

Hornby Island Local Trust Committee

Regular Meeting Revised Agenda

Date: November 6, 2020
Time: 10:00 am
Location: Electronic Meeting

Pages

1. CALL TO ORDER 10:00 AM - 10:05 AM

"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."

2. APPROVAL OF AGENDA 10:05 AM - 10:10 AM

2.1. Electronic Meetings Resolution

That in accordance with *Ministerial Order M192 - Local Government Meetings & Bylaw Process* and *Province of BC Bill 19 - 2020*, Hornby Island Local Trust Committee cannot conduct public in-person meetings at this time because the meeting venues traditionally used have limited access or do not meet the legislated requirements for the protection of the community, trustees and staff; and

Therefore in order to meet the principles of openness, transparency and accessibility, This meeting of the Hornby Island Local Trust Committee will be held electronically on November 6, 2020, will be live streamed and the public invited to participate in the meeting by connecting to the link or the phone number provided in the meeting notice, in order to observe proceedings and speak when invited by the Chair.

3. REPORTS 10:10 AM - 10:20 AM

3.1. Trustee Reports

3.2. Chair's Report

3.3. Electoral Area Director's Report

4. TOWN HALL 10:20 AM - 10:30 AM

5. DELEGATIONS - none

6.	MINUTES	10:30 AM - 10:35 AM	
6.1.	Local Trust Committee Minutes dated September 11, 2020 - for adoption		4 - 12
6.2.	Section 26 Resolutions-without-meeting - none		
6.3.	Advisory Planning Commission Minutes dated October 2, 2020 - for receipt		13 - 14
7.	BUSINESS ARISING FROM MINUTES	10:35 AM - 10:40 AM	
7.1.	Follow-up Action List Report dated October 28, 2020		15 - 17
7.2.	Proactive Enforcement of Year Round Housing - Memorandum - for information		18 - 19
8.	APPLICATIONS, REFERRALS AND BYLAWS	10:40 AM - 12:30 PM	
8.1.	Bylaw No. 163		20 - 22
	That Hornby Island Local Trust Committee Bylaw No. 163 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2020", be adopted.		
8.2.	Hydrology Report needed for DPA2 - Memorandum - for information		23 - 30
8.3.	HO-DVP-2020.2 (Hornby School) - Staff Report - for decision		31 - 52
8.4.	HO-DP-2020.1 (Hornby School) - Staff Report - for decision		53 - 73
8.5.	HO-DP-2020.2 (Hornby Island Residents & Ratepayers Association) - Staff Report - for decision		74 - 90
8.6.	HO-DP-2017.2 (Hornby Arts Centre) - Staff Report - for decision		91 - 119
8.7.	HO-DP-2019.5 (Hornby Island Resort) - Staff Report - for decision		120 - 133
9.	COMMUNITY INFORMATION MEETING	1:15 PM - 1:30 PM	134 - 139
	Rezoning - HO-RZ-2018.1 - Bylaw Nos.164 and 165 - Planner Presentation		
10.	PUBLIC HEARING - Bylaw Nos. 164 and 165 -	1:30 PM	
10.1.	Recess for Public Hearing		
10.2.	Recall to Order		
11.	LOCAL TRUST COMMITTEE PROJECTS - none		
12.	CORRESPONDENCE		
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		

13.	NEW BUSINESS	
13.1.	2021 Local Trust Committee Meeting Schedule - Memorandum for decision	140 - 141
13.2.	<i>Tree Cutting - for discussion</i>	
13.3.	<i>Ferry Terminal Signage - for discussion</i>	
14.	REPORTS	
14.1.	Trust Conservancy Report dated October 6, 2020	142 - 144
14.2.	Applications Report dated October 28, 2020	145 - 153
14.3.	Trustee and Local Expense Report dated August, 2020	154 - 154
14.4.	Adopted Policies and Standing Resolutions	155 - 158
14.5.	Local Trust Committee Webpage	
15.	WORK PROGRAM	
15.1.	Top Priorities Report dated October 28, 2020	159 - 159
15.2.	Projects List Report dated October 28, 2020	160 - 161
16.	CLOSED MEETING	
16.1.	Motion to Close the Meeting	
	<i>That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (a) and (d) for the purpose of considering Appointment of Advisory Planning Commission Members and adoption of In-Camera Meeting Minutes date January 24, 2020 and that the recorder and staff attend the meeting.</i>	
16.2.	Recall to Order	
16.3.	Rise and Report	
17.	UPCOMING MEETINGS	
17.1.	Next Regular Meeting Scheduled in (2021) - to be determined	
18.	ADJOURNMENT	



Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: September 11, 2020

Location: Electronic Meeting

Members Present: Sue Ellen Fast, Chair
Alex Allen, Local Trustee
Grant Scott, Local Trustee

Staff Present: Heather Kauer, Regional Planning Manager
Jaime Dubyna, Planner 2
Courtney Simpson, Contract Planner
Vicky Bockman, Recorder

Others Present: Approximately twenty (20) members of the public

1. CALL TO ORDER

"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."

Chair Fast called the meeting to order at 10:00 am. She welcomed the public, introduced Trustees, staff, and recorder; and acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following amendment to the agenda was presented for consideration:

- Move items 11.1 – 11.6 to follow item 3.3.

HO-2020-060

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee approve the agenda as amended.

CARRIED

2.1 Electronic Meetings Resolution

HO-2020-061

It was MOVED and SECONDED,

that in accordance with *Ministerial Order M192 - Local Government Meetings & Bylaw Process* and *Province of BC Bill 19 - 2020*, Hornby Island Local Trust Committee cannot conduct public in-person meetings at this time because the meeting venues traditionally used have limited access or do not meet the legislated requirements for the protection of the community, trustees and staff; and therefore in order to meet the principles of openness, transparency and accessibility, meetings of the Hornby Island Local Trust Committee will be held electronically over the period August 26 to November 16, 2020,

will be live streamed and the public invited to participate in meetings by connecting to the link or the phone number provided in the meeting notice, in order to observe proceedings and speak when invited by the Chair.

CARRIED

3. REPORTS

3.1 Trustee Reports

- Trustee Allen reported that he will be attending Trust Council electronically next week.
- Trustee Scott reported that he has been receiving many calls from constituents regarding a variety of issues.

3.2 Chair's Report

Chair Fast reported on her attendance at the following:

- A Community Information Meeting (CIM) regarding Denman Housing Association's Denman Green Affordable Housing project;
- An Islands Trust Conservancy Board meeting;
- Executive Committee meetings;
- A Denman Island Local Trust Committee(LTC) meeting;

and noted that the following meetings are upcoming and will be held electronically:

- Trust Council on September 15-16, 2020;
- Gambier Island LTC; and
- Union of British Columbia Municipalities.

3.3 Electoral Area Director's Report - verbal update - none

11. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the LTC webpage

11.1 Email dated July 2, 2020 from J. Kennedy regarding Bylaw Enforcement of Short Term Vacation Rentals (STVRs)

Received.

11.2 Email dated August 20, 2020 from T. Law regarding Cycle Lanes

By general consent item 11.2 was deferred to the next Local Trust Committee meeting after Trustees determined that more discussion was warranted on this matter.

11.3 Email dated August 24, 2020 from D. Gutstein regarding R2 Zone

Received.

11.4 Email dated August 24, 2020 from J. Steen, K. Fagerlund and J. Steen regarding Lot 3 Plan 30505

Received.

11.5 Email dated August 25, 2020 from T. Law regarding Housing

Received.

11.6 Email dated August 27, 2020 from J. Ovitsland regarding Non-Compliant Housing

This topic was discussed at agenda item 10.2.

4. TOWN HALL

Members of the public commented with the following noted:

- The LTC was urged to add “Minimum Average Lot Size” to the Top Priority list to re-evaluate the contradictions in the regulations that have caused inconsistencies in treatment of subdivision applications; allowing more subdivisions of this size would create additional land ownership opportunities for community members who may not otherwise be able to afford property;
- Concern was expressed regarding water, septic and overall impacts relating to the Hornby Island Resort redevelopment project; the LTC was encouraged to conduct wider community engagement on this matter, possibly in conjunction with the Hornby Island Residents’ and Ratepayers’ Association;
- The LTC was asked to consider stronger actions to address housing needs on Hornby Island that affect women disproportionately; suggestions included declaring a housing state of emergency, moving housing density to the top of the Work Program, or implementing regulations to encourage more secondary suites;
- Support was expressed for consideration of a Standing Resolution against bylaw enforcement of non-compliant tiny homes unless there are negative impacts on the environment or health of adjacent neighbours;
- Support was expressed for a moratorium on bylaw enforcement action, without penalty, against those property owners offering non-conforming year-around rentals for working people, not to become short term vacation rentals, until all levels of government and the community are consulted and the lack of affordable housing is addressed;
- Concern was expressed regarding the Hornby Island Resort development; however it would help the community adjust to the change if four of the units were required to be designated as affordable housing.

5. DELEGATIONS - None**6. MINUTES****6.1 Local Trust Committee Minutes dated June 26, 2020 - for adoption**

HO-2020-062

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee adopt the minutes dated June 26, 2020 as presented.

CARRIED

6.2 Section 26 Resolutions-without-meeting - none**6.3 Advisory Planning Commission Minutes - none**

6.4 Local Trust Committee Public Hearing Record dated June 26, 2020 - for receipt

Received.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated September 1, 2020

In response to a Trustee's request, an update on the January 24, 2020 activity regarding Planner Hours was provided.

By general consent agenda items 9.1 and 9.2 were moved to follow item 7.1.

By general consent the meeting was recessed at 10:57 am and reconvened at 11:07 am.

9. APPLICATIONS AND REFERRALS

9.1 HO-DVP-2019.1 (Hornby Island Resort Ltd.) - Staff Report

Planner Dubyna presented the Staff Report and outlined the variances that the LTC is being asked to consider with this Development Variance Permit (DVP) application. It was reported that the applicant has amended the application to address concerns raised relating to parking, commercial access, and to reduce the proposed height variances; a variance is also requested to permit the setback of the interior side lot line for the pub/restaurant building at 0.0 metres to correspond with the zone-specific regulation in the C3 zone. It was noted that a water plan has been received and that analysis will be included with a future staff report.

Trustees discussed the DVP application with the following noted:

- Height variances remain a concern and compliance with regulations might be achieved through a design change; green rooftops might complement flat roofs if that approach is considered to meet height regulations;
- The Archaeological Branch has issued a permit and a referral has been sent to Nanwakolas Council, however confirmation was requested that the K'ómoks First Nation has been consulted and that professional archaeologists and representative from the K'ómoks First Nation will be on site during the development work;
- Trustees indicated their desire to review the water plan and summary of the wastewater report.

Chair Fast invited the applicant to speak. Maris MacDonald, architect, and Jack Hornstein, applicant, spoke to the application:

- The height variances have been reduced while still maintaining an attractive west coast character ensuring variety;
- Concerns regarding parking and access have been addressed; and BC Ferries has been consulted to make the property safer and to consider their potential future plans;
- The pub will be accessible; building code requirements, including those for lighting, will be met;
- This application offers improvements from the 2012 application such as increased green measures, a less congested site plan, professional septic and water plans, display of local art;

- Efforts to consult with K'ómoks First Nation were explained;
- The visitor accommodations are accessory to the pub and are needed to support the ongoing operation of the pub;
- The pub is a safety risk and needs to be demolished; employment of Hornby Islanders will be affected negatively if a Development Permit (DP) is not granted.

HO-2020-063

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee deny application HO-DVP-2019.1 (Hornby Island Resort) based on height variance.

CARRIED

9.2 HO-DP-2019.5 (Hornby Island Resort Ltd.) - Staff Report - for decision

Trustees and staff discussed process and options for consideration of this DP application as it relates to the denial of the associated DVP.

By general consent the meeting was recessed at 11:56 am and reconvened at 12:19 pm.

HO-2020-064

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee defer consideration of HO-DP-2019.5 (Hornby Island Resort) to allow Trustees and community more time to review information about water, sewage, and archaeology.

CARRIED

8. BC FARM INDUSTRY REVIEW BOARD (BCFIRB) PRESENTATION ON FARM PRACTICES

Presentation by BCFIRB Staff about their independent administrative tribunal and its role in hearing complaints under the *Farm Practices Protection Act*, including those related to shellfish aquaculture.

8.1 Question and Answer Session

By general consent agenda item 8 and 8.1 were deferred to a future meeting.

9. APPLICATIONS AND REFERRALS - Continued**9.3 HO-RZ-2018.1 (Wiseman) - Staff Report**

Planner Simpson presented the Staff Report that provided an update on referrals, including the outcome of the site visit observations received from the Islands Trust Freshwater Specialist. Based on this information, the recommendation is that proposed Bylaw Nos. 164 and 165, which were given first reading on June 26, 2020, are not at variance with the Islands Trust Policy Statement.

HO-2020-065

It was MOVED and SECONDED,

that:

1. Hornby Island Local Trust Committee Bylaw No. 164 cited as "Hornby Island Official Community Plan, 2014, Amendment No. 1, 2020", be read a second time;
2. Hornby Island Local Trust Committee Bylaw No. 165 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2020", be read a second time;
3. Hornby Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Bylaw No. 164 cited as "Hornby Island Official Community Plan, 2014, Amendment No. 1, 2020" and Bylaw No. 165 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2020"; and
4. Hornby Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 164 cited as "Hornby Island Official Community Plan, 2014, Amendment No. 1, 2020" and Bylaw No. 165 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2020" are not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

Chair Fast invited the applicant to speak. David Wiseman expressed his appreciation for all who have helped to advance these bylaw amendments to allow for a two-lot subdivision. Staff clarified the next steps that need to occur prior to the final adoption of the proposed Bylaws.

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 R3A Zoning Amendment - Staff Report - for decision

Regional Planning Manager Kauer summarized the Staff Report that addresses a proposed amendment to rezone the property at 5040 Central Road from Residential 3 – Community Housing (R3) Zone (Elder Housing) to Residential 3A – Community Housing (R3A) Zone (ISLA).

She reported on the following:

- Referral responses received to date;
- A comment has been received inquiring regarding water associated with the property; staff advised that this application is consistent with the Official Community Plan and that a water plan would be provided by the applicant at the time of a Development Permit application;
- Notification to waive the Public Hearing for this amendment was mailed out and no comments were received in response to that notification.

HO-2020-066

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 163 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2020", be read a third time.

CARRIED

HO-2020-067

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 163 cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2019”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

10.2 Top Priorities Staff Report (deferred from June 26, 2020) - for decision

Planning Manager Kauer presented the Staff Report that provides options for additions to Top Priorities for LTC consideration. She provided an update to the report, noting that the Islands Trust Freshwater Specialist has requested that current priority number 2, Watershed Protection and Groundwater Preservation, remain on the list.

Trustees discussed possible projects to add to the Top Priority list with the following considered:

- Retaining current priority number 1 until its completion;
- Limiting enforcement of bylaws for non-compliant housing;
- Resolution of inconsistencies in regulations regarding Minimum Average Lot Area;
- Addressing inaccuracies in Riparian Areas Regulation reports;
- Hornby Island vulnerable aquifer designation.

HO-2020-068

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to prepare a report and recommendation regarding not enforcing on year-around, occupied unlawful dwellings.

CARRIED

HO-2020-069

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee place Minimum Average Lot Area as Top Priority No. 1 once “Consideration of a rezone of 5040 Central Road to R3A” is complete.

CARRIED

HO-2020-070

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to bring a staff report to the next Local Trust Committee meeting that outlines the possibilities for options for allowing permanent, year-around housing.

CARRIED

12. NEW BUSINESS

12.1 Hornby Island Groundwater Sustainability Strategy - verbal update

By general consent agenda item 12.1 was deferred to a future meeting.

13. REPORTS

13.1 Trust Conservancy Report dated July 14, 2020

Received.

13.2 Applications Report dated September 1, 2020

Trustees reported that the Canadian Heritage Grant for the proposed new Arts Centre on Sollans Road might be in jeopardy if DP application HO-DP-2017.1 (Hornby Island Arts Centre) is not advanced as soon as possible.

Chair Fast invited Andrew Mark, Executive Director, Hornby Island Arts Council, to speak to the application with the following noted:

- The Canadian Heritage grant funding is committed on an annual basis; there are no extensions for the funds committed which must be spent by April 1st; delaying this application for two months is problematic;
- This project has been 20 years in the making; community consultation has occurred in the past;
- There is ample water and septic capability for the proposed new Arts Centre.

Regional Planning Manager Kauer responded that Trustees do not have adequate information necessary to inform a decision at this LTC meeting; and that the current timeframe for a review of this application would suggest consideration by the LTC in November. She proposed that a decision by Resolution Without Meeting might be a possible option to pursue.

HO-2020-071

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to make every effort to conduct a Resolution Without Meeting as soon as possible to consider application HO-DP-2017.1 (Hornby Island Arts Centre).

CARRIED

13.3 Trustee and Local Expense Report dated July, 2020

Received.

13.4 Adopted Policies and Standing Resolutions

Received.

13.5 Local Trust Committee Webpage

There were no changes or additions requested.

14. WORK PROGRAM**14.1 Top Priorities Report dated September 1, 2020**

The Top Priorities Report was addressed at agenda item 10.2.

14.2 Projects List Report dated September 1, 2020

Received.

15. CLOSED MEETING - None**16. UPCOMING MEETINGS**

**16.1 Next Regular Meeting Scheduled for Friday, November 6, 2020 at 10:00 am at -
Location to be determined**

LTC members confirmed the next regular meeting scheduled date, time and location.

17. ADJOURNMENT

By general consent the meeting was adjourned at 2:13 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting: Friday, October 2, 2020

Location: Hornby Island Community Hall
4305 Central Road, Hornby Island, BC

APC Members Present: Rob McCreary, Chair
Joanne Ovitsland, Secretary
Vicki Bale, Member
Wendy Burton, Member
Daniel Siegel, Member
Christine Ambalino Hunt,

Staff Present: Katherine Vogt, Recorder by Zoom

1. CALL TO ORDER

Chair McCreary called the meeting to order at 1:03 pm.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved.

4. BUSINESS ITEMS

4.1 Election of Hornby Island ADVISORY Planning Commission Chair, Vice-Chair and Secretary

By general consent, Wendy Burton was elected to replace Rob McCreary as Chair; Daniel Siegel was elected to remain as Vice-Chair; and Joanne Ovitsland was elected to remain as Secretary.

5. REVIEW OF SCHEDULE A OF BYLAW NO. 159 (BEN BYLAW)

As per the request of the Hornby Island Local Trust Committee (HOLTC) at their January 24, 2020 regular business meeting for the Hornby Island Advisory Planning Commission (HOAPC) to review and provide comments on Schedule 'A' (Contraventions and Penalties) of Bylaw No. 159 (Bylaw Enforcement Notification Bylaw), the HOAPC discussed the following items and issues for clarification:

- The rationale for the specific penalty amounts for bylaw contraventions as itemized in Schedule A.

- That the provincial government may shortly raise the maximum penalty rate to \$1000.00 from \$500.00.
- That members of the public may be assuming that Islands Trust sets the penalty rates when they are actually set by the provincial government.
- That penalty rates would be levied by the day for each day someone persists in non-compliance and that a lien against the property title could be sought.
- How Hornby Island's list of Contraventions and Penalties might compare to those of other Gulf Islands.
- Builder's and contractor's awareness of existing bylaws.
- The old system of bylaw enforcement being subject to costly court processes.
- Hornby Island residents' perception of the fairness of various bylaw infractions and penalties.
- Covid causing bylaw enforcement delays.
- Protocols around public postings for APC meetings.

HO-APC-2019-005

It was MOVED and SECONDED,

that the Hornby Island Advisory Planning Commission review Schedule A (Land use Bylaw No. 150, 2014: Contraventions and Penalties) by sub-groups of 2 members; with each sub-group responsible for 1 of 3 bylaw sections.

CARRIED

6. FUTURE MEETING DATES

The next meeting of the HOAPC is Wednesday, November 4, 2020 at 1:00 pm at Hornby Island Community Hall.

7. ADJOURNMENT

By general consent, the meeting was adjourned at 2:28 pm.

Rob McCreary, Chair

Certified Correct:

Katherine Vogt, Recorder



Follow Up Action Report

Hornby Island

05-Apr-2019

Activity	Responsibility	Dates	Status
1 LTC endorsed the revised Watershed Protection and Groundwater Preservation Project Charter; staff to coordinate a follow-up workshop in spring 2019 and prepare communications materials for dissemination to the Hornby Island community.	William Shulba		In Progress

24-May-2019

Activity	Responsibility	Dates	Status
1 First Nations Relationship Building: ·Dec. 2016: LTC requested that staff develop an Event Plan with Hornby and Denman LTCs working together for an initial Komoks community and First Nation long-term, sustainable relationship building event; ·Dec. 2016: LTC requested that staff discuss environmental mapping (ecosystems, eel grass, forage fish) KFN staff as a step in relationship-building. ·Dec. 2017: LTC requested that staff organize two or more community dialogue sessions focused on First Nations and related topics of interest, to be facilitated by Hornby island community members, and to invite First Nations who have asserted rights and title on Hornby Island to participate. ·May 2019: LTC requested that staff design and develop a First Nations reconciliation workshop with the community.	Lisa Wilcox		In Progress



Follow Up Action Report

Hornby Island

08-Nov-2019

Activity	Responsibility	Dates	Status
1 LTC directed staff add a review of DPA 6 - RAR to the OCP/LUB Amendment project and amend the project charter for review at the next LTC meeting.	Sonja Zupanec	Target: 24-Jan-2020	Completed

24-Jan-2020

Activity	Responsibility	Dates	Status
1 Staff to schedule and advertise planner hour availability prior to scheduled LTC meetings on Hornby Island. <i>Update: On Island Planner hours delayed per Provincial travel guidelines regarding COVID-19.</i>	Wil Cottingham		In Progress
2 Add to the Hornby webpage under "Resources" - Planner hours, Conservancy Profile, APC Resolution.	Sonja Zupanec		In Progress
3 Staff to bring forward the project charter for the OCP/LUB (Top Priority #1) amendment project for LTC review and discussion of recommendations for a revised project charter.	Heather Kauer		Completed

01-May-2020

Activity	Responsibility	Dates	Status
1 Staff to report back to LTC on the costs of advertising business meetings in the Hornby Weekly Tribune. <i>Cost for 1/4pg B&W ad is \$25.00 per issue.</i>	Heather Kauer Wil Cottingham	Target: 26-Jun-2020	Completed

Follow Up Action Report

Hornby Island

11-Sep-2020

Activity	Responsibility	Dates	Status
1 that the Hornby Island Local Trust Committee request staff to prepare a report and recommendation regarding not enforcing on year-around, occupied unlawful dwellings.	Heather Kauer	Target: 06-Nov-2020	In Progress
2 that the Hornby Island Local Trust Committee place Minimum Average Lot Area as Top Priority No. 1 once "Consideration of a rezone of 5040 Central Road to R3A" is complete.	Heather Kauer		In Progress
3 that the Hornby Island Local Trust Committee request staff to bring a staff report to the next Local Trust Committee meeting that outlines the possibilities for options for allowing permanent, year-around housing.	Heather Kauer		In Progress
4 that the Hornby Island Local Trust Committee request staff to make every effort to conduct a Resolution Without Meeting as soon as possible to consider application HO-DP-2017.1 (Hornby Island Arts Centre). [NO RWM was conducted as discussion was requested. Application on November 6th LTC agenda.]	Jaime Dubyna		Completed



File No.: 6500-02

DATE OF MEETING: November 6, 2020
TO: Hornby Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: Enforcement on occupation of unlawful dwellings

PURPOSE

The purpose of this report is to respond to a request by the Hornby Island Local Trust Committee in regards to enforcement on occupation of unlawful dwellings.

DISCUSSION

At their September 11, 2020 regular meeting, the Hornby Local Trust Committee (LTC) passed resolution 2020-068 which states:

that the Hornby Island Local Trust Committee request staff to prepare a report and recommendation regarding not enforcing on year-around, occupied unlawful dwellings.

Prior to adopting this motion, the LTC referenced a standing resolution adopted by the Denman Island Local Trust Committee that reads as follows:

The Denman Island Local Trust Committee directs Bylaw Compliance and Enforcement staff to pursue enforcement against unlawful dwellings upon receipt of a written complaint, if any of the following conditions apply:

- a) The complaint is received from at least two sources, one being the owner, occupant or title holder of a neighbouring property;*
- b) It appears that there is more than one unlawful dwelling on a lot;*
- c) An unlawful dwelling appears to be larger than 90 square meters; or*
- d) An unlawful dwelling appears to be located within a Development Permit Area.*

And nothing in this enforcement policy should be interpreted as giving permission to violate the Denman Island Land Use Bylaw and the Local Trust

Committee may change this policy or give direction to expand enforcement activities at any time.

Of note regarding the Denman resolution is that it does not prohibit staff from enforcing the bylaws; it constrains the conditions under which Bylaw Enforcement staff pursue enforcement. Islands Trust has received legal advice that advises against adopting resolutions that prohibit staff from enforcing existing bylaws altogether. If the Local Trust Committee wishes for a particular aspect of a bylaw not to be enforced at all, staff recommend that the appropriate remedy is to add an amendment of the bylaw to the LTC project list.

Staff recommend that enforcement of existing bylaws continues. No motion is necessary from the LTC to accept this recommendation.

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	October 22, 2020
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ATTACHMENT

1. None

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 163

A BYLAW TO AMEND HORNBY ISLAND LAND USE BYLAW, 2014

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. Citation

This bylaw may be cited for all purposes as “Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2020.”

2. Schedule “A” of the Hornby Island Local Trust Committee Bylaw No. 150, cited as “Hornby Island Land Use Bylaw, 2014,” is amended as follows:

2.1 **Part 4 SIGN REGULATIONS**, Section 4.6 **Sign Number and Area**, Subsection 4.6 (1) **Table 4.6: Sign Number and Area** is amended by adding the following:

Zone/Use	Number of Signs Permitted for each lot, Premises or Use	Maximum total sign area permitted for each lot, premises or use
R1, R2, R3, <u>R3A</u> , R4	1 per lot or home occupation	1.0 m ²

2.2 **Part 7 ESTABLISHMENT OF ZONES**, Section 7.1 **Division into Zones**, is amended by adding the following after “Residential 2 – Community Housing”:

Zone Name	Abbreviation
Residential 3 – Community Housing (<u>Elder Housing</u>)	R3
<u>Residential 3A – Community Housing (ISLA)</u>	<u>R3A</u>

3. Schedule “B” of the Hornby Island Local Trust Committee Bylaw No. 150, cited as “Hornby Island Land Use Bylaw, 2014,” is amended as follows:

- a. By changing the zoning classification of LOT 1, SECTION 11, HORNBY ISLAND, NANAIMO DISTRICT, PLAN VIP 87990 (PID 028-221-401) from Residential 3 – Community Housing (Elder Housing) (R3) to Community Housing Zone (ISLA) (R3A) as shown on Plan No. 1, attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 150 as are required to effect this change.

PROPOSED

READ A FIRST TIME THIS 26TH DAY OF JUNE , 2020

READ A SECOND TIME THIS 26TH DAY OF JUNE , 2020

PUBLIC HEARING WAIVED THIS 26TH DAY OF JUNE , 2020

READ A THIRD TIME THIS 11TH DAY OF SEPTEMBER , 2020

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

30TH DAY OF SEPTEMBER , 2020

ADOPTED THIS _____ DAY OF _____ , 20XX

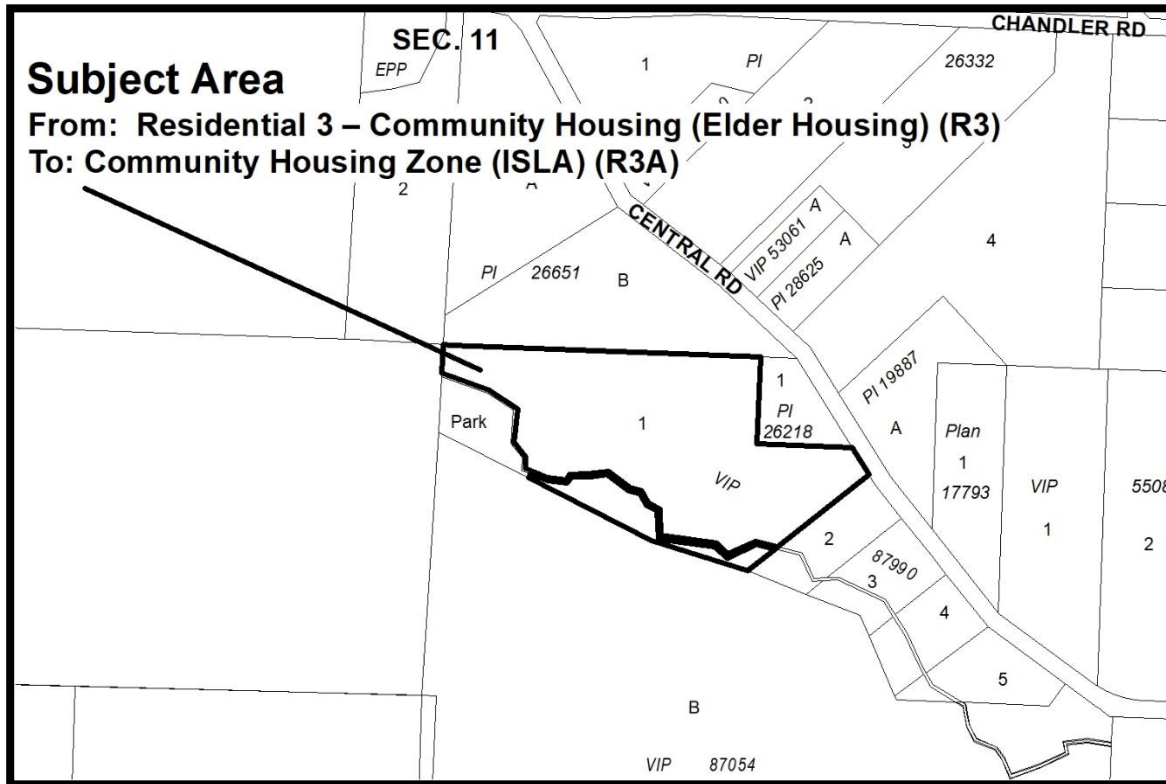
Chair

Secretary

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 163

Plan No. 1





File No.: 3110-04
HO DPA 2

DATE OF MEETING: November 6, 2020
TO: Hornby Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: Development Permit Area 2, Guideline 4 Applicability

PURPOSE

The purpose of this memorandum is to provide some background on guideline 4 of Development Permit Area 2 and its applicability to three development permit applications to be considered by the Local Trust Committee.

BACKGROUND

In 2014, the Hornby Island Local Trust Committee (LTC) adopted new Development Permit Areas (DPAs) focused on Environmental Protection, specifically the protection of groundwater. The DPAs are described in the Hornby Island Official Community Plan (OCP) and the guidelines for these DPAs are contained in the Hornby Island Land Use Bylaw (LUB).

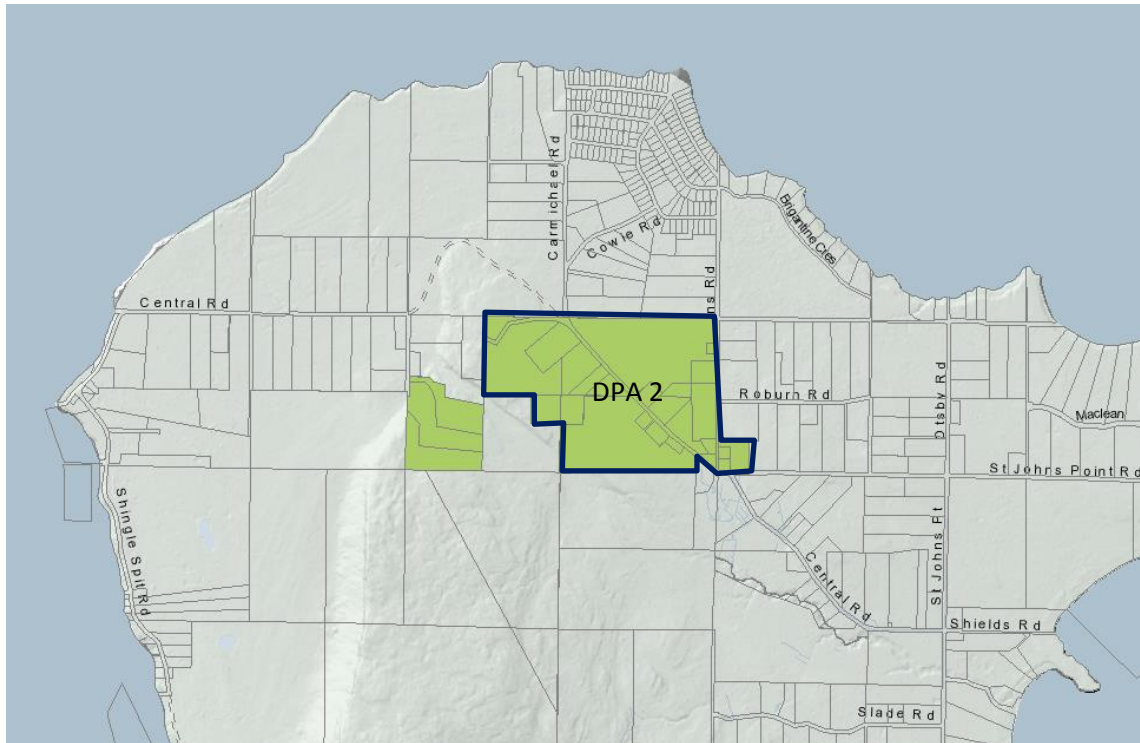
Former Trustee Tony Law, who was involved in the development and application of the DPA described the reason for the DPA in an October 9, 2020 email to the LTC:

In the 1990s, residents of Galleon beach, one of the island's main residential neighbourhoods, raised significant concerns about potential uses in an area zoned for "Light Industrial" uses within what is now the "Community Service Use" designation in the OCP. The concerns were about potential contaminants resulting from these uses entering the groundwater and impacting the quality of the water supply for this neighbourhood.

In response to these and other concerns, the then Hornby Island Local Trust Committee commissioned a Groundwater Geochemistry Study of the island in 2002 in advance of revising the Hornby Island Official Community Plan. This study identified potential local groundwater recharge zones which included land within the "Community Service Use Area".

Because of the range of permitted uses (including community trades and services, firehall, recycling depot) that could involve potential contaminants in a recharge zone, the Development Permit Area was established.

The Community Service Use Development Permit Area (DPA 2) applies to the area depicted on the following map:



The purpose and objective of the Community Service Use DPA 2 are listed in section 6.9.2.2 of the OCP as follows:

Purpose

The Community Service Use Development Permit Area is designated for the protection of the natural environment, its ecosystems and biological diversity and to establish objectives to promote water conservation.

Objective

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.

The guidelines that must be met for a Development Permit to be issued within DPA 2 are listed in section 9.3 of the LUB as follows:

- (1) Before any new development is permitted, there should be approval of a permitted sewage and used water system.
- (2) A significant portion of the water required by a new development should be provided by a rainwater catchment and storage system.
- (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.

(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. [emphasis added]**

Interpretation of Guideline 4

Staff understand the purpose of this guideline is to prevent significant alteration of surface and groundwater movement that could cause "...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." This presumably means surrounding or downstream users.

Staff interpret this guideline to mean that if the effects of the proposed development on surrounding or downstream users is unclear, a hydrology report "may" be required. For all new development, the effects will be unclear. The use of the word "may" in this context means that requiring a hydrology report of the applicant is discretionary but staff would recommend it as all new development can have negative affects on ground water.

Staff further interpret this guideline to mean that if the development involves "significant" levels of vegetation removal, land alteration, alteration of surface drainage, or use of water, then a hydrology report is "required" and therefore not discretionary. There is no language in either the Hornby OCP or LUB that allows the LTC to waive this requirement.

"Land alteration" includes any activity that involves digging up soil which occurs during demolition and installation of foundations, creating berms, paving over drive aisles and parking spaces, or constructing gravel drive aisles and parking spaces. "Alteration of surface drainage" occurs with the addition or removal of impervious surface, alteration of the topography of the site or the installation or removal of stormwater catchment systems. As the preamble of DPA5 states:

It is recognized that the clearing, grading and servicing of sites alters their natural hydrology patterns.

Defining "significant"

The word "significant" is not defined in either the Hornby Island OCP or LUB. In the case where a word such as this is not defined, it is best practice for an organization to adopt an operational interpretation. Staff believe that the development proposals referred to as files HO-DP-2017.2, HO-DP-2020.1, and HO-DP-2020.2 are "significant" for the following reasons:

HO-DP-2020.1

This file relates to the reconstruction of the Hornby School and the addition of new accessory buildings and structures, all of which total approximately 2,103.8 m² (22,645 ft²) of impervious surface. Land alteration and alteration of surface drainage are occurring on this property as a result of the demolition of existing structures and the addition of new structures and overall impervious surface.

While the new school will be placed in generally the same location as the old school, the volume of earth being moved to demolish the old school foundation and accommodate the new foundation will be equivalent to building a school from scratch.

The specific impact that the old school had on groundwater is unknown as no hydrology report was submitted with the construction of that building. Without a hydrology report, it will be unknown how the new structure and other impervious surface might affect existing conditions. From a hydrological perspective, as no assessment has been conducted on this site thus far, all impervious surface and uses should be assessed for groundwater impact.

HO-DP-2017.2 and HO-DP-2020.2

These files relate to a two-storey, 65 m² (700 ft²) addition to an existing, 200 m² medical clinic and construction of a 424.55 m² (4,570 ft²) arts centre with associated parking on one parcel. Land alteration and alteration of surface drainage are occurring on this property as a result of the demolition of existing structures and the addition of new structures and overall impervious surface. The total impervious surface to be added to this parcel as a result of these two developments is 773.52 m² (8,380 ft²).

The specific impact that the medical clinic and arts centre have had on groundwater is unknown as no hydrology report assessment was conducted in conjunction with these structures when they were originally built. Without a hydrology report, it will be unknown how the new structure and expansion of impervious surface might exacerbate existing conditions.

The following table summarizes the impervious surface impacts of the three developments being considered:

File	Pre-development impervious surface	Post development impervious surface	Total Unassessed Area per lot
HO-DP-2020.1 (School)	2,109.6 m ² (22,707 ft ²)	2,103.8 m ² (22,645 ft ²)	2,103.8 m ² (22,645 ft ²) + gravel parking lot
HO-DP-2017.2 (Arts Centre)	80.0 m ² (861 ft ²)	793.52 m ² (8,541 sq ft)	1,063.52 m ² (11,448 ft ²) + gravel parking lot
HO-DP-2020.2 (Clinic)	205 m ² (2,206 ft ²)	270 m ² (2,906 ft ²)	

Precedent – Fire Hall

The first development subject to the provisions of DPA 2 was the Hornby Fire Hall. This development was considered to be one that significantly altered land and surface drainage and was, therefore, required to provide a hydrology report. The site where the Fire Hall was built had no structures on the site prior to the Fire Hall being built.

Response to Correspondence from Tony Law

Former Trustee Tony Law asserts in his email correspondence from October 9, 2020 that:

Because of the range of permitted uses (including community trades and services, firehall, recycling depot) that could involve potential contaminants in a recharge zone, the Development Permit Area was established.

Staff comment: while the guidelines of DPA 2 appear to be designed to address water quality as Mr. Law asserts, they also explicitly require the assessment of impacts to groundwater recharge (quantity) as in guideline 4 which states:

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.

Mr. Law in his correspondence also provides the following rationale for not requiring a hydrology study:

- *the high level of community support for the Arts Centre,*
- *the huge amount of effort taken to get the project to this stage,*
- *that funding could be vulnerable if permits are not in place very soon*
- *that a hydrology study could significantly delay permit issuance*
- *that the project does not involve significant impacts on groundwater quality*

Staff comment:

- There are no regulations or policies that allow the waiving of requirements based on community support, applicant effort, the amount of time allotted for permit review, or timing of funding;
- The Arts Centre application was first submitted in 2017. Staff communicated the need for a hydrology study to the applicant shortly after the application was submitted so the applicant has had over two years to provide a study but has declined to do so;
- The impacts or significance of those impacts to groundwater quantity and quality of the existing and additional development are unknown without a hydrology study.

RATIONALE FOR RECOMMENDATION

The LTC will note that the staff reports for all three of the subject files recommend that a hydrology report be required. Staff's recommendation is based on the fact that:

- Guideline 4 of DPA 4 "requires" a hydrology report when development creates a "significant" alteration of the ground, alteration of surface drainage, or use of groundwater;
- the impact of existing and proposed uses and development on the groundwater of the area is unknown without a hydrology report;
- The potential impact of groundwater quality from medical and school uses as well as vehicle travel over gravel driving surfaces could be significant depending on the way in which gravel is treated, groundwater is used, and grey water is disposed;

- Impervious surface totalling 2,103.8 m² and 1,063.52 m² for the sites is a “significant” amount of impervious surface in terms of altering surface water movement and groundwater recharge;
- Gravel parking lots allow for hazardous vehicle waste to seep into groundwater and become compacted over time, altering surface drainage.

Staff believe that a hydrology study should be required for all three proposals as the impacts to groundwater of existing and proposed developments is unknown and the proposed alteration is significant. While the size of the building addition to the medical clinic is relatively small, the fact that the water management of the clinic as a whole is unknown and the development also includes an ambulance pad and expanded gravel parking area lead staff to believe the clinic as a whole should be assessed. From this perspective, the clinic application is “significant.”

The Arts Centre proposal in and of itself is a significant alteration of the ground as it includes 713.52 m² of unassessed impervious surface and a gravel parking lot. The fact that it is on the same property as the medical clinic means that the two proposals together should be considered “significant.”

The school and related buildings and structures will amount to 2,103.8 m² of unassessed impervious surface plus a gravel parking lot. Staff believe this amount of impervious surface is significant and triggers the need for a hydrology study.

If the LTC decides not to require a hydrology study on one or more of the proposed developments, the LTC should provide rationale for why they believe the proposals are not “significant” alterations of land to guide staff’s interpretation of this guideline with regards to future development proposals.

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	October 22, 2020
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ATTACHMENTS

1. Email from Tony Law dated October 9, 2020

From: Anthony Law <tlaw1@telus.net>

Sent: Friday, October 9, 2020 9:06 PM

To: northinfo <northinfo@islandstrust.bc.ca>

Cc: Grant Scott <gscott@islandstrust.bc.ca>; Sue Ellen Fast <sfast@islandstrust.bc.ca>; Alex Allen <aallen@islandstrust.bc.ca>

Subject: Proposed Arts Centre development permit

To the Hornby Island Local Trust Committee

I note that in the applications report dated September 1, the application for a development permit for a new arts centre building has this notation under "status":

"21-Aug-2020: Staff requested a copy of a Hydrology report in accordance with DPA Guideline 9.3.4"

The referenced DPA guideline states:.

"(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."

I note that this guideline says that a hydrology study "may" be required and only states that one "will" be required if there are specified "significant" issues with respect to a proposed development.

I believe that any reasonable person would conclude that the proposed modest Arts Centre does not involve any of these significant issues in its development. The building will be replacing an existing arts centre. The vicinity also included a Teen Centre and a Community Kitchen that have since been removed. Thus the Arts Centre, as proposed, is not going to have any additional impacts upon groundwater over and above uses that have long been in place in that location.

The Official Community Plan states the following objective for the Community Service Use Development Permit Area:

"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."

Here is some background on why this DPA was established:

In the 1990s, residents of Galleon beach, one of the island's main residential neighbourhoods, raised significant concerns about potential uses in an area zoned for "Light Industrial" uses within what is now the "Community Service Use" designation in the OCP. The concerns were about potential contaminants resulting from these uses entering the groundwater and impacting the quality of the water supply for this neighbourhood.

In response to these and other concerns, the then Hornby Island Local Trust Committee commissioned a Groundwater Geochemistry Study of the island in 2002 in advance of revising the Hornby Island Official Community Plan. This study identified potential local groundwater recharge zones which included land within the "Community Service Use Area".

Because of the range of permitted uses (including community trades and services, firehall, recycling depot) that could involve potential contaminants in a recharge zone, the Development Permit Area was established.

This was to address potential water quality issues associated with potentially polluting activities, not water quantity issues.

Given

- the high level of community support for the Arts Centre,
- the huge amount of effort taken to get the project to this stage,
- that funding could be vulnerable if permits are not in place very soon
- that a hydrology study could significantly delay permit issuance
- that the project does not involve significant impacts on groundwater quality

I encourage the Hornby Island Local Trust Committee to do everything it can to speed up the permitting process, including not requiring a hydrology study.

(I say this as a former trustee who was the prime mover in ensuring that our Official Community Plan included an appropriate suite of policies to address groundwater protection based upon scientific data.)

Thank you for considering this.

Tony Law

File No.: HO-DVP-2020.2
(x-ref HO-DP-2020.1 and
HO-SUP-2020.5)

DATE OF MEETING: November 6, 2020

TO: Hornby Island Local Trust Committee

FROM: Bronwyn Sawyer, Planner 2
Northern Team

COPY: Warren Dingman

SUBJECT: Development Variance Permit Application
Applicant: The Board of School Trustees of School District No. 71 (Comox Valley)
(Bradley Shuya – agent)
Location: 2100 Sollans Road, Hornby Island

RECOMMENDATION

1. That 2 d) “Section 8.2 Residential 2 – Large Lot (R2) Zone” of draft development variance permit HO-DVP-2020.2 be replaced with the “Section 8.21 Public Use (PU) Zone”;
2. That 2 a) and 2 e) of draft development variance permit HO-DVP-2020.2 be removed;
3. That schedules A and H of draft development variance permit HO-DVP-2020.2 be amended to depict the power shed to be outside of the 15 m setback area of all watercourses; and
4. That the Hornby Island Local Trust Committee approve issuance of development variance permit HO-DVP-2020.2, as amended.

REPORT SUMMARY

The purpose of this staff report is for the Hornby Island Local Trust Committee (LTC) to consider a variance to relax several regulations of the Hornby Island Land Use Bylaw No. 150, 2014 (LUB) as part of the proposal for a new community school. The request includes the following:

1. Reducing the minimum location of a building or structure from a lake, watercourse or the sea from 15.0 metres to 9.6 metres for a power shed;
2. Increasing the maximum permitted height of a building from 8.0 metres to 9.5 metres for a school;
3. Reducing the interior side yard setback from 8.0 metres for the following buildings and structures to:
 - 2.4 metres for a generator;
 - 7.2 metres for water tank #1;
 - 3.6 metres for water tank #2;
 - 3.8 metres for water tank #4;

- 4.9 metres for water storage;
 - 5.8 metres for new fire pump;
 - 3.6 metres for existing school building;
4. Reducing the exterior side yard setback from 8.0 metres to 4.5 metres for a power shed.
 5. Increasing the maximum height of a fence from 2.0 metres within the setback and 3.0 metres elsewhere to a maximum height of 3.2 metres.

The new school gymnasium will be built to the same height as the original gymnasium, the variance for the siting of the structures is minor and should not affect neighbouring properties, and the notification has not generated any concerns or objections to date. However, the power shed requires relaxation of two LUB regulations and rationale was not provided for this location near watercourse and within exterior side yard setbacks. For these reasons, the above recommendation is supported by staff.

RATIONALE FOR VARIANCE

The rationale for the development variance permit (DVP) application to the height regulations has been provided by the agent. In it, the agent identified that the proposed school gymnasium will exceed the height permitted in the LUB and states that reducing the height to the permitted 8.0 metres will impact sports activities that can take place in the building. It is stated that the original gym had a height of 9.1 metres. Rationale for the location of other structures and buildings within setbacks was not provided with the original application.

BACKGROUND

The subject property is 1.76 hectares and is the site of the Hornby Island Community School. The main school building was damaged by fire in 2018 and the proposed school will be over the height allowable in the Public Use (PU) zone in LUB. In review of the drawings, it has also been determined that several other LUB regulations will not be met and this report will review all other setback encroachments proposed.

In response to the requirement for a survey, as stated in the LUB, the agent had asked that an exception be made for this DVP application. The following resolution was carried during the LTC meeting on June 26, 2020:

HO-2020-047 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee waive requirement for a current plan signed by a B.C. Land Surveyor.

CARRIED

Chair Fast Opposed

The applications will allow for the construction of a new school building, a power shed, a fence, and the installation of equipment related to power and fire protection infrastructure. Additional information in support of the application has been provided by the agent (see correspondence in HO-DP-2020.2).

A copy of the notice and the draft permit (HO-DVP-2020.2) are Attachments 2 and 3.

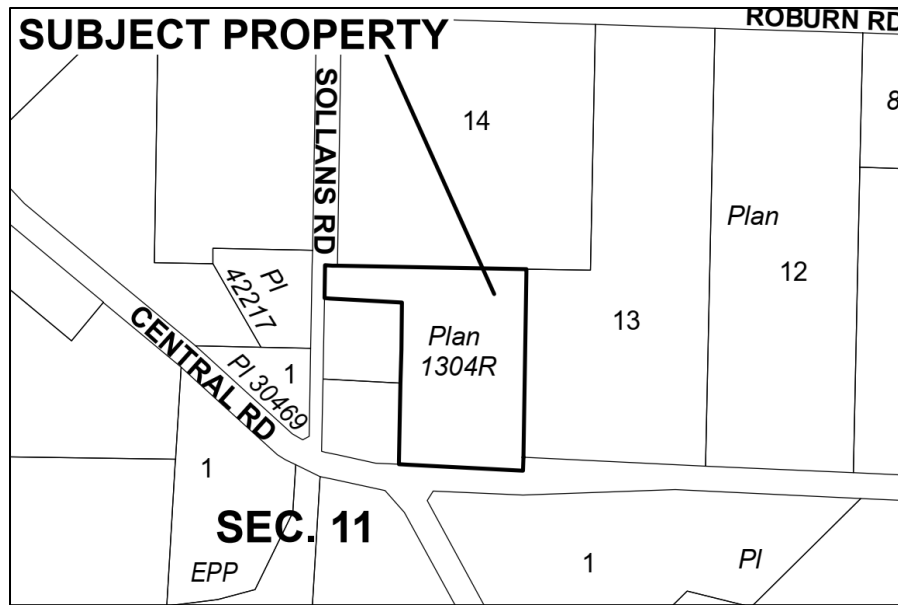


Figure 1: Subject Property



Figure 2: Subject Property (CVRD iMap 2016)

ANALYSIS

Official Community Plan:

The property is designated Community Service Use (COM) in the Hornby Island Official Community Plan Bylaw No. 149, 2014 (OCP) and is located in two development permit areas (DPA): DPA 2 (Community Service Use) and DPA 6 (Riparian Areas). The development permit application HO-DP-2020.1 has been made for a DPA 2 permit and the new building proposed in DPA 6, the power shed, is exempt from any requirement for a development permit as per 9.6.2.b) of the LUB.

Land Use Bylaw:

The property is in the Public Use (PU) zone. Other LUB regulations are outlined in the table below (Table 1).

Hornby Island Land Use Bylaw No.150	Relevant Regulations	Requirement LUB No. 150		Proposed
	Permitted Uses	- Public Use		- OK
	Density	- Lot coverage 10%		- Approx. 8.2% OK
	Size	Height - Maximum height of 8 metres Maximum floor area - Total combined floor area of accessory buildings must not exceed 100m ²		- 9.5 metres - OK
	Siting	Setbacks - 8.0 metres from a front lot line - 8.0 metres from a rear lot line - 8.0 metres from an interior side lot line - 8.0 metres from an exterior side lot line		- OK - OK - See draft development variance permit or report summary above
	General Siting and Setbacks	Fence Height - Within the setbacks from any lot line as prescribed in Part 8 of this Bylaw, the maximum height of a fence is 2.0 metres and, elsewhere, the maximum height of a fence is 3.0 metres. Siting and Setback Regulations - No building or structure may be located within 15.0 metres of, nor less than 1.5 metres above, the natural boundary of any lake, watercourse or the sea.		- 3.2 metres - 9.6 metres
	Parking Spaces	Minimum number of parking spaces	Minimum number of parking spaces for disabled	- 20, 2 OK
		1 per employee plus 10 for visitors (8 staff/employees + 10 visitor = 18 required)	Greater of 1 or 1 per 50 parking spaces (1 space required)	

Table 1: LUB Regulations

Analysis:

Issues and Opportunities

Buildings located within 15.0 metres of natural boundary of any watercourse

In the Islands Trust mapping, a watercourse, associated with the Beulah Creek watershed, is identified as beginning near the south property line and within the School House Trail right of way and following south along Central Road. The purpose of the watercourse setback regulation is to help prevent negative impact of development on watercourses. The agent has stated that a power shed is proposed 9.6 metres from the natural boundary of the watercourse. Although this building is exempt from the DPA 6 requirements, it will be closer to a watercourse than the LUB regulations allow. In the LUB, 3.3(2) states: no building or structure may be located within 15.0 metres of, nor less, than 1.5 metres above, the natural boundary of any lake, watercourse or the sea. Although the agent has stated that this location is cleared of vegetation, there has been no rationale provided with this request. As staff know little about this watercourse nor the potential impacts that constructing a power shed may have, staff are unable to support this part of the permit.

Height

The application to relax the height is not expected to have an impact on the neighbours. The maximum height that has been requested is similar to the maximum height of community buildings on other islands in the Islands Trust and, as stated by the agent, will allow a wider variety of activities to take place in the gym.

Fence

The applicant has proposed to erect a new fence to enclose the water tank farm and other fire protection infrastructure. As shown on the drawings, the fence will be constructed to a height of 3.2 metres. Within a setback, in this case interior side, the maximum height of a fence in the LUB is 2.0 metres. It appears that the fence is intended to screen the infrastructure from the view of people on the school site and not create a barrier with the neighbouring properties. It is not expected to impact the neighbouring property.

Interior side lot line

There are several structures proposed to be installed in the interior side lot line and will include a generator, three water tanks and a fire pump. At present, there is a water storage structure and an existing school building; both these existing buildings and structures are included in this permit. The water tanks will be 3.9 metres high and will be visible to the neighbouring property; however, there is an existing water storage for the fire department and similar infrastructure already located in this area of the school property. The permit will also relax the interior side yard setback for the existing classroom building as the applicants' intention is to keep this building in this location.

Exterior side lot line

This request is to address the proposed power shed and its location within the exterior side lot line setback. The request is relax the regulation from 8.0 metres to 4.5 metres. Given that this proposed power shed is located within 15 metres of the natural boundary of a watercourse (see above section) and staff are concerned about the potential impact to the watercourse, staff recommend not issuing the permit for the exterior side lot line relaxation.

Impact on Neighbouring Properties

The new school will be built to the same height as the original school and the impact will be unchanged. The proposed power and fire protection infrastructure will be located, at the closest point, 2.4 metres to the neighbouring property located south and west of the subject property. While several new structures will be added to this area of property, an existing water storage for the fire department is located 4.9 metres from the property and it will remain and has been included in the draft permit. There will be visual impacts, particularly the water tanks for sprinklers, on the neighbouring property and there has been no rationale provided as to the locating of the infrastructure within the interior side yard setback. The selection of this location is likely associated with the existing well and existing fire department water storage. The generator will only be used during power outages and for fire protection purposes. The neighbouring undeveloped property that will be most affected by these structures is also zoned Public Use and the visual and noise impacts may be similar to what might be developed in the future on the neighbouring property. There has been no correspondence received on this application.

Error in draft Permit

The draft permit that circulated to surrounding property owners and residents contained an error. In the draft permit, the subject property was mistakenly identified as being located in the Residential 2 – Large Lot (R2) Zone instead of the Public Use (PU) Zone. Prior to issuance of the permit, this error will need to be corrected and language to assist is provided in the wording of the staff recommendation and the alternative recommendation. The setbacks stated in the notice and draft permit are the same in both the R2 and the PU zones and this change should not impact the statutory notification requirement.

Potential impacts of granting the development variance permit

The granting of a variance can have the potential to create an expectation in the community with regard to future applications. Each application should be assessed on an individual basis.

Circulation

DVP notices were circulated to surrounding property owners and residents. The notification period will end October 22nd at 4:00 pm.

At the time of preparing the staff report, staff have received no submissions. Any submissions received prior to the LTC considering this application will be forwarded to the LTC.

Rationale for Recommendation

In general, the impacts to neighbouring properties are expected to be minimal and notification has not generated any responses. The DVP application is considering the relaxation of two sections of the LUB to accommodate a power shed and there has been limited rationale provided as to the location of this building and no discussion of alternative locations with agent. The recommendation is that all parts of the permit be approved except for those pertaining to the proposed power shed.

ALTERNATIVES

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

- 1. Edit draft permit and approve permit as presented.**

There are two errors in the permit that will need to be addressed before the LTC can issue the permit, as presented in the drawings. Recommended wording for the resolution is as follow:

- 1) *That the Hornby Island Local Trust Committee That 2 d) “Section 8.2 Residential 2 – Large Lot (R2) Zone” of the draft development variance permit HO-DVP-2020.2 be replaced with the “Section 8.21 Public Use (PU) Zone”;*
- 2) *That 2 e) “Section 8.2 Residential 2 – Large Lot (R2) Zone” of the draft development variance permit HO-DVP-2020.2 be replaced with “Section 8.21 Public Use (PU) Zone”; and*
- 3) *That the Hornby Island Local Trust Committee approve issuance of HO-DVP-2020.2, as amended.*

Submitted By:	Bronwyn Sawyer Planner 2	October 22, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	October 23, 2020

ATTACHMENTS

1. Site Context
2. Notice
3. Draft Development Variance Permit HO-DVP-2020.2

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	THAT PART OF THE NORTH EAST 1/4 OF SECTION 11, HORNBY ISLAND, NANAIMO DISTRICT, SHOWN OUTLINED IN RED ON PLAN 1304R
PID	000-457-752
Civic Address	2100 Sollans Road, Hornby Island

LAND USE

Current Land Use	Community school
Surrounding Land Use	Rural residential, forested, other public uses

HISTORICAL ACTIVITY

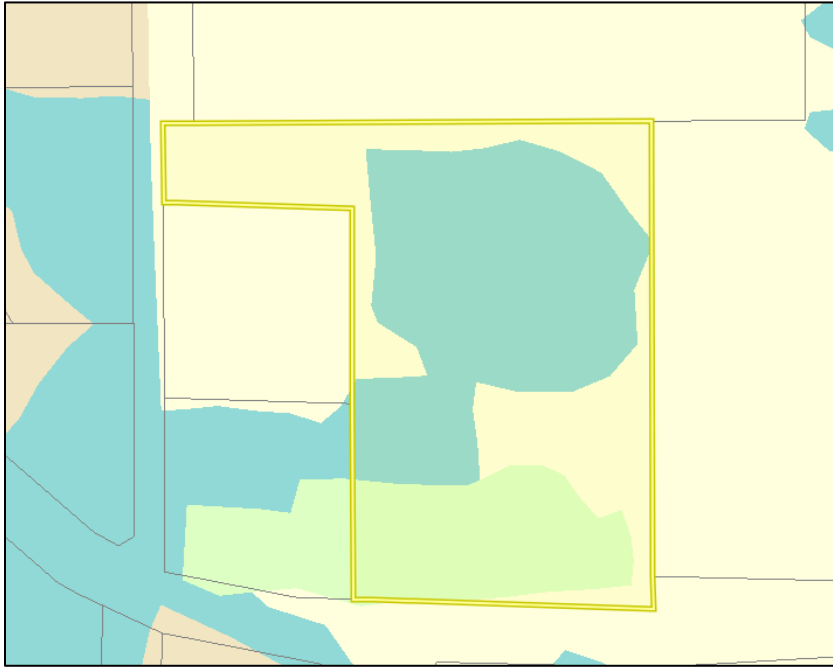
File No.	Purpose
HO-TUP-2004.1	To operate a summer theater
HO-LUB-2007.2	Unknown
HO-SUP-2019.1	For temporary portables (in abeyance)
HO-SUP-2020.5	For construction of permanent school
HO-DP-2020.1	For construction of permanent school

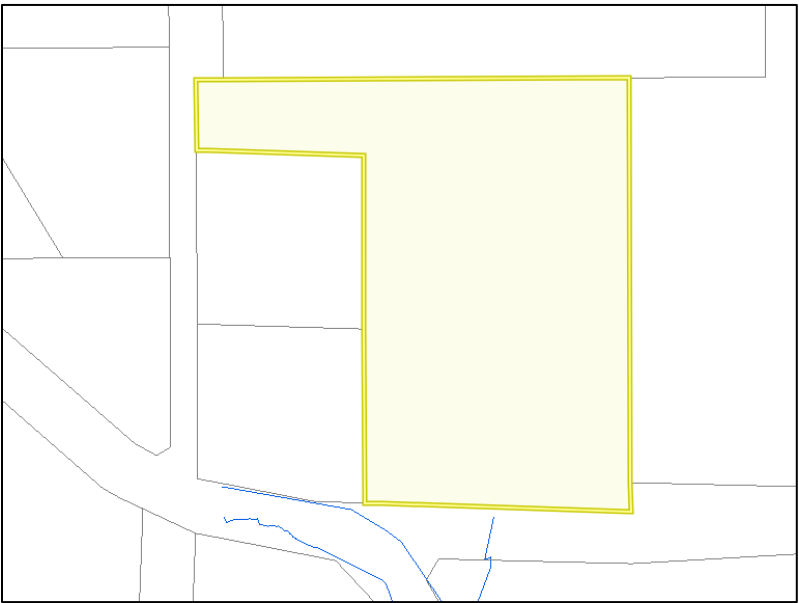
POLICY/REGULATORY

Official Community Plan Designations	Community Service Use (COM) DPA 2 (see HO-DP-2020.1 guidelines checklist) DPA 6 – exempt from DP
Hornby Island Land Use Bylaw 150, 2014	Public Use (PU) zone 8.0 metres from an interior side lot line 8.0 metres from an exterior side lot line General regulations, Siting and setback regulations (3.3(2)): No building or structure may be located within 15.0 metres of, nor less than 1.5 metres above, the natural boundary of any watercourse General regulations, Height Regulations (3.4(1)): Buildings and structures other than agricultural buildings and structures must not exceed a height of 8.0 metres General regulations, Fences (3.9(1)): Within the setbacks from any lot line as prescribed in Part 8 of this Bylaw, the maximum height of a fence is 2.0 metres and, elsewhere, the maximum height of a fences is 3.0 metres
Other Regulations	n/a
Covenants	n/a

Bylaw Enforcement	HO-BE-2018.1
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SITE INFLUENCES

Islands Trust Fund	No referral required
Regional Conservation Strategy	See Riparian Ecosystems: http://www.islandstrustconservancy.ca/initiatives/mapping-our-ecosystems/types-of-sensitive-ecosystems/#ri How can we protect Riparian Ecosystems? • Create and maintain a vegetated buffer to protect against outside disturbance • Limit human and domestic animal access to reduce damage to riparian soils and vegetation • Retain features such as snags, logs and downed trees • Allow natural disturbances to occur, such as flooding and channel changes, and restrict human interferences such as hard bank reinforcements and infilling • Restrict pesticide, fertilizer or other chemical use nearby
Species at Risk	SAR Ecological Community: Douglas-fir / dull Oregon-grape SAR Critical Habitat (Public): Little Brown Myotis and Northern Myotis
Sensitive Ecosystems	ITEM: Rural (blue), young forest (yellow), riparian (shown in green) 

	 Watercourses
Hazard Areas	No steep slopes identified on mapping. Power shed is proposed to be located within 15.0 metres of the natural boundary of a watercourse.
Archaeological Sites	The applicant should be aware that there is 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	The rainwater catchment system required in DPA2 could be considered a climate change adaptation. No climate change adaptations have been proposed as part of this application.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	n/a

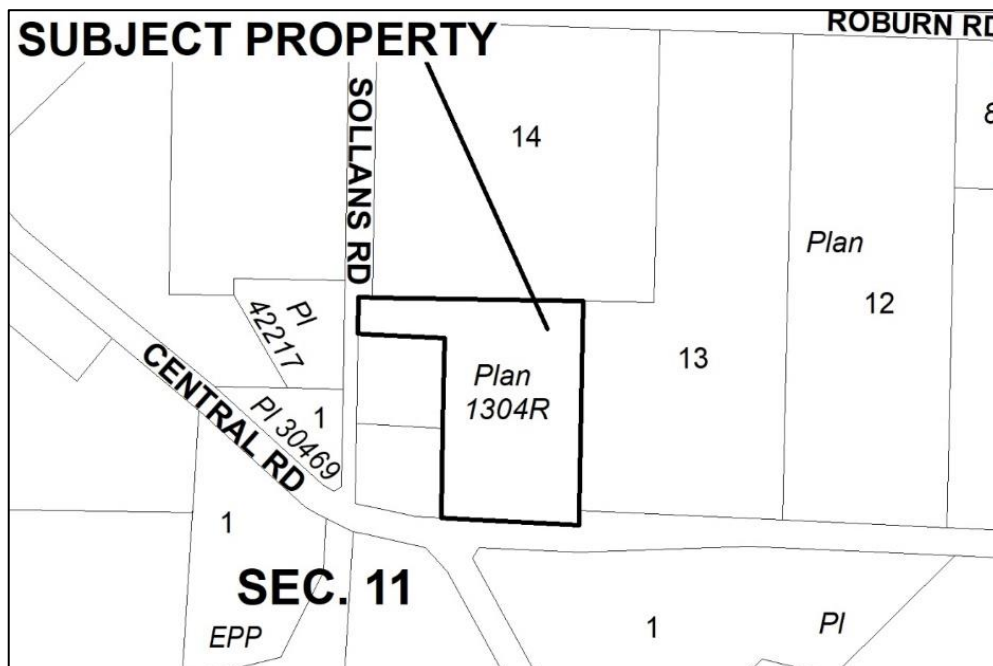
NOTICE
HO-DVP-2020.2
HORNBY ISLAND LOCAL TRUST COMMITTEE

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 499 of the *Local Government Act*. The proposed permit would vary the Hornby Island Land Use Bylaw No. 150, 2014 by:

- Reducing the minimum location of a building or structure from a lake, watercourse or the sea from 15.0 metres to 9.6 metres for a power shed;
- Increasing the maximum permitted height of a building from 8.0 metres to 9.5 metres for a school;
- Reducing the interior side yard setback from 8.0 metres for the following buildings and structures to:
 - 2.4 metres for a generator;
 - 7.2 metres for water tank #1;
 - 3.6 metres for water tank #2;
 - 3.8 metres for water tank #4;
 - 4.9 metres for water storage;
 - 5.8 metres for new fire pump;
 - 3.6 metres for existing school building;
- Reducing the exterior side yard setback from 8.0 metres to 4.5 metres for a power shed.
- Increasing the maximum height of a fence from 2.0 metres within the setback and 3.0 metres elsewhere to a maximum height of 3.2 metres.

The property is located at **2100 Sollans Road** and is legally described as THAT PART OF THE NORTH EAST 1/4 OF SECTION 11, HORNBY ISLAND, NANAIMO DISTRICT, SHOWN OUTLINED IN RED ON PLAN 1304R (PID: 000-457-752).

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 700 North Road, Gabriola Island, BC V0R 1X3, between the hours of 8:30 a.m. to 4:00 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **October 13, 2020** and continuing up to and including **October 22, 2020**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at the Notice Board on Hornby Island.

Enquiries or comments should be directed to Bronwyn Sawyer, Planner 2, at (250) 247-2207 or for Toll Free Access, request a transfer via Enquiry BC: In Vancouver (604) 660-2421 and elsewhere in BC 1 (800) 663-7867; or by fax (250) 405-5155; or by email to: northinfo@islandstrust.bc.ca before 4:30 pm, **October 22, 2020**.

The Hornby Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the **Electronic Business Meeting** starting at **10:00 am, Friday, November 6, 2020**.

To listen and/ or view the meeting or participate in the Town Hall portion of the Hornby Island Local Trust Committee meeting, the public may join the meeting by:

- **Calling:** 833 955 1088 (Toll Free) (Canada)
- **Logging into:** <https://islandstrust.zoom.us/j/62924035200>
- **Webinar ID number is:** 629 2403 5200

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

Becky McErlean,
Deputy Secretary

**HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
HO-DVP-2020.2**

To: The Board of School Trustees of School District No. 71 (Comox Valley)

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

THAT PART OF THE NORTH EAST 1/4 OF SECTION 11, HORNBY ISLAND, NANAIMO DISTRICT, SHOWN OUTLINED IN RED ON PLAN 1304R (PID: 000-457-752)

2. Hornby Island Land Use Bylaw 150, 2014 is varied as follows:

- a) [PART 3 GENERAL REGULATIONS, Section 3.3 Siting and Setback Regulations](#), Subsection (2) No building or structure may be located within 15.0 metres of, nor less than 1.5 metres above, the natural boundary of any lake, watercourse or the sea is varied to allow a power shed to be located within 9.6 metres of the natural boundary of any lake, watercourse or the sea; and
- b) [PART 3 GENERAL REGULATIONS, Section 3.4 Height Regulations](#), Subsection (1) Buildings and structures other than agricultural buildings and structures must not exceed a height of 8.0 metres is varied to 9.5 metres; and
- c) [PART 3 GENERAL REGULATIONS, Section 3.9 Fences](#), Subsection (1) Within the setbacks from any lot line as prescribed in Part 8 of this Bylaw, the maximum height of a fence is 2.0 metres and, elsewhere, the maximum height of a fences is 3.0 metres is varied to permit the construction of a fence to a maximum height of 3.2 metres within the setbacks from any lot line and 3.2 metres elsewhere; and
- d) PART 8 ZONE REGULATIONS, Section 8.2 Residential 2 – Large Lot (R2) Zone, Subsection Siting and Size (4), Article (c) The minimum setback for any building or structure, except for a fence or pump/utility house shall be 8.0 metres from any interior side lot line is varied to permit the construction of:
 - A generator 2.4 metres from an interior side lot line
 - A water tank 7.2 metres from an interior side lot line
 - A water tank 3.6 metres from an interior side lot line
 - A water tank 3.8 metres from an interior side lot line
 - An existing water storage 4.9 metres from an interior side lot line
 - A fire pump 5.8 metres from an interior side lot line
 - An existing school building 3.6 metres from an interior side lot line; and
- e) PART 8 ZONE REGULATIONS, Section 8.2 Residential 2 – Large Lot (R2) Zone, Subsection Siting and Size (4), Article (c) The minimum setback for any building or structure, except for a fence or pump/utility house shall be 8.0 metres from any exterior side lot line is varied to permit the construction of a power shed 4.5 metres from an exterior side yard line.

The development shall be consistent with Schedules 'A', 'B', 'C', 'D', 'E', 'F', 'G' and 'H' which are attached to and form 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. 150, 2014 and to obtain other approvals necessary for completion of the proposed development.

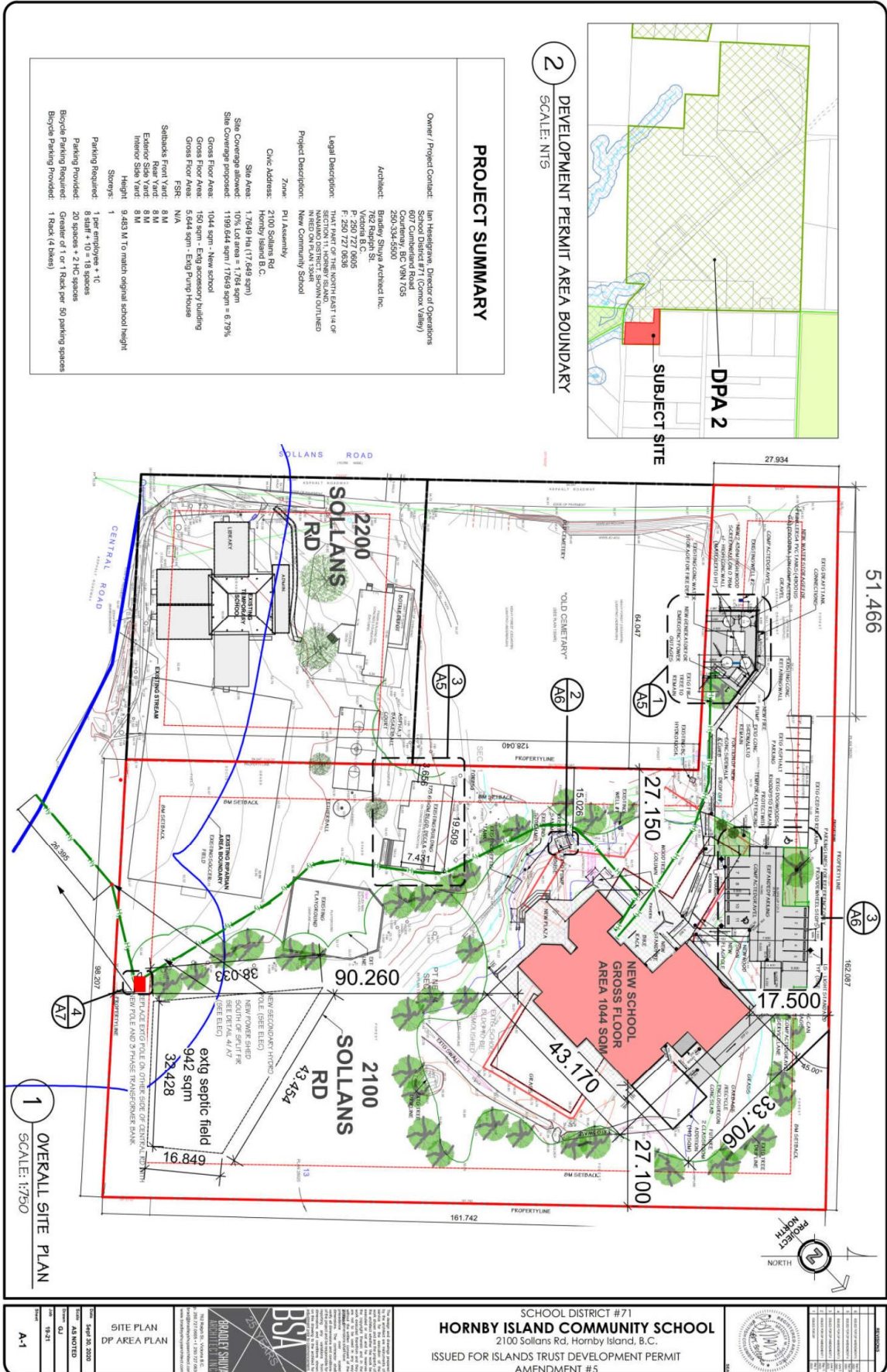
AUTHORIZING RESOLUTION PASSED BY THE HORNBY LOCAL TRUST COMMITTEE THIS ##TH DAY OF [MONTH], [YEAR].

Deputy Secretary, Islands Trust

Date of Issuance

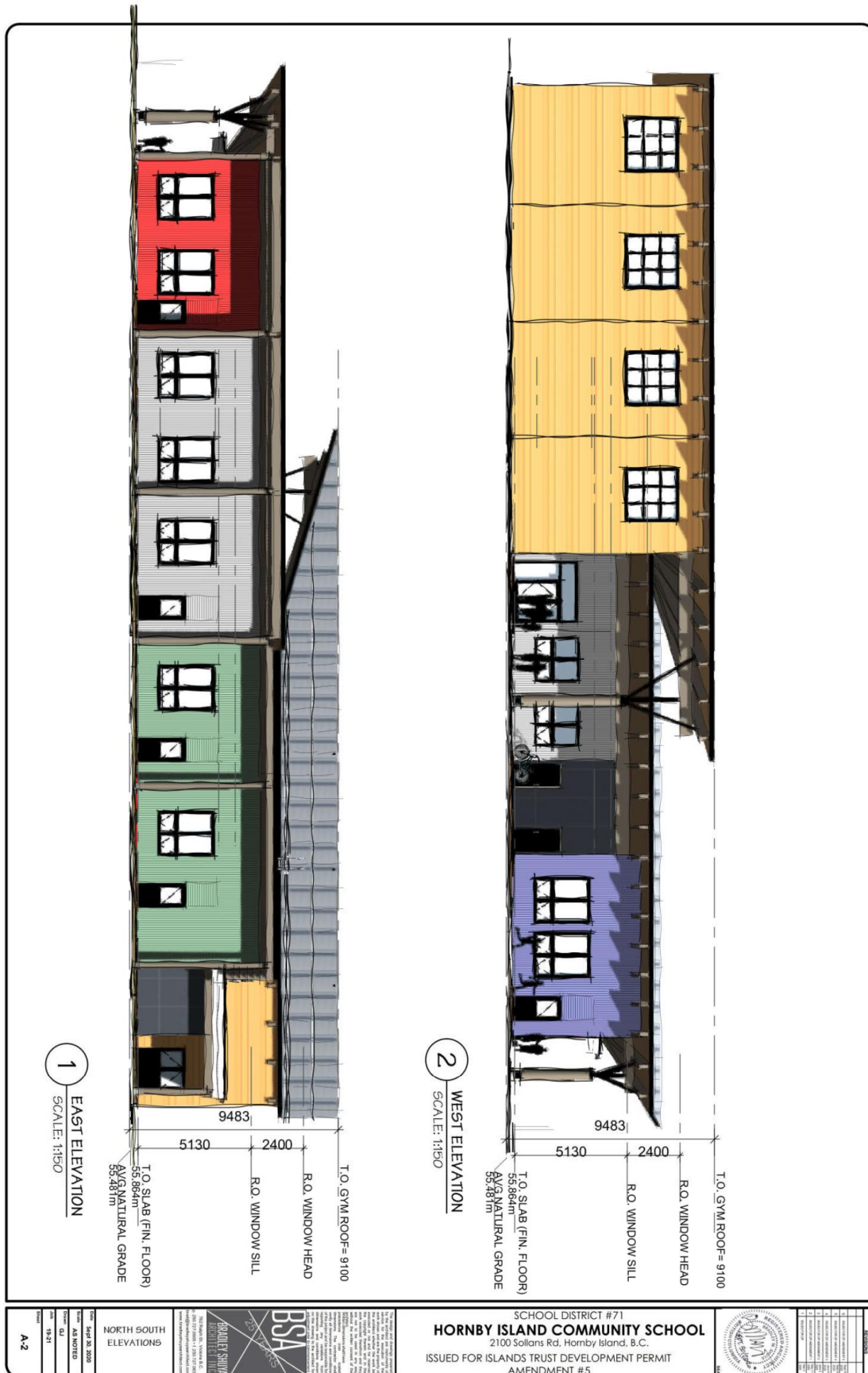
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##TH DAY OF [MONTH], [YEAR (2 YEARS FROM DATE OF ISSUANCE)] THIS PERMIT AUTOMATICALLY LAPSES.

SCHEDULE 'A' Overall Site Plan



HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-DVP-2020.2

SCHEDULE 'B' East and West Elevations

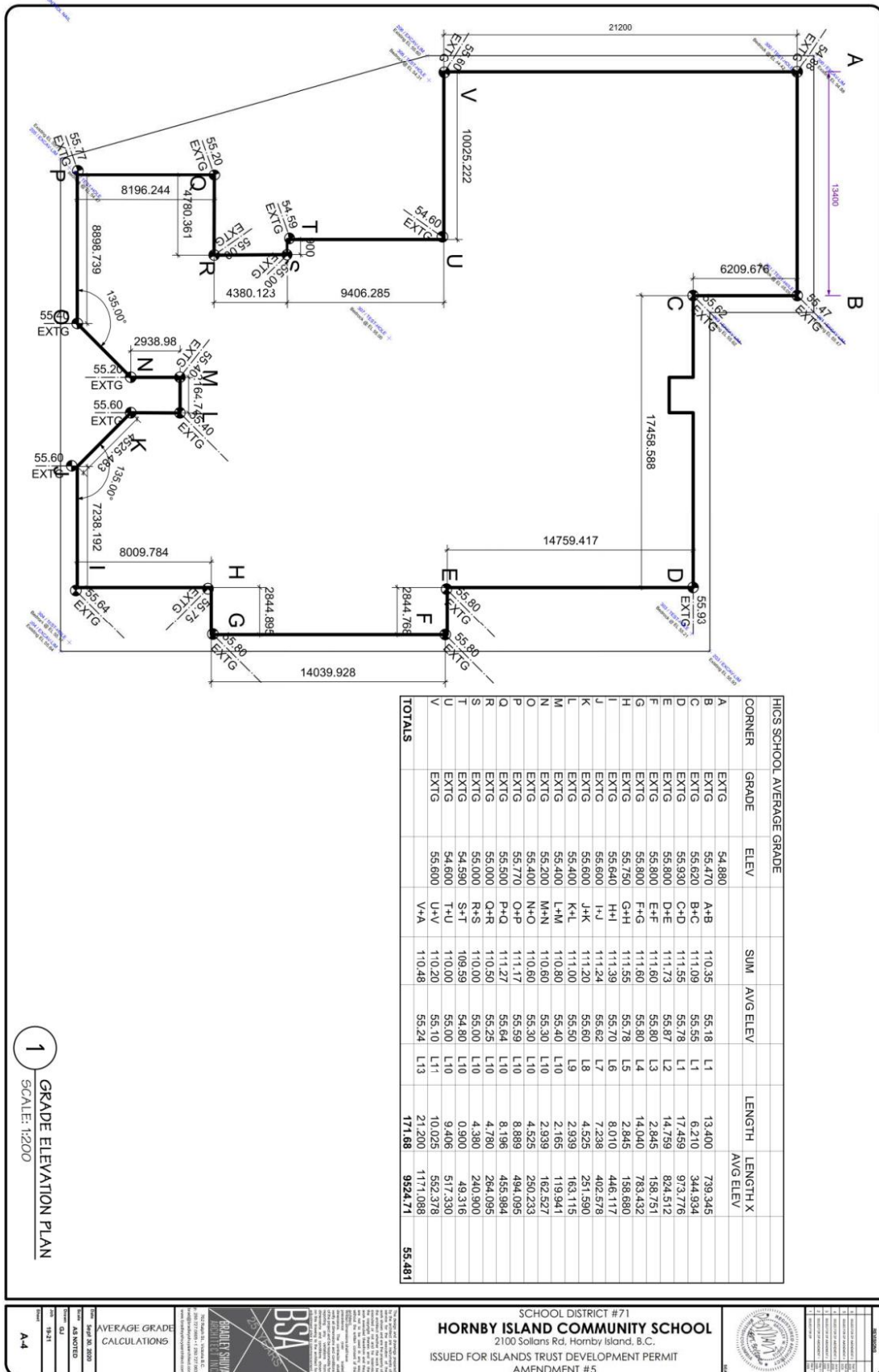


SCHEDULE 'C' North and South Elevations

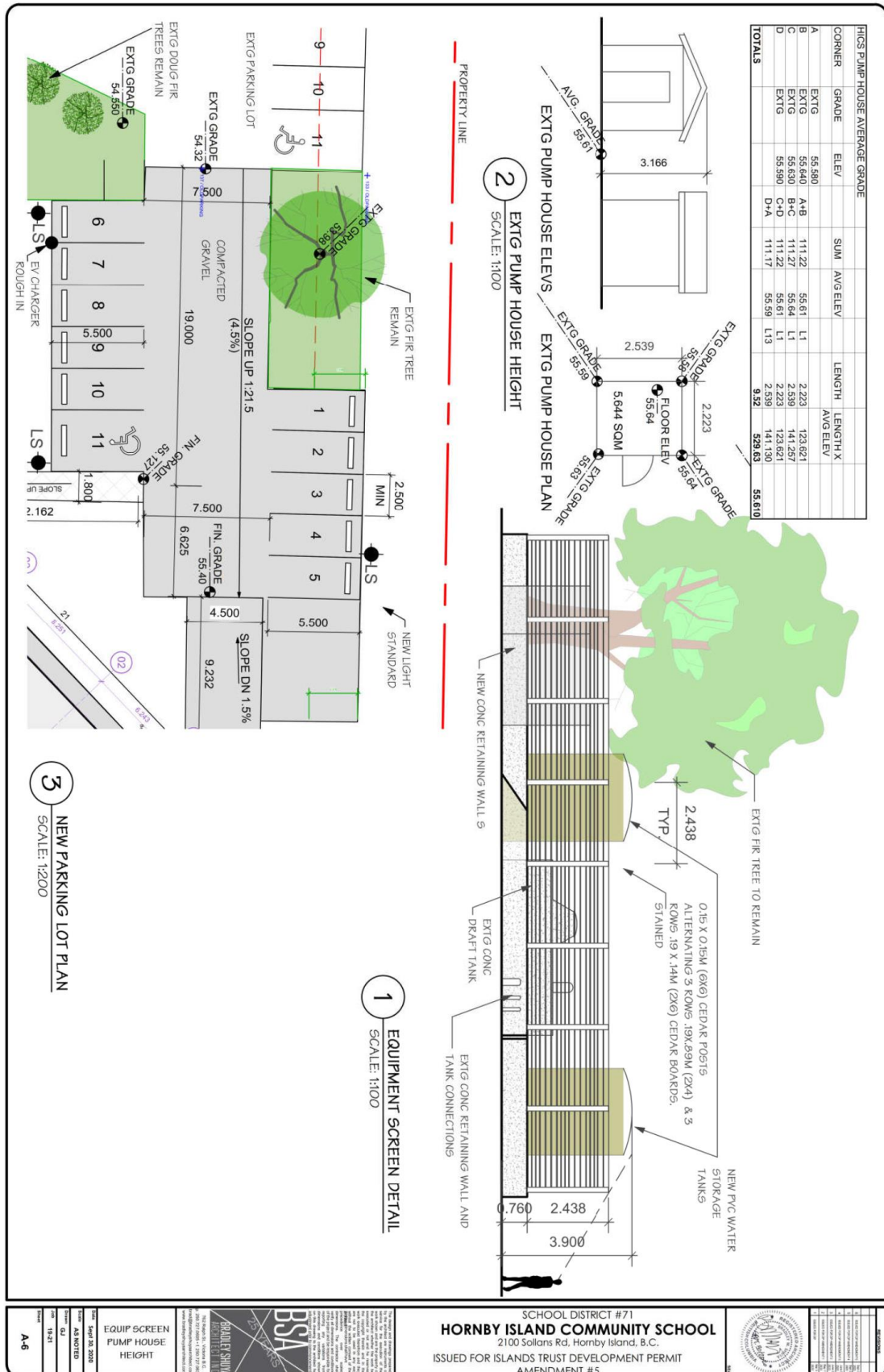


HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-DVP-2020.2

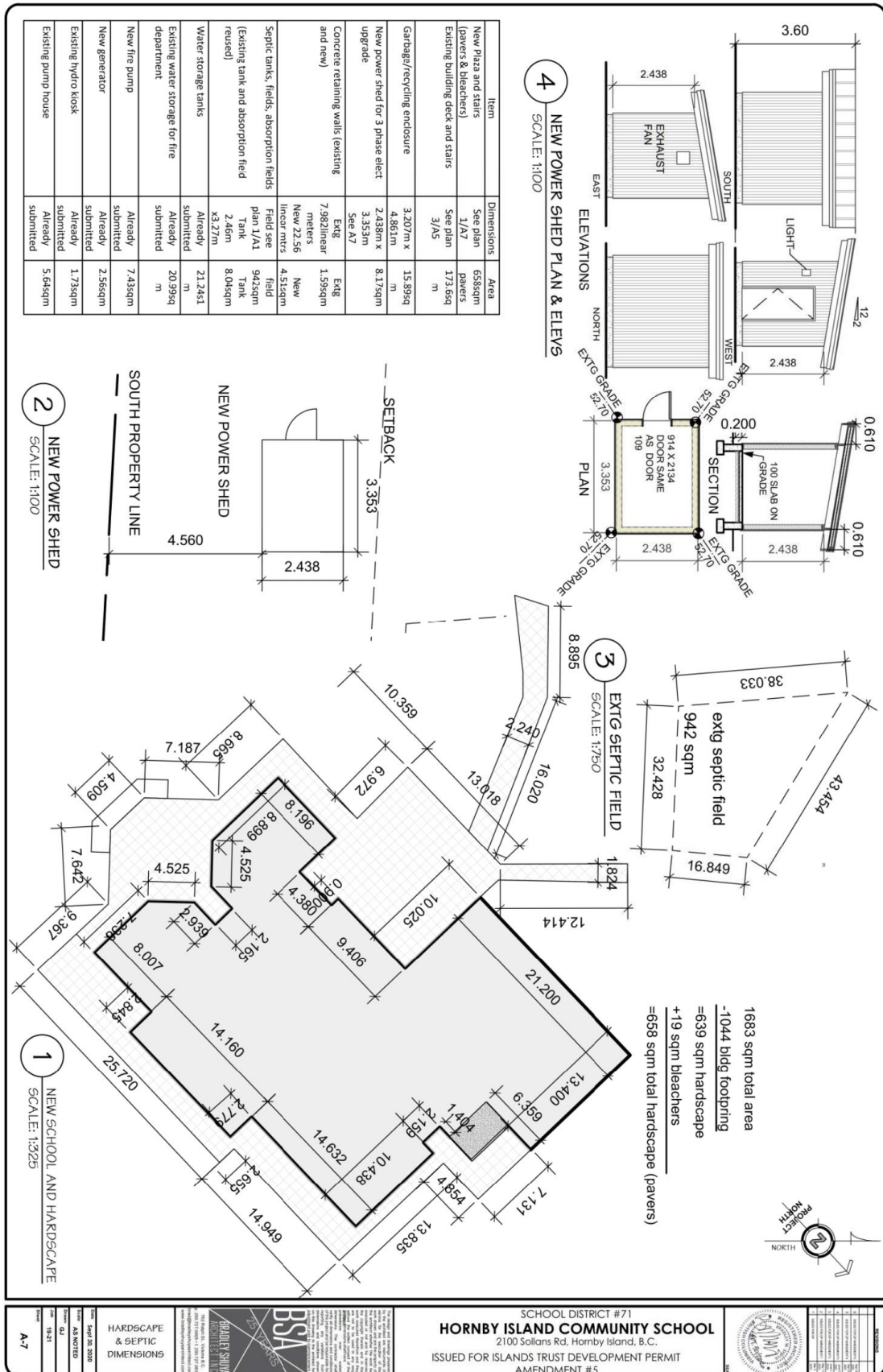
SCHEDULE 'D' Grade Elevation Plan



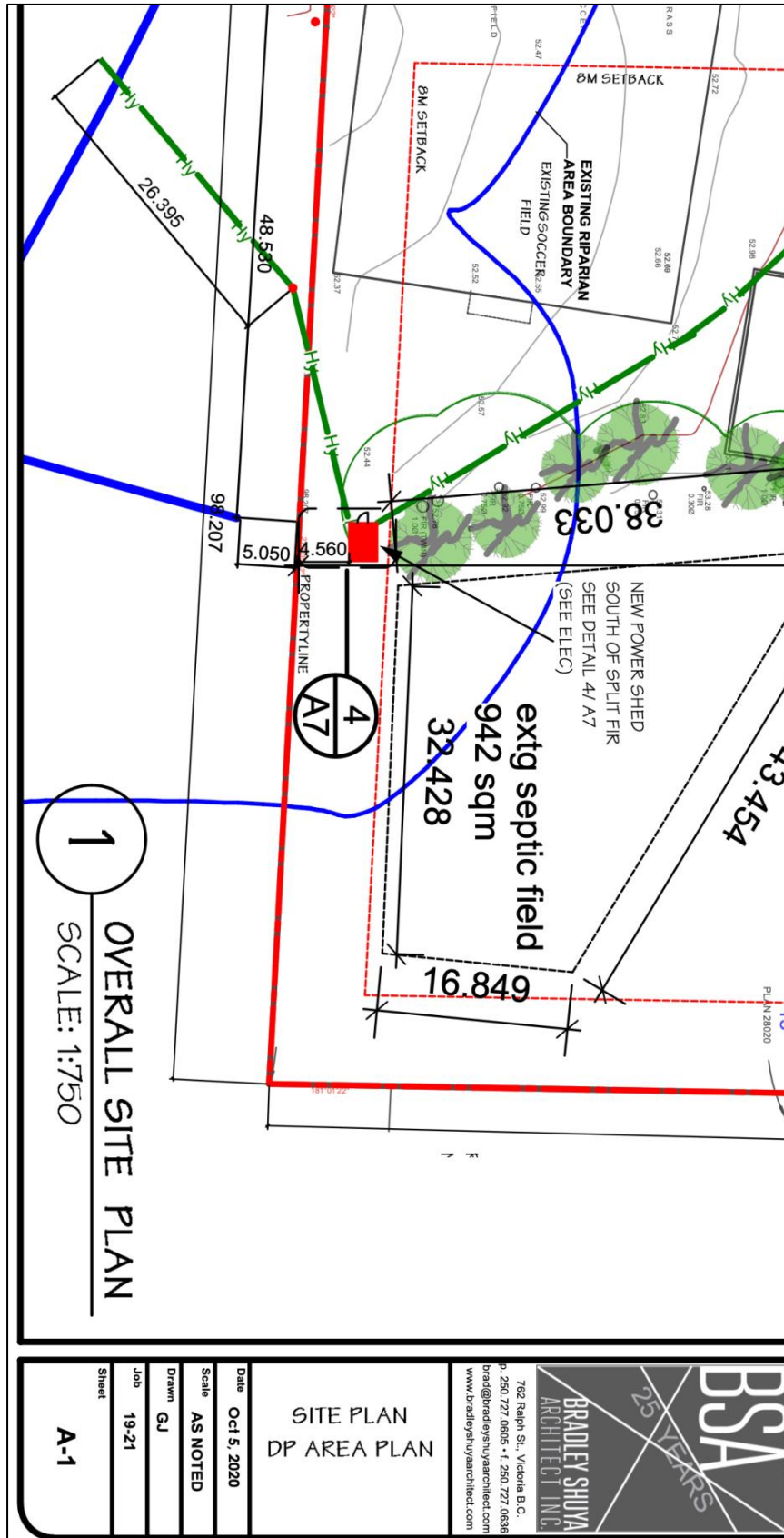
SCHEDULE 'F' Equipment Screen, Pump House, Height



SCHEDULE 'G' Hardscape, Power Shed and Septic Dimensions



SCHEDULE 'H' Power Shed Detail





File No.: HO-DP-2020.1
(x-ref HO-DVP-2020.2 and
HO-SUP-2020.5)

DATE OF MEETING: November 6, 2020

TO: Hornby Island Local Trust Committee

FROM: Bronwyn Sawyer, Planner 2
Northern Team

SUBJECT: Development Permit Application (DPA 2 – Community Service Use)
Applicant: The Board of School Trustees of School District No. 71 (Comox Valley)
(Bradley Shuya – agent)
Location: 2100 Sollans Road, Hornby Island

RECOMMENDATION

1. That the Hornby Island Local Trust Committee request that the applicant of HO-DP-2020.1 submit the sewage and used water system approval for proposed school building, a rainwater catchment and storage system plan, and a hydrology report all consistent with Section 9.3 of the Hornby Island Land Use Bylaw.

REPORT SUMMARY

The Hornby Island Local Trust Committee (LTC) is asked to consider a Development Permit (DP) application within Development Permit (DPA) 2 – Community Service Use as part of a proposed school construction project. An approved environmental protection DP is required before staff can process a siting and use permit for the proposed buildings and structures. The application does not appear to meet the DPA guidelines and staff is recommending that the LTC request supporting information before consideration of issuance of the permit.

BACKGROUND

The 1.76 ha subject property is located on Sollans Road, as shown on Figure 1. According to the agent, the original Hornby Island Community School (HICS) was constructed in 1983. In 2018, the HICS was damaged by fire and this proposal will see the demolition of the old school and the construction of a new school. There is other development proposed as part of this project, which includes the installation and construction of new structures and buildings related to servicing the property (e.g. fire protection and hydro) and an expansion of the parking lot area. Many of these new structures and buildings are also the subject of file HO-DVP-2020.2.

In response to the requirement for a survey, as stated in the Hornby Island Land Use Bylaw No. 150, 2014 (LUB), the agent had asked that an exception be made for this DP application. The following resolution was carried during the Hornby Local Trust Committee (LTC) meeting on June 26, 2020:

HO-2020-047 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee waive requirement for a current plan signed by a B.C. Land Surveyor.

CARRIED Chair Fast Opposed

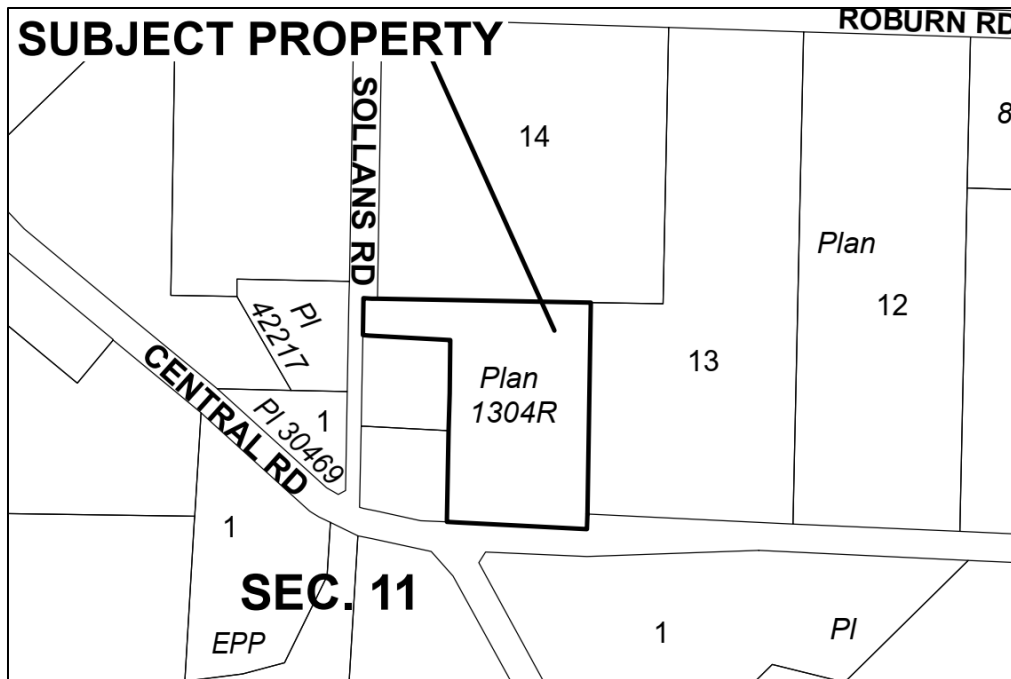


Figure 1 – Subject Property

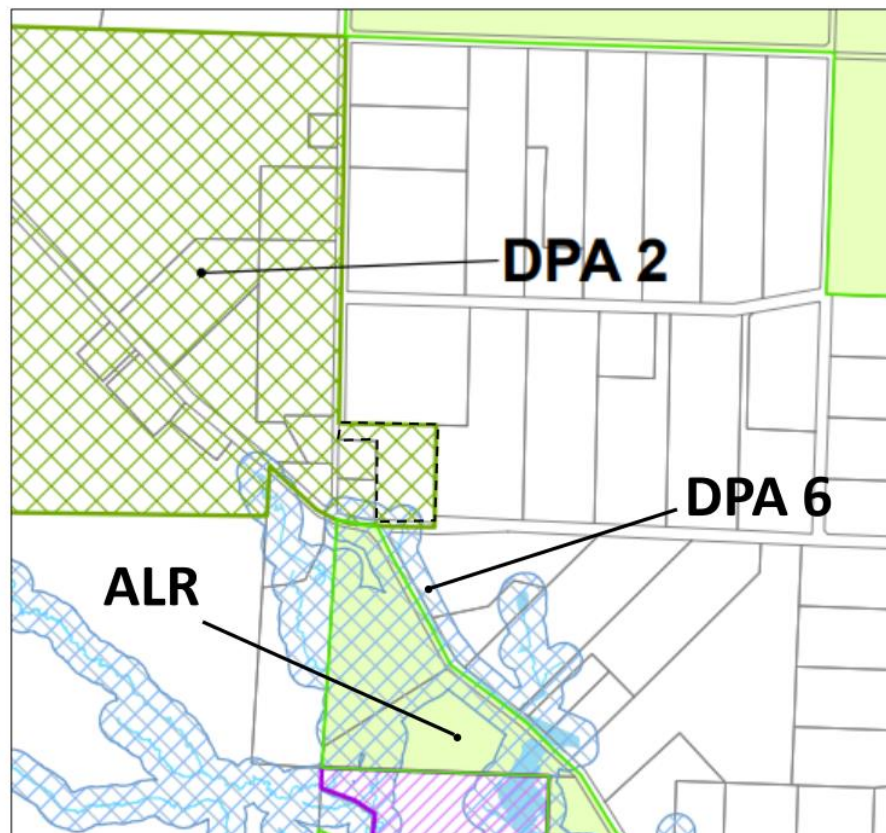


Figure 2: Portion of Hornby Island OCP (Schedule E)

ANALYSIS

Official Community Plan:

The subject property is designated as COM (Community Service Use) in the Hornby Island Official Community Plan Bylaw No. 149, 2014 (OCP) and located within two development permit areas: DPA 2 and DPA 6 (Riparian Areas) (Figure 2). Although there is construction proposed within the DPA 6 portion of the property, the work is exempt from the development permit requirement under 9.6.2(b) of the LUB.

Relevant OCP policies include the following:

Community Service Use

- 6.2 Background - The areas previously designated "light industrial" land are now included in the "community service use" areas which could provide for future public institutions and community trades and services. The community will continue to work with the Ministry of Forests, Lands and Natural Resource Operations to identify the best uses of this area. The land in this designation is in a groundwater recharge area upslope from a residential area and, therefore, requires careful development and use.
- Policy 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.
- Advocacy Policy 6.2.22 - Studies that provide additional data on the groundwater and catchment flow system in this area is supported.

Development Permits

- 6.9.2.2 - Community Service Use Development Permit Area
 - Objective - 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.

Land Use Bylaw:

The subject property is zoned Public Use (PU) in the LUB and the proposed construction of school buildings is a permitted use in the PU zone. There are several regulations in the LUB that will not be met by the proposed development and the relaxations to the LUB that are to be addressed in the staff report for HO-DVP-2020.2.

The land use bylaw DPA guidelines support the objectives of the OCP. The Site Context and DPA Guidelines checklist are included as Attachments 1 and 2. As shown in the checklist, the DPA guidelines do not appear to have been met and further information should be requested prior to the issuance of the development permit.

Issues and Opportunities

As has been mentioned, the information supplied with the DP application does not entirely fulfil the guidelines as set out in the LUB. Additional information was requested and the agent supplied a letter explaining how the construction will take place and what efforts have been taken (see Attachment 3); however, the guidelines do not appear to have been met.

The first guideline (9.3(1)) states:

- Before any new development is permitted, there should be approval of a permitted sewage and used water system.

The agent has provided a Letter of Assurance dated September 26, 2019. In the Letter, the Registered Onsite Wastewater Practitioner reviewed the temporary modular classrooms that had been constructed on a neighbouring property and the letter was prepared to address a request made by Island Health. Although the Letter does state that the system is sufficient for the temporary modular classrooms, there is no reference to the new permanent school building.

The second guideline (9.3(2)) states:

- A significant portion of the water required by a new development should be provided by a rainwater catchment and storage system.

Assurance has been given by the agent that a metal roof system for future rain water catchment and that storage tanks were part of the original design, but deleted for cost savings. The guideline is quite specific that new development should provide rain water catchment and storage for a significant portion of the water required and anticipated to be operational at the time of construction. Although the property has been the site of the community school until it was damaged by fire, the guidelines do not provide exemptions based on existing uses, buildings or structures. The new school is considered a new development and, therefore, this guideline applies to the proposed development.

The fourth guideline (9.3(4)) states:

- 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.

As per this guideline, staff have requested that a hydrology study be prepared. The agent has stated that he believes this guideline does not apply to the proposed development and has provided comments regarding the hydrology study (Attachment 3). Based on the scale of the proposed development, staff suggest that the guidelines were written to include this type of new development and that a hydrology study is a reasonable requirement. It is expected that extensive alteration of the ground will occur through excavation of the foundation. Alteration of surface drainage is also possible. The installation of the new fire protection equipment, which will also include several new water tanks, may also impact groundwater. At this point, it is difficult for staff to assess what impact the new school development will have on ground water quality and quantity for the

adjacent properties and for neighbourhoods located downslope of this groundwater recharge area. A community school is an important building to the community. The DPA, however, was created with Hornby Island residents' input and applied specifically to the Public Use zone and this property in recognition of the frequently large size of these buildings and the pressure on the groundwater the associated uses might have.

Consultation

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

Rationale for Recommendation

The guidelines for DPA 2 do not appear to have not been fully satisfied with the information provided. Staff is recommending that, pursuant to Section 9.3 of the LUB, the applicant provide a sewage and used water system approval, a rainwater catchment and storage system plan, and a hydrology report for the proposed new school.

ALTERNATIVES

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

1. Request further information

The LTC may request specific information prior to making a decision. The staff recommendation requests further information regarding three LUB guidelines. The LTC may request only certain items. If selecting this alternative, the LTC should describe the specific information needed. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee request that the applicant provide [specific information required] to the Islands Trust prior to making a decision on application HO-DP-2020.1.

2. Issue the permit as drafted

The LTC may issue the DP as drafted in Attachment 4 without the sewage and used water system approval, rainwater catchment and storage system plan, or hydrology report. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee finds the application HO-DP-2020.1 to be consistent with Development Permit Area 2 Guidelines and approves issuance of the permit as drafted.

NEXT STEPS

Staff will work with the agent to meet the DPA guidelines and bring forward the permit for decision at the next opportunity or, as directed by the LTC, issue the DP as drafted without further information.

Submitted By:	Bronwyn Sawyer Planner 2	October 22, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	October 23, 2020

ATTACHMENTS

1. Site Context

2. DPA Guidelines Checklist
3. March 11, 2020 letter from Bradley Shuya, Architect
4. Draft Development Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	THAT PART OF THE NORTH EAST 1/4 OF SECTION 11, HORNBY ISLAND, NANAIMO DISTRICT, SHOWN OUTLINED IN RED ON PLAN 1304R
PID	000-457-752
Civic Address	2100 Sollans Road, Hornby Island

LAND USE

Current Land Use	Community school
Surrounding Land Use	Rural residential, forested, other public uses

HISTORICAL ACTIVITY

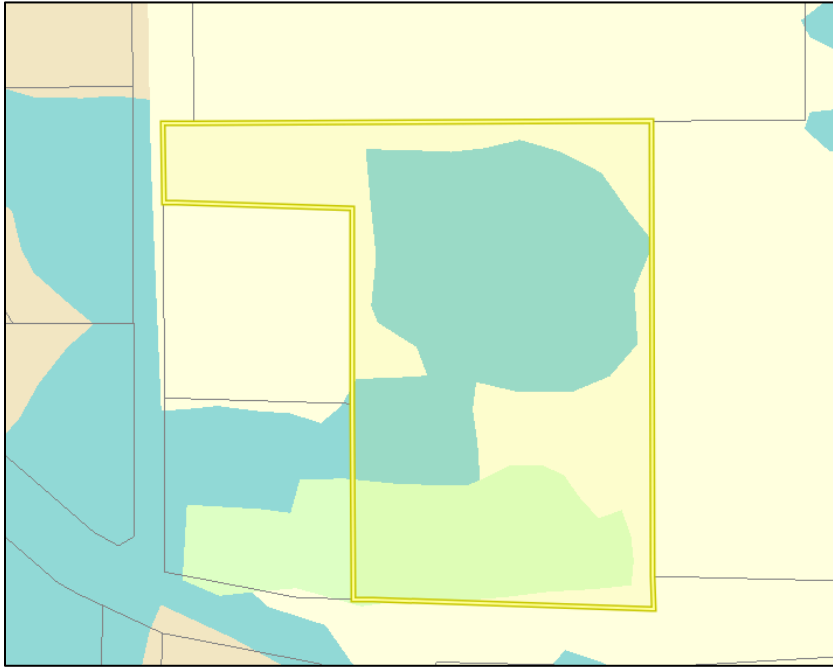
File No.	Purpose
HO-TUP-2004.1	To operate a summer theater
HO-LUB-2007.2	Unknown
HO-SUP-2019.1	For temporary portables (in abeyance)
HO-SUP-2020.5	For construction of permanent school
HO-DP-2020.1	For construction of permanent school

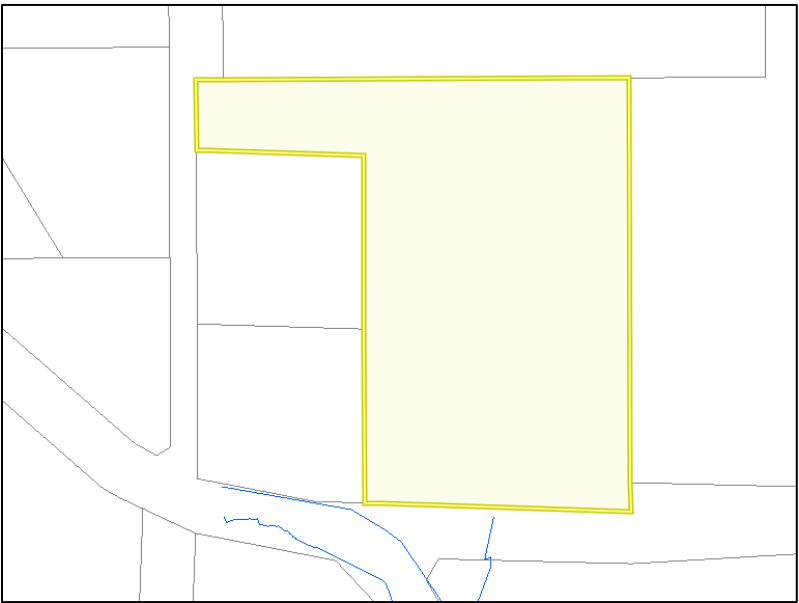
POLICY/REGULATORY

Official Community Plan Designations	Community Service Use (COM) DPA 2 (see HO-DP-2020.1 guidelines checklist) DPA 6 – exempt from DP
Hornby Island Land Use Bylaw 150, 2014	Public Use (PU) zone 8.0 metres from an interior side lot line 8.0 metres from an exterior side lot line General regulations, Siting and setback regulations (3.3(2)): No building or structure may be located within 15.0 metres of, nor less than 1.5 metres above, the natural boundary of any watercourse General regulations, Height Regulations (3.4(1)): Buildings and structures other than agricultural buildings and structures must not exceed a height of 8.0 metres General regulations, Fences (3.9(1)): Within the setbacks from any lot line as prescribed in Part 8 of this Bylaw, the maximum height of a fence is 2.0 metres and, elsewhere, the maximum height of a fences is 3.0 metres
Other Regulations	n/a
Covenants	n/a

Bylaw Enforcement	HO-BE-2018.1
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SITE INFLUENCES

Islands Trust Fund	No referral required
Regional Conservation Strategy	See Riparian Ecosystems: http://www.islandstrustconservancy.ca/initiatives/mapping-our-ecosystems/types-of-sensitive-ecosystems/#ri How can we protect Riparian Ecosystems? • Create and maintain a vegetated buffer to protect against outside disturbance • Limit human and domestic animal access to reduce damage to riparian soils and vegetation • Retain features such as snags, logs and downed trees • Allow natural disturbances to occur, such as flooding and channel changes, and restrict human interferences such as hard bank reinforcements and infilling • Restrict pesticide, fertilizer or other chemical use nearby
Species at Risk	SAR Ecological Community: Douglas-fir / dull Oregon-grape SAR Critical Habitat (Public): Little Brown Myotis and Northern Myotis
Sensitive Ecosystems	ITEM: Rural (blue), young forest (yellow), riparian (shown in green) 

	 Watercourses
Hazard Areas	No steep slopes identified on mapping. Power shed is proposed to be located within 15.0 metres of the natural boundary of a watercourse.
Archaeological Sites	The applicant should be aware that there is 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	The rainwater catchment system required in DPA2 could be considered a climate change adaptation. No climate change adaptations have been proposed as part of this application.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	n/a

ATTACHMENT 2 – DEVELOPMENT PERMIT AREA GUIDELINES

COMMUNITY SERVICES USE DEVELOPMENT PERMIT AREA (DPA 2)

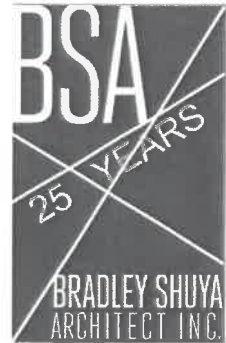
Guideline	Complies	Planner Comments
Before any new development is permitted, there should be approval of a permitted sewage and used water system.	no	A letter of assurance was prepared and submitted; however, it addressed the temporary construction of the modular classrooms and not the new permanent school building. It is unclear if the current system will be approved for the new building.
A significant portion of the water required by a new development should be provided by a rainwater catchment and storage system.	no	The new school will be constructed with a metal roof system with the potential for rain water catchment, but this would be a future project.
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.	n/a	
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 Hornby Island Land Use Bylaw No. 150, 2014 – Schedule A Page 73 removal of vegetation, significant alteration of the ground, significant alteration of surface drainage, or significant use of groundwater.	no	A hydrology study has been requested 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.

To: Islands Trust

Attn: Bronwyn Sawyer RPP, MCIP
Planner 2, Northern Team
Northern Office
700 North Road
Gabriola Island, B.C. V0R 1X3

Date: March 11, 2020

Re: SUP, DP, and DVP Application
Hornby Island Community School -
New Replacement
2100 Sollans Rd., Hornby, BC V0R 1Z0
via Email: northinfo@islandstrust.bc.ca



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ARCHITECTURAL INSTITUTE
OF
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fax: 250-727-0636
www.bradleyshuyaarchitect.com
brad@bradleyshuyaarchitect.com

Dear Bronwyn,

Bradley Shuya Architect Inc. (BSA) are pleased to submit this letter on behalf of School District No. 71 (Comox Valley) in support of a Site and Use Permit, Development Permit, and Development Variance Permit application to permit the new Hornby Island Community School replacement located at 2100 Sollans Road, Hornby Island, B.C.

Attached is the BSA Site and Use Permit, Development Permit, and Development Variance Permit Application inclusive of our Site Plan and Elevation drawings.

Project Introduction

The Hornby Island Community School (HICS) was partially destroyed by a fire in August 2018. Since that time School District No. 71 have developed a temporary school at the 2200 Sollans Rd. site with modular classrooms and an Administration centre.

Bradley Shuya Architect Inc. are the Managing Consultant to lead the Design Team for the new Hornby Island Community School.

Demolition of the remaining school structure is expected to start early March with Construction scheduled to begin in May/June 2020. Completion of the construction stage and occupancy is anticipated for December 2021.

The new design includes a new Gymnasium, along with Administration Offices, five classrooms, and various support spaces. The approx. size of the new school will be 1029 sq. meters.

Application Rational

BSA are applying for a Site and Use Permit, Development Permit, and Development Variance Permit to undertake construction of this new school on Hornby Island. The proposed new building is located within the same building footprint as the former school. The original school floor area was approx. 1343 m² whereas the new school floor area is a smaller 1029 m² area. The new building orientation has rotated 90 degrees to the North/East on a North/South axis. The original school was oriented on a East/West axis.

The project schedule is being fast-tracked in order to maintain the construction budget and avoiding the summer ferry traffic which poses severe difficulty for deliveries of construction materials and labour. The fast-tracked schedule allows for construction to begin this Spring 2020 rather than delaying to the Fall 2020.

It is imperative that our application is approved at your earliest convenience. We kindly request that this application is presented for consideration at your next Hornby Island Committee meeting on March 20, 2020. Please advise if this application can be processed in time for consideration at this next meeting. If the timing for the March meeting cannot be coordinated then we ask for a special meeting in April 2020.

BSA have designed the new school's Gym height to match that of the existing non conforming school Gym. The proposed Gym roof height of 9.10 m represents a variance from the current height limit of 8.0m. Reducing the new Gym height to 8.0m would impact and limit the school and community member's opportunities for regulation use of the athletic courts such as Volleyball and Badminton.

The new school is surrounded by a tree canopy higher than the school and will not block any existing view corridors. Therefore the new school will not have any visual impact to the neighboring properties.

As discussed via our telephone conversation on March 10, 2020 we have reviewed the Hornby Island Land Use Bylaw No. 150 2014 Section 9.3 Development Permit Guidelines for community service use Development Permit Area (DPA 2).

We have addressed the DPA 2 guidelines as follows:

9.3.1 Permitted sewage and used water system.

The proposed new building is located substantially within the same building footprint as the former school which was constructed 37 years ago in 1983. The original school floor area was approx. 1343 m² whereas the new school floor area is a smaller 1029 m² area. The new school sanitary outflow is less than or equal to the original school therefore the existing VIHA permitted septic system will be utilized.

9.3.2 Rain catchment system.

The new school floor area and water usage is less than or equal to the original school therefore the existing water supply system will be utilized.

9.3.3 Potential contaminants.

The site has always been used for educational purposes only and the proposed use will not generate or utilize any contaminants.

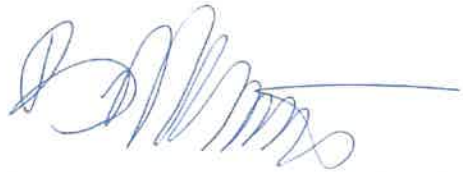
9.3.4 Hydrology study.

The new school floor area and water usage is equal to or less than the original school therefore there will be no impact on the groundwater recharge function of the land or upon the quality or quantity of the water resource of existing users. We are not adding any additional impervious area with the new school. Therefore a hydrology study is not required.

Please review our application at your earliest opportunity and let us know if you have any questions.

Kind regards,

Bradley Shuya Architect Inc.



Bradley W. Shuya, Architect AIBC, MRAIC, Assoc. AIA, B. Arch

CC: Ian Heselgrave, Director of Operations - SD71 (Comox Valley)
Alan Fletcher, President - AFC Construction



Islands Trust

HORNBY ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT HO-DP-2020.1 (THE BOARD OF SCHOOL TRUSTEES OF SCHOOL DISTRICT NO. 71 (COMOX VALLEY))

To: The Board of School Trustees of School District No. 71 (Comox Valley)

1. This permit applies to:

PID 000-457-752

THAT PART OF THE NORTH EAST 1/4 OF SECTION 11, HORNBY ISLAND, NANAIMO DISTRICT, SHOWN OUTLINED IN RED ON PLAN 1304R

2. Pursuant to Section 488 of the *Local Government Act*, a portion of the subject property as described above lies within "Development Permit Area No. 2: Community Services Use" designated under the *Hornby Island Official Community Plan Bylaw No. 149, 2014*; and
3. Pursuant to Section 490 of the *Local Government Act* this Permit is issued in accordance with the *Hornby Island Land Use Bylaw No. 150, 2014*, authorizing **the construction and installation of new school, power shed and associated structures as shown on Schedules "A", "B", "C", "D", "E", "F" and "G" prepared by Bradley Shuya Architect Inc. and dated September 30, 2020** for 2100 Sollans Road, attached to and forming part of this Permit.
4. 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 completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE THIS TH DAY OF , 2020.

Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE TH DAY OF , 2022 THIS PERMIT AUTOMATICALLY LAPSES.



**DEVELOPMENT PERMIT HO-DP-2020.1 (THE BOARD OF SCHOOL TRUSTEES
OF SCHOOL DISTRICT NO. 71 (COMOX VALLEY))**

2 DEVELOPMENT PERMIT AREA BOUNDARY
SCALE: NTS

PROJECT SUMMARY

[illegible]

1 OVERALL SITE PLAN
SCALE: 1:750

A-1

File	Sep18.2	SITE PLAN
Scale	AS NOTED	DP AREA PLAN

**BRADLEY
ARCHITECTS**
701 Ridge St., Suite
200, San Francisco, CA 94115
415.777.8005 • 415.777.8006
www.bradleyarchitects.com

The design and drafting of the structure are attributed to the architect as well as to the structural engineer. For the structural engineer, the design of the structure is a complex task that involves the use of advanced software and the expertise of a structural engineer. The design of the structure is a complex task that involves the use of advanced software and the expertise of a structural engineer. The design of the structure is a complex task that involves the use of advanced software and the expertise of a structural engineer.

SCHOOL DISTRICT #71
HORNBY ISLAND COMMUNITY SCHOOL
2100 Solinas Rd, Hornby Island, B.C.
ISSUED FOR ISLANDS TRUST DEVELOPMENT PERMIT
AMENDMENT #5

1 NORTH SOUTH ELEVATION
SCALE: 1/80

2 WEST ELEVATION
SCALE: 1/80

Labels and dimensions for both elevations include:
 - T.O. GYM ROOF = 9100
 - R.O. WINDOW HEAD
 - R.O. WINDOW SILL
 - T.O. SLAB (FIN. FLOOR)
 - AVG. NATURAL GRADE
 - 55.864m
 - 55.481m
 - 5130
 - 2400

Schedule "C" – North South Elevations

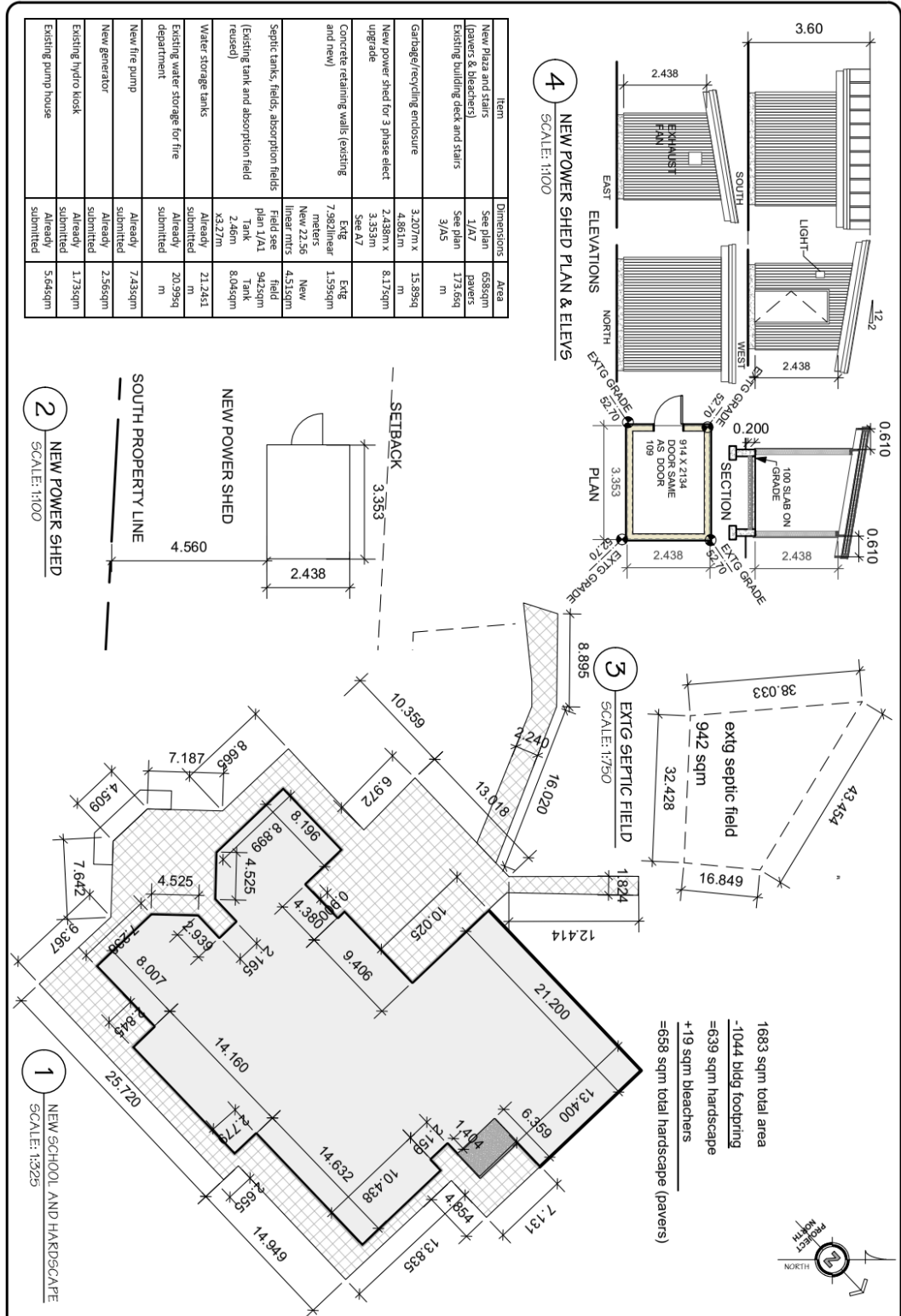


[illegible]

72



Schedule "G" – Hardscape and Septic Dimensions





File No.: HO-DP-2020.2
(HO-SUP-2020.12)

DATE OF MEETING: November 6, 2020

TO: Hornby Island Local Trust Committee

FROM: Ian Cox, Planner 1
Northern Team

SUBJECT: Development Permit Application (DPA 2 – Community Service Use)
Applicant: Hornby Island Residents' and Ratepayers' Association (Weixelbaumer as Agent)
Location: 1855 Sollans Road, Hornby Island

RECOMMENDATION

- 1. That the Hornby Island Local Trust Committee request that the Hornby Island Residents and Ratepayers Association submit a hydrology report to staff consistent with Section 9.3 of the Hornby Island Land Use Bylaw in support of application HO-DP-2020.2.**

REPORT SUMMARY

The Hornby Island Local Trust Committee (LTC) is asked to consider a Development Permit (DP) application by the Hornby Island Resident and Ratepayers Association (HIRRA) for the construction of a two storey emergency room addition to the Hornby Island Clinic within Development Permit Area 2 (DPA 2) – Community Service Use. Pursuant to Section 9.3 of the Hornby Island Land Use Bylaw (LUB) No. 150, 2014, a Development Permit is required to be issued by the LTC prior to any development, subdivision or land alteration occurring within DPA 2.

Staff finds that the application is inconsistent with the DPA 2 Guidelines primarily because at the applicant's choice, no information in the form of a hydrology report has been received pursuant to LUB Section 9.3. As such, staff is recommending that the LTC request such a report prior to making a decision on issuance of the permit.

BACKGROUND

The proposed two storey addition is to be built on the Crown Land parcel that is also the site of the Hornby Arts Centre, for which a Modified Crown Lease Agreement has been granted by the province for both uses (see **Attachment 1**). A Siting and Use Permit application (HO-SUP-2020.12) has been submitted to allow for the construction of the addition, pending the outcome of this DP application. The addition will be approximately 65m² (700 square feet) in footprint as shown on Schedules "A", "B" and "C", attached to and forming part of the draft DP in **Attachment 2**. The floor area will be double this figure since the building is two storeys, as mentioned.

The current design of the addition is less than the maximum height of 8 metres as permitted by LUB Section 3.4 at approximately 7 metres. Further, all other aspects of the Public Use (PU) Zone regulations - such as lot line setbacks - appear to have been met by the application and so it did not trigger the need for a Development

[illegible]

Property zoning information is contained in **Attachment 3 – Site Context**. DPA 2 guidelines are analysed below in the Land Use Bylaw section of this report.

Islands Trust Policy Statement:

- **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.*
- **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.**

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

- Policy 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.

- **Policy 6.2.4** Fire protection, clinic, ambulance and other public services should continue to be located centrally.
- **Policy 6.2.13** The Crown land parcel containing the gravel pit on Central Road should be considered for a mix of community service uses should this land no longer be required for use by the Ministry of Transportation and Infrastructure or subject to a final Treaty agreement.

Per 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 uses.

Land Use Bylaw:

See **Attachment 1 – Site Context** for a full list of permitted uses, buildings and structures in the Public Use (PU) Zone. The Guidelines for DPA 2 are set out in Section 9.3 of the Hornby LUB. Staff comment on the application's consistency with each of the four Guidelines follows.

Exemptions

(5) A Development Permit will not be required for additions to existing buildings or for accessory buildings or other structures where the addition: (a) Does not involve alteration of the ground; (b) Does not involve any removal of vegetation; and (c) Does not result in any additional activities or uses of the building or structure, or increased levels of water or sewage use in the building or structure.

Staff comment:

The proposal includes alteration of the ground, will result in additional activities in the building, and will likely include increased levels of water use and sewage effluent and is therefore not exempt from the Development Permit Guidelines. It is understood that there will likely be little to no removal of vegetation given the already developed/disturbed state of the site and surrounding parking areas.

Guidelines

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

Staff comment:

The emergency room addition is not new development per se, but rather an expansion of the medical clinic use. Staff has not received any new information regarding septic or wastewater treatment for the project. The LTC may wish to request system information prior to making a decision since there will likely be an increased use of water and effluent production resulting from the expansion. This is consistent with the rationale for requesting a hydrology report per LUB Section 9.3, because with better knowledge of groundwater impacts, a more fulsome

understanding of the impact of the expanded use could be used to determine whether the application was consistent with this Guideline.

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

Staff comment:

As above, the addition is not entirely new development, but rather an expansion of the existing clinic use. Staff has not received any information regarding water well capacity or plans for rainwater capture for the project. The LTC may wish to request such information prior to making a decision, however staff finds the application to be generally consistent with this Guideline since the wording of the Guideline itself is quite general and the development is not considered completely new. That said, staff has requested information on any proposed rainwater capture but is informed by the applicant that such a system is not planned as part of the addition at this time.

(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.

Staff comment:

While there may potentially be no large-scale contaminant risk as part of the addition and its subsequent use, staff has not received information regarding the existing septic system and the potential impact from the expanded use including for example, medical waste disposal such as bio-toxins or flammable liquids, combustion engine vehicle contaminants that could occur through engine oil leaks, etc., originating from the ambulance which will reside in the parking bay next to the building. For these reasons it is not possible to ascertain whether the above Guideline has been met at this time. Further information could be requested on these points prior to issuance of the permit and in conjunction with the hydrology report if the LTC so wished.

(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.

Staff comment:

Staff finds the application to be inconsistent with this Guideline since the applicant has chosen not to provide a hydrology report. The addition necessitates excavation and the pouring of a concrete foundation. The alteration of the ground and surface drainage related to the 65 m² addition to the clinic in conjunction with the proposed excavation related to the approximately 640 m² Arts Centre development on the same property (not including new parking areas) staff consider to be “significant alteration.” The Development Permit guidelines state that a hydrology study “will be required” in such circumstances.

The phrase “will be required” leaves no room for discretion, notwithstanding a possible alternate interpretation of “significant” alteration. Neither the Hornby Island Official Community Plan nor the Hornby Island Land Use Bylaw contemplate circumstances under which the LTC may waive this requirement.

Parking and Other Zoning Regulations

The number of off-street parking spaces appears to have been met per LUB Section 5.4 but will be dealt with finally as part of the Siting and Use Permit application in stream, following the LTC decision on the Development permit.

As mentioned in the Background section of this report, there appear to be no issues with other Public Use (PU) Zone regulations such as lot line setbacks and so the applicant was not required to apply for a Development Variance Permit for the proposed addition.

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.

Staff is very much aware of the community benefit that both the clinic and the arts centre provide as an essential service and much needed and valued cultural amenity, respectively – this is not in question. DPA 2 was enacted to include the subject property and staff is tasked with upholding the LTC's DPA. Presumably the existing clinic, arts centre and other uses of the lot were known at the time that the DPA was adopted and came into force. Since both the HIRRA and the Hornby Island Arts Council were required to apply for a DP in respect of their projects, staff felt that an opportunity existed to gather valuable information on the cumulative impacts to the lot from all construction activities and suggested that the groups commission a joint hydrology report which staff would accept as information for both applications. Neither party has chosen to thusly collaborate on a report or submit one individually.

Consultation

A community information meeting and/or public consultation and notification are not required for Development Permit applications.

Rationale for Recommendation

Staff considers that the DPA 2 Guidelines have not fully been met since no hydrology report has been submitted for the development that will involve "significant ground alteration". For this reason, staff is recommending that the LTC request that the applicant provide such a report pursuant to LUB Section 9.3. The staff recommendation is found on Page 1 of this report and two alternatives are provided below.

ALTERNATIVES

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

1. Request further information

Per staff analysis of the application's consistency with the DPA 2 Guidelines in this report, the LTC could request further information be provided prior to making a decision beyond the hydrology report as recommended by staff on page 1. If selecting this alternative, the LTC should describe the specific information needed. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee request that the Hornby Island Residents and Ratepayers Association provide further information prior to making a decision on application HO-DP -2020.2 including [specify information required].

2. Issue the permit as drafted

The LTC may issue the DP as drafted in Attachment 3 without the hydrology report requested by staff. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee finds the application HO-DP-2020.2 to be consistent with Development Permit Area 2 Guidelines and approves issuance of the permit as drafted.

NEXT STEPS

Staff will work with the applicant to meet the DPA guidelines and bring forward the permit for decision at the next opportunity, or alternately issue the DP as drafted without further information should the LTC so decide.

Submitted By:	Ian Cox – Planner 1, Northern Team	October 19, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	October 23, 2020

ATTACHMENTS

1. Modified Crown Lease Agreement
2. Draft Development Permit
3. Site Context



MODIFICATION AGREEMENT

Lease No.: 113000

File No.: 0337654

Disposition No.: 872885

THIS AGREEMENT is dated for reference November 29, 2019.

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 Management Plan and Site Plan to include the addition to the Community Health Care Building.

- 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.

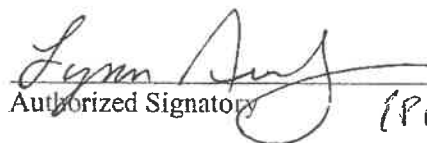
IN WITNESS WHEREOF the parties hereto have executed and delivered this agreement as of the day and year first above written.

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 (President)



**Hornby Island Residents' and Ratepayers' Association
(HIRRA)**

4305 Central Road, Hornby Island, BC, V0R 1Z0
Ph: (250) 335-1842 E-mail: office@hirra.ca

Management Plan for Crown Land Lease (#0337654) held by HIRRA

Created by Reina LeBaron, HIRRA Administrator, Nov 21, 2019

Current uses of HIRRA's Crown Land Lease:

1. **HDCHCS:** The Hornby Denman Community Health Care Society (HDCHCS) is a non-profit charitable organization providing various health support services to Denman and Hornby Islands.
 - a. **HDCHCS office** used for: Administration, record storage, home support services, counseling offices, community meeting room, Alcoholics Anonymous meeting place, storage of home support equipment loans.
 - b. **Hornby Island Community Clinic** Used by Vancouver Island Health Authority for: administration, record storage, Doctors' offices, emergency medical supplies and equipment, plans for an expanded emergency room area with a bachelor suite above for locum Doctors to stay during their work on Hornby.
 - c. **Mobile Dental Clinic:** Parking spot for Dr. Peter Walford's mobile Dental Clinic.
 - d. **Parking:** Shared client parking lot for these three services. Parking area behind the Clinic for staff and emergency vehicle parking.
2. **HIAC:** The Hornby Island Arts Council (HIAC) is a non-profit charitable organization providing support for various artistic activities to Hornby residents.
Arts Center: Plans approved for a community Arts Center (*replacing existing single-wide mobile*) used for administration and record storage, art shows, workshops and live performances.
3. **The Copse:** The Copse area is open year-round as a community park space and is offered for local vendors to set up a Farmers and Artisans Market among the trees once a week (on Saturdays) in May, June and September and twice a week (on Saturdays and Wednesdays) in July and August from 10:30am to 2:30pm. Local vendors set up temporary tents, tarps and tables to sell local farm/garden produce, arts and crafts. HIRRA receives no fees from the Market. (Market vendor fees are strictly an internal matter of the Market and are proposed and agreed to by the vendors themselves to cover the wages of a Market Manager, parking attendants and other Market expenses.) The Market operates at the pleasure of HIRRA.
4. **Trails:** Two well-used year-round public trails run from the Copse to the Hornby Island Athletic Association's "Joe King Ballpark" and to the Hornby Island New Horizons Society Center and Vancouver Island Regional Library.

Future Plans:

More trails may be built on the land in the future if proposed and supported by the Hornby Community. No further change in use are anticipated at this time.

Maps attached:

Copies of maps relevant to the above uses are attached.



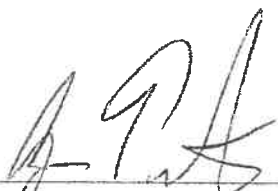
Ministry of Forests, Lands and
Natural Resource Operations
and Rural Development

ENDORSEMENTS

Lease: 113000
Endorsement No.: 4

File No.: 0337654
Date: December 16, 2019

Lease modified by agreement dated November 29, 2019 to amend the Management Plan and Site Plan to include the addition to the Community Health Care Building.



Authorized Representative

DRAFT



HORNBY ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT HO-DP-2020.2

TO: Hornby Island Residents & Ratepayers Association

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

Crown Lands under a Modification Agreement to Lease No. 113000, described as LOT 1, 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 65m² (700 square feet) emergency room addition to the existing Hornby Island Clinic 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" – Floor Plan, and Schedule "C" – Rendering 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 ____, 2020.

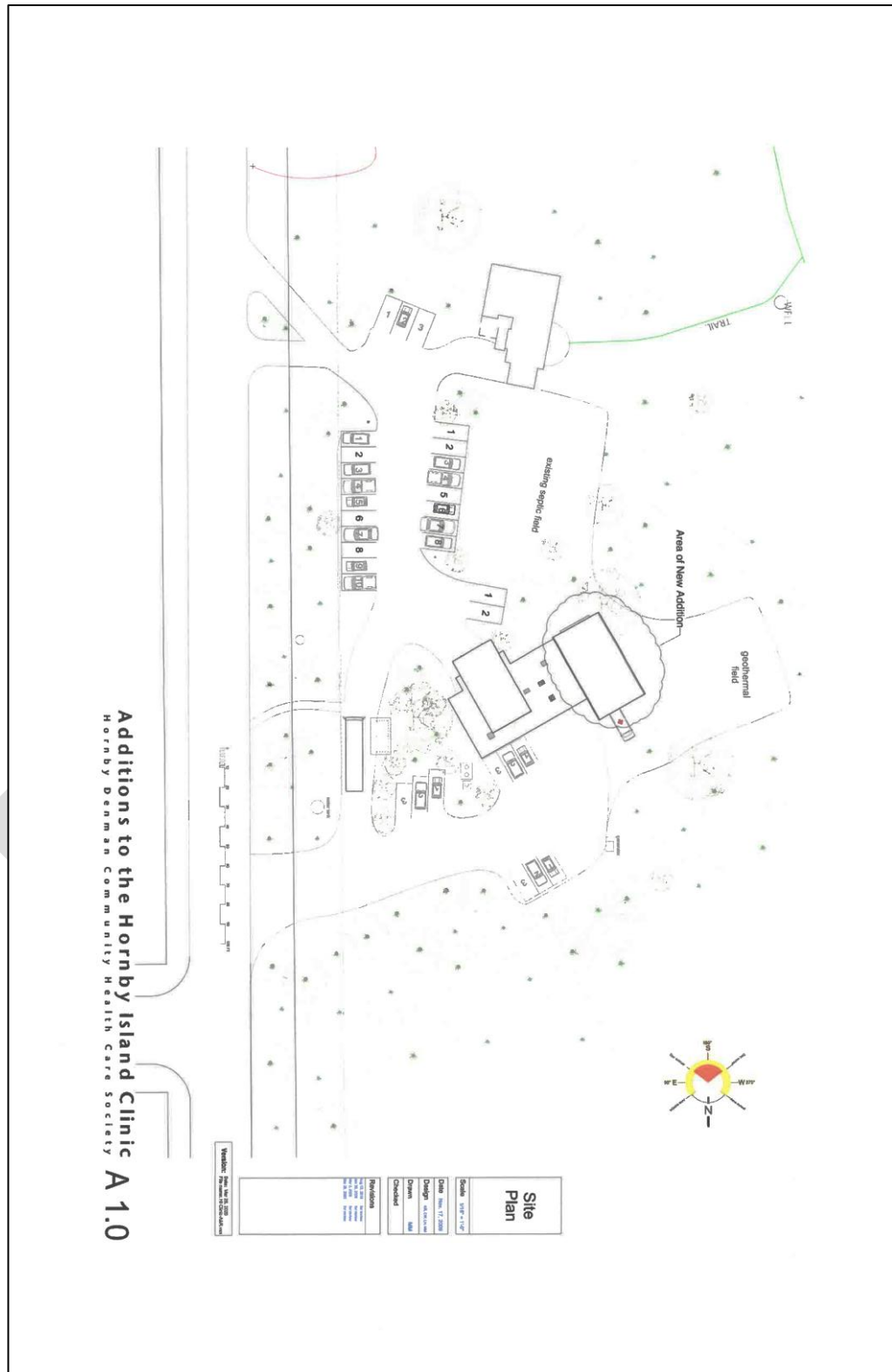
Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF ____, 2022, THIS PERMIT AUTOMATICALLY LAPSES.

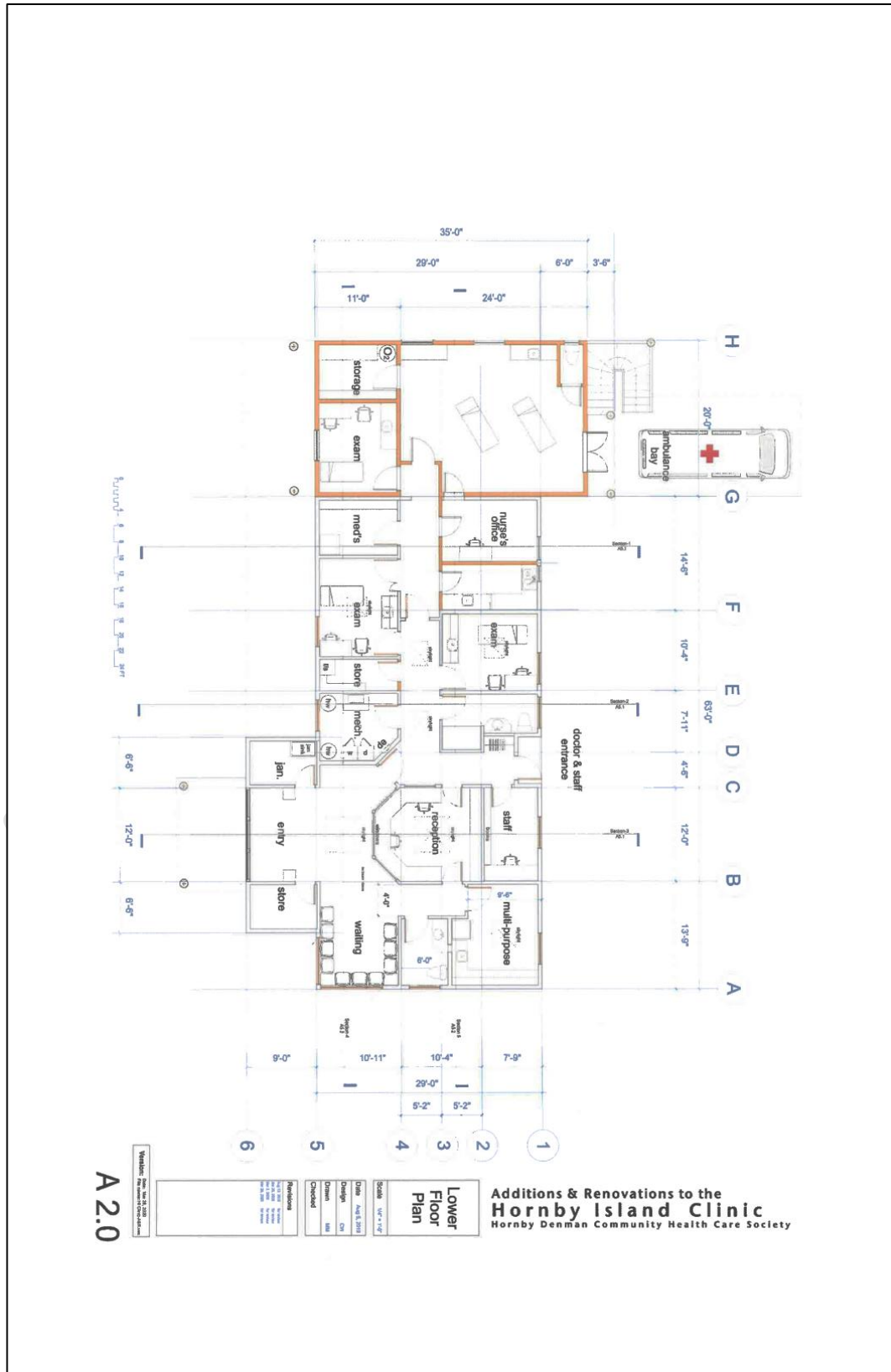
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HORNBY ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT HO-DP-2020.2 Schedule "A" - Site Plan



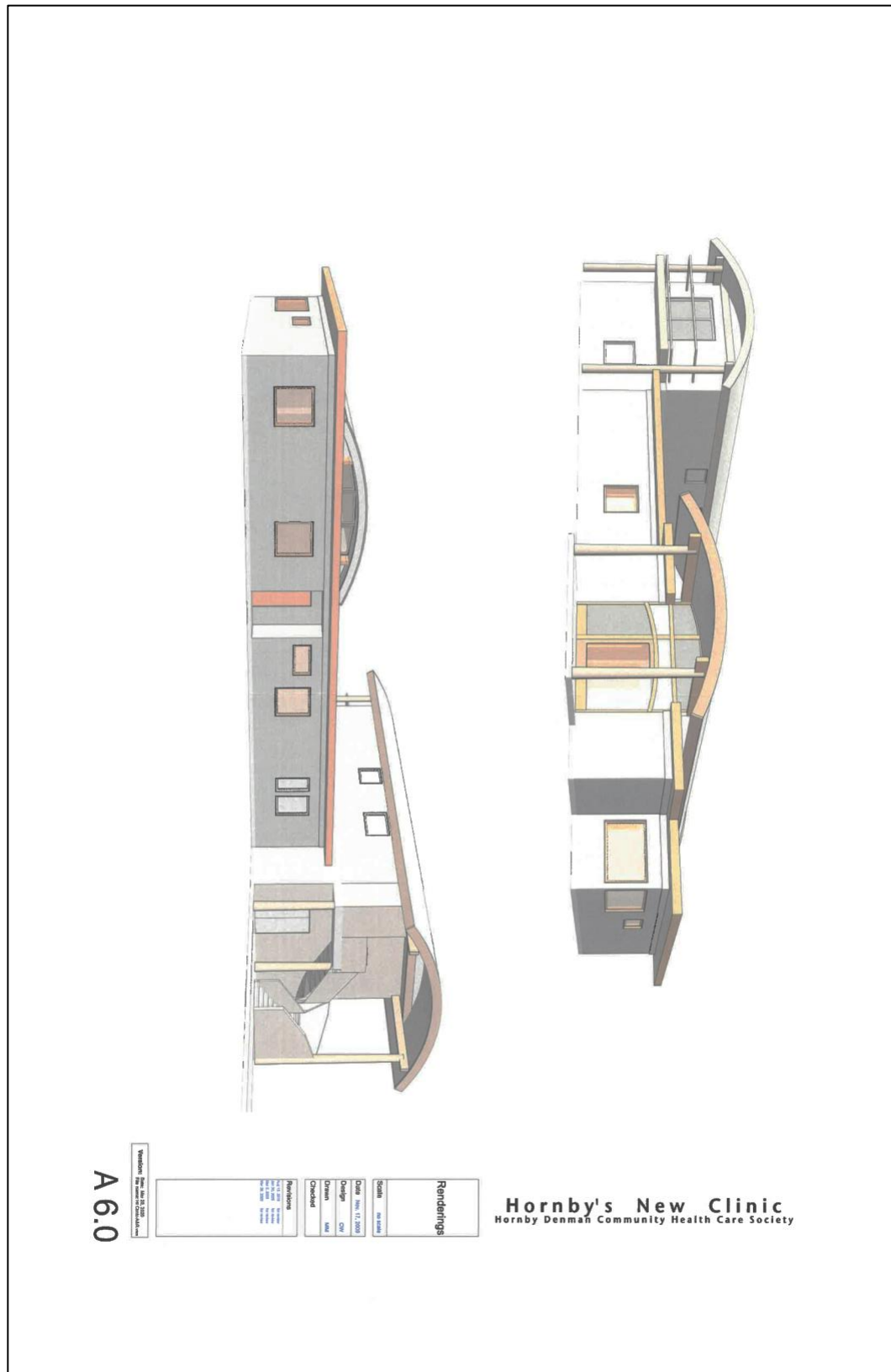
DRAFT

**HOHORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT HO-DP-2020.2
Schedule "B" – Floor Plan**



DRAFT

HOHORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT HO-DP-2020.2
Schedule "C" – Rendering Plan



ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	N/A
PID	N/A
Civic Address	1855 Sollans Road
Lot Size	3.76 hectares (9.29 acres)

LAND USE

Current Land Use	Medical Clinic, Arts Centre, Farmers Market
Surrounding Land Use	Public Use and Residential

HISTORICAL ACTIVITY

File No.	Purpose
None on record	N/A

POLICY/REGULATORY

Official Community Plan Designations	Land Use Designation: COM – Community Service Use Relevant OCP Policies: Policy 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. Policy 6.2.4 Fire protection, clinic, ambulance and other public services should continue to be located centrally. Policy 6.2.13 The Crown land parcel containing the gravel pit on Central Road should be considered for a mix of community service uses should this land no longer be required for use by the Ministry of Transportation and Infrastructure or subject to a final Treaty agreement. Policy 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
Land Use Bylaw	Zone: PU – Public Use 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. (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. 3.4 Height Regulations (1) Buildings and structures other than agricultural buildings and structures must not exceed a height of 8.0 metres.
Other Regulations	Part 5 – Parking Regulations
Covenants	n/a
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Conservancy	The proposal does not directly affect an Islands Trust Conservancy Board (ITC)-owned property or conservation covenant, nor directly affects a property adjacent to an ITC-owned property or conservation covenant. Referral to ITC for comment is not recommended.
Regional Conservation Strategy	Conservation priority for Hornby Island as a whole is LOW according to Table 9 of the Regional Conservation Plan 2018-2027 . Map 6 indicates the subject property is within a MEDIUM priority area.
Species at Risk	Islands Trust mapping indicates the subject property is within Douglas-fir/dull Oregon-grape (<i>Pseudotsuga menziesii</i> / <i>Mahonia nervosa</i>) ecological community.
Sensitive Ecosystems	Schedule D2 of the OCP indicates the subject property is within a high vulnerability aquifer, and Provincial mapping (iMapBC) identifies Aquifer 0438 as high vulnerability.
Hazard Areas	None mapped
Archaeological Sites	None mapped (provincial RAAD)
Climate Change Adaptation and Mitigation	Little to no vegetation and tree removal is anticipated, as the proposed addition is to be located in a cleared area.
Shoreline Classification	N/A
Shoreline Data in TAPIS	N/A
Groundwater Vulnerability	Aquifer Intrinsic Vulnerability estimated to be moderate to moderately-high.

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 proposed 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; included 184.74 m² building, 10 parking spaces.
- **September 8, 2017** – Planner conducts site visit.
- **September 6, 2018** – Planner awaiting update on Crown lease.

- **November 1, 2018** – File reassigned. Applicant informed of reassignment. Planner continuing to wait for applicant to provide Crown Lease information.
- **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 by applicant 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 by applicant.
- **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** – Applicant submits revised site plans; Arborist Report dated July 27, 2020; and Septic letter dated Sept. 14, 2020;
- **September 30, 2020** – Siting and Use Permit application submitted to Islands Trust Northern Office.
- **October 7, 2020** – Corrected site plan submitted to planner.

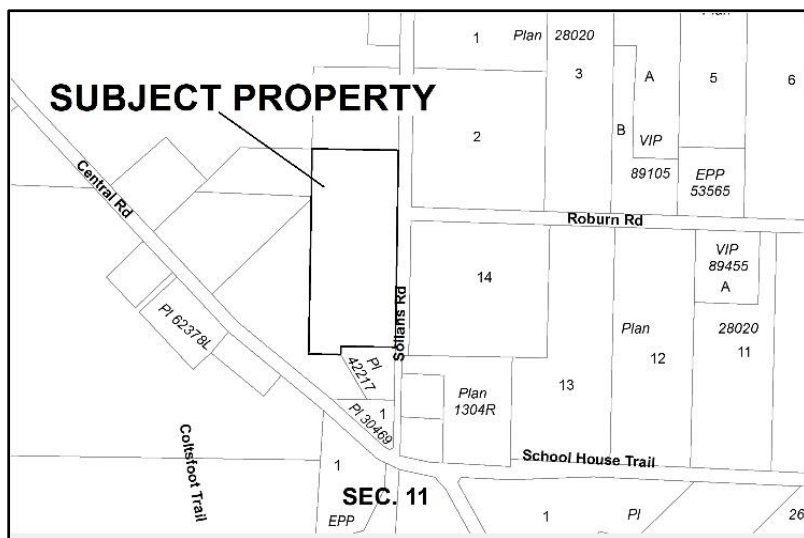


Figure 1. Subject property map



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.

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

Consultation

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:	Heather Kauer, RPP, MCIP, AICP	October 23, 2020

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

ATTACHMENT 1 – SITE CONTEXT

HO-DP-2017.2 (HORNBY ISLAND ARTS COUNCIL)

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 (open)	Construction of a building in DPA 2 (Hornby Island Clinic).

POLICY/REGULATORY

Hornby Island Official Community Plan (OCP) Bylaw No. 149	Land Use Designation: COM – Community Service Use <u>Relevant OCP Policies:</u> 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
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	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 2 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
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 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.

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

HO-DP-2017.2 (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 to evaluate the existing system and supervise the installation of any required upgrades. Upgrades and/or expansion of the existing system will require filing with Island Health (VIHA). Existing, shared well will continue to provide 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	Site plan incorporates an underground water collection tank on the northeast side of the proposed building. The proposal includes rainwater catchment and overflow to return an estimated 99% of rainwater back to the ground through watering vegetation onsite. Existing, shared well will continue to provide water.
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. See recommendation in staff report.

DRAFT



HORNBY ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT HO-DP-2017.2

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 424.5 m² (4569.78 square feet) Arts Centre building, 215 m² (2314.6 square feet) outdoor seating and stage 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__.

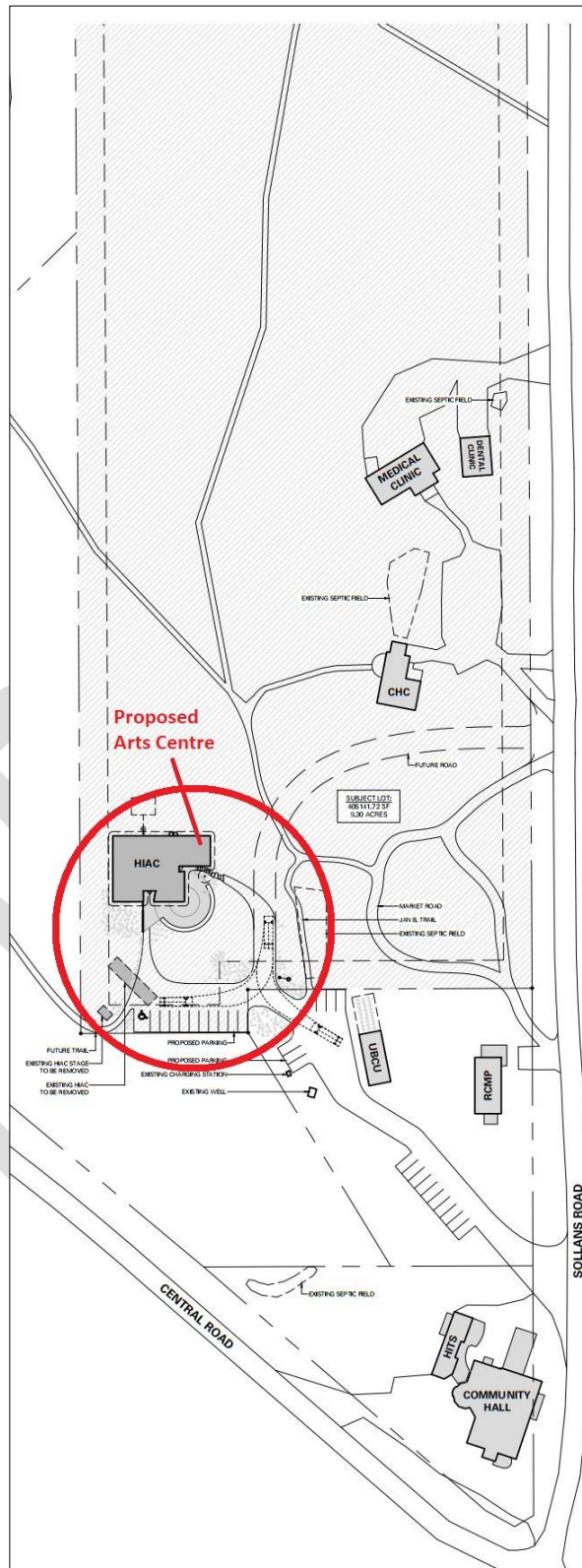
Deputy Secretary, Islands Trust

Date of Issuance

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

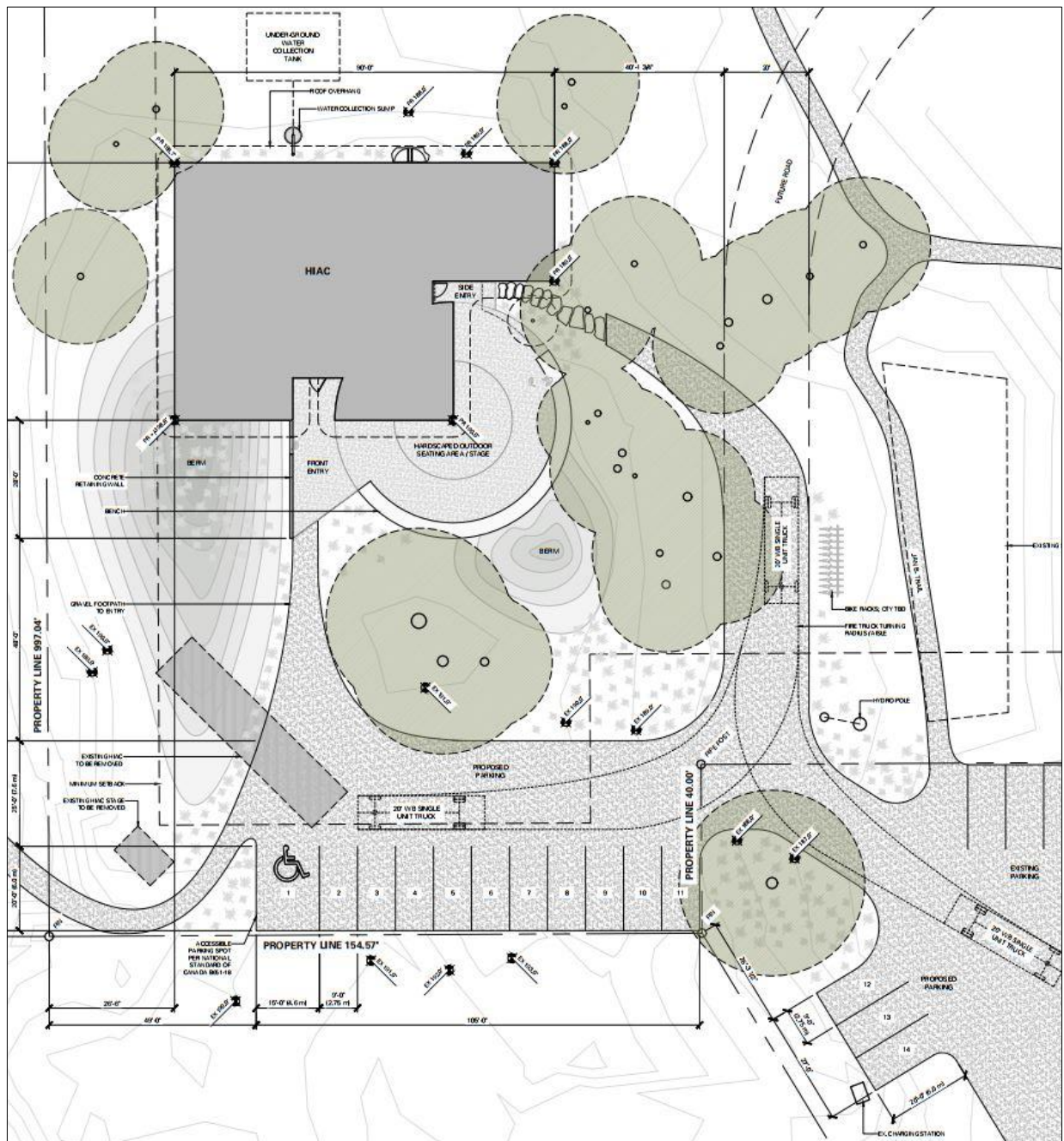
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HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT HO-DP-2017.2
Schedule "A" - Site Plan



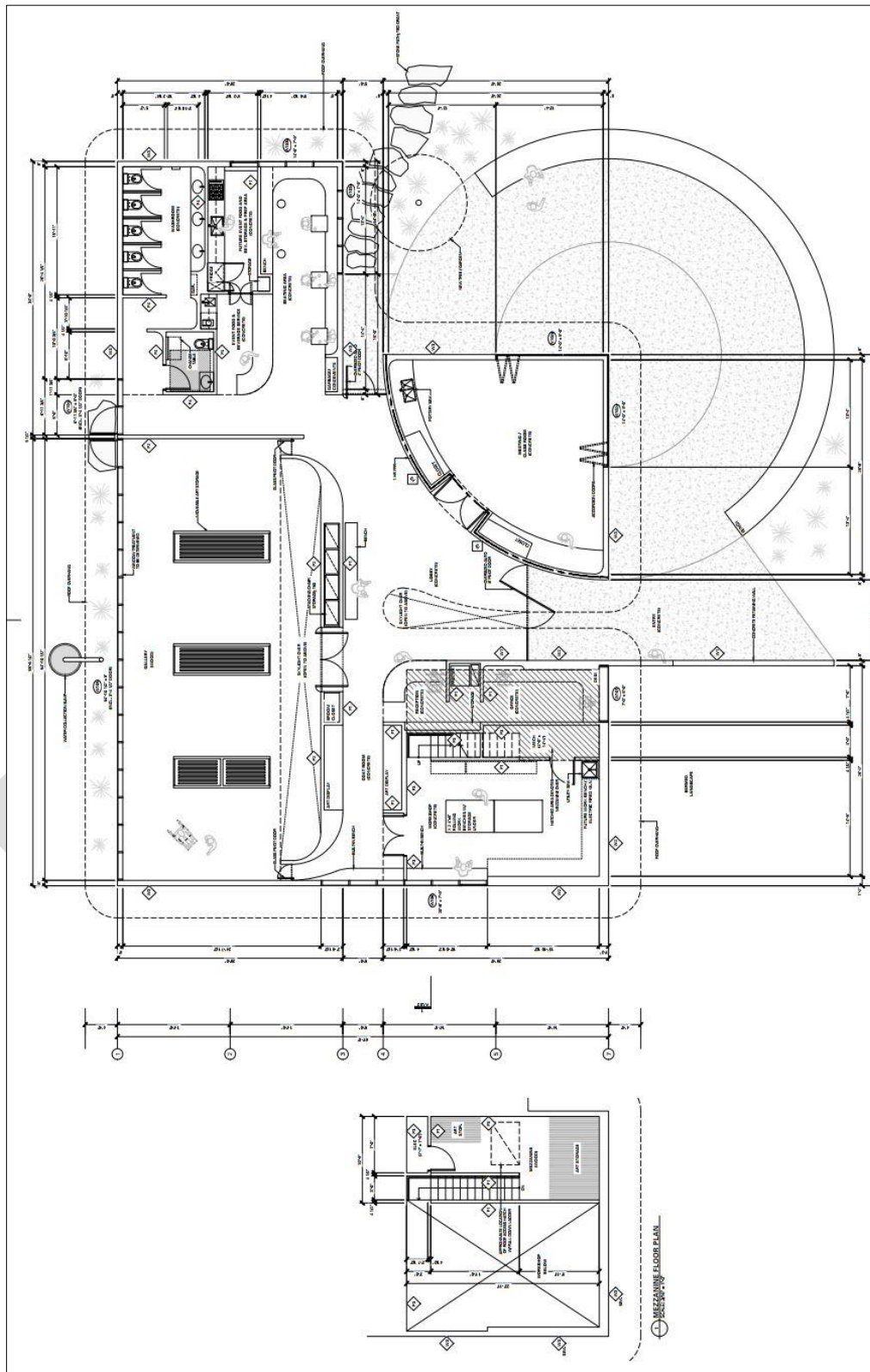
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HORNBY ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT HO-DP-2017.2 Schedule "B" – Site Plan (close up)



DRAFT

HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT HO-DP-2017.2
Schedule "C" – Building Plan



From: Tor Nawrot <tnawrot@icloud.com>
Sent: Friday, September 18, 2020 2:04 PM
To: Jaime Dubyna; Heather Kauer
Subject: HIAC Development Permit docs
Attachments: Hornby Island Arts Council Arborist Report.pdf; Septic Letter_HIAC_2020-09-14.pdf; 200914_HIAC_ISSUED-FOR-DP_seal.pdf

Hi Jaime

Please find attached a slightly revised set of plans for our development permit. The rainwater collection system was not indicated on the last set.

Also attached is a pdf letter of notes supporting our request, the Arborist Report, and a letter from Ron McMurtrie who is making improvements to the septic system.

Many thanks,
Tor

Hornby Island Arts Council
New Arts Centre Development Plan Summary
September 14, 2020

Financial Importance of our Development Permit

About the Arts Centre: at the request of our federal funder, Canadian Heritage, we've recently completed some research on the costs associated with delaying projects like ours during the pandemic. We've spoken with AFC, our architect, and looked at industry reports. Because of supply chain problems, delays through the pandemic will now cost as much as \$15K/month or more in addition to the costs of the hydrology study for a project our size. It's also critically important to understand that we have to spend Canadian Heritage's contribution to the \$1.2M budget by April 1, 2021 or we will lose those monies (including any future ones they might offer to us and to Hornby generally). If we have to move to the November meeting, that loss of two months squeezes the days in which to tender the project, break ground, and spend the Canadian Heritage contribution by April considerably—it will go very badly for the project if we don't spend in time, and who knows what other delays are coming our way.

Stakeholders in the project range from local private donors of \$50 to \$50K, local match funders from HICEEC at \$25K, to the CVRD at \$175K and ICET at \$175K, to the Province at \$25K and \$250K, and the Federal Government at \$375K. That's a groundswell of support. We have additional federal and provincial matching applications under review at this time. We must not forget the artists who donated the works that attracted the majority of the \$175K HIAC brings to the project. These funds together represent a grassroots campaign involving scores of volunteers and supporters, 20 years in the making, that now bears down upon the present moment.

The Site

The site is on an NRT Crown Land Lease held by HIRRA located on the North side of Central Road on Hornby Island zoned for Public Use. The site is the current site of the Hornby Island Arts Council trailer/gallery and adjacent to the Hornby Island Community Hall, Union Bay Credit Union, and RCMP office. Central Road is to the South and West with undeveloped forested land beyond, and Sollans Rd is to the North and East. The community-based site selection process between four potential sites included options on HIRRA private land and Crown Land and HIAC Crown Land. It was a well advertised public matter, debated through two Hornby Island Residents and Ratepayers Association general meetings, resolved with huge turn out, public transparency, and an overwhelming majority (better than 96% of 78 voters) in favour of the current proposed location. We have letters from HIRRA affirming this.

The current site is situated at the top of a hill that slopes down in all directions. When our file was first opened with Islands Trust, the building site was further to the south on undeveloped HIAC Crown land, however, as expressed by Michael McNamara, this posed a challenge for access, parking, water, redundancy of infrastructure like electrical and septic service, and challenges for fire protection services. D'Arcy Jones Architects helped chose the relatively open and cleared current site that replaces what once held three large community trailers: the HIAC Trailer (to be moved), the HIES Teen Trailer, and the Hope Kitchen Trailer. Following OCP Bylaw 149 best practices in section 6.2 and particularly objective 5, the current site includes parking to the south on the already developed land, and existing shared access to ample electrical service, water, and septic. It is ideally situated in exchange with the Farmer's and Artisan's Market. The current site now has better Fire Rescue service access as discussed and endorsed by Doug Chinnery, Fire Chief of Hornby Island Fire Rescue. Finally, of all possible locations, the site requires the least possible excavation, ecological disturbance, and use of concrete.

Arborist Report

Following best practices and the express desires of their membership and the community, HIAC contracted Joshua Spears of The Coastal Arborist Tree Care Co. to conduct a Tree Assessment and Retention Plan (see attached) for their goal of preserving the most trees provided they maintain their safety and health and the safety of the building and its occupants. Based on the report by Joshua Spears, D'Arcy Jones Architects refined the building site to maintain this goal. The natural vegetation of this area consists of salal and fir trees, which indicates a very well draining soil. As indicated in the report, "The proposed location for the building and parking lots allows for many of the largest and most favorable condition trees to remain while removing the smaller and less healthy ones".

Geology

The geology of the soils in this area is reported as the Hillier classification of soils. Generally, this consists of sandy, loamy soils and mineral deposits less than 1 metre above sandstone or conglomerate bedrock. Four test holes were dug under the supervision of Ron McMurtrie & Associates in the recent past and conglomerate bedrock was noted at approximately 80cm or less below grade which indicates very good infiltration into the natural vegetation and further into

local aquifer #438.

Groundwater Recharge and Rainwater Collection

Generally, groundwater recharge on Hornby Island is dependent solely on precipitation. Approximately 20% of rainfall will enter the groundwater system to recharge the aquifers. At a 20% recharge rate, before development, 2,600 m³/year would be returned to the groundwater system via infiltration on the site. Eavestrough water from the roof will be directed to a rainwater collection system for non-potable operations such as summer irrigation of natural vegetation that will be planted around the building. Most of the rainfall occurs in the 6 month winter period so the rainwater collection will be a benefit to the summer health of the surrounding natural vegetation. Overflow of the rainwater collection system and the perimeter drains will be directed into the ground for infiltration in natural vegetation and furthermore into the local aquifer (Aquifer #438). Due to the rainwater collection system and re-integration of this intercepted precipitation, HIAC estimates that 99% of the groundwater will be returned to the local groundwater regime. Note that the new HIAC parking area will be gravel spaces which allow for runoff into the surrounding vegetation and do not significantly impact the groundwater recharge.

Wastewater System Improvements and Shared Well

The current wastewater system for the Hornby Island Arts Centre Gallery, which is shared with the seasonal part time RCMP office, is a septic field that is 180 ft in length and includes a 750 gal tank. We have hired Ron McMurtrie of Ron McMurtrie & Associates to inspect the current septic field and indicate any improvements necessary for the operation of the new Arts Centre. Ron McMurtrie was contacted initially at the start of this project as he has considerable experience in the wastewater systems of the immediate area, especially the adjacent Hornby Island Community Hall where he installed its separate system. It is our intention to continue to draw potable water from our current shared well, that supplies water also to the Savoie Center and the RCMP. In the past, the same well also supplied water to the Hornby Island Education Society Teen Trailer and HIES Hope Kitchen, both of which are no longer in operation and the facilities have been removed.

Access to Walking and Bike Trails

As indicated in the plans, the new Arts Centre will be situated with excellent access to the walking and biking trails on Hornby Island. It is our intention to have bike racks so that guests/staff can park their bikes safely. We have had preliminary discussions with HIMBA to coordinate these improvements.

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

Ron McMurtrie and Associates, Consulting Engineers
Wastewater System Specialists
Comox/Hornby Island, BC 250-335-2685 jasbreez@island.net

September 14, 2020

Hornby Island Arts Council
Hornby Island, BC V0R 1Z0
Sent via e-mail: Tor Nawrot <tnawrot@icloud.com>

RE: HIAC SEWERAGE SYSTEM – NEW ARTS CENTRE, HORNBY ISLAND, BC
ATTENTION: MR. TOR NAWROT
OUR FILE: 0774

Dear Tor:

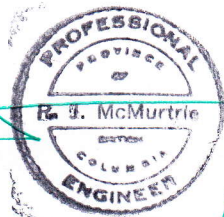
Further to our recent discussions, this letter is to confirm that I have been engaged by the Hornby Island Arts Council to investigate the feasibility and associated costs of connecting the proposed arts centre to the existing wastewater system on the property.

My proposed work includes an evaluation of the existing system and drainfield and proposed upgrades required for the arts centre. Ultimately, this will involve a Sewerage System Filing with Island Health and the installation of required upgrades under my supervision.

I trust the foregoing meets your needs at the time regarding certification of the proposed works by an Authorized Person in accordance with the BC Sewerage System Regulation.

Yours truly,

Ron McMurtrie, P.Eng.





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

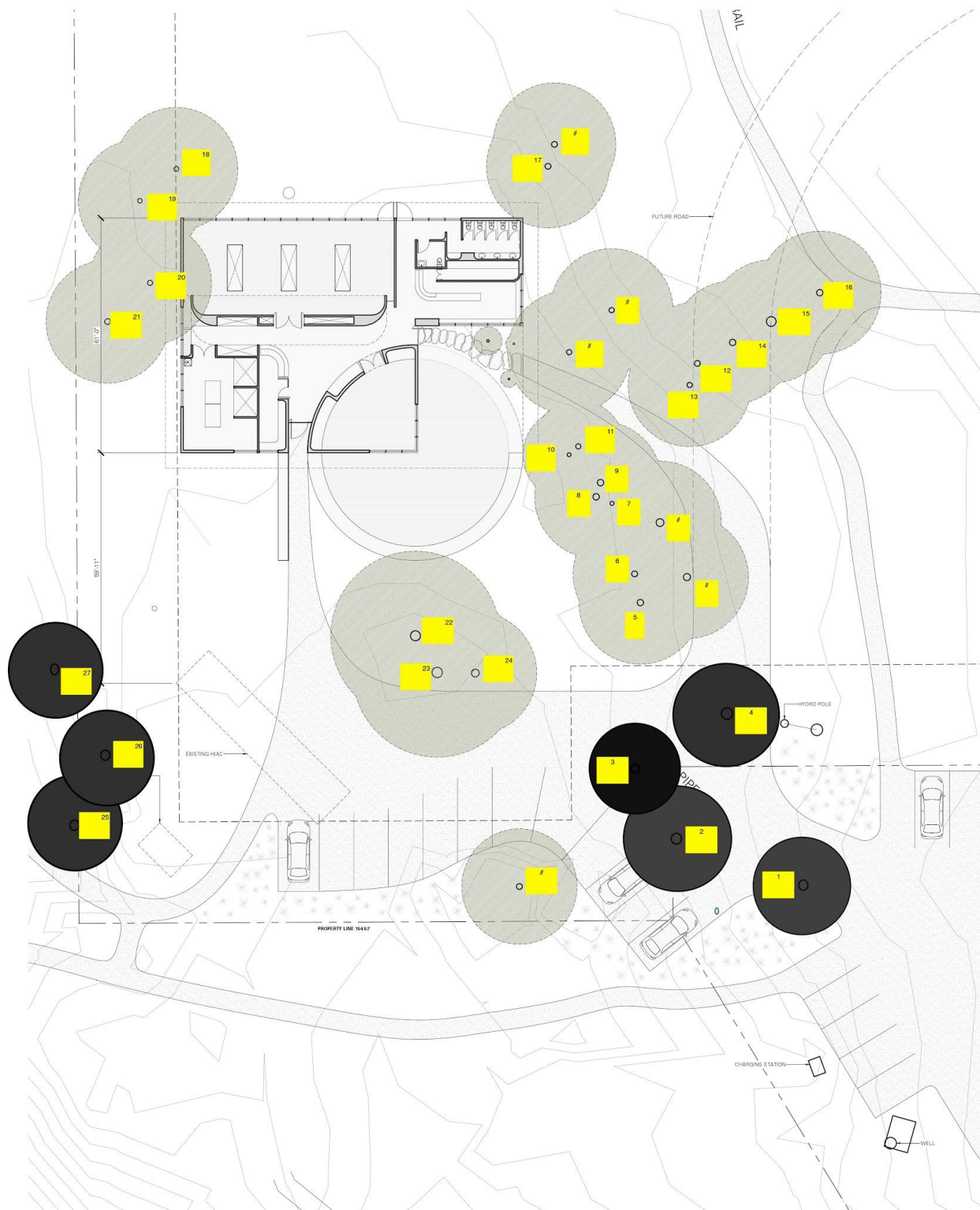
In response to the emails from Tor and Jonny about identifying the location of the tagged trees. Please see the map below and the numbers that correspond with the tree assessment chart created from our initial visit. On the day of our initial inventory we were informed that the building location was 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'Arey Jones Architects Inc
 308-175 Brimley East
 Vancouver BC V6T 1G2
 T 604 695 2225
 F 604 695 2211
 mail@darey-jones.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**

From: Anthony Law [REDACTED]
Sent: Friday, October 9, 2020 9:06 PM
To: northinfo
Cc: Grant Scott; Sue Ellen Fast; Alex Allen
Subject: Proposed Arts Centre development permit

To the Hornby Island Local Trust Committee

I note that in the applications report dated September 1, the application for a development permit for a new arts centre building has this notation under "status":

"21-Aug-2020: Staff requested a copy of a Hydrology report in accordance with DPA Guideline 9.3.4"

The referenced DPA guideline states:.

"(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."

I note that this guideline says that a hydrology study "may" be required and only states that one "will" be required if there are specified "significant" issues with respect to a proposed development.

I believe that any reasonable person would conclude that the proposed modest Arts Centre does not involve any of these significant issues in its development. The building will be replacing an existing arts centre. The vicinity also included a Teen Centre and a Community Kitchen that have since been removed. Thus the Arts Centre, as proposed, is not going to have any additional impacts upon groundwater over and above uses that have long been in place in that location.

The Official Community Plan states the following objective for the Community Service Use Development Permit Area:

"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."

Here is some background on why this DPA was established:

In the 1990s, residents of Galleon beach, one of the island's main residential neighbourhoods, raised significant concerns about potential uses in an area zoned for "Light Industrial" uses within what is now the "Community Service Use" designation in the OCP. The concerns were about potential contaminants resulting from these uses entering the groundwater and impacting the quality of the water supply for this neighbourhood.

In response to these and other concerns, the then Hornby Island Local Trust Committee commissioned a Groundwater Geochemistry Study of the island in 2002 in advance of revising the Hornby Island Official Community Plan. This study identified potential local groundwater recharge zones which included land within the "Community Service Use Area".

Because of the range of permitted uses (including community trades and services, firehall, recycling depot) that could involve potential contaminants in a recharge zone, the Development Permit Area was established.

This was to address potential water quality issues associated with potentially polluting activities, not water quantity issues.

Given

- the high level of community support for the Arts Centre,
- the huge amount of effort taken to get the project to this stage,
- that funding could be vulnerable if permits are not in place very soon
- that a hydrology study could significantly delay permit issuance
- that the project does not involve significant impacts on groundwater quality

I encourage the Hornby Island Local Trust Committee to do everything it can to speed up the permitting process, including not requiring a hydrology study.

(I say this as a former trustee who was the prime mover in ensuring that our Official Community Plan included an appropriate suite of policies to address groundwater protection based upon scientific data.)

Thank you for considering this.

Tony Law

DATE OF MEETING: November 6, 2020

TO: Hornby Island Local Trust Committee

FROM: Jaime Dubyna, Planner 2
Northern Team

SUBJECT: **Development Permit Area Application**
Applicant: Hornby Island Resort Ltd. (Jack Hornstein)
Location: 4305 Shingle Spit Rd.; PID 028-882-075; LOT 1 SECTION 4 A TOWNSHIP
HORNBY NANAIMO DISTRICT PLAN EPP20609

RECOMMENDATION

1. That the Hornby Island Local Trust Committee approve issuance of Development Permit HO-DP-2019.5 (Hornby Island Resort).

REPORT SUMMARY

The Hornby Island Local Trust Committee (LTC) is asked to consider Development Permit (DP) application HO-DP-2019.5 to authorize the demolition of existing buildings and the construction of the following new buildings: a pub/restaurant with attached office and accessory residential dwelling unit, and fifteen (15) visitor accommodation units in four accessory buildings, which are located within the Commercial Centres (Retail and Visitor Accommodations) Development Permit Area (DPA).

The LTC deferred consideration of the application at the June 26, 2020 and September 11, 2020 LTC regular business meetings to request additional information from the applicant. Since consideration at the September 11, 2020 LTC meeting, the proposed development has been revised to reduce the height of the accessory buildings and to site the new pub/restaurant outside of the lot line setback area in accordance with applicable Hornby Island Land Use Bylaw No. 150 (LUB) regulations.

Staff consider the application to be consistent with the Commercial Centres DPA guidelines, and are recommending issuance of the Development Permit HO-DP-2019.5.

BACKGROUND

The application was considered at the June 26, 2020 LTC regular business meeting:

HO-2020-027

It was **MOVED** and **SECONDED**,

that the Hornby Island Local Trust Committee defer consideration of HO-DP-2019.5 (Hornby Island Resort Ltd.) to the September 11, 2020 Local Trust Committee meeting and that the applicant be requested to submit to the Islands Trust a water plan including a water licence application number by a professional engineer or a professional geoscientist.

CARRIED

In response to the LTC's requests, the applicant submitted a copy of an "Existing Use Groundwater" application (tracking number 100323208) on August 31, 2020, and a water management plan by Elanco Enterprises, on September 10, 2020. Given the late submission of the water management plan, staff were not able to provide a summary of the water management plan; however copies of the groundwater license application and water management plan were forwarded to the LTC in advance of the September 11, 2020 LTC regular business meeting. Staff noted at the September 11, 2020 LTC meeting that issuance of a development permit is dependent upon a DPA application being consistent with applicable DPA guidelines, and for this application, no DPA guidelines require submission of a water management plan or water authorization.

The application was considered at the September 11, 2020 LTC regular business meeting:

HO-2020-064

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee defer consideration of HO-DP-2019.5 (Hornby Island Resort) to allow Trustees and community more time to review information about water, sewage, and archaeology.

CARRIED

A summary of the water management plan and onsite sewerage system report is provided below. The onsite sewerage system report can be found in [Attachment 4](#) of the Staff Report date June 26, 2020.

The applicant has submitted to staff a copy of an Alteration Permit granted by the BC Archaeology Branch for the proposed development.

A copy of the draft Development Permit is found in Attachment 1. See Attachment 2 for staff's comments on the application's consistency with each of the Commercial Centres DPA guidelines.

ANALYSIS

Policy/Regulatory

See the [Staff Report](#), dated June 26, 2020, for relevant policies and regulations.

Issues and Opportunities

Development Permit Area

Pursuant to Section 488 of the *Local Government Act* (LGA), the Commercial Centres (Retail and Visitor Accommodations) Development Permit Area (DPA) is designated in the Hornby Island Official Community Plan (OCP) Bylaw No. 149, to, "*identify and apply objectives and guidelines for the **form and character of the commercial development** permitted on the parcels in this area.*"

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 official community plan or zoning bylaw:

490 (2) *The authority under subsection (1) must be exercised only in accordance with the applicable guidelines specified under section 488 in an official community plan or zoning bylaw.*

The applicable DPA guidelines for the Commercial Centres DPA are found in Section 9.1 of the Hornby Island Land Use Bylaw No. 150 (LUB). Staff consider the proposed development to meet the guidelines in Section 9.1 of the LUB. Staff's review of the Commercial Centres DPA guidelines are found in Attachment 2 of this report.

A Development Permit may be denied only if the LTC determines that the proposed development is inconsistent with one or more of the DPA guidelines. Pursuant to Section 490(5) of the LGA, should the LTC consider the proposed development to be inconsistent with the applicable DPA guidelines found in Section 9.1 of the LUB and resolve to not issue the development permit, the property owner is entitled to have the LTC reconsider the matter:

490 (5) *If a local government delegates the power to issue a development permit under this section, the owner of land that is subject to the decision of the delegate is entitled to have the local government reconsider the matter.*

Should the LTC consider this application to not meet the applicable DPA guidelines found in Section 9.1 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.

Water Management Plan

The applicant submitted a copy of a water management plan, by Elanco Enterprises, dated September 10, 2020. The water management plan was sent to the LTC in advance of the September 11, 2020 LTC meeting. The applicant has requested that this report not be released publicly and staff have honoured the applicant's request, as the water management plan is not a requirement in the Commercial Centres DPA guidelines in Section 9.1 of the LUB.

Recommendations in the plan include:

- Filling the well pit around the existing well with low permeability soil, and to grade the surface away from the well casing;
- Installing a low permeability layer below the gravel on the parking area east of the existing well for at least 10 metres, and that surface seepage be piped at least 10 metres down slope;
- A raw water sample be collected from the well and submitted for analysis;
- Installing additional water storage for up to 8,000 gallons;
- Directing rainwater runoff into an existing 53,000 gallon cistern, and installation of a pump to draw water from that cistern for non-potable use;
- Application to waive the requirement of a second cistern (covenant), as the existing cistern holds up to 5 times the required 10,000 gallons;
- Excess precipitation runoff should be directed to the ground to help replenish the local aquifer.

Onsite Sewerage System

The applicant has provided a copy of an Onsite Evaluation and Preliminary Sewerage System Design report by Ron McMurtrie and Associates, dated December 2, 2019. A copy of this report is found in [Attachment 4](#) of the June 26, 2020 staff report.

The report details the layout of the proposed wastewater and effluent dispersal areas. The proposed treatment level "Type 2 advanced secondary" was chosen to meet site constraints because of the limited available drainfield area. The report confirms the system design and proposed wastewater system and effluent dispersal areas will be designed in accordance with provincial requirements and professional standards. Summary and conclusions from the Professional Engineer include:

- All horizontal setbacks from drinking water wells, marine water and potential breakouts are in accordance with the BC Standard Practice Manual and the LUB requirements;
- No known risks of flooding, erosion or poor drainage conditions that would affect the performance and operation of the system;

- The proposed system will protect public health, groundwater and the marine environment; the impact to neighbouring residents is minimal;
- The system is energy efficient and sustainable;
- If operated and maintained in accordance with Standard Practice, the system will not cause nor contribute to a health hazard.

It is noted that Island Health (VIHA) will require the sewage disposal system design to be filed. Water supply and quality requirements will need to adhere to VIHA requirements as well.

Consultation

A community information meeting and/or public consultation and notification is not required under the LGA for Development Permit applications.

Rationale for Recommendation

Staff consider the application to be consistent with Commercial Centres DPA guidelines and permitted land uses, therefore staff recommend approval of Development Permit HO-DP-2019.5.

ALTERNATIVES

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

1. Determine that one or more guidelines have not been met and identify steps the applicant can take

If the LTC finds that one or more of the relevant Development Permit guidelines has not been met they should identify which guideline or guidelines these are and clearly communicate the steps that the applicant can take to meet the guideline(s). Recommended wording for the resolution is as follows:

That Commercial Centres Development Permit Area guidelines [No(s)] has / have not been satisfied; and

That the applicant be requested to provide [information] to satisfy the requirements of the Commercial Centres Development Permit Area guidelines.

NEXT STEPS

If the LTC concurs with the staff recommendation, staff will issue Development Permit HO-DP-2019.5 as well as the Siting and Use Permit HO-SUP-2020.6 for the proposed development.

Submitted By:	Jaime Dubyna Planner 2	October 20, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	October 23, 2020

ATTACHMENTS

1. Draft Development Permit
2. DPA Guidelines



HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT - HO-DP-2019.5
(HORNBY ISLAND RESORT)

TO: HORNBY ISLAND RESORT LTD.

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

**LOT 1 SECTION 4 A TOWNSHIP HORNBY NANAIMO DISTRICT PLAN EPP20609
PID 028-882-075**

2. Whereas the subject property lies within an area designated as Commercial Centres (Retail and Visitor Accommodations) Development Permit Area, the purpose of which is to establish objectives for the form and character of commercial development, on Schedule E of the Hornby Island Official Community Plan No. 149, 2014; this Development Permit authorizes **the demolition of the existing commercial building and existing cabins, and new construction of a commercial pub/restaurant building and attached accessory dwelling unit and office/retail space, and four accessory building containing fifteen visitor accommodation units** with the following conditions:

2.1 General

- i. Construction of the buildings are to be substantially in accordance with the site plan prepared by MacDonald Hagarty Architects, revised on October 26, 2020, and the building plans prepared by MacDonald Hagarty Architects, revised on September 28, 2020, attached to and forming part of this Permit as Schedules A through D:

Schedule “A” – Site Plan
Schedule “B” – Building Plan (Pub/Restaurant)
Schedule “C1” – Building Plan (Buildings B, C, D)
Schedule “C2” – Building Plan (Building E)
Schedule “D” – Landscape Plan

2.2 Design Elements

- i. The character of the development shall keep with the rural environment and blend in with the aesthetic qualities of the natural surroundings.
ii. The form of the development shall incorporate amenities such as public walkways and outdoor open spaces for use by the public, and include sufficient services.
iii. All buildings shall be finished in natural products such as wood or brick.
iv. Adequate convenient toilet and washroom facilities shall be provided for the number of customers anticipated.
v. Universal access design principles shall be incorporated into the built environment to support the provision of equitable access for all abilities.

2.3 Signage

- i. Neon or internally lit signs shall not be permitted.
- ii. Signs must not exceed the total combined sign area of the requirements of Section 4.6 of the Hornby Island Land Use Bylaw No. 150, 2014.

2.4 Parking

- i. Off-street vehicle parking, maneuvering aisles and driveways are to be substantially in accordance with Schedule "A" – Site Plan.

2.5 Lighting

- i. Lighting shall be softer and lower than supplied by mercury vapour lighting towers.
- ii. Lighting must not shine directly on adjacent properties or on the adjacent roadway.

2.6 Landscaping and Screening

- i. Natural vegetation and trees are to be planted and maintained in accordance with the landscape plan prepared by Bloom Landscape Architecture, dated November 1, 2019, attached to and forming part of this Permit as Schedule "D" – Landscape Plan.

2.7 Sequence of Construction

- i. The sequence of construction should be that building only used for commercial purposes should be constructed prior to any construction of any building that may accommodate residential use, with the exception of one building to be used for commercial purposes that includes one dwelling unit may be constructed, in any sequence of construction.

3. This Permit **replaces all previous Development Permits for this property, namely HO-DP-2018.2 and HO-DP-2011.1**, and is authorized in accordance with the following schedules attached to and forming part of this permit as signed and dated by the Deputy Secretary of Islands Trust:

Schedule "A" – Site Plan
Schedule "B" – Building Plan (Pub/Restaurant)
Schedule "C1" – Building Plan (Buildings B, C, D)
Schedule "C2" – Building Plan (Building E)
Schedule "D" – Landscape Plan"

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 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 the lawful completion of the proposed development.

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

DRAFT

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 HO-DP-2019.5 (Hornby Island Resort)

DRAFT

HORNBY ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT HO-DP-2019.5 (Hornby Island Resort)

Schedule "B" Building Plan (Pub/Restaurant)



DRAFT

HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT HO-DP-2019.5 (Hornby Island Resort Ltd.)

Schedule "C1"
Building Plans (Buildings B, C, D)



DRAFT

HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT HO-DP-2019.5 (Hornby Island Resort Ltd.)

Schedule "C2"
Building Plans (Building E)



HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT HO-DP-2019.5 (Hornby Island Resort)

Bloom
LANDSCAPE ARCHITECTURE
Larkin Bay, B.C. V0S 2B0
Tel: 250-216-1203
info@bloom-ls.com
www.bloom-ls.com

CLIENT: **HORNEY ISLAND RESORT LTD.**

PROJECT TITLE

THATCH PUB REDEVELOPMENT

4025 SHREVE STREET
HUNTER GARD, BC V0M 1Z6

CRATING TITLE:

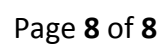
LANDSCAPE SITE PLAN

ISSUED FOR / RETURNED			
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DATE	10/10/10
TIME	10:00
LOCATION	10:00

L1/1



COMMERCIAL CENTRES (RETAIL AND VISITOR ACCOMMODATIONS) DEVELOPMENT PERMIT AREA

Guideline	Complies	Planner Comments
(1) The character of each development (including campgrounds) should be in keeping with the rural environment and blend in with the aesthetic qualities of the natural surroundings.	Yes	Siding of buildings proposed to be a mix of vertical board and batten (green) and corrugated charcoal siding. Proposal includes green roofs on the pub/restaurant and a minimum of 20% of the roof area of the accessory buildings, in accordance with the covenant CA2090178. Native landscaping and greenspace proposed throughout the property as indicated on the landscape plan. Included as a condition of the draft permit.
(2) The form of the development should 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.	Yes	Buildings proposed to meet height regulations required by the Land Use Bylaw. Site plan indicates an open area to the rear of the lot, identified as “informal gathering lawn”, and an attached deck for outdoor seating adjacent to the proposed pub/restaurant. Included as a condition of the draft permit.
(3) Natural vegetation and trees should be maintained for screening of parking and storage areas and to enhance the privacy and rural flavour of public open spaces.	Yes	Application proposes to retain existing trees and vegetation where possible along the road right-of-way. Proposal includes plantings of large and small deciduous trees, shrubs, ornamental grasses, perennials and low grasses, throughout the site. Limited screening from road proposed. Applicant has informed staff that MoTI is not in favour of landscaping along the road right-of-way, as this area may be necessary for a future expansion and alteration of the road right of way to accommodate a holding lane for the BC Ferries Terminal. Included as a condition of the draft permit.
(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.	Yes	Minimal external lighting proposed. This is also a requirement of the covenant CA209177. Included as a condition of the draft permit.
(5) Off-street automobile parking should be provided as required by bylaw and the Permit should ensure that it is adequately screened and unobtrusive and, if possible, is	Yes	Staff have calculated that a total of 56 parking spaces are required by the Land Use Bylaw. The application proposes up to 58 parking spaces in total. The application proposes a limited combination of landscaping and fencing along Shingle Spit Road to

located to the rear of the parcel and away from public open spaces and eating places.		screen parking, which is located to the front of the subject property. Applicant has informed staff that MoTI is not in favour of landscaping along the road right-of-way, as this area may be necessary for a future expansion and alteration of the road right of way to accommodate a holding lane for the BC Ferries Terminal. Included as a condition of the draft permit.
(6) Adequate convenient toilet and washroom facilities should be provided for the number of customers anticipated.	Yes	The building plan shows two washroom facilities located in the pub/restaurant building. Included as a condition of the draft permit.
(7) Clustering of businesses in order to share in the provision of parking, services, and public facilities and open space should be encouraged.	Yes	The pub/restaurant and office space are within the same building, connected by a roof and an approx. 6.3 m walkway. Visitor accommodation units are clustered as triplex and four plex buildings.
(8) A landscape plan incorporating natural landscaping should be required.	Yes	Landscape plan prepared by Bloom Landscape Architecture has been submitted and will form part of the Development Permit. Landscape plan indicates proposed natural landscaping throughout the site. Included as a condition of the draft permit.
(9) Neon or internally lit signs should not be permitted.	Yes	Not proposed.
(10) All buildings should be finished in natural products such as wood or brick.	Yes	Application proposes a mix of wood and corrugated charcoal. Included as a condition of the draft permit.
(11) On any lot where residential use is permitted the sequence of construction should be that buildings to be used only for commercial purposes should be constructed prior to any construction of any building that may accommodate residential use, with the exception that one building to be used for commercial purposes that includes one dwelling unit may be constructed, if authorized by zoning regulation, in any sequence of construction on the lot.	Yes	Application proposes the following sequence: • Removal of the existing pub/restaurant, • Phase 1 – construction of the pub/restaurant, attached accessory dwelling unit and office; and construction of Building ‘C’; • Phase 2 – construction of Building ‘B’; • Phase 3 – construction of Building ‘D’ and ‘E’. Included as a condition of the draft permit.
(12) Universal access design principles should be incorporated into the built environment to support the provision of equitable access for all abilities.	Yes	No stairs or steep grades proposed. Two accessible parking spaces are located adjacent to the front entrance of the pub/restaurant. Included as a condition of the draft permit.

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 164

A BYLAW TO AMEND HORNBY ISLAND OFFICIAL COMMUNITY PLAN, 2014

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. Citation

This bylaw may be cited for all purposes as “Hornby Island Official Community Plan, 2014, Amendment No. 1, 2020.”

2. Schedule “A” of the Hornby Island Local Trust Committee Bylaw No. 149, cited as “Hornby Island Official Community Plan, 2014,” is amended as follows:

Section 6.3 Residential, Subsection 6.3.2 Residential, Background is amended as follows:

- i adding the word “Some” before “lots” in the first sentence of the first paragraph.

3. Schedule “B” - Land Use Designations Map is amended by changing the land use designation of LOT 1, SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN VIP89098 (PID 028-737-245) from Rural Residential to Small Lot Residential as shown on Plan No. 1, attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 149 as are required to effect this change.

PROPOSED

READ A FIRST TIME THIS 26TH DAY OF JUNE , 2020

READ A SECOND TIME THIS 11TH DAY OF SEPTEMBER , 2020

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 202X

READ A THIRD TIME THIS _____ DAY OF _____ , 202X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 202X

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS

_____ DAY OF _____ , 202X

ADOPTED THIS _____ DAY OF _____ , 202X

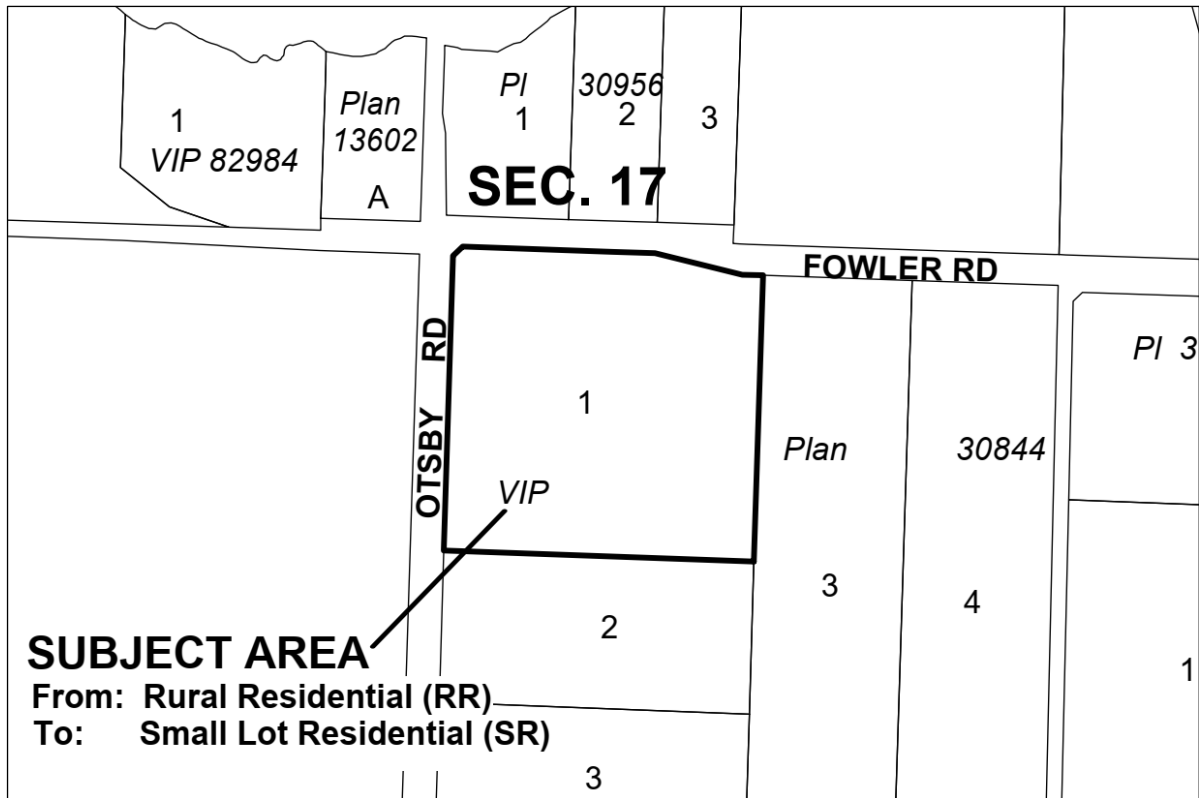
Chair

Secretary

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 164

Plan No. 1



PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 165

A BYLAW TO AMEND HORNBY ISLAND LAND USE BYLAW, 2014

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. Citation

This bylaw may be cited for all purposes as “Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2020.”

2. Schedule “A” of the Hornby Island Local Trust Committee Bylaw No. 150, cited as “Hornby Island Land Use Bylaw, 2014,” is amended as follows:

2.1 **PART 8 - ZONE REGULATIONS**, Section **8.1 Residential 1 – Small Lot (R1) Zone** (*Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot*), is amended to read **Residential 1 – Small Lot (R1) Zone**

2.2 **PART 8 - ZONE REGULATIONS**, Section **8.1 Residential 1 – Small Lot (R1) Zone** Subsection 8.1(8) **Site Specific Regulations** is amended by inserting the following new site specific zone:

R1(c)	Lot 1, Section 10, Hornby Island, Nanaimo District, Plan VIP89098 (PID 028-737-245)	Despite 8.1(7) of this Bylaw, no lot may be created by subdivision that has a lot area of less than 1.9 hectares.
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3. Schedule “B” - Land Use Zoning Map, is amended by changing the zoning classification of LOT 1, SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN VIP89098 (PID 028-737-245) from Residential 2 – R2 to Residential 1 – R1(c) as shown on Plan No. 1, attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 150 as are required to effect this change.

PROPOSED

READ A FIRST TIME THIS 26TH DAY OF JUNE , 2020

READ A SECOND TIME THIS 11TH DAY OF SEPTEMBER , 2020

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 202X

READ A THIRD TIME THIS _____ DAY OF _____ , 202X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 202X

ADOPTED THIS _____ DAY OF _____ , 202X

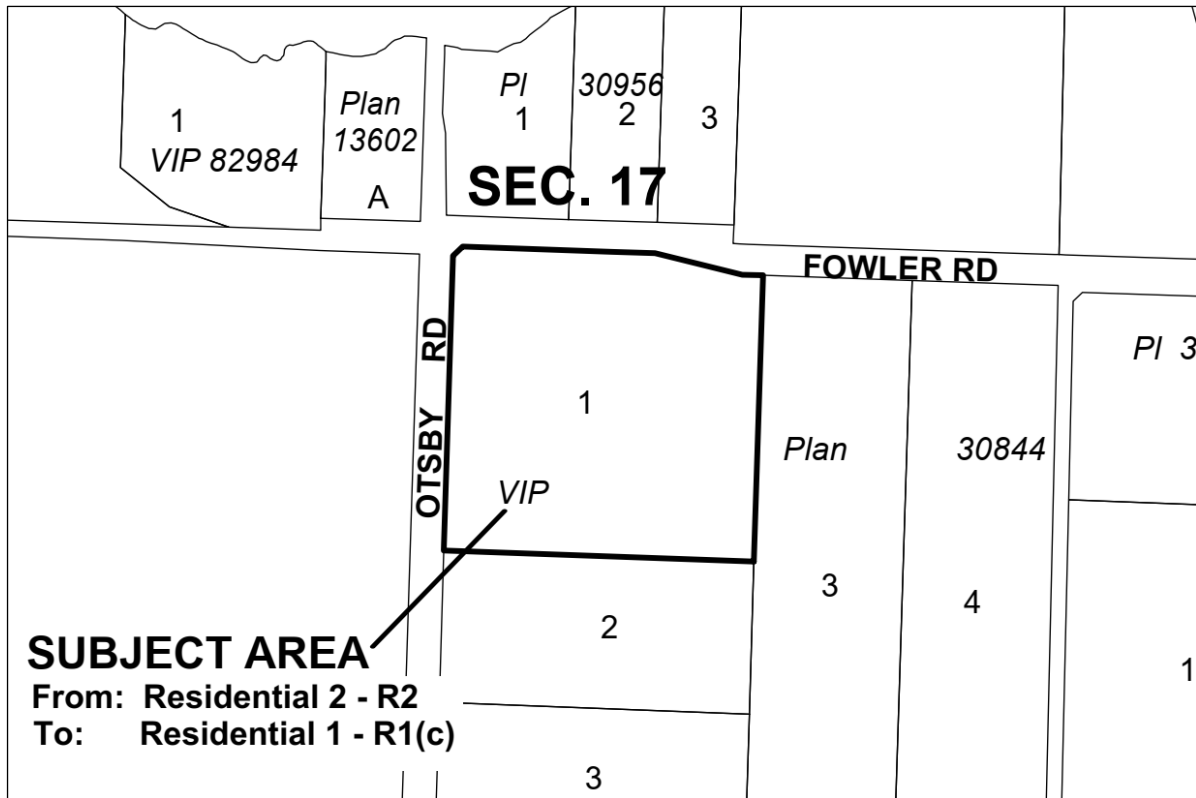
Chair

Secretary

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 165

Plan No. 1



MEMORANDUM

File No.: 3026-10 (LTC General –
Meeting Logistics)

DATE OF MEETING: November 6, 2020
TO: Hornby Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: 2021 Local Trust Committee Meeting Schedule

RECOMMENDATION

1. That the Hornby Island Local Trust Committee schedule its regular business meetings on the following dates in 2021: January 29, March 26, May 21, July 16, October 8, and December 10.

DISCUSSION

Each Local Trust Committee (LTC) is asked to endorse, by resolution, its regular business meeting schedule for 2021. Tentative dates have been identified in relation to anticipated project commitments, application volumes, trustee availability, ferry schedules, statutory holidays, conferences, Trust Council, Trust Council Committees, Trust Fund Board, and available staff and financial resources. Tentative meeting dates are identified in Attachment 1.

If alternative dates are proposed, LTCs should avoid scheduling meetings on dates which may conflict with other planned meetings or events. Key dates are noted for reference in Attachment 1. Note, LTCs do not need to identify the planned start times or locations for meetings. Meeting details will be advertised in accordance with legislated notification requirements.

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	October 16, 2020
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ATTACHMENT

1. Tentative 2021 Northern Local Trust Committee Meeting Schedule

ATTACHMENT 1 – TENTATIVE 2021 NORTHERN LOCAL TRUST COMMITTEE MEETING SCHEDULE

LTC	Denman	Gabriola	Gambier	Hornby	Lasqueti	Thetis	Ballenas-Winchelsea
	January 19	January 21	-	January 29	-	-	-
	-	-	February 4	-	February 1	February 9	-
	March 16	March 4	-	March 26	-	-	-
	-	April 8	April 1	-	April 6	April 13	April 21
	May 4	May 13	May 27	May 21	-	-	-
	-	June 17	-	-	June 21	June 1	-
	July 6	July 29	July 22	July 16	-	-	-
	-	-	-	-	August 9	August 3	-
	September 7	September 9	September 30	-	-	September 28	-
	-	October 21	-	October 8	October 4	-	-
	November 2	November 25	November 4		-	November 16	November 10
	-	-	-	December 10	December 6	-	-
Total	6	9	6	6	6	6	2
Start Time							
-In Person	10:30 am	10:30 am	10:30 am	11:30 am	11:00 am	9:30 am	10:00 am
-on Zoom	10:00 am	10:30 am	10:30 am	10:00 am	9:30 or 10 am	9:30 am	10:00 am
Location if in person	Denman Activity Centre	Gabriola Arts & Heritage Centre	TBD	New Horizons	Judith Fisher Centre	Thetis Community Centre	TBD

Key Dates

Stat Holidays	Jan. 1; Feb. 15; Apr. 2, Apr. 5; May 24; Jul. 1; Aug. 2; Sep. 6; Oct. 11; Nov. 11; Dec. 25,26
Trust Council	March 9-11, June 8-10, Sept 21-23 Nov 30 - Dec 1-2 (all tentative)
Executive Committee	Jan 13, Feb 3, Feb 24, Mar 24, Apr 14, May 5, May 26, Jun 23, Jul 14, Aug 4, Sep 8 Oct 6, Oct 27, Nov 17, Dec 15
Financial Planning Committee	TBD
Islands Trust Conservancy	Mar 30, May 25, Jul 13, Oct 5, Nov 23 (tentative)
Trust Programs Committee	TBD
Local Planning Committee	TBD
SD 79 (Cowichan) Spring Break	Mar 15-26
SD 46 (Sunshine Coast) Spring Break	Mar 15-26
SD 68 (Nanaimo) Spring Break	Mar 13-28
SD 71 (Comox) Spring Break	Mar 22-Apr 1
AVICC Conference	April 16-18
LGMA Conference	June 15-17
UBCM Conference	Sept. 14-17



Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality October 6, 2020

Islands Trust Conservancy Board News

In accordance with *Ministerial Order M192 – Local Government Meetings & Bylaw Process* and *Province of BC Bill 19 – 2020*, the Islands Trust Conservancy cannot conduct public in-person meetings at this time. In order to meet the principles of openness, transparency, and accessibility, meetings of the Board will be held electronically over the period August 26 to October 31, 2020. They will be live streamed, and the public invited to participate in meetings by connecting to the link or the phone number provided in the meeting notice, in order to observe proceedings and speak when invited by the Chair.

Board and Staff Updates:

- ITC Board noted the resignation of appointed member Hammond. New appointment are delayed due to the BC election, but a notice of appointment has been provided to the Crown Agencies and Board Resourcing Office to fill the position.
- ITC welcomed back Corlynn Strachan as its Administrative Assistant, extending farewell to Alexandra Trifonidis who acted in the position for the last two years.
- ITC Manager, Jennifer Eliason, on temporary assignment since July 2018, has taken a permanent position with BC Parks as a Senior Parks and Protected Areas Planner. Next steps for filling the position of ITC Manager are being considered.

The ITC Board received a presentation from Shauna Doll, Gulf Islands Forest Conservation Project Coordinator, from the Raincoast Conservation Foundation, which included recommendations for policy reform to protect endangered forests and habitats within the Islands Trust Area.

Regional Conservation Plan Updates

The science-based and community-informed Regional Conservation Plan guides the work of ITC. The ITC continues to work towards 4 long-term goals and 25 objectives that further conservation in the entire Trust Area. For more information, visit www.islandstrustconservancy.ca/media/84821/itc_2018-11_rcp-2018-2027-web_final.pdf.

Goal 1 – Science-based Conservation Planning

The ITC is working on a Memorandum of Understanding with Islands Trust and the Martin Conservation Decisions Lab at the University of British Columbia to partner on data acquisition and analysis.

Goal 2 – Strong relationships with First Nations

Reflecting the intent of UNDRIP, TRCC, and the [ITC Reconciliation Declaration](#), ITC Board approved the removal of “Canada’s” from the ITC tagline so that the tagline reads “Protecting islands in the Salish Sea”, and revised its vision statement as follows:

The Islands Trust Conservancy vision is for a network of protected areas that preserve in perpetuity the natural systems of the islands in the Salish Sea.

ITC Board directed staff to complete an ITC Reconciliation Action Plan that incorporates actions identified in Goal 2 of the Regional Conservation Plan.

Goal 3 – Protection of core conservation areas

ITC has received \$597,000 in funding from Environment and Climate Change Canada (ECCC) for the Species at Risk (SAR) Program and is in the final stages of negotiating the Contribution Agreement which will extend until March 31, 2023. Organizational implications include the addition of a SAR Program Coordinator and Summer Co-op position as well as funding for:

- SAR surveys and monitoring
- Restoration of critical habitat
- SAR outreach materials and events
- Costs associated with land securement
- Engagement and work with First Nations

Funding cannot be used for land purchase.

ITC Board considered its fall intake for the Opportunity Fund, a grant program for hard to fundraise costs associated with land conservation.

Goal 4 – A strong voice for nature conservation

The Board approved a proposed 2021/22 Budget and forwarded it to Financial Planning Committee for Islands Trust budget planning. Staff noted that they are considering options for socially responsible investing, and are planning to move ITC funds into impact investments. The Board requested more information about this move for its November meeting.

Covenant Management and Outreach Specialist briefed the Board on completion of the 2020 forest outreach campaign, where letters and NAPTEP brochures were mailed to landowners to encourage conservation.

Activities by Local Trust Area/Island Municipality

Bowen – ITC Board awarded a \$5,000 Opportunity Fund grant to the Bowen Island Conservancy for conservation work on Bowen Island.

ITC removed danger trees at the Singing Woods Nature Reserve.

Please feel free to contact the Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

Islands Trust Conservancy itcmail@islandstrust.bc.ca

Denman – ITC is working with the Denman Conservancy Association to remove invasive species and manage trails in the Morrison Marsh, Lindsay Dickson, Inner Island and Valens Brook Nature Reserves.

Gabriola – ITC is working with the Gabriola Land and Trails Trust to do trail maintenance in the Elder Cedar Nature Reserve and install signage at the Coats Millstone Nature Reserve. Invasive species removal is happening at the Elder Cedar Nature Reserve and at a covenant area.

Galiano – Restoration work is being done and monitored at the Trincomali Nature Sanctuary.

Gambier/Keats – ITC will receive \$12,000 from the Convention of Baptist Churches as a required contribution related to the transfer of the Sandy Beach property to ITC. The ITC Board directed staff to create a Property Management Fund with \$10,000 and use the remaining \$2,000 to finalize the conservation covenant for the land.

Lasqueti – The ITC is working in partnership with the Lasqueti Island Nature Conservancy on restoration of wetland and riparian habitat at a pond on the Salish View Nature Reserve. Restoration work is also ongoing at the Mount Trematon and John Osland Nature Reserves.

North Pender/Sidney Island – Staff continue to work in collaboration with Parks Canada, First Nations, FLNRORD and the Sallas Strata on the Sidney Island Ecological Restoration Project.

Salt Spring – the owners of land adjacent to the Lower Mount Erskine Nature Reserve have met all the requirements to covenant their land and staff are proceeding with covenant registration. Invasive species management is occurring on the McFadden Creek and Lower Mount Erskine Nature Reserves and in two covenant areas.

Thetis – ITC Board reviewed bylaws 108 and 109 and noted that its interests were unaffected. ITC is working with the Thetis Island Nature Conservancy to manage invasive species and provide signage in the Fairyslipper Forest Nature Reserve. Species at Risk surveys are also ongoing in the Fairyslipper and Moore Hill Nature Reserves.

Please feel free to contact the Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

Islands Trust Conservancy itcmail@islandstrust.bc.ca



Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
HO-ALR-2020.1	Savoie, Mary	15-Apr-2020	PID: 001-186-434 Active farming & market gardening, applying to build a house. Civic address: 70 Central Road, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 26-Jun-2020

LTC forward application to ALC by resolution. Staff awaiting Commission decision before companion SUP issuance.

Status Date: 10-Jun-2020

Scheduled June 26th LTC meeting agenda item.

Status Date: 12-May-2020

Under review by planner. Target June 26, 2020 LTC meeting as agenda item.

Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2017.2	Matthew, Jim	17-Aug-2017	Crown leased property; Building new Arts Centre on Sollans Road, Hornby Island.

Planner: Jaime Dubyna

Planning Status

Status Date: 18-Sep-2020

Revised plans, arborist report and sewerage system letter submitted.

Status Date: 21-Aug-2020

Staff requested a copy of a Hydrology report in accordance with DPA Guideline 9.3.4.

Status Date: 19-Aug-2020

Revised plans received.



Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2019.5	Hornby Island Resort Ltd.	20-Dec-2019	PID: 028-882-075 Thatch Pub redevelopment. Civic address: 4325 Shingle Spit Road, Hornby Island, BC.

Planner: Jaime Dubyna

Planning Status

Status Date: 31-Aug-2020

Copy of water license application number received.

Status Date: 31-Jul-2020

Revised plans received.

Status Date: 26-Jun-2020

Application considered by LTC. LTC deferred consideration to the Sept 11, 2020 LTC meeting, and requested applicant submit a water plan including water license applicaiton number.

File Number	Applicant Name	Date Received	Purpose
HO-DP-2020.1	School District No. 71 (Bradley Shuya Architect Inc.)	12-Mar-2020	PID: 000-457-752 Building new school. Civic address: 2100 Sollans Road, Hornby Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 13-Aug-2020

File reassigned

Status Date: 22-Jun-2020

Waiver to survey requirement requested - on June 26th LTC agenda

Status Date: 14-May-2020

Payment received May 14, 2020



Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2020.2	Hornby Island Residents and Ratepayers' Association Planner: Ian Cox	28-Aug-2020	Crown land lease. Addition to Medical Clinic. Civic address: 1885 Sollans Road, Hornby Island, BC.
Planning Status			
Status Date: 14-Sep-2020 Applicant request to proceed with staff report/November 6 agenda item without hydrology report (per email on file, September 4, 2020)			
Status Date: 04-Sep-2020 Awaiting applicant decision on hydrology report submission. Possible November 6th LTC meeting agenda item.			
Status Date: 01-Sep-2020 File opened and assigned. Waiting for EFT.			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2020.2	School District No. 71 (Bradley Shuya Architect Inc.) Planner: Bronwyn Sawyer	12-Mar-2020	PID: 000-457-752 Building new school. Civic address: 2100 Sollans Road, Hornby Island, BC.
Planning Status			
Status Date: 13-Aug-2020 File reassigned			
Status Date: 22-Jun-2020 Waiver to survey requirement requested - on June 26th LTC agenda			
Status Date: 15-May-2020 Payment received May 15, 2020			



Rezoning

File Number	Applicant Name	Date Received	Purpose
HO-RZ-2018.1	DAVID P WISEMAN	10-Jan-2018	PID:028-737-245 Rezoning to allow for subdivision Civic address: 5020 Fowler Road, Hornby Island, BC

Planner: Bronwyn Sawyer

Planning Status

Status Date: 11-Sep-2020

Second reading and direction to schedule CIM and Public Hearing

Status Date: 22-Jun-2020

Bylaws drafted on June 26th LTC agenda

Status Date: 01-May-2020

Introductory staff report on May 1st LTC agenda

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2019.11	Savoie, Elaine & Mary	05-Nov-2019	PID: 001-186-434 Building SFD. Civic address: 2555 West Carmichael Road, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 15-Jun-2020

ALC non-adhering residential use application for LTC forwarding to Commission on June 26th LTC meeting agenda.

Status Date: 18-Feb-2020

Applicant is actively working with ALC staff. ALC application to LTC received with possible June 26th electronic meeting agenda item.

Status Date: 05-Dec-2019

Applicant may need Agricultural Land Commission Non-Adhering Residential Use (NARU) permission in relation to decommissioning of existing house. Permit on hold until further information received from ALC.



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2020.1	492458 BC LTD.	11-Feb-2020	PID: 004-701-607 Building new cabin. Civic address: 8055 Anderson Road, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 26-Jun-2020

LTC denied issuance of HO-DVP-2020.1. Awaiting alteration to DE-SUP-2020.1 for LUB height compliance.

Status Date: 15-Jun-2020

DVP application scheduled as agenda item for June 26 LTC meeting. SUP pending approval of DVP.

Status Date: 13-Mar-2020

Under review by staff - in contact with applicant regarding need for HO-DVP-2020.1 issuance prior to SUP approval. Waiting for further information from applicant.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2020.12	Hornby Island Residents and Ratepayers' Association	28-Aug-2020	Crown Land Lease. Addition to medical clinic. Civic address: 1885 Sollans Road, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 04-Sep-2020

On hold pending DP application.

Status Date: 01-Sep-2020

File opened and assigned. Waiting for EFT.



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2020.13	Kabush, Margaret & Denis	02-Sep-2020	PID: 003-620-433 Building a garage. Civic address: 3265 Harwood Road, Hornby Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 05-Oct-2020

Planner review complete

Status Date: 11-Sep-2020

Received all material, file opened & assigned.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2020.15	Hornby Island Arts Council	30-Sep-2020	No PID - Crown tenure Building a community arts centre. Civic address: 2115A Sollans Road, Hornby Island, BC.

Planner: Jaime Dubyna

Planning Status

Status Date: 19-Oct-2020

EFT received, file given to planner

Status Date: 09-Oct-2020

File opened and assigned. Waiting for EFT to top up the combination fee for a DP & SUP.



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2020.16	Walmsley, Braea & Eben	06-Oct-2020	PID: 003-812-286 Building barn and greenhouse. Civic address: 5185 Central Road, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 21-Oct-2020

Awaiting DP application with RAR Assessment Report.

Status Date: 15-Oct-2020

Under staff review.

Status Date: 09-Oct-2020

File opened and assigned. DP application to follow.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2020.5	School District No. 71 (Bradley Shuya Architect Ind.)	12-Mar-2020	PID: 000-457-752 Building new school. Civic address: 2100 Sollans Road, Hornby Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 13-Aug-2020

File reassigned

Status Date: 16-Jun-2020

Request for waiver of survey requirement on June 26, 2020 LTC agenda

Status Date: 14-May-2020

Payment received May 14, 2020



Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2020.6	Hornby Island Resort Ltd.	06-May-2020	PID: 028-882-075 To obtain necessary permits for construction. Civic address: 4305 Shingle Spit Road, Hornby Island, BC.

Planner: Jaime Dubyna

Planning Status

Status Date: 26-May-2020

Planner reviewing file.

Status Date: 06-May-2020

File opened, planner assigned, waiting for payment.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2020.9	Jean-Pierre Raulot-Lapointe	25-Jun-2020	PID: 002-835-258 Building a small house. Civic address: #9, 4150 Parnell Road, Hornby Island, BC.

Planner: Jaime Dubyna

Planning Status

Status Date: 27-Aug-2020

Planner advised applicant to contact Arch Branch.

Status Date: 17-Aug-2020

Planner reviewing file.

Status Date: 16-Jul-2020

EFT received; file opening letter sent



Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
HO-TUP-2020.2	Payne, Jeremy	12-Mar-2020	PID: 003-869-008 Temporary seasonal food truck. Civic address: 3005 Saint John's Point Road, Hornby Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date: 26-Jun-2020

Application considered by LTC. LTC approved issuance for one year provided: a SUP is obtained, screening of shipping container, and a VIHA permit is submitted.

Status Date: 08-Jun-2020

Public notification mailed out.

Status Date: 03-Jun-2020

Applicant submitted revised site plan. Food truck to be relocated. SUP required.

Islands Trust
LTC EXP SUMMARY REPORT F2021
Invoices posted to Month ending September 2020

635 Hornby	Invoices posted to Month ending September 2020	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-635	LTC "Trustee Expenses"	412.00	0.00	412.00
LTC Local				
65200-635	LTC - Local Exp - LTC Meeting Expenses	2,022.00	1,054.71	967.29
65210-635	LTC - Local Exp - APC Meeting Expenses	283.00	40.00	243.00
65220-635	LTC - Local Exp - Communications	250.00	248.00	2.00
65230-635	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>2,849.00</u>	<u>1,342.71</u>	<u>1,506.29</u>
Projects				
73001-635-2004	Hornby OCP/LUB	3,500.00	360.00	3,140.00
TOTAL Project Expenses		<u>3,500.00</u>	<u>360.00</u>	<u>3,140.00</u>

Hornby Island Local Trust Committee Policies & Standing Resolutions

No.	Meeting Date	Resolution No.	Issue	Policy
1.	January 27, 2017 September 28, 2018	HO-2017-011	Enforcement actions against three specific properties for unlawful dwellings	It was MOVED and SECONDED that the Hornby Island Local Trust Committee adopt the following Standing Resolution: 1. That whereas the Hornby Island Local Trust Committee intends to facilitate a community process to review residential density to address community housing needs, which may result in amendments to the Official Community Plan and Land Use Bylaw, it is resolved that related enforcement actions against properties identified as: a) Lot B, Section 15, Hornby Island, Plan 24652 (1655 Central Road); b) Lot B, Section 6, Hornby Island, Plan 30442 (7205 Central Road); and c) Lot 6, Section 10, Hornby Island, Plan 26332 (2475 St. Johns Point Road) shall be held in abeyance; 2. That nothing in this enforcement policy should be interpreted as giving permission to any party to violate Hornby Island Land Use Bylaw No. 150 and the Hornby Island Local Trust Committee may change this policy at any time and may give direction to commence enforcement activities with respect to the identified properties at any time without notice; and 3. That unless the Hornby Island Local Trust Committee extends the effective period, this enforcement policy expires on October 31, 2020 or when the housing needs project is complete, whichever is the sooner.
2.	August 3, 2018	HO-2018-044	Processing non-medical cannabis retail license applications	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following Standing Resolution with respect to the processing of non-medical cannabis retail license applications: • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal.

No.	Meeting Date	Resolution No.	Issue	Policy
				• However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: ○ Name of the applicant and a description of the proposal in general terms ○ The location of the proposed establishment and the subject site ○ The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered. ○ The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application ○ How public comments may be submitted to the Local Trust Committee.
3.	January 25, 2019	HO-2019-007	Notices of intention to apply for a federal cannabis license	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following standing resolution: “That the Hornby Island Local Trust Committee request that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.”

No.	Meeting Date	Resolution No.	Issue	Policy
4.	May 24, 2019	HO-2019-038	First Nations Relationship Building	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing Trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.
5.	January 24, 2020	HO-2020-013	Bylaw Enforcement to undertake proactive enforcement of non-compliant STVRs	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following Standing Resolution: authorize proactive enforcement of the Hornby Island Land Use Bylaw No. 150 regulations for Vacation Home Rentals. Short Term Vacation Rentals that have one or more of the following characteristics, will be subject to proactive enforcement: • Non-compliant Short Term Vacation Rentals are advertised on the internet, newspapers or other media. • More than one dwelling on the lot is made available simultaneously for a Short Term Vacation Rental.

No.	Meeting Date	Resolution No.	Issue	Policy
				• While the property is rented, additional persons are staying in tents, trailers or recreational vehicles. • There are issues related to health and safety in accordance with the Land Use Bylaw. • There is more than one complaint from the immediate neighborhood (defined as being within 200 meters of the subject property) regarding issues related to the Short Term Vacation Rental, such as noise, parking congestion, more than one guest/party in a week, or too many people. • The residential dwelling being used as a Short Term Vacation Rental does not meet the following criteria for Short Term Vacation Rentals from the Hornby Island Official Community Plan Bylaw No. 149: ○ that the owner or tenant of the parcel is ordinarily resident on the property and the vacation home rental use is occurring during the temporary absence of the owner or tenant; or ○ where the owner or residential tenant of the parcel resides seasonally in the dwelling and the vacation home rental use is occurring during the absence of the owner or tenant; or ○ where the owner or residential tenant is residing in another lawful dwelling on the property while the vacation home rental is occurring. • The Short Term Vacation Rental is not managed locally, or was purpose built to be a Short Term Vacation Rental. • A complaint is made by an official of a government regulatory body or the bylaw enforcement officer and it concerns overuse of water, inadequate septic capacity, or too many buildings on the property.
6.	June 26, 2020	HO-2020-055	Standing Resolution regarding Restaurant Expansion during COVID Emergency Response - Staff Report	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following standing resolution: That the Hornby Island Local Trust Committee has no objection to Liquor and Cannabis Regulation Branch issuance of Temporary Expanded Service Area Authorizations for liquor primary and manufacturer licensees in the Hornby Island Local Trust Area.

Top Priorities Report

Hornby Island

1. *Consideration of a rezone of 5040 Central Road to R3A.*

Responsible

Dates

Consideration of an LUB bylaw amendment to change the zoning of 5040 Central Road from R3 to R3A.

Rec'd: 01-May-2020

2. *Watershed Protection and Groundwater Preservation*

Responsible

Dates

Project charter, work plan and budget; consolidation of existing information; required research to address key knowledge gaps; workshop to explain the model; suggestions for next steps including finding potential funding, advocacy/education/coordination with other agencies etc. Review approaches to ground water protection and water conservation on Hornby Island including consideration of the Gulf Islands Ground Water Protection Regulatory Tool Kit and the possible use of Development Permit areas for water conservation

William Shulba

Rec'd: 08-Jun-2018

Projects Report

Hornby Island

1. *Ford Cove Consultation*

Responsible

Date Received

Conduct a consultative process for the Ford Cove area

2. *Public Use area planning*

Responsible

Date Received

Support collaborative planning process for Public Use areas

27-Mar-2015

3. *Marine Protection*

Responsible

Date Received

Ongoing participation in public education, advocacy and regional processes with respect to the marine environment and shoreline protection

28-Sep-2018

4. *Improving Bylaw Compliance*

Responsible

Date Received

Explore with the community and staff, approaches to improving Bylaw compliance

28-Sep-2018

5. *Ecosystem Protection*

Responsible

Date Received

Consider potential utilization of the Regional Conservation Plan.

28-Sep-2018



Projects Report

Hornby Island

6. *Addressing Climate Change*

Responsible

Date Received

Review measures to address climate change including through implementation of OCP policies

28-Sep-2018

7. *Addressing housing needs*

Responsible

Date Received

A project to identify, assess and implement housing opportunities including reviewing residential density on rural lots and considering staff accommodation on commercial lots.

25-Jan-2019

8. *Implementation of Coastal Douglas-fir Toolkit*

Responsible

Date Received

25-Jan-2019

9. *Model Cell Tower Consultation Process*

Responsible

Date Received

13-Sep-2019