



HORNBY ISLAND LOCAL TRUST COMMITTEE AGENDA

AGENDA

Business Meeting
Monday, July 13, 2009 at 1:30 p.m.
In the New Horizons
1765 Sollans, Hornby Island, BC

	<i>Page No.</i>	<i>Approx. Time</i>
1. CALL TO ORDER		1:30 pm
2. APPROVAL OF AGENDA		
3. DELEGATIONS – none declared		
4. TOWN HALL SESSION		1:35 pm
5. MINUTES		1:55 pm
5.1 Local Trust Committee Meeting Minutes of May 28, 2009 – <i>for adoption</i>	1-14	
5.2 Section 26 Resolutions Without Meeting - <i>none</i>		
5.3 Advisory Planning Commission Minutes – <i>none</i>		
6. BUSINESS ARISING FROM MINUTES		2:05 pm
6.1 Follow-up Action List dated July 7, 2009	15-17	
6.2 HO-RZ-2009.4 (Four Corners Village)		
7. CORRESPONDENCE – for receipt <i>“Correspondence specific to an active development application/and or project will be received by the Hornby Island Local Trust Committee when that application is on the Agenda for Consideration”</i>		
7.1 Letter dated June 1, 2009 from Jody Snijders regarding the Four Corners application	18	
7.2 Email dated June 2, 2009 from Bill Walker for the Four Corners applicants regarding the Four Corners application	19-20	
8. APPLICATIONS AND PERMITS		
8.1 HO-DP-2009.1 (Hornby and Denman Health Care Society) Staff Report – <i>to be distributed</i>		2:30 pm
8.2 HO-RZ-2008.1 (Sygyzy) Agency Referrals for Proposed Bylaw No. 135 cited as "Hornby Island Land Use Bylaw No. 86, 1993, Amendment Bylaw No. 1, 2009" – <i>verbal update</i>		
8.3 HO-TUP-2009.1 (Titcombe) Staff Report dated July 13, 2009- <i>attached</i>	21-34	

9.	LOCAL TRUST COMMITTEE PROJECTS		
9.1	Short Term Vacation Rental Bylaw Options Staff Report dated July 13, 2009 - <i>attached</i>	35-44	3:30 pm
10.	REPORTS		
10.1	Strategic Plan for Local Trust Committees	45-46	4:20 pm
10.2	Work Program Reports Top Priorities Report and Projects List Report dated July 7, 2009	47-48	
10.3	Applications Log Report dated July 07, 2009	49-52	
10.4	Trustee and Local Expenses		
10.4.1	Expenses report posted to June 24, 2009	53-57	
10.5	Chair's Report		
10.6	Trustees' Report		
11.	NEW BUSINESS		
12.	BYLAWS		
13.	ISLANDS TRUST WEBSITE		
13.1	Hornby Island Page - <i>attached</i>	58-59	4:40 pm
13.2	Living on Hornby - <i>attached</i>	60-65	
14.	NEXT BUSINESS MEETING DATE Monday, September 14, 2009 at 1:30 pm in the New Horizons, 1765 Sollans, Hornby Island, BC		
15.	TOWN HALL SESSION – Time Permitting		4:50 pm
16.	ADJOURNMENT		5:00 pm

**MINUTES OF THE HORNBY ISLAND LOCAL TRUST COMMITTEE MEETING
HELD AT 12:20 P.M. ON THURSDAY, MAY 28, 2009
AT THE NEW HORIZONS
1765 SOLLANS ROAD, HORNBY ISLAND, BC**

<u>PRESENT:</u>	Louise Bell	Chair
	Fred Hunt	Local Trustee
	Tony Law	Local Trustee
	Sonja Zupanec	Island Planner
	Laura Busheikin	Recorder

There were approximately 30 members of the public in attendance.

1. CALL TO ORDER

At 12:20 p.m. Chair Bell called the meeting to order and acknowledged that the meeting is taking place in the traditional territory of the Coast Salish First Nation.

2. APPROVAL OF THE AGENDA

Trustee Law added “Advisory Planning Commission Appointments” as item 11.3 and “K’omoks First Nation” as item 11.4. The amended agenda was approved by consensus.

3. DELEGATIONS

None declared.

4. TOWN HALL SESSION

Liz MacKenzie said she approves of some elements of the Four Corners project and one is the living quarters above small businesses, but as a whole she is concerned about groundwater, both its use and discard. She referenced page 38 section 22(ii) on the first Islands Trust report on the project, saying her concern is that the scope of the project is greater than can be sustained on such a small piece of property and she asks the Trust to consider this carefully.

Bob Gee thanked the Trust for the PDFs of the submissions to the Trust about this development. He said detailed planning takes compromise and money, but the basic fact is that it doesn’t fit the Official Community Plan and what a lot of

islanders think is appropriate and what many think the Trust is here for. He urges the Local Trust Committee to reject it. He said one of the Trustees has a senior position with the Hornby Island Economic Enhancement Corporation and asked that Trustee to step out of the proceedings, because this project clearly would provide economic enhancements. He commented that summer rentals were originally meant to house the transient population that came just for the summer, helping them with accommodation and helping the landowners make some money. Driving the need for regulation on this are issues of noise and overuse of some properties, but these problems can happen with full-time landowners and residents. He thinks it is unfair and bad planning to regulate this as much as the Hornby Island Local Trust Committee seems to be going to do, as it targets a particular segment of the population that does not have secure summer accommodation.

Trustee Law said he will take some legal advice to see if there is conflict of interest and will step aside if needed. He said the driving issue behind regulating vacation rentals is to ensure equitable regulation of commercial land uses on the island and to address those impacts that have been experienced. He said it is a difficult issue and the Trust is looking for balanced solutions.

Charlotte Spencer spoke about the petition she and others started regarding the Four Corners. She said it now has 137 signatures and will submit it to Trust staff at the end of the meeting. The petition requests the Hornby Island Local Trust Committee to move no further with the application. She read a brief presentation from Metta Wullum. Ms Wullum quoted Merv Richter who has a neighbouring property to the Four Corners, saying he opposes the project and it will negatively impact the value of his property. If his property can no longer be a quiet family getaway, he might consider commercial development. Ms. Wullum said she is concerned the rezoning would open the floodgate to further commercialization beyond what is appropriate.

Chair Bell said that the Local Trust Committee has already received the letter from Ms Wullum and the fully-signed petition.

Island Planner Zupanec explained that adjacent property owners get a notice in the mail describing the proposed bylaws, including site plans and explanatory notes if necessary, and the date of the Public Hearing. At this earlier stage, the Trust encourages the applicant to contact neighbours.

Cathie Howard said that she has looked at the plan and it is great, but the place is wrong for it. She said it is not in keeping with our rural land use, as defined in the Official Community Plan and in the Islands Trust mandate to preserve and protect. We must ensure the quality and quantity of groundwater is not compromised by human use. She hopes the Local Trust Committee makes a decision to send it back to the developer to redo the plan to suit Hornby Island.

5. MINUTES

5.1 *Hornby Island Local Trust Committee Meeting Minutes of March 13, 2009 – For Adoption*

HO-029-2009

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee adopt the minutes of its regular business meeting held March 13, 2009, with the following amendments:

- pages 2 and 3, changing the spelling of the name Hansen to Hansed
- pages 3 and 4, changing the spelling of the name Millen to Millan
- page 5, item 6, paragraph four, cutting out the sentence beginning “Acting Regional Planning Manager Jackson...”
- page 7, third line of the last paragraph, change the first “put to” to “proceed”
- page 9, changing the name Margaret Grieve to Catherine Grieve
- page 10, item 10.2, cutting out the text beginning with “Chair Bell asked...”
- page 11, in the first line of the last paragraph, changing the word “Negotiations” to “negotiators”
- page 11, in all instances, changing “K’omox” to “K’omoks”
- page 11, in the last paragraph, changing the sentence beginning “Regarding” to “The Hornby Island Residents’ and Ratepayers’ Association, the Regional Director, and the Local Trustees will be getting input from the community for a meeting set up for next month with the Ministry of Transportation and Infrastructure and the highways contractor.”
- page 14, paragraph one, changing the spelling of the name Millen to Millan
- page 14, paragraph four, changing the spelling of the name Joanne to JoAnn, changing the word “amendment” in line eight to “amenity”, and changing the word “amendments” in line nine to “amenities”

CARRIED

5.2 *Hornby Island Local Trust Committee Community Information Meeting Minutes Dated April 30, 2009 – For Receipt*

The Hornby Island Local Trust Committee received the minutes of its Community Information Meeting held April 30, 2009, with the following amendments:

- page 7, changing “Kilson” to “Kittleson”
- page 9, changing “Sarti” to “Sardi” in three instances
- page 11, changing “Case” to “Kees Vanderwalk” in two instances, and changing “Grant” to “Grant Scott”
- page 12, in the second and fourth paragraphs, changing “Wessel” to Wetzel

5.3 *Hornby Island Local Trust Committee Special Meeting Minutes Dated May 1, 2009 – For Adoption*

HO-030-2009

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee adopt the minutes of its Special Meeting held May 1, 2009, with the following amendments:

- page 3, change the spelling of “Sardi” to “Sarti” in three instances
- page 8, in the last line, change “term of years” to “portion of year”

CARRIED

5.4 *Section 26 Resolutions Without Meeting*

None.

5.5 *Hornby Island Advisory Planning Commission Minutes*

None.

6. BUSINESS ARISING FROM MINUTES

6.1 *Follow-Up Action List Dated May 15, 2009*

Island Planner Zupanec reviewed the Follow-Up Action List.

Trustee Law said the first two items can be removed. He pointed out that the July 19 item has been sitting for awhile without moving forward, and said it was important not to let the Official Community Plan/Land Use Bylaw review start so late that it runs into the 2011 election.

7. CORRESPONDENCE

Correspondence specific to an active development application/and or project will be received by the Hornby Island Local Trust Committee when that application is on the agenda for consideration.

8. APPLICATIONS AND PERMITS

8.1 *HO-DVP-2007.4 (Peter Kiss – Anderson Avenue, Whaling Station Bay)*

Island Planner Zupanec reviewed the Staff Report dated May 11, 2009.

Chair Bell asked Mr. Kiss if he wanted to address the Hornby Island Local Trust Committee.

Mr. Kiss said in the past he has created artwork up to 50 feet tall when assembled. He said he needs the height to manipulate lumber, and that the neighbours are supportive.

HO-031-2009 It was **MOVED** and **SECONDED** to that the Hornby Island Local Trust Committee instruct staff to issue the development variance permit as recommended.

CARRIED

8.2 HO-RZ-2008.1 (Syzygy)

Island Planner Zupanec outlined the Staff Report dated May 28, 2009, and the draft of the proposed bylaw creating a site-specific zone. She said the draft has been sent to the applicant for comment.

Trustee Law suggested the minimum lot size be changed to just slightly under the full size.

Representatives from Syzygy said they had no comment.

Island Planner Zupanec presented four staff recommendations.

HO-032-2009 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee amend section 9.31.10 of Hornby Island draft Bylaw No. 135, cited as "Hornby Island Land Use Bylaw No 86, Amendment No. 1, 2009", to read "30 hectares" instead of "16 hectares".

CARRIED

HO-033-2009 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee give first reading to draft Bylaw No. 135, cited as "Hornby Island Land Use Bylaw No 86, Amendment No. 1, 2009".

CARRIED

HO-034-2009 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee request staff to refer proposed Bylaw No. 135, cited as "Hornby Island Land Use Bylaw No 86, Amendment No. 1, 2009" to the Hornby Island Advisory Planning Commission and referral agencies for comment prior to the Public Hearing.

CARRIED

HO-035-2009 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee request staff to send proposed Bylaw No. 135, cited as “Hornby Island Land Use Bylaw No 86, Amendment No. 1, 2009”, to Public Hearing subsequent to referral comments being considered, and that a Community Information Meeting be held on the same day as the Public Hearing.

CARRIED

HO-036-2009 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee request staff to post proposed Bylaw No. 135, cited as “Hornby Island Land Use Bylaw No 86, Amendment No. 1, 2009”, and preliminary and supplementary staff reports, to the Hornby Island Local Trust Committee web page.

CARRIED

8.3 *HO-RZ-2009.1 (Four Corners Village)*

Island Planner Zupanec reviewed the Staff Report and outlined options for the Hornby Island Local Trust Committee. She pointed out that staff had not had time to review correspondence received over the past five days, so this is not reflected in the report. She pointed out that, contrary to what is in the Staff Report, the Hornby Island Official Community Plan does have a policy stating that amenity rezoning be considered for environmental and groundwater protection, community housing, removing growth pressures and consolidating lots.

Trustee Hunt asked Island Planner Zupanec if all or just a portion of the application fee will be refunded if the Hornby Island Local Trust Committee proceeds no further with the application.

Island Planner Zupanec said a portion.

Chair Bell asked if option C included the possibility of asking the applicant to revise the application before proceeding further.

Island Planner Zupanec said it did.

Alan Fletcher said the intention of the project is to contribute to preserving and protecting the community in a sustainable way. He said the project is radical in that it presents an unusual way of living for Hornby Island, but it fits the island in terms of “preserve and protect”. He said the project can only be successful if the community supports it. He and the other proponents want to hear concerns and mould the project in response, so the community feels a part of it and will end up being proud of it. He doesn’t want it to be just pushed ahead.

Michael McNamara said the design presented comes from the team's best guess as to how the project will fit in. There are ways the design needs to move forward to be a really good fit. He said they are trying to come up with the best possible process for community input and collaboration. Other issues, such as water, are scientific. Based on tests they have done they think they have a good water supply and a good way of treating it. They will move forward to look at this in a deeper way, working with neighbours. He says around the world we have to change the way we live on the land. A soft, even spread across the land is not sustainable. This will not be the only project of this type of Hornby Island.

Lance Geselbracht said he and the other owner have been coming to Hornby Island for over 20 years. He said he has a 20 year history as a civil engineer working with aquifer cleanup. He is very keen to find the best solution to water issues and is also interested in sustainable technology. He would be interested in explaining specific engineering details to the public, and will need more time with the public to do that.

William Walker said he and Mr. Geselbracht will be getting more involved in the project. He is interested in community building, not community destruction. In no way, shape or form is the project involved with environmental or community destruction. He thinks the project will be very positive for the island, and they would like to have more input from the community and then proceed.

Chair Bell said the Hornby Island Local Trust Committee has received correspondence since the cut-off date which the Trustees have read. Four were in support of proceeding, two were not in support of proceeding, and two asked to see changes.

Trustee Hunt said he has reviewed the submissions, trying to get clear on numbers rather than trends.

Chair Bell said typically these decisions are made not just according to numbers, and that Trustees also refer to the Islands Trust Policy Statement and other guidelines.

Trustee Law said there are three levels to look at in the proposal. The first is the concept (does it fit in with the community?), the next is community planning issues (how it relates to community planning dynamics; does it meet community needs?), then the site specific issues around water, density and setbacks. He has problems moving toward a Public Hearing at this stage. The policy statement says development should be compatible with local character. The application challenges the community to get together and define that. The next level looks at implications for the Official Community Plan. Going through the plan he sees a number of issues to think about, such as limiting further commercial growth around the Coop, or encouraging more of a village centre around the Community Hall. The Official Community Plan also promotes various avenues for

encouraging home businesses. We need to ask if we want to expand that with a site-specific zone that allows new ways of organizing home businesses. The Official Community Plan has changed over the years to enable the creation of affordable housing. The Four Corners Project talks about attainable and affordable housing. The community needs more clarity about what this is. The top occupations on Hornby are retail, clerk, construction worker and artist. These occupations have low annual incomes. The average family income on the island is \$32,000, which is not enough to finance buying a typical property. Also, a question is how housing will stay affordable in perpetuity. There needs to be more information about what type of housing is provided, to whom it is accessible, and what means will be used to ensure that. Before going further he would like to see water tests done during the driest time of the year with monitoring of the impact on neighbours. Also, it is important to look at the question of whether the proposed uses are compatible with neighbouring uses.

In terms of how to proceed, he would like to see the applicant provide a water study, clarity about attainable and affordable housing, and about who can actually afford this, and some ideas about how the proposal could be downsized.

Trustee Hunt said he has been struck that all comments on the proposal have been well-thought-out. He said the proposal is very well done and presented. At the concept level, the community is asking, does this fit in with the rural nature of Hornby Island and of the Islands Trust area? There are pressures to rethink how we live on the land – does that apply here, or are we, as an island in the Islands Trust area, unique? A large number of comments say the key issue is this one. We have a rural quality and the land is beautiful and we value this. There are incremental changes happening; it's a noticeable style that has developed over 10 to 15 years. The Elder Housing has grown incrementally. Now there is movement toward expanding Syzygy; Islanders' Secure Land Association ("ISLA") is moving forward; the nursery across from the Coop is also part of this incremental growth. There's the market area next to the Hall. When it was first proposed it was not accepted by the neighbourhood. All this has been incremental. The Official Community Plan has broad community objectives that development be in keeping with the rural scale of land use and compatible with neighbouring uses, that it keeps a residential development pattern consistent with the rural character of the island. There is also section 222.1 regarding groundwater supply. Section 6.1 supports creating a village centre in the island, which could be the Hall area as well as the Coop and Ford's Cove and Shingle Spit. These broad objectives are still supported by a large portion of Hornby Islanders. Back when there was a visioning process, people said they wanted to keep the island the way it is. Of course it is not possible, but the idea is to try. Changes are happening, the gas bar was built, ISLA is coming on board, the art gallery is developing something new, but still we present to the visitor the feeling that things are the same. The proposal, as well thought through and appealing as it is in many ways, is a long distance from what a large portion of Hornby Islanders would support and feel positive about.

Trustee Law asked if it is possible to put the application on hold, keeping it in mind during the Official Community Plan review. He is concerned that if the Local Trust Committee gives the application the attention it needs, it might very well take attention and energy away from the Official Community Plan review.

Island Planner Zupanec said the terms of the Official Community Plan review have not been defined yet. The application is in front of the Local Trust Committee now. It is possible for this to be considered separately from the Official Community Plan review. Putting it on hold is not necessarily appropriate, and could postpone it for a year and a half. It is important to address the application as it is, or ask the applicant to make changes and then look at the revised application.

Chair Bell said it may detract from the good work that could be done on the Official Community Plan if a pending application were connected to the Official Community Plan review. She also said the application may change quite a bit.

Trustee Law said the timing is a real challenge in terms of the capacity of the Local Trust Committee and staff and in terms of the community. There is a new clinic being proposed, a new gas bar happening, a new art gallery proposed, ISLA, etc. There are many major things out in the community. He is afraid of this project distracting community energy when there are already a number of things on the go. He is not willing to consider this application further until there is more information about groundwater and affordability and attainability.

Trustee Hunt said there have been thoughtful letters of support for the project, but also many people expressing grave reservations. He would like to see the owners and the proposers work on moulding the project to something that would be more broadly supported. He suggests that the Local Trust Committee not proceed further with the application, knowing the proponents can bring something back in a year or less.

Trustee Bell asked Island Planner Zupanec to clarify whether the applicant has to wait a year or can come forward with a new application sooner.

Island Planner Zupanec said the Hornby Island Local Trust Committee can expressly permit, by a resolution, a re-application to come forward sooner than a year.

HO-037-2009 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee proceed no further with application HO-RZ-2009.1 (Four Corners Village) at this time.

Trustee Law said it would have been good if the community discussion took place before the application came in. He said he was wondering if what Trustee

Hunt is trying to accomplish can be achieved with option C of the Staff Report as a more appropriate way to go.

Trustee Hunt says he is opting for B rather than C purposefully, because of the larger concern expressed rather than specifics.

Chair Bell called a recess at 3:05 p.m.

At 3:18 p.m. Chair Bell called the meeting back to order.

HO-038-2009 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee amend the motion to add the following words at the end: “and the committee encourages the applicants, if they wish to submit a subsequent application, to first engage the community in general and neighbours in particular, to address issues identified by the public in response to the current application and to provide more detailed information with respect to groundwater”.

Amendment CARRIED

Motion as amended CARRIED

Trustee Law said there is more work to be done; the application is not necessarily dead and the applicants now have some direction if they want to continue.

9. LOCAL TRUST COMMITTEE PROJECTS

None.

10. REPORTS

10.1 Strategic Plan for Local Trust Committees

The Hornby Island Local Trust Committee reviewed the Strategic Plan.

10.2 Work Program Reports Dated May 15, 2009

The Hornby Island Local Trust Committee reviewed the Top Priorities Report and Projects List dated May 15, 2009.

10.3 Applications Log Dated May 15, 2009

The Hornby Island Local Trust Committee reviewed the Applications Log Report dated May 15, 2009.

HO-039-2009 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee refer Temporary Use Permit application HO-TUP-2009 from Greg Titcomb to the Advisory Planning Commission for consideration.

CARRIED

10.4 Trustee and Local Expenses

Chair Bell pointed out an error in the Hornby Island Local Trust Committee expense report posted to March 26, 2009.

- 10.4.1 Expenses report posted to March 26, 2009
- 10.4.2 Expenses report posted to March 31, 2009
- 10.4.3 Budget 2009/10

Chair Bell asked if the Hornby Island Local Trust Committee was required to send in a budget or not.

Island Planner Zupanec referred her to Craig Elder's memo dated March 3, 2009. Trustee Hunt suggested that Mr. Elder be asked to give a 20 minute presentation at Trust Council about budgeting implications. Chair Bell said she would follow up with this.

10.5 Chair's Report

Chair Bell reported briefly on the work of the Executive Committee and on the Recognition and Reconciliation Workshop hosted by the K'omoks First Nation.

10.6 Trustees' Reports

Trustee Hunt said the K'omoks aboriginal awareness workshops have been very helpful and their goal is to begin relationship building with local government representatives. He feels much more comfortable with the K'omoks First Nation now.

HO-040-2009 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee Chair be requested to write a letter on behalf of the Hornby Island Local Trust Committee to the Chief and Council of the K'omoks First Nation, conveying their appreciation for the aboriginal awareness workshops.

CARRIED

Trustee Hunt said he is enjoying being part of the Local Planning Committee.

11. NEW BUSINESS

11.1 *Board of Variance Appointments*

Island Planner Zupanec said that as directed by Acting Regional Planning Manager Jackson, she was asking if the Hornby Island Local Trust Committee were interested in sharing a Board of Variance for the six Northern Local Trust Committees.

HO-041-2009 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee support having one Board of Variance for the six Northern Local Trust Committees.

CARRIED

11.2 *Liquor Control Referrals*

Trustee Law reported on the Liquor Control Licensing Board referral and explained the issues the applicant had brought up to him.

Island Planner Zupanec outlined her experience with these types of referrals. She said the applicant can contact her for help.

11.3 *Advisory Planning Commission Appointments*

Trustee Law said there was a vacancy but there was no need to appoint a new person because there are enough members. The Hornby Island Local Trust Committee agreed to put out a call for a new member and to have this on the agenda of the July 13 Hornby Island Local Trust Committee business meeting.

Trustee Law pointed out that the Advisory Planning Commission has never met with staff so it might be a good idea to do this, perhaps around buildout math. Island Planner Zupanec said the general process is that staff are present as a resource for Advisory Planning Commissions.

11.4 *K'omoks First Nation*

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12. BYLAWS

12.1 *Hornby Island Local Trust Committee Draft Bylaw No. 135, Cited as "Hornby Island Land Use Bylaw No. 86, 1993, Amendment Bylaw No. 1, 2009"*

Chair Bell noted this had been dealt with.

13. ISLANDS TRUST WEBSITE – HORNBY PAGE

13.1 *Hornby Island Page*

HO-042-2009

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee direct staff to organize the Hornby Island web page in chronological order with two additional headings: housing, to include Staff Reports on secondary accommodations, and K'omoks First Nation; and to add the short term vacation rental Staff Report to the short term rentals heading, and to include the resolution on the Four Corners Project made today.

CARRIED

13.2 *Living on Hornby*

13.2.1 *Living on Hornby – Draft Document for Review*

13.2.2 *Building on Hornby – Draft Document for Review*

Trustee Law explained that these had been generated some years ago as a series of leaflets. He suggested it would be nice to have these on the website. Chair Bell suggested that a date be added.

14. NEXT BUSINESS MEETING DATE

The next meeting was confirmed for Monday, July 13, 2009, at 1:30 p.m. in New Horizons.

15. TOWN HALL SESSION

No members of the public wished to speak.

16. **CLOSED MEETING**

Chair Bell said this would not take place as the Bylaw Enforcement Officer could not be present.

17. **ADJOURNMENT**

The Hornby Island Local Trust Committee thanked Island Planner Zupanec for her competence at this, her first Hornby Island Local Trust Committee meeting. Chair Bell adjourned the meeting at 4:32 p.m.

Recorder

Chair



Islands Trust

Follow Up Action Report w/ Target Date

Hornby Island Jan-19-2009

No.	Activity	Responsibility	Target Date	Status
1	Hornby LTC releases up to \$350 from local expense account for purpose of well testing; staff requested to assist Trustee Law in completing this task.	Peter Phillips	Jan-30-2009	On Going
1	Staff to look into options where two local trustees are able to attend and participate with local organizations and attend those meetings without having such situations qualify as a meeting of the Local Trust Committee	Chris Jackson	Jan-30-2009	On Going

1 Mar-13-2009

No.	Activity	Responsibility	Target Date	Status
1	Staff to put together a Terms of Reference/timeline/Budget for the Hornby OCP/LUB review process and present to the LTC a complete list of recommended changes and revisions.	Sonja Zupanec	Sep-30-2009	On Going

May-01-2009

No.	Activity	Responsibility	Target Date	Status
1	Staff to compile a list of bylaw options and draft a streamlined process for Temporary Use Permitting to address short term vacation rentals.	Sonja Zupanec	Jun-30-2009	On Going
2	Staff to request that the GIS coordinator attend a future HILTC meeting to present a mapping status update.	Sonja Zupanec	Jul-31-2009	On Going
3	Staff to forward to Trustees a copy of the 1990 cadastral mapping and work with Trustees to develop a 'before and now' comparison of build out and land use changes for use in a fall 2009 Community Information Meeting for the OCP and LUB review.	Sonja Zupanec	Aug-05-2009	On Going

5

Staff to work with Trustees on bringing the Hornby Island build out map draft for consideration on a future agenda with Trustee and APC comments for consideration.

Sonja Zupanec

May-25-2009

On Going

May-28-2009

No.	Activity	Responsibility	Target Date	Status
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1	Refer HO-TUP-2009.1 to APC for comment and return to HOLTC for consideration at earliest date possible (investigate whether this can be considered prior to July LTC meeting).	Sonja Zupanec	Jun-05-2009	Done
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1	HOLTC Webpage - staff to make the following changes: -add current rezoning application staff reports; 4 corners resolution and post planner on island office hours; -reorganize links in chronological order and add new headings: housing, K'omoks First Nation. -post CC staff report on STVR; DM report on secondary housing.	Sonja Zupanec	Jun-05-2009	Done
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1	HO-RZ-2008.1 (Szygy Co-op) Staff to amend draft bylaw 135 - minimum lot size to 30 ha (not 16). Draft Bylaw 135 given first reading May 28, 2009. Proceed with referrals to the HOAPC and agencies. Referral comments to be considered by HOLTC at July meeting. Community Information meeting to be scheduled on same day as PH (just prior) after consideration of referral comments.	Jacquie Hill Sonja Zupanec	Jun-30-2009	On Going
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16

1	HO-DVP-2007.4 Resolution directing staff to issue DVP.	Linda Prowse Valerie Sonstenes	Jun-30-2009	Done
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1	Resolution requesting Chair Bell to write a letter on behalf of the HOLTC to the Chief and Council of the K'omoks First Nation conveying appreciation for the aboriginal awareness workshops.	Louise Bell	Jun-30-2009	On Going
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1	Adoption of HOLTC meeting minutes: Minutes of March 13, 2009 adopted as amended. Minutes of special meeting May 1, 2009 adopted as amended.	Valerie Sonstenes	Jun-30-2009	Done
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(see minutes of May 28, 2009 meeting for complete list of amendments).

2	HOAPC Appointments Add APC appointments to the July HOLTLC meeting agenda. HOLTLC to bring forward names for consideration of appointment of one current vacancy.	Becky McErlean	Jul-01-2009	Done
3	HO-RZ-2009.1 (4 Corners Village) LTC resolution to not consider application further and committee encourages the applicants, if they wish a subsequent application, to engage community, neighbors in particular, to address issues identified by the public, in response to the current application, and to provide more detailed information with respect to groundwater. Staff to write to applicant advising of the decision; initiating application fee refund, closing file, posting a copy of final LTC resolution on HOLTLC webpage.	Valerie Sonstenes Sonja Zupanec	Jun-12-2009	Done
3	Northern Office BOV appointments HOLTLC resolution - LTC supports the coordination of one BOV for the Northern Office's six LTC Areas.	Valerie Sonstenes	Jun-30-2009	On Going
4	Error in LTC financial report posted to March 26, 2009 - inform Nancy Roggers of error in OCP/LUB budget.	Sonja Zupanec	Jun-12-2009	On Going

June 1st,2009

Dear Tony and Fred,

It was with sadness that I heard that the “4 corners” proposal had been turned down, all of it, point blank. I’m sure there is an explanation coming soon to the community as to why and I look forward to hearing it. I attended the meeting at the Hall about the project, ready to give my reasons as to why it should be supported, however it was made very clear to all of us there that the meeting was a venue for community members to ask questions about the project only and this was not the time nor place for opinions or ideas about the project. So I didn’t speak up. We were assured that there would be much opportunity for community input at another time and that this would be a long slow process.

Did I completely misunderstand?

How is it that a month later the decision is made and final and there’s no forum for community input? Were we supposed to come to the Trust’s meeting? I didn’t receive any information to the effect of: this is the meeting where we’ll decide the future of the 4 corners project, if you have input please come.

I voted for you both because I felt you are both good listeners and are both fair, diplomatic people. I’m sure you’ve had a lot of feedback about this proposal, probably plenty of negative. At the Hall meeting someone presented a petition against the project with 90 signatures on it. Isn’t it telling that those who signed it did so before the information meeting about the project? Does that not indicate a reactive response rather than an informed, considered one? I think you owe it to the people who have worked on this project and those of us who were excited and hopeful about it to reexamine your decision and give us a chance to contribute.

Yours sincerely,
Jodi Snijders

----- Original Message -----

From: Bill Walker

To: Tony Law ; fhunt@islandstrust.bc.ca

Cc: michael@blueskydesign.ca ; Alan Fletcher ; Qconsult

Sent: Tuesday, June 02, 2009 10:47 AM

Subject: 4 Corners Application

Tony and Fred,

On behalf of the 4 Corners applicants please be advised of the following:

We have spent over 2 years working on this application. We have consulted with many of the neighbours and groups and individuals in the community during this time. We consider this application an exercise in Community building and have had a very positive response from many people. As Carol Quin pointed out in the First Edition this project meets many of the guidelines from the last and previous OCPs.

We have had ONE public information meeting and you have chosen to reject our application. We find this very difficult to understand. Much of the feed back you have received so far is from a small, vocal group of people. These people are extremely negative and are not interested in any private initiatives. These people are NOT representative of public opinion on the Island.

A vibrant, healthy community cannot be built or sustained through government cheques, freebies and handouts. An extremely important part of community building is individual creativity and entrepreneurship. Small business should be encouraged. You are stifling these things!

The Island has been declining economically for many years. If this trend continues, you and Fred will be presiding over the closure of the school. Is this the type of change you envision for the Island? How will this affect the economy of the Island?

Be advised that we will be proceeding with the application. We will be conducting further water studies this summer in conjunction with Elder housing. This should satisfy any concerns with water issues. Furthermore, we will not be discussing with you or anyone else anything to do with issues of affordability or attainability.

This is a Market project. Our intent is to sell the units at a market price and in doing so we hope to make a profit.

We anticipate that once you have received the water study , we will be asked to hold a proper Public Hearing in furtherance of this application. We believe there will be broad community support for this project. This is the start of something really positive for the future of Hornby and has the potential to stop the decline and maybe even save the school! Encourage positive people, entrepreneurs, small business, private initiative or.....

DO NOTHING!

Bill Walker

STAFF REPORT

July 8, 2009

File No.: HO-DP-2009.1

(For July 13, 2009 Local Trust
Committee Agenda)

To: Hornby Island Local Trust Committee

From: Linda Prowse
Acting Planner 2
Local Planning Services

CC: Sonja Zupanec, Island Planner

Re: Development Permit Application – Lot 1, Section 11, Hornby Island,
Nanaimo District, Plan 32827

Owner: BC Government - Land Leased to Hornby Island Residents' and
Ratepayers' Association

Applicant: Hornby and Denman Community Health Care Society

Location: 1965 Sollans Road

Final Report

THE PROPOSAL:

The proposal is to erect a new health clinic building for the Hornby and Denman Community Health Care facility located in the Environmental Development Permit Area for the protection of the natural environment under Hornby Island Official Community Plan No. 104.

A copy of the draft Development Permit is attached to this report

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

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

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

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

This application is subject to the following:

Land Designation: The subject property is located in the Public Use (PU) Land Use Designation as shown in Schedule B of the OCP. The proposal is consistent with the OCP policies in the Public Use land designation. Specifically, the following policies are directly applicable to this application:

6.2.3 All land within the public use designation and public utilities and services designation directly north of the GW/EPA designation on Schedule B shall be included in a Development Permit Area for the purpose of protecting the groundwater resource. A development permit will be required for any new development that involves: significant water use, sewage and used 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.

6.2.5 Fire protection, clinic, ambulance and other public services shall continue to be located centrally.

6.2.10 Screening of operations shall be required by regulation to ensure that wide buffers of native vegetation are left along roads and property lines.

6.2.11 Signage and lighting shall be regulated by bylaw to ensure maintenance of the rural landscape.

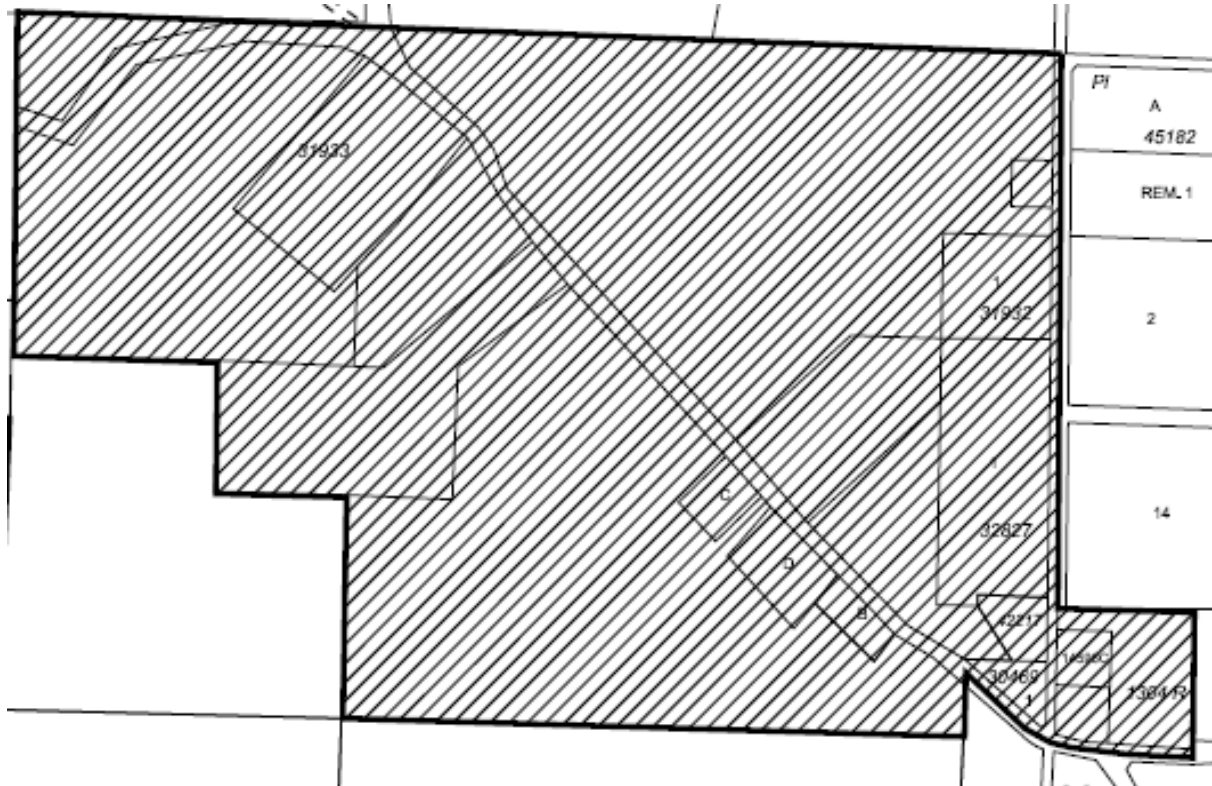
6.2.12 All buildings shall be finished in natural products such as wood, stucco, stone or brick or other materials that would fit in with the ambience of the community and neighbourhood; roofing materials that are appropriate for water catchment may be utilized.

6.2.13 Off-road signage and lighting shall be regulated to provide a safe environment in keeping with the rural landscape.

6.2.14 Organizations involved in administering and using property in the area designated for "public use" shall be strongly encouraged to work together to develop a master plan for future facilities and uses in this area.

6.2.18 As much as possible, natural forest vegetation shall be retained or re-established throughout this area.

Development Permit Area: The land is in the Environmental Protection Development Permit Area as outlined in Schedule E of the OCP and is shown below: This DP area is a groundwater recharge area upslope from a residential area, and therefore requires careful development and use. The property is primarily in a second growth forest, and is in Aquifer Area No. IIA (Moderately developed, high vulnerability) as outlined on Schedule D-1 of the OCP.



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

Sensitive Ecosystem Mapping – The subject property is currently classified as follows: “Second Growth Forest” according to the 2004 Sensitive Ecosystems database from the Ministry of Environment

- “Mature Forest” according to the Sensitive Ecosystems Database from the Islands Trust
- The mapping does not show instances of terrestrial species nor endangered species on the property.

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

The subject property is in the Public Use (PU) Zone. Permitted uses in this zone allow a health clinic on the subject property.

Other relevant parts of the land use bylaw relate to permitted buildings and structures and density, screening regulations, setbacks, height, parking, lighting, and signs.

Other:

A Siting and Use Permit application was also received along with this Development Permit application, and will be considered separately if the Development Permit is issued.

There are no restrictive covenants or easements registered on the property.

The property is not in the Agricultural Land Reserve.

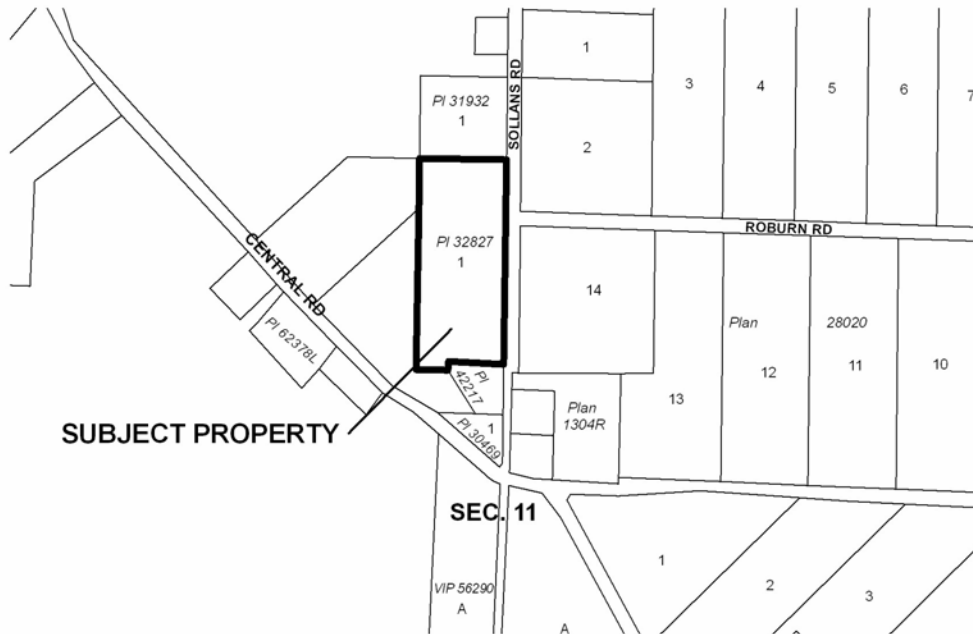
The property does not have known archeological sites as identified in the RAAD database.

SITE CONTEXT:

Staff conducted a site visit on May 7, 2009.

Present site development nearby includes a community care building, parking, septic fields and well. Other site development to the northwest of the property includes a teen centre, arts council and hope kitchen buildings and a septic field servicing these buildings

BC Assessment Authority data shows the subject property to be approximately 3.76 hectares (9.3 acres). The property is shown on the sketch below:



COMMUNITY INFORMATION MEETING(S):

None

RESULTS OF CIRCULATION:

None necessary

ISSUES SUMMARY:

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

ENFORCEMENT ISSUES: (If Applicable)

N/A

STAFF COMMENTS:

Development Permit Area Guidelines along with comments addressing the guidelines are listed:

1. *Before any new development is permitted, there must be approval of a permitted sewage and used water system.*

A report dated December 9, 2008 from H2O Environmental Ltd. Consultants regarding a preliminary Site Visit Evaluation for the existing Wastewater Disposal Field was received by the Islands Trust. The preliminary site visit concluded that a septic field inspection was required to determine the potential for using the existing disposal field for the new clinic.

An inspection of the existing field was conducted in Spring, 2009, and reported to H2O Ltd. The inspection report found the distribution box to be faulty, which H2O considers an easily remedied fault. H2O Environmental Ltd. has confirmed that once the distribution box has been repaired, and the details of transferring the effluent to the field are worked out, that the field will be adequate to use for the new health clinic development. H2O has assured the Islands Trust that all documentation for the sewage disposal system will be filed at the Vancouver Island Health Authority.

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

The applicant has stated that the proposed development will include rainwater systems cisterns that will hold approximately 4,000 gallons of rainwater to be used to flush low volume toilets.

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

The applicant has stated that presently, the medical waste from the existing Health Centre is picked up by the Courtney Medical Lab nurse every Thursday. This disposal practice is likely to continue unless the authorities require a change in this practice.

- 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 will be required to mitigate the impacts before development is permitted. A hydrology study will be required where a proposed development involves significant removal of vegetation, significant alteration of the ground, significant alteration of surface drainage, or significant use of groundwater.*

The applicant did not identify any adverse impacts of the proposed development upon the groundwater recharge function of the land or upon the quantity or quality of the water resource of existing users. Staff did not request a hydrology study.

It is important to note that the proposed development is in a DP area to protect the environment, and th at Development Permit can only address the above noted guidelines.

Land Use Bylaw Requirements:

Land Use Bylaw Requirements are being met as follows:

- Permitted Uses: A health clinic is a permitted use in the Public Use (PU) Zone.
- Parking: The proposed building will be 199 square metres (2139 square feet). The existing Community Health Centre building is 139 square metres (1500 square feet). The Land Use Bylaw requires 1 parking space per 20 square metres (215 square feet) of floor space. The bylaw requires minimum 17 parking spaces for the proposed development.

The attached parking plan indicates 29 proposed parking spaces (4 of which are for disabled parking) for the proposed new Health Clinic **that will be shared** with the Community Health Centre. This exceeds the current Land Use Bylaw requirements.

In addition, the proposed parking space dimensions, the maneuvering aisle between the parking spaces, and the parking lot surface meet bylaw requirements.

- Signs: A new access sign will be posted at the existing road frontage access and an emergency vehicle access sign will be posted at the second new access
- Screening: There is presently a mixed forest of mature cedar and Douglas fir between Solans Road and the proposed development. Although approximately 150 trees will be harvested around the building site allowing for adequate sunlight to be used for the solar roof panels, the applicant intends that the natural vegetation and trees along the road frontage will remain for screening purposes.
- Building Setbacks and Height – The site plan indicates the requirements of the Land Use Bylaw have been met. This will be more fully addressed when the Siting and Use Permit is processed.

Other Requirements

The new access to the Health Clinic will require Ministry of Transportation and Highways approval.

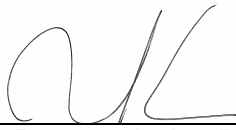
The sewage disposal system will require to be filed at the Vancouver Island Health Authority.

A proposed development will require a Siting and Use Permit to be issued by the Islands Trust.

RECOMMENDATIONS:

That the Hornby Island Local Trust Committee direct staff to issue Development Permit HO-DP-2009.1 for the Hornby and Denman Community Health Care Society Health Clinic.

Respectfully submitted by:



Linda Prowse, Acting Planner 2

July 10 , 2009

Date

David Marlor, MCIP

Regional Planning Manager

July 10, 2009

Date

ATTACHMENT: HO-DP-2009.1

DRAFT

**HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NO. HO-DP-2009.1**

To: Hornby Island Residents' and Ratepayers' Association (Applicant: Hornby and Denman Community Health Care Society)

This permit applies to the land legally described as Lot 1, Section 11, Hornby Island, Nanaimo District, Plan 32827, and to any and all buildings and structures as indicated in the permit:

Whereas the subject property lies within the Environmental Protection Development Permit Area as shown on Schedule E of Hornby Island Official Community Plan No. 104, the following conditions apply:

1. That the development proceed only as shown on the proposed Site Plan dated May 26, 2009 attached to and forming part of this permit as Schedule A .
2. That the development includes the installation of rainwater systems cisterns holding approximately 4,000 gallons of rainwater to be used to flush low volume toilets.
3. That all documentation for the sewage disposal system will be filed at the Vancouver Island Health Authority.
4. This permit does not relieve the applicant from complying with the provisions of any Islands Trust bylaws or the requirements of any other Act or regulation, including Hornby Island Land Use Bylaw No. 86 and that a siting and use permit be issued for this development.

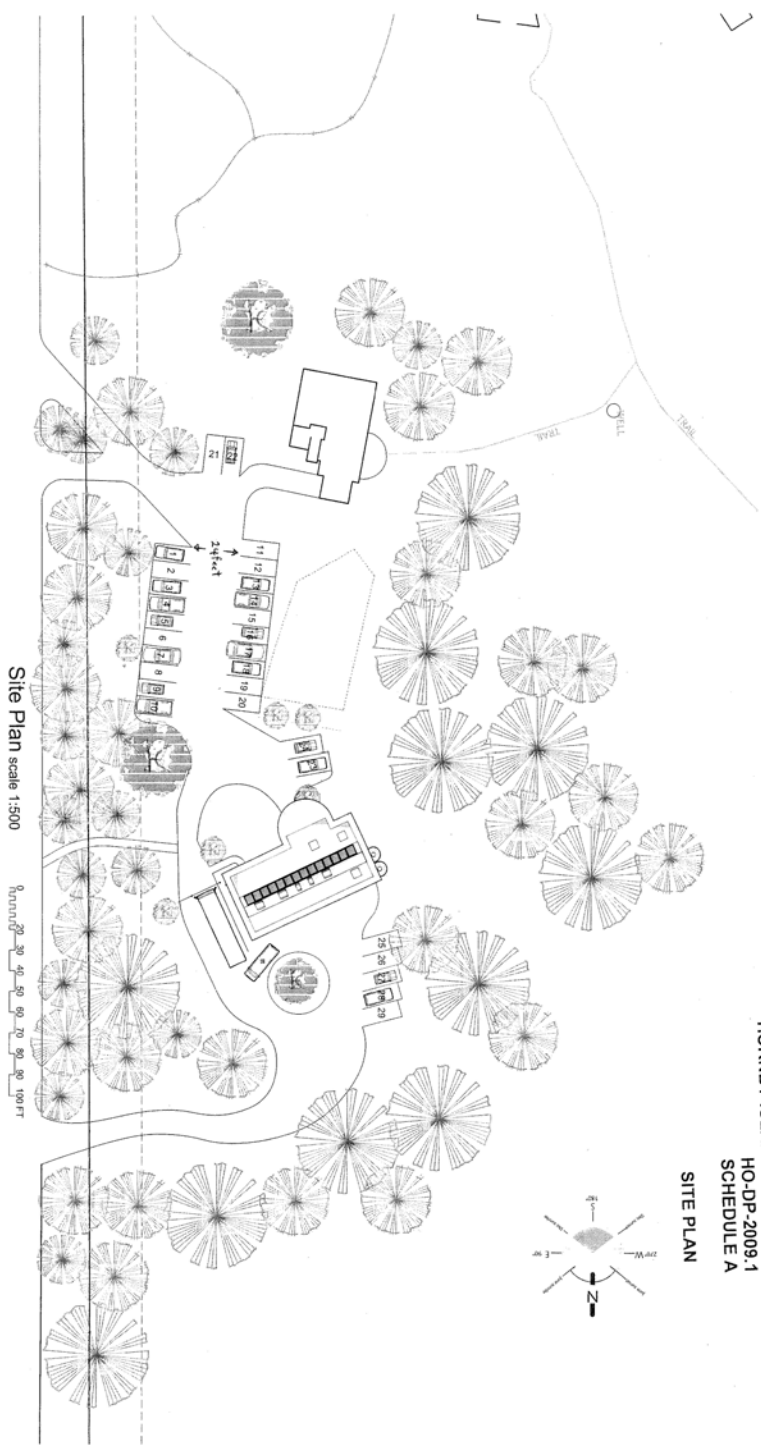
AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE THIS ____ day of _____.

Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENDED BY THE _____, THIS PERMIT AUTOMATICALLY LAPSES.

HORNBY ISLAND LOCAL TRUST COMMITTEE
 HO-DP-2009.1
 SCHEDULE A
 SITE PLAN



Date: May 26, 2009
 File name: HI Clinic-5.rvt

• Proposed New Clinic • Hornby Denman Community Health Care Society •

JUN 22 2009

ISLANDS TRUST
NORTHWESTERN OFFICE

June 19, 2009

Sonja Zupanec
Planner, Islands Trust
700 North Road,
Gabriola Island, BC V0R 1X3

Dear Sonja Zupanec:

Re: Request for site specific rezoning from Agriculture (AG) to Land Cooperative 1 (LC1)

Thank you the referral dated June 1, 2009. Please find my comments related to the agricultural implications of this application below.

A previous visit to this property by the Agricultural Land Commission resulted in accommodation of the existing uses on the agricultural part of this property that were inconsistent with the Agricultural Land Commission Act. The three dwellings and commercial uses were permitted due to their pre-ALR existence. It was also noted at this time that any new non agriculture development would be unlikely to gain support.

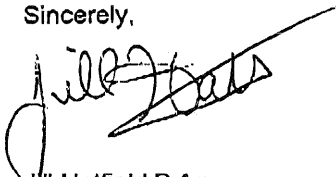
I recognize the additional dwellings are to be sited on the non-ALR portion of the property which is separated in large part by Central Road from the ALR part of the property. Given the low density and good existing buffers I have no objection to the additional dwellings proposed on the non-ALR portion of the property.

Where I do have concerns is the rezoning from Agriculture (AG) to Land Cooperative 1 (LC1). I note that the previous zoning allowed for two separate zones, Agriculture (AG) and Rural Residential 3 (R3). I purpose that the ALR portion of the property keep the Agriculture (AG) zoning while the non-ALR has the new LC1 zone.

Despite the fact this area has limited agricultural activity currently taking place I hesitate to agree to a zoning other than agriculture. A zoning designation other than Agriculture in the ALR gives a message to other ALR land owners that this type of residential development is possible in the ALR.

I therefore have no concerns regarding the increased residential activity on the non-ALR portion of the parcel. However I do not support the rezoning of the Agriculture (AG) to Land Cooperative 1 (LC1). If you have any questions regarding my comments please contact me directly.

Sincerely,



Jill Hatfield P.Ag.
Regional Agrologist

Memorandum

Date: 6/9/2009

To: Sonja Zupanec, Northern Office, 700 North Road, Gabriola Island, BC, V0R 1X3

From: Shawn Black, A/Manager, Islands Trust Fund

RE: Hornby Island Trust Area Bylaw Referral

Hello Sonja,

Shawn has reviewed the Bylaw Referral form enclosed and indicated that the Islands Trust Fund's interests are unaffected by Bylaw.

with thanks,

Natalie Tamosiunas

Secretary, Islands Trust Fund

600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



File: 0470-20/Islands Trust
Your Bylaw No.: HO BL 135

June 24, 2009

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

Attention: Sonja Zupanec

Dear Ms. Zupanec:

**Re: Islands Trust Referral – Land Use Bylaw Amendment (Bylaw No. HO BL 135)
(Syzygy Cooperative Community – 2205 Central Road, Hornby Island)**

Thank you for forwarding the above-noted referral for our comments. Your agency referral was circulated to the Comox Valley Regional District (CVRD) planning services and community parks departments. Please be advised that this area is located outside of the planning jurisdiction of the CVRD. Accordingly, the planning services department has no comments on this referral. In regards to the community parks department, the manager of community parks advised that their interests are unaffected by this proposed bylaw.

Should you have any questions regarding the above-noted matter, please contact Brian Chow at 250-334-6017 or by email at bchow@comoxvalleyrd.ca.

Yours truly,


Thomas Knight
Manager of Planning Services
Property Services Branch

/bc

cc: Director Bruce Joliffe, Baynes Sound – Denman/Hornby Islands (Electoral Area 'A')

Enclosure.

BYLAW REFERRAL FORM
RESPONSE SUMMARY

HO BL 135

- Approval Recommended for Reasons Outlined Below
- Approval Recommended Subject to Conditions Outlined Below
- Interests Unaffected by Bylaw
- Approval Not Recommended Due to Reason Outlined Below

Beth Ayes
Manager of Community Parks
June 22/09.

(DO NOT FILL OUT BEYOND THIS SECTION – REFERRAL AGENCY WILL COMPLETE SECTION)

Hornby Island Trust Area
(Island)

HO BL 135
(Bylaw Number)

Please see above
(Signature)

Please see above
(Title)

(Date)

Comox Valley Regional District
(Agency)

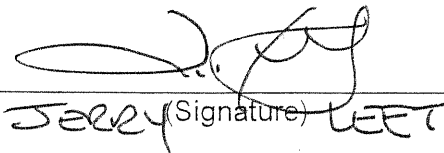
BYLAW REFERRAL FORM RESPONSE SUMMARY

- Approval Recommended for Reasons Outlined Below
- Approval Recommended Subject to Conditions Outlined Below
- Interests Unaffected by Bylaw
- Approval Not Recommended Due to Reason Outlined Below

(DO NOT FILL OUT BEYOND THIS SECTION – REFERRAL AGENCY WILL COMPLETE SECTION)

RECOMMEND DEDICATION OF CENTRAL ROAD 10m
EITHER SIDE OF EXISTING CENTERLINE THROUGH
THE PORTION OUTSIDE THE ALR.

Hornby Island Trust Area
(Island)


Jerry (Signature) LEE

JUNE 12/09
(Date)

HO BL 135
(Bylaw Number)

DEV. TECHNICIAN
(Title)

TRANSPORTATION
(Agency)

OUR FILE: 2009-03558

BYLAW REFERRAL FORM RESPONSE SUMMARY

- Approval Recommended for Reasons Outlined Below
- Approval Recommended Subject to Conditions Outlined Below
- Interests Unaffected by Bylaw
- Approval Not Recommended Due to Reason Outlined Below

(DO NOT FILL OUT BEYOND THIS SECTION – REFERRAL AGENCY WILL COMPLETE SECTION)

The Commission has no comment on the proposed amendment insofar as it relates to the portion of the property outside the ATR. With regard to the portion within the ATR, the Commission would be opposed to the amendment if it permits residences for which the approval of the Commission is necessary. In this regard the Commission has no record of the number of dwellings on the ATR portion that predate the ATR legislation.

Hornby Island Trust Area

(Island)

RH Che Ham.

(Signature)

30th June 09.

(Date)

HO BL 135

(Bylaw Number)

Regional Planner

(Title)

Agricultural Land Commission

(Agency)

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 135

A BYLAW TO AMEND HORBNY ISLAND LAND USE BYLAW NO. 86 CITED AS
"HORBNY ISLAND LAND USE BYLAW NO. 86, 1993"

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

1. That Schedule "B" "Land Use Bylaw" of Bylaw 86 being the "Hornby Island Land Use Bylaw No. 86, 1993" is amended by changing the zoning classification as follows:

That the area legally described as the South ½ of the South East ¼ of Section 15, Hornby Island, Nanaimo District, more particularly as outlined on Plan No. 1 attached to and forming part of this bylaw be rezoned from Agriculture (AG) and Rural Residential (R3) to Land Cooperative 1 (LC 1) Zone.

2. The Hornby Island Land Use Bylaw No. 86 cited as the "Hornby Island Land Use Bylaw No. 86, 1993" is amended by adding "Land Cooperative 1" to Column I and "LC 1" to column 11 of Section 9.1 after Marine Private Moorage (M5):
3. The Hornby Island Land Use Bylaw No. 86 cited as the "Hornby Island Land Use Bylaw No. 86, 1993" is amended by adding a new zone, Land Cooperative 1 (LC 1), below Section 9.30 with the following wording:

"9.31 LAND COOPERATIVE 1 (LC 1) ZONE

The purpose of the LC 1 Zone is to provide regulations for the Syzygy Co-operative Community.

PERMITTED USES

9.31.1 In the LC 1 Zone, the following uses are permitted, subject to the regulations set out in this Section and the general regulations set out in Part 3.0:

9.31.1.1 Residential;

9.31.1.2 Agriculture;

9.31.1.3 Home occupation accessory to a residential use;

- 9.31.1.4 Bed and Breakfast accessory to a residential use;
- 9.31.1.5 Accessory uses, including retail sale of agricultural products, subject to 9.31.13 and 9.31.14.

PERMITTED BUILDINGS, STRUCTURES, AND DENSITY

- 9.31.2 In the LC 1 Zone, the following buildings, structures, and density are permitted, subject to the regulations set out in Part 3.0:
 - 9.31.2.1 A maximum of 3 residential dwelling units in the Agricultural Land Reserve and a maximum of 11 residential dwelling units on the remainder of the lot, for a total of 14 residential dwelling units, each with a floor area not exceeding 300 square metres (3,230 ft²) is permitted per lot;
 - 9.31.2.2 Lot coverage must not exceed 10%;
 - 9.31.2.3 The total floor area of any accessory building on a lot must not exceed 200 m² (2152 ft²).

MINIMUM SETBACKS

- 9.31.3 In the LC 1 Zone, the minimum setback for any building or structure except for a water storage tank, fence or pump/utility shed is:
 - 9.31.3.1 at least 8 m (26.2 ft) from a front, rear, or exterior lot line;
 - 9.31.3.2 at least 6 m (19.6 ft) from an interior side lot line
 - 9.31.3.3 at least 15 m (49.2 ft) from and 1.5 m (5 ft) above the natural boundary of any lake, watercourse or the sea;
 - 9.31.3.4 where fill is used to achieve the elevation required in Section 9.31.3.2, toe of the fill slope must be at least 15 m (49.2 ft) from the natural boundary and the face of the fill slope must be adequately protected against erosion by floodwaters; and
 - 9.31.3.5 at least 15 m (49.2 ft) from the edge of any cliff, or at least 10 m (33 ft) if the owner provides to the Islands Trust a certification signed by a professional engineer with experience in geotechnical engineering that the siting of the building or structure is safe;
- 9.31.4 In the LC 1 Zone, satellite dish antennas and parabolic reflectors must be set back at least 8 m (26.2 ft) from all lot lines.

- 9.31.5 In the LC 1 Zone, feeding troughs, manure piles, buildings and structures for housing animals and sewage disposal fields must be set back at least 30 m (98.4 ft) from the natural boundary of any lake, watercourse or the sea.
- 9.31.6 In the LC 1 Zone, the keeping of livestock or birds and the siting of buildings or structures used for housing livestock or poultry is prohibited within 15 m (49.2 ft) of the natural boundary of any lake, watercourse or the sea.
- 9.31.7 In the LC 1 Zone, feeding troughs, manure piles and buildings and structures for housing animals must be set back at least 8 m (26.2 ft) from all lot lines.
- 9.31.8 In the LC 1 Zone, buildings and structures used for the commercial growing of mushrooms, the commercial raising of fur bearing animals or more than 100 birds, and commercial feedlots must be set back at least 61 m (200 ft) from any highway, 46 m (150 ft) from any lot line, and 30 m (98 ft) from the natural boundary of any lake, watercourse or the sea.
- 9.31.9 In the LC 1 Zone, all privies must be set back at least 8 m (26 ft) from all lot lines.

MINIMUM AND AVERAGE LOT SIZE

- 9.31.10 In the LC 1 Zone, the minimum lot size is 30.0 hectares (74 acres).

PARKING AND SCREENING REGULATIONS

- 9.31.11 In the LC 1 Zone, outdoor storage and parking areas must be screened in accordance with Part 6.0 of this bylaw.
- 9.31.12 In the LC 1 Zone, motor vehicle parking spaces must be provided for all permitted uses in accordance with Part 5.0 of this bylaw.”

CONDITIONS OF USE

- 9.31.13 In the LC 1 Zone, the retail sale of agricultural products grown on the lot or grown on other farms is permitted, but the retail sale area for off-site farm products is limited to a maximum of 50 per cent of the retail sale area for all farm products.
 - 9.31.14 In the LC 1 Zone, the maximum combined floor area, both indoor and outdoor, for retail sale of agricultural products is 300 square metres.
4. This Bylaw may be cited as "Hornby Island Land Use Bylaw No. 86, 1993, Amendment Bylaw No. 1, 2009”.

READ A FIRST TIME THIS 28th DAY OF May , 2009
PUBLIC HEARING HELD THIS ___ DAY OF _____ , 2009
READ A SECOND TIME THIS ___ DAY OF _____ ,2009
READ A THIRD TIME THIS ___ DAY OF _____ , 2009
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST
THIS ___ DAY OF _____ , 2009
ADOPTED THIS ___ DAY OF _____ , 2009

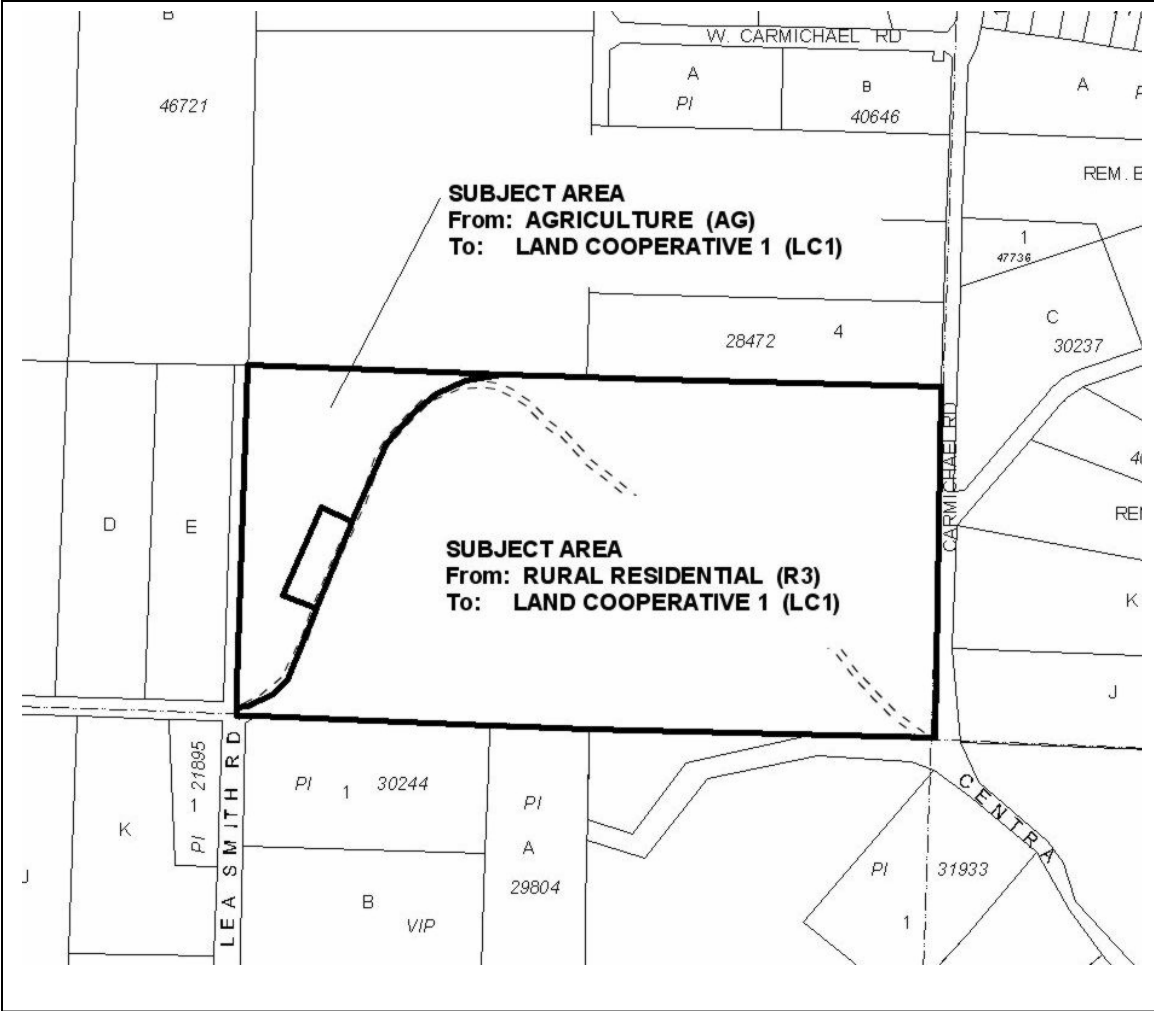
SECRETARY

CHAIRPERSON

Hornby Island Local Trust Committee

Bylaw No. 135

Plan No. 1





STAFF REPORT

Meeting Date: July 13, 2009

File No.: HO-TUP-2009.1

To: Hornby Island Local Trust Committee

From: Sonja Zupanec, MCIP
Island Planner
Local Planning Services

Copy: Greg Titcomb, Applicant

Re: Seasonal Mobile Food Outlet (Greg Titcomb)

Owner: Mike Baird
Applicant: Greg Titcomb
Location: 6060 Central Road, Hornby Island

X Preliminary Report

THE PROPOSAL:

The proposal is for a new Temporary Commercial Use Permit for a seasonal mobile food outlet currently located in the nursery parking lot of the property legally described as: The West ½ of the North West ¼ of Section 6, Hornby Island, Nanaimo District, Except Parts in Plans 26454 and 30067. The applicant is proposing to use a converted Winnabago to prepare and sell take out food on the premise from May to September.

A copy of the proposed permit, detailed site plan and applicant proposal is attached to this report.

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

The following policy is relevant to the mobile food outlet proposal:

- Trust Council holds that economic opportunities should be compatible with conservation of resources and protection of community character.

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

Official Community Plan:

Official Community Plan Bylaw No. 104, 2002

The subject property is located in the Agriculture (AG) Land Use Designation and is in the Provincial Agricultural Land Reserve (ALR). Beulah Creek is located on the subject property but

not within the area of the proposed food outlet. The subject property is located within a potential groundwater recharge area and is served by an IIA aquifer (moderately developed, high vulnerability).

Agricultural Land Reserve policies in the OCP support the retention of ALR lands. These policies recognize that to support existing agricultural operations, accessory uses will be permitted where such uses do not impinge on the principal farm use and will not degrade the land nor reduce its capability for agricultural production. The policies also support the sale of farm products together with the retailing of some off-farm products as allowed by the Agricultural Land Commission.

The application responds to the OCP temporary use permit policies as follows:

- The subject property is not excluded from the TUP area.
- Applications require referral to the Advisory Planning Commission. The proposal has been referred to the Advisory Planning Commission however a resolution from the APC was not available at the time of report writing.
- For land in the ALR, TUPs should only be issued for uses that do not conflict with provincial policies and regulations. Staff advised the ALC of this application and the ALC responded that they would not support a TUP if the use does not comply with the regulations requiring that goods sold comprise of at least 50% on-farm product.
- The land is in a potential groundwater recharge area and as such a hydrological assessment may be required if the proposed use involves more than minimal potential impacts upon the groundwater resource.
- No light industrial uses are proposed.

Land Use / Zoning Bylaw:

Land Use Bylaw No. 86, 1993

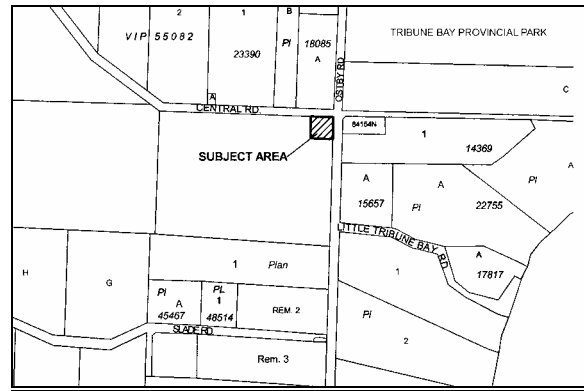
- Agricultural Land Reserve (AG) zone. Mobile Food Outlet use is not a permitted use in this zone.

Other:

Agricultural Land Reserve Use, Subdivision and Procedure Regulation

This Provincial regulation identifies activities designated as 'farm use' which may be regulated but not prohibited by the local government, as well as land uses that are permitted in an agricultural land reserve unless otherwise prohibited by the local government. The Permit includes a condition to require the temporary use to comply with the ALR 'farm use' regulation. At the time of report writing staff were unable to confirm with the applicant whether or not their intended use for a mobile food outlet complies with the requirement that at least 50% of the foods sold comprised of on-farm product.

SUBJECT AREA:



COMMUNITY INFORMATION MEETING(S):

None held.

RESULTS OF CIRCULATION:

The proposal was referred to the Hornby Island Advisory Planning Commission. A resolution from the APC was unavailable at the time of report writing.

A copy of the notice was advertised in the Island Grapevine. A copy of the draft permit and notice was sent to neighbouring properties and no comments were received at the time of report preparation.

ISSUES SUMMARY:

The following is a summary of general conditions for issuing a TUP:

General Conditions	Proposed
Adequate off-road parking should be provided	40 parking spaces are provided
Adequate provision for approved waste disposal before consideration is given by LTC	One port-a-pottie will be on site.
Commercial uses (other than very short term) should be screened from adjacent residential uses.	Applicant proposes a removable deck and decorative arbor for the food outlet while on the premise May – September.
Adequate setbacks of the use to minimize impacts upon adjacent properties.	Setback from the road.
Noise generation should be addressed to prevent disturbance of the neighbourhood and to ensure compliance with regional district regulations.	Will comply with regulations.
Use should be conducted so as to not risk contamination of the land, surface water or groundwater, including by making adequate provision for the safe storage of toxic	Spill kit will be available on site.

General Conditions	Proposed
materials.	
Water supply should be addressed so as to not create negative impacts upon existing common water sources.	Using existing well.
Other potential impacts upon the neighbourhood should be mitigated, including by limitations upon the hours of operation where appropriate.	Has discussed proposal with adjacent property owners.
The owner of the property may be required to provide a security to guarantee the performance of the terms of the permit.	Not required.
TUPs for parcels within the Agricultural Land Reserve should only be issued for uses that do not conflict with provincial policies and regulations.	It is unclear at this time if the mobile food outlet would comply with the ALR Use, Subdivision and Procedure Regulation requiring at least 50% of the food sold from the outlet is from on-farm-product.

STAFF COMMENTS:

A site visit was not undertaken however it has been brought to the attention of staff that the mobile food outlet is already in operation on the subject property in advance of the TUP being considered. The Agricultural Land Commission does not support the TUP unless the mobile food outlet is restricted in retailing in accordance with their regulations i.e. product sold comprises of at least 50% on-farm product. Although the draft TUP explicitly requires compliance with this regulation, confirmation from the applicant that the use will be comply has not been received.

This Permit would be valid for a two year period from the date of issuance, renewable for a further two year period. Upon expiry of the Permit the owner shall discontinue the temporary use and the land shall be restored to its original state.

RECOMMENDATIONS:

Upon confirmation from the applicant that the intended use will be consistent with the ALC regulations, THAT the Hornby Island Local Trust Committee issues to Greg Titcomb c/o Michael Baird temporary use permit HO-TUP-2009.1 for a mobile food outlet use at 6060 Central Road, Hornby Island.

Respectfully submitted by:

S. Zupanec

July 3, 2009

Sonja Zupanec, MCIP
Island Planner

Date

Concurred in by:

David Marlor, MCIP
Acting Regional Planning Manager

July 6, 2009
Date

Attachments:

1. Applicant's written proposal
2. Draft Temporary Commercial Use Permit
3. TUP Notice

ATTACHMENT #1

WE ARE CURRENTLY CONVERTING OUR 27 ACRE PROPERTY INTO A FARM & NURSARY. WE HAVE A VARIETY OF ANIMALS & SEVERAL ACRES COMMITTED TO FLOWER AND VEGETABLE CROPS. MOST OF OUR BUILDINGS ARE SPREAD OVER SEVERAL ACRES ON THE WEST SIDE OF THE PROPERTY. THERE IS ~~SEVERAL~~ POWERSHEDS, FARM HAND CARAVAN, HOUSE, BARN AND MANY ANIMAL SHELTERS.

WE ARE IN THE PROCESS OF STARTING A NURSARY IN THE AREA OF THE OLD MARKET. THE TUP APPLICATION
6 IS FOR A ~~MOBILE~~ SEASONAL MOBILE FOOD OUTLET IN THE NURSARY PARKING LOT. IT WOULD BE SITUATED AT THE BACK OF THE PARKING LOT AND FULLY SCREENED.

WE ARE LOOKING AT A SEASONAL TUP, FROM THE PERIOD OF
7 MID MAY TO END OF SEPT. THE OPERATORS ARE LOOKING TO BE OPEN FROM 8 AM TO 8 PM.

9 THE MOBILE FOOD OUTLET WILL BE RUN BY TWO LONG TIME HORNBY ISLANDERS WHO ARE RECENTLY OUT OF WORK. THEY ARE LOOKING TO PROVIDE A HEALTHY, AND AFFORDABLE MENU ~~AND~~.

10 THE FOOD OUTLET IS A CONVERTED WINNIBAGO THAT IS STILL FULLY DRIVABLE, THE ONLY STRUCTURES NEEDED WILL BE A SMALL DECK AND ARBOR TO SCREEN IT. THESE ARE EASILY REMOVED IF NEEDED.

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE

TEMPORARY COMMERCIAL USE PERMIT

HO-TUP-2009.1

To: Michael Baird, c/o Greg Titcomb

1. This Permit applies to the land described below:

The West ½ of the North West ¼ of Section 6, Hornby Island,
Nanaimo District, Except Parts in Plans 26454 and 30067

(PID 000-081-973)

2. Pursuant to Section 921 of the *Local Government Act* and Section 6.9 of Hornby Island Official Community Plan Bylaw No. 104, 2002 and despite Hornby Island Land Use Bylaw No. 86, 1993, a temporary mobile food outlet use is allowed at the above-noted location subject to the following conditions:

- a) The mobile food outlet shall be limited to the subject area (21 feet x 8 feet) as shown on Schedule 'A', Schedule 'B' and Schedule 'C' which are attached to and form a part of this permit and are signed and dated by the Deputy Secretary, Islands Trust.
- b) The food outlet use shall be restricted to the period May 1 to September 30 between the hours of 8:00 a.m. and 8:00 p.m.
- c) The food outlet may consist of one mobile trailer, removable decking and an arbor.
- d) A total of 40 vehicle parking spaces shall be provided on site designed to the standards of Land Use Bylaw No. 86, 1993.
- e) An emergency spill kit shall be kept on site for the period of the operation of the food outlet, it shall be kept fully supplied at all times and the operator shall ensure that there is personnel on site at all times during the operation of the food outlet that are familiar with its use.
- f) Signage shall meet the sign regulations in Land Use Bylaw No. 86, 1993.
- g) A minimum of one portable toilet shall be located on site and maintained in good order for the period of operation of the food outlet.

- h) The temporary use must comply with the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, Part 2, Section 2 (2)(a).
- 3. This Permit is valid for a two year period from July 13, 2009 to July 13, 2011 and upon expiry of the Permit the owner shall discontinue the temporary use and the land shall be restored to its original state.
- 4. This is not a Building Permit or a Siting and Use Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed land use.

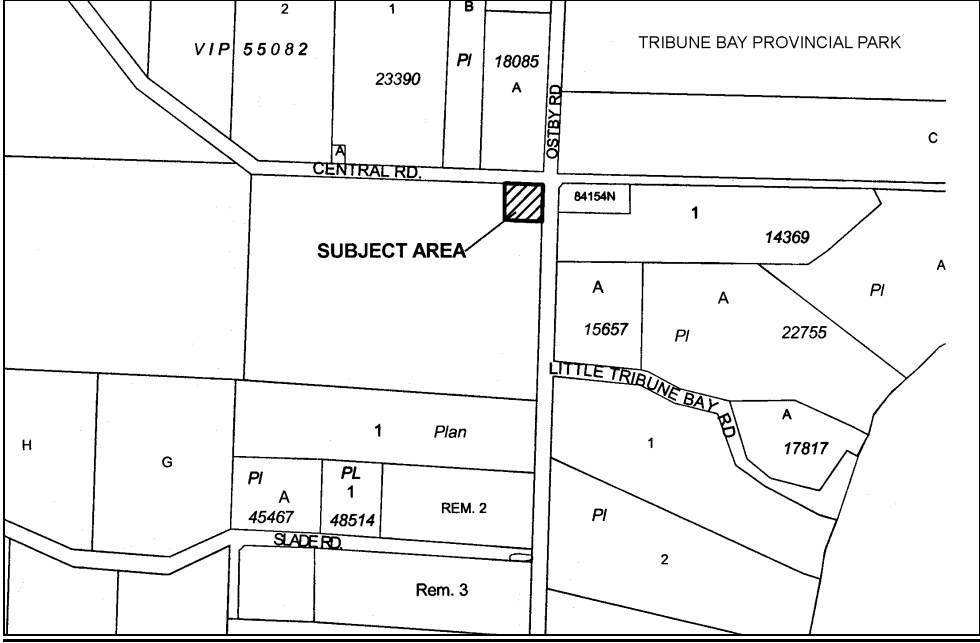
AUTHORIZING RESOLUTION PASSED BY THE HORNBY LOCAL TRUST COMMITTEE THIS --- DAY OF ---- 2009.

Deputy Secretary, Islands Trust

Date of Issuance

HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-TUP-2009.1

SCHEDULE 'A'



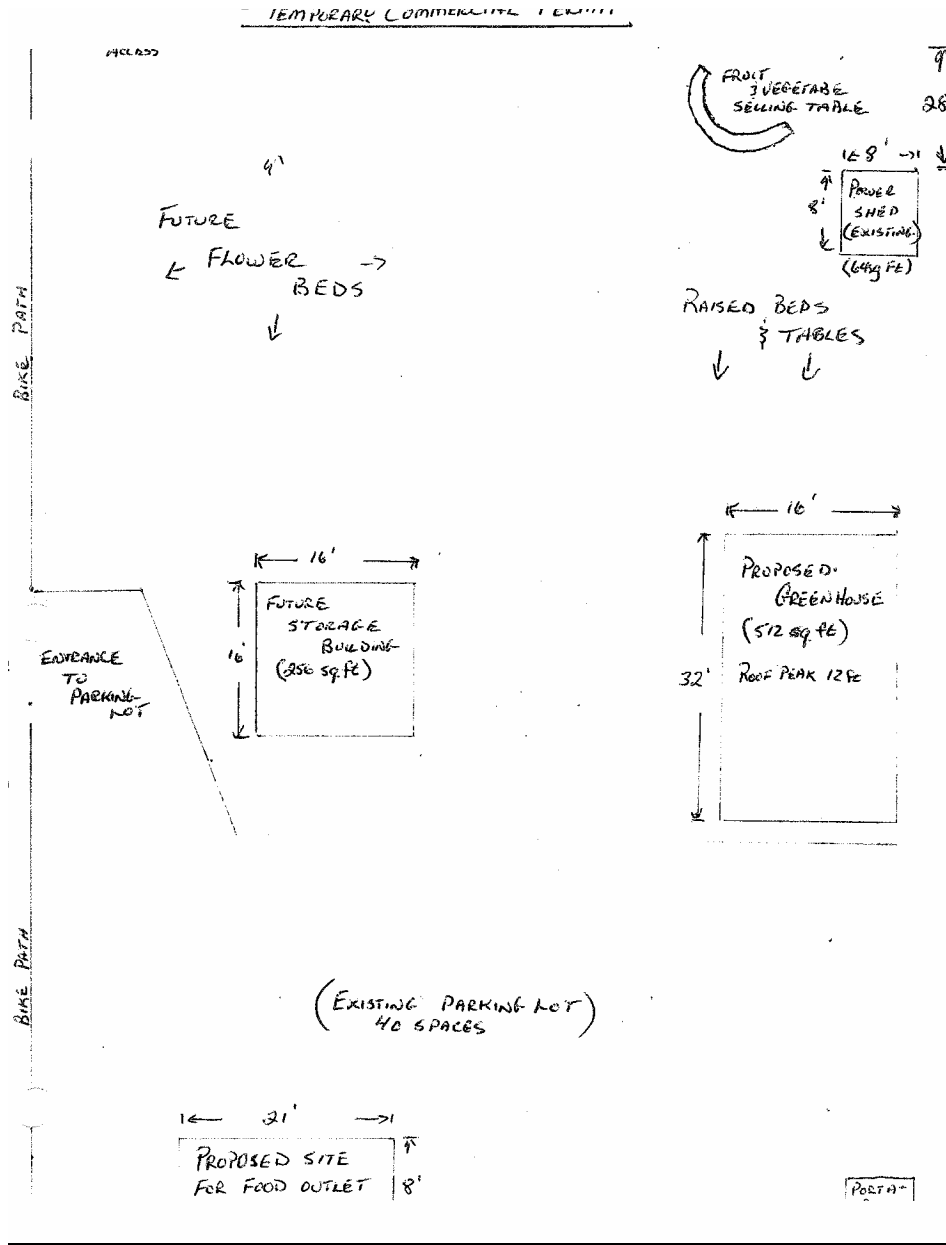
I hereby certify this to be Schedule "A",
which is attached to and forms part of
Temporary Use Permit No. HO-TUP-
2009.1

Deputy Secretary, Islands Trust

Date Issued

**HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-TUP-2009.1**

SCHEDULE 'B'



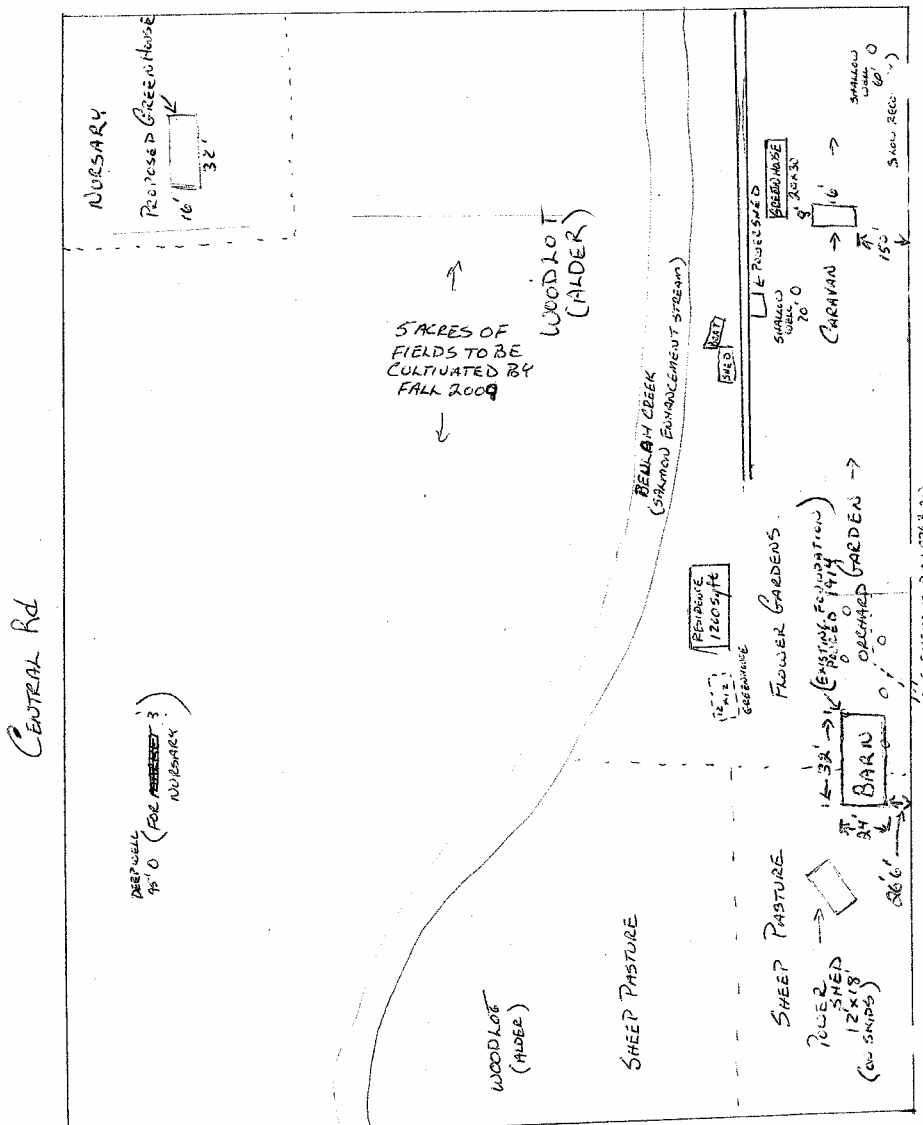
I hereby certify this to be Schedule "B", which is attached to and forms part of Temporary Use Permit No. HO-TUP-2009.1

Deputy Secretary, Islands Trust

Date Issued

HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-TUP-2009.1

SCHEDULE 'C'



I hereby certify this to be Schedule "C", which is attached to and forms part of Temporary Use Permit No. HO-TUP-2009.1

Deputy Secretary, Islands Trust

Date Issued

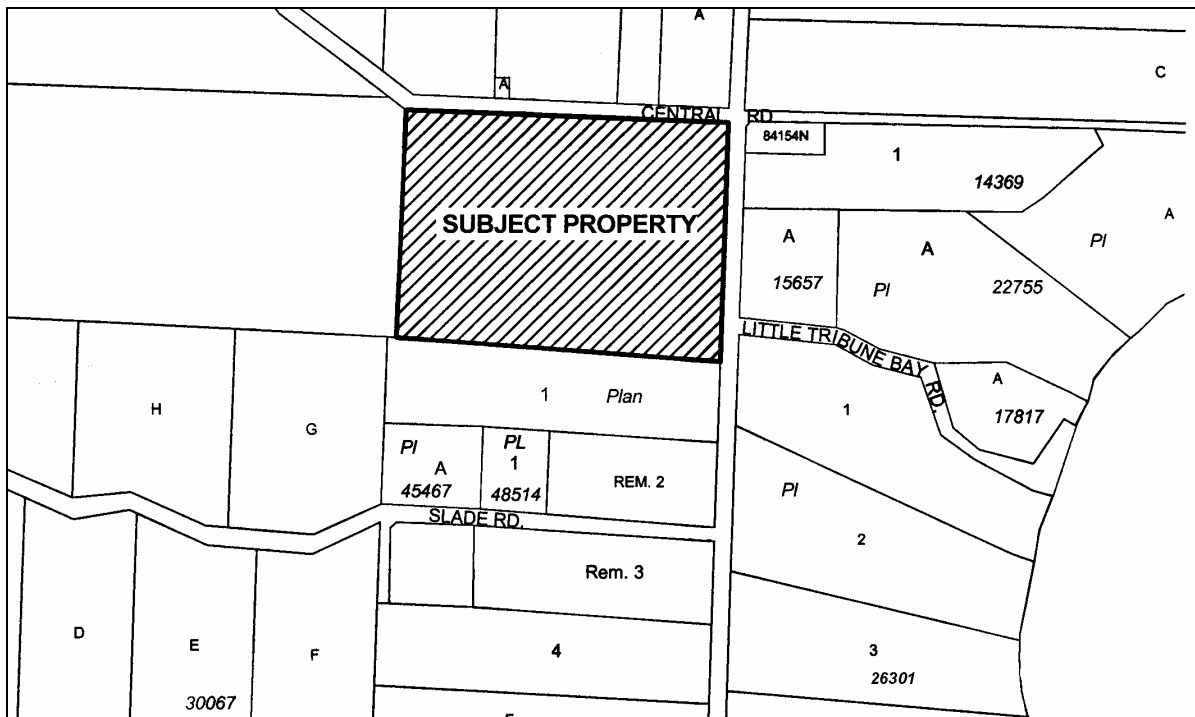


Islands Trust

**NOTICE
HO-TUP-2009.1
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 Temporary Commercial Use Permit, pursuant to Section 921 of the *Local Government Act*. The purpose of this Permit is to permit a seasonal mobile take-out food outlet (May 1 to September 30) to be held at 6060 Central Road, legally described as the West ½ of the North West ¼ of Section 6, Hornby Island, Nanaimo District, Except Parts in Plans 26454 and 30067. The proposed permit if approved would permit the take-out food outlet to operate for a two-year period, renewable for a further two-year period.

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



A copy of the proposed Permit may be inspected at the Islands Trust Northern Office, 700 North Road, Gabriola Island, BC, V0R 1X3 between the hours of 8:30 am to 4:00 pm, Monday to Friday inclusive, excluding statutory holidays, commencing July 2, 2009 and continuing up to and including July 13, 2009.

For the convenience of the public only, and not to satisfy Section 921(5) of the *Local Government Act*, an additional copy of the proposed Permit may be inspected at the Hornby Island Co-op Store public notice board at 5875 Central

Road, Hornby Island, BC. Also, attached for your convenience, is a copy of the proposed Permit.

If you have any questions or comments please contact Sonja Zupanec, Island Planner, at Islands Trust, 700 North Road, Gabriola Island, BC, V0R 1X3 or telephone 250-247-2203 or fax 250-247-7514 (Toll-free via Enquiry BC in Vancouver: 604-660-2421; elsewhere in B.C.: 1-800-663-7867) before 4:00 pm, July 10, 2009.

Email submissions should not be considered as complying with the written submission requirements of this notice. The Islands Trust does not guarantee that any email submission will be received by the Hornby Island Local Trust Committee. Reasonable efforts will be made to provide email submissions, if they are opened and received, to the Hornby Island Local Trust Committee for consideration, but the public should not rely on email as a means of providing a written submission. Email submissions should be sent to:
szupanec@islandstrust.bc.ca.

Following the end of the Notice period, the Hornby Island Local Trust Committee will consider issuance of the proposed Permit at its meeting to be held at 1:30 pm on July 13, 2009, at New Horizons, 1765 Sollans Road, Hornby Island, BC.

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

Jacquie Hill
Deputy Secretary

STAFF REPORT

Meeting

of: July 13, 2009

File No.: HO/27

To: Hornby Island Local Trust Committee

From: Sonja Zupanec, M.C.I.P.
Island Planner
Local Planning Services

Re: Short Term Vacation Rental Regulation Options

Owner: LTC Initiated Project

Applicant:

Location:

Supplemental Report

BACKGROUND:

The Hornby Island Local Trust Committee (LTC) passed the following resolution at its May 1, 2009 Local Trust Committee meeting:

HO-025-2009 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee directs staff to draft two bylaws and provide comments with respect to:

1. permitting short-term vacation rentals as an accessory residential use with regulations to address occupancy levels, rental period and portion of year in which the use can be conducted (with other short-term vacation rentals requiring a temporary use permit); and
2. Permitting short-term vacation rentals through a temporary use permit process that is simple and streamlined.

Detailed background information related to the LTC's review of short term vacation rentals (STVR) for Hornby Island, including 2005 community survey results and staff reports have been provided to the LTC and have been publicly available on the Hornby Island webpage.

The purpose of this supplemental staff report is to: 1) present draft changes to the OCP and LUB with respect to permitting short term vacation rentals as an accessory residential use; and 2) present draft changes to the OCP permitting short term vacation rentals through a temporary use permit process.

Each option is presented separately for discussion followed by a brief summary of staff comments for consideration.

OPTION 1 – STVR as an accessory residential use:

In 2005 staff presented to the Hornby Island LTC a comprehensive list of draft changes to the OCP and LUB, several of which related directly to permitting STVR as a residential accessory use. The draft changes were cancelled by resolution of the LTC in early 2006; however the drafts have been and are still available on the Hornby Island webpage for public review. The draft changes presented in this report for Option 1 duplicate some of the work conducted by staff in 2005 as several proposed changes to the OCP and LUB are still applicable.

DRAFT CHANGES REQUIRED TO THE OCP:

The following table summarizes proposed text amendments to the Official Community Plan which would be required for the implementation of Option 1 – to allow STVR as an accessory residential use. Additions to the OCP are shown in **COURIER NEW** font. Deletions are shown in ~~strikethrough~~.

OCP Policy No.	Proposed OCP Text Amendments Permitting STVR as an accessory residential use
6.5.2.11	<p>The rental of an individual dwelling unit in order to provide temporary accommodation for paying guests shall be permitted as a home occupation. The home occupation shall be operated in accordance with land use bylaw and with guidelines prepared by the LTC in consultation with the community. in the zoning regulations as an accessory residential use. The residential vacation rental shall be subject to regulations to retain the residential use and character of the property and to address potential impacts upon neighbourhood and upon the island. Vacation rentals that exceed what is permitted through such regulations may be permitted upon application for a temporary commercial and industrial use permit pursuant to Section 6.9 of this Bylaw.</p>
6.5.3.7	<p>The rental of an individual dwelling unit in order to provide temporary accommodation for paying guests shall be permitted as a home occupation. The home occupation shall be operated in accordance with land use bylaw and with guidelines prepared by the LTC in consultation with the community.</p>
6.9	<p>The objectives of this subsection are:</p> <ul style="list-style-type: none"> (1) to permit temporary commercial events, (2) to permit short-term projects, (3) to allow for a period of evaluation of new commercial ventures that do not involve significant new development prior to an application for rezoning, (4) to allow particular uses for a period of time to enable impacts to be assessed before any further permitting of the use, and (5) to allow light industrial home occupations that require a more rigorous permitting process than provided for under land use regulations for extended home occupations. (6) To permit temporary commercial vacation rentals

DRAFT CHANGES REQUIRED TO THE LUB:

The following table summarizes proposed text amendments to the Land Use Bylaw which may be considered for the implementation of Option 1 – to allow STVR as an accessory residential use. Additions to the LUB are shown in **COURIER NEW** font. Deletions are shown in ~~strikethrough~~.

LUB Section	Proposed LUB Text Amendments Permitting STVR as an accessory residential use
Definitions 2.1	<p>accessory use means a use of land which is commonly associated with and secondary in purpose and scale to a principal use located on the same lot; accessory in relation to a use, building or structure means incidental, secondary and exclusively devoted to a permitted use, building or structure expressly permitted by this Bylaw on the same lot or, if the accessory use, building or structure is located on the common property in a bare land strata plan, on a strata lot in that strata plan;</p> <p>residential means a use of land providing for the home life of a person or persons in common occupancy; 1 the occupancy or use of a dwelling unit for the permanent domicile or home life of a person or persons; or 2 the occasional or seasonal occupancy of a dwelling unit as a dwelling by an owner who has a permanent domicile elsewhere or by non-paying guests of such an owner, and for these purposes, owner includes a tenant under a residential tenancy agreement; and for certainty, residence does not include guest accommodation use, commercial vacation rental or any occupancy of a dwelling unit by persons entitled to such occupancy under a time share plan as defined in the Real Estate Act or successor legislation;</p> <p>residential vacation rentals means the rental, lease or letting of a dwelling unit for overnight accommodation for a period of no less than seven consecutive days and no more than 30 consecutive days, for a maximum of five months per calendar year to paying guests who normally reside elsewhere;</p> <p>visitor accommodation unit means a lodge, resort, hotel, or motel room or any other room or set of rooms used to provide for a rental charge temporary overnight accommodation of not more than 4 consecutive weeks to transient guests; room or set of rooms used to provide, for a fee, temporary overnight accommodation to transient guests; and</p>
Parking Regulations 5.15	<p>5.1.5 hotel, motel, lodge, resort Visitor accommodation unit or residential vacation rental</p>

LUB Section	Proposed LUB Text Amendments Permitting STVR as an accessory residential use
Zone Regulations 9.7.1 (R1) 9.8.1 (R2) 9.9.1 (R3) 9.10.1 (LR/WSPA) 9.11.1 (AG)	PERMITTED USES - Residential vacation rentals accessory to a residential use

ISSUES SUMMARY:

The following issues related to ‘Option 1’ have been identified by staff for consideration and/or discussion by the LTC:

- Limitations of zoning in addressing a new accessory residential use;
- BC Fire Code
- Groundwater recharge policies in the OCP
- Enforcement Issues

STAFF COMMENTS:

Limitations of zoning:

All land use bylaws are enacted pursuant to Section 903 of the *Local Government Act* to ensure that specific land uses are located in appropriate areas and that the uses on one property will not conflict with the uses of surrounding properties. With respect to allowing short term vacation rentals in residential zones we may use the LUB to only specify: 1) the types of uses or activities that are permitted on the property; 2) the sizes and types of buildings that are allowed on the property; 3) the amount of off-street parking required; and 4) the minimum distance separating buildings and setbacks from property lines. We cannot use the LUB to regulate the number of bedrooms or the timing of a specific use. For this reason, a detailed definition of a short term commercial vacation rental in a residential dwelling is required.

The Hornby Island LUB establishes signage regulations under section 908 of the *Local Government Act*. This section does not authorize the LTC to require signage for a certain use. These requirements can be explicit in a Temporary Use Permit but not within the regulations of the LUB.

It is important to note that once a permitted use is in place it is difficult to take away should it become evident that the use is having an adverse effect on a neighbourhood or the environment. Section 911 of the *Local Government Act* addresses non conforming uses, including seasonal uses, and would apply if the use was removed at a later date. A thorough legal review of the proposed changes to the OCP and LUB is strongly recommended prior to detailed community consultation on this option.

BC Fire Code:

Staff is investigating whether provincial regulations stipulate the maximum number of occupants permitted in a single family residential dwelling being used for a commercial use.

The Hornby Island volunteer fire department may require an inspection for dwellings authorized for a change of use (from residential to commercial) prior to the change in use taking place to identify deficiencies in compliance with basic fire safety requirements. It is unclear at this time whether this would be a voluntary inspection at the request of a property owner or if the fire department would maintain a database of properties being used commercially for regular inspections.

Groundwater recharge policies in the OCP:

Section 2.2.2 is an over-riding land use policy that applies to all sections of the OCP and is relevant to the discussion about permitting STVR in residential areas where groundwater and septic capacity may be compromised, especially on small lots. Close to half of the residentially zoned properties on Hornby Island are less than 0.6 of an acre (1/4 ha) in size. The following must be addressed in any land use regulation [emphasis added]:

- i. maintaining the recharge of the groundwater resource in identified recharge areas by restricting extensive logging, modification of natural drainage features, residential, commercial and industrial developments, extensive road development, excavation, quarrying and soil removal, ditching and drainage works;
- ii. maintaining the quality of the groundwater resource by preventing contamination from: sewage and used water, concentrated animal feeding operations, intensive fertilizer or pesticide application, improper use or storage of toxic chemicals, improper waste disposal, such as burning and open dumps, inadequate protection of wells, inadequate sealing of abandoned wells, overpumping of groundwater in areas where salt-water intrusion is likely to occur;
- iii. maintaining the quantity of the groundwater resource by: limiting new development and land uses that will put an additional demand upon the groundwater resource in areas where availability is already a problem, using rainwater catchment and storage systems wherever possible in new and existing developments, establishing water conservation measures and practices; and
- iv. supporting the implementation of a groundwater protection plan, including innovative and remedial programs.

The proposed amendments to the OCP and LUB as presented for this option ***do not address groundwater concerns.***

Bylaw Enforcement Issues:

A discussion of bylaw enforcement issues related to this option will be led by Bylaw Enforcement officer Peter Phillips during the July 13, 2009 LTC meeting.

OPTION 2 – STVRs permitted through a Temporary Use Permit:

The LTC requested staff to draft a bylaw option that would permit STVRs through a temporary use permit (TUP) process. In 2008 the Hornby Island Advisory Planning Commission discussed short term vacation rentals at a series of meetings and recommended that STVR be permitted through a TUP process.

Section 6.9 of the Hornby Island OCP currently addresses the objectives, policies and guidelines for TUPs on Hornby Island and short term commercial vacation rentals of single family dwellings are not included.

REQUIRED AMENDMENTS TO OCP:

The following table summarizes proposed text amendments to the Hornby Island OCP which may be considered for the implementation of Option 2 – regulating STVR through Temporary Use Permits.

Additions to the OCP are shown in **COURIER NEW** font. Deletions are shown in ~~strikethrough~~.

OCP Policy No.	Proposed OCP Text Amendments Regulating STVR through TUP
6.5.1.12	<p>Temporary Use Permits as provided for in the <i>Local Government Act</i> will be permitted in areas designated may be issued for:</p> <ul style="list-style-type: none"> a) truly temporary commercial events b) short term projects c) a period of evaluation of a new commercial venture (that does not involve significant new development) prior to application for rezoning; or d) uses for a period of time to enable impacts to be assessed before any further permitting of the use; or e) short term commercial vacation rentals within areas designated on Schedule B as 'Small Lot Residential', 'Large Lot Residential', 'Rural Residential' or 'Agricultural'.
6.5.2.11	<p>The rental of an individual dwelling unit in order to provide temporary accommodation for paying guests shall be permitted as a home occupation. The home occupation shall be operated in accordance with land use bylaw and with guidelines prepared by the LTC in consultation with the community.</p> <p>Upon application for a Temporary Commercial Use Permit, the rental of an individual dwelling unit in order to provide temporary accommodation for paying guests may be permitted subject to temporary commercial use permit guidelines prepared by the LTC in consultation with the community.</p>
6.5.3.7	<p>The rental of an individual dwelling unit in order to provide temporary accommodation for paying guests shall not be permitted as a home occupation. The home occupation shall be operated in accordance with land use bylaw and with guidelines prepared by the LTC in consultation with the community</p>

OCP Policy No.	Proposed OCP Text Amendments Regulating STVR through TUP
6.9	<p>Temporary Use Permits - Background</p> <p>Section 975 920 . 2 of the <i>Local Government Act</i> provides...</p>
6.9	<p>The objectives of this subsection are:</p> <ul style="list-style-type: none"> (1) to permit temporary commercial events, (2) to permit short-term projects, (3) to allow for a period of evaluation of new commercial ventures that do not involve significant new development prior to an application for rezoning, (4) to allow particular uses for a period of time to enable impacts to be assessed before any further permitting of the use, (5) to allow light industrial home occupations that require a more rigorous permitting process than provided for under land use regulations for extended home occupations; and (6) to permit temporary commercial vacation rentals within designated areas and ensure that the integrity of an existing neighbourhood would not be adversely disrupted.
6.9.1	<p>Upon application, Temporary Use Permits for all commercial or industrial uses with the exception of commercial vacation rentals, may be considered for all parcels of land within the Hornby Island Local Trust Area, as shown on Schedule B, with the following exclusions:</p> <ul style="list-style-type: none"> a) properties less than one quarter of a hectare (0.63 acre), b) land designated as park, ecological reserve, water supply protection area, as shown on Schedule B; and c) land identified as an ecologically sensitive area, as shown on Schedule D1 or D2.
Insert New Policy	<p>6.9.2</p> <p>Upon application, Temporary Use Permits for commercial vacation rentals of single family dwellings may be considered for parcels of land within the Hornby Island Local Trust Area designated on Schedule B as 'Small Lot Residential', 'Large Lot Residential', 'Rural Residential', and 'Agricultural'.</p>
6.9.2	<p>6.9.3</p> <p>Applications for Temporary Use Permits shall may be referred to the Advisory Planning Commission which shall be may be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.</p>
Insert New Section	<p>6.9.10</p> <p>For commercial rental of single family residential dwelling units, when considering the issuance of a temporary use permit for a commercial vacation rental, the following guidelines apply in addition to those listed in Section 6.9.6:</p>

OCP Policy No.	Proposed OCP Text Amendments Regulating STVR through TUP
	<p>a) the Local Trust Committee should consider the cumulative effects on the neighbourhood and island of all the temporary use permits issued for commercial vacation rentals;</p> <p>b) the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rental if the proposal does not alter the residential appearance of the neighbourhood;</p> <p>c) a condition of the permit should stipulate the maximum number of months per year that the vacation rental is to be in operation;</p> <p>d) the landowner or operations manager should be required to provide a site plan clearly indicating the provision of off-street parking for a minimum of two vehicles;</p> <p>e) the landowner should be required to provide proof from a qualified professional that the dwelling meets the fire code;</p> <p>f) a condition of the permit should require that the owner or operations manager be available by telephone 24 hours per day, seven days per week;</p> <p>g) a condition of the permit should require that the landowner posts for guests information on water conservation, fire safety, storage of garbage, septic care and control of pets (if pets are permitted);</p> <p>h) a condition of the permit should require that the landowner or operations manager must provide neighbours within a 100 metres radius of the vacation rental with the manager's phone number and a copy of the temporary use permit;</p> <p>i) a condition of the permit should stipulate the maximum number of guests and the minimum and maximum length of stay;</p> <p>j) a condition of the permit should prohibit recreation vehicles or camping;</p> <p>k) such other considerations as are deemed applicable with respect to a specific commercial vacation rental application;</p> <p>l) Penalties for non-compliance with the conditions of the permit may be explicitly stipulated within the permit.</p>

ISSUES SUMMARY:

The following issues have been identified for further consideration and discussion:

- Issuance of TUPs based on site specific conditions
- Streamlining the TUP process
- Bylaw Enforcement Issues

STAFF COMMENTS:

Issuance of a TUP based on site specific conditions

Based on the draft TUP guidelines presented above, the LTC would be able to stipulate conditions deemed applicable, such as proof of water quantity, septic capability or compliance with basic fire safety regulations. The specific conditions could be determined on a case by case

basis, however the general outline presented above could be the starting point for inclusion in any permit. The adoption of a Development Approvals Information (DAI) bylaw could greatly support the efforts to require specific information on the impacts of a commercial use in a specific location, and would expedite the application review process. The DAI would provide certainty and authorization to staff to require information upfront for TUP applications.

A TUP process coupled with a DAI bylaw would allow the LTC to ensure health and safety or environmental concerns are addressed in a timely manner prior to a temporary commercial use being permitted in a residential dwelling.

The advantages of using a TUP process for this type of land use are:

- Case by case basis evaluation and approvals;
- LTC can, through use of a DAI require specific information be provided by the applicant to assess impact of proposed commercial use;
- Evaluation of how appropriate a land use is in an area;
- Can stipulate conditions that would not be permitted in a Land Use Bylaw such as requirements for signage; limiting number of guests per dwelling; requiring health and safety standards are in place for change in use;
- Provide opportunity for public input and comment on the impacts of the proposed use on the neighbourhood.

The disadvantages of a TUP process can include:

- Requiring a continuous public education component to be successful
- Requiring significant staff time;
- Two year time limit may be insufficient resulting in on-going renewals and applications to the LTC;
- Political and long term process if there is significant public interest in a specific application.

Streamlining the TUP process

The LTC requested that staff present comments and options for a streamlined TUP process for the review of short term vacation rental TUP applications. The process currently in effect is as follows:

- Applicant pays TUP application fee and submits complete application
- Staff review application
- Referrals to ALC or APC as required
- Notice of TUP application advertised in local paper prior to LTC consideration and copy of notice and draft permit sent to properties within 100 m of subject property
- Report and copy of draft permit to LTC for consideration of issuance of permit
- Applicant notified

Public notification of TUP applications must comply with the requirements of section 921(5) of the *Local Government Act*.

The turnaround for processing a TUP has been as short as 30 days for a simple application, to as long as eight months depending on the nature of the application, the amount or type of additional information the applicant is being asked to provide or staff workload. The use of Temporary Use Permits (TUP) on Gabriola as a means of regulating short-term vacation rentals has had varied success. Experience on Gabriola indicates that such a scheme requires

significant staff time to process the applications. The Local Trust Committee should accept that each application will require staff time to assess and make recommendations as well as require trustee time to adjudicate each application on its own merits.

Proposed OCP policy 6.9.3 in the table above addresses the existing requirement that all TUP applications be referred to the APC for comment and public input. Referral to the APC could instead be reserved only for complex TUP applications where the LTC specifically requests input prior to consideration of the application and save time in the overall review process.

The adoption of a DAI Bylaw may streamline the review process by ensuring that supplemental information related to the application's review is received prior to consideration of an application.

Batching TUP applications for short term vacation rentals may streamline the process if residents adhere to submitting applications by a certain deadline (i.e. January of the same year), however there is no mechanism to restrict applications from being received at other times of the year. All TUP applications, regardless for the type of commercial or industrial use being proposed, would need to be reviewed and processed on a first come, first served basis to be consistent with procedural certainty guidelines. Preference for expediting reviews of only specific applications (such as commercial vacation rental use) is not consistent with these guidelines and is not recommended unless the TUP review process for all commercial and industrial applications is streamlined as well.

Bylaw Enforcement Issues

A discussion of bylaw enforcement issues related to this option will be led by Bylaw Enforcement officer Peter Phillips during the July 13, 2009 LTC meeting.

RECOMMENDATIONS:

THAT the Hornby Island Local Trust Committee provide direction to staff on their preferred option for further considering the regulation of short term vacation rentals on residential properties and request that staff:

- draft a bylaw incorporating regulations deemed appropriate by the LTC;
- solicit legal review of the draft bylaw; and
- return the draft bylaw to the LTC for consideration prior to further community consultation.

Respectfully submitted by:

Sonja Zupanec, M.C.I.P
Island Planner
July 5, 2009

Concurred in by:

David Marlor, M.C.I.P
A/Regional Planning Manager, Northern
Office
July 6, 2009

Sustainable Environment

*indicates change from last quarter	FOCUS AREA	WHO	HOW WILL WE MEASURE SUCCESS?	TARGET(S)	CURRENT STATUS
Protect and enhance the natural environment					
	Adopt soil removal and deposit bylaw	LTCs/IMs	By the number of LTAs/IMs with adopted bylaws	2008-9 - (1 - SSI)	1 st reading given SSI community consultation on-going
*	Adopt bylaws to manage tree removal	LTCs/IM	By whether a model bylaw has been developed By the number of LTAs/IMs with new bylaws for tree protection	2007-8 2007-8(1) NP	Incorporated into model bylaw for sensitive ecosystem protection Completed (NP OCP adopted)
	Integrate new precautionary principles into local planning procedures	LPC/LTCs/IM	By whether a model DAI bylaw is complete By the number of LTAs/IMs with new precautionary principles integrated into bylaws	2006 2008-9 - (1) (NP)	Completed Subject to LTC initiative and LPS budget proposals for 08-09
*	Monitor and enforce LTC conservation covenants	LTC	By whether a process has been designed to identify, monitor and enforce LTC covenants	2008-9	\$10,000 in 08-09 budget to hire a co-op student
		LTC	By whether resources are in place for monitoring and enforcement	2009-10	Subject to budget in 09-10

Healthy Communities

OBJECTIVE	FOCUS AREA	WHO	HOW WILL WE MEASURE IT?	TARGET	CURRENT STATUS
Foster healthy and livable communities					
	Local strategies for affordable housing	LTCs/IMs	By whether a model housing agreement has been completed By the number of new covenants or housing agreements in place to guide housing affordability By the number of new OCPs that have an updated strategy for affordable housing	2006-7 -1(SS1) 2007-8 - 2 (SSI) 2008-9 - 1(SS1)	Completed One complete One in final development In development through SSI OCP
	Local strategies to manage tourism	LPC/LTCs/IM	By the number of new OCPs with strategies to manage tourism	2008-9 - (1 - SSI)	Tourism policies in SSI OCP to be reviewed
	Coordinate planning efforts with Gulf Islands National Park Reserve	LPC/LTC	By whether staff attended meetings with GINPR By the number of bylaws amended to reflect Parks Canada holdings	2006-7 (1) 2006-7(1) 2008-9 (5)	Completed NP (assoc) completed Planned

OBJECTIVE	FOCUS AREA	WHO	HOW WILL WE MEASURE IT?	TARGET	CURRENT STATUS
Manage growth					
*	Review and update OCPs	LPC/LTCs/IM	By the number of OCP reviews completed	2007-8 - (4 - MA, NP, GM, GB (Mudge), 2008-9 -(3 - SSI, DE, TH)	MA adopted. NP <i>adopted</i> GB (Mudge) and GM (assoc) in process SSI underway. Completion subject to 08-09 budget
	Identify build-out potential as a basis for further planning and communication	LPC/LTCs/IM	By the number of build-out calculations and maps completed	2006-7 -(4)- GB, NP, SS, LA,) 2007-8 (2) DE, GM (assoc)	5 completed or in final edits (GB, NP, SS LA & MA) DE and GM (assoc) on target for completion
Strengthen citizen participation in local government					

Excellence in Governance

OBJECTIVE	FOCUS AREA	WHO	HOW WILL WE MEASURE IT?	TARGET(S)	CURRENT STATUS
Sustainable and fair local representation					

For more information, contact

Kim Benson, Chair,
Islands Trust Council
email kbenson@islandstrust.bc.ca
telephone 604.619-2933

Linda Adams, Chief Administrative Officer,
Islands Trust
email l.adams@islandstrust.bc.ca
telephone 250.405.5151

Visit our website at
www.islandstrust.bc.ca



Top Priorities

Hornby Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Short Term Vacation Rentals - Regulations Review	Staff to draft bylaw options for STVR and detail options to streamline the Temporary Use Permitting process.	May-01-2009	Sonja Zupanec	Jan-31-2010	On Going
2	Official Community Plan and Land Use Bylaw Review	Staff to compile a complete list of recommended changes and updates to the OCP and LUB based on technical review and trustee input to date. Return to the LTC for consideration of next steps.	May-01-2009	Sonja Zupanec	Jan-31-2010	On Going



Islands Trust

Projects

Hornby Island

No.	Description	Activity	Received/Initiated	Status
1	Preparing information material on land use regulations for new property owners to Projects List as a new item		Mar-17-2008	On Going
2	Having a Siting and Use Permit review meeting coordinated with Denman Local Trust Committee and staff; and to use that as an opportunity to plan outreach material for our permits" as item # 8.		Sep-08-2006	On Going



Islands Trust

Applications w/ Status - Hornby Island Status: Open

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
HO-ALR-2009.1	Annie and Harry Fearman Planner: Marnie Eggen	Apr-23-2009	to subdivide one - 32.54 hectare parcel into two - 16 hectare parcels

Planning Status

Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2009.1	Hornby Denman Community Health Care Society Planner: Linda Prowse	Jan-27-2009	Clinic for the Hornby & Denman Community Health Care Society.

Planning Status

Status Date: Jan-19-2009

LTC requested that fee be sponsored by LTC.

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2008.2	W.R. Colclough & Associates Ltd. Planner: Linda Prowse	May-29-2008	Variance from the width/depth ratio as outlined in Section 3.12 of the Hornby Island Land Use Bylaw No. 86.

Planning Status

Status Date: Jan-14-2009

no new information - applicant preparing covenant

Status Date: Oct-09-2008

waiting for covenant regarding Garry Oaks

Status Date: Jul-29-2008

MoT issued 12 month extension of PLA

Rezoning

File Number	Applicant Name	Date Received	Purpose
HO-RZ-2008.1	SZYGY Co-operative Community Planner:	Sep-16-2008	File assigned to consultant Lisa Berg. October 9, 2008 - received \$400 balance owing on fees - receipt #0753

Planning Status

Subdivision

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2007.2	W.R. Colclough & Associates Ltd. Planner: Linda Prowse	May-10-2007	Subdivision

Planning Status

Status Date: Jan-06-2009

Applicant advised staff that their lawyers are preparing covenants for septic and shared driveway access. Will advise about 50m buffer and Garry Oak Covenant. Survey to be conducted when snow melts.

Status Date: Oct-21-2008

Applicant instructed staff to have our lawyers prepare Garry Oak covenant

Status Date: Oct-09-2008

waiting for DVP

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2007.3	Victor and Donna Snowdon Planner: Linda Prowse	Sep-21-2007	To create 2 parcels.

Planning Status

Status Date: Jun-25-2009

Covenant and letter sent to lawyer to register with the final plan of subdivision. Awaiting confirmation of final plan of subdivision and covenant being registered at LTO

Status Date: Jan-14-2009

Signed covenant received from applicant. Memo on Jan 19 LTC meeting agenda to appoint one member of LTC as signatory.

Status Date: Oct-22-2008

6 month extension of PLA granted by MoT

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2008.2	Bernhard, Christa and Johanna Weiss Planner: Linda Prowse	May-08-2008	Boundary adjustment.

Planning Status

Status Date: Apr-29-2009

HO-RZ-2006.1 and relevant bylaws adopted. Can proceed with boundary adjustment

Status Date: Jan-14-2009

Holding pending outcome of HO-RZ-2006.1

Status Date: Sep-09-2008

Received PLA from MoT

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2009.2	Hornby & Denman Community Health Care Society Planner: Linda Prowse	Jan-16-2009	Clinic for the Hornby & Denman Community Health Care Society.

Planning Status

Status Date: Mar-02-2009

To March, 2009 Hornby LTC meeting to ask LTC to sponsor fee.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2009.6	Arthur and Susan Martell Planner: Marnie Eggen	Apr-27-2009	1. addition of one room (3.0x3.5m2) to existing cabin - height of addition 4.4m 2. septic field 3. water well

Planning Status

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2009.8	George/Sharon Maslany/Wheale Planner: Linda Prowse	Jun-29-2009	Garage/workshop for personal use. One building 2 x 6 construction, cedar siding, 6 metres x 7.3 metres = 44.6 square metres. 6.4 metres in height.

Planning Status

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
HO-TUP-2009.1	Greg Titcomb	Feb-09-2009	A nursery with a seasonal mobile food outlet in the back of the nursery parking lot, fully screened. The outlet is a converted Winnebago that is still fully drivable. A small deck and arbour to screen it will be built, and can be easily removed, if needed.

Planner: Sonja Zupanec

Planning Status

Status Date: Jun-26-2009

ALC response requesting AG zone not be changed

Status Date: Jun-17-2009

MOT referral requesting 10m dedication either side of Central Road centreline through portion outside ALR

Status Date: Jun-01-2009

agency and APC referrals sent

Please note: Local Expense has been broken down more from the previous year. If a budget wasn't allocated to the extra categories, the entire budget was allocated to 65200 (LTC Meetings). We have allocated the expenses to the correct budget category even if there is no budget, and these lines will show a negative Balance. The main focus is on the Total LTC Local Expense line, and it's budget and balance.

If you have any questions, please contact Craig Elder or myself.

		Budget	Spent	Balance
LTC Report - posted to June 24, 2009				
635 Hornby	65000 Trustee Expense	1,300.00	-	1,300.00
635 Hornby	65200 LTC Meetings	4,600.00	88.25	4,511.75
	65210 APC Meetings	-	12.84	(12.84)
	65220 Communications	-	114.64	(114.64)
	65230 Special Projects	-	-	-
	65240 Miscellaneous	-	-	-
	TOTAL LTC Local Expense	4,600.00	215.73	4,384.27
635 Hornby	72300 OCP/LUB Expense	8,000.00	132.12	7,867.88

Regards,

David Perreault

Finance Clerk

Islands Trust

#200 1627 Fort Street

Victoria, BC V8R 1H8

Phone: (250) 405-5154

Fax: (250) 405-4155

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G/L Transactions Listing - In Functional Currency (GLPTLS1)

Include Accounts With No Activity [No]
 From Period [01] To [12]
 For Year [2010]
 Sort By [Account No.]
 From Account No. [65210635] To [65210635]
 From Account Group [] To [ZZZZZZZZZZZZ]
 Last Year Closed 2009
 Last Posting Sequence 1240
 Use Rolled Up Amounts [No]

Account Number/ Prd.	Source	Date	Description/ Reference	Posting Seq.	Batch-Entry	Debits	Credits	Net Change	Balance
65210-635	AP-IN	6/1/2009	LTC - Local Exp - APC Meeting Expenses	1240	1256-14	12.84			0.00
03			ETERNAL FLOW COMPUTERS					12.84	12.84
			6584						
Net Change and Ending Balance for Fiscal Period 03:									
Totals: LTC - Local Exp - APC Meeting Expenses						12.84	0.00	12.84	12.84
Report Totals:						12.84	0.00	12.84	12.84

G/L Transactions Listing - In Functional Currency (GLPTLS1)

Include Accounts With No Activity [No]
 From Period [01] To [12]
 For Year [2010]
 Sort By [Account No.]
 From Account No. [65220635] To [65220635]
 From Account Group [] To [ZZZZZZZZZZZ]
 Last Year Closed 2009
 Last Posting Sequence 1240
 Use Rolled Up Amounts [No]

Account Number/ Prd. Source	Date	Description/ Reference	Posting Seq.	Batch-Entry	Debits	Credits	Net Change	Balance
65220-635 01 AP-IN	4/24/2009	LTC - Local Exp - Communications GREYDAWN 46	1212	1225-8	114.64			0.00
Net Change and Ending Balance for Fiscal Period 01:								
Totals: LTC - Local Exp - Communications					<u>114.64</u>	<u>0.00</u>	<u>114.64</u>	<u>114.64</u>
Report Totals:					<u>114.64</u>	<u>0.00</u>	<u>114.64</u>	<u>114.64</u>

G/L Transactions Listing - In Functional Currency (GLPTLS1)

Include Accounts With No Activity [No]
 From Period [01] To [12]
 For Year [2010]
 Sort By [Account No.]
 From Account No. [65200635] To [65200635]
 From Account Group [] To [ZZZZZZZZZZZ]
 Last Year Closed 2009
 Last Posting Sequence 1240
 Use Rolled Up Amounts [No]

Account Number/ Prd. Source	Date	Description/ Reference	Posting Seq.	Batch-Entry	Debits	Credits	Net Change	Balance
65200-635		LTC - Local Exp - LTC Meeting Expenses						0.00
02 AP-IN	5/14/2009	HORNBY-DENIMAN ISLAND GRAPEVINE 3138	1228	1243-21	27.30			
02 AP-IN	5/30/2009	HORNBY-DENIMAN ISLAND GRAPEVINE 3173	1228	1243-22	40.95			
02 AP-IN	5/5/2009	HORNBY IS RESIDENTS & RATEPAYERS AS 2009110	1229	1244-54	20.00			
Net Change and Ending Balance for Fiscal Period 02:								
Totals: LTC - Local Exp - LTC Meeting Expenses					88.25	0.00	88.25	88.25
Report Totals:					88.25	0.00	88.25	88.25

G/L Transactions Listing - In Functional Currency (GLPTLS1)

Include Accounts With No Activity [No]
 From Period [01] To [12]
 For Year [2010]
 Sort By [Account No.]
 From Account No. [72300635] To [72300635]
 From Account Group [] To [ZZZZZZZZZZZ]
 Last Year Closed 2009
 Last Posting Sequence 1240
 Use Rolled Up Amounts [No]

Account Number/ Prd. Source	Date	Description/ Reference	Posting Seq.	Batch-Entry	Debits	Credits	Net Change	Balance
72300-635 03 AP-IN	6/4/2009	Project "OCP" LAURA BUSHEIKIN 2009-0026-JUNE 4 09	1240	1271-19	132.12			0.00
Net Change and Ending Balance for Fiscal Period 03:					<u>132.12</u>	<u>0.00</u>	<u>132.12</u>	<u>132.12</u>
Totals: Project "OCP"					<u>132.12</u>	<u>0.00</u>	<u>132.12</u>	<u>132.12</u>
Report Totals:					<u>132.12</u>	<u>0.00</u>	<u>132.12</u>	<u>132.12</u>

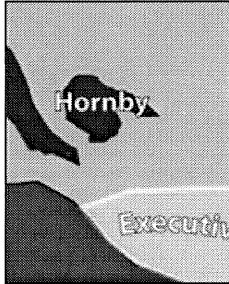


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Population:
Approximately 1,074

Size:
2,990 hectares (7,388 acres)

Location:
31 kilometres south-east of Courtenay on Vancouver Island.

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Hornby Island Local Trust Committee

Latest News

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

June 2009

- [Planner Office Hours on Hornby Island - 2009](#)

May 2009

- [K'omoks Treaty Process - Message from Trustees](#)

February 2009

- [Housing Needs Assessment on Hornby and Denman Island - Final Report](#)

September 2008

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

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Projects, Bylaw Reviews and Reports

In this section you will find current Local Trust Committee projects specifically related to the island area.

General

- [Hornby Island DRAFT Build Out Map, December 2008](#)
- [Living on Hornby Information Pamphlets \(January 2005\)](#)
- [Hornby Island Advisory Housing Committee Report - 2004](#)
- [Final Report - Results of the Groundwater Geochemistry Study on Hornby Island by D. Allen and M. Suchy April 2002](#)
- [Heart of the Island - A Report on Hornby Vacant Crown Land](#)

Applications

Four Corners Village Rezoning HO-RZ-2009.1 (AFC Construction Ltd.)

- [May 2009 Staff Report](#)
- [February 2009 preliminary Staff Report](#)
- [April 30 2009 Community Information Meeting Notice](#)

Szygyg Cooperative Community Rezoning HO-RZ-2008.1

- [May 2009 Staff Report](#)

Land Use Bylaw Review

- [Draft Land Use Bylaw Amendments \(Revised Nov-15-2005\)](#)
- [Draft Official Community Plan Amendments \(Revised Nov-15-2005\)](#)

Committee Links

- [Committee Home](#)
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- [Meetings Schedule](#)
- [Meeting Agendas](#)
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- [Resolutions-Without-Meeting](#)
- [Associated Islands](#)
- [Land Use Application Forms](#)

Short Term Vacation Rentals

- [Short-term Vacation Rental Survey - Final Results](#)
- [For Discussion: A Proposal For Permitting and Regulating Vacation Rentals](#)
- [Short Term Vacation Rental Staff Report - July 2008](#)

Hornby Island Local Trust Committee Workprogram

- [Top Priorities](#)

Housing

- [Secondary Housing on Hornby Island - Staff Report June 2008](#)
- [Enabling Secondary Accommodation Units on Hornby Island](#)

K'omoks First Nation

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Living on Hornby

Hornby Island is within the Islands Trust whose object is to preserve and protect the trust area and its unique amenities and environment.

Key components of our Island's natural environment are its forests and its shoreline, both containing sensitive ecosystems. A primary element, supporting all living systems, is freshwater - much of it conveyed below the surface as groundwater. Protecting ecosystems and the aquifers supplying the Island's water requires the co-operation of landowners, residents and visitors.

All of us can have a positive impact on our water resource by using water wisely and protecting our aquifers. Many of us live in the forest or by the sea and there are particular considerations for protecting those environments.

Here are some things to think about:

Using water wisely

Most islanders get their water from wells, supplemented by some water catchment. Hornby's limited groundwater, replenished by winter rains, is steadily depleted in summer as the number of people on the Island soars. This leads to significant water shortages. Particularly serious is the potential for salt water intrusion along the settled coastal areas as heavy pumping can draw sea water into the aquifer, contaminating the fresh water supply.

Most of Hornby's aquifers are classified as "moderately developed." The Whaling Station Bay - Anderson Drive area is classified as "highly developed, 1A," the most sensitive, vulnerable

aquifer classification, requiring particular care with water withdrawal.

~ **How we can be water-wise**

- Establish a rainwater catchment and storage system to reduce reliance upon well water.
- Use water-saving devices such as low-flow showerheads and low-flush toilets.
- Limit the number of people using your property during dry periods and educate them well about wise water use.
- Re-use kitchen water on flowerbeds or planters.
- Shower briefly, or go for a swim and wear those clothes one more time.
- Avoid pumping too much water at any one time. Allow the well a period of recovery between showers or laundry loads.
- Reduce garden irrigation. Plant drought-resistant species, landscape with native plants, and use mulch to retain moisture.
- Eliminate waste - such as running taps when brushing teeth, and wash vegetables in a bowl or dishpan.
- Place a sealed container of water or sand in the toilet tank to reduce the flush volume.
- Establish household rules for water use and...fix leaks!

Protecting our Aquifers

About 20% of our rainfall penetrates the surface and becomes "groundwater" contained in the faults and fissures of the underlying sedimentary rock. This is our main source of domestic water. Although some may resurface as springs and most of it eventually reaches the ocean, over 500 wells intercept its flow.

Hornby's aquifers are classified as "highly vulnerable" because a

confining layer does not protect them. This means that any harmful materials that enter the ground may contaminate well water and pollute the marine environment. Wells themselves, can be a means of introducing pollutants into the groundwater.

Inadequate treatment of human waste is a serious health concern. Innovative treatment systems, more suitable for some situations, are starting to become available. However, all dwellings on Hornby are legislated to provide effective wastewater treatment.

~How we can help protect our aquifers

- Ensure you have an adequate, functioning waste treatment system. There are local experts who can help you evaluate your system and provide recommendations.
- Make sure your septic system is regularly inspected and pumped out.
- Do not overload your septic system or allow harmful chemicals to be flushed into it.
- Outhouses should be vaulted and pumped when needed.
- Take steps to improve the protection of your wellhead.
- Abandoned wells should be properly capped.
- Eliminate the use of chemical fertilizers and pesticides in your garden.
- Store and apply animal manure well away from watercourses, wells and saturated ground.

Living in the Forest

The Coastal Douglas Fir ecosystem is the most endangered and the

least protected in B.C. It also has the highest biodiversity - which means it supports the highest number of species. Many of these are rare or threatened. No doubt others remain to be discovered.

This ecosystem is only found on the Gulf Islands, part of the East Coast of Vancouver Island, and the San Juan Islands, with and a narrow strip on the Sunshine Coast. Less than 3% of this area is protected - far short of the Provincial goal of 12%. Only 1% of the original forest remains in an undisturbed state. The Coastal Douglas Fir zone includes the increasingly rare Garry Oak woodlands.

~What forest dwellers can do:

- Avoid the temptation to create a park-like landscape. Underbrush, snags and fallen dead trees all play an important part in the ecosystem.
- Talk with neighbours about establishing contiguous "wild areas" across adjoining properties.
- Retain significant areas of natural vegetation on your property. Logged-over land can eventually become "old growth" again.
- Consider going one step further and placing a conservation covenant on all or part of your property to protect it in perpetuity.
- Control invasive species such as broom, holly, daphne, ivy and orchard grass, which can spread -- eliminating habitat for species such as rare butterflies.
- Use native vegetation for landscaping -- saving water.
- Stay on trails when walking in the forest and keep dogs leashed in public places.
- Become more informed about our forest ecosystem.

Living by the Sea

Hornby's coastline is valued for its viewsapes and for recreation by residents and visitors. Over 80% of wildlife is found along the shoreline and in rare ecosystems on land adjacent to the sea. Our rich and diverse marine environment is vulnerable to pollution from run-off and seepage along the shoreline. Physical action and climate change make this a dynamic zone.

~ What waterfront dwellers can do

- Observe the minimum 15m set back from the natural boundary of the sea for all buildings and structures.
- Allow natural debris to accumulate to provide a buffer.
- Retain natural vegetation as much as possible. Replant native species to restore areas where these have been disturbed.
- To maintain views, carefully prune trees rather than felling or topping them.
- Ensure that wildlife is not disturbed by dogs and human activity. Harlequin ducks are particularly vulnerable during their molting phase.
- Make sure that your sewage disposal system is adequate and functioning well. Non-existent or poorly functioning systems pollute the foreshore killing intertidal species or making them inedible.
- Do not overload the septic system or draw heavily upon well water.
- Use alternative cleaners such as baking soda and vinegar instead of toxic products. Use phosphate-free soap.

Good General Practices to Sustain Ecosystems

- Maintain natural surface drainage and wetlands. Ditches, roadways and paved surfaces can have a significant hydrological impact.
- Handle fuels, oil, paints and chemicals carefully to avoid spills.
- In place of pesticides and chemical fertilizers learn about plant-based formulas for pest resistance and the art of composting.
- Use alternative cleaners such as baking soda and vinegar rather than toxic products.