

Hornby Island Local Trust Committee

Regular Meeting Addendum

Date: March 24, 2023
Time: 11:30 am
Location: Room to Grow
2100 Sollans Road, Hornby Island, BC

Pages

9. APPLICATIONS AND REFERRALS

12:30 PM - 12:45 PM

9.2 *HO-DP-2023.1 (Hornby Island Arts Council) - Amending HO-DP-2017.2*

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File No.: HO-DP-2023.1 (Hornby Island Arts Council) – Amending HO-DP-2017.2

DATE OF MEETING: March 24, 2023

TO: Hornby Island Local Trust Committee

FROM: Margot Thomaidis, Planner 2
Northern Team

SUBJECT: Development Permit Amendment Application for Hornby Island Arts Council building
Applicant: Hornby Island Arts Council
Location: 2115A Sollans Road;
NW ¼, Section 11, Hornby Island, Nanaimo District, Plan 32827

RECOMMENDATION

1. That the Hornby Island Local Trust Committee approve issuance of Development Permit Amendment HO-DP-2023.1 subject to the conditions imposed therein.

REPORT SUMMARY

The Hornby Island Local Trust Committee (LTC) is asked to consider a Development Permit (DP) Amendment Application within Development Permit Area 2 (DPA 2) – Community Service Use, for the construction of a new Arts Centre building. Pursuant to Section 9.3 of the Hornby Island Land Use Bylaw No. 150, 2014 (LUB), a DP is required to be issued by the LTC prior to the undertaking of any development, subdivision or land alteration within DPA 2.

Considering that the DP Amendment proposes to significantly reduce the building footprint and hardscaping of the active DP, staff recommend approving issuance.

BACKGROUND

A DP application was submitted in August 2017 (**HO-DP-2017.2**) for a new Hornby Island Arts Council (HIAC) Arts Centre. The approximately 3.76 ha (9.3 acres) subject property is held upon a Crown Land lease by the Hornby Island Residents' and Ratepayers' Association (HIRRA). The proposed site plan changed a number of times, before final plans were submitted in October 2020 and the application was brought forward for decision. The staff report that was prepared in consideration of the active DP application is **Attachment 1** of this report. A timeline and background of the subject property can be found in the previous staff report.

At the November 6, 2020 Hornby LTC meeting, staff did not recommend issuance of the DP application, as the applicant had declined to provide a hydrology report as required by DPA 2 Guideline 9.3 (4). Staff advised that without the submission of a hydrology study identifying any adverse impacts of the proposed development on the groundwater recharge area, the application was inconsistent with Guideline 9.3 (4). After hearing from planning staff, the Islands Trust's Senior Freshwater Specialist, and the applicant, the LTC voted to issue the DP as drafted,

without a hydrology report. A corresponding Siting and Use Permit (SUP) was also then issued by staff on November 19, 2020.

The SUP expired on November 19, 2022, as work had not been “irrevocably commenced”. Despite this, the DP is still active, as the following work had commenced by November 19, 2022:

- Removal of seven (7) trees from the site area
- Installation of an upgraded septic field
- Relocation of the existing Art Centre trailer

HIAC have modified the proposal from the current DP by reducing the building footprint by approximately 143.5 m² (1544.6 sq. ft.) from 424.5 m² (4569.78 sq. ft.) to 281.0 m² (3025.18 sq. ft.) and creating a landscaped courtyard instead of a hardscaped outdoor stage area. All other parts of the proposal remain the same as the previous DP. A side-by-side comparison of the previously issued DP and the proposed DP Amendment are below (**Figure 1**).

Figure 1 – HO-DP-2017.2 Issued Nov. 2020 (left) and Proposed DP Amendment (right)



Information about the subject property is contained within **Attachment 2 – Site Context**. DPA 2 guidelines are included in **Attachment 3**. The proposed site plan is shown, attached to and forming part of the draft DP Amendment in **Attachment 4**.

The applicant has submitted an updated letter in support of the DP Amendment Application (**Attachment 5**). Additional information is included as attachments including the Crown Lease Modification Agreement from 2020 (**Attachment 6**), the Tree Assessment and Retention Plan from 2020 (**Attachment 7**), and a Stormwater Disposal System Plan from 2021 (**Attachment 8**).

ANALYSIS

Policy/Regulatory

Please refer to Islands Trust Policy Statement, Official Community Plan, and Land Use Bylaw analysis contained in the previous staff report (**Attachment 1**).

Issues and Opportunities

Guidelines

DPA 2 lies within a mapped groundwater recharge area upslope of one of Hornby's main residential neighbourhoods. The objective of DPA 2 is to address any potential impacts to the groundwater recharge area as a result of institutional or community buildings and activities. Pursuant to Section 490(2) of the LGA, a local government may, by resolution, issue a development permit in accordance with the applicable DPA guidelines in the OCP or zoning bylaw.

There are four (4) guidelines for DPA 2 found in Section 9.3 of the LUB:

- **Guideline 9.3 (1)** *Before any new development is permitted, there should be approval of a permitted sewage and used water system.*
- **Guideline 9.3 (2)** *A significant portion of the water required by a new development should be provided by a rainwater catchment and storage system.*
- **Guideline 9.3 (3)** *Any development involving activities that may utilize potential contaminants (such as, for example, an automotive service operation) should (a) include a containment system to ensure that no contaminant enters the ground and (b) comply with any applicable Provincial environmental standards and guidelines.*
- **Guideline 9.3 (4)** *A hydrology study may be required to identify any adverse impacts of a proposed development upon the groundwater recharge function of the land or upon the quantity or quality of the water resource of existing users. Where such impacts are identified, measures should be required to mitigate the impacts before development is permitted. A hydrology study will be required where a proposed development involves significant removal of vegetation, significant alteration of the ground, significant alteration of surface drainage, or significant use of groundwater.*

The proposed DP Amendment includes:

- A new Arts Centre with a floor area of 281.0 m² (3025.2 sq. ft.) and total area covered by the building, including the concrete roof overhang, of approx. 396.3 m² (4265.6 sq. ft.);
- Replacing a hardscaped outdoor seating area/stage with a permeable landscaped courtyard; and
- A combined total area of approx. 885.4 m² (9530.62 sq. ft.), or approx. 2.35% of the subject property. This is approx. 3415 sq. ft. less than the previously issued DPs.

The proposed DP Amendment application is reviewed against DPA 2 Guidelines in Attachment 3. Staff concur that all the Guidelines have been met, except for Guideline 9.3 (4). In consideration of the total area to be covered by the building and parking, and the associated excavation for the building, foundation construction and driveway/parking, staff consider this proposed development in its entirety to involve "significant" alteration of the ground and surface drainage, similar to the active DP application. However, considering that the previous DP was issued by the LTC without requiring a hydrology report and the current proposal has a smaller development footprint, staff recommend that the LTC issue the DP Amendment as presented.

Consultation

A community information meeting and/or public consultation are not required for DP applications.

Rationale for Recommendation

Considering that the previous DP was issued without a hydrology report and the current proposal has a smaller footprint, staff recommend that the LTC issue the DP Amendment as drafted.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Deny Issuance of the permit amendment

Should the LTC consider the DPA 2 Guidelines to not be met, the LTC may deny issuance of the Development Permit Amendment. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee deny issuance of HO-DP-2023.1.

2. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee request that the applicant submit the following information prior to making a decision on application HO-2023.1: [specify information required].

NEXT STEPS

If the LTC concurs with the staff recommendation, the DP Amendment will be issued along with the Siting and Use Permit.

Submitted By:	Margot Thomaidis Planner 2	March 20, 2023
Concurrence:	Sonja Zupanec, RPP, MCIP Acting Regional Planning Manager	March 23, 2023

ATTACHMENTS

1. DP Application Staff Report (HO-DP-2017.2), dated November 6th, 2020
2. Site Context
3. DPA 2 Guidelines
4. Draft Development Permit
5. HIAC Letter, dated March 20th, 2023
6. Crown Lease Modification Agreement, dated July 15th, 2020
7. Tree Assessment and Retention Plan, dated July 27th, 2020
8. Stormwater Management System Plan, dated July 5th, 2021

STAFF REPORT

File No.: HO-DP-2017.2 (Hornby Island Arts Council)

DATE OF MEETING: November 6, 2020

TO: Hornby Island Local Trust Committee

FROM: Jaime Dubyna, Planner 2
Northern Team

SUBJECT: Development Permit application for new Hornby Island Arts Council building
Applicant: Hornby Island Arts Council
Location: 2115A Sollans Road;
NW ¼, Section 11, Hornby Island, Nanaimo District, Plan 32827

RECOMMENDATION

1. That the Hornby Island Local Trust Committee request that the applicant of HO-DP-2017.2 submit a hydrology study consistent with Section 9.3 of the Hornby Island Land Use Bylaw No. 150, 2014.

REPORT SUMMARY

The Hornby Island Local Trust Committee (LTC) is asked to consider a Development Permit (DP) application within Development Permit Area 2 (DPA 2) – Community Service Use, for the construction of a new Arts Centre building. Pursuant to Section 9.3 of the Hornby Island Land Use Bylaw No. 150, 2014 (LUB), a DP is required to be issued by the LTC prior to the undertaking of any development, subdivision or land alteration within DPA 2.

Staff consider the application to be inconsistent with DPA 2 Guidelines, as the applicant has not provided a copy of a hydrology study to satisfy DPA 2 Guideline 9.3 (4). Staff are recommending that the LTC request a hydrology study in accordance with Guideline 9.3 (4), prior to making a decision on issuance of the DP.

BACKGROUND

The approx. 3.76 ha (9.3 acres) subject property is held upon a Crown Land lease by the Hornby Island Residents' and Ratepayers' Association (HIRRA). The subject property is currently used by the Hornby Island Arts Council (HIAC), medical and community health clinics, and dental clinic. The Modification Agreement of the Crown Land lease has been amended to include the proposed Arts Centre and relocation of the existing Arts Centre trailer adjacent to the Hornby Denman Community Health Centre Care Society office on the subject property.

The application was originally submitted in August 2017. Since that time, the location of the new Arts Centre building has changed, as have the building plans. The following provides a brief timeline for the application:

- **August 17, 2017** – Application received by Northern Office. Original application proposed on neighbouring Crown lot to the west, leased by HIAC; includes 184.74 m² building, 10 parking spaces.
- **September 8, 2017** – Site visit.
- **September 6, 2018** – Planner awaiting update on Crown lease.
- **November 1, 2018** – File reassigned. Applicant informed of reassignment.

- **March 7, 2019** – Applicant informed planner an update on the Crown Lease is pending. Planner advised applicant a Siting and Use Permit is also required.
- **March 29, 2019** – HIAC update to planner: proposed building location moved to neighbouring Crown lot to the east, leased by HIRRA. Applicant notes that HIRRA Crown Lease is currently being amended. Draft (revised) site plan submitted along with a copy of the tenancy agreement with HIRRA.
- **April 14, 2019** – Revised site plan submitted to planner.
- **May 14, 2019** – Modification Agreement of Crown lease to include the new Arts Centre building submitted to planner.
- **May 15, 2019** – Planner informed applicant that a DVP is required for the building height and setback encroachment.
- **November 25, 2019** – Applicant informed planner that final site plan and drawings are pending.
- **March 31, 2020** – Applicant updated planner on point of contact for file.
- **August 4, 2020** – Updated Modification Agreement of HIRRA Crown Lease to include the new Arts Centre building, and to relocate the former Arts Centre trailer beside the Hornby Denman Community Health Care Society office.
- **August 19, 2020** – Revised site plans submitted.
- **August 21, 2020** – Upon review of the revised site plans, planner requested copy of a hydrology study to satisfy DPA 2 Guideline 9.3 (4).
- **September 18, 2020** – Revised site plans; Arborist Report dated July 27, 2020; and Septic letter dated Sept. 14, 2020, submitted to planner.
- **September 30, 2020** – Siting and Use Permit application submitted to Islands Trust Northern Office.
- **October 7, 2020** – Corrected site plan submitted to planner.

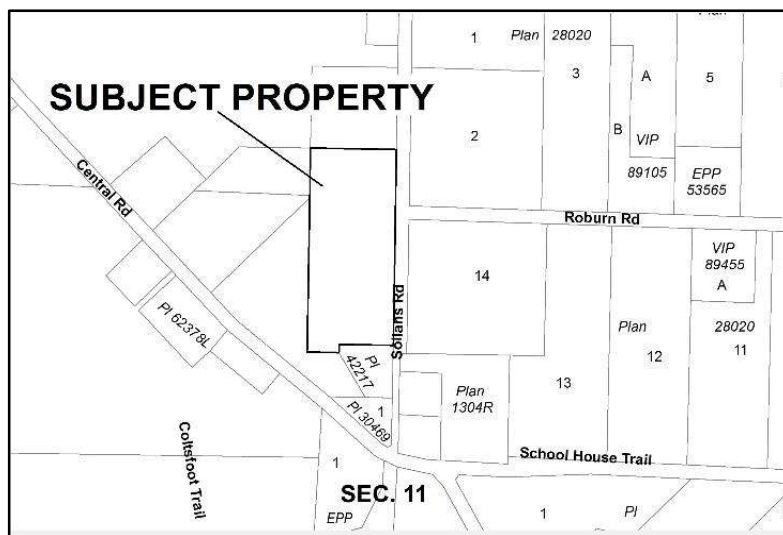


Figure 1. Subject property map



Figure 2. Orthophoto of subject property

Information about the subject property is contained within Attachment 1 – Site Context. DPA 2 guidelines are included in Attachment 2. The proposed development is shown on the site plan, attached to and forming part of the draft DP in Attachment 3.

In support of the application, the applicant has submitted the following (found in Attachments 4 through 7):

- Letter, by Hornby Islands Arts Council, dated Sept. 14, 2020;

- Crown Lease Modification Agreement, dated July 15, 2020;
- Tree Assessment and Retention Plan, by The Coastal Arborist Tree Care Co., dated July 26, 2020;
- Letter regarding Sewerage System, by Ron McMurtrie and Associates, dated Sept. 14, 2020.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Staff consider the following Islands Trust Policy Statement (ITPS) policies to be relevant to this application:

- **3.1.1** *Trust Council holds that:*
 - *planning must account for the cumulative effects of existing and proposed development to avoid detrimental effects on watersheds, groundwater supplies and Trust Area species and habitats.*
- **3.3.1** *Trust Council holds that:*
 - *The freshwater wetlands, bodies of surface water, natural drainage patterns, water courses, fish-bearing streams, watershed and groundwater recharge areas of the Trust Area should be identified, protected and, where possible, restored or rehabilitated.*
- **5.8.6** *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.*

Official Community Plan:

The subject property is designated **COM – Community Service Use** in the Hornby Island Official Community Plan (OCP) Bylaw No. 149, 2014, and located within Development Permit Area 2 (DPA 2) – Community Service Use.

The DP application is consistent with the OCP policies in the COM land use designation.

Pursuant to Section 6.9.2.2 of the OCP, the objective of DPA 2 is to address any potential impacts to the groundwater recharge area as a result of institutional or community buildings and activities.

Land Use Bylaw:

The subject property is zoned **PU – Public Use** in the LUB. Permitted uses in the PU zone include community facilities and art galleries, and accessory buildings and structures. Other relevant regulations of the LUB related to density (lot coverage), setbacks and parking. The proposed development appears to meet all other LUB requirements.

The guidelines for DPA 2 are found in Section 9.3 of the LUB. Staff comment on the application's consistency with each of the DPA 2 guidelines is provided below and in Attachment 2 – DPA Guidelines.

Issues and Opportunities

Pursuant to Section 488 of the *Local Government Act* (LGA), DPA 2 is designated within the OCP for the purpose of protecting the natural environment, its ecosystems and biological diversity, and to establish objectives to promote water conservation.

As noted in Section 6.9.2.2 of the OCP, DPA 2 lies within a groundwater recharge area upslope of one of Hornby's main residential neighbourhoods. The objective of DPA 2 is to address any potential impacts to the groundwater recharge area as a result of institutional or community buildings and activities.

Pursuant to Section 490(2) of the LGA, a local government may, by resolution, issue a development permit in accordance with the applicable DPA guidelines in the OCP or zoning bylaw. There are four (4) guidelines for DPA 2 found in Section 9.3 of the LUB:

- **Guideline 9.3 (1)** *Before any new development is permitted, there should be approval of a permitted sewage and used water system.*

The applicant proposes to continue using the existing sewage disposal system, which is shared by the RCMP office on the adjacent lot. The applicant has retained a qualified professional to inspect the existing system and identify any upgrades necessary. In the letter by Ron McMurtrie and Associates, dated Sept. 14, 2020, the qualified professional indicates that upgrades will involve a Sewerage System Regulation filing with Island Health (VIHA) and that upgrades be completed under the professional's supervision. A copy of the letter is found in Attachment 6.

- **Guideline 9.3 (2)** *A significant portion of the water required by a new development should be provided by a rainwater catchment and storage system.*

The applicant has indicated that the existing, shared well will continue to be used for potable water. The applicant is proposing to install a rainwater collection system to be used for non-potable operations, such as irrigation. Overflow of the rainwater collection system will be directed to the ground.

- **Guideline 9.3 (3)** *Any development involving activities that may utilize potential contaminants (such as, for example, an automotive service operation) should (a) include a containment system to ensure that no contaminant enters the ground and (b) comply with any applicable Provincial environmental standards and guidelines.*

No potential contaminant risk is anticipated.

- **Guideline 9.3 (4)** *A hydrology study may be required to identify any adverse impacts of a proposed development upon the groundwater recharge function of the land or upon the quantity or quality of the water resource of existing users. Where such impacts are identified, measures should be required to mitigate the impacts before development is permitted. A hydrology study will be required where a proposed development involves significant removal of vegetation, significant alteration of the ground, significant alteration of surface drainage, or significant use of groundwater.*

While the first part of this guideline states that a hydrology study "may be required" to identify any adverse impacts upon the groundwater recharge function, staff direct the LTC to the latter part of the guideline, which states, "A hydrology study will be required where a proposed development involves significant removal of vegetation, significant alteration of the ground, significant alteration of surface drainage, or significant use of groundwater."

The proposed development includes:

- A new Arts Centre with a floor area of 424.5 m² (4569.78 sq.ft.), and total area covered by the building, including the concrete roof overhang, of approx. 498.5 m² (5366 sq.ft.);
- An approx. 215 m² (2314.6 sq.ft.) of total area covered by the hardscaped outdoor seating area/stage;
- An approx. 489 m² (5265 sq.ft.) of total area for fourteen (14) new parking spaces (3 on the neighbouring lot) and turn-around area, not including the driveway, paths or trails;

- Resulting in a combined total area of approx. 1202.5 m² (12,945.6 sq.ft.), or approx. 3.14% of the subject property.

In consideration of the total area to be covered by the building, outdoor area and parking, and the resulting associated excavation for the building, foundation construction and driveway/parking, staff consider this proposed development in its entirety to involve significant alteration of the ground and surface drainage. Staff have requested a copy of a hydrology study from the applicant in accordance with Guideline 9.3 (4) in the LUB. The applicant has declined to provide a hydrology study and has requested the application be considered by the LTC, as the applicant has cited funding deadlines for the proposal. While staff are aware the Arts Centre provides a community benefit and that HIAC's funding requires an expedient permitting process, staff note that the DPA 2 was established for the purpose of addressing any impacts to the groundwater recharge area, and staff are tasked with upholding the objectives of the DPA.

Applications for development permits are subject to the Hornby Island Local Trust Committee Development Approval Information (DAI) Bylaw No. 161, 2015, which establishes procedures and policies for requiring development approval information and enables an LTC to require information from an applicant. Section 5 of the DAI Bylaw provides,

5. *Where development approval information is to be provided, the information shall be provided by the applicant, at the applicant's cost, in the form of a report prepared by the appropriate professional as set out in this bylaw.*

For development permits that are designated to protect the natural environment and for the promotion of water conservation, Section 15 of the DAI Bylaw provides:

15. *For an application for a permit in respect of a development permit area designated under s. ¹919.1(1)(a) and (i) of the Local Government Act for protection of the natural environment, its ecosystems and the promotion of water conservation the report shall contain the following information:*

(f) An assessment of the nature and extent of the impact of the proposed development on the site, in particular anticipated impacts on identified environmentally valuable features, including but not limited to sensitive ecosystems, rare plant communities, rare species habitat, and site hydrology. The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area.

(g) Recommended measures to limit, mitigate and manage the impacts of the proposed development on environmentally valuable features. The report should describe mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features, including any recommended monitoring requirements.

Without the submission of a hydrology study that identifies any adverse impacts of the proposed development, staff consider the application to be inconsistent with Guideline 9.3 (4), and are recommending that the LTC request such a report be submitted in support of the application, prior to making a decision on issuance of the DP.

Consultation

¹ Now Section 488 of the *Local Government Act*.

A community information meeting and/or public consultation are not required for DP applications.

Rationale for Recommendation

Staff consider the proposed development in its entirety to involve “significant” alteration of the ground and surface drainage. In the absence of a hydrology study, staff consider the DPA 2 Guidelines have not been fully met, and are recommending that the LTC request the applicant provide a hydrology study in accordance with Section 9.3 of the LUB.

Should the LTC concur with staff’s recommendation and consider this application to not meet the applicable DPA guidelines found in Section 9.3 of the LUB, the LTC should advise the applicant of the guidelines they consider not met, and the applicant may amend their application for reconsideration.

See staff’s recommendation on Page 1 of this report.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Issue the permit as drafted

Should the LTC consider the DPA 2 guidelines to be met, the LTC may issue the Development Permit as drafted. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee approve issuance of HO-DP-2017.2 as drafted.

2. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee request that the applicant submit the following information prior to making a decision on application HO-2017.2: [specify information required].

NEXT STEPS

If the LTC concurs with the staff recommendation, staff will work with the applicant to meet the DPA 2 guidelines and bring forward the permit for decision at the next opportunity.

Submitted By:	Jaime Dubyna Planner 2	October 16, 2020
Concurrence:	[Managing Staff Name, Credentials Title]	Select Date.

ATTACHMENTS

1. Site Context
2. DPA 2 Guidelines
3. Draft Development Permit
4. Letter, by Hornby Islands Arts Council, dated Sept. 14, 2020

5. Crown Lease Modification Agreement, dated July 15, 2020
6. Letter regarding Sewerage System, by Ron McMurtrie, P.Eng., dated Sept. 14, 2020
7. Arborist Report, by The Coastal Arborist, dated July 27, 2020
8. Correspondence

LOCATION

Legal Description	NW ¼, Section 11, Hornby Island, Nanaimo District, Plan 32827
PID	none
Civic Address	2115A Sollans Rd.
Lot size	~3.76 ha (~9.3 acres)

Figure 1. Subject property map

LAND USE

Current Land Use	Art gallery, medical clinic, health clinic, dental clinic, low impact recreation
Surrounding Land Use	Crown land, community hall, library, school, public recreation, residential

HISTORICAL ACTIVITY

File No.	Purpose
HO-DP-2020.2	Construction of a building in DPA 2 (Hornby Island Clinic). Issued.
HO-DP-2017.2	Construction of a building in DPA 2 (Hornby Island Arts Centre). Issued. Current application (HO-DP-2023.1) seeks to amend this DP.
HO-SUP-2020.15	Crown Land Lease. Construction of Arts Centre. Issued. Lapsed November 2022.
HO-SUP-2020.12	Crown Land Lease. Addition to medical clinic. Issued.
HO-SUP-2023.	

POLICY/REGULATORY

Hornby Island Official Community Plan (OCP) Bylaw No. 149	Land Use Designation: COM – Community Service Use Relevant OCP Policies:
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	6.2.2 All land within the community service use designation and public utilities and services designation directly north of the GW/EPA designation on Schedule B is designated as part of Water Resource Protection Development Permit Area No.3 for the purpose of protecting the groundwater resource on Schedule E. A development permit will be required for any new development that involves: significant water use, sewage and grey water treatment, alteration of the land or vegetation, or use of potential contaminants, including residential, commercial, industrial or trades and service developments, new recreational or service facilities such as a swimming pool or fire hall and road building. 6.2.3 Community facilities, such as schools and recreational facilities should continue to be clustered in the central area near the Community Hall. 6.2.7 Limited commercial activities such as a farmers' market for locally-produced foods and goods; community arts facility or a credit union, preferably operated under the jurisdiction of a community non-profit society, should be permitted on community service use lands subject to adequate off-street parking being provided and should be addressed through land use bylaw regulations. 6.2.14 As much as possible, natural forest vegetation should be retained or re-established throughout this area. Development Permit Area: DPA 2 – Community Service Use Development Permit Area <u>Objective of DPA 2:</u> The community service use development permit area lies within a groundwater recharge area (identified in the Groundwater Geochemistry Study on Hornby Island, B.C. – Allen and Matsuo, SFU, 2001), which is upslope from one of the Island's main residential neighbourhoods. Developments within the community service use area could involve institutional or community buildings and activities that could have a potential impact upon the water resource.
Hornby Island Land Use Bylaw No. 150	Zone: Public Use (PU) Permitted Uses (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited: (a) fire hall (b) office of a non-profit society; (c) community facility; (d) public use facility; (e) community trades and services; (f) art galleries; (g) theatre; (h) police station;

	(i) health clinic; (j) museum; (k) school; (l) public recreation facility; (m) library; (n) farmer's market; (o) recycling depot; (p) accessory uses including accessory residential; (q) radio station; (r) community housing; (s) hostel; and (t) cemetery. Permitted Buildings, Structures and Density (3) Lot coverage must not exceed 10% of any lot having an area of 1.0 hectare or more, nor 15% of any lot having an area of less than 1.0 hectare. Siting and Size (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be: (a) 8.0 metres from a front lot line; (b) 8.0 metres from a rear lot line; (c) 8.0 metres from an interior side lot line; and (d) 8.0 metres from an exterior side lot line. Applicable definitions: "community facility" means a building, structure or administrative office operated by a non-profit society or local government for the benefit of the community generally and used for community events including classes, public entertainment, cultural and social events or, in the context of a community housing development, for shared amenities for the use and enjoyment of the residents of the community housing development. Refer to Attachment 3 for DPA 2 Guidelines.
Other Regulations	Part 5 – Parking Regulations in Land Use Bylaw No. 150 Hornby Island Local Trust Committee Development Approval Information (DAI) Bylaw No. 161, 2015 5. <i>Where development approval information is to be provided, the information shall be provided by the applicant, at the applicant's cost, in the form of a report prepared by the appropriate professional as set out in this bylaw.</i> For development permits that are designated to protect the natural environment and for the promotion of water conservation, Section 15 of the DAI Bylaw provides:

	15. For an application for a permit in respect of a development permit area designated under s. ¹919.1(1)(a) and (i) of the Local Government Act for protection of the natural environment, its ecosystems and the promotion of water conservation the report shall contain the following information: (f) An assessment of the nature and extent of the impact of the proposed development on the site, in particular anticipated impacts on identified environmentally valuable features, including but not limited to sensitive ecosystems, rare plant communities, rare species habitat, and site hydrology. The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area. (g) Recommended measures to limit, mitigate and manage the impacts of the proposed development on environmentally valuable features. The report should describe mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features, including any recommended monitoring requirements.
Covenants	n/a
Bylaw Enforcement	n/a

SITE INFLUENCES

Islands Trust Conservancy	This proposal does not directly affect an Islands Trust Conservancy Board (TFC) owned property or conservation covenant, nor directly affects a property adjacent to a TFC owned property or conservation covenant. Therefore referral to the TFC is not required.
Regional Conservation Plan 2018-2027	Map 6 (p. 144) "Priority Lands for Conservation in the Islands Trust Area", classifies the subject property as MEDIUM for conservation. In general, Hornby Island has been identified as having Low Priority for focusing the TFC's conservation efforts.
Species at Risk	Islands Trust mapping identifies this lot within a Douglas-fir/dull Oregon-grape (<i>Pseudotsuga menziesii</i>/<i>Mahonia nervosa</i>) ecological community . In the " Ecosystem Status Report " published by the Ministry of Environment and Climate Change Strategy (February 2018), it is noted that the condition of this ecosystem has been degraded by widespread fragmentation, development and harvesting that has occurred in the Coastal Douglas Fir (CDF) zone. The most serious and on-going threats to this ecological community include land clearing related to residential development and

¹ Now Section 488 of the *Local Government Act*.

	forest harvesting; associated threats include road development, invasive species and recreational use.
Sensitive Ecosystems	According to Schedule D2 of the OCP, the subject property is within the island's groundwater recharge area (Recharge Zone), and is within Aquifer IIA, which is identified as moderately developed, high vulnerability. Provincial mapping indicates Aquifer 0438 as high vulnerability.
Hazard Areas	None mapped.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) does not indicate any known archaeological sites on or within 100 metres of the subject property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Any vegetation and tree removal and construction of the proposed building is anticipated to result in associated greenhouse gas emissions.
Groundwater Vulnerability	iMap BC indicates the property is within a moderate to moderately-high vulnerability area. See the Islands Trust Groundwater Recharge Potential Mapping for more information: https://islandstrust.bc.ca/document/islands-trust-groundwater-recharge-mapping-potential-project-report-ver-2021/

ATTACHMENT 3 – GUIDELINES FOR THE COMMUNITY SERVICE USE DEVELOPMENT PERMIT AREA (DPA 2)

HO-DP-2023.1 (HORNBY ISLAND ARTS COUNCIL)

Prior to undertaking any development, subdivision or land alteration, an owner of property within the community service use development permit area shall apply to the Hornby Island Local Trust Committee for a development permit. Development Permits issued in this area should be in accordance with the following guidelines:

	Guideline	Guideline met?	Planner Comments
1	Before any new development is permitted, there should be approval of a permitted sewage and used water system.	☒ Yes ☐ No	Existing sewage disposal system to be used for proposed development. The applicant has retained a qualified professional and the required upgrades have been installed. Upgrades/expansion of the existing system has been filed with Island Health (VIHA) as of March 20, 2023. Existing, shared well will continue to be used for potable water.
2	A significant portion of the water required by a new development should be provided by a rainwater catchment and storage system.	☒ Yes ☐ No	The applicant is proposing to install a rainwater collection system to be used for non-potable operations, such as irrigation. Overflow of the rainwater collection system will be directed to the ground.
3	Any development involving activities that may utilize potential contaminants (such as, for example, an automotive service operation) should (a) include a containment system to ensure that no contaminant enters the ground and (b) comply with any applicable Provincial environmental standards and guidelines.	☒ Yes ☐ No	No potential contaminant risk is anticipated.
4	A hydrology study may be required to identify any adverse impacts of a proposed development upon the groundwater recharge function of the land or upon the quantity or quality of the water resource of existing users. Where such impacts are identified, measures should be required to mitigate the impacts before development is permitted. A hydrology study will be required where a proposed development involves significant removal of vegetation, significant alteration of the ground, significant alteration of surface drainage, or significant use of groundwater.	☐ Yes ☒ No	Applicant has elected not to provide this information. The active DP for this lot (HO-DP-2017.2), which the current DP application amends, was issued without the provision of a hydrology study. See recommendation in staff report.



**HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT AMENDMENT HO-DP-2023.1**

TO: Hornby Island Residents' & Ratepayers' Association (c/o Hornby Island Arts Council)

1. This Development Permit (the "Permit") applies to the land described below:

Crown Lands under a Modification Agreement to Lease No. 113000, described as NW ¼, SECTION 11, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 32827

2. Whereas the subject property lies within an area designated as Community Service Use Development Permit Area (DPA 2); the purpose of which is to protect groundwater recharge areas; on Schedule E of the Hornby Island Official Community Plan No. 149, 2014; this Development Permit authorizes the construction of one 281.0 m² (3025.18 square feet) Arts Centre building and associated parking area with the following conditions:

2.1 Construction of the building and related structures are to be substantially in accordance with Schedule "A" – Site Plan, Schedule "B" – Site Plan (close up), and Schedule "C" – Building Plan, all attached to and forming part of this Permit.

4. Any alterations requiring a Development Permit and not specifically authorized in this Permit may require a new Development Permit or a Development Permit Amendment.
5. This Permit is not 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 the lawful completion of the proposed development.
6. The land described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any schedules, plans, and specifications attached to this Permit, which shall form a part thereof.

AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF ____, 20__.

Deputy Secretary, Islands Trust

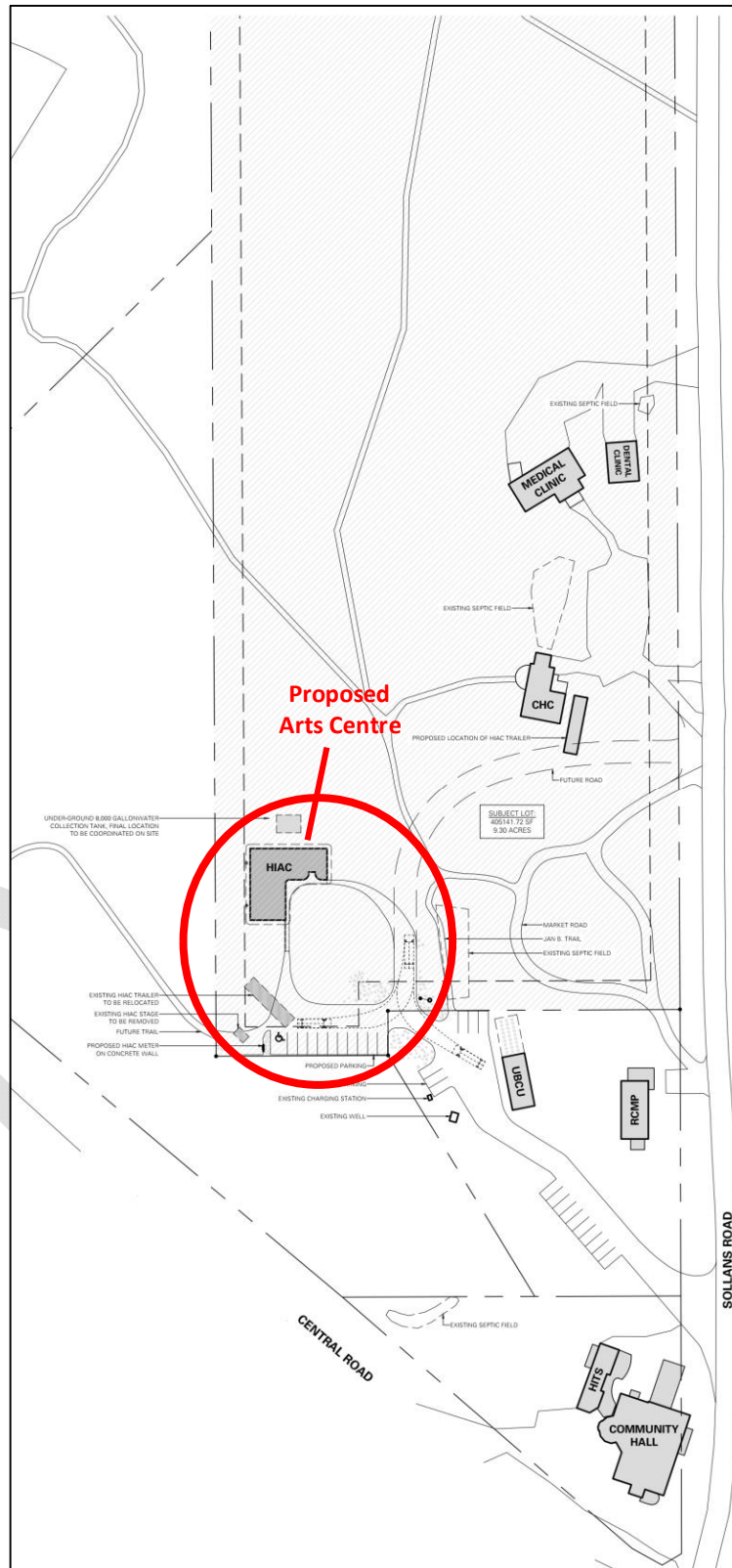
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF ____, 20__, THIS PERMIT AUTOMATICALLY LAPSES.

DRAFT

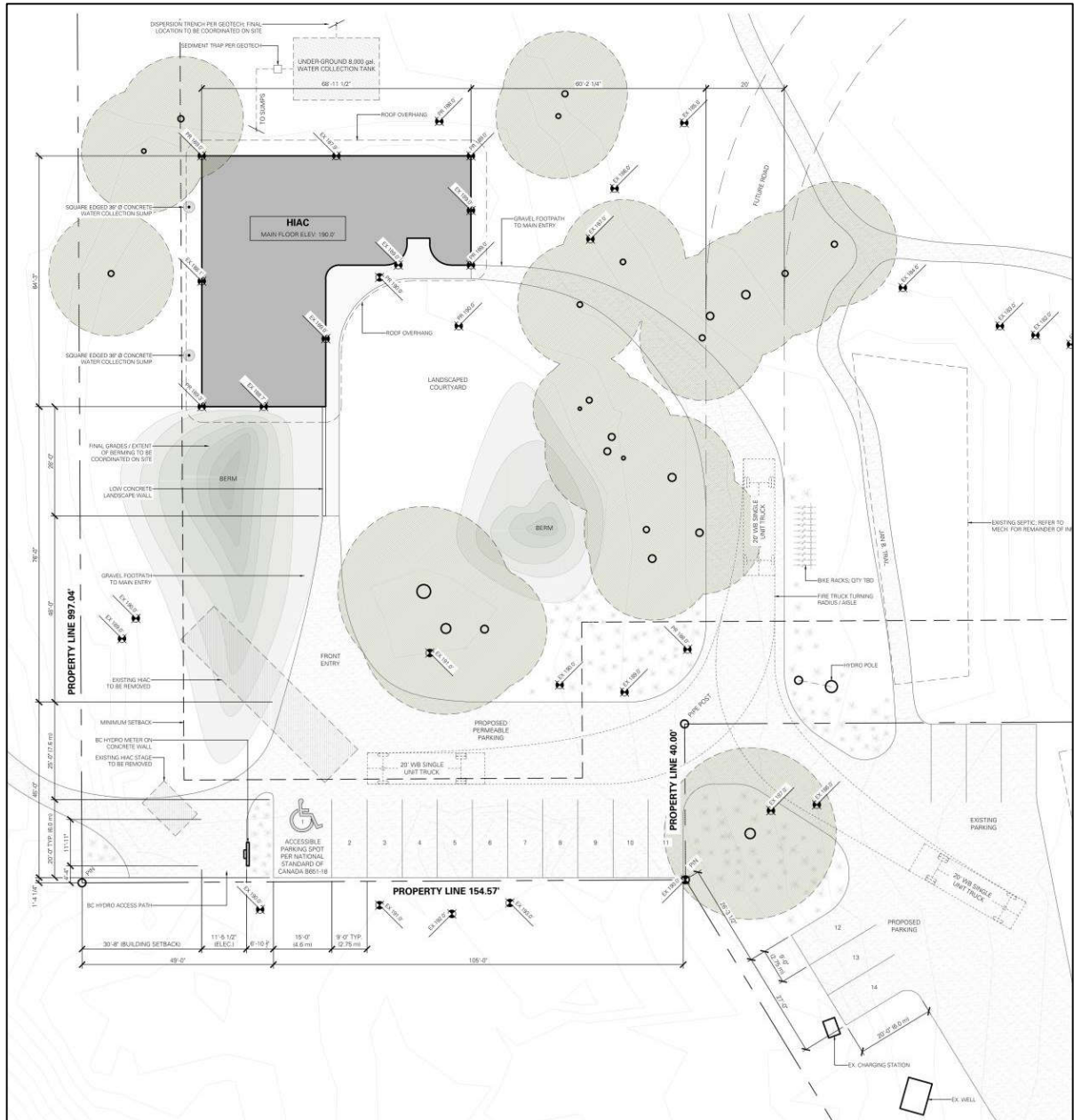
HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT AMENDMENT HO-DP-2023.1

Schedule "A" - Site Plan



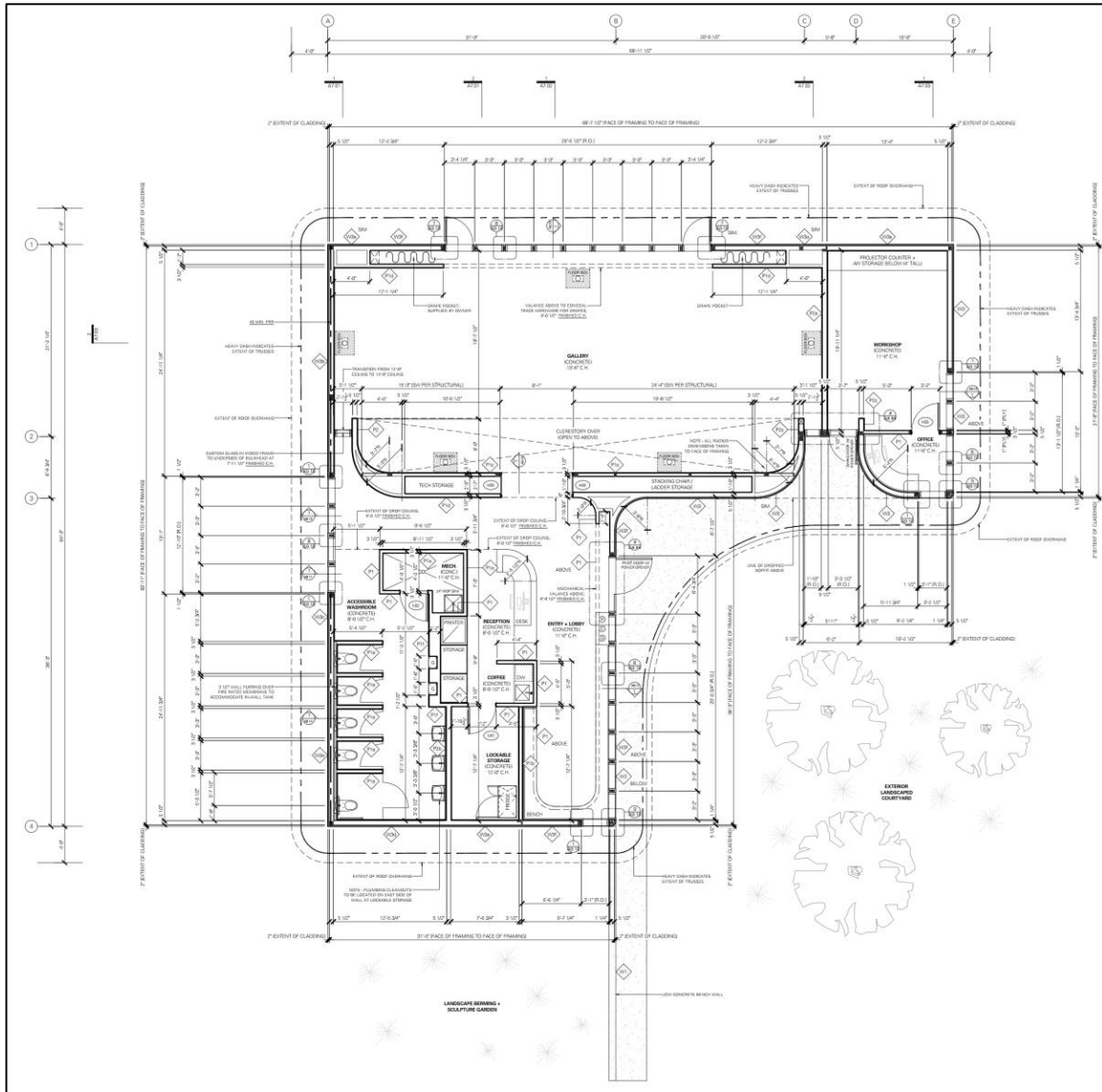
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HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT AMENDMENT HO-DP-2023.1
Schedule "B" – Site Plan (close up)



DRAFT

HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT AMENDMENT HO-DP-2023.1
Schedule "C" – Building Plan



To the Hornby Island Local trust Committee
Friday March 20, 2023

Att: Margot Thomaidis
Re: HIAC DP Amendment

Please note that with this requested amendment to the previously issued development permit and site use permit, the proposal remains unchanged with the exception of a reduced building footprint from 4569.78 sf to 3031.19 sf and minor adjustments to total building height.

- Modification Agreement: The Crown Land Management Plan amendment for the Hornby Island Resident Ratepayers Association (HIRRA, our landlord) was previously approved. The approval included siting the proposed arts centre and approval for moving the existing arts trailer. Beyond the reduced footprint, the proposed siting and location for the building remains unchanged and does not require a new agreement. The previous HIAC trailer has been successfully relocated adjacent to the existing Medical Clinic and now provides additional outreach medical services, such as foot care to the community. The Architectural team (DJA) has updated the site plan to reflect the new trailer location.
- Funding Deadlines: The timing for this project was severely impacted by the pandemic, the resulting rising costs of construction, and labour shortages. These three issues have led to more than 12 months of delays and required targeted cost cutting efforts to ensure the success of the project. Although the project team pursued several opportunities for additional funding, the available funds were unable to cover the 50% + increase in construction costs. In an effort to reduce costs, the building area has been reduced and we have engaged our funders at all levels (municipal, provincial and federal) securing a 1 year extension for grant deadlines in an effort to accommodate a revised completion date for March 2024. This accelerated build time leaves little room for delays to ensure the revised funding deadlines are met. We have also pre-purchased a significant amount of material over the past three years to meet previous funding deadlines and avoid further reductions in available funds. The good news is that we are ready to start construction, with the revised drawings complete and our Contractor available to start immediately. In conclusion, it is critical that construction starts as soon as possible to meet the revised funding deadlines and anticipated completion date of March 2024.
- Sewage and Septic: The required septic upgrades to meet the needs of the proposed arts centre have been completed in accordance with all requirements and regulations under the professional supervision of Ron McMurtrie and Associates. Associated costs for the septic upgrades, including design, labour, and materials totalled \$43,454.76
- Water/Well: The existing shared well has historically supplied the HIAC gallery and will continue to be used for potable water.

- Arborist Report: Only the trees identified as needing to be removed in the previous Arborist report were removed. This formed part of the initial work done on site in 2020. The Architectural team has incorporated the remaining trees into the landscape design.
- Groundwater Recharge/Rainwater Management: A stormwater / rainwater management system is being prepared by our geotech, Chris Ryzuk and Associates and the Architectural team to satisfy the water collection requirement requested by Islands Trust.
- Height: Confirmed per updated Architectural drawings.

Other items of note:

Since the beginning of this project we have worked with a respected knowledge keeper and Elder from K'ómoks First Nation to establish practices and plans for recognition and preservation of indigenous plants that surround the building site. This is a long term commitment of relationship building which will include the restoration and planting of a traditional plant garden and trails once the building is complete. These are indigenous plants in their natural environment and will not require extensive watering. Consistent effort has been made to prevent invasive plants encroaching on the HIAC site and surrounding area.

Sincerely,
 Louise McMurray
 President, Hornby Island Arts Council



MODIFICATION AGREEMENT

Lease No.: 113000

File No.: 0337654

Disposition No.: 872885

THIS AGREEMENT is dated for reference July 15, 2020.

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, represented by the minister responsible for the *Land Act*, Parliament Buildings, Victoria, British Columbia

(the “Province”)

AND:

HORNBY ISLAND RESIDENTS' AND RATEPAYERS' ASSOCIATION

Po Box 16

Hornby Island, BC V0R 1Z0

(the “Client”)

WITNESS THAT WHEREAS:

The Province and the Client entered into a Lease No. 113000 dated November 14, 2008 (herein called the “Tenure”) over those lands more particularly known and described as:

Lot 1, Section 11, Hornby Island, Nanaimo District, Plan 32827

The parties have agreed to amend the Tenure.

NOW THEREFORE in consideration of the premises, and of the covenants and agreements herein contained, the parties hereto mutually covenant and agree as follows:

- 1 To amend the site plan to identify the new location for the Art Centre, and to relocate the former Arts Centre trailer beside the Hornby Denman Community Health Care Society office.

- 2 In all other respects the Tenure shall remain in full force and effect and is hereby ratified and confirmed.
- 3 Time shall continue to be of the essence in this agreement and the Tenure.
- 4 This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.

IN WITNESS WHEREOF the parties hereto have executed and delivered this agreement as of the day and year first above written.

SIGNED on behalf of **HER MAJESTY
THE QUEEN IN RIGHT OF THE
PROVINCE OF BRITISH COLUMBIA**
by the minister responsible for the *Land Act*
or the minister's authorized representative

Minister responsible for the *Land Act*
or the minister's authorized representative

SIGNED on behalf of **HORNBY ISLAND RESIDENTS' AND RATEPAYERS' ASSOCIATION**
by a duly authorized signatory

Authorized Signatory



Hornby Island Arts Council

Tree Assessment and Retention Plan Update

The Coastal Arborist

1120 21st street
Courtenay, BC
250-702-7844
joshthearborist@gmail.com

July 27th, 2020

Hornby Island Arts Council

Sollans rd
Hornby Island, BC
tnawrot@icloud.com

In response to the emails from Tor and Jonny about identifying the location of the tagged trees. Please see the map below and the numbers that correspond with the tree assessment chart created from our initial visit. On the day of our initial inventory we were informed that the building location was going to be changed by 17 feet. At this point we had no map of the direction of translocation or markers to go off of. This may have caused some discrepancy in the trees we selected to retain and those that the site map designers selected. With the updated site map it is clear to see that some additional trees should be included in the retention group. These trees have been tagged with a '#'. Furthermore there were trees that we included in our original assessment that were not marked on the site plan map. This includes tree numbers 1-4 and 25-27. They have been added to the map. It should be noted that the trees to be removed have been marked with paint at the site. We are happy to answer any further questions regarding the retention trees and their preparation prior to construction.

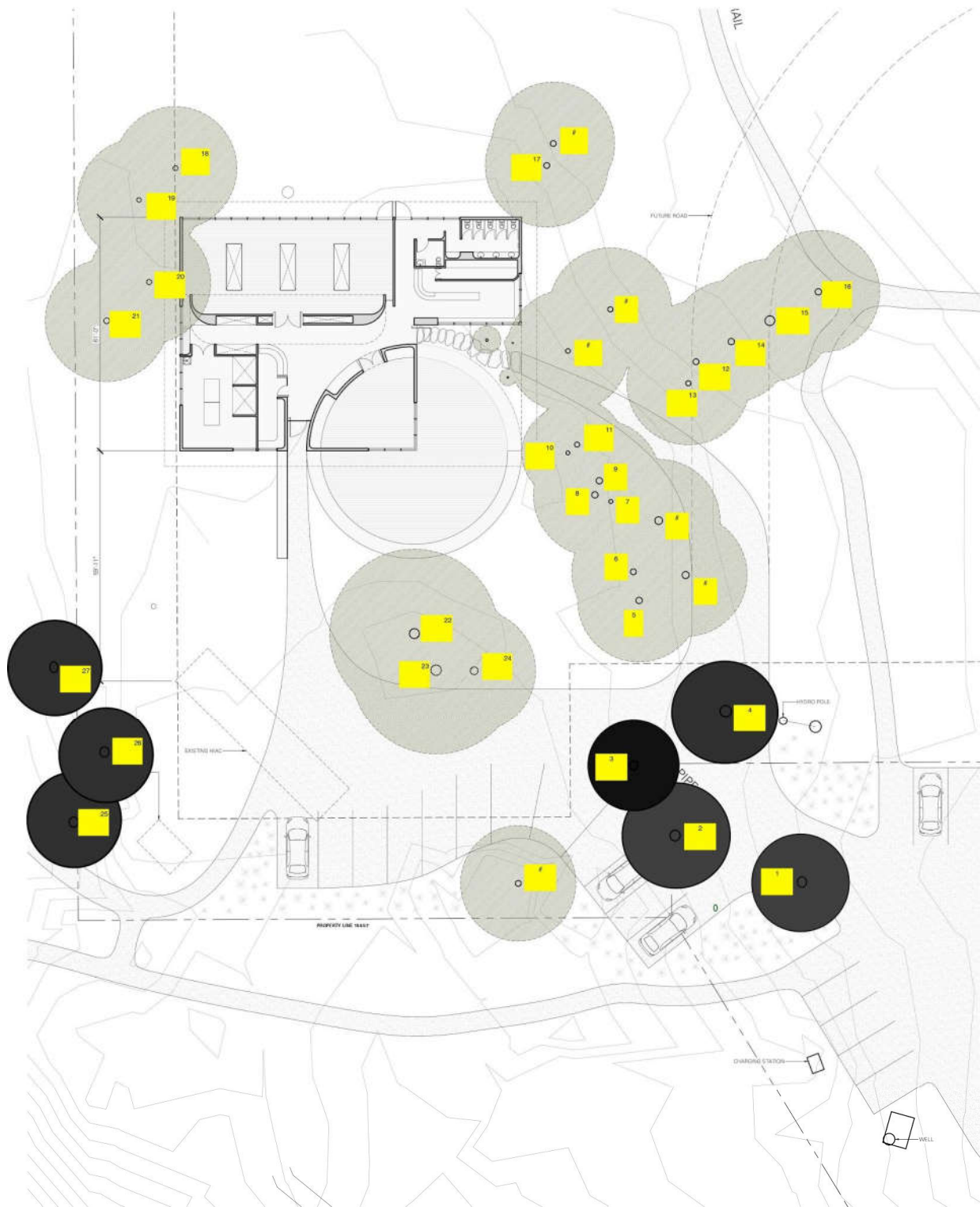
Inventory Assessment Data

Tree #	Species	DBH	Condition	Notes
1	Douglas Fir	77	Good	Deadwood and hazard prune.
2	Douglas fir	59	Fair	Deadwood and hazard prune.
3	Douglas fir	74	Good	Deadwood and hazard prune.
4	Douglas fir	76	Good	
5	Douglas fir	57	Good	
6	Douglas fir	46	Good	
7	Douglas fir	28	Good	
8	Douglas fir	52	Fair	
9	Douglas fir	53	Good	
10	Douglas fir	25	Good	
11	Douglas fir	45	Good	
12	Douglas fir	58	Fair	Deadwood and hazard prune.
13	Douglas fir	47	Good	
14	Douglas fir	64	Fair	Gummosis.
15	Douglas fir	47	Good	
16	Douglas fir	47	Fair	
17	Douglas fir	37	Fair	

18	Douglas fir	46	Good	Root flare sits high. Blow down area from root rot.
19	Douglas fir	33	Good	Root flare sits high. Blow down area from root rot.

20	Douglas fir	39	Fair	Root flare sits high. Blow down area from root rot.
21	Douglas fir	44	Fair	Root flare sits high. Blow down area from root rot.
22	Douglas fir	107	Fair	Codominant stems.
23	Douglas fir	75	Good	Deadwood and hazard prune.
24	Douglas fir	60	Good	
25	Douglas fir	46	Good	Deadwood and hazard prune.
26	Douglas fir	35	Fair	Cankers present.
27	Douglas fir	55	Good	

To accommodate the new information from Tor Nawrot about the footprint of the parking lot, three trees from the list are now not able to be retained. Trees number 25, 26, and 27 are within the parking lot footprint/ construction zone buffer and will need to be removed.



D'Arcy Jones Architects Inc.

305 - 17th Street East
 Vancouver BC V6T 1A2
 Tel: 604 699 2235
 Fax: 604 699 2231
 mail@darcyjones.com

HORNBY ISLAND ARTS CENTRE
 DRAFT SITE PLAN - 200629
 FOR REFERENCE ONLY

Report prepared by:

ISA certified arborists

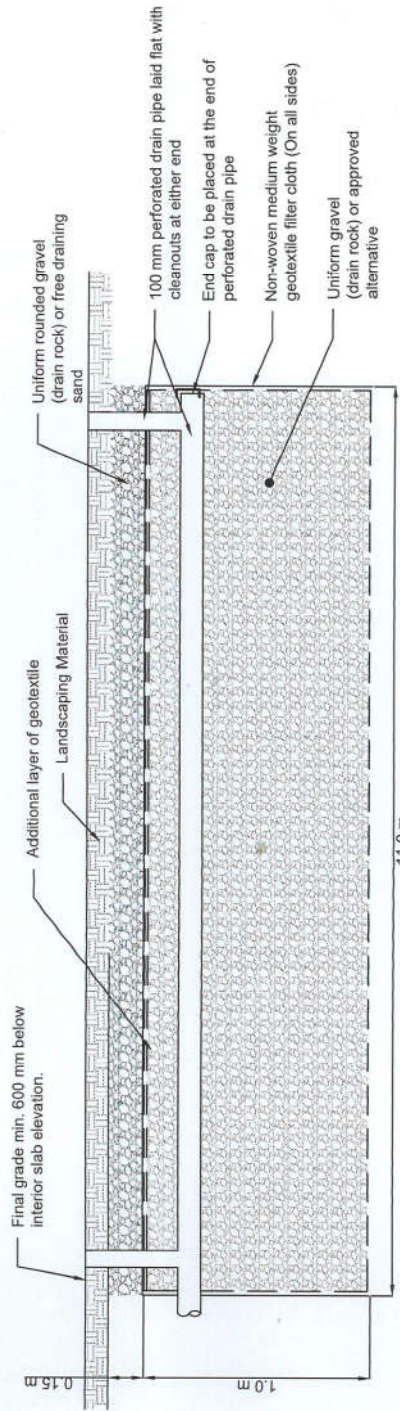
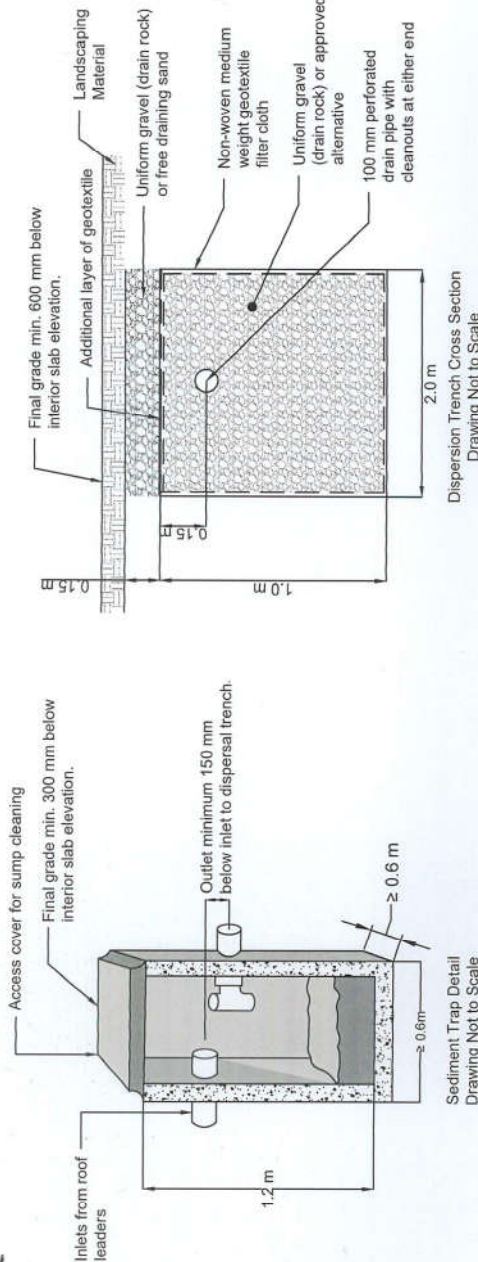
Madison Tosswill ON-2554A

Joshua Spears PN- 6759A

**The Coastal Arborist Tree Care Co.
250 702 7844**

NOTES

1. This drawing is for the intended use of the client for the specified project, and should not be used elsewhere without the express permission of the client and/or Ryzuk Geotechnical.
2. This drawing is scaled for 11 x 17 sheet and does not require further scaling to fit. Scales will differ if printed on different sheet size.
3. Roof drains should be directed into sediment trap prior to entering dispersal trench.
4. Sediment trap is to have a minimum volume of 0.3 m^3 .
5. Surface grade of dispersal trench should be below the outlet of the sediment trap. This outlet is to be a minimum 300 mm below perimeter drain invert to ensure no backflow is possible.
6. Debris should be cleared out seasonally or when 1/3 full.
7. The dispersal trench has been designed based on a serviced impermeable area of 426 m^2 .
8. Dispersal Trench dimensions are to be a minimum of $11.0 \text{ m} \times 2.0 \text{ m} \times 1.0 \text{ m}$ (length x width x depth).
9. Geotextile to be a medium weight non-woven product specifically designed for use as a filter fabric.
10. A minimum of a 2% slope away from the structure should be maintained in all stormwater pipes.
11. Dispersal Trench Designed based off worst case 25 year storm event.
12. Short Duration Rainfall Intensity data taken from Cornox Meteorological Service of Canada dated March 27, 2020
13. System to include an overflow mechanical system in the event Dispersal Pit becomes inoperable that prevents stormwater backup into building.

Dispersion Trench Profile
Drawing Not to Scale

REV.	DESCRIPTION	DATE	BY
0	ISSUED FOR CONSTRUCTION	21/07/20	CJF
1			

DESIGNED BY	AB/KJA	CHECKED BY	CJF	PROJECT TITLE	HORNBY ISLAND ART BUILDING
DRAWN BY	CJF	PROJECT ADDRESS	CJF	PROPOSED STORMWATER DISPOSAL SYSTEM	
SCALE	NTS	PROJECT NO.	2115A SOLLANS RD - HORNBY ISLAND, BC		
DATE	2021/07/23	PROJECT NO.	10481-1		
					1 of 1

CROSS SECTION AND PROFILE OF
PROPOSED DISPERSAL TRENCH