



Hornby Island Local Trust Committee Special Meeting Agenda

Date: March 20, 2018
Time: 11:30 am
Location: Room to Grow
2100 Sollans Road, Hornby Island, BC

Pages

- | | | | |
|-----|---|---------------------|--------|
| 1. | CALL TO ORDER | 11:30 AM - 12:30 PM | |
| 2. | APPROVAL OF AGENDA | | |
| 3. | BUSINESS ITEMS | | |
| 3.1 | HO-DVP-2017.2 and HO-DP-2017.1 (Hornby Island Co-op Association) - Staff Report | | 2 - 12 |
| 4. | ADJOURNMENT | 12:30 PM - 12:30 PM | |



File No.: HO-DP-2017.1 and HO-DVP-2017.2
(Hornby Island Co-op)

DATE OF MEETING: March 20, 2018

TO: Hornby Island Local Trust Committee

FROM: Teresa Ritemann, Planner 2
Northern Team

SUBJECT: RE: Hornby Island Co-Op DVP and Commercial DP Applications
Agent: Tor Nawrot, Project Manager
Location: 5875 Central Road, Hornby Island (PID 026-371-791)
Lot 1, Sections 6 and 10, Hornby Island, Nanaimo District, Plan VIP79310

RECOMMENDATION

1. That the Hornby Island Local Trust Committee approve issuance of Development Variance Permit HO-DVP-2017.2 with the following variances to Hornby Island Land Use Bylaw No. 150, 2014:

- a) Part 8 ZONE REGULATIONS, Section 8.9, Article 8.9(4)(a) is varied to reduce the front lot line setback from 6.0 metres to 1.0 metre for two proposed buildings adjacent to Shields Road: the “Proposed Building” and the “Proposed Building” with “Deck”, as shown in the proposed site plan (Schedule “B”);
- b) Part 8 ZONE REGULATIONS, Section 8.9, Article 8.9(4)(a) is varied to reduce the front lot line setback from 6.0 metres to 0.0 metres for all other buildings and structures as shown in the proposed site plan (Schedule “B”);
- c) Part 8 ZONE REGULATIONS, Section 8.9, Article 8.9(4)(d) is varied to reduce the exterior side lot line setback from 6.0 m to 0.0 m for all buildings and structures as shown on the proposed site plan (Schedule “B”).

Subject to the condition that, prior to the issuance, the property owner shall be required to obtain any necessary setback and encroachment permits from the Ministry of Transportation and Infrastructure pursuant to Section 62 and 90 of the *Transportation Act*.

2. That the Hornby Island Local Trust Committee approve issuance of Development Permit HO-DP-2017.1, following issuance of HO-DVP-2017.1, subject to the following conditions:

- a) No neon or internally lit signs are permitted.
- b) Off-street automobile parking shall be provided as required by Hornby Island Land Use Bylaw No. 150, 2014 and shall be adequately screened and unobtrusive, and where possible, located to the rear of the parcel and away from public open spaces and eating places.
- c) Natural vegetation and trees shall be maintained for screening of parking and storage areas and to maintain the privacy and rural flavour of public open spaces.
- d) Lighting shall be softer and lower than supplied by mercury vapour lighting towers.

- e) Lighting shall not illuminate adjacent private properties.
- f) The character of the development shall keep with the rural environment and blend in with the aesthetic qualities of the natural surroundings.
- g) The form of the development shall incorporate low, small-scale building design with such amenities as public walkways and outdoor open spaces for use by the public, and include sufficient services.
- h) All buildings shall be finished in wood or brick.
- i) Businesses shall be clustered in order to share in the provision of parking, services, and public facilities and open space.
- j) Adequate convenient toilet and washroom facilities shall be provided for the number of customers anticipated.
- k) Universal access design principles shall be incorporated into the built environment to support the provision of equitable access for all abilities.

Subject to the condition that, prior to the issuance, the property owner shall be required to obtain any necessary setback and encroachment permits from the Ministry of Transportation and Infrastructure pursuant to Sections 62 and 90 of the *Transportation Act*.

PURPOSE

The purpose of this report is to update the Hornby Island Local Trust Committee (LTC) on the status of applications HO-DP-2017.1 and HO-DVP-2017.2 (Hornby Island Co-Op), and to request that the LTC pass new resolutions in respect of these applications based on Ministry of Transportation and Infrastructure (MOTI) requirements.

BACKGROUND

The LTC passed the following resolutions during their regular business meeting on September 8, 2017:

HO-2017-053

that the Hornby Island Local Trust Committee approve issuance of Development Variance Permit HO-DVP-2017.2 with the following variances to Hornby Island Land Use Bylaw No. 150, 2014:

- a) To reduce the front lot line setback from 6.0 metres to 0.0 metres for all buildings and structures as shown in the proposed site plan; and
- b) To reduce the exterior side lot line setback from 6.0 metres to 0.0 metres for all buildings and structures as shown in the proposed site plan;

Subject to the condition that, prior to the issuance, the property owner shall be required to obtain any necessary setback and encroachment permits from the Ministry of Transportation and Infrastructure pursuant to Section 62 and 90 of the *Transportation Act*.

HO-2017-054

that the Hornby Island Local Trust Committee approve issuance of Development Permit HO-DP-2017.1, following issuance of HO-DVP-2017.1, subject to the following conditions:

- a) No neon or internally lit signs are permitted.
- b) Off-street automobile parking shall be provided as required by Hornby Island Land Use Bylaw No. 150, 2014 and shall be adequately screened and unobtrusive, and where possible, located to the rear of the parcel and away from public open spaces and eating places.
- c) Natural vegetation and trees shall be maintained for screening of parking and storage areas and to maintain the privacy and rural flavour of public open spaces.
- d) Lighting shall be softer and lower than supplied by mercury vapour lighting towers.
- e) Lighting shall not illuminate adjacent private properties.
- f) The character of the development shall keep with the rural environment and blend in with the aesthetic qualities of the natural surroundings.
- g) The form of the development shall incorporate low, small-scale building design with such amenities as public walkways and outdoor open spaces for use by the public, and include sufficient services.
- h) All buildings shall be finished in wood or brick.
- i) Businesses shall be clustered in order to share in the provision of parking, services, and public facilities and open space.
- j) Adequate convenient toilet and washroom facilities shall be provided for the number of customers anticipated.
- k) Universal access design principles shall be incorporated into the built environment to support the provision of equitable access for all abilities.

Subject to the condition that, prior to the issuance, the property owner shall be required to obtain any necessary setback and encroachment permits from the Ministry of Transportation and Infrastructure pursuant to Sections 62 and 90 of the *Transportation Act*.

ANALYSIS/DISCUSSION

MOTI issued a Building Setback Permit on March 1, 2018 (see attachment 1). MOTI's Permit grants a setback variance for multiple buildings and structures on the property, as shown on Plan C1164PR3 prepared by Hoerburger Land Surveyors dated March 1, 2018. MOTI was agreeable to a 0.0 metre minimum front lot line setback for all buildings and structures except for two proposed buildings along Shields Road, which they are requiring to be setback 1.0 metres from Shields Road. MOTI did not require any changes to the 0.0 metre minimum exterior side lot line setback variance.

Thus, the only change to the DVP since the September 8 approval by the LTC (resolution HO-2017-053), is the need for two proposed buildings to comply with MOTI's 1.0 metre setback requirement. No changes were made to the DP application or requirements as approved by the LTC (resolution HO-2017-054).

CONSULTATION

In advance of the Special LTC Meeting (March 20, 2018), the public was notified of the amended version of the DVP application, and were provided with a copy of the Draft DVP as amended (see attachments 2 and 3).

RATIONALE FOR RESOLUTION

Staff recommend that the Hornby Island LTC pass replacement resolutions in order to be consistent with MOTI's requirements. Recommended resolutions are provided on page 1 of the staff report. Please note, that there is no change to the resolution to approve issuance of the DP. However, it is recommended that a new resolution be passed to ensure the logical sequencing/recording of both resolutions for administrative record keeping purposes.

NEXT STEPS

Should the LTC be agreeable to amending the variance, Staff will issue the DVP, followed by issuance of the DP, which was approved under resolution HO-2017-054. Despite issuance of the DVP and DP, the applicant is aware that their next step is to apply for and obtain a Siting and Use Permit before any construction/ development can occur.

Submitted By:	Teresa Rittemann, MCIP, RPP Planner 2	March 8, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	March 15, 2018

ATTACHMENTS

1. Copy of MOTI's "Permit to reduce building setback less than 4.5 metres from the property line fronting a provincial highway"
2. Copy of Public Notice - DVP
3. Draft Permit - DVP



PERMIT TO REDUCE BUILDING SETBACK LESS THAN 4.5 METRES FROM THE PROPERTY LINE FRONTING A PROVINCIAL PUBLIC HIGHWAY

PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE NISGA'A FINAL AGREEMENT ACT.

BETWEEN:

The Minister of Transportation and Infrastructure

Courtenay Area Office
550 Comox Road
Courtenay, British Columbia V9N 3P6
Canada

("The Minister")

AND:

Hornby Island Co-Operative Association
5875 Central Road
Hornby Island, British Columbia V0R 1Z0
Canada

("The Permittee")

WHEREAS:

A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;

B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:

The location of multiple buildings and structures which do not conform with British Columbia Regulation 513/04 made pursuant to section 90 of the Transportation Act, S.B.C. 2004, namely; to allow Setback Variance for multiple buildings and structures on property within 4.5m setback from Central Road, Shields Road, located at Lot 1, Sections 6 and 10, Hornby Island, Nanaimo District, Plan VIP79310, as shown on Plan C1164PR3 prepared by Hoerbuerger Land Surveyors dated March 1, 2018.

C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

1. This permit may be terminated at any time at the discretion of the Minister of Transportation and Infrastructure, and that the termination of this permit shall not give rise to any cause of action or claim of any nature whatsoever.
2. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
3. The Permittee shall indemnify and save harmless the Ministry, its agents and employees, from and against all claims, liabilities, demands, losses, damages, costs and expenses, fines, penalties, assessments and levies made against or incurred, suffered or sustained by the Ministry, its agents and employees, or any of them at any time or times, whether before or after the expiration or termination of this permit, where the same or any of them are based upon or arise out of or from anything done or omitted to be done by the Permittee, its employees, agents or Subcontractors, in connection with the permit.
4. The Permittee is responsible for the removal of boulders, stumps, and other private landscape features located within Central Road and Shields Road.



BRITISH
COLUMBIA

Ministry of Transportation
and Infrastructure

Permit/File Number: 2018-01081

Office: Courtenay Area Office

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

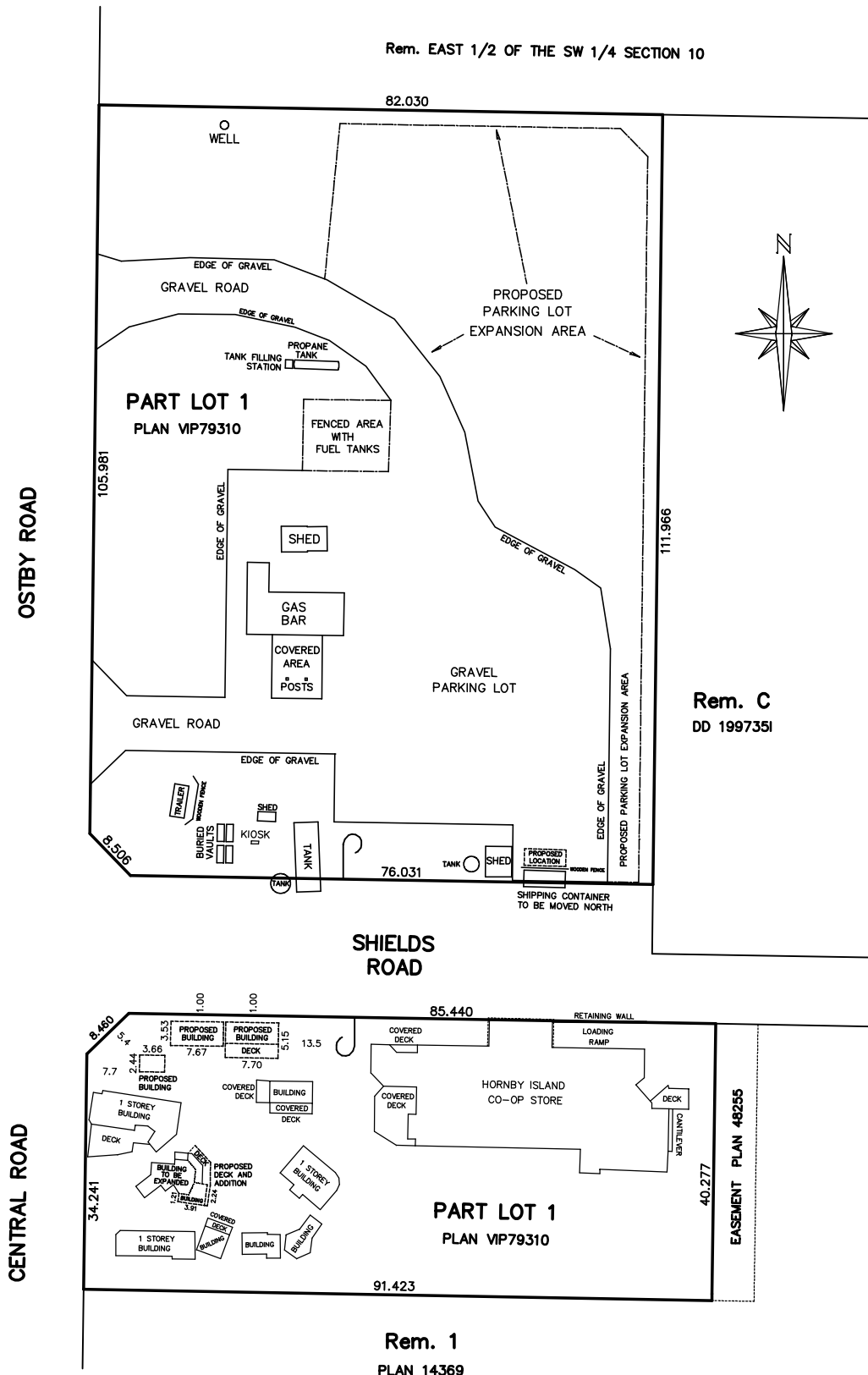
Dated at Courtenay, British Columbia, this 1 day of March, 2018

On Behalf of the Minister

PLAN OF PROPOSED CHANGES TO LOT 1,
SECTIONS 6 AND 10, HORNBY ISLAND,
NANAIMO DISTRICT, PLAN VP79310.

5875 CENTRAL ROAD, HORNBY ISLAND

SCALE 1 : 600 (METRIC)



MARCH 1, 2018
ERIC HOERBURGER, BCLS

HOERBURGER LAND SURVEYORS
COMOX, B.C.
(250) 890-0100
FILE: C1164PR3

NOTICE

HO-DVP-2017.2 (HORNBY CO-OP) HORNBY ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given that the Hornby Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 498 of the *Local Government Act*, varying subsections of the Hornby Island Land Use Bylaw No. 150, 2014, as follows:

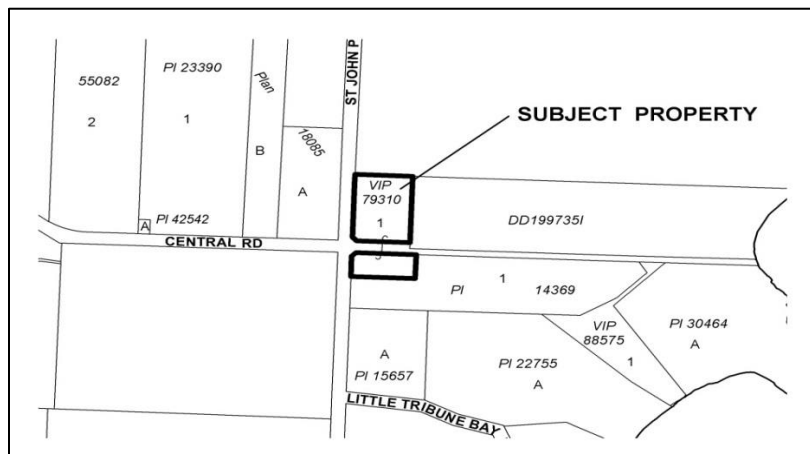
- a) **PART 8 ZONE REGULATIONS, Section 8.9 Commercial 1 – Retail (C1) Zone (Co-op and Service Station), Subsection Siting and Size, Article 8.9(4)(a):** “The minimum setback for any building or structure, except for a fence or pump/utility house shall be: 6.0 metres from a front lot line”;
- Is varied in order to reduce the front lot line setback from 6.0 metres to 1.0 metre for two proposed buildings adjacent to Shields Road: the “Proposed Building” and the “Proposed Building” with “Deck”, as shown in the proposed site plan (Schedule “B”); and
 - Is varied in order to reduce the front lot line setback from 6.0 metres to 0.0 metres for all other buildings and structures as shown in the proposed site plan (Schedule “B”).
- b) **PART 8 ZONE REGULATIONS, Section 8.9 Commercial 1 – Retail (C1) Zone (Co-op and Service Station), Subsection Siting and Size, Article 8.9(4)(d):** “The minimum setback for any building or structure, except for a fence or pump/utility house shall be: 6.0 metres from an exterior side lot line”;
- Is varied in order to reduce the exterior side lot line setback from 6.0 m to 0.0 metres for all buildings and structures as shown in the proposed site plan (Schedule “B”).

The property is legally described as:

PID 026-371-791

Lot 1, Sections 6 and 10, Hornby Island, Nanaimo District, Plan VIP79310

The general location of the subject area is shown in the following sketch:



A copy of the proposed Permit may be inspected at the Islands Trust Northern Office, 700 North Road, Gabriola Island, BC, V0R 1X3, between the hours of 8:30 am and 4:00 pm, Monday to Friday inclusive, excluding Statutory Holidays, commencing March 9, 2018 and continuing up to and including March 19, 2018. Also, attached for your convenience, is a copy of the proposed Permit.

If you have any questions or comments regarding the proposed Permit, please contact Teresa Rittmann, Planner 2, at 250-247-2200; for Toll Free Access request a transfer via Enquiry BC, in Vancouver 604-660-2421 and elsewhere in BC at 1-800-663-7867.

Written submissions should be sent to:

Mail: Islands Trust, 700 North Road, Gabriola Island, BC V0R 1X3

Fax: 250-247-7514

Email: trittermann@islandstrust.bc.ca

Following the end of the notice period, the Hornby Island Local Trust Committee may consider issuance of the proposed Permit at a Special Meeting to be held at 11:30 am, Tuesday, March 20, 2018, at Room to Grow, 2100 Sollans Road, Hornby Island, BC.

All applications are available for review by the public. Written comments made in response to this notice will also be available for public review.

Becky McErlean
Deputy Secretary

PROPOSED



**HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT - HO-DVP-2017.2
HORNBY ISLAND CO-OPERATIVE ASSOCIATION**

TO: Hornby Island Co-Operative Association, Inc. No. 710

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

PID 026-371-791

Lot 1, Sections 6 and 10, Hornby Island, Nanaimo District, Plan VIP79310
(5875 Central Road, Hornby Island)

2. Pursuant to Section 498 of the *Local Government Act*, the *Hornby Island Land Use Bylaw No. 150, 2014* is varied as follows:

a) **PART 8 ZONE REGULATIONS, Section 8.9 Commercial 1 – Retail (C1) Zone (Co-op and Service Station), Subsection Siting and Size, Article 8.9(4)(a):** “The minimum setback for any building or structure, except for a fence or pump/utility house shall be: 6.0 metres from a front lot line”;

- Is varied in order to reduce the front lot line setback from 6.0 metres to 1.0 metre for two proposed buildings adjacent to Shields Road: the “Proposed Building” and the “Proposed Building” with “Deck”, as shown in the proposed site plan (Schedule “B”); and
- Is varied in order to reduce the front lot line setback from 6.0 metres to 0.0 metres for all other buildings and structures as shown in the proposed site plan (Schedule “B”).

b) **PART 8 ZONE REGULATIONS, Section 8.9 Commercial 1 – Retail (C1) Zone (Co-op and Service Station), Subsection Siting and Size, Article 8.9(4)(d):** “The minimum setback for any building or structure, except for a fence or pump/utility house shall be: 6.0 metres from an exterior side lot line”;

- Is varied in order to reduce the exterior side lot line setback from 6.0 m to 0.0 metres for all buildings and structures as shown in the proposed site plan (Schedule “B”).

This Permit **replaces all previous Development Variance Permits for this property, namely: DVP-02-90, DVP-16-90, and DVP-05-91.**

3. Schedule “A” indicates the existing site plan and all buildings and structures shall be consistent with Schedule “B”, which are both attached to and form part of this permit. This permit is not a Building Permit or a Siting and Use Permit, and does not remove any obligation on the part of the permittee to comply with all other requirements of the Hornby Island Land Use Bylaw No. 150, 2014 including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF _____, 2018.

Deputy Secretary, Islands Trust

Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY
THE ____ DAY OF _____, 2020, THIS PERMIT AUTOMATICALLY LAPSES.**

HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-DVP-2017.2 – HORNBY ISLAND CO-OP ASSOCIATION

Schedule "A"

Existing Site Plan (Surveyed June 14, 2017)

