



File No.: HO-TUP-2020.3 (Hornby Co-operative Association)

DATE OF MEETING: March 26, 2021

TO: Hornby Island Local Trust Committee

FROM: Ian Cox, Planner 1
Northern Team

SUBJECT: **Temporary Use Permit application – bulk water sales**

Applicant: Hornby Co-operative Association

Location: 5875 Central Road

LOT 1 SECTIONS 6 AND 10 HORNBY ISLAND NANAIMO DISTRICT PLAN
VIP79310 - PID: 026-371-791

RECOMMENDATION

1. That the Hornby Island Local Trust Committee approve HO-TUP-2020.3 for a period of three (3) years from the date of issuance, subject to the conditions imposed by the permit.

REPORT SUMMARY

The Hornby Island Local Trust Committee (LTC) is asked to consider a Temporary Use Permit (TUP) application for the ongoing sale of bulk water from the subject property. Pursuant to Section 3.2(u) of the Hornby Island Land Use Bylaw No. 150 (LUB), the use of a well for the extraction of ground water for transportation off the lot from which it is extracted is prohibited, except where permitted through zoning regulations or by Temporary Use Permit. The Hornby Island Official Community Plan No. 149 (OCP) provides for the consideration of a TUP for the use under Section 6.10(4) and in accordance with Policy 5.1.4.

Staff is recommending approval subject to the following conditions:

- Authorization/licencing is obtained from Island Health for the operation of the bottled water filling station;
- A commercial water licence is obtained from the Province of British Columbia (FLNRORD) in accordance with the *Water Sustainability Act*.

BACKGROUND

This application is coming forward through staff analysis conducted for an Existing Use Groundwater Application initiated by the applicant and received as a referral from the Ministry of Forests, Lands, Natural Resources Operations and Rural Development (FLNRORD). The provincial application is necessary under the *Water Sustainability Act* to use groundwater for a commercial purpose. See **Attachment 1** – Provincial Groundwater Application.

The subject property is located at 5875 Central Road, at the corner of St. Johns Point Road where Central Road becomes Shields Road heading east to Tribune Bay, and is a hooked lot across Shields Road as shown in **Figure 1** below. The property is approximately 1.3 hectares in area, and is surrounded by residential, agricultural, park, and

retail and commercial properties. Well known to residents, the intersection of Central Road and St. John’s Point Road encompasses the island’s busiest commercial area.

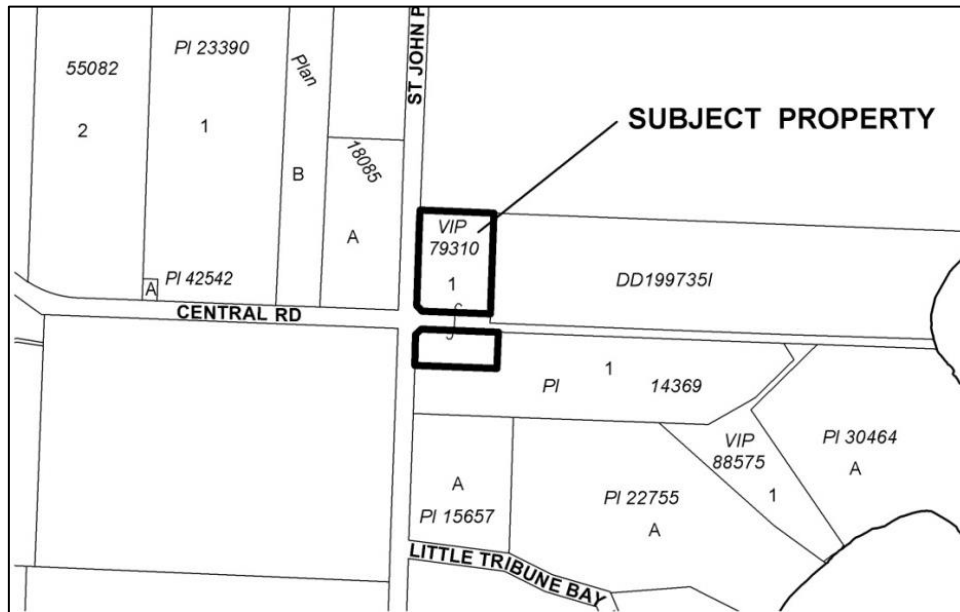


Figure 1. Subject property Location

Section 492 of the *Local Government Act* grants local trust committees the authority to include in their official community plan or a zoning bylaws, designated areas where temporary uses may be allowed and to specify general conditions regarding the issuance of such permits. Under Section 6.10 of the Hornby Island OCP, a TUP may be issued to allow a temporary use for a period of time to enable impacts to be assessed before any further permitting of the use, per OCP Policy 6.5.1.10. In Part 3 – General Regulations of the Hornby Island Land Use Bylaw No. 150 (LUB), the bylaw states “uses that are not permitted in this Bylaw may be considered upon application for a Temporary Use Permit in accordance with Official Community Plan policies and regulations in this Bylaw pertaining to Temporary Use Permits.”

ANALYSIS

Policy/Regulatory

Official Community Plan

The subject property is designated **Retail and Personal Service (CS)** and is wholly within the Hornby Commercial Centres (Retail and Visitor Accommodations) Development Permit Area, and partly covered by Development Permit Area No. 6 – Riparian Areas. See **Attachment 2** – Site Context. The proposed activity which the TUP seeks to permit, does not include the applicable activities of [physical] development, subdivision, or land alteration that are the triggers for both DPAs and so the respective Guidelines for each are not applicable. Hence, the applicant is not required to obtain DPs in conjunction with the TUP. See **Attachment 3** – TUP Guidelines for an analysis of how the application complies with those for Temporary Use Permits.

Relevant OCP policies include:

Policy 6.5.1.10 *Temporary Use Permits may be permitted for:*

a) *temporary use;*

- b) a period of evaluation of a new commercial venture (that does not involve significant new development) prior to application for rezoning;*
- c) uses for a period of time to enable impacts to be assessed before any further permitting of the use; or*
- d) seasonal activities.*

Section 6.10 of the OCP sets out objectives for issuance of TUPs, including:

- (3) to allow particular uses for a period of time to enable impacts to be assessed before any further permitting of the use as per policy 6.5.1.10;*

Land Use Bylaw

The subject property is zoned **Commercial 1 (C1) – Retail (Co-op and Service Station)** under LUB Section 8.9. The bulk water sales use is not listed as a permitted principal or accessory use in the C1 zone and is listed under LUB Section 3.2 as a prohibited use in all zones:

3.2 Uses Prohibited in All Zones

- (1) For certainty, the following uses, buildings and structures are prohibited in all zones, except where expressly permitted in Part 8:*

- (u) The use of a well for the extraction of ground water for transportation off the lot from which it is extracted, except where permitted through zoning regulations or Temporary Use Permit;*

The applicant has therefore applied for a TUP as directed by staff and required by LUB Section 10.1.

Issues and Opportunities

Community Concerns

The need for quality potable water on Hornby is a recognized issue, as is its protection. Some residents do not have adequate access due to slow and/or contaminated wells, particularly in highly developed, densely populated areas. As such, many residents rely on the bulk water service for drinking water year round.

Groundwater Protection

The protection of Hornby Island's groundwater resource is a high priority within the OCP. It directs the LTC to consider groundwater protection when considering applications for permits through OCP Policy 2.2.2:

- 2.2.2** *In order to protect the groundwater resource of the Island, the following should be addressed: a) wherever possible through zoning and land use regulations and where appropriate through Development Permit Areas; b) **when considering applications for permits**, re-zoning and subdivision; and c) through information and advocacy directed to residents, property owners and agencies with jurisdiction on Hornby Island:*

- ii) maintaining the quality of the groundwater resource by preventing contamination from: sewage and grey 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, over-pumping of groundwater in areas where salt-water intrusion is likely to occur;

Staff consider OCP Policy 2.2.2 to be addressed through both the pending provincial WSA commercial use licence from FLNRORD which will specify conditions of use (including extraction volumes, monitoring, etc.) and through any required Island Health approvals for the filling station. This conclusion is concurred by the Islands Trust Freshwater Specialist who does not recommend any further professional reporting be provided at this time (such as a groundwater assessment study or similar), since they feel that impact mitigation and monitoring is in this case the jurisdiction of FLNRORD.

Island Health Permit & FLNRORD Commercial Water Licence

TUP Guidelines 6.10.5 in the OCP and 10.3(5) in the LUB requires that, “Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.” Staff has addressed this through conditions imposed by the draft TUP.

In communication with Island Health, staff understands that the authority may require permitting to operate the water filling station and that this should be confirmed through communication directly with the applicant.

Staff has had contact with FLNRORD regarding the provincial WSA authorization and to date, it appears that the granting of the Existing Groundwater Use commercial licence is imminent.

In accordance with the TUP guidelines, staff has included conditions of the draft permit to require confirmation of both authorizations prior to issuance of the TUP. See **Attachment 4** - Draft Temporary Use Permit.

Statutory Requirements

In accordance with Section 494 of the *Local Government Act*, Notice of the proposed permit was mailed on March 10, 2021 to all property owners and occupants of neighbouring properties within 100 metres of the subject property. See **Attachment 5**. A notice of the proposed TUP was published in the *Hornby Island Tribune* newspaper on March 17, 2021.

At the time of writing this report, staff has not received any public correspondence related to the Statutory Notification. Correspondence may be received before or during the LTC meeting and may also be sent to northinfo@islandstrust.bc.ca during the notification period March 15-24, 2021.

First Nations

At this time, TUP applications for commercial activity do not raise concerns related to LTC Standing Resolutions on reconciliation provided that no identified cultural heritage concerns are present on or near the subject property. Such is the case for this application. However, if the LTC so wished, a notification of the permit could be provided to any First Nations with interest, and a decision on issuance deferred until further information was received.

Rationale for Recommendation

Staff consider the proposal to meet the TUP guidelines outlined in the OCP and LUB for the consideration of the proposed continuation of the bulk water sales use. However, two conditions of the draft permit are included that require approval from Island Health and the province of BC for compliance with their respective jurisdictional and regulatory powers, both which would need to be satisfied prior to issuance of the TUP. Therefore, staff is recommending issuance conditional upon receipt those two items.

Staff recommendation is found on page 1 of this report with alternatives outlined below.

ALTERNATIVES

1. Request further information

The LTC may wish to defer making a decision in expectation of receiving more information as requested by resolution. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee request that the applicant provide the following information in support of application HO-TUP-2020.3: [insert information request].

2. Deny the application

The LTC may deny the application. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee deny application HO-TUP-2020.3 for the following reasons... [insert reasons].

NEXT STEPS

Should the LTC elect to pass a resolution in accordance with the recommendation of staff, issuance of the TUP will be conditional upon the applicant obtaining Island Health and provincial (FLNRORD) approvals and providing those to staff, who will process the permit accordingly upon their receipt.

Submitted By:	Ian Cox Planner 1 – Northern Team	March 11, 2021
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	March 16, 2021

ATTACHMENTS

1. Provincial Groundwater Application
2. Site Context
3. TUP Guidelines
4. Draft Temporary Use Permit
5. Statutory Public Notice



Attachment 1 - Provincial Groundwater Application

Tracking Number: 100285662

Applicant Information

If approved, will the authorization be issued to an Individual or Company/Organization? Company/Organization
What is your relationship to the company/organization? Employee

REFERRAL / PUBLIC COMMENT CONTACT INFORMATION

Company / Organization: HORNBY ISLAND CO-OPERATIVE ASSOCIATION
Contact Name:
Contact Address: 5875 Central Road
Hornby Island BC V0R1Z0
Contact Phone: 250-335-2686
Contact Email: hornbyislandgasbar@gmail.com

APPLICANT COMPANY / ORGANIZATION CONTACT INFORMATION

Please enter the contact information of the Individual/Organization who is acting on behalf of the applicant.

Name: HORNBY ISLAND CO-OPERATIVE ASSOCIATION
Doing Business As: Hornby Island Gas Bar
Phone: 250-335-2686
Fax:
Email: hornbyislandgasbar@gmail.com
BC Incorporation Number:
Extra Provincial Inc. No: HORNBY ISLAND
Society Number:
GST Registration Number:
Contact Name: Bob Casault
Mailing Address:

CORRESPONDENCE E-MAIL ADDRESS

It is recommended that you provide your correspondence email address in this section.

Email: hornbyislandgasbar@gmail.com
Contact Name:

ELIGIBILITY

If you answer yes to any ONE of the following questions, you are eligible to apply for a water licence.

Table with 3 columns: Question, Answer, Warning. Contains 9 eligibility questions regarding land ownership, entitlement, interest, and administrative roles in British Columbia.

undertaking on Crown land, administered by British Columbia or Canada or controlled by a ministry, department, branch or other subdivision of the government of British Columbia or Canada?

- Are you representing the Greater Vancouver Water District or any other water district incorporated by an Act?
- Are you representing the British Columbia Hydro and Power Authority?
- Are you applying as an agent on behalf of an eligible applicant as described above?

TECHNICAL INFORMATION

GOVERNMENT AND FIRST NATION FEE EXEMPTION REQUEST

Do you belong to, are you applying on behalf of, or are you:

- A provincial government ministry
- The Government of Canada
- A First Nation for water use on reserve land
- A person applying to use water on Treaty Lands
- A Nisga'a citizen
- An entity applying to use water from the Nisga'a Water Reservation?

No

EXISTING USE

Groundwater users that have been using groundwater prior to the date that the Water Sustainability Act came into force may be granted a priority date for their water licence that is equal to the date they first beneficially used the water.

Do you use groundwater for a non-domestic purpose? Yes

Did your groundwater use begin on or before February 29, 2016? Yes

PURPOSE OF WATER USE

Add the purpose(s) your groundwater is being used for. Check the list of Purpose Definitions to determine your correct purpose of water use.

It is possible that the purpose(s) you select may change, be removed, or new ones be added during the review of your application. This may affect the fees due.

Purpose	Quantity	Use of Water	How estimate water use?	Rental Fee	Application Fee
Water Sales	118.19838 m3/year	Year Round	unit conversion tool	\$767.76	
Total:				\$767.76	

The one-time application fee has been waived until March 1, 2022. Annual water rentals are still payable and are required when submitting the application.

Note: The rentals payable with this application represent the total that has accrued since February 29, 2016.

HISTORY OF WATER USE

To assign the correct date of precedence (priority date) for your licence it is necessary to gather information about the history of water use.

For each water use purpose you are requesting please indicate to the best of your knowledge when groundwater use began, including the previous owners.

Purpose	Quantity	Date
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If possible, please describe the history of use for all the purposes back to the date(s) referenced above:

Selling bulk water to customers with own containers (one gallon to five gallons).

Upload any documents you have to support the date water use began, e.g. well construction report, pump installation receipt or signed statement.

Description	File Name
Pipeline Drawing	Hornby Island Co-op Gas Bar Grocery Store.kmz

Upload any documents you have to support the date water use began, e.g. well construction report, pump installation receipt or signed statement.

Coop Drawing	Hornby Island Co-op Gas Bar Google Map.pdf
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Upload any documents you have to support the date water use began, e.g. well construction report, pump installation receipt or signed statement.

pipeline	Hornby Co-op Well Pipeline Drawing.jpg
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WORKS

Works are the physical equipment used to move the water from its source to where it will be used. For example, works can include a screened intake, pump, pipeline, irrigation system, dugout, storage structure etc. Scroll down the list provided to see all the options available for selection. For a formal definition of "works", refer to Section 1(1) of the Water Sustainability Act.

NOTE: For works not on the list, please describe them in the box below. Hover over the works list to see a quick definition of the work.

Works	Status
Distribution system	Fully Constructed
Flow measuring device	Fully Constructed
Meter	Fully Constructed
Outlet	Fully Constructed
Pipe	Fully Constructed
Pressure tank	Fully Constructed
Pump	Fully Constructed
Pumphouse	Fully Constructed
Tank	Fully Constructed
Treatment facility/system	Fully Constructed

Please provide details about the works selected above, and your water system: Water distribution from well to Gas Bar bulk water station outdoors and pipes to Co-op Store for bulk water sales indoors.

SOURCE OF WATER FOR APPLICATION

WELL WORKS

Do you access groundwater from a well? Yes

As an existing user, your works should be fully constructed. If your works are not fully constructed for some reason, (e.g. under repair), please provide details in the "Comments" field below.

Works	Common Well Name	Status	Comments
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Well Fully Constructed
 Well Tag Number: 103819 Well ID Plate Number: 25901
 Depth of Well: 100 feet
 Method of location measurement: Other (please specify): Provincial Government
 Geographic Coordinates of well: Latitude: 49.3132 Longitude: -124.4776 Decimal Degrees
 Is the well a flowing artesian well at any time of the year? No
 Is the well head in a pit or a sump? Unknown

Are there any other wells on the property that are not in use? Yes

JOINT WORKS

Are your works connected to the works of another person or group of people?

If you share or are connected to another person's works, it is recommended that a Joint Works Agreement-outlining each party's role and responsibilities-be completed and uploaded

Do you share or are you connected to another person's works? No

MAPPING

I have map(s) saved to my computer and wish to provide these with my application

MAP FILES

Do you have a PDF or image file of a drawn map? You can upload it here.

Description	Filename
Land information	Hornby Island Co-op Gas Bar...

LOCATION INFORMATION

LAND DETAILS

List all parcels of land where the water will be used. Click "Add Land Information" button to add each parcel of land.

Description
Private Land Parcel ID: 026-371-791 Legal Description: Lot 1 Sec. 6 Certificate Of Title No: Lot 1 Section 6/10

PERMIT OVER CROWN LAND

Do any of these circumstances apply to your water use:

- Any of your works cross or are located on Crown land
- Your well is located on Crown Land
- You are flooding Crown Land

No

Based on your answer you do not appear to be affecting or flooding Crown land and neither a Permit over Crown land nor a Crown land tenure appears to be required.

PRIVACY DECLARATION

PRIVACY NOTE FOR THE COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION Personal information is collected by FrontCounter BC under the legal authority of section 26 (c) and 27 (1)(a)(i) of the Freedom of Information and Protection of Privacy Act (the Act). The collection, use, and disclosure of personal information is subject to the provisions of the Act. The personal information collected by FrontCounter BC will be used to process your inquiry or application(s). It may also be shared when strictly necessary with partner agencies that are also subject to the provisions of the Act. The personal information supplied in the application package may be used for referrals or notifications as required. Personal information may be used by FrontCounter BC for survey purposes. For more information regarding the collection, use, and/or disclosure of your personal information by FrontCounter BC, please contact FrontCounter BC at 1-877-855-3222 or at: FrontCounter BC Program Director FrontCounter BC, Provincial Operation 441 Columbia Street Kamloops, BC V2C 2T3

Check here to indicate that you have read and agree to the privacy declaration stated above.

IMPORTANT NOTICES

- I understand that once I have submitted my application as a transitioning groundwater user, Section 140(1)(a) of the Water Sustainability Act authorizes me to continue to divert, store and/or use groundwater as I have in the past until such time as a decision is made on my application. I also understand that my application must first be investigated and a decision made on the application as to whether a groundwater licence may be granted, and as part of that review, additional information may be requested of me. I understand that when a decision has been made, I will be required to comply with the decision and any terms and conditions that are included in an eventual water licence.
- The application may be subject to further requirements under the federal Fisheries Act. Please refer to Fisheries and Oceans Canada's "Projects Near Water" webpage (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) for information on how to ensure your project complies with the Fisheries Act.
- Once you click 'Next' the application will be locked down and you will NOT be able to edit it any more.

DECLARATION

By submitting this application form, I, declare that the information contained on this form is complete and accurate.

APPLICATION AND ASSOCIATED FEES

Item	Amount	Taxes	Total	Outstanding Balance
OOC-REN 2016 118.19838 m3/y - Waterworks: Sales	\$167.76		\$167.76	\$0.00
OOC-REN 2017 118.19838 m3/y - Waterworks: Sales	\$200.00		\$200.00	\$0.00
OOC-REN 2018 118.19838 m3/y - Waterworks: Sales	\$200.00		\$200.00	\$0.00
OOC-REN 2019 118.19838 m3/y - Waterworks: Sales	\$200.00		\$200.00	\$0.00

OFFICE

Office to submit application to: Nanaimo

PROJECT INFORMATION

Is this application for an activity or project which requires more than one natural resource authorization from the Province of BC? No

OFFICE USE ONLY

Office Nanaimo	File Number	Project Number
	Disposition ID	Client Number

Application Addendum

Hornby Island Co-op and Gas Bar, Existing Groundwater Use Licence – File No. 20013571

The following are revisions to the original application form for existing groundwater use.

For reference, the headings below reflect those on page two of the original application document.

PURPOSE OF WATER USE

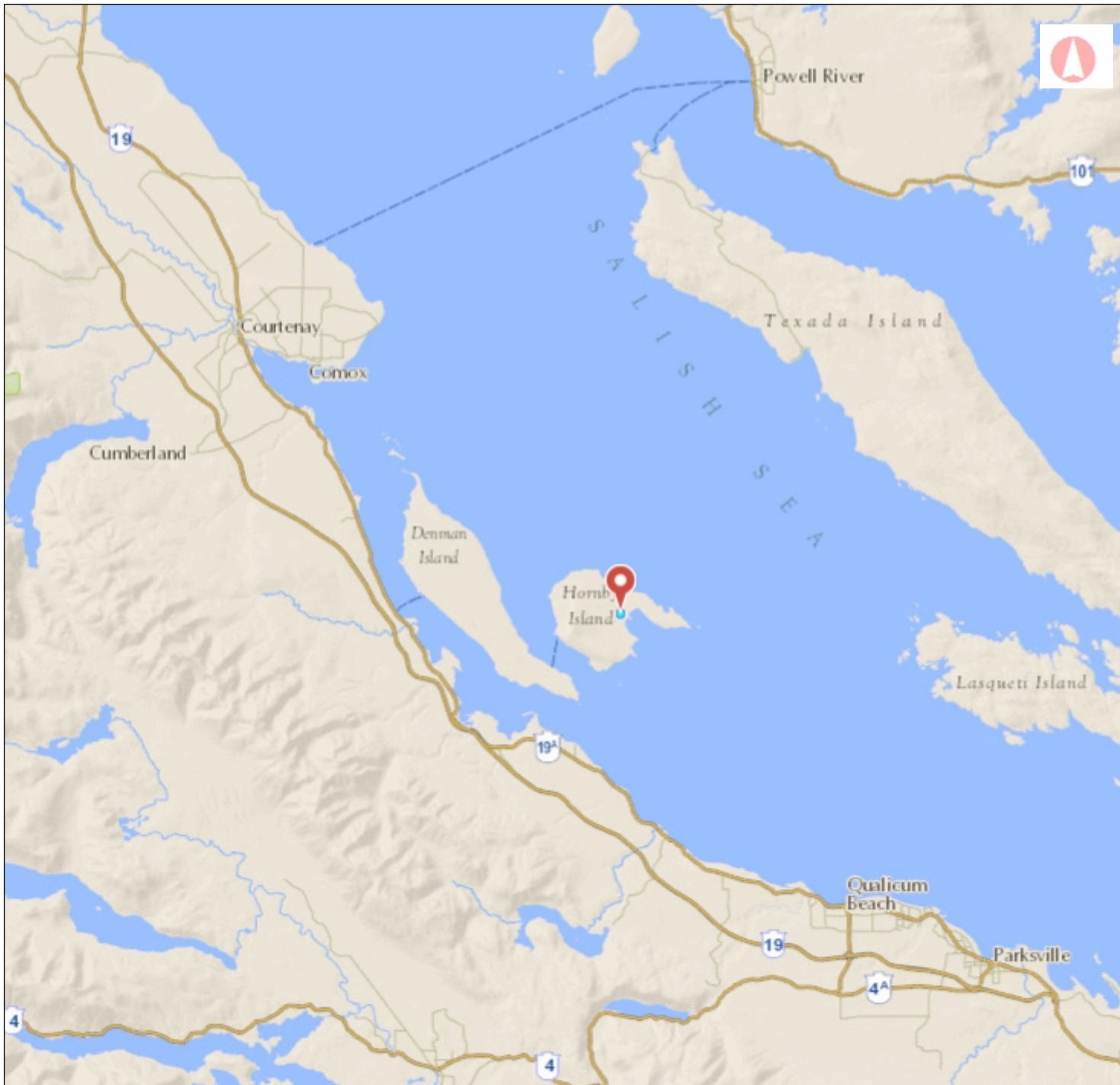
Purpose	Quantity	How estimate water use?
Water Sales	185 m3/yr.	Metered records 2017-2019
Industrial – Commercial	1000 m3/yr.	Metered records 2017-2019

Comments:

The original application does not include industrial – commercial use, as the applicant was not aware of this licensable water use purpose. Commercial water use is added by the water officer of file and informed by historic records and an onsite review of the water system, commercial infrastructure.

Post application submission, the applicant provided meter records for 2017 through 2019. It is acknowledged that this use represents that after the transitioning period cut-off (2016 / *Water Sustainability Act* implementation); however, as the infrastructure and thereby water use has not changed significantly since the gas bar was put into service in 2009, use of meter records is appropriate and useful in determining actual existing use.

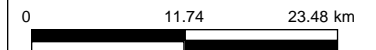
The original application did not consider water sales by the Co-op store, which accounts for the amended volume.



Site General Map

Legend

Application Tracking
No. 100285662



1: 577,791

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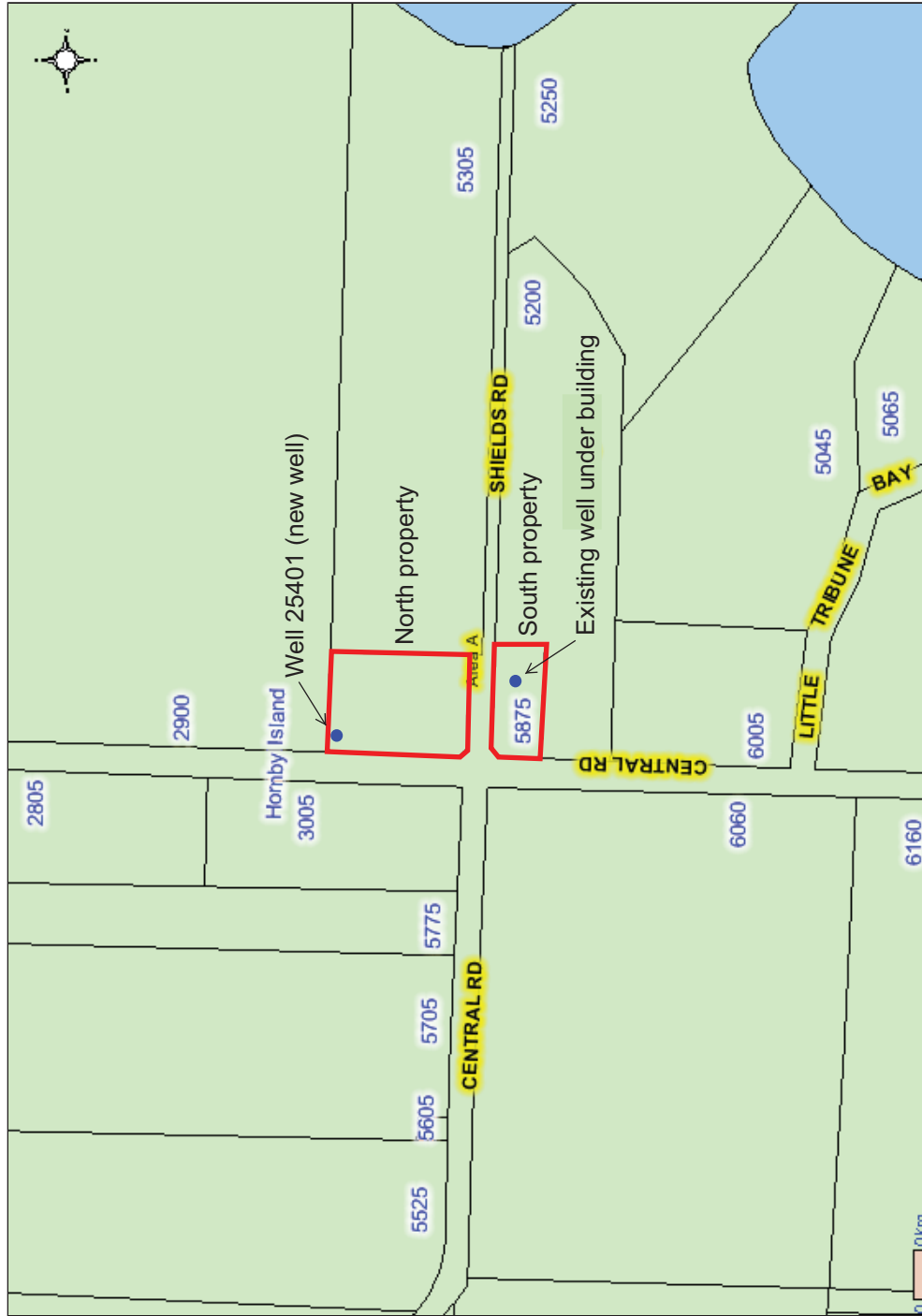
Datum: NAD83

Projection: WGS_1984_Web_Mercator_Auxiliary_Sphere

Key Map of British Columbia



Figure 1

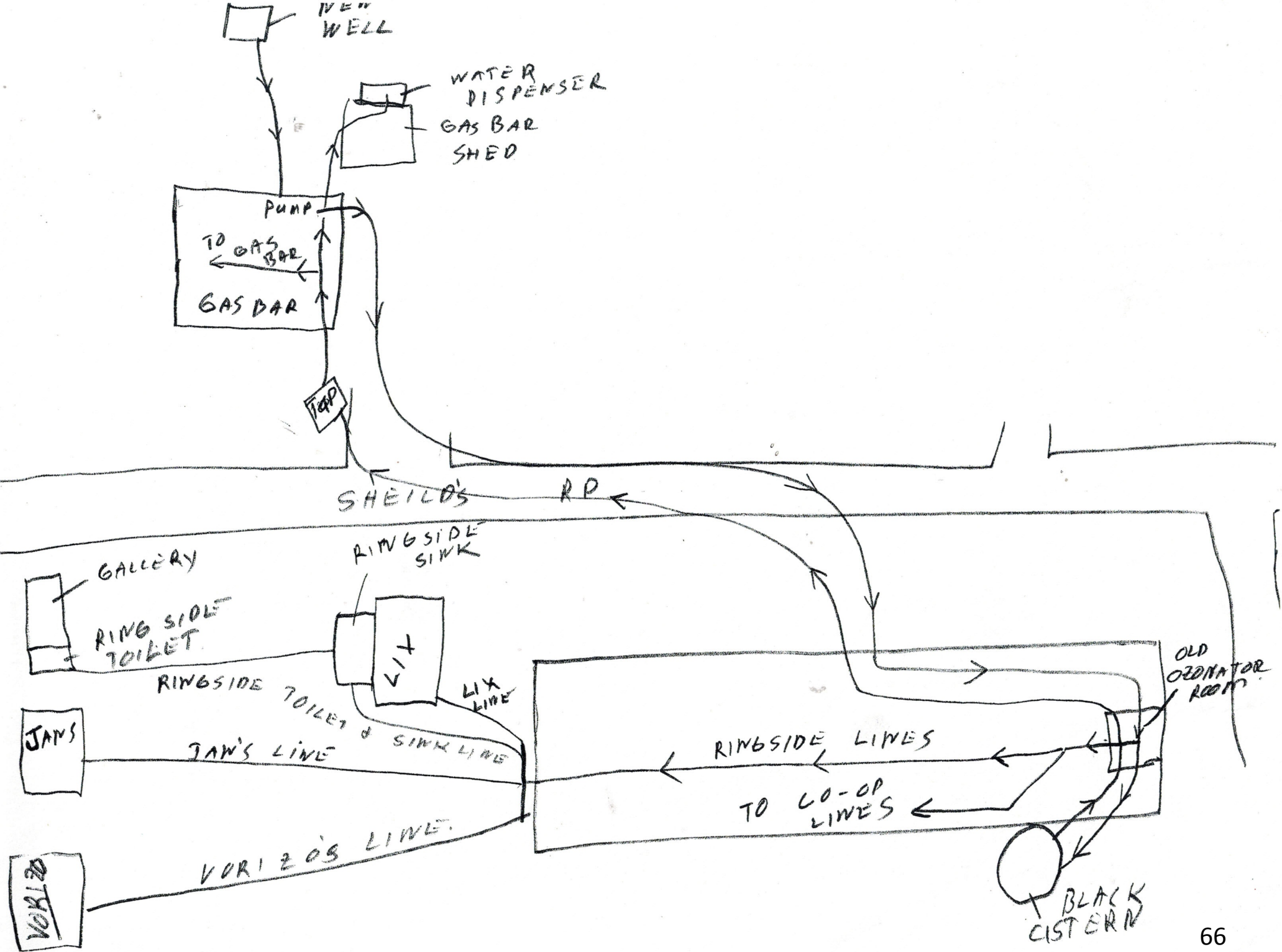


- Notes**
1. To accompany report to Hornby Island Co-op dated July 2009.
 2. Base map from Comox Valley Regional District iMap.
 3. Locations are approximate and for illustration only.

Not to scale.

Figure 1: Location Map
5875 Central Road, Hornby Island

Payne Engineering Geology
File HIC-1. Draft for discussion purposes only.



ATTACHMENT 2 – SITE CONTEXT

LOCATION

Legal Description	LOT 1 SECTIONS 6 AND 10 HORNBY ISLAND NANAIMO DISTRICT PLAN VIP79310
PID	026-371-791
Civic Address	5875 CENTRAL RD
Lot Size	1.28 ha (3.17 acres)

LAND USE

Current Land Use	Commercial
Surrounding Land Use	Residential, Commercial, Agricultural, Park (provincial)

HISTORICAL ACTIVITY


File No.	
IT File No.	
HO-ALR-2002.2	
HO-CL-2020.7	
HO-DP-1997.3	
HO-DP-2004.2	
HO-DP-2006.1	
HO-DP-2017.1	
HO-DVP-2017.2	
HO-RZ-2003.6	
HO-SUB-2003.2	
HO-SUP-2004.23	
HO-SUP-2006.15	
HO-SUP-2018.5	
HO-TUP-2020.3	
UN-DVP-1990.16	
UN-DVP-1990.2	
UN-DVP-1991.5	

POLICY/REGULATORY

<p>Official Community Plan Designations</p>	<p>Land Use Designation: Retail and Personal Service (CS)</p> <p>6.5 Retail and Personal Service 6.5.1.10 Temporary Use Permits may be permitted for: <i>a) temporary use;</i> <i>b) a period of evaluation of a new commercial venture (that does not involve significant new development) prior to application for rezoning;</i> <i>c) uses for a period of time to enable impacts to be assessed before any further permitting of the use; or</i> <i>d) seasonal activities.</i></p> <p>6.10 Temporary Use Permits <i>The objectives of this subsection are:</i> <i>(3) to allow particular uses for a period of time to enable impacts to be assessed before any further permitting of the use as per policy 6.5.1.10;</i></p> <p>See Attachment 3 for a review of Temporary Use Permits (TUP) guidelines.</p> <p>Development Permit Areas</p> <ul style="list-style-type: none"> • DPA 6 – Riparian Areas (not triggered) • Commercial Centres (Retail and Visitor Accommodations) Development Permit Area (not triggered)
<p>Land Use Bylaw</p>	<p>Zone: Commercial 1 (C1) – Retail (Co-op and Service Station)</p> <p><i>(1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:</i> <i>(a) retail;</i> <i>(b) restaurant;</i> <i>(c) service station;</i> <i>(d) personal service; and</i> <i>(e) office.</i></p>
<p>Other Regulations</p>	<p>Island Health Operation of a food premises under the <i>Food Premises Regulation</i> requires an application to Island Health prior to construction or operation. Water is considered as food and a condition of the draft TUP requires the applicant to provide authorization confirmation prior to issuance of the permit.</p> <p>FLNRORD/WSA A provincial license under the <i>WSA</i> is needed in order to use groundwater for commercial purposes. A condition of the draft TUP requires the applicant to provide authorization confirmation prior to issuance of the permit.</p>
<p>Covenants</p>	<ul style="list-style-type: none"> • Undersurface Rights • RESTRICTIVE COVENANT EC26582
<p>Bylaw Enforcement</p>	<p>HO-BE-2014.2 (siting) - closed</p>

SITE INFLUENCES

Islands Trust Fund	This proposal does not directly affect an Islands Trust Conservancy Board (ITC)-owned property or conservation covenant, nor directly affects a property adjacent to an ITC-owned property or conservation covenant. Therefore referral to ITC for comments is not required.
Regional Conservation Strategy	The ITC – Regional Conservation Plan 2018-2027 identifies this area of Hornby Island as MEDIUM to LOW priority for conservation purposes.
Species at Risk	Secure/masked occurrence
Sensitive Ecosystems	Schedule D2 of the OCP identify the subject property just outside but adjacent to a Recharge area, and the aquifer is classified as IIIA – Moderately developed, high vulnerability. The ditches adjacent to the subject property that run along St. John’s Point Road and Central Road, are identified as Riparian Areas Regulation (RAR)-applicable watercourses, according to the Mimulus Report dated December 2011. It is noted that the Mimulus report identifies Ditch 4 (along St. John’s Point Road) as requiring an 8 m setback.
Hazard Areas	None mapped.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information does not identify any archaeological sites within the property or within 100 metres. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	n/a
Groundwater Vulnerability	Aquifer Intrinsic Vulnerability - HIGH

	<p style="text-align: center;">HORNBY ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT HO-TUP-2020.3</p>
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To: Hornby Island Cooperative Association

1. This Permit applies to the land described below:

PID 026-371-791
LOT 1, SECTIONS 6 AND 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN VIP79310

2. This Permit is valid for a period of three years from the date of issuance.

3. This Permit is issued for the purpose of permitting bulk water sales from the subject lot in the amount specified by the appropriate provincial Ministry authorization under the *Water Sustainability Act*.

4. The use may be carried out subject to the following conditions:

4.1 the applicant provide to Islands Trust a copy of the required commercial use authorization under the *Water Sustainability Act* prior to issuance of this permit.

4.2 the applicant provide to Islands Trust any necessary authorization for the bottled water filling station from Island Health prior to issuance of this permit.

5. All in accordance with Schedule “A” – Site Plan attached to and forming part of this permit, as signed and dated by the Deputy Secretary of Islands Trust.

6. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

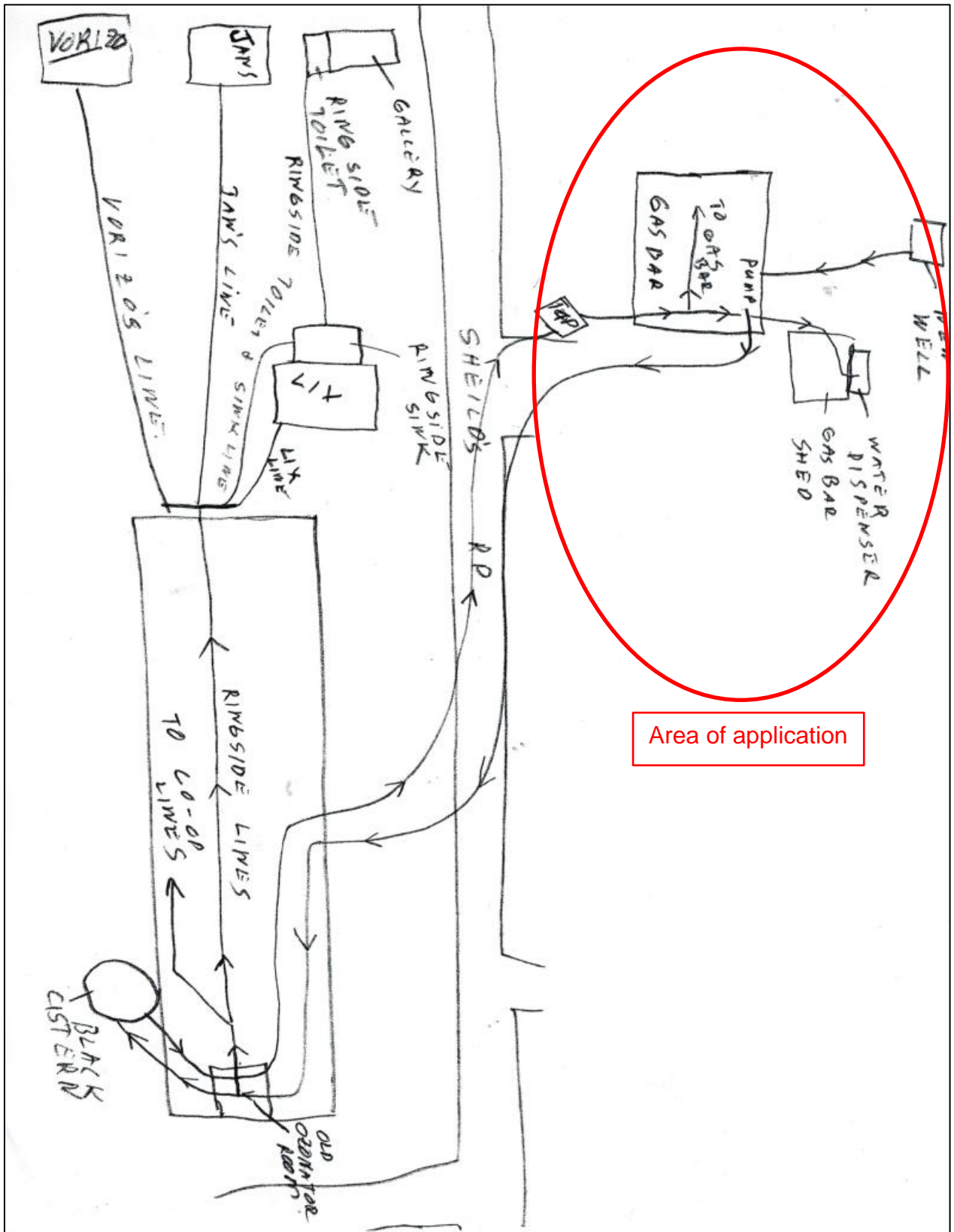
AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE THIS XXTH DAY OF XX, 2021.

MONTH, DAY, 2021

Deputy Secretary, Islands Trust

Date Issued

HORNBY ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
HO-TUP-2020.3
SCHEDULE "A" Site Plan



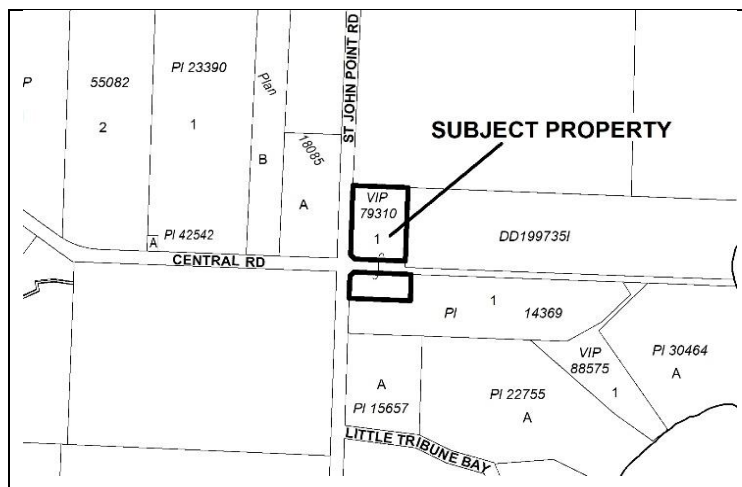


NOTICE
HORNBY ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
HO-TUP-2020.3 (Hornby Island Cooperative Association)

NOTICE is hereby given that the Hornby Island Local Trust Committee will be considering the issuance of a Temporary Use Permit pursuant to *Section 493* of the *Local Government Act*.

The purpose of this Permit is to allow the continued sale of bulk water from the Gas Bar on the property legally described as: LOT 1, SECTIONS 6 AND 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN VIP79310; (PID: 026-371-791, 5875 Central Road, Hornby Island, BC).

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



Enquiries or comments should be directed to Ian Cox, Planner 1 at (250) 247-2204, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 604-660-2421 and elsewhere in BC 1-800-663-7867, before **4:00 p.m., March 24, 2021**.

Written submissions:

Mail: Islands Trust, 700 North Rd
Gabriola, BC V0R 1X3
Fax: 250-247-7514
Email: icox@islandstrust.bc.ca

A copy of the proposed Permit may be inspected from **March 15 to March 26, 2021** on the Islands Trust website:
<http://www.islandstrust.bc.ca/islands/local-trust-areas/hornby/current-applications/>

Following the end of the notice period, the Hornby Island Local Trust Committee may consider issuance of the proposed permit at its **Electronic Business Meeting** to be held at **10:00 am, Friday, March 26, 2021**.

To listen or listen and view the Hornby Island Trust Committee meeting, March 26, 2021 starting at 10:00 a.m., the public may join the meeting by:

Electronically: <https://islandstrust.zoom.us/j/66489232258>

By phone: 833 955 1088 (Toll Free) or 833 958 1164 (Toll Free)

***9 to raise hand *6 to unmute**

Webinar ID: 664-8923-2258

Live Stream (to watch only): <https://colaboratevideo.net/islandstrust/C>

Please refer to the posted agenda on the Islands Trust website (www.islandstrust.bc.ca) at the beginning of that week for an indication of where this application is placed on the agenda.

Written comments made in response to this notice will also be available for public review.

Becky McErlean
Deputy Secretary

ATTACHMENT 3 – TUP GUIDELINES (OCP AND LUB)

LUB Section 10.3 Guideline	OCP Section 6.10 Guideline	Submitted	Compliant?	Planner Comments
<p>(1) Upon application, Temporary Use Permits may be considered for all parcels of land within the Hornby Island Local Trust Area, with the following exclusions:</p> <p>a) properties less than one quarter of a hectare except when the application is for vacation home rental use,</p> <p>b) land zoned as public park, ecosystem management area or water supply protection, as shown on Schedule B, and</p> <p>c) a parcel identified as an environmentally sensitive area, as shown on Schedule D1 or D2 of the Hornby Island Official Community Plan Bylaw No. 149, unless information is provided to illustrate that the proposed land use does not negatively impact the environmentally sensitive features.</p>	<p>6.10.1 Upon application, Temporary Use Permits may be considered for all parcels of land within the Hornby Island Local Trust Area, with the following exclusions:</p> <p>a) properties less than one quarter of a hectare (0.63 acre), except when the application is for vacation home rental use,</p> <p>b) land designated as Park, , as shown on Schedule B, and</p> <p>c) a parcel identified as containing an environmentally sensitive area, as shown on Schedule D1 or D2, unless information is provided by the owner that establishes that the proposed land use does not negatively impact the environmentally sensitive features or is located outside of the sensitive area on the parcel.</p>			<p style="text-align: center;"><i>TBD by LTC</i></p> <p>Staff note that Schedule D1 does not indicate the subject property contains an environmentally sensitive area.</p> <p>Staff note that Schedule D2 indicates the subject property is within an IIIA – Moderately developed, high vulnerability aquifer area and is immediately adjacent to a Recharge area.</p> <p>The siting of the Gas Bar is on an already developed/cleared area and borders the outer perimeter of the Recharge area identified on Schedule D2.</p>
<p>(2) Applications for Temporary Use Permits may be referred to the Advisory Planning Commission which may be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.</p>	<p>6.10.2 Applications for Temporary Use Permits may be referred to the Advisory Planning Commission which may be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.</p>			<p style="text-align: center;"><i>TBD by LTC.</i></p>

LUB Section 10.3 Guideline	OCP Section 6.10 Guideline	Submitted	Compliant?	Planner Comments
(3) Temporary Use Permits for parcels within the Agricultural Land Reserve should only be issued for uses that do not conflict with Agricultural Land Commission policies and regulations.	6.10.3 Temporary Use Permits for parcels within the Agricultural Land Reserve should only be issued for uses that do not conflict with Agricultural Land Commission policies and regulations.	<i>n/a</i>		
(4) A professional assessment of hydrological impacts may be required when the proposed use is within an identified groundwater recharge area or an aquifer classified as highly developed.	6.10.4 A professional assessment of hydrological impacts may be required when the proposed use is within an identified groundwater recharge area or an aquifer classified as heavily developed as shown on Schedule B or D2 and if the proposed use involves more than minimal potential impacts upon the groundwater resource.	<i>TBD by LTC</i> The Islands Trust Freshwater Specialist indicates that at this time, no further professional reporting or monitoring need be required beyond what will be the conditions of the provincial FLNRORD groundwater licence under the WSA. The licence would include extraction volume limits and monitoring requirements.		
(5) Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.	6.10.5 Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.	<i>No</i>	<i>TBD</i>	Conditions of draft TUP.

LUB Section 10.3 Guideline	OCP Section 6.10 Guideline	Submitted	Compliant?	Planner Comments
<p>(6) The general conditions for issuing a Temporary Use Permit are as follows:</p> <p>a) adequate off-road parking should be provided;</p> <p>b) confirmation that site conditions allow for adequate provisions for approved waste disposal;</p> <p>c) commercial uses (other than very short term uses or vacation home rentals) should be screened from adjacent residential uses;</p> <p>d) industrial uses should be screened from adjacent properties and roads;</p> <p>e) there should be adequate setbacks of the use to minimize impacts upon adjacent properties;</p> <p>f) noise generation should be addressed to prevent disturbance of the neighbourhood and to ensure compliance with regional district regulations;</p> <p>g) the 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 materials;</p> <p>h) water supply should be addressed so as to not create negative impacts upon existing common water sources;</p> <p>i) other potential impacts upon the</p>	<p>6.10.6 The general conditions for issuing a Temporary Use Permit are as follows:</p> <p>a) adequate off-road parking should be provided;</p> <p>b) there should be adequate provision for approved waste disposal before consideration is given by the Local Trust Committee;</p> <p>c) commercial uses (other than very short term uses or vacation home rentals) should be screened from adjacent residential uses;</p> <p>d) industrial uses should be screened from adjacent properties and roads;</p> <p>e) there should be adequate setbacks of the use to minimize impacts upon adjacent properties;</p> <p>f) noise generation should be addressed to prevent disturbance of the neighbourhood and to ensure compliance with regional district regulations;</p> <p>g) the 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 materials;</p> <p>h) water supply should be addressed so as to not create negative impacts upon existing common water sources;</p> <p>i) other potential impacts upon the neighbourhood should be mitigated, including by limitations</p>	<p>No</p>	<p>TBD</p>	<p>Parking is provided on site for Gas Bar. No change in use proposed.</p> <p>n/a</p> <p>n/a</p> <p>No development proposed.</p> <p>No noise generation associated with proposed use.</p> <p>FLNRORD/Island Health approvals and conditions needed and pending.</p> <p>Same as above.</p> <p>Hours of operation same as current Gas Bar.</p>

LUB Section 10.3 Guideline	OCP Section 6.10 Guideline	Submitted	Compliant?	Planner Comments
<p>neighbourhood should be mitigated, including by limitations upon the hours of operation where appropriate; j) the owner of the property may be required to provide a security to guarantee the performance of the terms of the permit and should be required to provide an undertaking to demolish or remove any building or structure and to restore the land to a condition specified in the permit, especially in circumstances where temporary housing is provided and such housing is no longer used for such temporary purposes; and k) lands with good agricultural potential should not be compromised by any use permitted by a Temporary Use Permit.</p>	<p>upon the hours of operation where appropriate; j) the owner of the property may be required to provide a security to guarantee the performance of the terms of the permit and should be required to provide an undertaking to demolish or remove any building or structure and to restore the land to a condition specified in the permit, especially in circumstances where temporary housing is provided and such housing is no longer used for the temporary purposes; and k) lands with good agricultural potential should not be compromised by any use permitted by a Temporary Use Permit.</p>			<p>FLNRORD licence/Island Health approvals include monitoring for compliance.</p> <p>n/a</p>
<p>(7) Applicants for Temporary Use Permits should address the issues identified in these policies in their applications and are strongly encouraged to consult with neighbours about the proposed use prior to making application.</p>	<p>6.10.6* Applicants for Temporary Use Permits should address the issues identified in these policies in their applications and are strongly encouraged to consult with neighbours about the proposed use prior to making application.</p> <p>*Staff note the numbering in this section of the OCP is incorrect from Guideline 6.10.6 to 6.10.9.</p>	<p>No</p>	<p>TBD</p>	<p>TBD by LTC</p> <p>Staff has not received any public comment at the time of writing this report.</p>

LUB Section 10.3 Guideline	OCP Section 6.10 Guideline	Submitted	Compliant?	Planner Comments
(8) Light Industrial activities which require specific consideration of impacts with respect to environmental protection, water use, waste generation, noise, odour, parking, or neighbourhood character, may be allowed upon application for a Temporary Use Permit that will contain specific conditions to address these impacts.	6.10.7 Light Industrial activities require specific consideration of impacts with respect to environmental protection, water use, waste generation, noise, odour, parking, or neighbourhood character, but may be allowed upon application for a Temporary Use Permit that contains specific conditions to address these impacts.	<i>Pending in form of FLNRORD WSA licence and associated conditions</i>	<i>TBD</i>	WSA licence to address water/aquifer impacts per Islands Trust Freshwater Specialist.
(9) The Local Trust Committee should consider the climate change impacts of any significant change in reviewing temporary use permit applications.	6.10.8 The Local Trust Committee should consider the climate change impacts of any proposed temporary use when reviewing temporary use permit applications.	<i>n/a</i>	<i>n/a</i>	None
(10) In consideration of applications for vacation home rentals the Local Trust Committee may consider the following: a) the cumulative effects, both positive and negative, on the neighbourhood and island of all temporary use permits issued for vacation home rentals; b) limitations on any signage that may be placed on the property; c) a requirement for information to be posted that will inform guests regarding the location of property lines by way of a map, any applicable noise bylaws, measures to address water conservation, fire safety,	6.10.9 In consideration of applications for vacation home rentals the Local Trust Committee may consider the following: a) The cumulative effects, both positive and negative, on the neighbourhood and island of all temporary use permits issued for vacation home rentals; b) Limitations on any signage that may be placed on the property; c) A requirement for information to be posted that will inform guests regarding the location of property lines by way of a map, any applicable noise bylaws, measures to address water conservation, fire safety,	<i>n/a</i>	<i>n/a</i>	None

LUB Section 10.3 Guideline	OCP Section 6.10 Guideline	Submitted	Compliant?	Planner Comments
<p>storage and management of garbage, septic system care and control of pets (if pets are permitted) in accordance with standards applicable by regional district bylaw, as stated in the permit or as determined by the owner or manager to effectively manage the site;</p> <p>d) the proposed maximum number of occupants;</p> <p>e) the proposed time periods that dwelling will be available for rental or months of the year when the rental will occur; and</p> <p>(f) other considerations the LTC considers appropriate.</p>	<p>storage and management of garbage, septic system care and control of pets (if pets are permitted) in accordance with standards applicable by bylaw, as stated in the permit or as determined by the owner or manager to effectively manage the site;</p> <p>d) The proposed maximum number of occupants;</p> <p>e) The proposed time periods that the dwelling will be available for rental or months of the year when the rental will occur; and.</p> <p>f) Other requirements that the Local Trust Committee may consider appropriate.</p>			