pub/restaurant within 4.5 meters of the road allowance in order to proceed with construction. The Local Trust Committee can proceed with consideration of the variance in advance of the setback permit being issued by MoTI.

For the reasons outlined above, staff recommends the issuance of Development Variance Permit HO-DVP-2012.2 for both requested variances.

RECOMMENDATIONS:

1. **THAT** the Hornby Island Local Trust Committee direct staff to issue Development Permit HO-DP-2011.1 for Lot B, Section 4-A, Hornby Island, Nanaimo District, Plan 24913 Except Part in Plan 2638 RW (The Thatch).
2. **THAT** the Hornby Island Local Trust Committee direct staff to issue Development Variance Permit HO-DVP-2012.2 for Lot B, Section 4-A, Hornby Island, Nanaimo District, Plan 24913 Except Part in Plan 2638 RW (The Thatch).

Respectfully submitted by:

Sonja Zupanec, MCIP
Island Planner
May 14, 2012

Concurred By:
Chris Jackson
Chris Jackson, MCIP
Regional Planning Manager
May 17, 2012

Attachments:

1. Draft Development Permit HO-DP-2011.1 (Hornby Island Resort Ltd.)
2. Draft Development Variance Permit HO-DVP-2012.2 (Hornby Island Resort Ltd.)
3. Letter from Ron McMurtrie regarding sewage system design
4. Sustainability covenant registered on title of the subject property
5. Subdivision Referral Response to MOTI – dated February 7, 2012
6. Letter from Joe and Barb Rietkerk – dated April 18, 2012



PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT NO. HO-DP-2011.1 (Hornby Island Resort Ltd.)

TO: John Ross/Hornby Island Resort Ltd.

1. This Development Permit applies to the land described below and any and all buildings and structures as indicated in this permit:

Lot B, Section 4-A, Hornby Island, Nanaimo District, Plan 24913, Except Part in Plan 2638 RW

2. Whereas the subject property lies within the Commercial Development Permit Area as shown on Schedule E of the Hornby Island Official Community Plan Bylaw No. 104, 2002, this Development Permit authorizes the construction of a pub, restaurant, office, meeting room, liquor store and 15 visitor accommodation units within the development permit area with the following conditions:

General

- (a) Construction of the buildings are to be substantially in accordance with the site plan, floor plans and elevation plans prepared by Helliwell and Smith Blue Sky Architecture, revised on May 10, 2012, attached to and forming part of this Permit as Schedules A1 through A21:

Schedule A1 – Site Plan cover

Schedule A2 – Site Plan

Schedule A3 – Pub lower floor plan

Schedule A4 – Pub upper floor plan

Schedule A5– Thatch pub north south elevations

Schedule A6- Thatch pub east west elevations

Schedule A7 – Units 1, 2, 3 main floor plan

Schedule A8 – Units 1, 2, 3 north south elevations

Schedule A9 – Units 1, 2, 3 east west elevations

Schedule A10 – Units 4, 5 lower and upper floor plans

Schedule A11 – Units 4, 5 elevations

Schedule A12– Units 6, 7 floor plans

Schedule A13 – Units 6, 7 elevations

Schedule A14 – Units 8, 9, floor plans
Schedule A15 – Units 8, 9, elevations
Schedule A16 – Units 10, 11, floor plans
Schedule A17 – Units 10, 11, elevations
Schedule A18 – Units 12/13 floor plans
Schedule A19 – Units 12/13 elevations
Schedule A20 – Units 14/15 floor plans
Schedule A21 – Units 14/15 elevations

Landscaping and Screening

- (b) Natural vegetation and trees are to be planted and maintained in accordance with the landscape plan prepared by Victoria Drakeford, dated September 6, 2011, attached to and forming part of this Permit as Schedule B1 and B2:

Schedule B1 – Landscape Plan
Schedule B2 – Landscape cost estimate

Parking

- (c) Parking and maneuvering aisles and driveways are to be substantially in accordance with Schedule “A1”.

Signage

- (d) Three signs attached to the side of the pub/restaurant building are permitted as shown on Schedule A5 and total combined sign area of the signs must not exceed the requirements of Section 7.0 of the Hornby Island Land Use Bylaw No. 86, 1993.
(e) No sign may be backlit, or equipped with flashing, oscillating or moving lights or beacons.

Lighting

- (f) Lighting must be low intensity and aimed at walkways, driveways and signs using low mounted fixtures. Lighting must not shine directly on adjacent properties or roadway.

3. This permit is not a building permit or siting and use permit and does not remove any obligation on the part of the permittee to comply with all other requirements of Hornby Island Land Use Bylaw No. 86, 1993 and the Hornby Island Official Community Plan Bylaw No. 104, 2002 and to obtain other approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST
COMMITTEE THIS --- DAY OF ----, 2012.

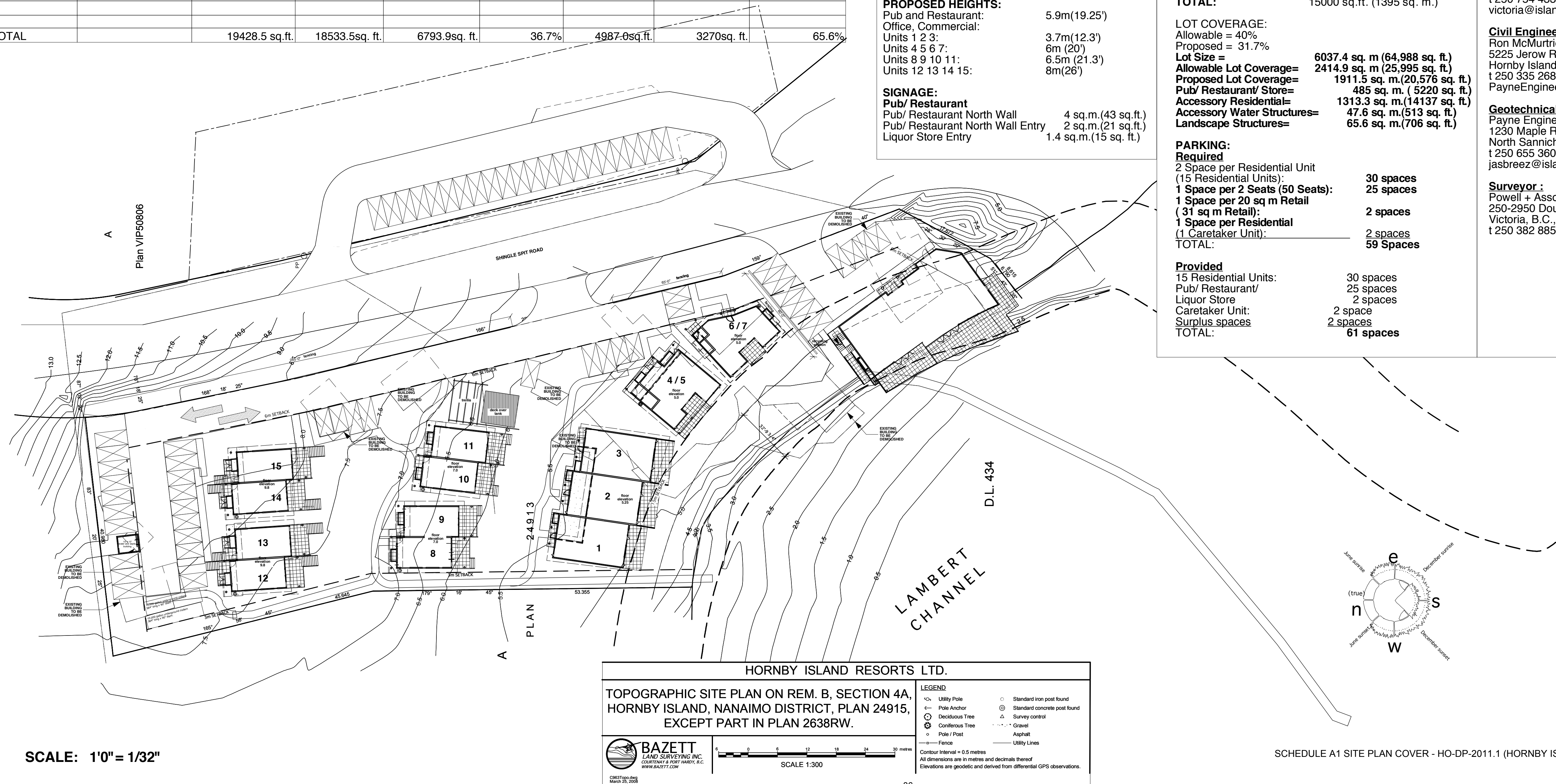
Deputy Secretary, Islands Trust

Date Issued

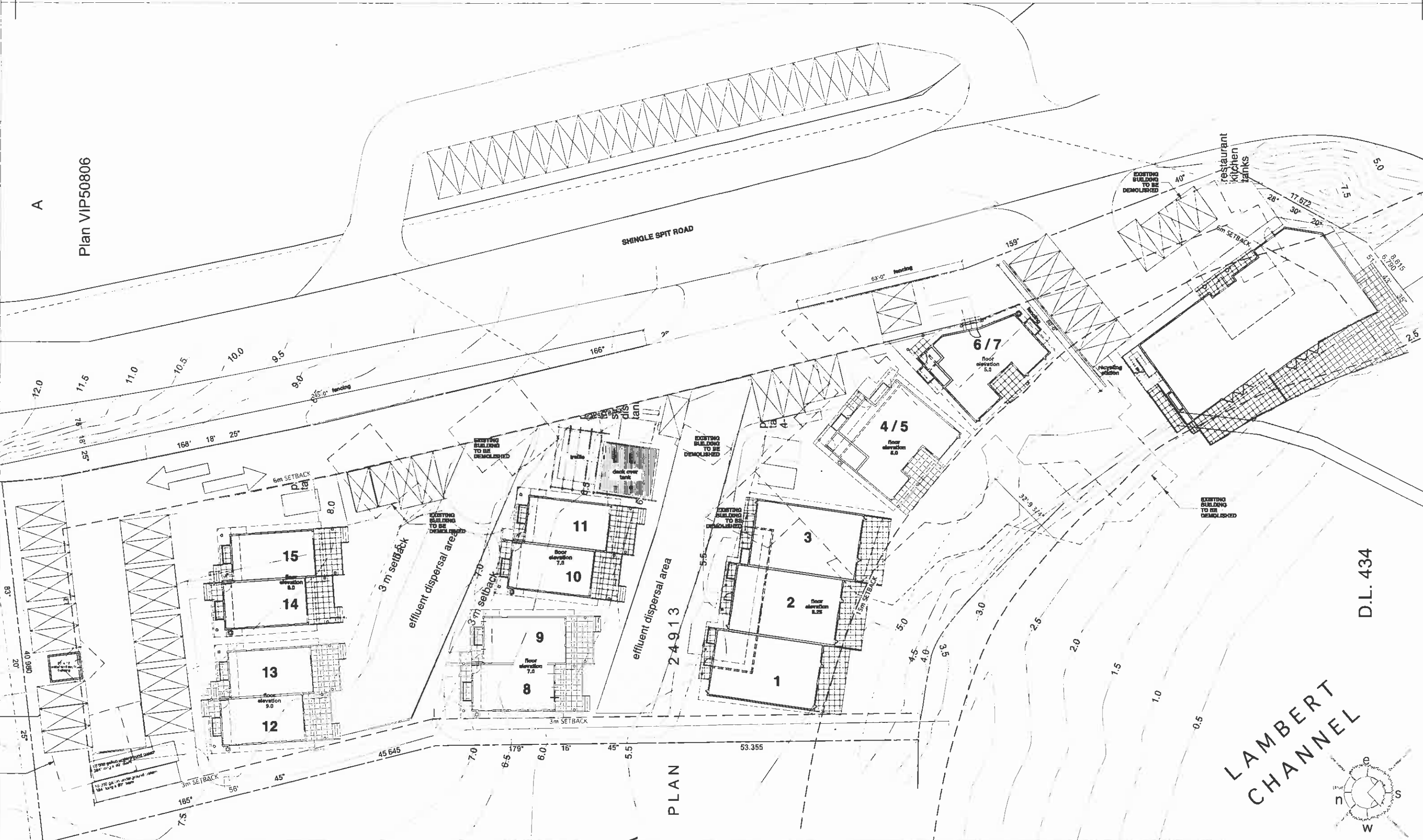
IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE - DAY OF -, 2014, THIS PERMIT AUTOMATICALLY LAPSES.

		Floor Area	Roof Area	Green Roof Area	% Green Roof	South Wall Area	South Wall Area	% Glazing
Pub		4547.5 sq.ft.	4232sq. ft.	3802sq. ft.	89.8%	1400sq. ft.	895sq. ft.	63.9%
	PUB/ RESTAURANT	3363.5 sq.ft.						
	LIQUOR STORE	354 sq.ft.						
	MANAGER SUITE	830 sq.ft.						
UNITS 1 2 3		3000 sq.ft.	4126sq. ft.	861sq. ft.	20.9%			
	Unit 1	1000 sq.ft.				275sq. ft.	205sq. ft.	74.5%
	Unit 2	1000 sq.ft.				346sq. ft.	278sq. ft.	80.3%
	Unit 3	1000 sq.ft.				275sq. ft.	205sq. ft.	74.5%
UNITS 4 5		1992 sq.ft.	1729sq. ft.	412sq. ft.	23.8%			
	Unit 4	992 sq.ft.				334sq. ft.	252sq. ft.	75.4%
	Unit 5	1000 sq.ft.				313sq. ft.	262sq. ft.	83.7%
UNITS 6 7		1889 sq.ft.	1634.5sq. ft.	326.9sq. ft.	20.0%			
	Unit 6	890 sq.ft.				344sq. ft.	237sq. ft.	68.9%
	Unit 7	1000 sq.ft.				402sq. ft.	243sq. ft.	60.4%
UNITS 8 -15								
	Unit 8	1000 sq.ft.	1703sq. ft.	348sq. ft.	20.4%	166sq. ft.	110sq. ft.	66.3%
	Unit 9	1000 sq.ft.				200sq. ft.	142sq. ft.	71.0%
	Unit 10	1000 sq.ft.	1703sq. ft.	348sq. ft.	20.4%	200sq. ft.	142sq. ft.	71.0%
	Unit 11	1000 sq.ft.				166sq. ft.	110sq. ft.	66.3%
	Unit 12	1000 sq.ft.	1703sq. ft.	348sq. ft.	20.4%	200sq. ft.	142sq. ft.	71.0%
	Unit 13	1000 sq.ft.				200sq. ft.	142sq. ft.	71.0%
	Unit 14	1000 sq.ft.	1703sq. ft.	348sq. ft.	20.4%	166sq. ft.	110sq. ft.	66.3%
	Unit 15	1000 sq.ft.						
TOTAL		19428.5 sq.ft.	18533.5sq. ft.	6793.9sq. ft.	36.7%	4987.0sq.ft.	3270sq. ft.	65.6%

A101



SCHEDULE A1 SITE PLAN COVER - HO-DP-2011.1 (HORNBY ISLAND RESORT LTD)



NO.	REVISION	DATE	NO.	REVISION	DATE
1	DP/DV	18/10/11			

NOTE:
This set of drawings and the design as shown remain the property of Helliwell + Smith Blue Sky Architecture Inc. Contractor and all sub-trades shall verify all dimensions on site. Do not scale these drawings. Report any discrepancies to Helliwell + Smith Blue Sky Architecture Inc.
Contractor shall be responsible for all conditions on the job and shall notify this office of any variations of the conditions immediately. All work completed on site to conform to the British Columbia Building Code 2006

PROJECT
The Thatch
Hornby Island, B.C.

SHEET TITLE
Site Plan

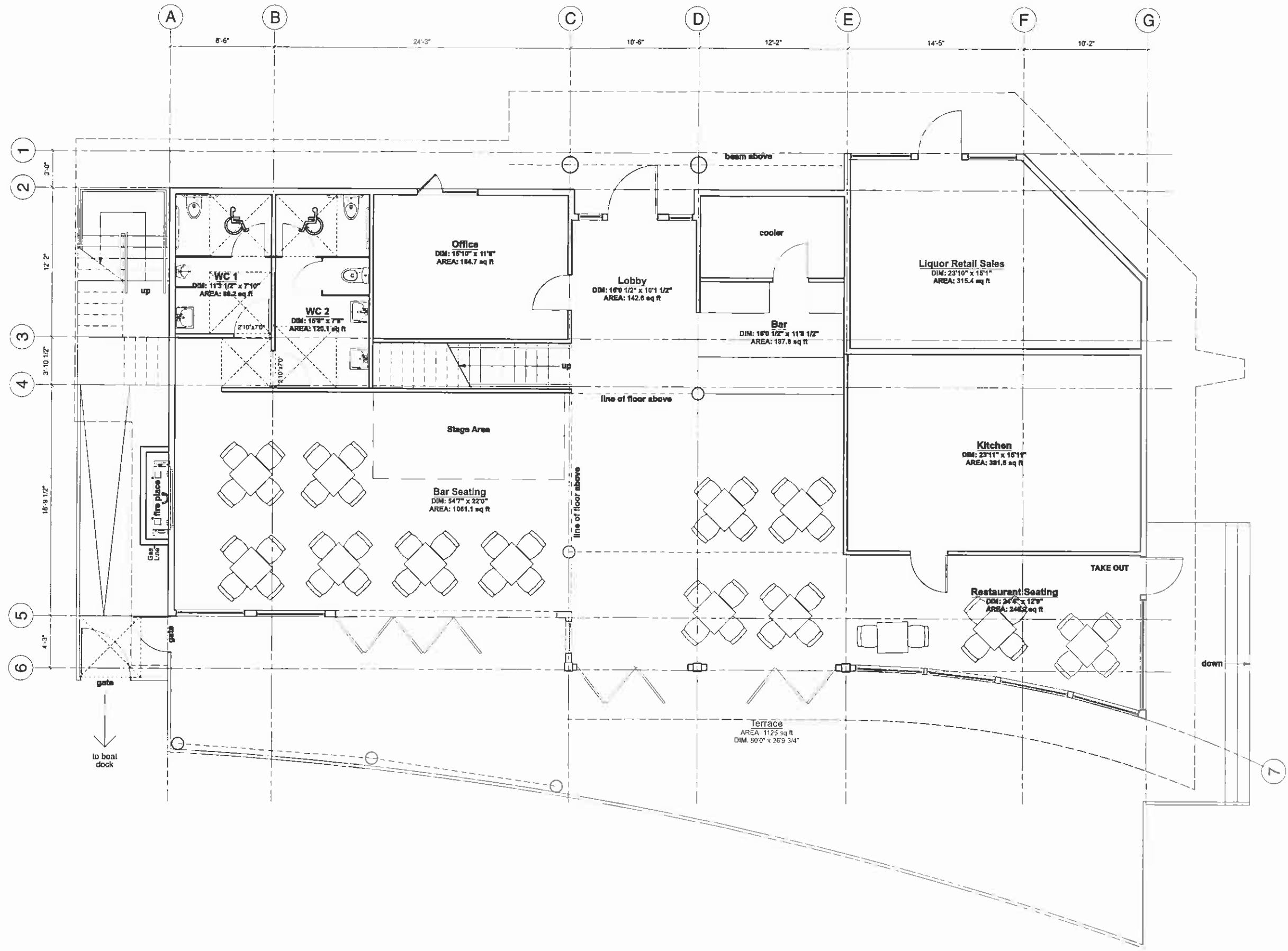
FIRST ISSUED
SCALE
1"0" = 1/16"

DRAWN BY
ks/as
CHECKED BY
ks/bh

HELLIWELL + SMITH
BLUE SKY ARCHITECTURE INC.

4090 BAYRIDGE AVE.
WEST VANCOUVER
BRITISH COLUMBIA
CANADA, V7V 3K1
PHONE (604) 921-8846
FAX (604) 921-0755

SHEET NO.
A102



No.	Revision	Date
1	DP/DV	14/10/11

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All work completed on site to conform to the British Columbia Building Code 2004.

THE THATCH

Hornby Island, B.C.

SHEET TITLE

PUB
LOWER
FLOOR PLAN

DRAWN BY:

SCALE:

1/4" = 1'0"

FIRST ISSUED

09/09/11

CHECKED BY:

BH,KS

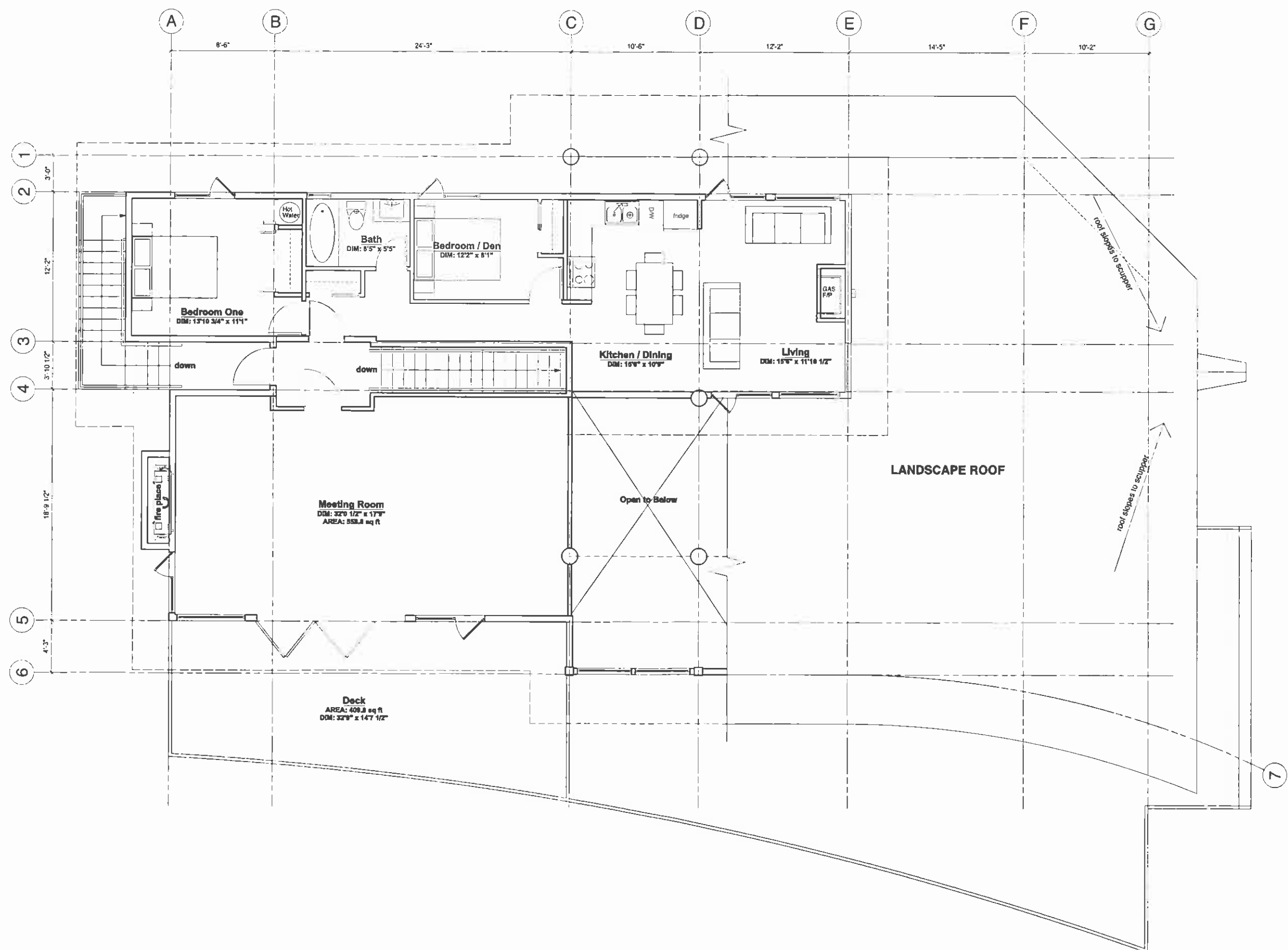
HELLIWELL+SMITH
BLUE SKY
ARCHITECTURE
INC.

4090 BAYRIDGE AVE.
WEST VANCOUVER
BRITISH COLUMBIA
CANADA, V7V 3K1

PHONE (604) 921-8646
FAX (604) 921-0755

SHEET NO.

A701



No.	Revision	Date
1	DP/DV	14/10/11

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All work completed on site to conform to the British Columbia Building Code 2006.

THE THATCH
Hornby Island, B.C.

SHEET TITLE:
**PUB
UPPER
FLOOR PLAN**
DRAWN BY:

SCALE:
1/4" = 1'0"
FIRST ISSUED:
09/09/11

CHECKED BY:
BH,KS

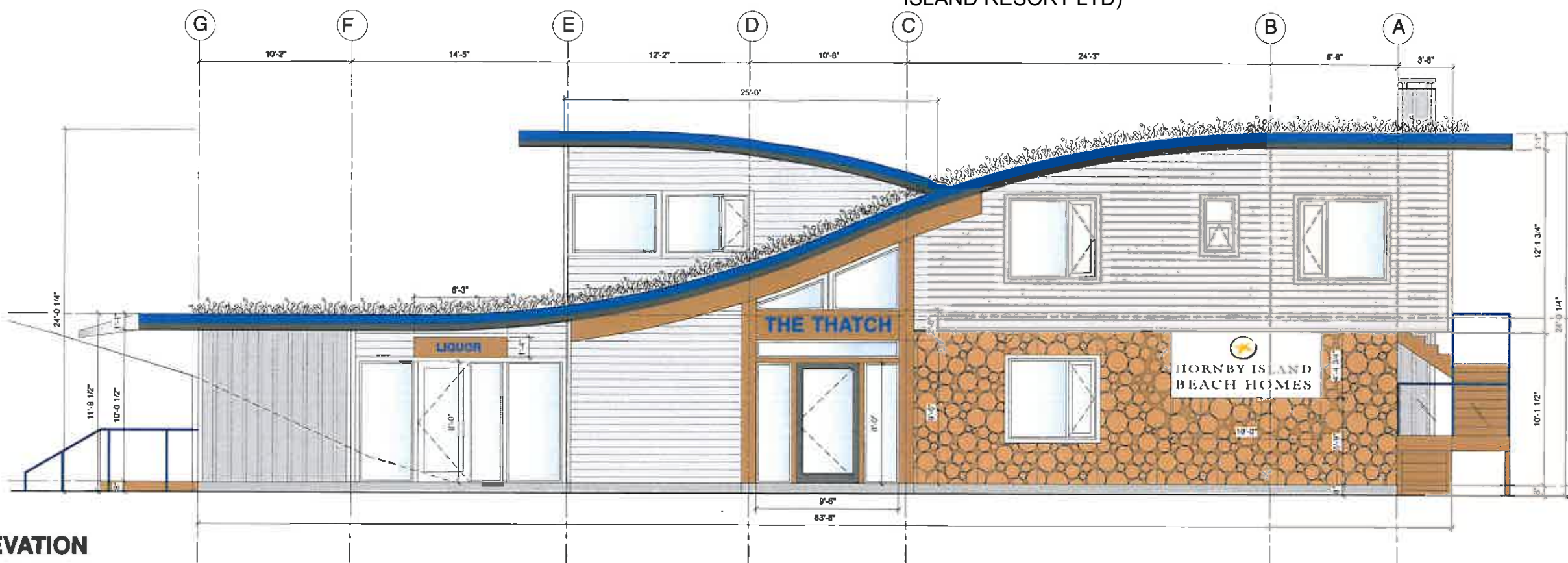


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BLUE SKY
ARCHITECTURE
INC.**
4090 BAYRIDGE AVE.
WEST VANCOUVER
BRITISH COLUMBIA
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PHONE (604) 921-8848
FAX (604) 921-0755

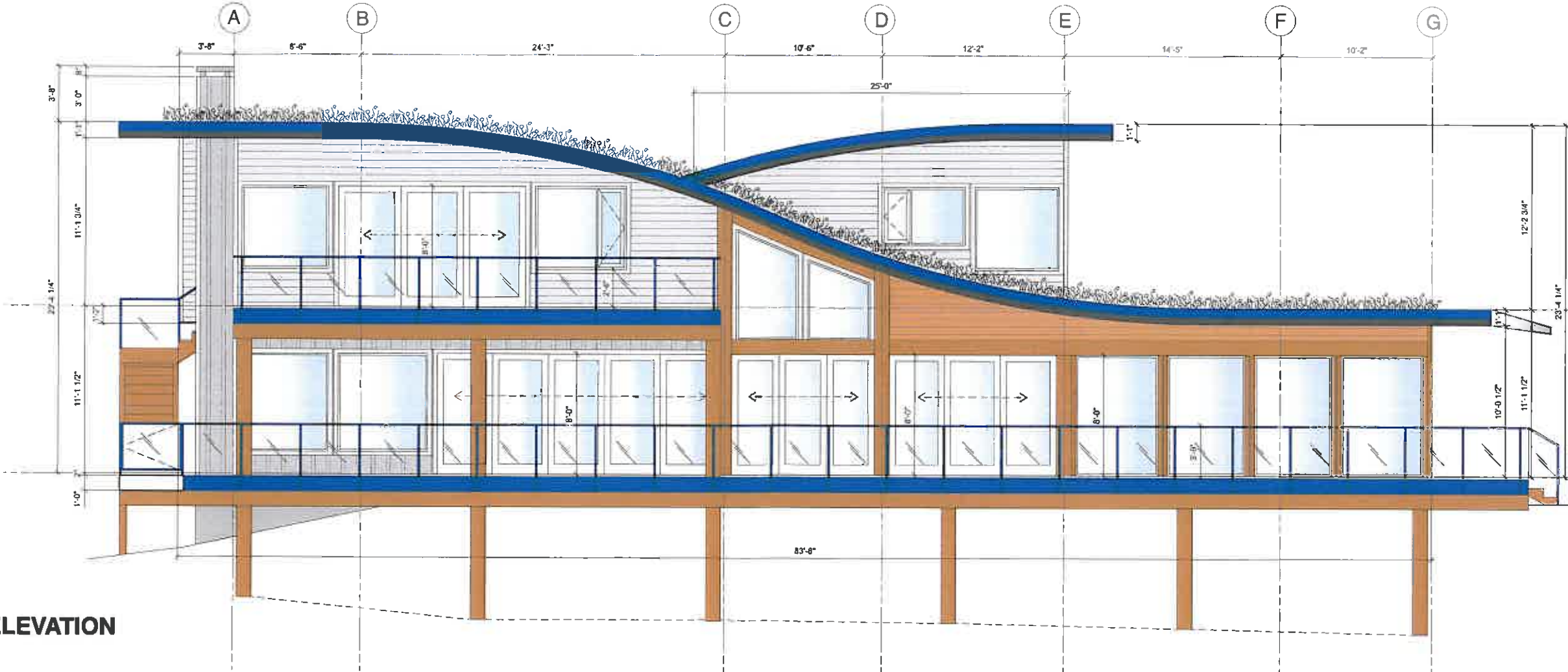
SHEET NO.
A702

Roofing:
Metal Flashing & Painted Wood Fascia (charcoal and navy blue - BM 2064-201)
Roof (Total) = 4176 sq. ft.
Landscape Roof = 3535 sq. ft. = 85% of Roof

Walls:
8" horizontal 'Hardi' board siding (light grey - HC 189) with grey corner bead
Vinyl windows (white) with painted wood trim (light grey)
Doors (white) with painted wood trim (light grey)
Hardipanel w/ 2x3 Random Cedar Battens - Dk. Grey (grey - HC 188)
Feature wood wall - cross slices of random diameter wood logs (clear seal on natural grain)
Wood structure (clear seal on natural grain)



NORTH ELEVATION



SOUTH ELEVATION

No.	Revision	Date
1	DP/DV	14/10/11

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All work completed on site to conform to the British Columbia Building Code 2006.

THE THATCH
Hornby Island, B.C.

SHEET TITLE:
Thatch Pub Elevations

DRAWN BY:

SCALE:
1/4" = 1'0"

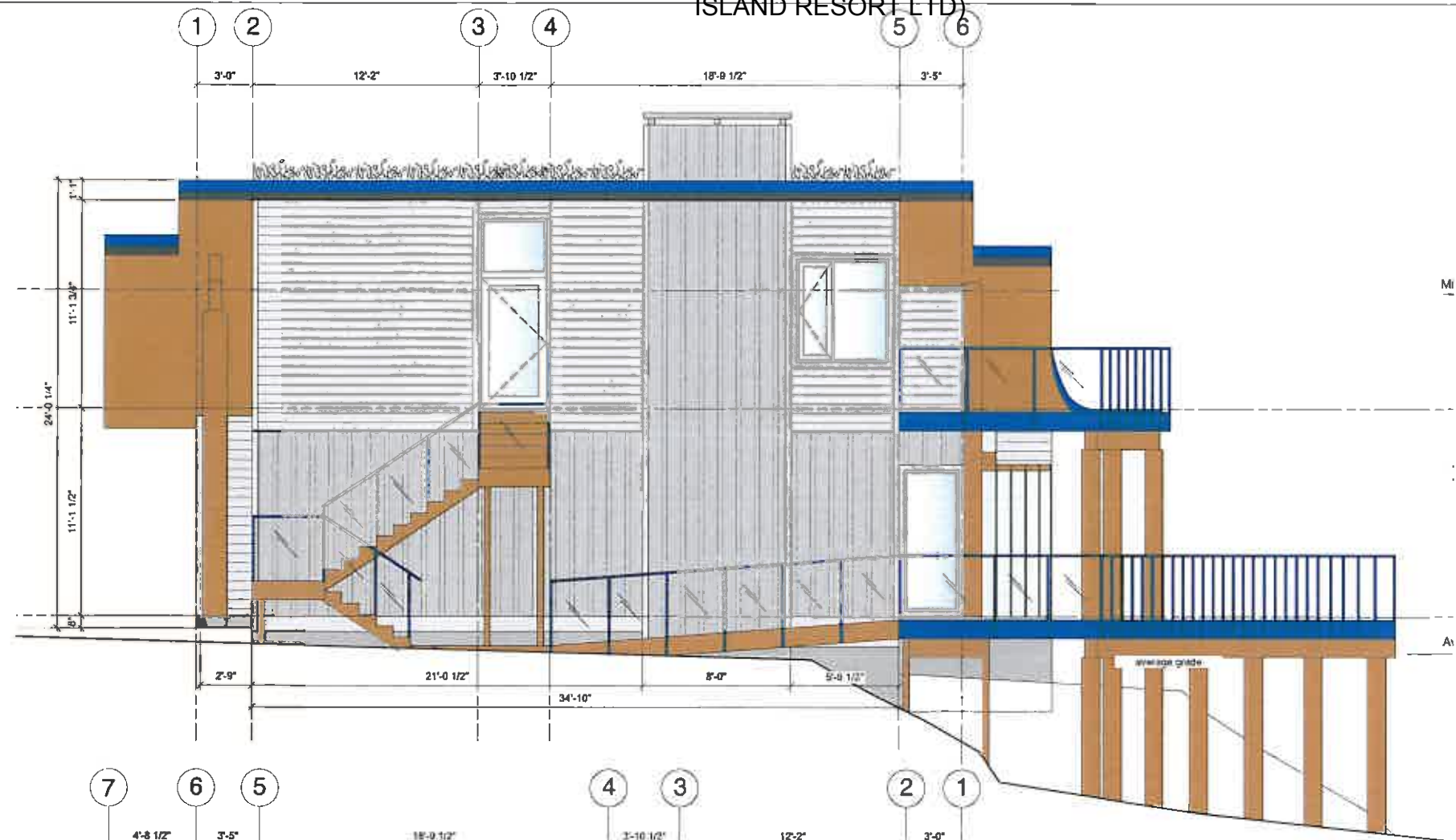
FIRST ISSUED:
09/09/11

CHECKED BY:
BH,KS

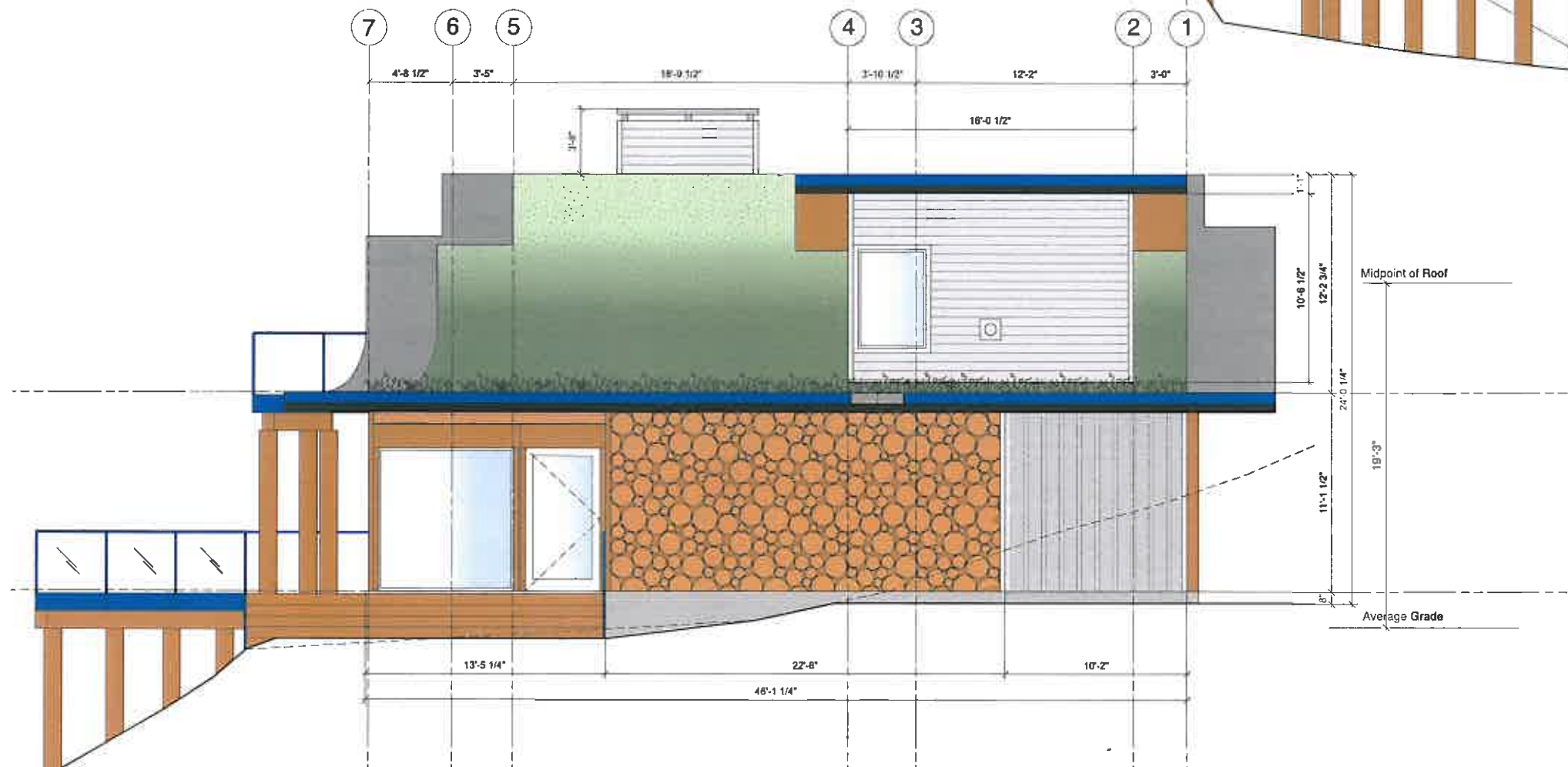
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ARCHITECTURE
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4090 BAYRIDGE AVE.
WEST VANCOUVER
BRITISH COLUMBIA
CANADA, V7V 3K1
PHONE (604) 921-8648
FAX (604) 921-0755

SHEET NO.
A703

WEST ELEVATION



EAST ELEVATION



No.	Revision	Date
1	DP/DV	14/10/11

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All work completed on site to conform to the British Columbia Building Code 2006.

THE THATCH

Hornby Island, B.C.

SHEET TITLE:

Thatch Pub Elevations

DRAWN BY:

SCALE:

1/4" = 1'0"

FIRST ISSUED:

09/09/11

CHECKED BY:

BH,KS

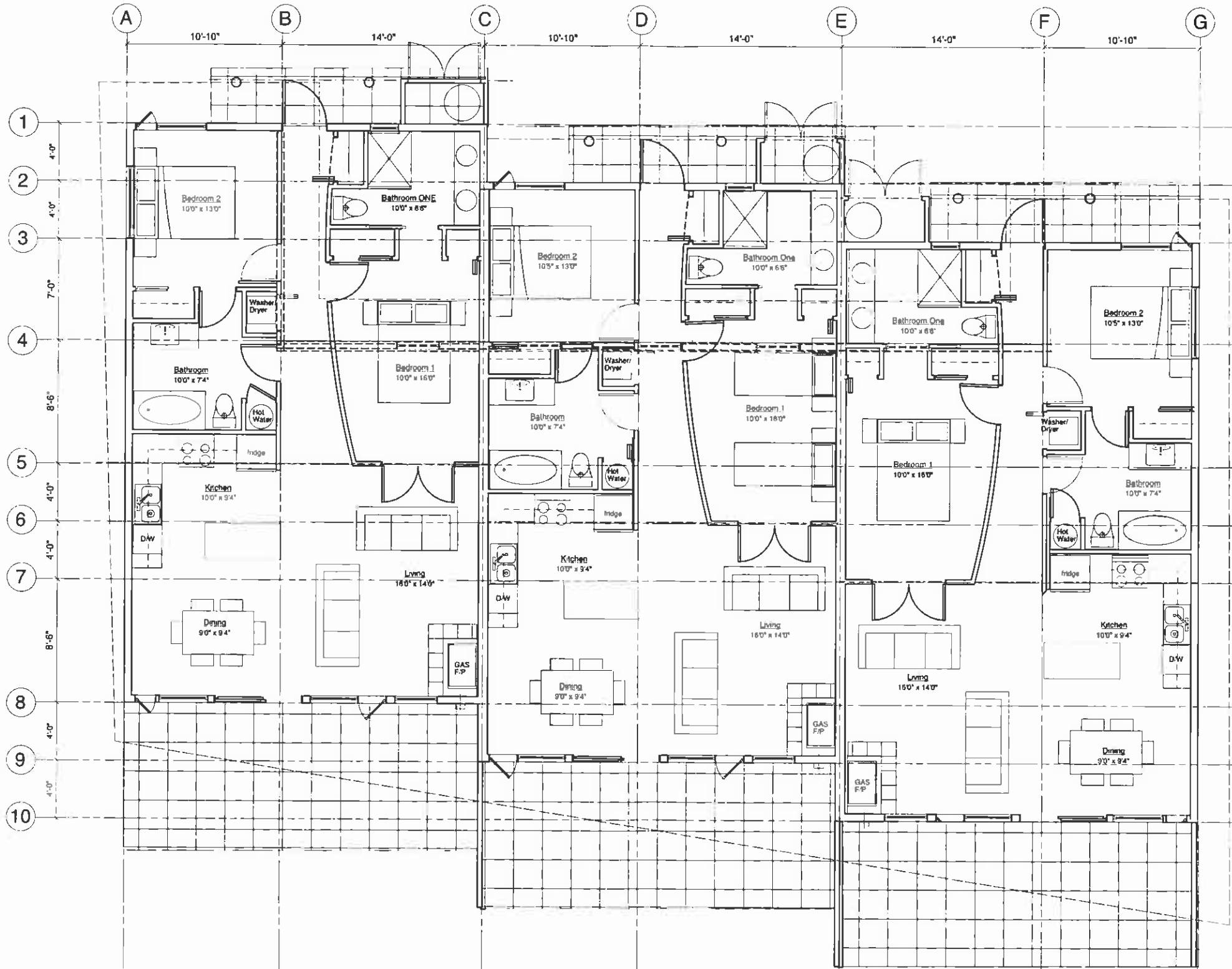
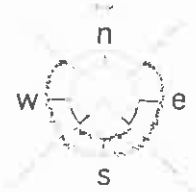
**HELLIWELL+SMITH
BLUE SKY
ARCHITECTURE
INC.**

4090 BAYRIDGE AVE.
WEST VANCOUVER
BRITISH COLUMBIA
CANADA, V7V 3K1

PHONE (604) 921-8848
FAX (604) 921-0755

SHEET NO.

A704



No. Revision Date
1 DP/DV 14/10/11

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Contractor shall be responsible for all conditions on the job and shall notify the office of any variations of the conditions immediately.

All work completed on site to conform to the British Columbia Building Code 2006.

THE THATCH

Hornby Island, B.C.

SHEET TITLE
UNITS 1 2 3
PLANS

DRAWN BY:

SCALE:
1/4" = 1'0"

FIRST ISSUED
29/04/11

CHECKED BY:
BH,KS

HELLWELL+SMITH
BLUE SKY
ARCHITECTURE
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4090 BAYRIDGE AVE.
WEST VANCOUVER
BRITISH COLUMBIA
CANADA, V7V 3K1

PHONE (604) 921-8848
FAX (604) 921-0755

SHEET NO.

A201

No.	Revision	Date
1	DP/DV	14/10/11



SOUTH ELEVATION

NOTE:
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Contractor shall be responsible for all conditions on the job and shall notify this office of any variations of the conditions immediately.

All work completed on site
to conform to the British
Columbia Building Code
2006.

THE THATCH

Hornby Island, B.C.

SHEET TITLE:

UNITS 1, 2, 3
Elevations

DRAWN BY:

SCALE.

FIRST ISSUED:
29/04/11

CHECKED BY:
BH,KS

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BLUE SKY
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4090 BAYRIDGE AVE.
WEST VANCOUVER
BRITISH COLUMBIA
CANADA, V7V 3K1

PHONE (604) 921-8848
FAX (604) 921-0755

SHEET NO. |

A202



NORTH ELEVATION

[illegible]

NOTE:
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Contractor shall be responsible for all conditions on the job and shall notify this office of any variations of the conditions immediately.

All work completed on site
to conform to the British
Columbia Building Code
2004.

THE THATCH

Hornby Island, B.C.

SHEET TITLE:

UNITS 1, 2, 3
Elevations

DRAWN BY:

SCALE:
 $1/4" = 1'0"$

FIRST ISSUED:
28/04/11

CHECKED BY:
BH.KS

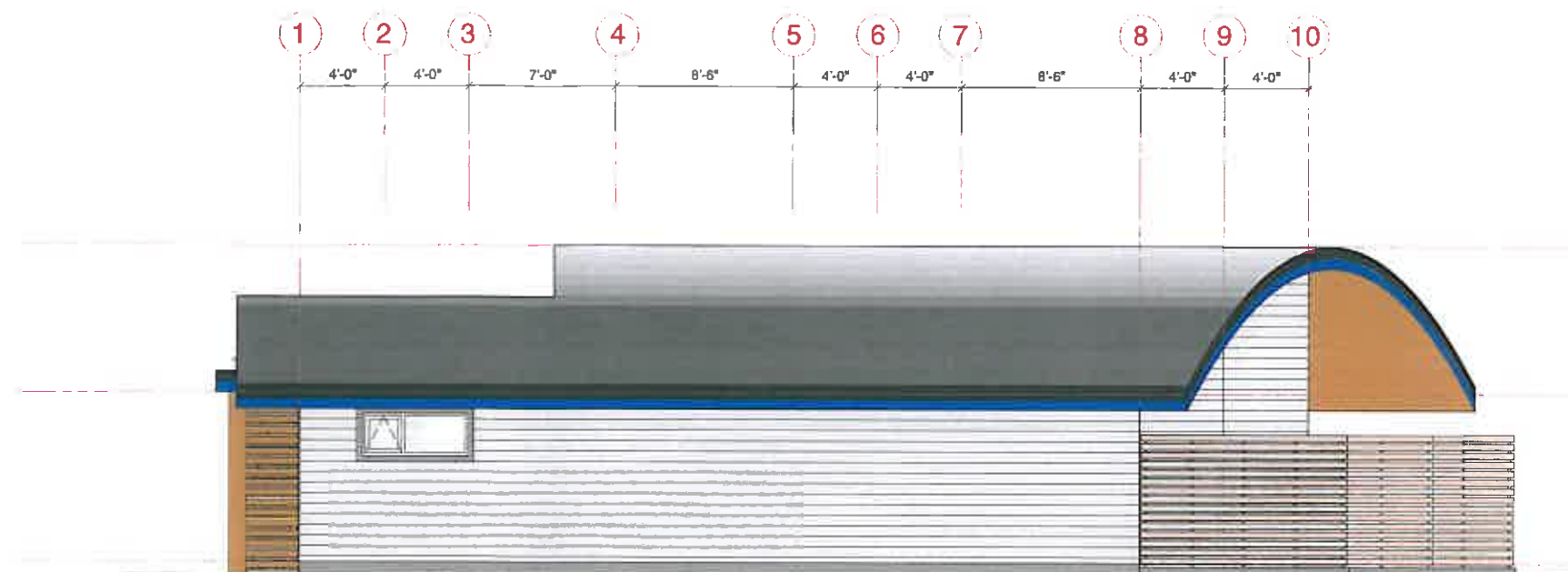
**HELLWELL+SMITH
BLUE SKY
ARCHITECTURE
INC.**

**4080 BAYRIDGE AVE.
WEST VANCOUVER
BRITISH COLUMBIA
CANADA, V7V 3K1**

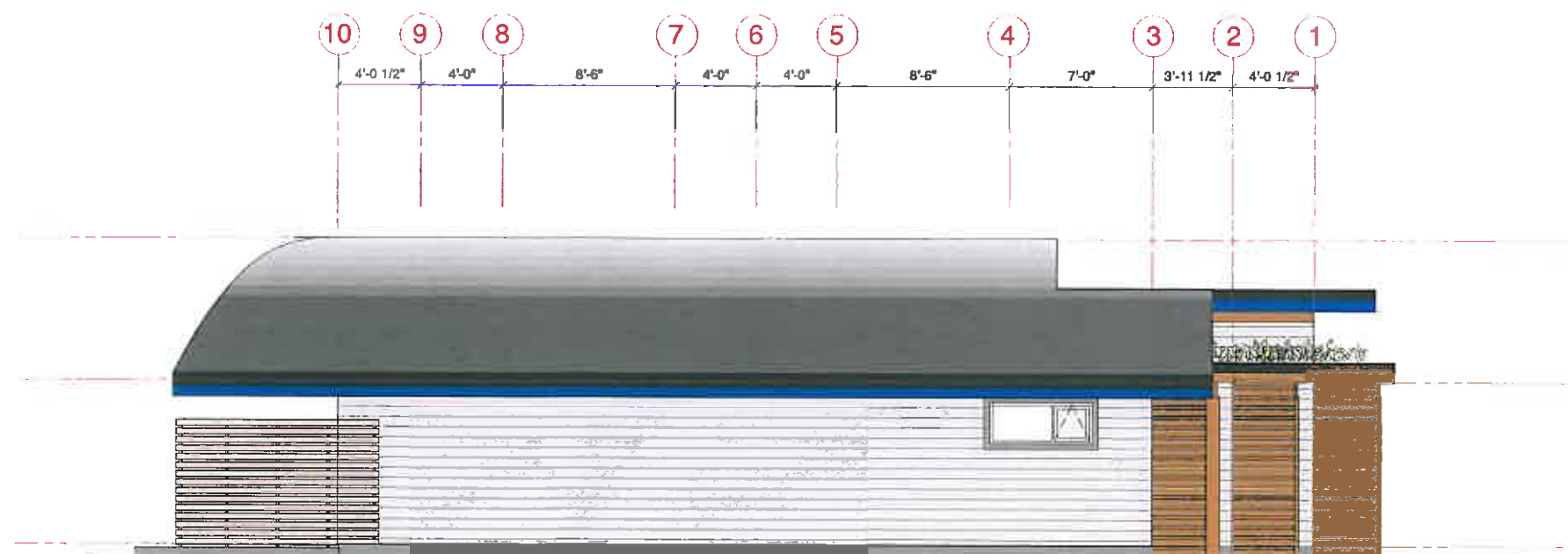
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SHEET NO.

A203



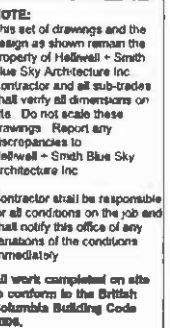
WEST ELEVATION



EAST ELEVATION

Roofing:
Grey Tarch-on Bitumen Membrane
Fascia
Soffit
Walls:
6" Hard Board Siding (Light Grey)
Lattice and Patio Partitions
Window and Painted Wood Trim,
Concrete Foundation Wall
Natural Wood Structure

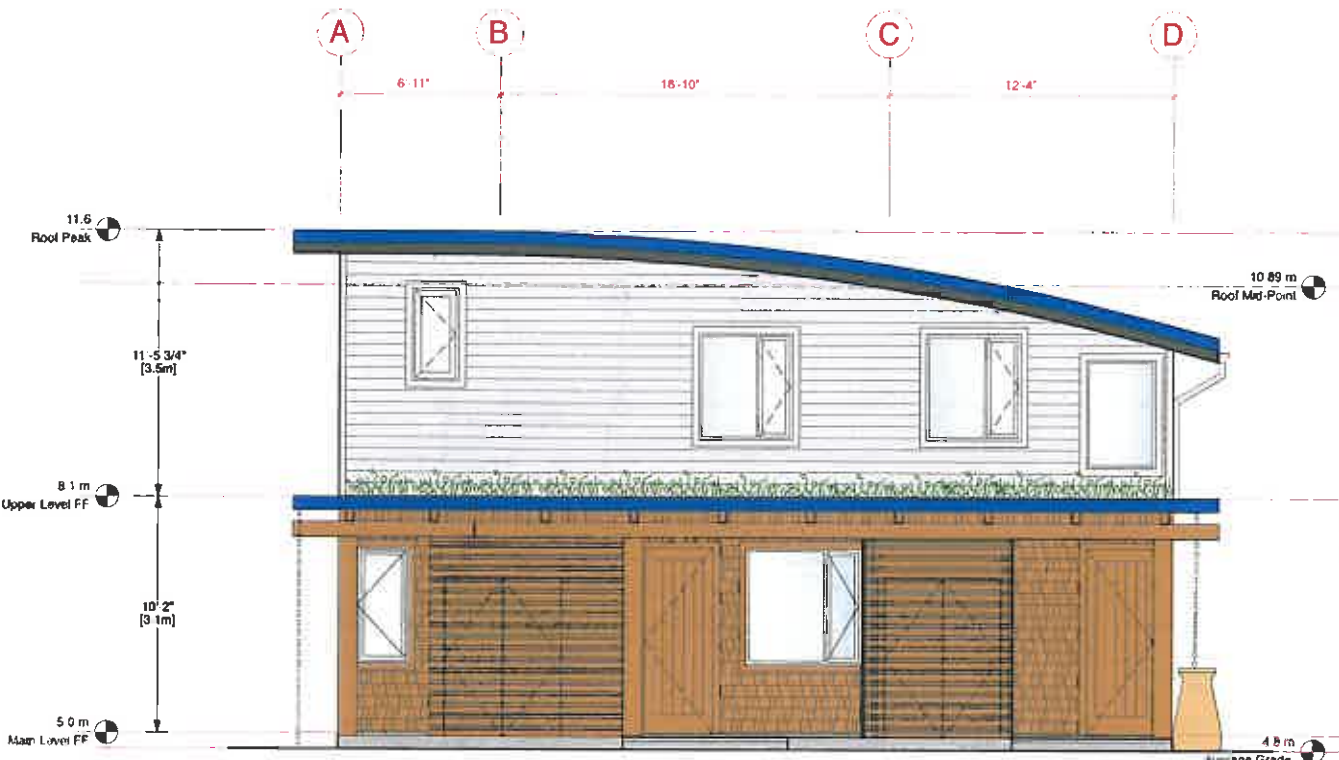
Roofing:
Gray Torch-on Bitumen Membrane
Fascia
Landscape Roof
Soffit
Walls:
8" Hardi Board Siding (Light Gray)
Lattice and Patio Partitions
Window and Painted Wood Trim
Concrete Foundation Wall
Natural Wood Structure



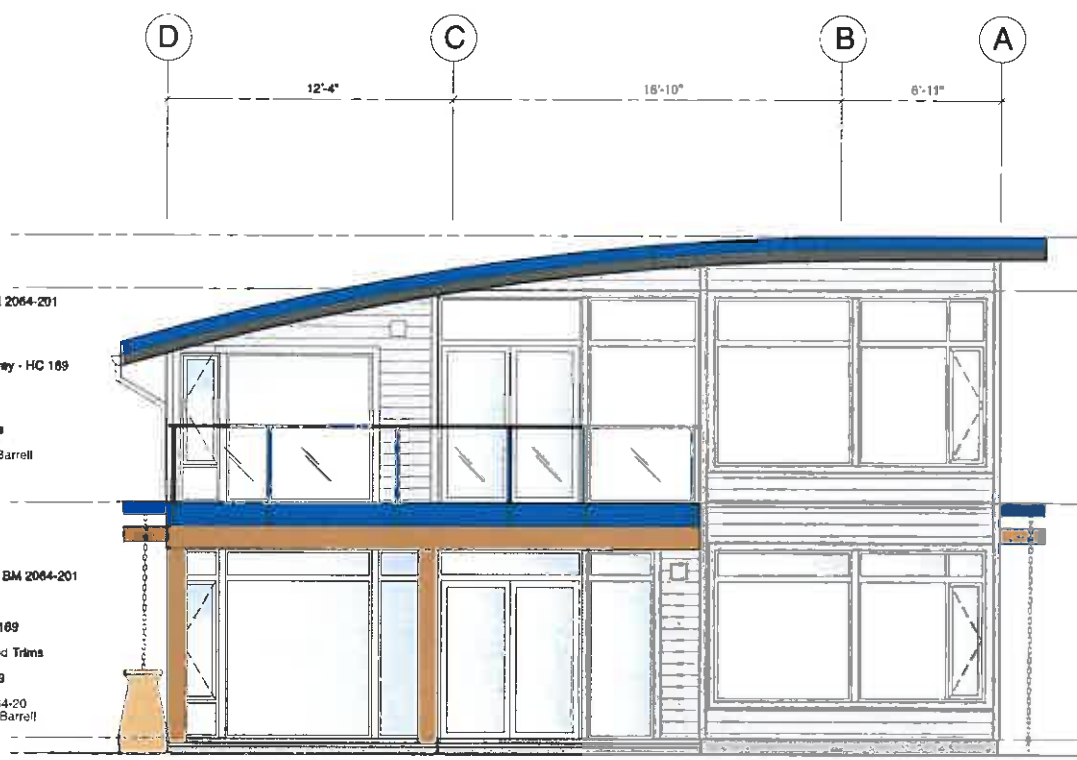
THE THATCH	
Hornby Island, B.C.	
SHEET TITLE:	
UNITS	
4 5	
DRAWN BY:	
KS, M, DG	
SCALE:	
1/4" = 1'0"	
FIRST ISSUED:	
09/09/11	
CHECKED BY:	
BH,KS	



SHEET NO.
A301



NORTH ELEVATION

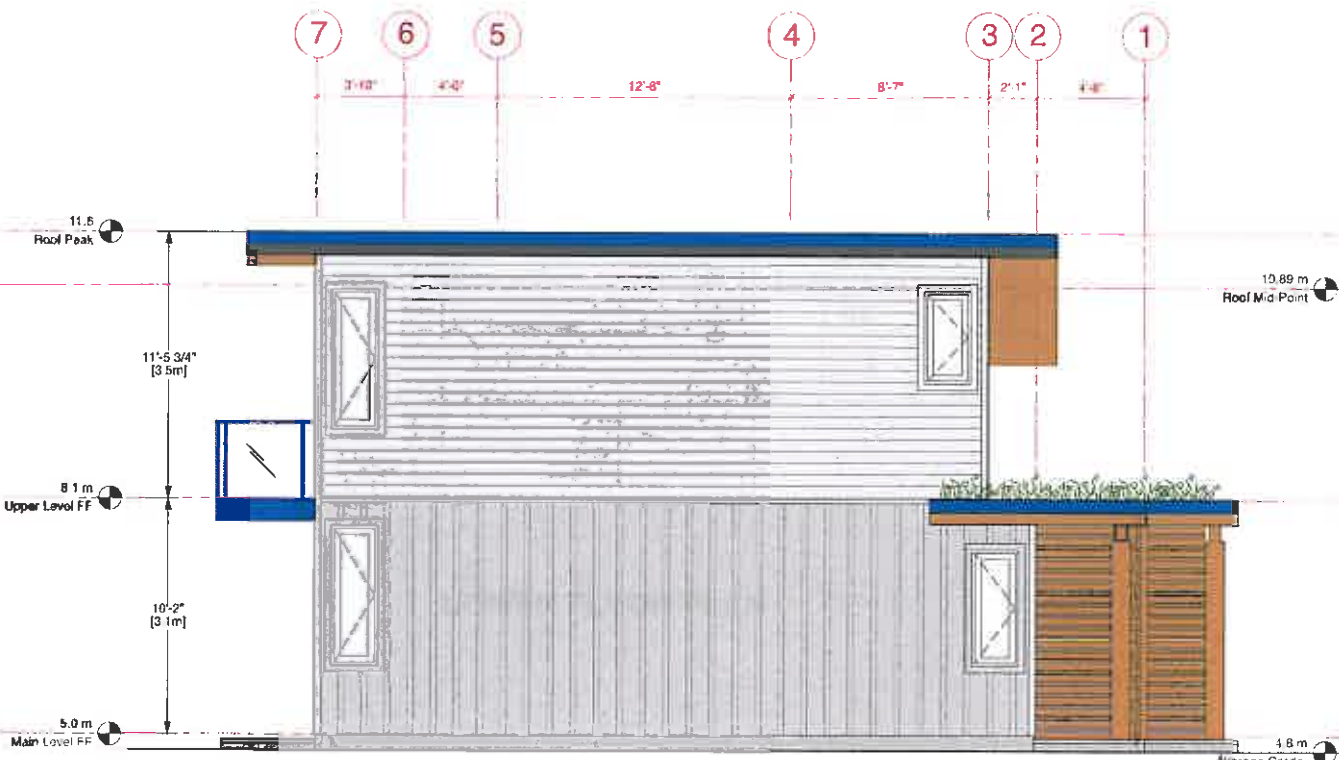


SOUTH ELEVATION

North Elevation Material List:
Metal Flash & Painted Wood Fascia BM 2064-201
Lower - Landscape Roof
Walls:
Upper - 6" Hard Board Siding - Light Grey - HC 169
Lower - 18" Natural Cedar Shingle
Wood Lattice
Doors with Painted Wood Trims
Vinyl Windows with Painted Wood Trims
Natural Wood Post & Beam Structure
Rain Chain & Cascadia 65 Gallon Rain Barrel

South Elevation Material List:
Roof:
Metal Flashing & Painted Wood Fascia BM 2064-201
Walls:
6" Hard Board Siding - Light Grey HC 169
White Vinyl Windows with Painted Wood Trims 2064-20
Doors with Painted Wood Trims HC 169
Natural Wood Post & Beam Structure
Painted Blue Metal Railing & Glass 2064-20
Rain Chain & Cascadia 65 Gallon Rain Barrel

Roof Material Areas:
Grey Torch-on Bitumen Membrane 76.2%
Landscape Roof 23.8%



EAST ELEVATION



WEST ELEVATION

East Elevation Material List:
Metal Flashing & Painted Wood Fascia BM 2064-201
Wood Soffit
Lower - Landscape (Roof)
Walls:
Upper - 6" Hard Board Siding - Light Grey HC 169
Lower - Hardipanel w/ 2x3 Random Cedar Battens - Dk. Grey HC 168
Wood Lattice
Vinyl Windows with Painted Wood Trims HC 169
Natural Wood Post & Beam Structure
Painted Blue Metal Railing & Glass

West Elevation Material List:
Upper - Grey Torch-on Bitumen Membrane
Metal Flash & Painted Wood Fascia BM 2064-201
Lower - Landscape (Roof)
Walls:
Upper - 6" Hard Board Siding - Light Grey HC 169
Lower - Hardipanel w/ 2x3 Random Cedar Battens - Dk. Grey HC 168
Doors with Painted Wood Trims
Wood Lattice
Natural Wood Post & Beam Structure
Painted Blue Metal Railing & Glass
Rain Chain & Cascadia 65 Gallon Rain Barrel

No.	Revision	Date
1	DP/DV	14/10/11

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All work completed on site to conform to the British Columbia Building Code 2006.

THE THATCH
Hornby Island, B.C.

SHEET TITLE:
UNITS 4 5 ELEVATIONS

DRAWN BY:
K9, M, DG

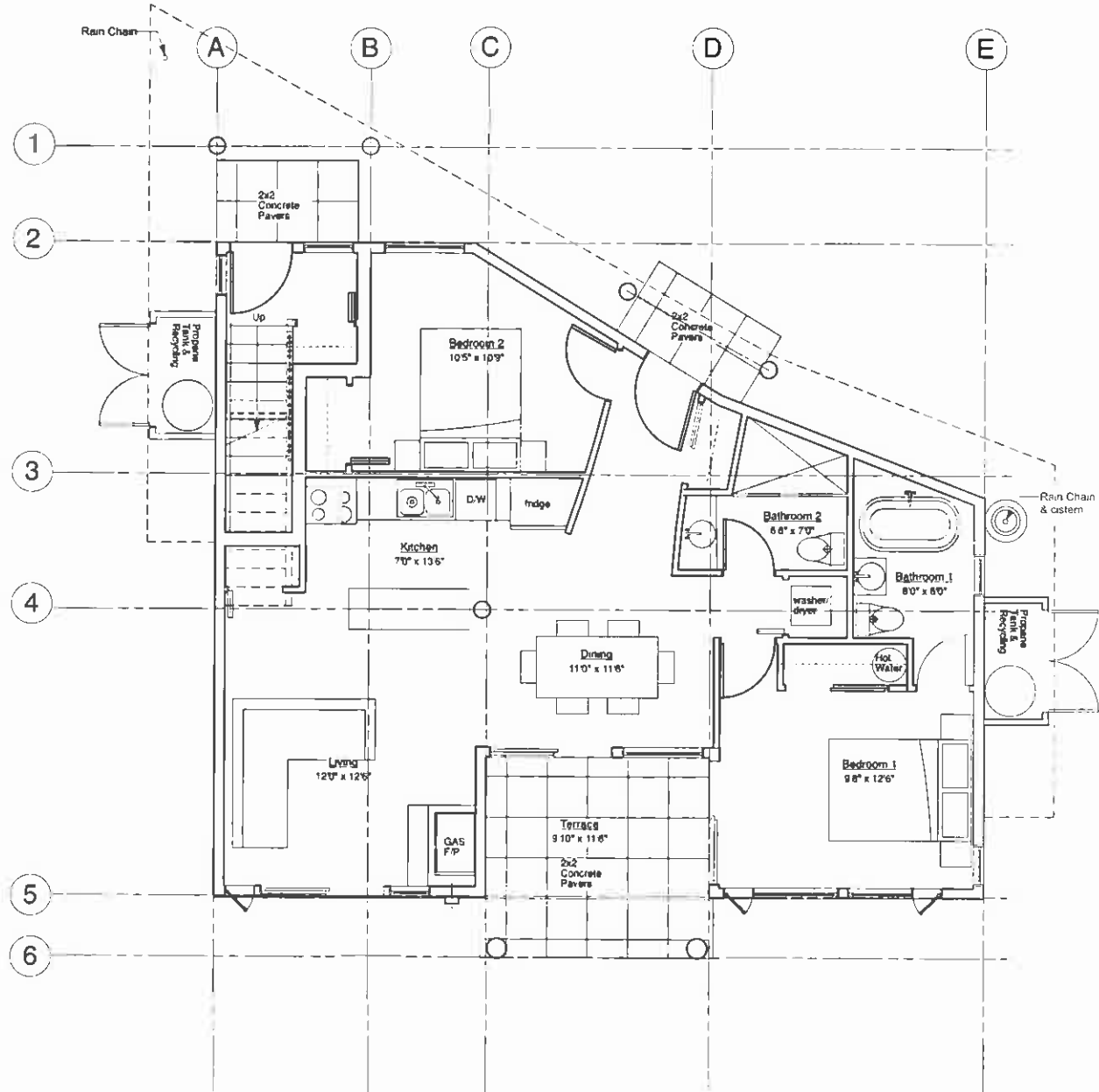
SCALE:
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FIRST ISSUED:
09/09/11

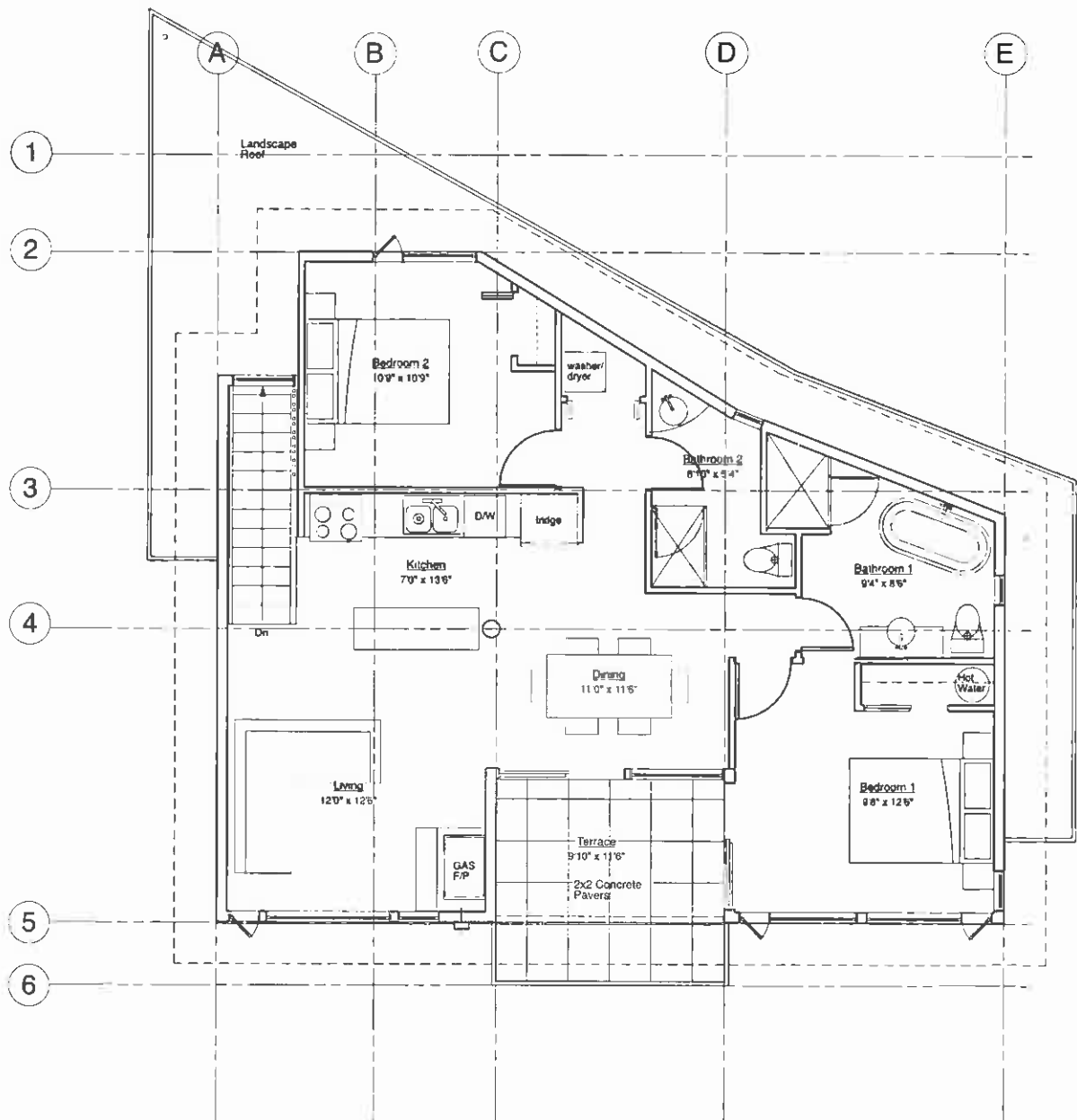
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BH,KS

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4090 BAYBRIDGE AVE.
WEST VANCOUVER
BRITISH COLUMBIA
CANADA, V7V 3K1
PHONE (604) 921-8848
FAX (604) 921-0756

SHEET NO.
A302



LOWER FLOOR PLAN



UPPER FLOOR PLAN

No. Revision Date
1 DP/DV 14/10/11

NOTE:
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THE THATCH

Hornby Island, B.C.

SHEET TITLE:

PLANS-
UNITS 6 7

DRAWN BY:

SCALE:
1/4" = 1'0"

FIRST ISSUED:
09/09/11

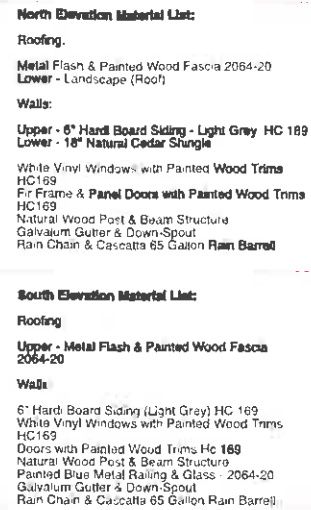
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BLUE SKY
ARCHITECTURE
INC.

4090 BAYRIDGE AVE.
WEST VANCOUVER
BRITISH COLUMBIA
CANADA, V7V 3K1

PHONE (604) 921-8948
FAX (604) 921-0755

SHEET NO.
A401



Roof Material Areas for Units 8 & 7:
 Grey Bitumen Torch-on Roof 89.4%
 Landscape Roof 10.6%



Contractor shall be responsible for all conditions on the job and shall notify this office of any variations of the conditions immediately.



West Elevation Material List:

Metal Flash & Painted Wood Fascia - 2064-20
Wood Soffit
Lower Roof - Landscape (Roof)

Walls:

Upper - 6" Hard Board Siding - Light Grey HC 169
Lower - Hardiplank w/ 23 Random Cedar
Battens - D. Grey HC 169

Natural Wood Post & Beam Structure
White Vinyl Windows with Painted Wood Trims
Painted Blue Metal Railing & Glass - 2064-20
Rain Chain



SHEET TITLE:
ELEVATIONS
UNITS 6 7

SCALE:
 $1/4" = 1'0"$

FIRST ISSUED:
09/09/11

CHECKED BY:
BH,KS

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BRITISH COLUMBIA
CANADA, V7V 3K1

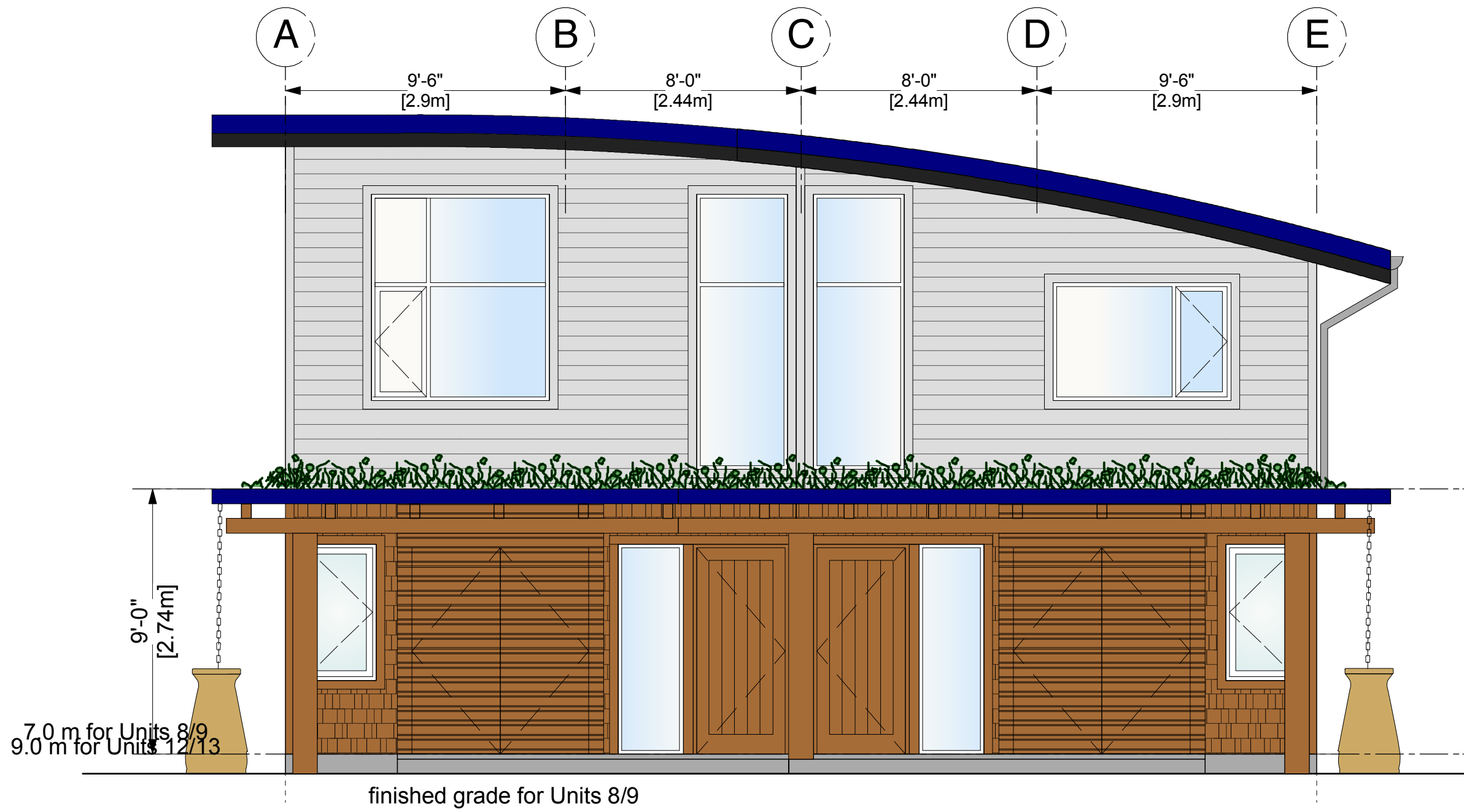
PHONE (604) 921-8845
FAX (604) 921-0755

SHEET NO.
A402

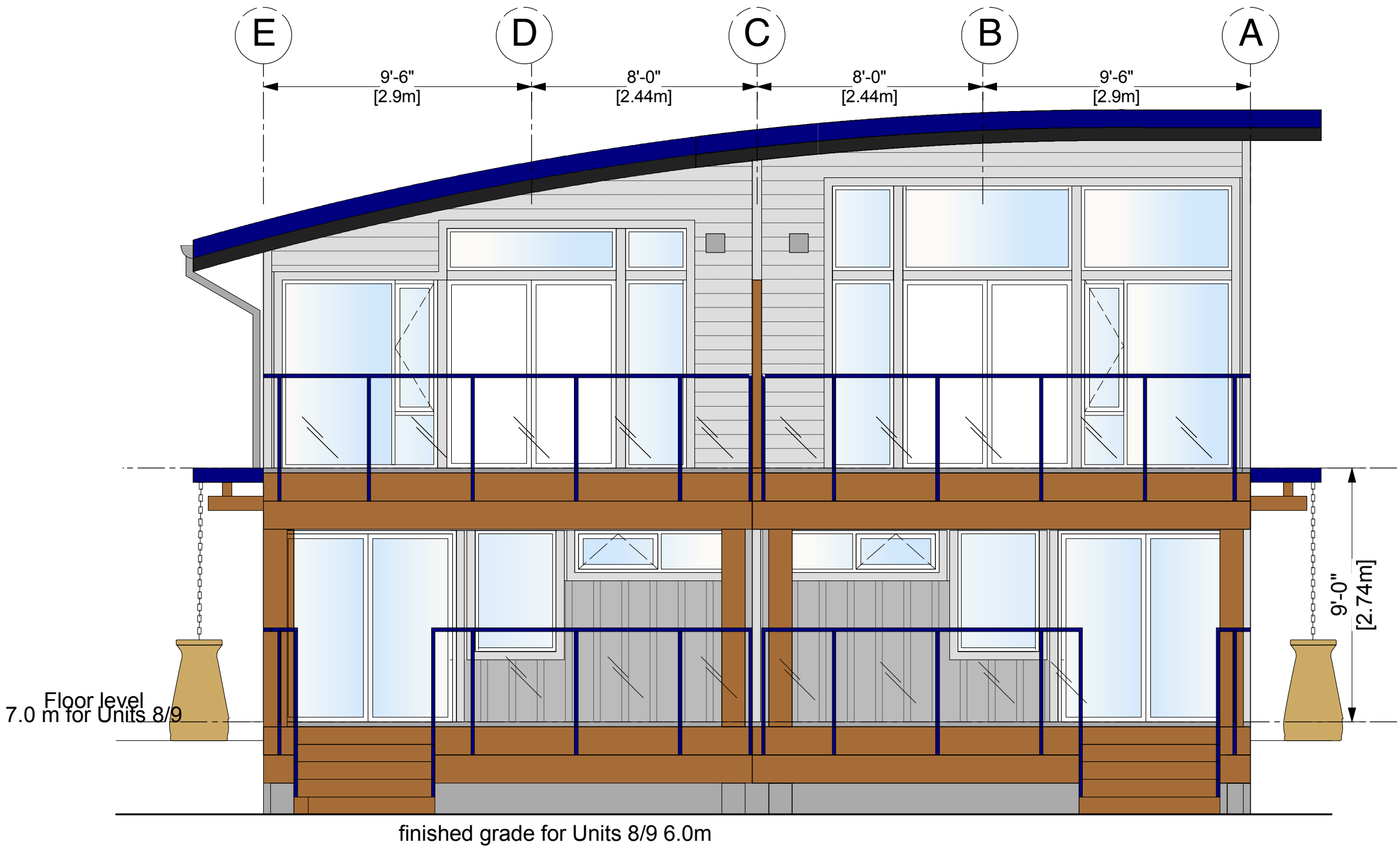


A501

No.	Revision	Date
1	DP DB	14/10/11
2	DP DV	10/05/12



NORTH ELEVATION



SOUTH ELEVATION

Roofing:

Metal Flashing & Painted Wood
Fascia 2064-20

Walls:

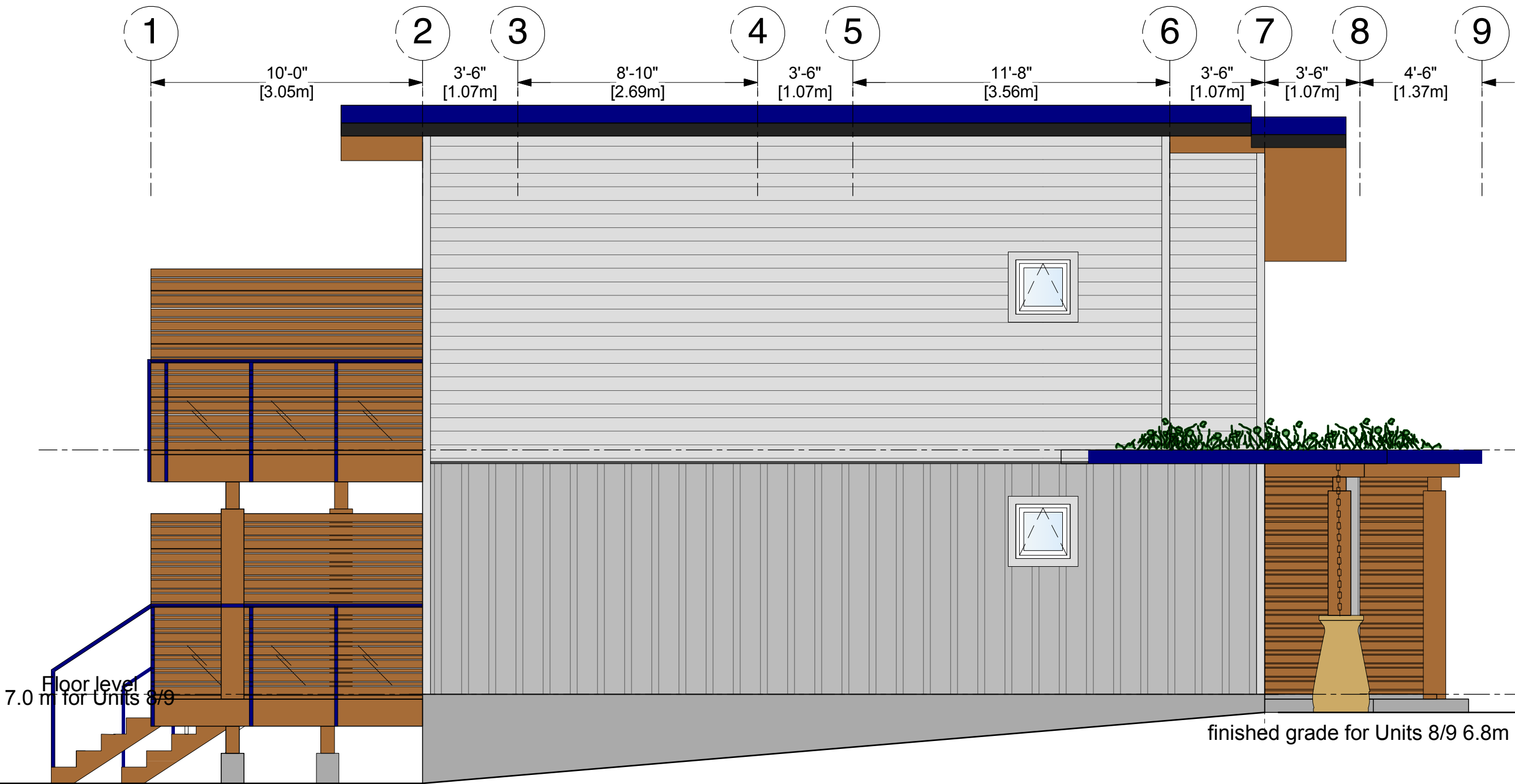
Upper - 6" horizontal 'Hardi' board
siding -light grey- HC169 with grey
corner bead
North Elevation Lower- 18" Natural
Cedar Shingle
South Elevation Lower - 12" wide
'Hardi' board with painted wood
battens (grey)

Vinyl windows (white) with painted
wood trim (light grey) HC 169
Doors (white) with painted wood
trim (light grey) HC 169

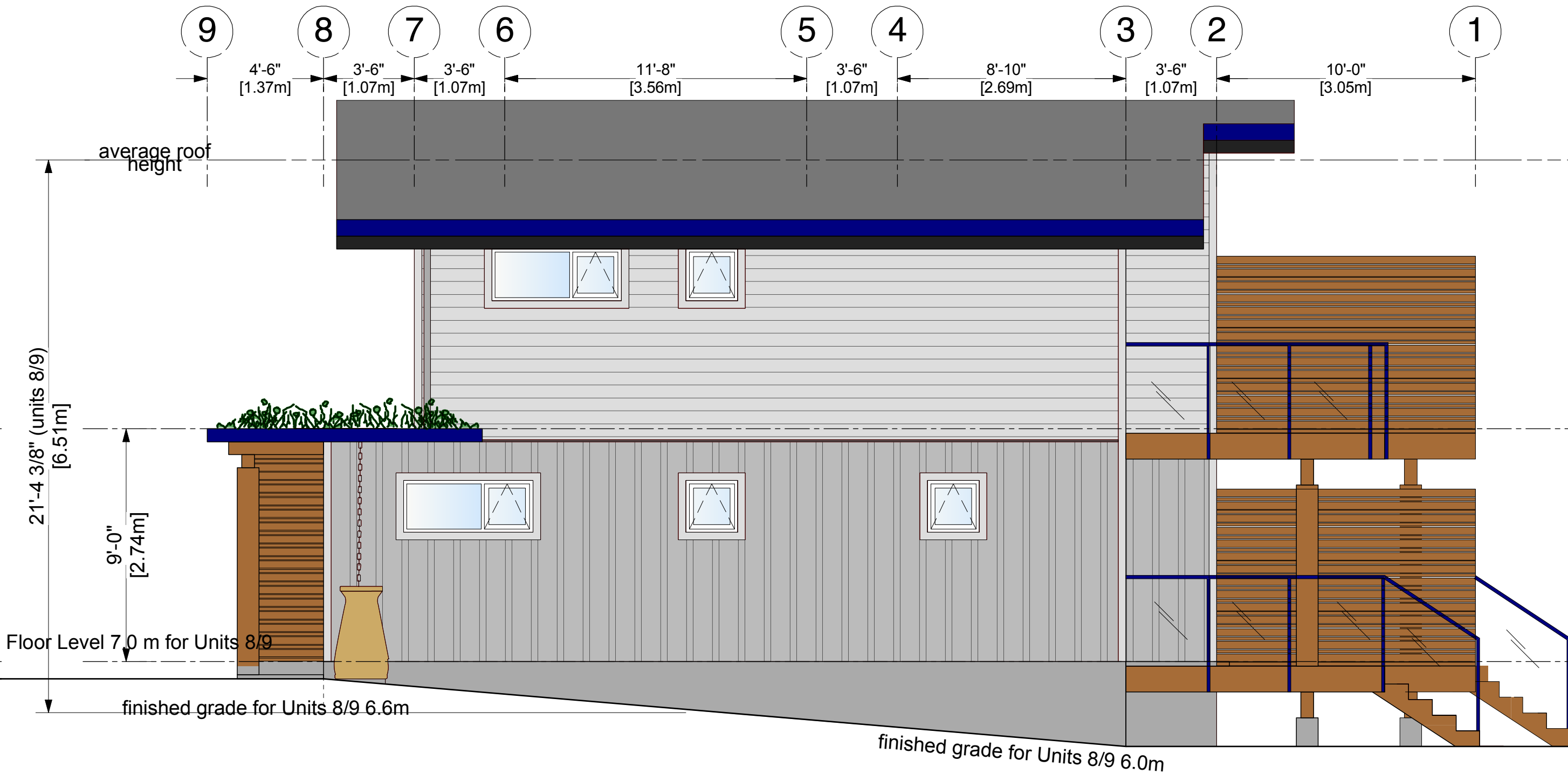
Post & Beam Wood structure
(clear seal on natural grain)

Roof Material Areas:

Roof (Total) = 1702.94 sq. ft.
Landscape Roof = 347.77 sq. ft. 20.4%



EAST ELEVATION



WEST ELEVATION

ELEVATIONS FOR UNITS 8/9

NOTE:
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design as shown remain the
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Blue Sky Architecture Inc..
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site. Do not scale these
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Helliwell + Smith Blue Sky
Architecture Inc.

Contractor shall be responsible
for all conditions on the job and
shall notify this office of any
variations of the conditions
immediately.

All work completed on site to
conform to the British
Columbia Building Code
2006.

THE THATCH

Hornby Island, B.C.

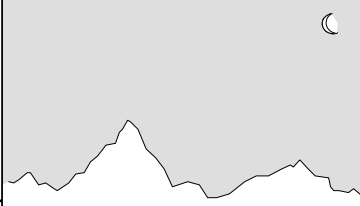
SHEET TITLE:
Elevations
Units
8/9

DRAWN BY:

SCALE:
1/4" = 1'0"

FIRST ISSUED:
09/09/11

CHECKED BY:
BH,KS



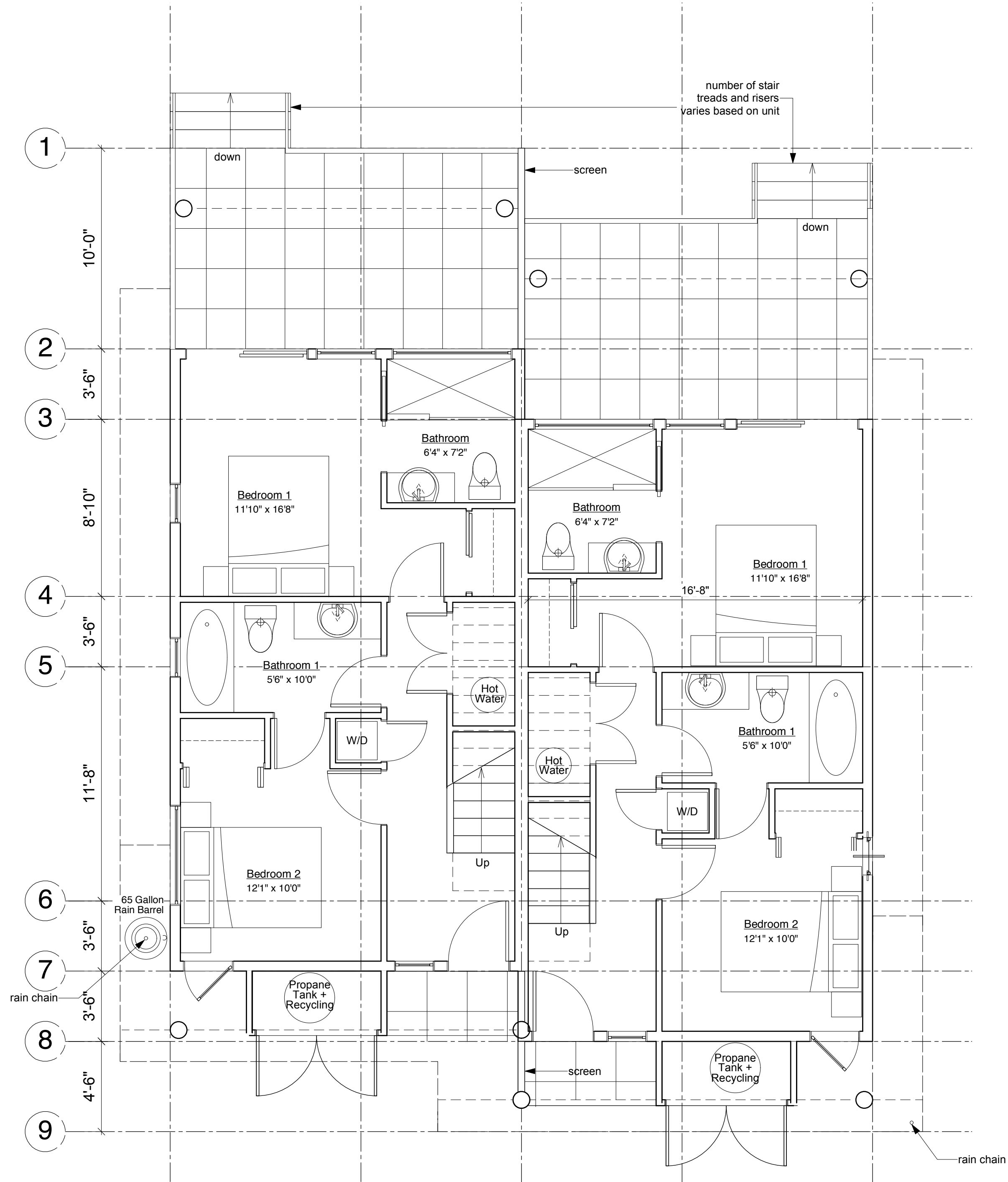
**HELLIWELL+SMITH
BLUE SKY
ARCHITECTURE
INC.**

4090 BAYRIDGE AVE.
WEST VANCOUVER
BRITISH COLUMBIA
CANADA, V7V 3K1

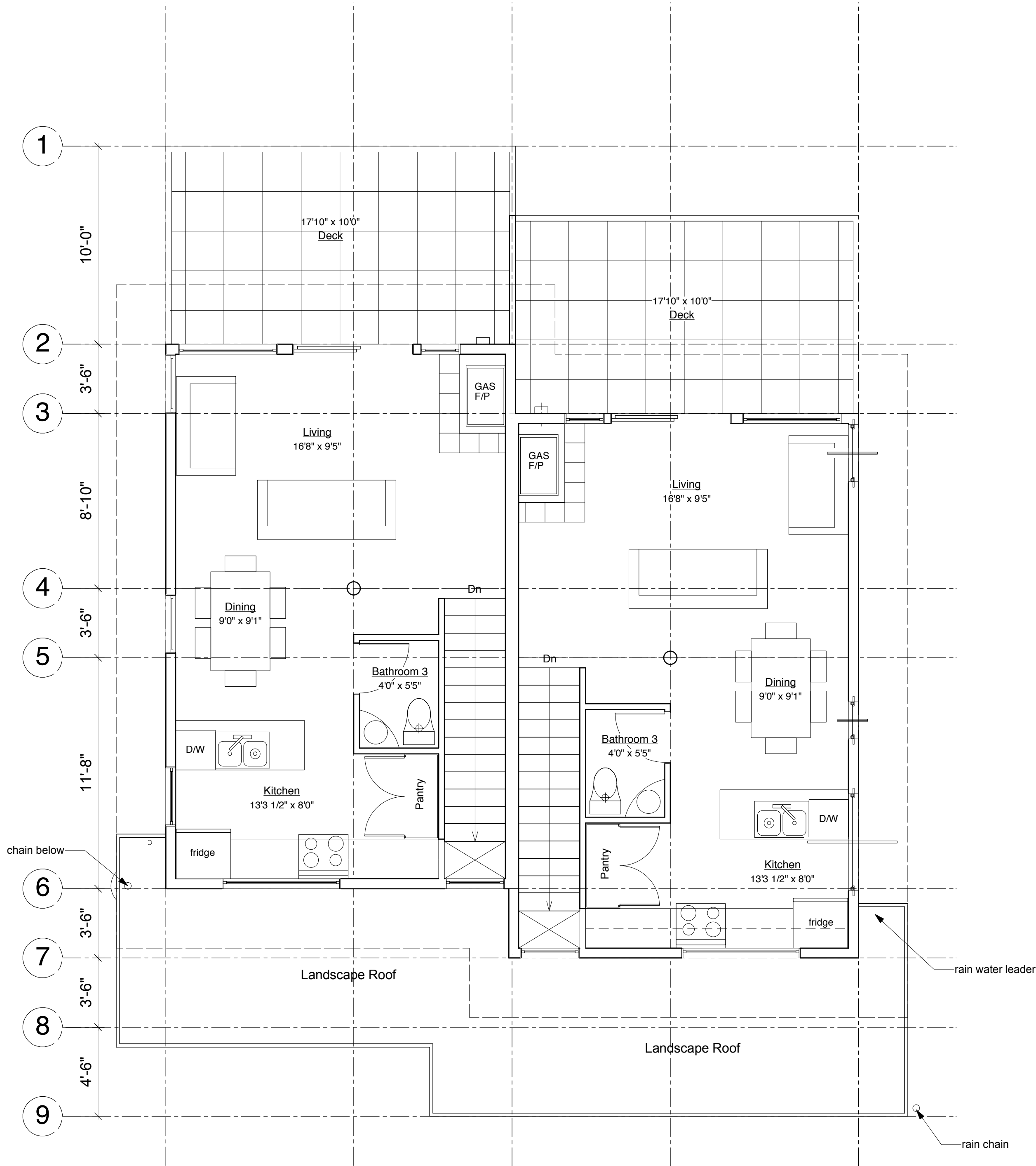
PHONE (604) 921-8646
FAX (604) 921-0755

SHEET NO.

A502



LOWER LEVEL PLAN



UPPER LEVEL PLAN

No.	Revision	Date
1	DP DB	14/10/11
2	DP DV	10/05/12

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THE THATCH

Hornby Island, B.C.

SHEET TITLE:
**PLANS -
UNITS
10/11**

DRAWN BY:

SCALE:
1/4" = 1'0"

FIRST ISSUED:
09/09/11

CHECKED BY:
BH,KS

**HELLIWELL+SMITH
BLUE SKY
ARCHITECTURE
INC.**

4090 BAYRIDGE AVE.
WEST VANCOUVER
BRITISH COLUMBIA
CANADA, V7V 3K1

PHONE (604) 921-8646
FAX (604) 921-0755

SHEET NO.

A601



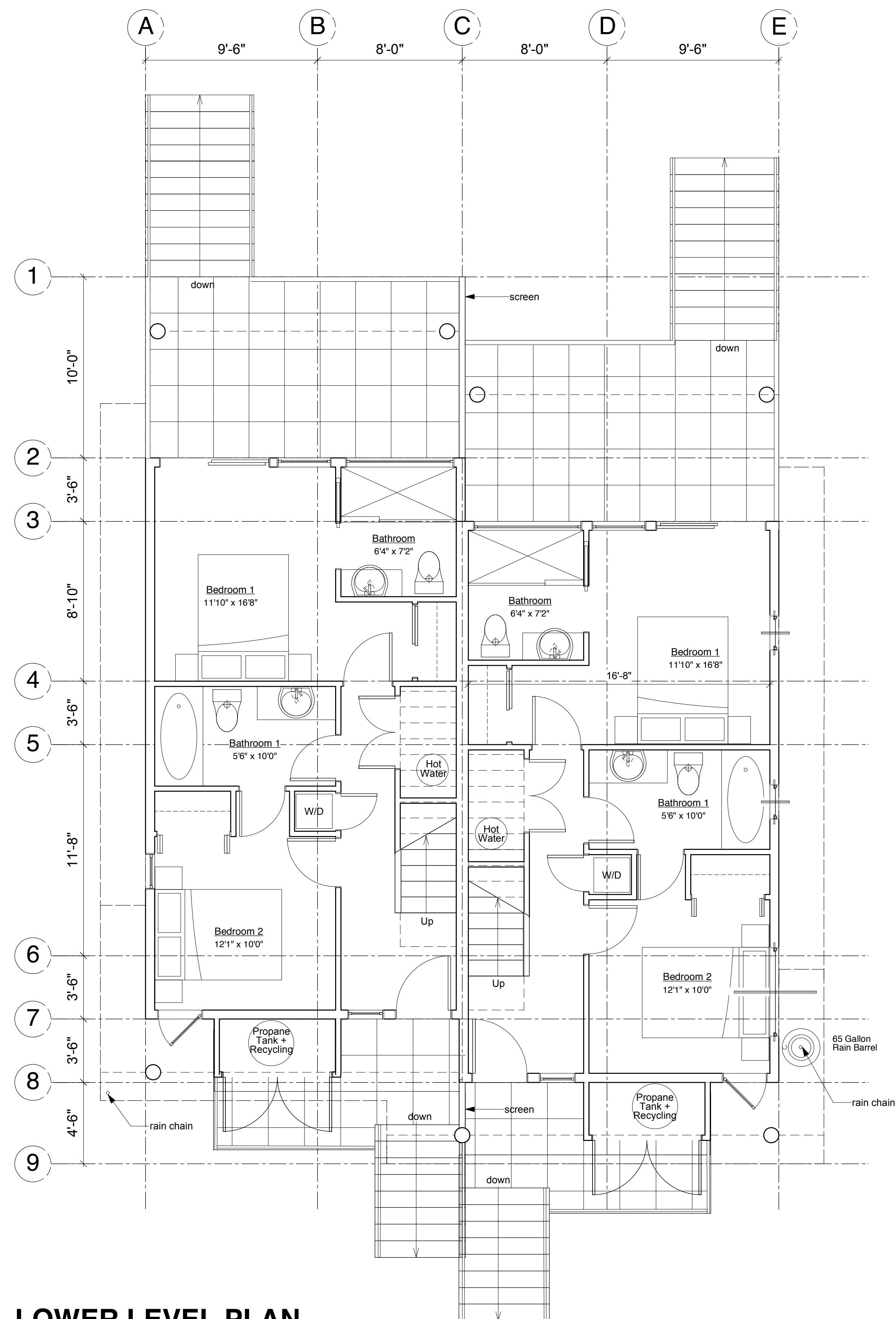
7.0 m for Units 10/11



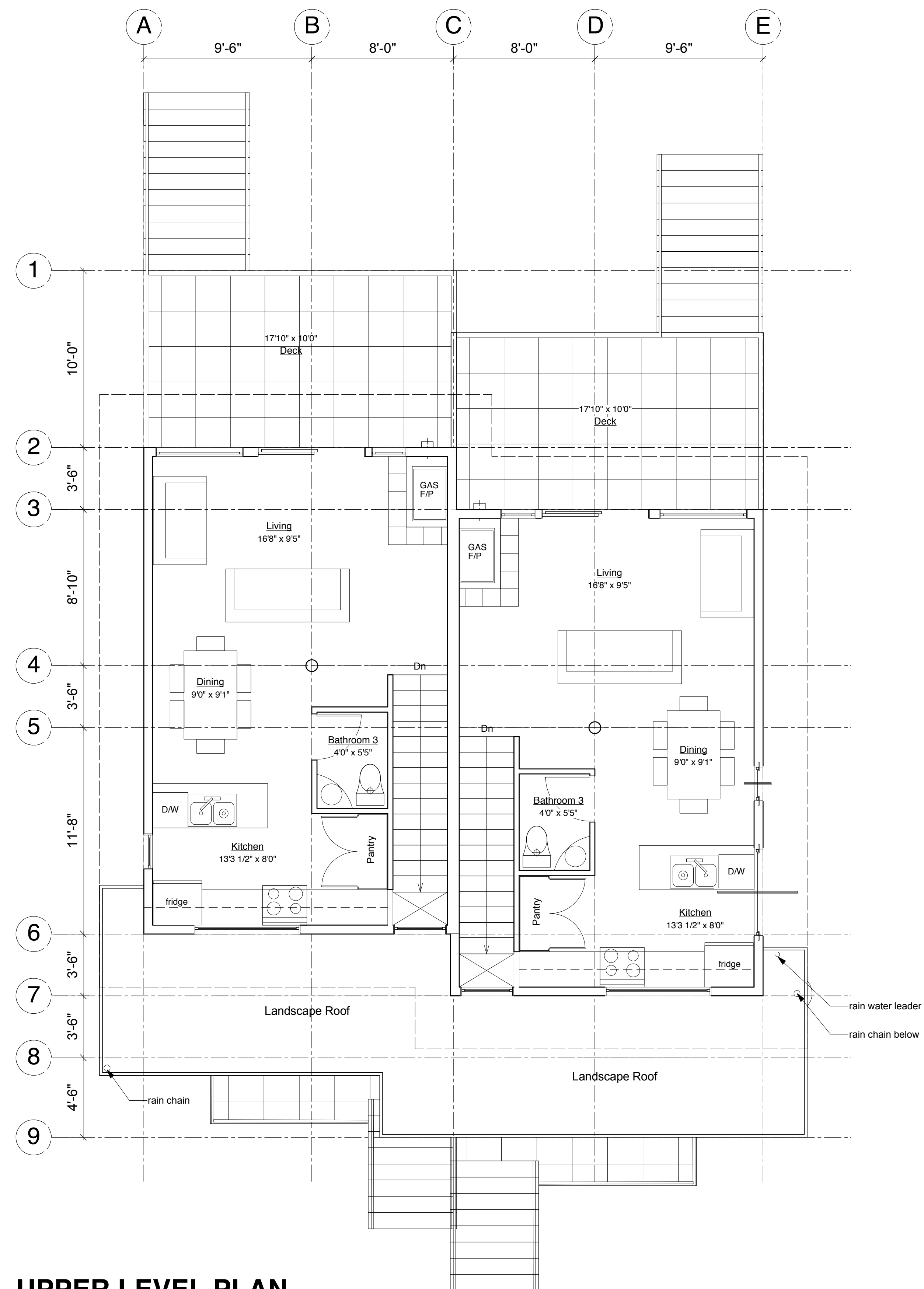
EAST ELEVATION

WEST ELEVATION

A602



LOWER LEVEL PLAN



UPPER LEVEL PLAN

No.	Revision	Date
1	DP DB	14/10/11
2	DP DV	10/05/12

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THE THATCH

Hornby Island, B.C.

SHEET TITLE:
**PLANS -
UNITS
12/13**

DRAWN BY:

SCALE:
 $1/4" = 1'0"$

FIRST ISSUED:
09/09/11

CHECKED BY:
BH,KS



**HELLIWELL+SMITH
BLUE SKY
ARCHITECTURE
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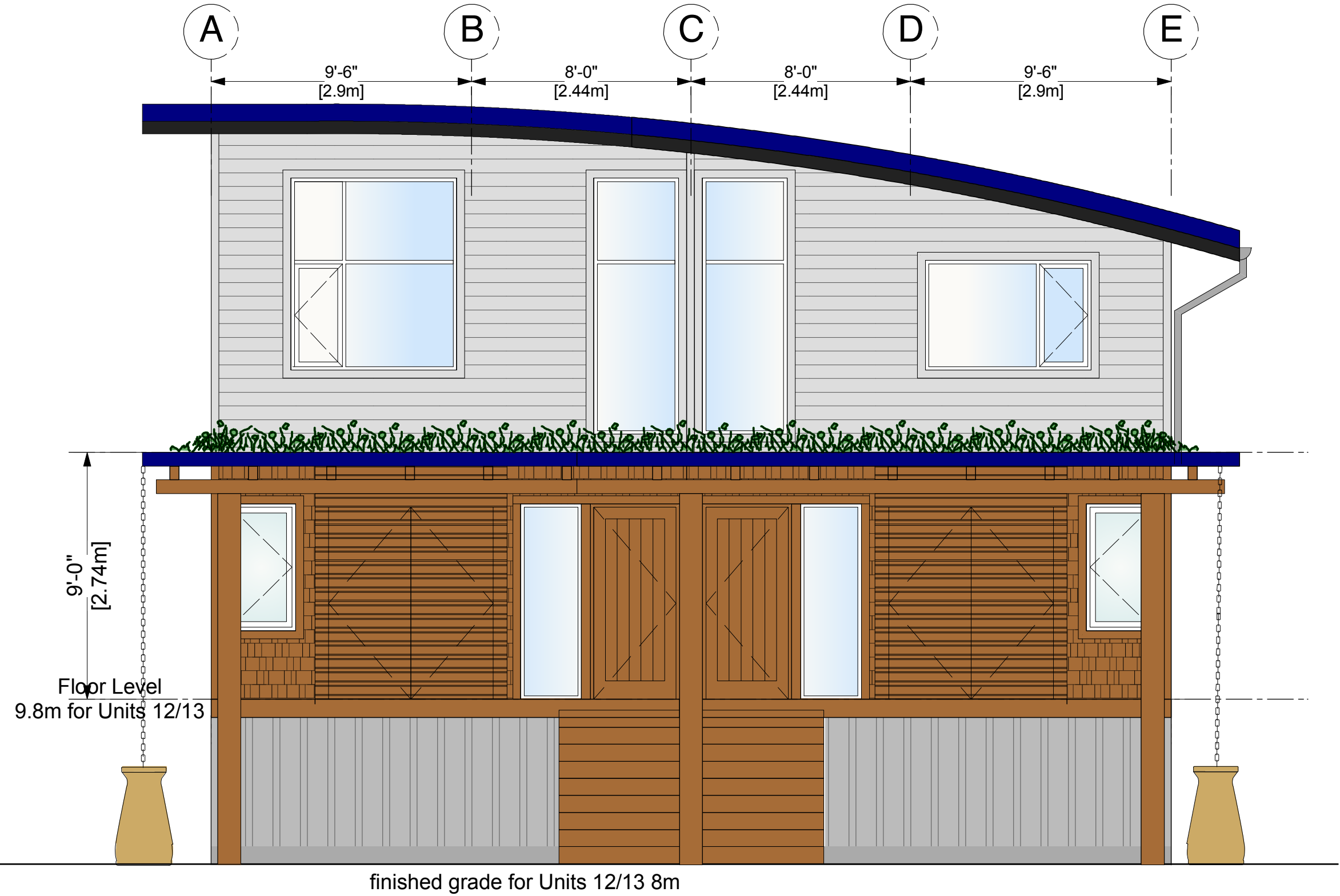
**4090 BAYRIDGE AVE.
WEST VANCOUVER
BRITISH COLUMBIA
CANADA, V7V 3K1**

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FAX (604) 921-0755

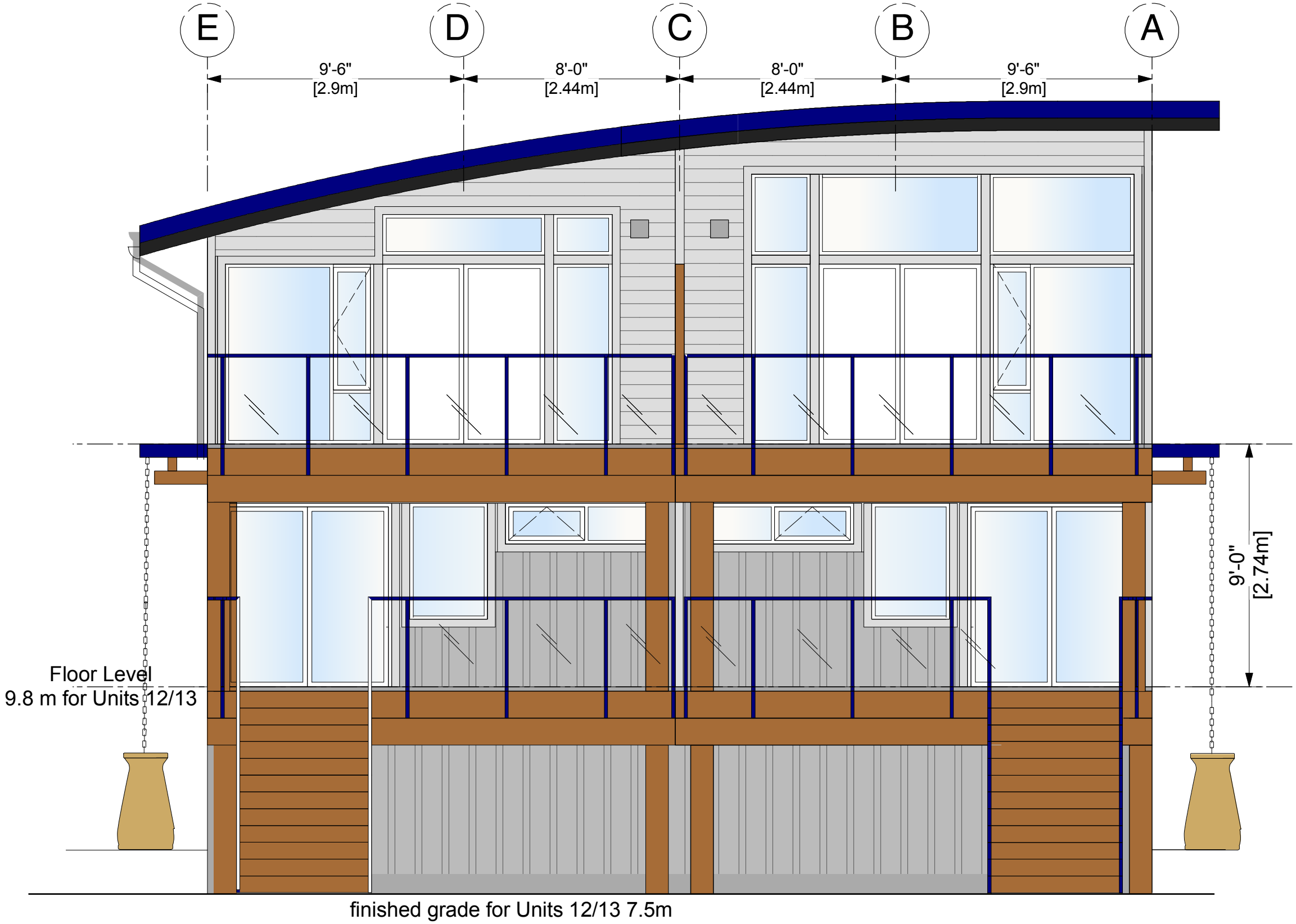
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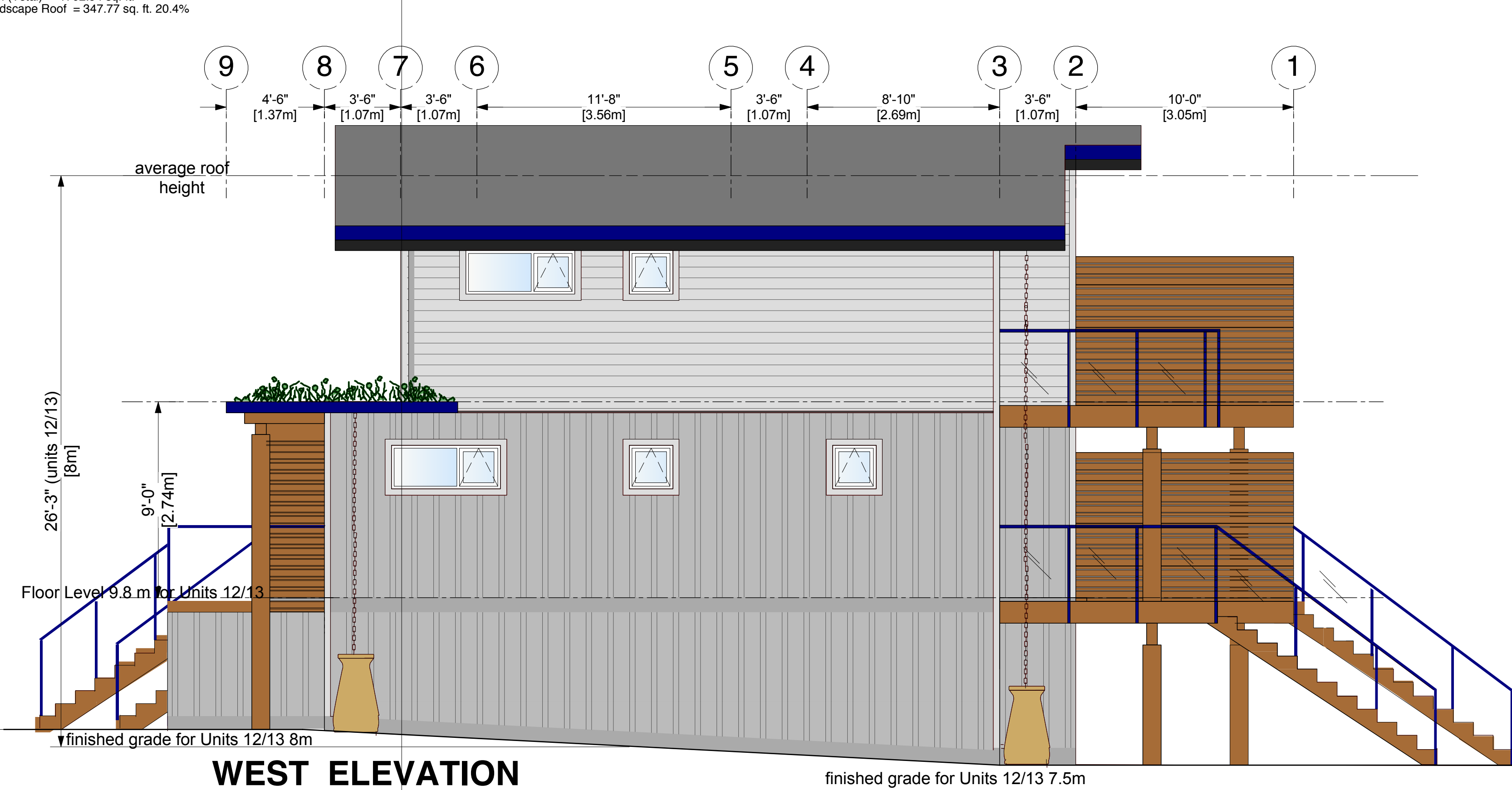
Roof Material Areas:
Roof (Total) = 1702.94 sq. ft.
Landscape Roof = 347.77 sq. ft. 20.4%



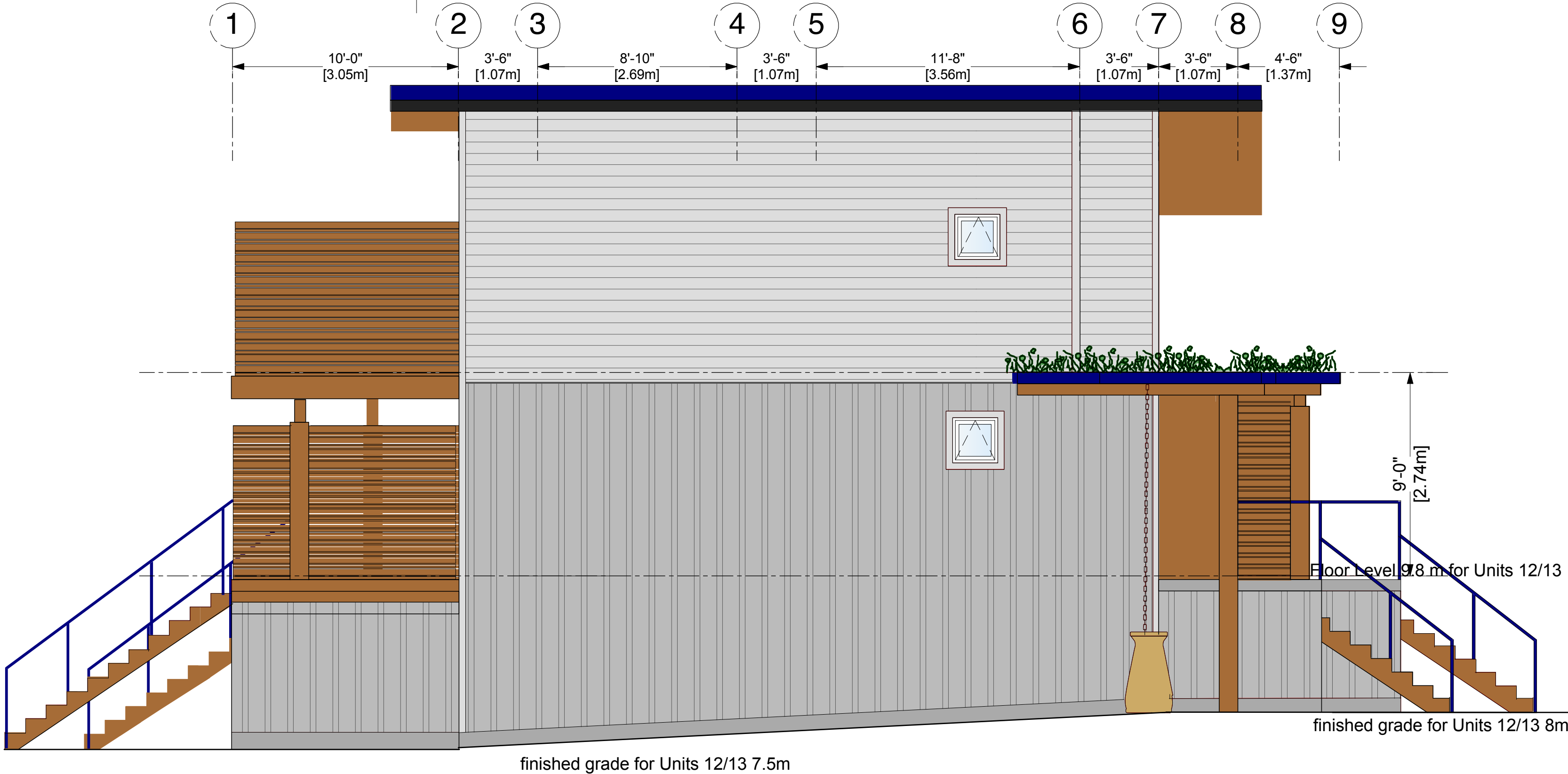
NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION

No.	Revision	Date
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THE THATCH

Hornby Island, B.C.

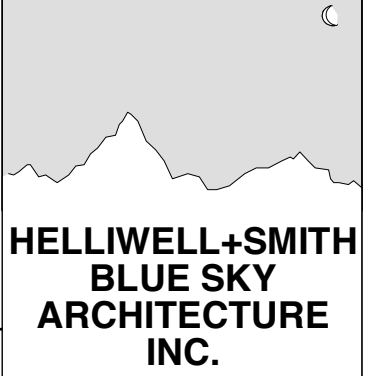
SHEET TITLE:
Elevations
Units
12/13

DRAWN BY:

SCALE:
1/4" = 1'0"

FIRST ISSUED:
09/09/11

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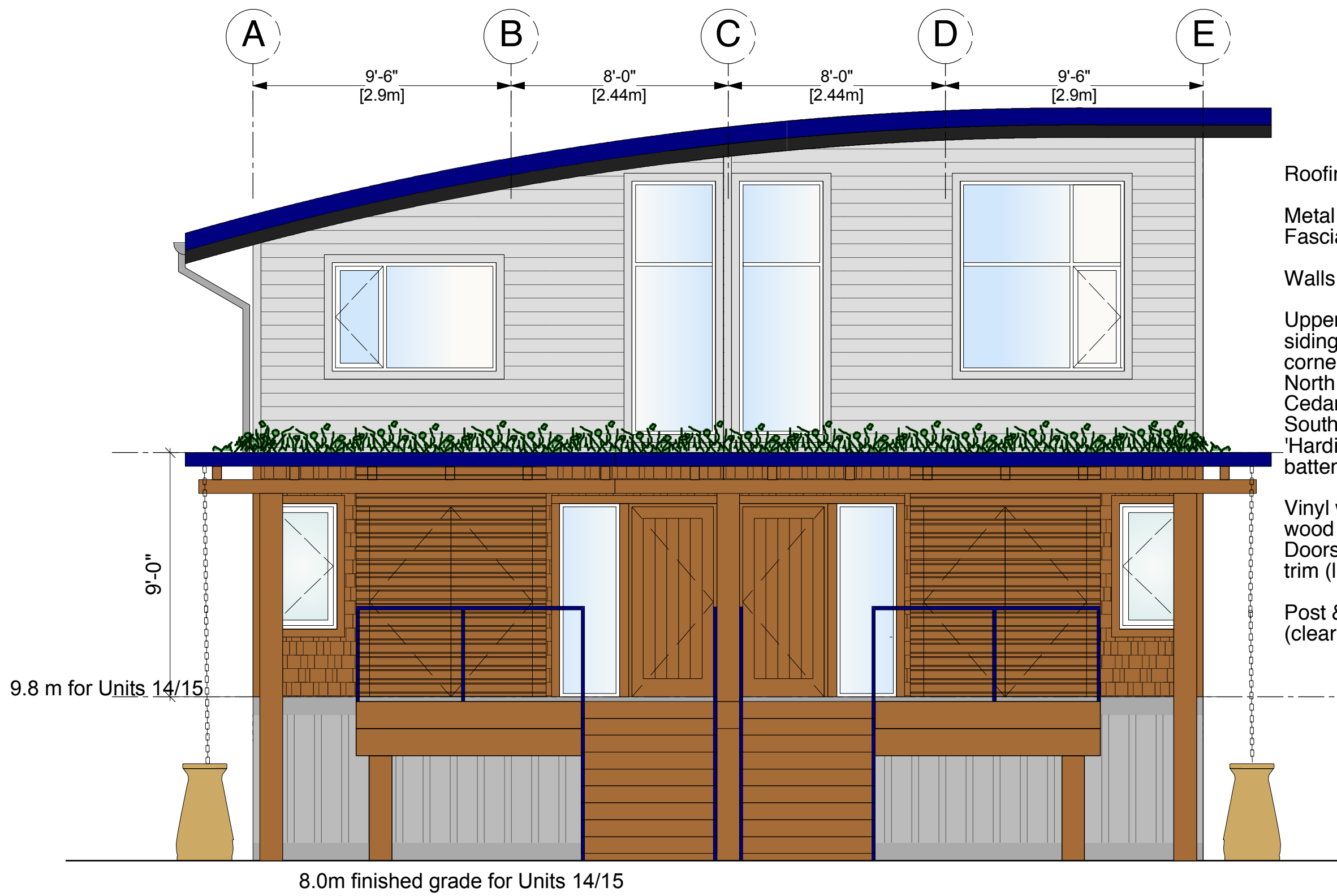
PHONE (604) 921-8646
FAX (604) 921-0755

SHEET NO.
A802



A901

No.	Revision	Date
1	DP DB	14/10/11
2	DP DV	10/05/12



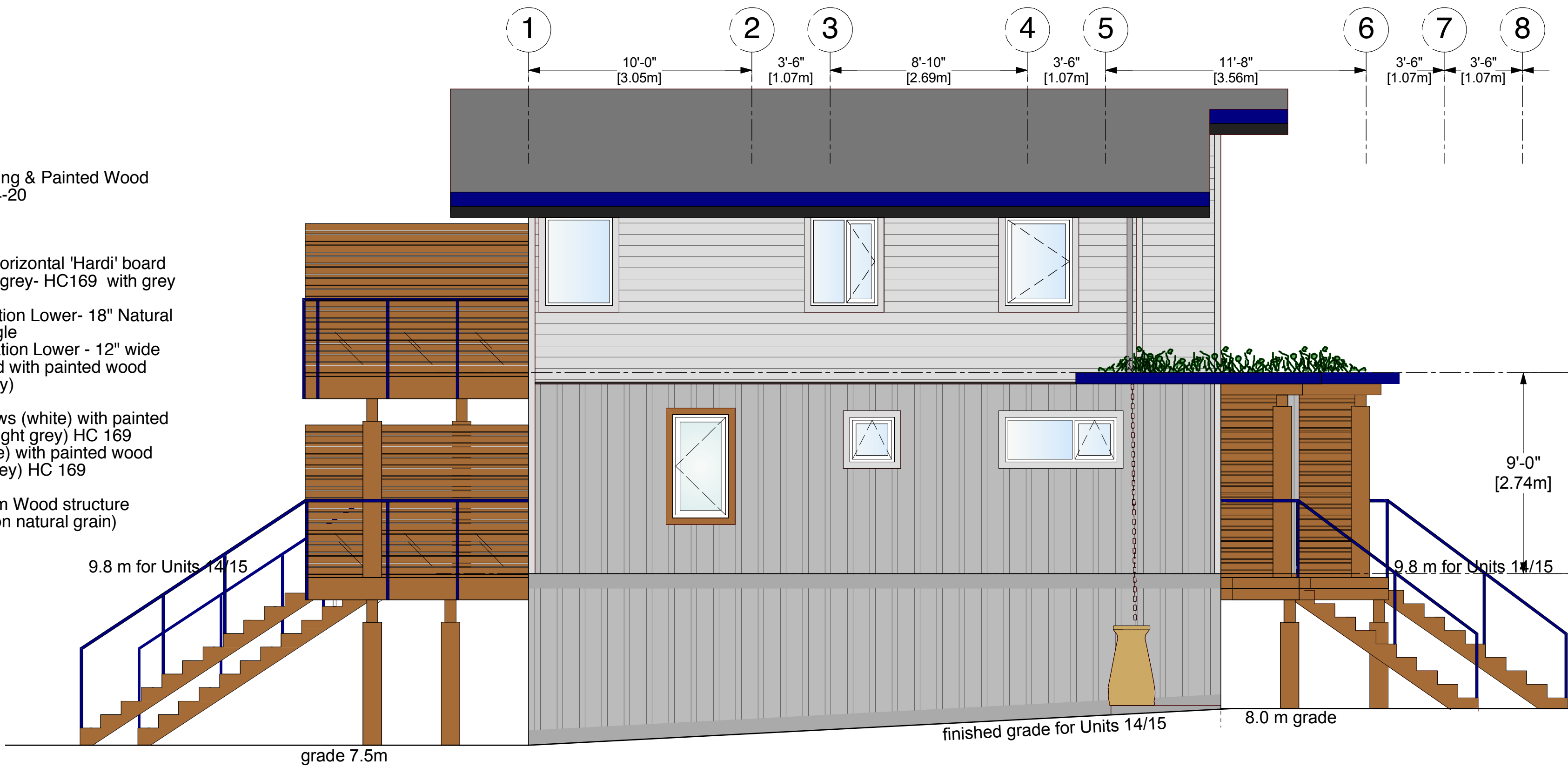
NORTH ELEVATION

Roofing:
Metal Flashing & Painted Wood
Fascia 2064-20

Walls:
Upper - 6" horizontal 'Hardi' board
siding -light grey- HC169 with grey
corner bead
North Elevation Lower- 18" Natural
Cedar Shingle
South Elevation Lower - 12" wide
'Hardi' board with painted wood
battens (grey)

Vinyl windows (white) with painted
wood trim (light grey) HC 169
Doors (white) with painted wood
trim (light grey) HC 169

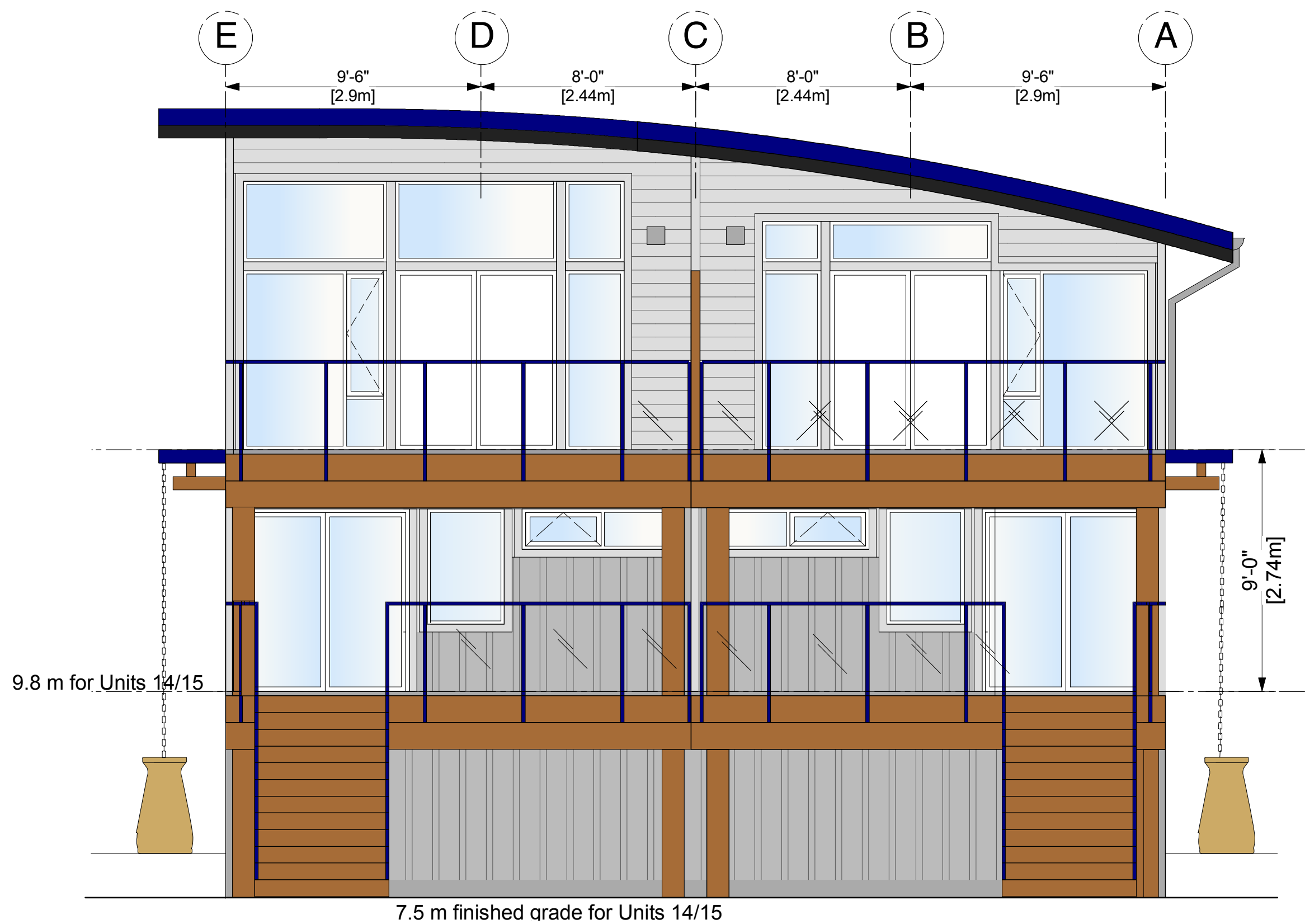
Post & Beam Wood structure
(clear seal on natural grain)



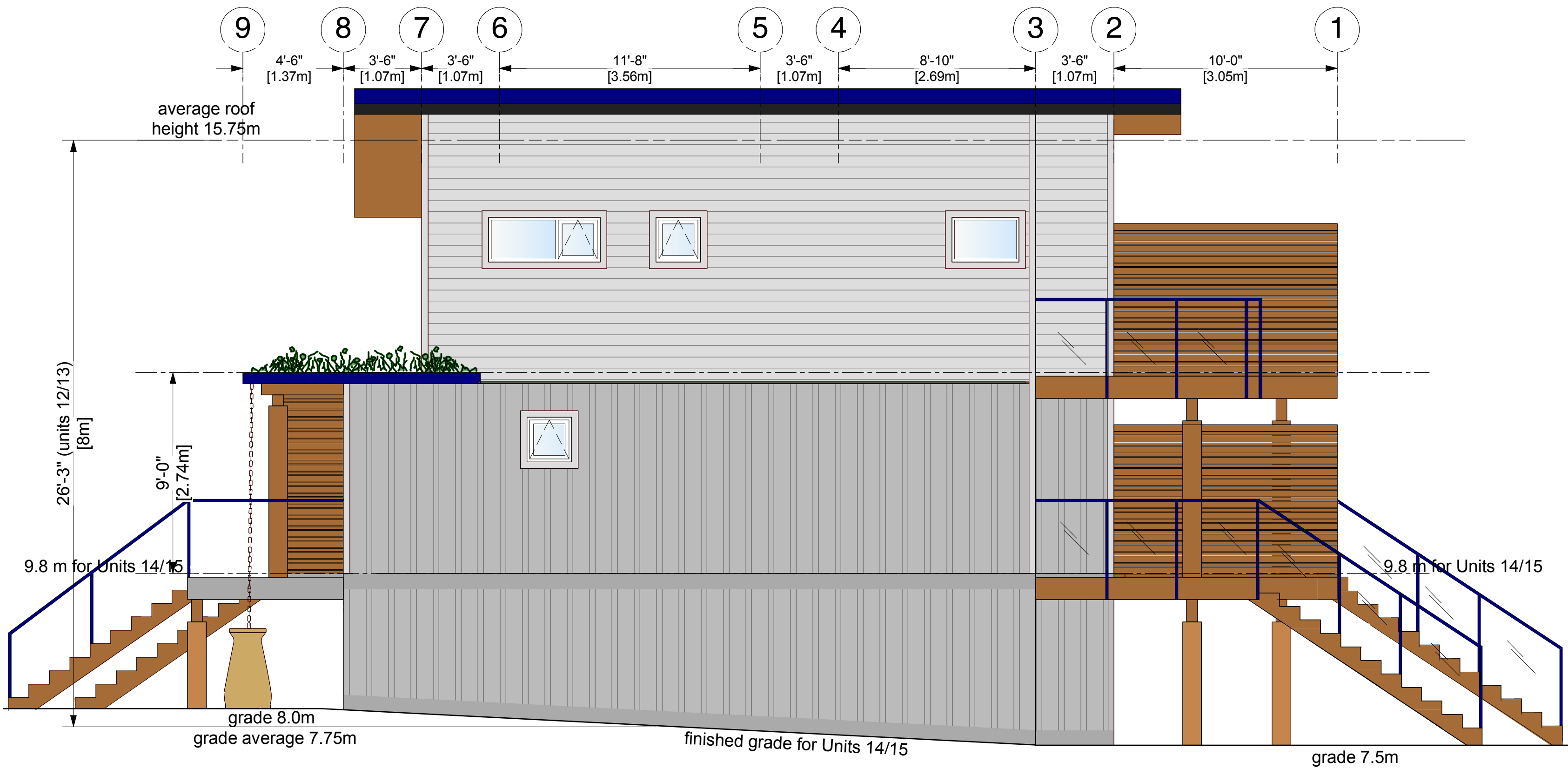
EAST ELEVATION

Roof Material Areas:

Roof (Total) = 1702.94 sq. ft.
Landscape Roof = 347.77 sq. ft. 20.4%



SOUTH ELEVATION



WEST ELEVATION

ELEVATIONS FOR UNITS 14/15

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Hornby Island, B.C.

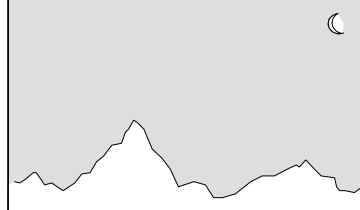
SHEET TITLE:
**Elevations
Units
14/15**

DRAWN BY:

SCALE:
1/4" = 1'0"

FIRST ISSUED:
09/09/11

CHECKED BY:
BH,KS



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BLUE SKY
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SHEET NO.

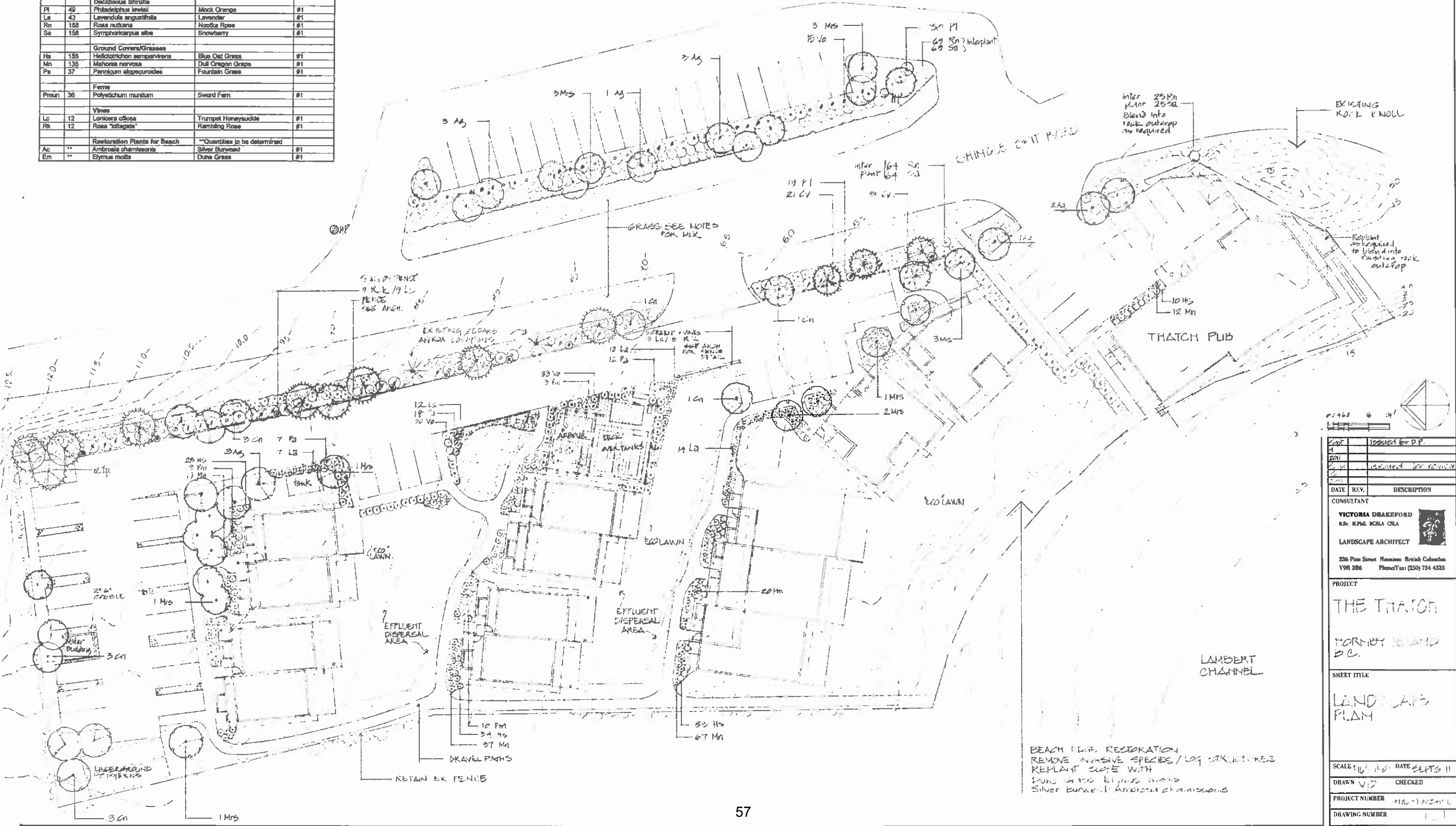
A902

PLANT LIST

Key	Qty	Botanical Name	Common Name	Pot Size
Deciduous Trees				
Ag	13	Acer glabrum	Paperbark Maple	4 cm cal
Cn	13	Cornus nuttallii	Pacific Dogwood	4 cm cal
Mrs	19	Malus rostrata	Crabapple	4 cm cal
Evergreen Trees				
Tp	12	Thuja plicata	Western Red Cedar	2 m. ht.
Evergreen Shrubs				
Cv	52	Conocarpus victoriae	California Lilac	#1
Vo	75	Vaccinium ovatum	Evergreen Huckleberry	#1
Deciduous Shrubs				
Fl	49	Philadelphus lewisii	Mock Orange	#1
La	43	Lavandula angustifolia	Lavender	#1
Rn	158	Rosa nutkana	Noddy Rose	#1
Se	158	Symphoricarpos alba	Snowberry	#1
Ground Covers/Grasses				
Hs	155	Helleborus sempervirens	Blue Oat Grass	#1
Mn	135	Mahonia nervosa	Dull Oregon Grape	#1
Pa	37	Panicum alopecuroides	Fountain Grass	#1
Ferns				
Pm	36	Polystichum maritimum	Sword Fern	#1
Vines				
Lc	12	Lonicera ciliosa	Trumpet Honeysuckle	#1
Rk	12	Rosa 'driftgate'	Rambling Rose	#1
Restoration Plants for Beach				
Ac	**	Ambrosia chamissonis	Silver Burweed	#1
Em	**	Elymus mollis	Dune Grass	#1

SCHEDULE B1 LANDSCAPE PLAN
HO-DP-2011.1 (HORNBY ISLAND RESORT LTD)

- Notes:
- Refer to Architectural Plans for grading.
 - Refer to Civil Engineering plans for details on tanks and dispersal fields.
 - All plants and planting to be to BCSLA Standards, latest edition. The Landscape Contractor shall make him/herself aware of all prevailing standards referenced therein and execute work accordingly as it will govern all landscape preparations, execution and deficiencies. Soil depths to be 6" under grassed areas, 12" under groundcovers and grasses, 18" under shrubs and 24" depth for all trees. All planted areas to be mulched.
 - All plants have been selected for drought tolerance once established. Watering will be required during dry periods for 2 years after planting.
 - Seed Mixes.
 - Eco-Lawn (or equivalent) to be used on the lawn areas between the houses - available from Connors Nursery, 808 East Island Highway, Parksville, 1 250 248 0083
 - Pickweed Coastal Native Landscape Mix (or equivalent) to be used on the areas adjacent to the road (Toll Free 1 877 504 7564)
 - Pedestrian paths to be 4" depth of 1/4" minus gravel on compacted subgrade, with a 2% cross slope for drainage.



SCHEDULE B2 LANDSCAPE COST ESTIMATE

HO-DP-2011.1 (HORNBY Island Resort Ltd)
 Victoria Drakeford
 Landscape Architect
 236 Pine Street
 Nanaimo, B.C. V9R 2B6
 phone/fax 754-4335

PRELIMINARY COST ESTIMATE SOFT LANDSCAPING

PROJECT :
LOCATION :
DATE :

**The Thatch
 Hornby Island
 Sept 5 2011**

ITEM	QUANTITY	UNIT PRICE	SUBTOTAL
Site Preparation			
fine grading and soil placement	39686	\$ 0.15 sq.ft.	\$ 5,952.90
Topsoil	0 cu.yd.	\$ 35.00 cu.yd.	
trees	21 trees	\$ 25.00 cu.yd.	\$ 525.00
shrubs(18" depth)	336 cu yds	\$ 25.00 cu yds	\$ 8,400.00
shrubs(12" depth)	105 cu yds	\$ 25.00 cu yds	\$ 2,625.00
Irrigation			
	0 sq.ft.	\$ 1.00 sq.ft.	\$ -
Plants			
trees	21 each	\$ 300.00 per tree	\$ 6,300.00
shrubs, 1 gallon	881 shrubs	\$ 10.00 per plant	\$ 8,810.00
Lawn			
eco lawn seed, 4" topsoil	17456 sq.ft.	\$ 0.35 sq.ft.	\$ 6,109.60
native grass mix, 4" topsoil	6048 sq.ft.	\$ 0.35 sq.ft.	\$ 2,116.80
Mulch (4 " depth)	8878 sq.ft.	\$ 0.50 sq.ft.	\$ 4,439.00
TOTAL COST SOFT LANDSCAPE			\$ 45,278.30

This is an ESTIMATE, based on the initial concept drawing. It is to be used for reference only.

PROPOSED



Islands Trust

**HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
HO-DVP-2012.2 (Hornby Island Resort Ltd)**

To: John Ross/Hornby Island Resort Ltd.

1. This Development Variance Permit applies to the land described below:

**Lot B, Section 4-A, Hornby Island, Nanaimo District, Plan 24913,
Except Part in Plan 2638 RW**

2. "Hornby Island Land Use Bylaw No. 86, 1993" is varied as follows:

- A. Section 3.6 (Height Regulations) which states that accessory buildings and structures must not exceed a height of 6 m (20 ft) is varied in order to authorize construction of visitor accommodation units #8 through #11 at a height of 6.5 metres and units #12 through #15 at a height of 8.0 metres as shown on Schedule A1 through A9, attached to and forming part of this permit.
- B. Section 9.16.5 (Siting and Size) which states that the minimum setback for all buildings and structures, except for a fence or pump/utility house shall be
 - a. 9.16.5.1 6.0 meters from a front lot line
 - b. 9.16.5.5 6.0 meters from an exterior side lot line

is varied to allow the pub/restaurant to be sited within 0.3 meters of the front and exterior side lot lines (Shingle Spit Road) as shown on Schedule A1 attached to and forming part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Hornby Island Land Use Bylaw No. 86, 1993" and obtain other approvals necessary for completion of the proposed development.

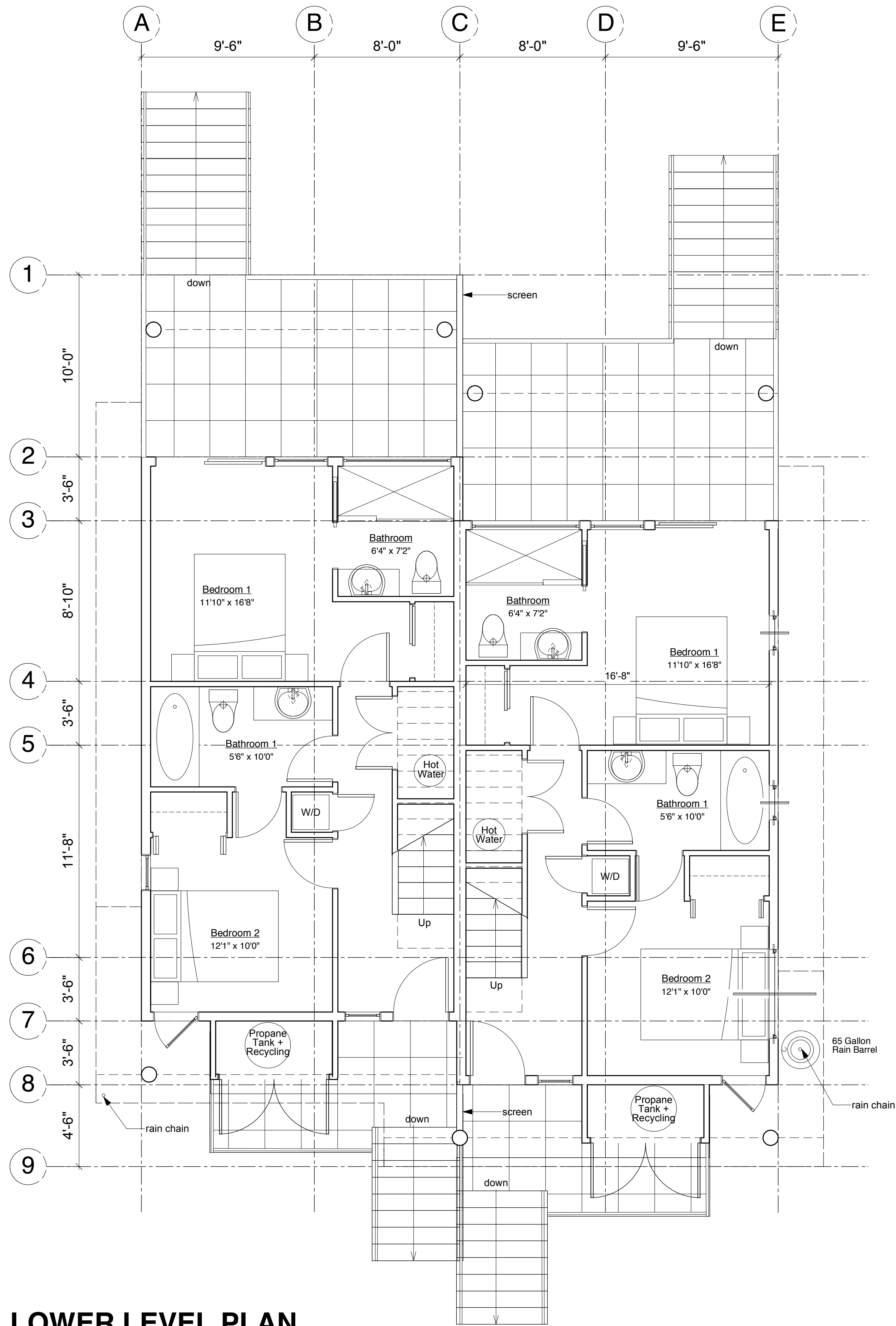
**AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST
COMMITTEE THIS -- DAY OF --, 2012.**

Deputy Secretary, Islands Trust

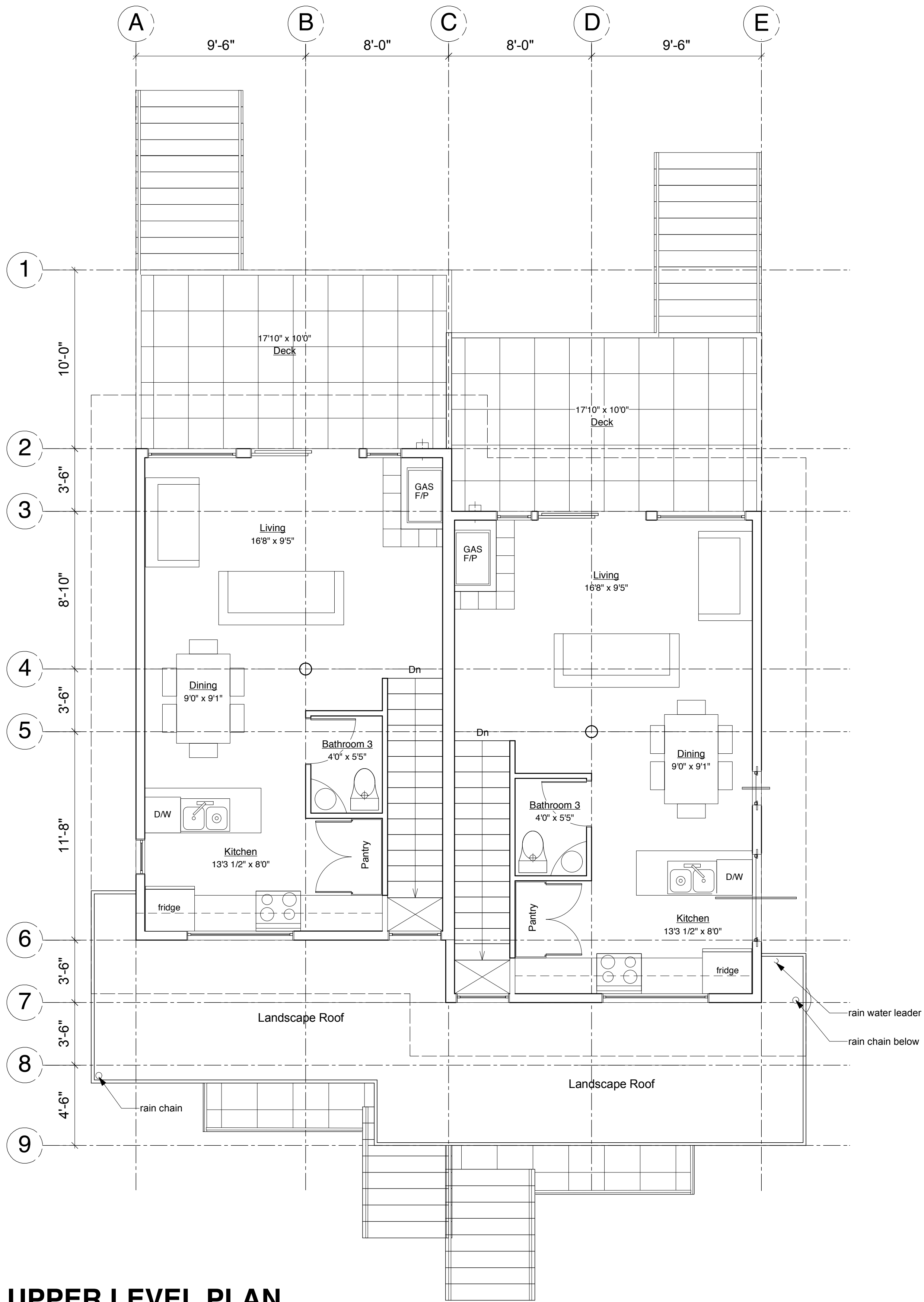
Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____
DAY OF --, 2014 THIS PERMIT AUTOMATICALLY LAPSES.**

		Floor Area	Roof Area	Green Roof Area	% Green Roof	South Wall Area	South Wall Area	% Glazing
PUB		4547.5 sq.ft.	4232sq. ft.	3802sq. ft.	89.8%	1400sq. ft.	895sq. ft.	63.9%
	PUB/ RESTAURANT	3363.5 sq.ft.						
	LIQUOR STORE	354 sq.ft.						
	MANAGER SUITE	830 sq.ft.						
UNITS 1 2 3		3000 sq.ft.	4126sq. ft.	861sq. ft.	20.9%			
	Unit 1	1000 sq.ft.				275sq. ft.	205sq. ft.	74.5%
	Unit 2	1000 sq.ft.				346sq. ft.	278sq. ft.	80.3%
	Unit 3	1000 sq.ft.				275sq. ft.	205sq. ft.	74.5%
UNITS 4 5		1992 sq.ft.	1729sq. ft.	412sq. ft.	23.8%			
	Unit 4	992 sq.ft.				334sq. ft.	252sq. ft.	75.4%
	Unit 5	1000 sq.ft.				313sq. ft.	262sq. ft.	83.7%
UNITS 6 7		1889 sq.ft.	1634.5sq. ft.	326.9sq. ft.	20.0%			
	Unit 6	890 sq.ft.				344sq. ft.	237sq. ft.	68.9%
	Unit 7	1000 sq.ft.				402sq. ft.	243sq. ft.	60.4%
UNITS 8 -15								
	Unit 8	1000 sq.ft.	1703sq. ft.	348sq. ft.	20.4%	166sq. ft.	110sq. ft.	66.3%
	Unit 9	1000 sq.ft.				200sq. ft.	142sq. ft.	71.0%
	Unit 10	1000 sq.ft.	1703sq. ft.	348sq. ft.	20.4%	200sq. ft.	142sq. ft.	71.0%
	Unit 11	1000 sq.ft.				166sq. ft.	110sq. ft.	66.3%
	Unit 12	1000 sq.ft.	1703sq. ft.	348sq. ft.	20.4%	200sq. ft.	142sq. ft.	71.0%
	Unit 13	1000 sq.ft.				200sq. ft.	142sq. ft.	71.0%
	Unit 14	1000 sq.ft.	1703sq. ft.	348sq. ft.	20.4%	166sq. ft.	110sq. ft.	66.3%
	Unit 15	1000 sq.ft.						
TOTAL		19428.5 sq.ft.	18533.5sq. ft.	6793.9sq. ft.	36.7%	4987.0sq.ft.	3270sq. ft.	65.6%



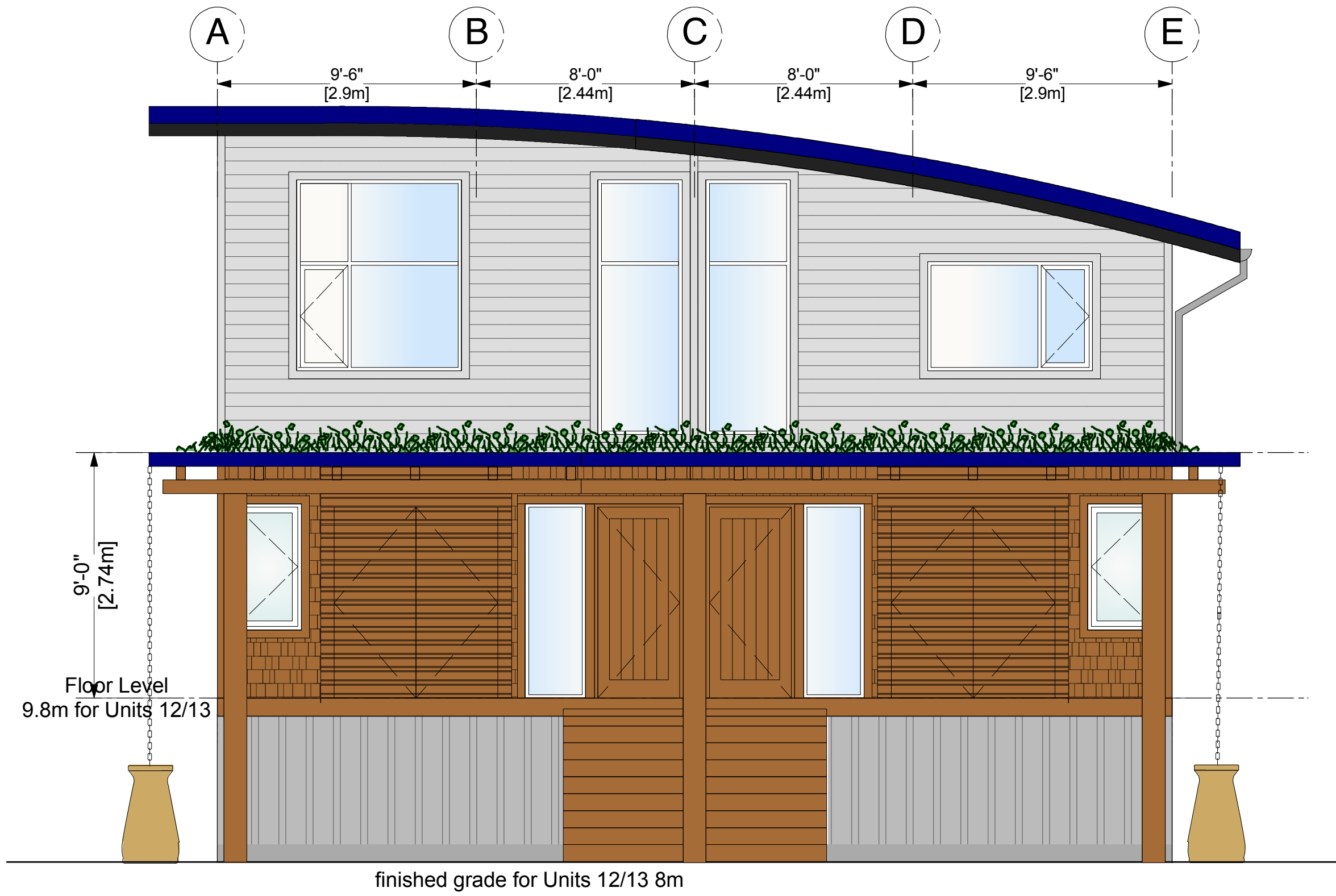
LOWER LEVEL PLAN



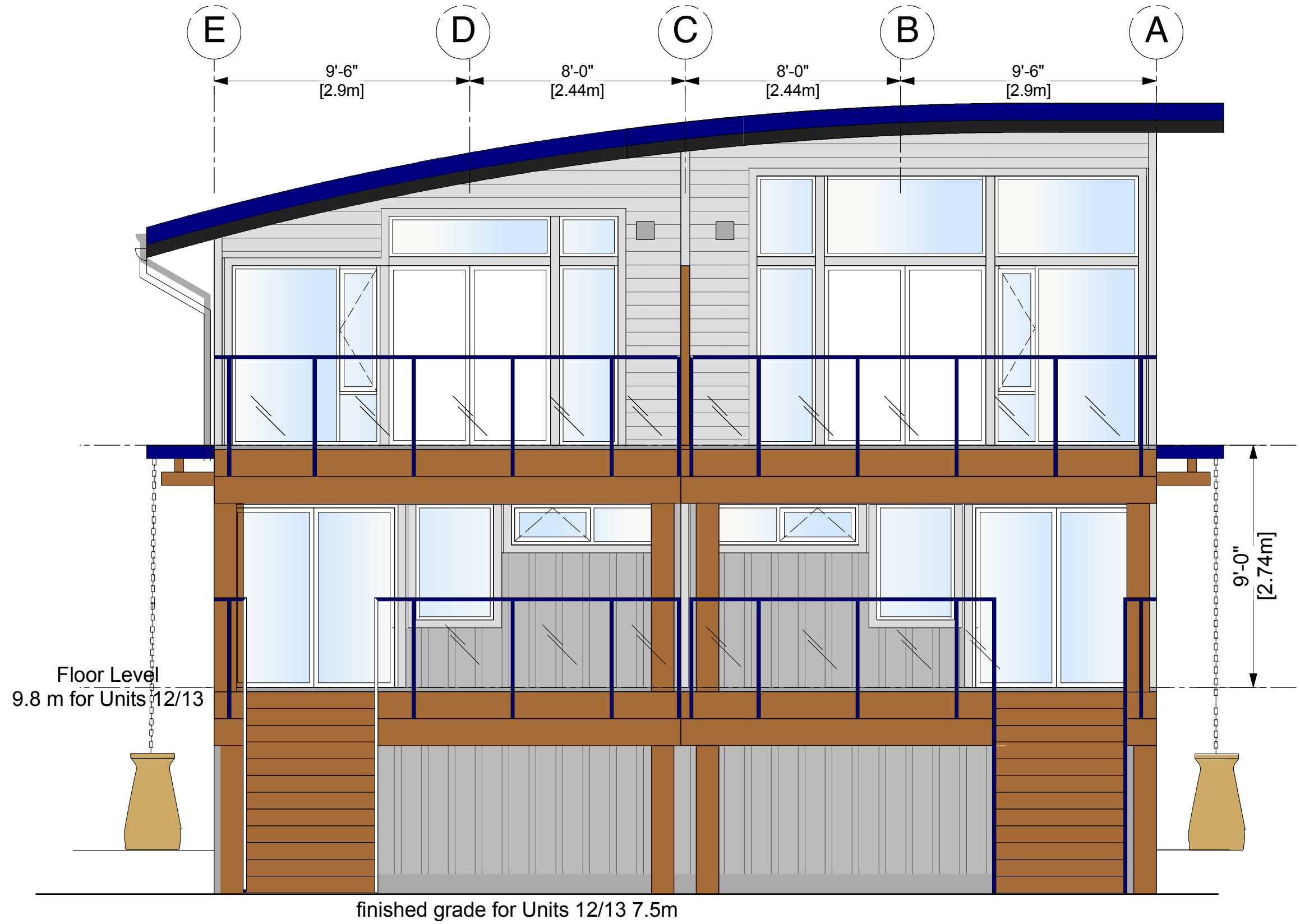
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THE THATCH		
Hornby Island, B.C.		
SHEET TITLE: PLANS - UNITS 12/13		
DRAWN BY:		
SCALE: 1/4" = 1'0"		
FIRST ISSUED: 09/09/11		
CHECKED BY: BH,KS		
HELLIWELL+SMITH BLUE SKY ARCHITECTURE INC. 4090 BAYRIDGE AVE. WEST VANCOUVER BRITISH COLUMBIA CANADA, V7V 3K1 PHONE (604) 921-8646 FAX (604) 921-0755		
SHEET NO. A801		

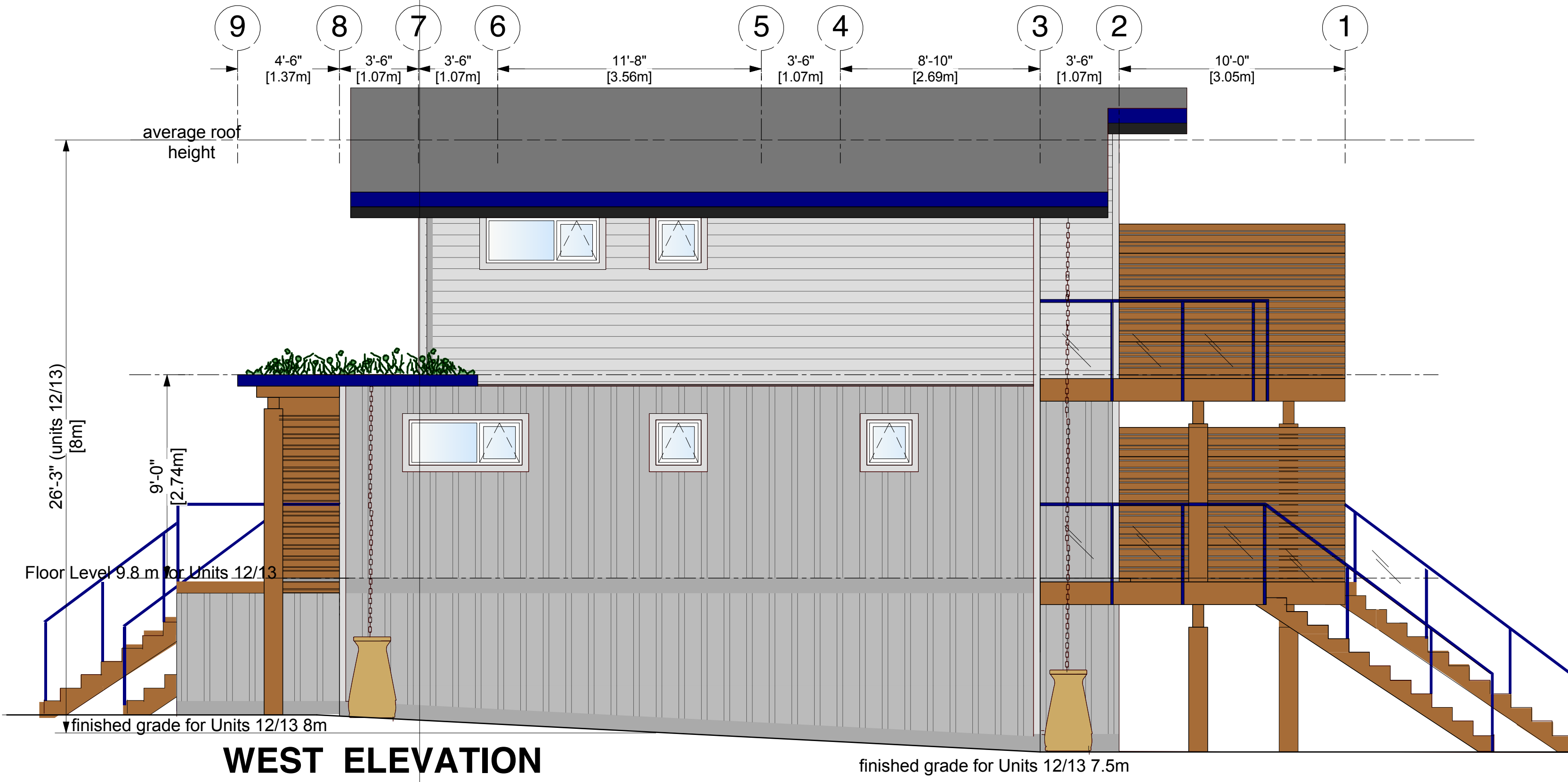
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Roof (Total) = 1702.94 sq. ft.
Landscape Roof = 347.77 sq. ft. 20.4%



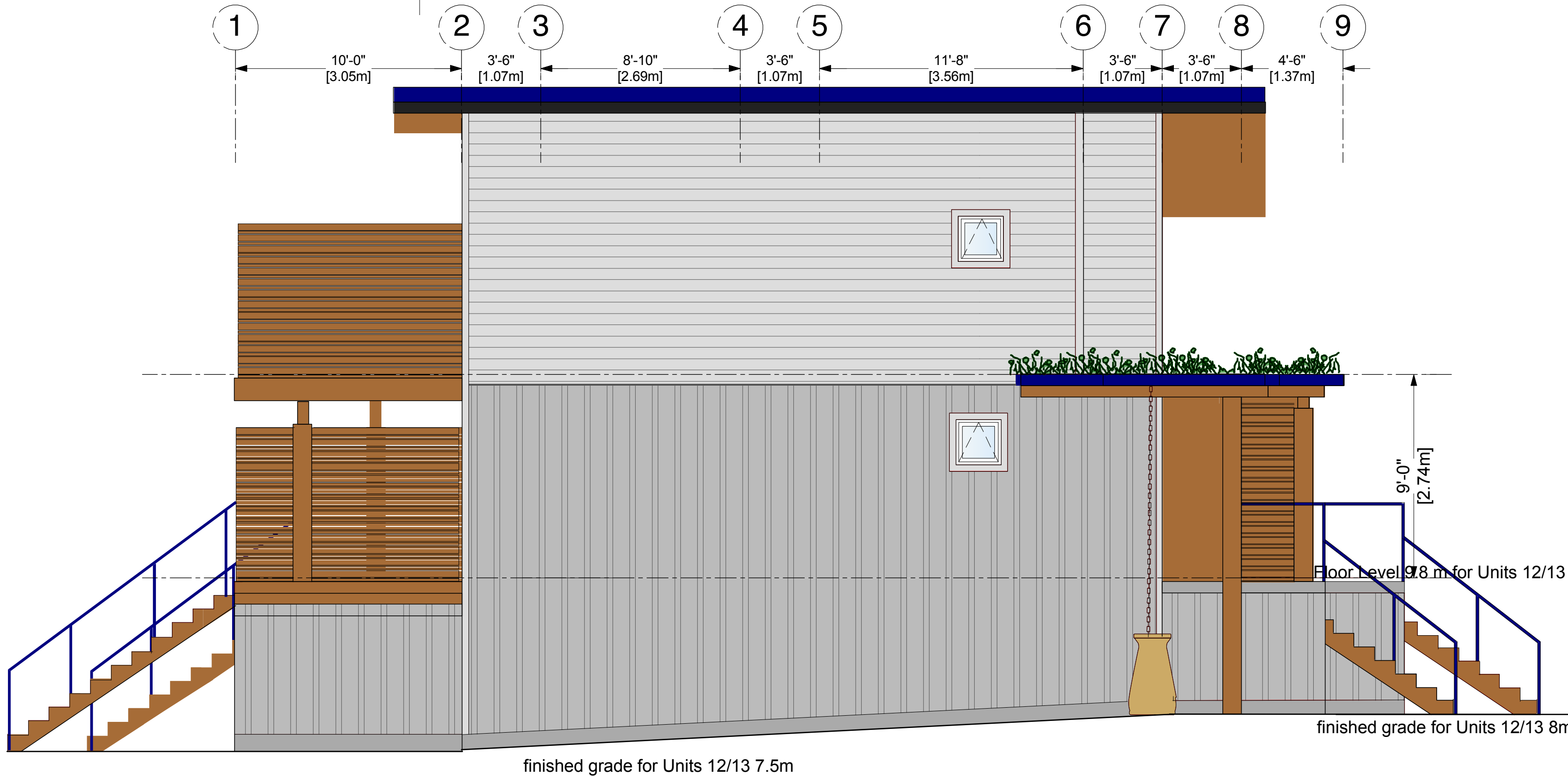
NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION

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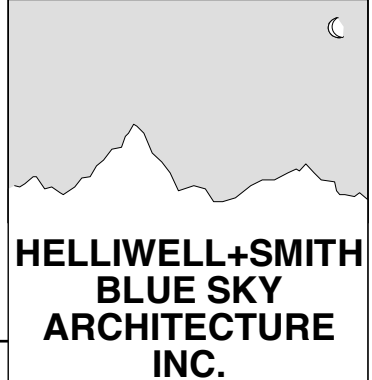
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Units
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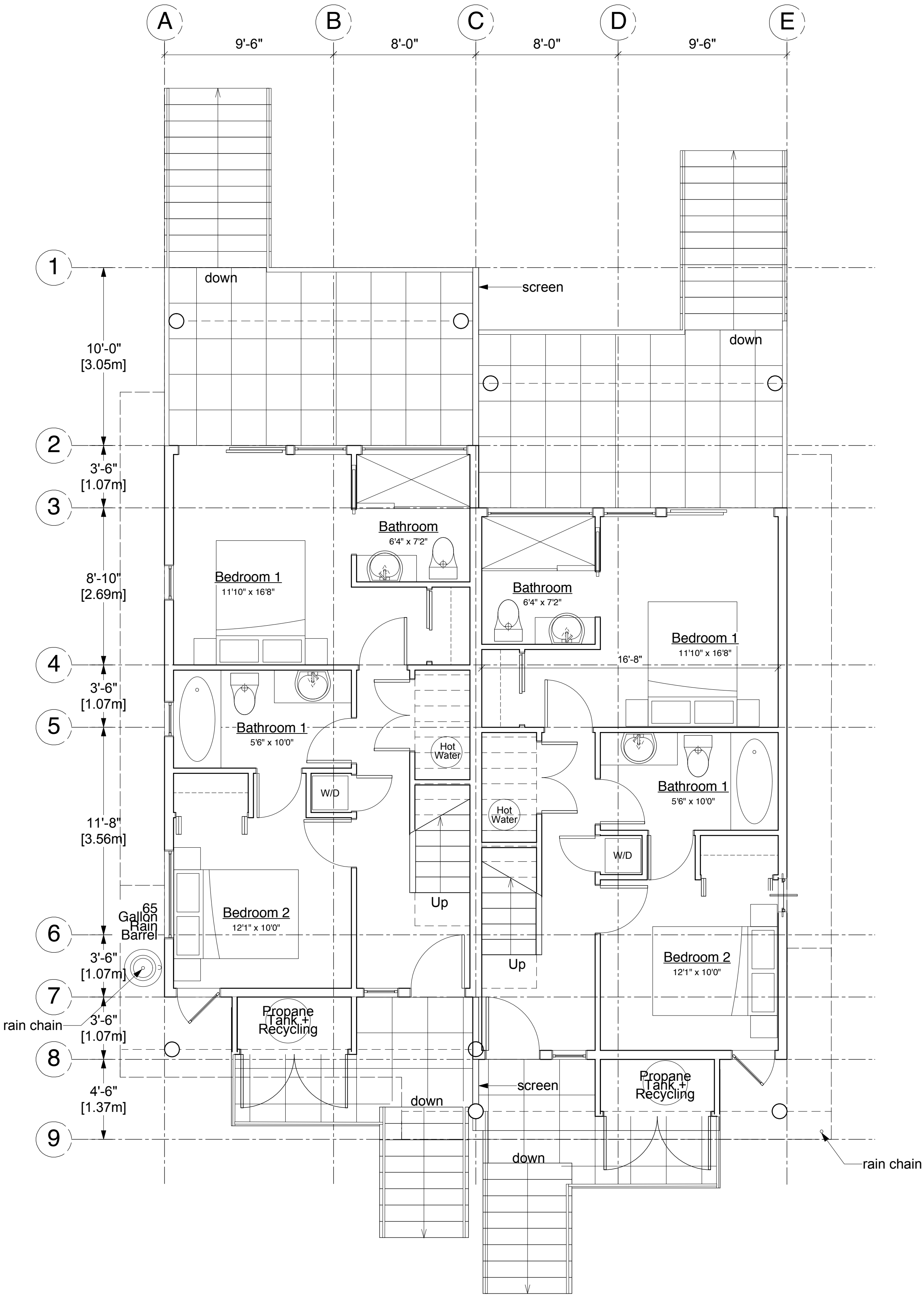
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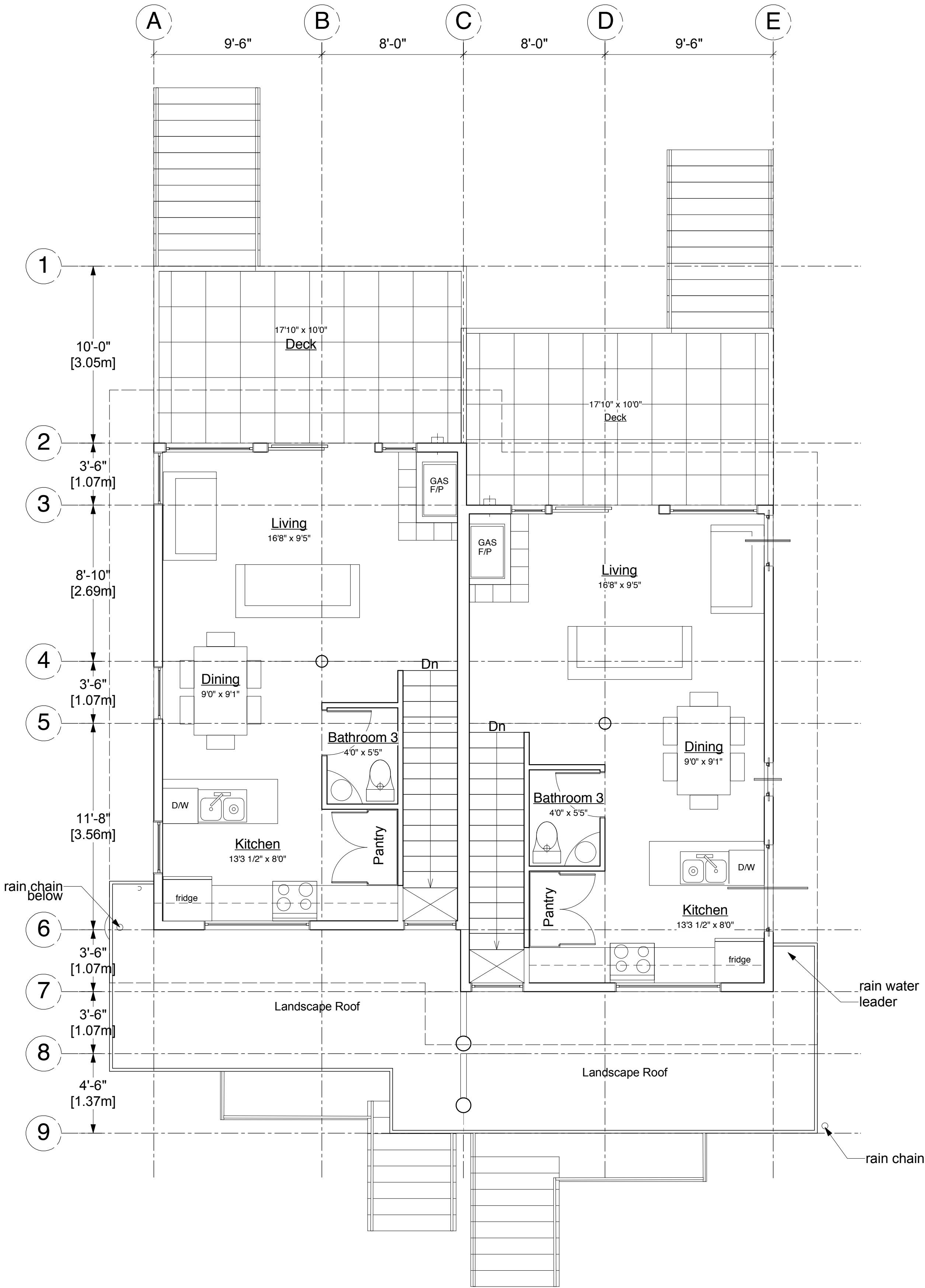
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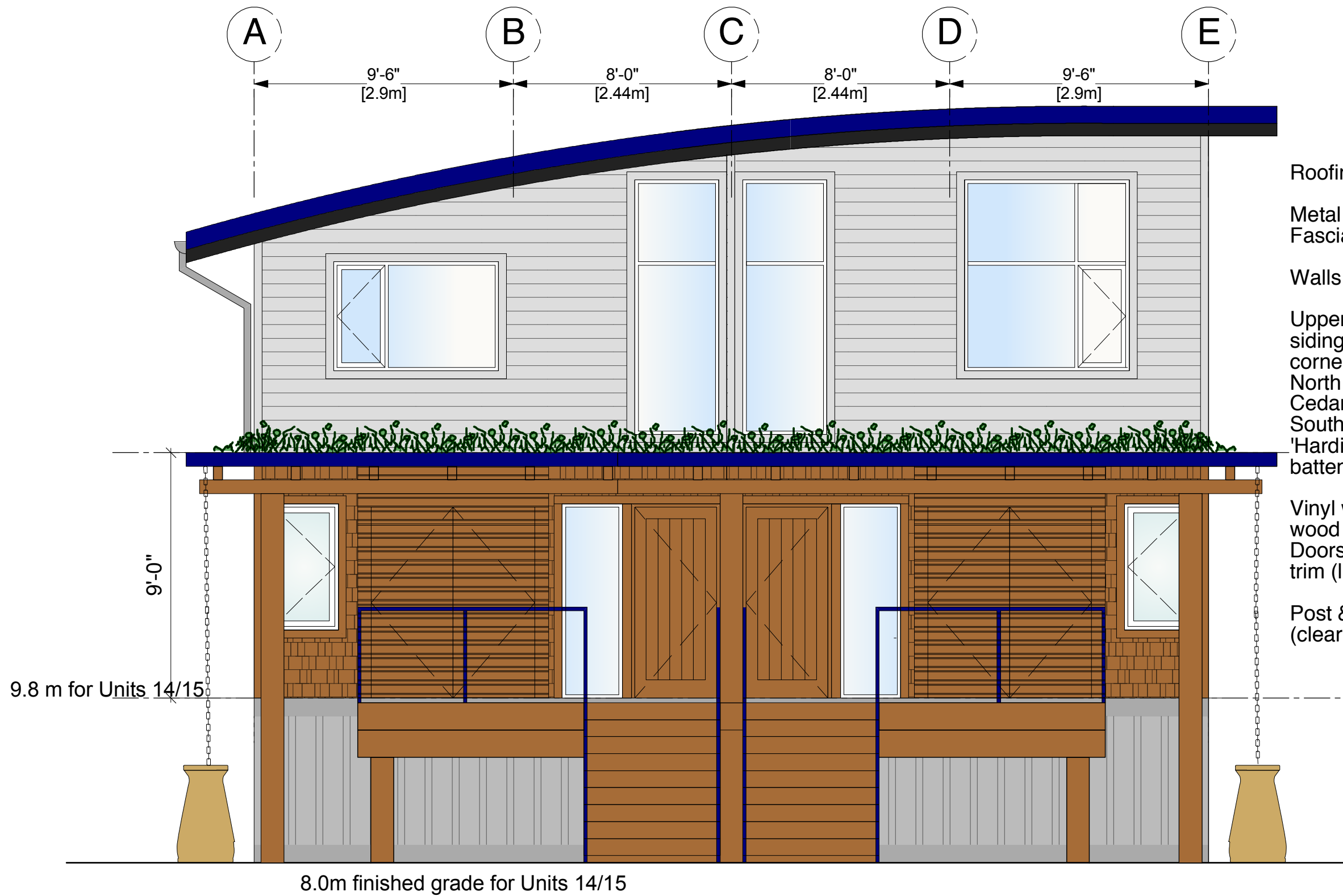


LOWER LEVEL PLAN

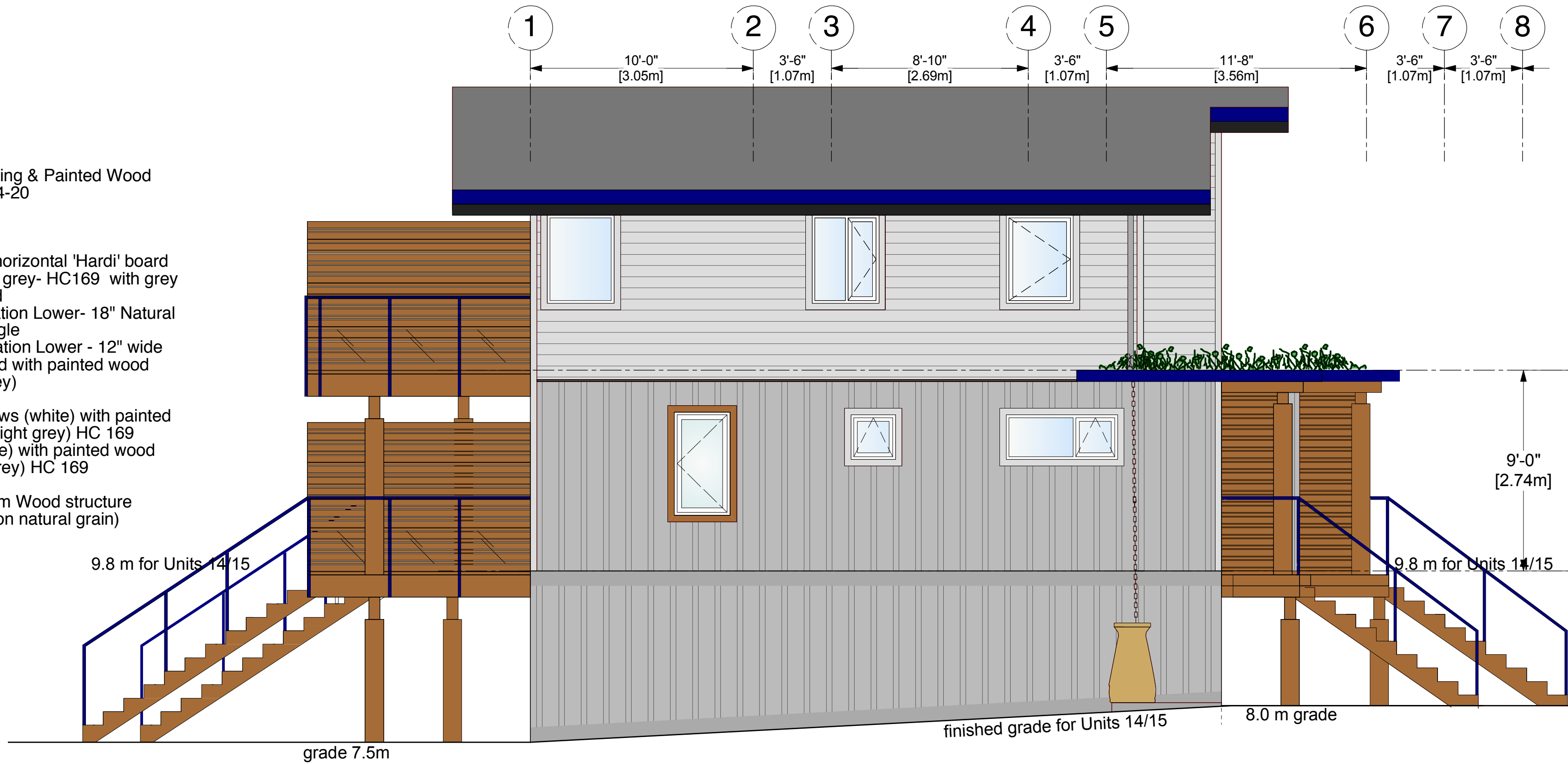


UPPER LEVEL PLAN

No.	Revision	Date
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NORTH ELEVATION



EAST ELEVATION

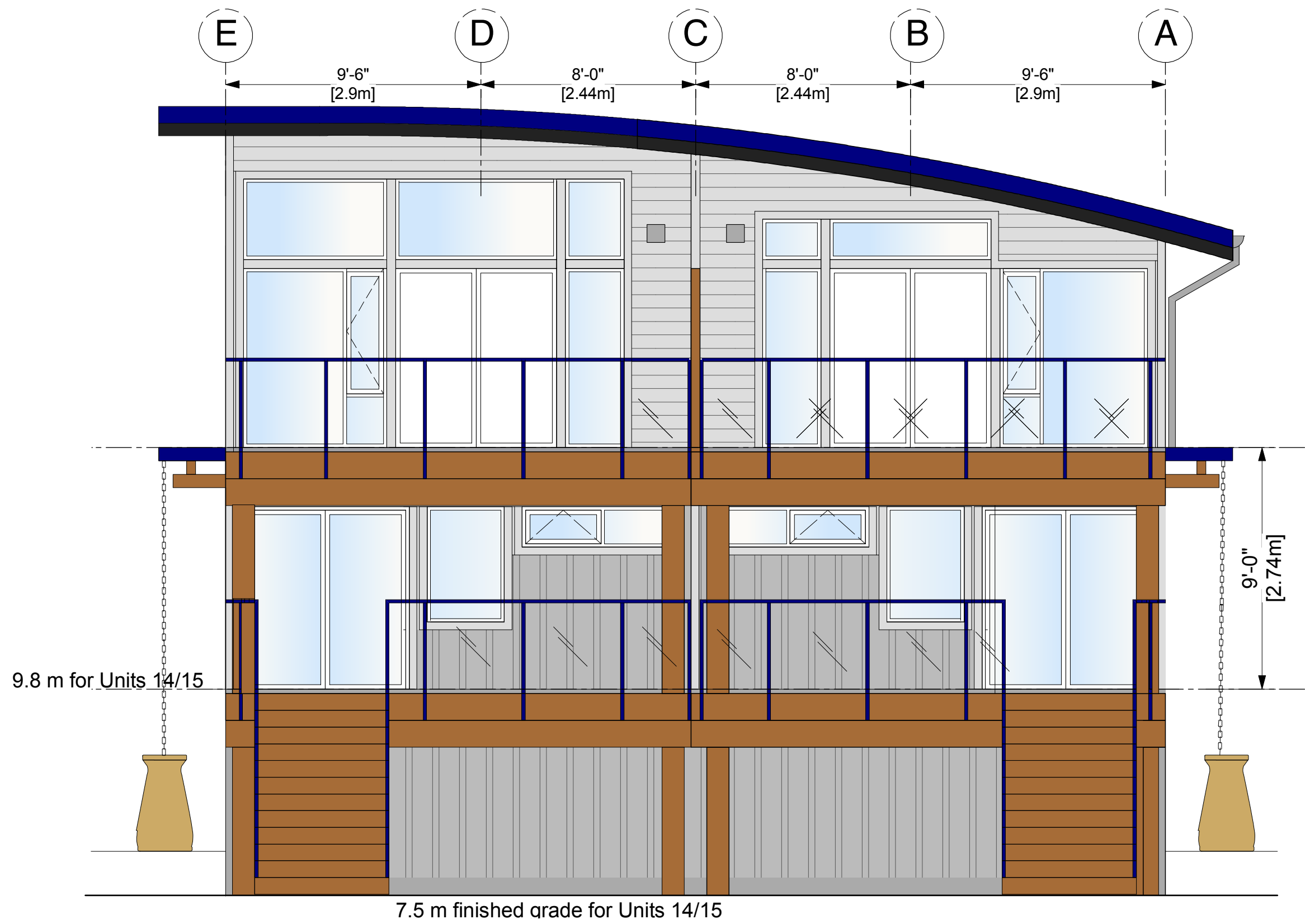
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Fascia 2064-20

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North Elevation Lower- 18" Natural
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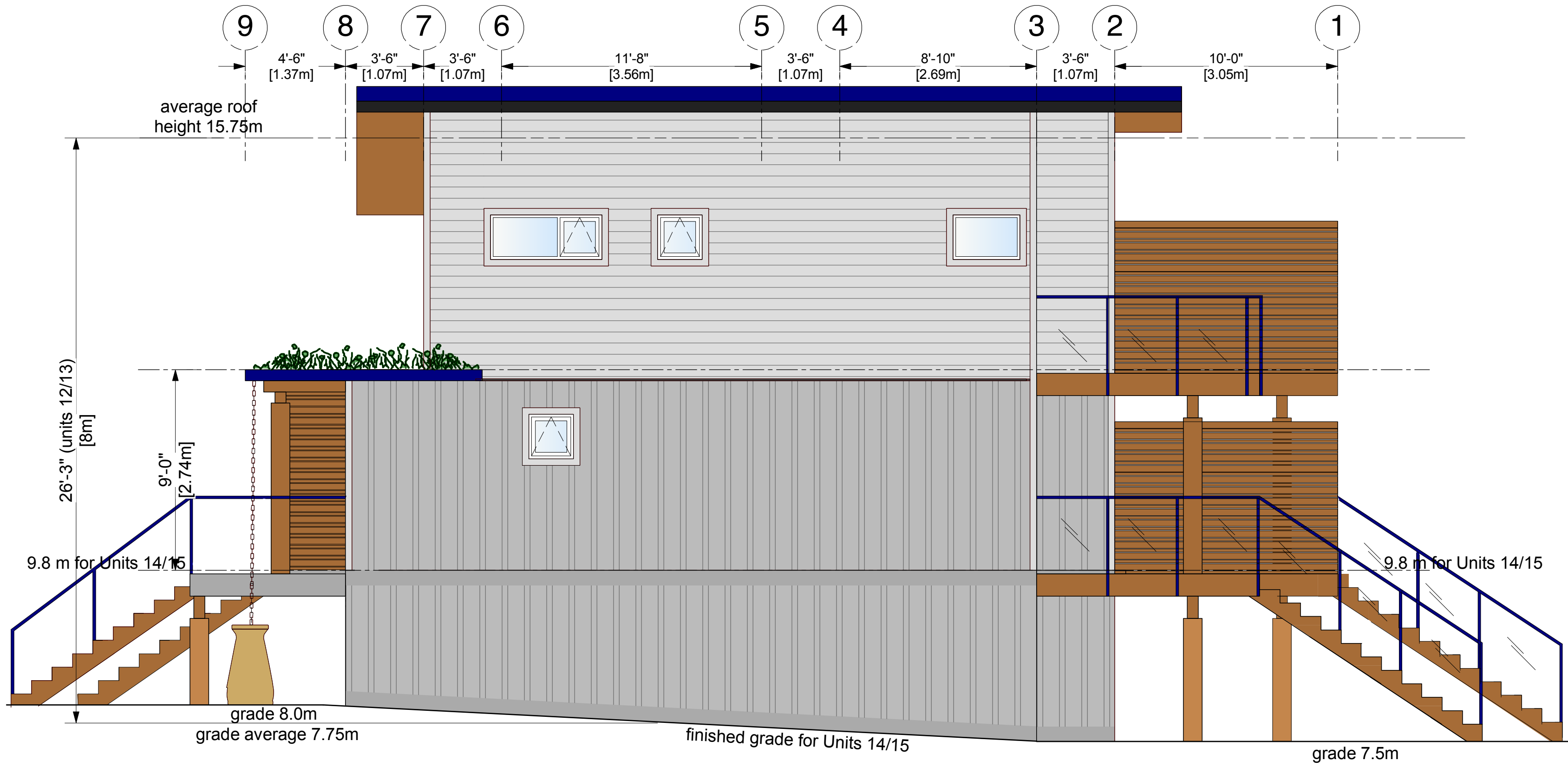
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Doors (white) with painted wood
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Post & Beam Wood structure
(clear seal on natural grain)

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SOUTH ELEVATION



WEST ELEVATION

ELEVATIONS FOR UNITS 14/15

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Elevations
Units
14/15

DRAWN BY:

SCALE:
1/4" = 1'0"

FIRST ISSUED:
09/09/11

CHECKED BY:
BH,KS

HELLIWELL+SMITH
BLUE SKY
ARCHITECTURE
INC.
4090 BAYRIDGE AVE.
WEST VANCOUVER
BRITISH COLUMBIA
CANADA, V7V 3K1
PHONE (604) 921-8646
FAX (604) 921-0755

SHEET NO.
A902

Ron McMurtrie and Associates, Consulting Engineers

5225 Jerow Road, Hornby Island, BC V0R 1Z0
(250) 335-2685 email: jasbreez@island.net

August 14, 2011

Hornby Island Resort
4325 Shingle Spit Road,
Hornby Island, BC
V0R 1Z0

ATTENTION: MR. JOHN ROSS
RE: THATCH PUB AND HORNBY ISLAND BEACH HOMES – DEVELOPMENT PERMIT
APPLICATION – SEWERAGE SYSTEM DESIGN
Project No: 0608

Dear Sir:

We have completed our preliminary design for the above noted project. The attached drawing dated 2011-08-10 shows the layout of the proposed tanks, treatment system and effluent dispersal areas. The system has adequate capacity to serve the proposed development and estimated daily design flow as follows:

Residential Units:

1. 15 – 2 bedroom units @ 900 lpd = 13,500 litres.

Commercial Building:

2. Pub Restaurant – 50 seats @ 125 lpd = 6,250 litres
3. Liquor Store/Staff – 4 persons @ 45 lpd = 180 litres
4. Caretakers Suite – 1 – 2 bedroom unit @ 900 lpd = 900 litres

Total Daily Design Flow: 20,830 litres

The proposed treatment system will provide advanced treatment of the effluent to 10mg/l Total Suspended Solids and 10mg/l Biochemical Oxygen Demand. The treated effluent will receive further treatment in a 30cm sand layer in the dispersal areas providing pathogen reduction to Type 3 standard (<400 MPN/100ml fecal coliform). Dispersal area sizing and system design is in accordance with Standard Practice as defined in the BC Sewerage System Regulation (Refer to Payne Engineering Geology report "Summary Report Evaluating Site and Soil Conditions for a Planned New Sewage System at Hornby Island Resort", dated January 18, 2009).

The system layout is in accordance with the BC Sewerage System Regulation, Standard Practice Manual and Islands Trust Zoning Bylaw with respect to setbacks to tanks and the dispersal areas as follows:

1. Well Setbacks: >30m to all potable drinking water wells for tanks and dispersal areas (the existing well adjacent to the existing pub and parking lot must be decommissioned to meet the 30m setback to the commercial building tanks – see note on drawing).
2. Building Setbacks: Minimum 3m from building foundations to dispersal areas.
3. Property Line Setbacks: Minimum 3m from property lines to the dispersal areas.
4. Marine Water Setbacks: >15m for dispersal areas and >10m for subsurface tanks.

We trust the foregoing meets your needs regarding your application for a Development Permit with Islands Trust.

Yours truly,


Ron McMurtrie, P.Eng.



FORM C_V18 (Charge)

VICTORIA LAND TITLE OFFICE

Jul-07-2011 15:15:08.001

LAND TITLE ACT

FORM C (Section 233) CHARGE

GENERAL INSTRUMENT - PART 1 Province of British Columbia

DECLARATION(S) ATTACHED
CA2090177 CA2090180

PAGE 1 OF 13 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

William Arthur
Buholzer
N84Q1U

Digitally signed by William Arthur
Buholzer N84Q1U
DN: cn=CA, cn=William Arthur Buholzer
N84Q1U, o=Lawyer, ou=Verify ID at
www.jurcerl.com/LKUP.cfm?
id=N84Q1U
Date: 2011.07.07 15:14:58 -0700

C17

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

WILLIAM BUHOLZER

Young Anderson, Barristers and Solicitors

1616-808 Nelson Street

Vancouver

BC V6Z 2H2

Phone: (604) 689-7400

File No: 2-644

Document Fees: \$287.60

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

Deduct LTSA Fees? Yes ☒

000-538-060

LOT B, SECTION 4-A, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 24913
EXCEPT PART IN PLAN 2638 RW

STC? YES ☐

3. NATURE OF INTEREST

SEE SCHEDULE

CHARGE NO.

ADDITIONAL INFORMATION

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

SEE SCHEDULE

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

HORNBY ISLAND LOCAL TRUST COMMITTEE

SUITE 200 - 1627 FORT STREET

VICTORIA

BRITISH COLUMBIA

V8R 1H8

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Michael S. Krugel

Barrister and Solicitor

102 - 635 Fitzgerald Avenue

Courtenay, BC V9N 2R4

Execution Date

Y	M	D
11	03	22

Transferor(s) Signature(s)

HORNBY ISLAND RESORT LTD.
by its authorized signatory(ies):

JOHN D.A. ROSS

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

FORM D1_V18

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

PAGE 2 of 13 pages

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Michael S. Kruger
Barrister & Solicitor
102 - 635 Fitzgerald Avenue
Courtenay, BC V9N 2R4

Y	M	D
11	03	22

UNION BAY CREDIT UNION by its
authorized signatory(ies):

BEV ROULEAU
Assistant Branch Manager

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument

FORM E_V18

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 3 OF 13 PAGES

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Covenant

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Priority Agreement

Granting the Covenant with one registration number less than this Priority Agreement priority over Mortgage CA955133

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Statutory Right of Way

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Priority Agreement

Granting the Statutory Right of Way with one registration number less than this Priority Agreement priority over Mortgage CA955133

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

FORM_E_V18

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 4 OF 13 PAGES

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

HORNBY ISLAND RESORT LTD. (INC. NO. 0789283) (As to Covenant and Statutory Right of Way)

UNION BAY CREDIT UNION (INC. NO. FI 71) (As to Priority Agreement)

PART 2 - TERMS OF INSTRUMENT

SECTION 219 COVENANT

This Agreement dated for reference *Nov 22*, 2011 is

BETWEEN:

HORNBY ISLAND RESORT LTD. (Incorporation No 0789283),
of 201 - 467 Cumberland Road, Courtenay, BC V9N 2C5

("Owner")

AND:

HORNBY ISLAND LOCAL TRUST COMMITTEE,
with an office at Suite 200, 1627 Fort Street, Victoria, British Columbia, V8R
1H8

("Local Trust Committee")

GIVEN THAT:

- A The Owner is the registered owner of the land in the Hornby Island local trust area legally described as Lot B, Section 4-A, Hornby Island, Nanaimo District, Plan 24913 Except Part in Plan 2638 RW (the "Land");
- B The Owner has applied to the Local Trust Committee to rezone the Land to permit a resort development, and has represented to the Local Trust Committee that the resort development will incorporate certain building and servicing features of an environmentally sustainable nature;
- C The Owner wishes to grant to the Local Trust Committee and the Local Trust Committee wishes to accept a covenant under s 219 of the *Land Title Act* (British Columbia) to ensure that the design, construction and operation of buildings on the Land incorporate such features; and
- D The statutory right of way granted in this Agreement is necessary for the operation and maintenance of the Local Trust Committee's undertaking

This Agreement is evidence that in consideration of the payment of \$2 00 by the Local Trust Committee to the Owner (the receipt and sufficiency of which are acknowledged by the Owner), and in consideration of the promises exchanged below, the Owner covenants and agrees as

follows with the Local Trust Committee in accordance with s 219 of the *Land Title Act* (British Columbia);

Environmentally Sustainable Development Features

- 1 The Owner shall not construct or install any improvement on the Land or construct or use any building on the Land unless the improvement, use or building incorporates the features set out in Schedule A to this Agreement
- 2 Having constructed an improvement or building on the Land in accordance with Schedule A, the Owner shall not alter or modify the improvement or building such that it no longer incorporates the features set out in Schedule A, unless the alteration or modification provides a greater degree of environmental sustainability than the features set out in Schedule A. The Local Trust Committee may require the Owner to provide, at the Owner's cost, written evidence of such greater sustainability, including information under the seal of an architect or engineer
- 3 The Owner may apply in writing to the Local Trust Committee for a variance of the features set out in Schedule A, on the basis that the materials or equipment required to incorporate or install such features are not commercially available or cannot be utilized without compromising the health or safety of occupiers of the building or the Land, and if the Local Trust Committee authorizes such variance in writing, references to Schedule A in this Agreement including Schedule B shall be interpreted as references to Schedule A as so varied. The Local Trust Committee may, in its sole discretion, require the Owner to provide information under the seal of an architect or engineer to support any such variance application
- 4 Prior to constructing any improvement or building on the Land, the Owner shall provide plans of the proposed building or other improvement to the Local Trust Committee to enable the Local Trust Committee to ensure that the Owner is in compliance with this Agreement, and the plans shall be of sufficient scope and level of detail for that purpose

Statutory Declarations

- 5 In order to enable the Local Trust Committee to confirm that the Owner is in compliance with this Agreement, the Owner must swear and deliver to the Local Trust Committee, prior to occupying any building constructed on the Land after the date of execution of this Agreement, a statutory declaration in the form attached as Schedule B
- 6 If at any time subsequent to the Owner's delivery of the statutory declaration described in section 5 the Local Trust Committee has reason to believe that the Land or any building or structure on the Land has been altered or modified such that the Owner is not in compliance with section 2, the Local Trust Committee may require the Owner to swear and deliver a further statutory declaration in the form attached as Schedule B

Statutory Right of Way

- 7 In accordance with section 218 of the *Land Title Act*, the Owner grants, conveys and confirms to the Local Trust Committee in perpetuity a statutory right of way for the officers and employees of the Islands Trust to enter, leave and be on the Land, and to enter any building on the Land, in the same manner and subject to the same conditions as apply to entry on the Land for the purpose of enforcing bylaws of the Local Trust Committee, in order to inspect the Land and buildings on the Land and monitor performance of this Agreement by the Owner

No Effect On Laws or Powers

- 8 This Agreement does not
- (a) affect or limit the discretion, rights, duties or powers of the Local Trust Committee under any enactment or at common law, including in relation to the use or subdivision of the Land except as expressly set out herein;
 - (b) impose on the Local Trust Committee any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement except as expressly set out herein;
 - (c) affect or limit any enactment relating to the use or subdivision of the Land or buildings on the Land, including the British Columbia Building Code; or
 - (d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land

Limitation on Obligations

- 9 The Owner is only liable for breaches of this Agreement caused or contributed to by the Owner or which the Owner permits or allows while the Owner is the registered owner of any interest in the Land, and then only to the extent of that interest

No Liability in Tort

- 10 The parties agree that this agreement creates only contractual obligations. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract

Covenant Runs With the Land

- 11 Unless it is otherwise expressly provided in this Agreement, every obligation and covenant of the Owner in this Agreement constitutes a personal covenant and also a

Page 6

covenant granted under s 219 of the *Land Title Act* (British Columbia) in respect of the Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated.

Registration

- 12 The Owner agrees to do everything necessary at the Owner's expense to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered or pending registration in the Land Title Office at the time of application for registration of this Agreement.

Waiver

- 13 An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. Without limiting the generality of the foregoing, the Local Trust Committee is not deemed to have waived any breach of this Agreement if, having received plans of buildings or improvements under section 4, it does not seek to enforce this Agreement in respect of any breach that may be illustrated or implied by such plans. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

Severance

- 14 If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

No Other Agreements

- 15 This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.

Binding of Successors

- 16 This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

As evidence of its agreement to be bound by the terms of this instrument, the Owner and the Local Trust Committee have executed the Land Title Office Form C that is attached to and forms part of this Agreement.

PRIORITY AGREEMENT

BETWEEN:

HORNBY ISLAND LOCAL TRUST COMMITTEE

(the "Subsequent Chargee")

AND:

UNION BAY CREDIT UNION

(the "Prior Chargee")

WHEREAS:

- A. HORNBY ISLAND RESORT LTD (the "Owner") is the owner of that parcel of land and premises located on Hornby Island and legally described as Lot B, Section 4-A, Hornby Island, Nanaimo District, Plan 24913 Except Part in Plan 2638 RW (the "Land");
- B. The Owner granted the Prior Chargee a mortgage that is registered against the title to the Land in the Victoria Land Title Office under number CA955133 (the "Prior Charge");
- C. On the 1st day of JULY, 2011 the Owner granted the Subsequent Chargee a covenant and statutory right of way that will be registered concurrently with this Agreement (the "Subsequent Charges");

NOW THEREFORE in consideration of the sum of One (\$1.00) Dollar now paid by the Subsequent Chargee to the Prior Chargee, the receipt and sufficiency of which are hereby acknowledged, the Prior Chargee grants to the Subsequent Chargee priority over the Prior Charge and the Prior Chargee covenants and agrees to subordinate and postpone all its right, title and interest in and to the Land with the intent and with the effect that the interest of the Subsequent Chargee shall rank ahead of the Prior Charge as though the Subsequent Charges had been executed, delivered and registered in time prior to the registration of the Prior Charge

As evidence of its agreement to be bound by the terms of this instrument, the Prior Chargee has executed the Land Title Office Form C that is attached to and forms part of this Agreement.

Schedule A

1 Rainwater Catchment

- 1 1 The Owner shall construct two cisterns or reservoirs as integral components of buildings on the Land and having a total capacity of at least 10,000 imperial gallons, for the storage of rainwater falling on the Land and for such use on the Land as is permitted by the B C Building Code, the *Drinking Water Protection Act* and the *Health Act*, including fire suppression
- 1 2 The Owner shall install rain-barrels of appearance and design consistent with the architectural design of the accommodation building, and of approximately 25 imperial gallons capacity, to capture rainwater falling on each accommodation building constructed on the Land for use in landscape irrigation or gardening on the Land

2 Green Roofs

- 2 1 The Owner shall design and construct the roof of each accommodation or commercial building on the Land such that at least 20% of the area of each roof is a green roof, planted with indigenous grasses or other indigenous vegetation and maintained so as to attenuate storm water runoff from the roof, provide natural habitat for insects and birds, and reduce the build-up of solar heat in the building

3 Water Conservation Fixtures

- 3 1 All water-using fixtures installed in buildings on the Land whether initially or as replacements for fixtures previously installed, including toilets, bidets, urinals, showers, and sinks, shall be the most efficient in the use of water of those commercially available

4 Energy Conservation

- 4 1 All appliances, heating, cooling and ventilation equipment and lighting fixtures installed in buildings on the Land whether initially or as replacements for appliances, equipment or fixtures previously installed, shall bear the Natural Resources Canada Energy Star rating
- 4 2 Glazing of buildings on the Land other than bedroom and bathroom glazing shall be of the low-emissivity type
- 4 3 Accommodation units shall be equipped with propane-fueled space heaters or fireplaces adequate to heat rooms other than bedrooms and bathrooms

5 Landscaping, Paving and Lighting

- 5 1 Any artificial landscaping installed on the Land shall use indigenous species that do not require irrigation following the initial transplantation period
- 5 2 Areas designated for the parking of motor vehicles shall not be paved or otherwise improved with impervious surfaces
- 5 3 Exterior lighting on pathways shall be solar powered, and all exterior lighting shall be located and of such design that light is not directed upwards or away from the immediate area being illuminated

6 Building Orientation and Glazing

- 6 1 Buildings on the Land shall be oriented to make optimal use of passive solar heating, with at least 60% of the area of walls that are facing approximately south, other than bedrooms and bathroom walls, being glazed

7 Building Products and Materials

- 7 1 Products and materials for buildings on the Land shall be selected so as to minimize the use of products and materials containing volatile organic compounds (VOC) including formaldehyde Paints and other flammable liquids shall, if stored on the Land, be stored in buildings not used for human occupancy

8 Sewage Treatment and Disposal

- 8 1 The Owner shall install and operate an Orenco Advan-Tex sewage filtration system or an alternative system having, at a minimum, equivalent operational features in terms of energy consumption and the quality of treated effluent, and shall treat and dispose of all sewage generated on the Land by means of that system

9 Recycling

- 9 1 The Owner shall provide on the Land and utilize to the maximum extent possible, containers and similar facilities for the recycling of materials so as to minimize the generation from the operation of all resort operations on the Land of solid waste requiring disposal

Page 10

Schedule B

CANADA	)	IN THE MATTER OF A SECTION 219
	)	COVENANT IN FAVOUR OF THE
PROVINCE OF BRITISH COLUMBIA	)	HORNBY ISLAND LOCAL TRUST
	)	COMMITTEE (THE "AGREEMENT")
	)	

I, _____, of _____, British Columbia, do solemnly declare that:

- 1 I am the registered owner of, or an authorized signatory of the owner of, the lands legally described as Lot B, Section 4-A, Hornby Island, Nanaimo District, Plan 24913 Except Part in Plan 2638 RW (the "Land") and make this declaration to the best of my personal knowledge
- 2 This declaration is made pursuant to the Agreement, which is registered against title to the Lands in the Victoria Land Title Office under number _____
- 3 The development of the Land including all buildings constructed on the Land as of the date set out below comply fully with the standards set out in Schedule A to the Agreement, a copy of which is attached hereto and each numbered paragraph of which has been initialled by me
- 4 I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the *Canada Evidence Act*

SWORN BEFORE ME at _____, in
the Province of British Columbia, this ____
day of _____, 20____

A Commissioner for Taking Affidavits for British
Columbia

) Signature of person making declaration
)
)

Page 11

**Attachment to Statutory Declaration -
Insert Schedule A building standards from covenant**

END OF DOCUMENT.

**LAND TITLE ACT
FORM DECLARATION**

Related Document Number: CA2090177

PAGE 1 OF 2 PAGES

Your electronic signature is a representation that: you are a subscriber as defined by the Land Title Act, RSBC 1996, C.250, the original or where designated by the Director, a true copy of the supporting document is in your possession and that the summary of the material facts set out in this declaration accurately reflects the material facts set out in each supporting document and if a supporting document is evidenced by an imaged copy the material facts of the supporting document are set out in the imaged copy of it attached. Each term used in the representation and declaration set out above is to be given the meaning ascribed to it in Part 10.1 of the Land Title Act.

William Arthur
Buholzer
N84Q1U

Digitally signed by William Arthur
Buholzer N84Q1U
DN: c=CA, cn=William Arthur
Buholzer N84Q1U, o=Lawyer,
ou=Verily, ID at www.juricert.com
LKUP:bm?id=N84Q1U
Date: 2011.07.13 14:21:51 -0700

Further to the section 308 Notice Declining to Register dated July 12, 2011, I submit the attached letter confirming that the covenantee mentioned in Document CA2090177 is authorized to hold a Land Title Act section 219 covenant.

Dated this 13th day of July, 2011.

WILLIAM BUHOLZER
Barrister & Solicitor
YOUNG, ANDERSON
1616 - 808 Nelson Street
Vancouver, BC V6Z 2H2
Phone: 604-689-7400

YOUNG ANDERSON
BARRISTERS & SOLICITORS

REPLY TO: VANCOUVER OFFICE

July 13, 2011

Shawn Gordon-Crane
Title Examiner
Land Title Office
Victoria, BC

Dear Ms. Gordon-Crane:

Re: PID: 000-538-060
Defect Notice – CA2090177, CA2090178, CA2090179 and CA2090180
Our File No. 00002-0644.

Further to our telephone conversation this morning (July 13, 2011), we confirm that the Hornby Island Local Trust Committee was established under the *Islands Trust Act* and accordingly is authorized to hold a covenant under S. 219(1) of the *Land Title Act*.

Sincerely,

YOUNG ANDERSON


Bill Buholzer
buholzer@younganderson.ca

BB/ss

Enc(s)

WWW.YOUNGANDERSON.CA

1616 - 808 Nelson Street, Box 12147 Nelson Square, Vancouver, BC V6Z 2H2 | tel 604.689.7400 | fax 604.689.3444 | toll free 1 800 665 3546
201 - 1441 Ellis Street, Ricco Plaza, Kelowna, BC V1Y 2A3 | tel 250.712.1130 | fax 250.712.1180



Islands Trust

SUBDIVISION REFERRAL REPORT

700 North Road, Gabriola Island,
BC V0R 1X3
Telephone (250) 247-2063
Fax (250) 247-7514
E-mail: northinfo@islandstrust.bc.ca
Web: www.islandstrust.bc.ca

TO: Elaine Malo
TITLE: A/Development Technician

DATE: February 7, 2012
I.T. FILE NO: HO-SUB-2011.3 (Hornby
Island Resort Ltd.)
FILE NUMBER: 2011-05015

District Office: Courtney Area Office

Applicant: John Ross
Owner: James and Jane Cohan
Legal Description: Lot B, Section 4A, Plan 24913, Hornby Island, Nanaimo District and
the C7 zoned portion of Lot 3, Section 4A Plan 32878
000-538-060 and PID 000-207-446
Site Size: 0.5 ha (1.4 ac)
Proposal: Lot Boundary Adjustment

Report Summary:

The applicant is requesting a lot boundary adjustment to enlarge Lot B, Plan 24913 (location of the existing Thatch Resort) to include the parking lot across the road currently part of Lot 3, Plan 32878. The lots would be hooked across Shingle Spit Road and split zoned (currently C3 and C7 respectively).

The proposed subdivision (see attached subdivision plan) has been reviewed by Islands Trust staff and complies with all Hornby Island Local Trust Committee bylaws. The applicant is required to obtain written confirmation from the Islands Trust that the proposed subdivision meets the and conforms to all Hornby Island LTC bylaws, prior to final approval.

Please quote the above file number in all correspondence related to this file.

Attachment:

1. original plan of subdivision for parking lot
2. C7 zone boundary excerpt

Name: Sonja Zupanec, MCIP

Date: February 7, 2012

Title: Island Planner

Signature:

copy: Hornby Island Local Trust Committee
John Ross (applicant)

1. Hornby Island Official Community Plan Bylaw No. 104:

OCP Designation	Rural Residential (RR)
Development Permit	☐ Yes DP Area
Area	☒ No Number
Comments	

2. Community Input:

Comments received?	☐ Yes	☒ No
Comments		

3. Property Title Information: Covenant/Easement/Right-of-Way/Permits

Legal Notations:	EF128275:
	LEASE
	1992-10-01
	ROSCRO INVESTMENTS LTD.
	PART WITH RIGHT OF RENEWAL
	201939G:
	RIGHT OF WAY
	1956-11-02
	BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
Comments:	N/A

4. Hornby Island Land Use Bylaw No. 86

Property is zoned	Rural Residential and Commercial Parking (C7)
Minimum permitted lot size is	1 hectare (2.5 acres)
Permitted minimum average lot size is	1.6 hectares (4 acres)
Comments:	Minimum and average lot sizes are not applicable in this case as proposed subdivision is to adjust the boundary between two lots; no additional lots are created and no lot is increased in area such that it may be further subdivided under the bylaw.

5. Lot Sizes and Density:

Proposed lot sizes	Proposed Parking Area – 2379 m ² (0.5 acres)
	Proposed Remainder – 3.4 ha (8.3 acres) zoned residential



Islands Trust

SUBDIVISION REFERRAL REPORT

700 North Road, Gabriola Island,
BC V0R 1X3
Telephone **(250) 247-2063**
Fax (250) 247-7514
E-mail: northinfo@islandstrust.bc.ca
Web: www.islandstrust.bc.ca

compliance with lot
size and density

☒

Complies

☐

Does Not Comply

Covenant required to
restrict subdivision

☐

Yes

☒

No

Comments

5. Depth/Width Ratio:

Permitted minimum
depth/width ratio

3.12

No lot may be created by subdivision whose front lot line is less than one-third the length of its longest side lot line.

compliance with
depth/width ratio
Comments

☒

Complies

☐

Does Not Comply**

6. Park Dedication:

Park dedication
required

☐

Yes

Amount
required

☒

No

Comments

7. Frontage Waiver:

Frontage waiver
required

☐

Yes

☒

No

Comments

There is no 10% road frontage requirement in the Hornby Island Land Use Bylaw. Under the *Local Government Act*, newly created lots must have at least 10% of the lot perimeter dedicated as road frontage.

Proposed Parking Area: Perimeter Total = Approx 232.33 metres

Road Frontage = 93.89 metres

40% - Complies

Proposed Remainder Lot: Perimeter Total = Approx. 624.88 metres

Road Frontage = 148 metres

24% - Complies

8. Land Status:

Property is in the ALR
Comments

☐

Yes

☒

No



Islands Trust

SUBDIVISION REFERRAL REPORT

700 North Road, Gabriola Island,
BC V0R 1X3
Telephone (250) 247-2063
Fax (250) 247-7514
E-mail: northinfo@islandstrust.bc.ca
Web: www.islandstrust.bc.ca

9. Servicing Requirements:

Water supply and
Waste Disposal

N/A

Drainage

There are no Hornby Island Local Trust Committee bylaws regarding drainage system standards.

10. Road Standards:

Roads to be
constructed

☐

Yes

☒

No

Road Classification:
Comments

N/A

11. Buildings and Structures:

Are there existing buildings and
structures:

No – current use parking area.

Does subdivision create non-
conformity with Bylaws:

No

12. Environmental and Cultural Features:

Sensitive
Environmental
Features

☐

Yes

☒

No

Archaeological Sites
Comments

☐

Yes

☒

No

13. Intrinsic Groundwater Susceptibility Mapping:

Susceptibility:

N/A

14. Boundary Adjustments Only:

Complies with
boundary adjustment
regulations

☒

Yes

☐

No

Comments

There are no Hornby Island Local Trust Committee Bylaw regarding boundary adjustments.

15. Panhandle Lots Only:

Complies with
panhandle
regulations

☐

Yes

☐

No

Comments

N/A

16. Split (Hooked) Lots Only:

Complies with split lot
regulations
Comments

☐ Yes ☐ No

Section 3.15 of the Hornby Island Land Use Bylaw states that the creation of a lot lying within two or more zones must be avoided wherever possible. Where lots lying within two or more zones are subdivided, lot boundaries should correspond with zone boundaries.

As subdivision of the C7 zoned parking lot from the parent parcel into a separate title is not feasible under the current regulations; the split zoned lot boundary adjustment remains the only option to the applicant and is supported by staff and the regulations of the Hornby Island Local Trust Committee.

Attachment 1: Proposed Plan of Subdivision

From: John Ross <hornbyross@hotmail.com>
Sent: February-06-12 12:17 PM
To: Sonja Zupanec
Cc: Brad Hornstein; Greg Osborne; Jack Hornstein
Subject: RE: update HO-DP-2011.1

Hi Sonja,

This plan has the original reference points which the Islands Trust should have on file back in 1991 or 1992, when we applied to the Trust to use this portion of Lot 3 for parking lot status. The demised premises are described as:

Commencing at the North West corner of said Lot 3:

Thence 90 degrees 20 feet 50 inches a distance of 19.308 metres;

Thence 164 degrees 47 feet 30 inches a distance of 119.660 metres;

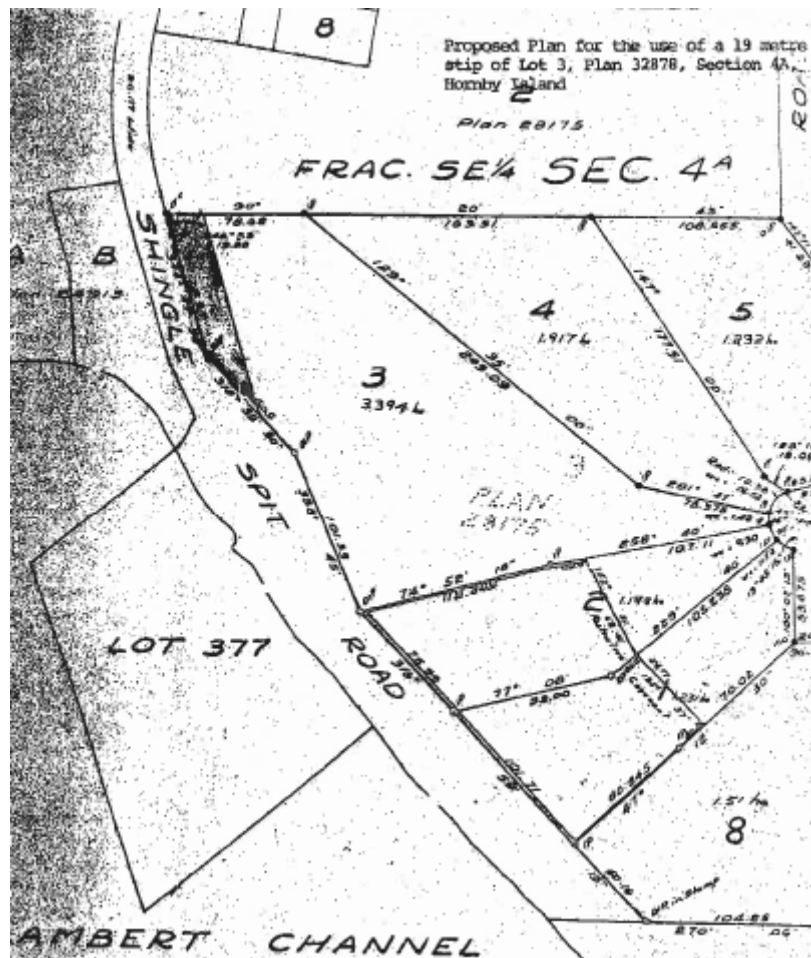
Thence 318 degrees 32 feet 30 inches a distance of 47.958 metres;

Thence 344 degrees 47 feet 30 inches a distance of 72.930 metres;

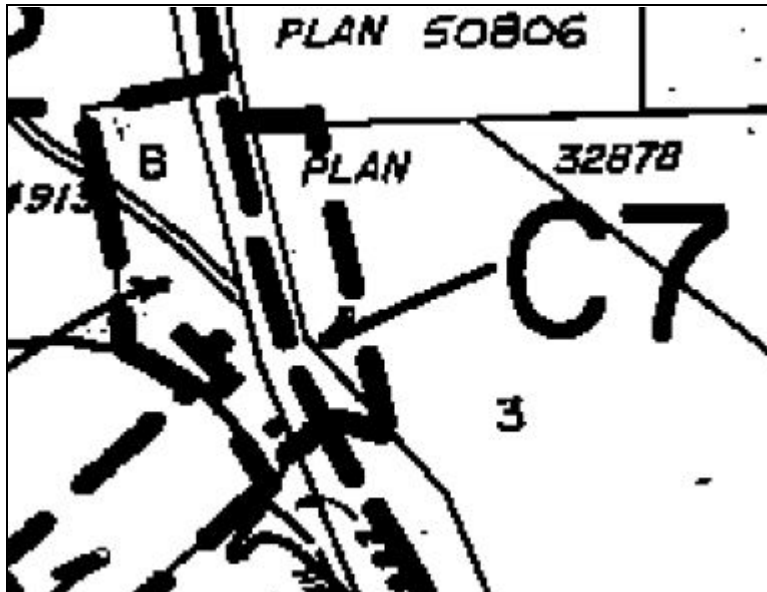
Thence 346 degrees 35 feet 00 inches a distance of 13.38 metres more or less to the point of commencement.

On the recommendation of the staff of MOT and the staff of Islands Trust, we are applying to hook this portion of Lot 3, Plan 28175 to our commercial Lot B, Plan 24913.

Thanks,
John



Attachment 2:
C7 zone boundary excerpt from Hornby Island Land Use Bylaw



18 April 2012

To Trustee Alex Allen
Trustee Tony Law
Trustee David Graham
Island Planner Sonja Zupanec

Subject: HO-DVD-2012.1 Hornby Island Resorts ltd.

We live in the home adjacent to the Thatch tennis court. We therefore are more affected than any one else, as our view to the water and ferry terminal is directly over the Thatch property. What is proposed is a solid line of buildings blocking our view in that direction.

We opposed the original rezoning to no avail. Now you want to increase the allowable height to further block our view. Several years ago I invited John Ross over to see how high the buildings would be and the amount of view we would lose. Since then no one has been in contact with us.

We took for granted the architects would work with the neighbours to see what could be accommodated.

We hereby are strongly opposed to any variance on the existing regulations.

Joe and Barbara Rietkerk
4130 Parnell Rd.
Hornby Island

From: Michelle Easterly
To: Tony Law
Cc: Alex Allen; Sonja Zupanec; David Graham

Subject: Hornby Resort Development HO-DVP-2012.2 referred to APC
Date: June-02-12 11:24:36 AM

Dear Trustees and Planner,

Thank you for being diligent about the Variance HO-DVP-2012.2 concerning the Hornby Resort Development plan. I regret that the whole development plan was not referred from the beginning. I so appreciate that you did not vote it through at that meeting. As so many of our community last year and this year have said over and over...and again at the June 1st meeting " A development of this kind and density and that height or setback does not fit into the sanctuary feeling from the rest of the world that Hornby affords us. We are stewards of this island and you are elected to preserve and protect that sanctuary. So again ,Thank You for creating the space and taking more time for this to be really looked at by the APC . I hope it can somehow make a difference and perhaps the Hornby Resort Company can really look at the resistance they are getting and come to terms to down size this threat to our rural island. **Could this letter be passed on to the APC..and can this letter please be posted in the agenda package as a reply to what happened at the June 1st meeting.**

Thank you michelle easterly 4150 Channel rd. Hornby Island (neighbor to the resort land)

Karen Ross
 3895 Shingle Spit Rd.,
 Hornby Island, B.C.
 V0R 1Z0

June 8, 2012

Dear John Ross,

This letter is being written in support of the Pub redevelopment. I believe that the Pub is a very big asset to Hornby Island. It is a living room for year round residents; a meeting place for seasonal residents; and a friendly, welcoming venue for visitors. In fact, the Pub is one of the “draws” of Hornby Island.

In addition to being a social venue, one of the big attractions of the Pub is the oceanfront location. I love to sit in the seats closest to the water and enjoy the feeling of “being on a boat” and watching the wave action, the birds, and the views.

I am writing this letter as support for the Island Trust variance permit applications which will authorize the redevelopment, with buildings located as shown at the Public Hearing.

It seem to me that any variance permits would be both fair and prudent. Fair because, as a community, we have known ever since HICEEC bought the property that a residential component was necessary to ensure survival of the Pub. The same architects, Boh and Kim, were involved when the Class B shareholders tried to save the community investment and at that time proposed a development very similar to the one which was presented to the Community at the “Thatch Public Hearing”.

And prudent because the zoning is in place. The owners are entitled to build 15 units. We, as a community, can live with the proposed plans. If they are not allowed to continue, what will the new configuration look like? What will happen to the Pub? I strongly believe that the “over the waterfront” Pub offers something unique for Islanders and for visitors to the Island Trust area. I’m sure the ripple effect of having the proposed development located on Hornby benefits the economy of the island.

In fact, what I would like to see is that the Island’s Trust include in the variance a policy statement that the Pub should be required to be a year round operation.

Sign me a neighbour in support,
 Karen Ross
 3895 Shingle Spit Rd.
 Hornby Island, B.C. V0R 1Z0

Jacquelin Ross,
3895 Shingle Spit Rd.,
Hornby Island, B.C.
V0R 1Z0

June 11, 2012

To Islands Trust,

I am writing in support of the Thatch's application to have variance permits to continue with the proposed development. I understand that variances are required to continue to have the Pub built over the water, to allow a building to continue where the Laundromat now sits, and to have regular residential building heights allowed.

I was born, literally, at Hornby Island Resort, and then raised at our house at 3895 Shingle Spit Road for 17 years. Having lived there I can honestly say that our family was never adversely affected by any activities at the Pub and in fact, I have many happy memories of playing on the beach, swimming from the wharf, playing beach volleyball, and socializing with many people. For the past 8 years, I have been a seasonal employee at the Restaurant/Pub. Everyone that I meet at the Resort expresses their appreciation for the gorgeous location and also say that they really enjoy having a Pub and Restaurant right on the water. The proposed development will ensure that this aspect of the business will remain, and that the Pub business will survive with extra people living on the property.

Please accept this letter as my submission of support.

Yours truly,

Jacquelin Ross

Ron Nessman
4583 Central Road
Hornby Island

June 20, 2012

To Whom It May Concern,
c/o John Ross,

This letter is being written to support the Thatch's application for variance permits, to the Islands Trust, to allow the re-development as proposed at the Public Hearing.

As a long time island resident, I support any variances required to build the proposed Buildings, without any changes. Specifically that the public access to the waterfront, through the Pub, Restaurant, and dock are maintained. The reason that I continue to support this development is that I like to come to the Pub, to enjoy being on the oceanfront and sit in the evening sun afforded at that location.

I really question as to why "big brother" would be in a position of being able to change this? Shouldn't a business that has proven itself to be an asset to our community be allowed to build according to the plans presented at the Public Hearing? Why would Islands Trust have any ability to make up new rules?

It seems obvious that residential guests are necessary to sustain the business at the Pub. The plans show that the Pub will continue on the waterfrontage, for all of us to continue to enjoy. My message is clear "allow this redevelopment to continue, leaving the Pub as a true waterfront venue that gives every Islander access to enjoying the waterfrontage, according to the plans that were presented at the Public Hearing."

Yours truly,

Ron Nessman

From: Patrick Healey [mailto:pnhealey@shaw.ca]
Sent: June-18-12 2:31 PM
To: Sonja Zupanec
Cc: hornbyross@hotmail.com; pnhealey@shaw.ca
Subject: Hornby Island - Thatch Pub Development

June 18, 2012

To Whom it May Concern:

I live on Hornby Island (1200 Mount Road) in close proximity to the Thatch Pub.

I understand the issue that Mr. Ross has encountered and the variance that Mr. Ross is looking for in support of development of his property and accessory buildings to a height of 8 metres.

Mr. Ross has provided a valuable service to the community for a number of years. I believe that the proposed development will enhance the property values in the area as well as bolster the economic outlook for the island and the service based businesses that a majority of the islanders depend on for their livelihood.

I really don't see that the height variance will have any visual impact or detract from the view that we all enjoy.

I am in complete support of granting Mr. Ross the property variance he is seeking.

regards

Patrick Healey

250-514-2923

From: Peter Grant [<mailto:petergrant@telus.net>]
Sent: June-22-12 4:46 PM
To: Sonja Zupanec
Cc: hornbyross@hotmail.com
Subject: Hornby Resort Height Variance

Hello,

I would like to voice my opinion on the latest attempt to hold back the development of the Hornby Resort (Thatch).

I am a resident of Hornby and have had property there since 1980. I live quite close to the Resort and have always enjoyed its atmosphere.

My understanding of the latest concern is that when initially approved, the Trustees labelled the residential buildings Accessory Use. This was done with the clear intent to encompass the proposed development within existing guidelines.

I think it is very important to note the word "intent". As in law, the intent and spirit used here was to expedite the issue at hand. There were no concerns at that time and clearly had the approval of the Trustees.

This current interpretation by those who wish to stall the development, yet again, is at best a weak attempt to find any loophole to further continue pointless conflict. With 20/20 hindsight they have found a minor point in direct interpretation.

I firmly believe that it is essential to honour the original "intent" of the Trustees and grant a variance should that even be necessary.

I personally am 100% in approval of the plans for the resort and would like to see a speedy resolve to this issue in favour of the developers.

Sincerely,

Peter Grant
 1100 Mount Road
 Hornby Island, BC
 V0R-1Z0



Islands Trust

Top Priorities

Hornby Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Vacation Home Rentals - Regulations Review	Staff to develop a communications policy re: new regulations and proposed bylaw 145.	Feb-03-2012	Sonja Zupanec	Apr-30-2012	On Going
2	Official Community Plan and Land Use Bylaw Review	Targetted review and update of the OCP and LUB.	Feb-03-2012	Sonja Zupanec		On Going
3	Riparian Areas Regulation mapping and implementation.		Feb-03-2012	Sonja Zupanec	Dec-31-2012	On Going



Projects

Hornby Island

No.	Description	Activity	Received/Initiated	Status
1	Development Procedures Bylaw	<i>Consider options prepared by staff for amending the development procedures bylaw to include requirements for posting of signs on property with respect to significant applications.</i>	Feb-03-2012	On Going
2	Continue relationship building with K'omoks First Nations.		Feb-03-2012	On Going
3	GHG Emissions Reduction	<i>Facilitate community communications regarding greenhouse gas emissions in collaboration with community organizations.</i>	Feb-03-2012	On Going
4	Communications strategy for revised OCP and LUB		Feb-03-2012	On Going



Applications w/ Status - Hornby Island Status: Open

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
HO-ALR-2012.1	(Remi Savoie) Planner: Marnie Eggen	Feb-21-2012	to create a 1.01 ha parcel under section 946 for family member

Planning Status

Status Date: Jun-06-2012

Forwarded to ALC

Status Date: Jun-01-2012

LTC passed resolution to forward application to ALC

Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2011.1	Hornby Island Resort Ltd (The Thatch) Planner: Sonja Zupanec	Sep-22-2011	year round 50 seat restaurant and pub, liquor store, managers suite and 15 visitor accommodation strata units

Planning Status

Status Date: May-16-2012

Staff report for DP and DVP prepared for June LTC meeting

Status Date: Dec-30-2011

Applicant advised that DVP is required for height and setbacks.

Status Date: Oct-11-2011

Staff review of SUP requirements - contact with architect regarding setbacks; floor area; parking and siting questions

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2012.2	John Ross	Feb-28-2012	Hornby Island Resorts Ltd. Variance for change in height of residential units and setback to road of pub/restaurant.

Planner: Sonja Zupanec

Planning Status

Status Date: May-14-2012

Revised plans received - staff report to HOLTC for June meeting

Status Date: Apr-20-2012

On hold - waiting for revised plans prior to proceeding with staff report and DVP notices

Rezoning

File Number	Applicant Name	Date Received	Purpose
HO-RZ-2012.1		Feb-06-2012	To amend the Hornby LUB with regulations that permit greater flexibility in the time(s) of year a vacation home rental can be operated.

Planner: Sonja Zupanec

Planning Status

Status Date: May-17-2012

Staff report prepared for LTC consideration for June meeting

Status Date: Apr-27-2012

Public hearing and CIM for Proposed Bylaw 145

Status Date: Apr-27-2012

LTC resolution for staff to report back for June LTC meeting on proposed changes to proposed bylaw 145

Subdivision

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2010.2	Ron Tuele	Apr-29-2010	

Planner: Marnie Eggen

Planning Status

Status Date: Jun-21-2011

Forwarded covenant to applicant for acceptance

Status Date: Jun-16-2011

Rcv'd reviewed covenant from legal counsel

Status Date: Jun-14-2011

Letter to MOTI requesting RAR Assessment Report based on new information and revised PLA

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2012.2	Toby Krell Planner: Sonja Zupanec	Apr-05-2012	4330 Central Road, Hornby Is, BC 2 lot subdivision

Planning Status

Status Date: Jun-19-2012

Status Date: Jun-19-2012

asefsdf

Status Date: May-14-2012

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2012.3	Peter Mason	Apr-26-2012	1410 Carmichael Road (Gustein & Burrows) 2 lot subdivision

Planner: Linda Prowse

Planning Status

Status Date: May-18-2012

Referral response sent to the Ministry of Transportation and Infrastructure

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2011.11	Hornby Island Resorts Ltd. (The Thatch) Planner: Marnie Eggen	Sep-22-2011	Commercial Building, Triplex and Duplexes, Pump House and Water Cistern

Planning Status

Status Date: Oct-03-2011

Pending outcome of DP and DVP.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2011.13	5405 Jerow Road Planner: Marnie Eggen	Dec-06-2011	construct a cottage

Planning Status

Status Date: Dec-06-2011

Requested further information

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2012.7	Norma Butterfield Planner: Marnie Eggen	Jun-14-2012	5515 Seawright Road one garage one workshop with bathroom and laundry

Planning Status

From: Nancy Roggers
Sent: May-28-12 5:29 PM
To: Alex Allen; David Graham; Sonja Zupanec; Tony Law; Becky McErlean
Cc: Cindy Shelest
Subject: Hornby Expense report May/12

Islands Trust
LTC EXP SUMMARY REPORT F2012
 Invoices posted to May 31, 2012

635 Hornby	Invoices posted to May 31, 2012	Budget	Spent	Balance
65000	LTC "Trustee Expenses"	1,300.00	112.95	1,187.05
65200	LTC Local Exp LTC Meeting Expenses	4,600.00	-	4,600.00
65210	LTC Local Exp APC Meeting Expenses	-	-	-
65220	LTC Local Exp Communications	-	40.00	(40.00)
65230	LTC Local Exp Special Projects	-	-	-
65240	LTC Local Exp Miscellaneous	-	-	-
TOTAL LTC Local Expense		4,600.00	40.00	4,560.00
73001	Project OCP update	8,000.00	784.12	7,215.88

Thanks!

Nancy Roggers
 Finance Officer

Islands Trust
 #200 1627 Fort Street
 Victoria, B.C. V8R 1H8
 Phone: (250) 405-5154
 Fax: (250) 405-5155
www.islandstrust.bc.ca

Preserving *island* communities, culture and environment

Please consider the environment before printing this email.

From: Nancy Roggers
Sent: June-28-12 5:46 PM
To: David Graham; Linda Prowse; Peter Johnston; Susan Morrison; Becky McErlean
Subject: Hornby expense report - June/12

Islands Trust

LTC EXP SUMMARY REPORT F2013

Invoices posted to June 30, 2012

640 Lasqueti	Invoices posted to June 30, 2012	Budget	Spent	Balance
65000	LTC "Trustee Expenses"	1,500.00	-	1,500.00
65200	LTC Local Exp LTC Meeting Expenses	1,000.00	269.66	730.34
65210	LTC Local Exp APC Meeting Expenses	200.00	-	200.00
65220	LTC Local Exp Communications	200.00	74.00	126.00
65230	LTC Local Exp Special Projects	1,000.00	-	1,000.00
65240	LTC Local Exp Miscellaneous	600.00	-	600.00
TOTAL LTC Local Expense		3,000.00	343.66	2,656.34
73001	Project OCP update	-	-	-

Thanks!

Nancy Roggers
 Finance Officer

Islands Trust
 #200 1627 Fort Street
 Victoria, B.C. V8R 1H8
 Phone: (250) 405-5154
 Fax: (250) 405-5155
www.islandstrust.bc.ca

Preserving island communities, culture and environment

Please consider the environment before printing this email.

PROPOSED

Hornby Island Local Trust Committee

BYLAW NO. 145

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

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, 2012”.

READ A FIRST TIME THIS	17th	DAY OF	February	20	12
PUBLIC HEARING HELD THIS	27th	DAY OF	April	20	12
READ A SECOND TIME THIS	1st	DAY OF	June	20	12
READ A THIRD TIME THIS	1st	DAY OF	June	20	12
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS					
	-	DAY OF	-	20	1X
ADOPTED THIS		DAY OF		20	1x

SECRETARY

CHAIRPERSON

Hornby Island Local Trust Committee

Bylaw No. 145

Schedule 1

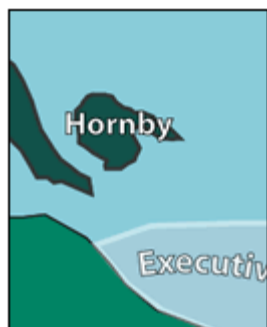
1. Hornby Island Land Use Bylaw No. 86, 1993 is amended by:
 - a. Amending Part **3.0 GENERAL REGULATIONS – VACATION HOME RENTAL USES** as follows:
 - i. Adding a new regulation directly after 3.23.1:

“3.23.2 Despite 3.23.1, on any lot permitted two dwelling units, one dwelling unit may be occupied by paying guests at any time, provided that an owner or tenant is resident in a second lawful dwelling unit on the lot during the vacation home rental occupancy.”
 - ii. Renumbering subsequent regulations 3.23.2 to 3.23.6 accordingly.



Islands Trust

Preserving **island** communities, culture and environment.

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Population (2011):

Approximately 958

Size:

2,990 hectares (7,388 acres)

Location:

31 kilometres south-east of Courtenay on Vancouver Island.

[Land Use Planning](#)
[Related Planning Services](#)
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Hornby Island Local Trust Committee

Latest News

In this section you will find current news items that are relevant to your Local Trust Area and your community. [Subscribe](#) to the Hornby Island Latest News updates and receive the latest information on official community plan reviews, staff reports, notifications and other documents published in the latest news section.

June 2012

- [June 2012 Trustees' Report](#)

May 2012

- [May 2012 Trustees' Report](#)

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Hornby Island Work Program

1. Vacation Home Rental Regulation Review
2. Targeted Official Community Plan and Land Use Bylaw Review
3. Riparian Areas Regulation Implementation

Hornby Island Local Trust Committee Projects

Official Community Plan and Land Use Bylaw Review

- [Project Charter - April 2012](#)
- [Communications Plan - April 2012](#)
- [OCP/LUB Project Newsletter - May 2012](#)
- **Discussion Documents for April, 2011 Community Information Meeting:**
 - [Draft Hornby OCP Revisions April 2011](#)
 - [Draft Schedule B \(April 2011\) - Land Use Designations](#)
 - [Schedule C - Land Status and Road Designations](#)
 - [Schedule D2 - Environmentally Sensitive Areas](#)
 - [Draft Schedule E \(April 2011\) - Development Permit Areas](#)
 - [Schedule F - Hazard Areas](#)
- [OCP/LUB Project Terms of Reference - November 2009](#)
- [Staff Report - March 2011](#)
- [Staff Report - December 2010](#)
- [Staff Report - October 2010](#)
- [Staff Report - September 2010](#)
- [Staff Report - July 2010](#)
- [Staff Report - March 2010](#)
- [Staff Report - February 2010](#)
- [Staff Report - September, 2009](#)

Vacation Home Rentals

- [Staff Report - March 2012](#)
- [Summary and Proposed Bylaws 142 and 143 re Vacation Home Rentals for May 21 Community Information Meeting](#)
- [Discussion Document for April 2011 Community Information Meeting](#)
- [Staff Report - March 21, 2011](#)
- [Staff Report - December 15, 2010 STVR Enforcement Policy](#)
- [Staff Report - September 2010](#)
- [Staff Report - August 2010](#)
- [Staff Report - July 2010](#)
- [Draft Bylaws Permitting and Regulating Short Term Vacation Rentals](#)

Committee Links

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[Land Use Application Forms](#)

- [on Hornby Island 2010](#)
- [Early Referral Letter to Agricultural Land Commission, April 2010](#)
- [Staff Report - March 2010](#)
- [Staff Report and Appendix - December 2009 \(HO-OCP-2009.2\)](#)
- [Staff Report - October 2009 \(HO-OCP-2009.2\)](#)
- [Staff Memo - September 2009](#)
- [Short-term Vacation Rental Staff Report - July 2009](#)
- [Short-term Vacation Rental Survey - Final Results](#)
- [For Discussion: A Proposal For Permitting and Regulating Vacation Rentals](#)
- [Short Term Vacation Rental Staff Report - July 2008](#)

Riparian Areas Regulation Implementation

- [March 2012 Mimulus Biological Consultants Stream Mapping Report](#)
- [November 2011 RAR Factsheet](#)

Island Information and Reports

- [Hornby Island Local Trust Committee Submission Regarding Water Act Modernization](#)
- [Hornby Island Community Profile](#)
- [Building on Hornby Island \(October 2009\)](#)
- [Living on Hornby Information Pamphlet \(May 2012\)](#)
- [Hornby Island DRAFT Build Out Map, December 2008](#)
- [Final Report - Results of the Groundwater Geochemistry Study on Hornby Island by D. Allen and M. Suchy April 2002](#)
- [Heart of the Island - A Report on Hornby Vacant Crown Land, 2000](#)

Climate Change Action

- [Staff Report - March 2010](#)
- [Preliminary Climate Change Initiative Report - October 2009](#)
- [Climate Wise Islands Program](#)
- [Newsletter - 2009](#)
- [Fact Sheets](#)
- [Minutes - November 2, 2010](#)
- [Community Information Meeting Notes - November 15, 2009](#)
- [Proposed Bylaw No. 139](#)

Ecosystem Mapping

- [Hornby Island Ecosystem Map 2001](#)

Advisory Planning Commission - Minutes

- [April 17, 2012](#)
- [April 24, 2012](#)
- [May 1, 2012](#)
- [May 3, 2012](#)

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Applications

HO-RZ-2009.2 (Hornby Island Resort Ltd. - The Thatch)

- [Staff Report dated December 2, 2010](#)
- [Staff Report dated July 2010](#)
- [Staff Report dated June 2010](#)
- [Staff Report dated March 2010](#)
- [Staff Report dated November 2009](#)

Professional Reports

- [Payne Engineering Report dated January 2009](#)
- [Rezoning Submission dated May 2009](#)
- [Baseline Archaeology Letter dated January 2010](#)

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Hornby Island Local Trust Committee Work Program

- [Top Priorities](#)

Housing

- [Housing Needs Assessment on Hornby and Denman Island - Final Report](#)
- [Secondary Housing on Hornby Island - Staff Report June 2008](#)
- [Enabling Secondary Accommodation Units on Hornby Island](#)
- [Hornby Island Advisory Housing Committee Report - 2004](#)

K'omoks First Nation

- [K'omoks Treaty Process - Message from Trustees](#)
- [Hornby Island Local Trust Committee Submission to Negotiations Division Ministry of Aboriginal Relations and Reconciliation on Vacant Crown Land on Hornby Island in connection with the K'omoks First Nation Treaty Negotiation. September 2008](#)

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