



Mayne Island Local Trust Committee Regular Meeting Agenda

Date: July 24, 2017
Time: 1:00 pm
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

			Pages
1.	CALL TO ORDER	1:00 PM - 1:05 PM	
2.	APPROVAL OF AGENDA		
3.	TOWN HALL AND QUESTIONS	1:05 PM - 1:15 PM	
4.	COMMUNITY INFORMATION MEETING	1:15 PM - 2:00 PM	
4.1	Riparian Area Regulations - Bylaw 171		
5.	PUBLIC HEARING		
	none		
6.	MINUTES	2:00 PM - 2:10 PM	
6.1	Local Trust Committee Minutes Dated June 26, 2017 (for Adoption)		4 - 11
6.2	Section 26 Resolutions-without-meeting Report		
	none		
6.3	Advisory Planning Commission Minutes		
	none		
7.	BUSINESS ARISING FROM THE MINUTES	2:10 PM - 2:15 PM	
7.1	Follow-up Action List Dated July 2017		12 - 13
8.	DELEGATIONS		
	none		
9.	CORRESPONDENCE		
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
	none		

10.	APPLICATIONS AND REFERRALS	2:15 PM - 2:30 PM	
10.1	Galiano Island Local Trust Committee Bylaws No. 262 & 263 Referral (for response)		14 - 16
10.2	Saturna Island Local Trust Committee Bylaws No. 117 & 118 Referral (for response)		17 - 19
11.	LOCAL TRUST COMMITTEE PROJECTS	2:30 PM - 3:30 PM	
11.1	Riparian Area Regulations - Staff Report - Bylaw 171 (for further consideration)		20 - 29
11.2	Commercial Land Use Review - Staff Report & Discussion Paper		30 - 61
12.	REPORTS	3:30 PM - 4:00 PM	
12.1	Work Program Reports (attached)		
12.1.1	<u>Top Priorities Report Dated July 2017</u>		62 - 62
12.1.2	<u>Projects List Report Dated July 2017</u>		63 - 63
12.2	Applications Report Dated July 2017 (attached)		64 - 64
12.3	Trustee and Local Expense Report Dated May 2017 (attached)		65 - 65
12.4	Adopted Policies and Standing Resolutions (attached)		66 - 67
12.5	Local Trust Committee Webpage		
12.6	Chair's Report		
12.7	Trustee Report		
12.8	Electoral Area Director's Report		
12.9	Trust Fund Board Report		
	none		
13.	NEW BUSINESS	4:00 PM - 4:10 PM	
13.1	Mayne Island Resort Covenant Amendments		68 - 77

- | | | |
|------|---|-------------------|
| 14. | UPCOMING MEETINGS | 4:10 PM - 4:15 PM |
| 14.1 | Next Regular Meeting Scheduled for September 18, 2017, at the Agricultural Hall, Mayne Island | |
| 15. | TOWN HALL | 4:15 PM - 4:30 PM |
| 16. | CLOSED MEETING | |
| | none | |
| 17. | ADJOURNMENT | 4:30 PM - 4:30 PM |



DRAFT

Mayne Island Local Trust Committee Minutes of Regular Meeting

Date: June 26, 2017
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

Members Present: George Grams, Chair
Jeanine Dodds, Local Trustee
Brian Crumblehulme, Local Trustee

Staff Present: Gary Richardson, Island Planner
Miles Drew, Bylaw Enforcement Manager
Pat Todd, Recorder

Public: There were approximately thirty-six (36) members of the public present.

1. CALL TO ORDER

Chair Grams called the meeting to order at 1:00 p.m. Chair Grams acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

Addition: Item 13.4 - BC Ferries

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

None

4. COMMUNITY INFORMATION MEETING

4.1 Temporary Use Permit for Campbell Bay Music Festival

Planner Richardson reviewed the staff report regarding the TUP application for this special event and informed the LTC that the application had been forwarded to appropriate agencies.

Chair Grams opened the discussion to the public.

Discussion points:

- No complaints to date.
- Quiet time (11 p.m. to 8 a.m.) could be further defined. Atmosphere after closure of main stage very enjoyable and noise level not intrusive.

- Event is extremely well organized and runs smoothly – Vancouver Island Health Authority (VIHA) and Liquor Board may have conditions to be met.
- TUP conditions may become too onerous for operation of festival and quiet time questioned if no complaints.
- Value of festival to island economy.
- Number of events strain community facilities (toilets) why target festival – this is a community issue.
- Concern with use of Port-a-Potties and removal of effluent.
- Facilities are a VIHA issue, not Islands Trust.
- TUP to address operation of a commercial event on private property which is not zoned for this type of activity.
- Festival is a registered non-profit society.

Staff spoke to the flexibility of quiet time, benefits of event to community and that VIHA oversees health and safety issues. Trustees can give direction for TUP conditions.

5. PUBLIC HEARING

None

6. MINUTES

6.1 Local Trust Committee Minutes Dated May 15, 2017 (for Adoption)

The following amendments to the minutes were presented for consideration:

Item 1. Call to Order – remove “tradition” in second line.

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-without-meeting Report

None

6.3 Advisory Planning Commission Minutes

None

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated June 2017

Chair Grams and the Trustees expressed appreciation to staff for completion of tasks.

8. DELEGATIONS

None

9. CORRESPONDENCE

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

9.1 P. Buchholz May 31, 2017 Letter re Reversal Zoning of Foreshore Property (attached)

Planner Richardson detailed that this issue has been discussed a number of times and there has been a written response to P. Buchholz. Due process and diligence were adhered to and all legal statutory requirements implemented. The rezoning was lawful and there is no need to revisit.

Trustee Dodds reviewed the steps taken over a number of years to review the Land Use Bylaw (LUB) - that change was to terminology. P. Buchholz has been sent correspondence detailing the LTC response to this issue and there is no need for further discussion.

MA-2017-021

It was Moved and Seconded,

That the Mayne Island Local Trust Committee no longer have this issue on the Local Trust Committee agenda as verbal and written responses have clarified that the Local Trust Committee decision was a lawful land use decision.

CARRIED

P. Buchholz attempted to speak to the situation a number of times.

Chair Grams explained the decision of the LTC and informed P. Buchholz that if any further attempts were made to discuss issue the LTC meeting would be recess.

At 1:42 pm. Chair Grams called a recess.

The meeting reconvened at 1:45 p.m.

10. APPLICATIONS AND REFERRALS

10.1 Salt Spring Island Local Trust Committee Bylaws 487 & 496 Referral

MA-2017-022

It was Moved and Seconded,

That the Mayne Island Local Trust Committee interests are unaffected by Salt Spring Island Local Trust Committee Bylaws 487 and 496.

CARRIED

10.2 MA-TUP-2017.1 (Iredale-Gray) - Staff Report

Staff reviewed the application which is for a special event (which had occurred on TUP weekend) and TUP is being prepared for 2018.

There was discussion regarding the quiet time – noise bylaw is under Capital Regional District (CRD). It was suggested that phrase “noise heard at lot line” could be included. If quiet time is not included within TUP, the CRD Bylaw is still in force.

Staff will discuss the toilet facilities issue with the Vancouver Island Health Authority (VIHA).

The Applicant spoke to the labour involved with pit privies, cost of port-a-potties, questioned and use of composting toilets. The Applicant is very receptive to ideas and working with community to address these situations.

The LTC was informed that the event has maximized use of all camping sites, that there were approximately 600 people in attendance this year and organizers are keen to work with community to enhance accommodations. Attendees are encouraged to walk/bike to minimize vehicles.

Staff were directed to meet with VIHA and requested to draft an amended bylaw that addresses the issues brought forth at the CIM.

10.3 MA-DVP-2017.2 (Watson) - Staff Report

No comments have been received regarding this development variance permit.

MA-2017-023

It was Moved and Seconded,

That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit MA-DVP-2017.2 (Watson)

CARRIED

10.4 MA-TUP-2017.2 (Mayne Island Resort) - Staff Report

MA-2017-024

It was Moved and Seconded,

That the Mayne Island Local Trust Committee renew Temporary Use Permit MA-TUP-2017.2 for a period of three years.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Riparian Area Regulations (RAR) - Staff Report & Draft Bylaw 171

Planner Richardson spoke to the staff report and draft bylaw which is based on the Madrone Report.

MA-2017-025

It was Moved and Seconded,

That the Mayne Island Local Trust Committee request staff arrange a Community Information Meeting for July 24, 2017 to obtain community input on draft Bylaw 171.

CARRIED

12. REPORTS

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated June 2017

RAR is progressing and there will be a discussion paper available for the July LTC meeting regarding Commercial Land Use.

12.1.2 Projects List Report Dated June 2017

No discussion required.

12.2 Applications Report Dated June 2017 (attached)

Staff have received a request to rezone the lot on Dalton Drive which once housed the RE/MAX office. It is zoned Commercial however only can be used for offices.

While Trustees supported expanding uses it was felt a community information meeting be held for additional input.

Staff will prepare an initial report for the July LTC meeting and plan for a CIM in September.

12.3 Trustee and Local Expense Report Dated April 2017 (attached)

Trustee Crumblehulme questioned allocation of Madrone report cost.

Staff will follow-up.

12.4 Adopted Policies and Standing Resolutions (attached)

Received for information.

12.5 Local Trust Committee Webpage

Will be updated upon completion of meeting.

12.6 Chair's Report

Chair Grams reported on the Staff Satisfaction survey. Results were very supportive with 88% of staff reporting positively which is important for staff retention. Two important exercises are underway; review of the *Islands Trust Act*

and review of the Islands Trust Policy Statement. There was an encouraging meeting with Member of the Legislative Assembly (MLA) Adam Olsen, Trustees and the CRD regarding the incorporation of Salt Spring Island (SSI) and an agreement to meet quarterly. Referendum debates for SSI are scheduled for August 30 and 31 with the referendum to be held September 9, 2017.

12.7 Trustee Report

Trustee Crumblehulme reported on attending the CRD workshop on affordable housing. Canada Mortgage and Housing Corporation (CMHC) have a large budget and a strategic plan will be announced later this year. Housing Assessment is being completed with the CRD. The Well Water Workshop was well attended with good feedback. There were 38 applications for Community Stewardship Awards; no Mayne Island recipients. It was noted that Trustees are responsible to constituents, Trust area and BC citizens in general.

12.8 Trust Fund Board Report

None

13. NEW BUSINESS

13.1 2016-2017 Annual Report - Approval of Mayne Island LTC Section - RFD Attached

MA-2017-026

It was Moved and Seconded,

That the Mayne Island Local Trust Committee approves the attached text for inclusion in the 2016-2017 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Community, Sport and Cultural Development.

CARRIED

13.2 Bylaw Enforcement Policy, Unlawful Dwelling - Staff Report

Bylaw Enforcement Manager (BEM) Drew spoke to the staff report and draft enforcement bylaw. To date, there had been little need for enforcement with only a few unlawful dwelling files. Trustees were reminded that while travel trailers are permitted as dwellings on the island, they do not meet codes for a dwelling. Bylaw would only be enforced by complaint of an immediate neighbour.

Trustee Dodds would like to see bylaw in place as a proactive measure.

MA-2017-027

It was Moved and Seconded,

That the Mayne Island Local Trust Committee adopt the Enforcement on Unlawful Dwellings Policy as presented at the June 26, 2017 Local Trust Committee business meeting.

CARRIED

13.3 Short Term Vacation Rentals (STVR) Enforcement Policy - Staff Report

BEM Drew spoke to the STVR enforcement policy and reviewed the recommendation of the Advisory Planning Commission. The policy has worked well to date.

MA-2017-028

It was Moved and Seconded,

That the Mayne Island Local Trust Committee adopt the Unlawful Short Term Vacation Rental Bylaw Enforcement Policy as presented at the June 26, 2017 Local Trust Committee business meeting.

CARRIED

13.4 BC Ferries

Trustee Crumblehulme raised concerns regarding the past weekend fiasco with BC Ferries, and while ferry operations is not typically an Islands Trust issue, the chaos affected a large portion of the Trust area. Vehicles were parked well up Village Bay Road, no one was directing traffic and if there had been an emergency response vehicle it would not have gotten through.

Trustee Dodds agreed with concerns and suggested getting more information from the Ferry Advisory Committee and ferry staff. This could be an item at the next business meeting.

Dave Maude, member of Ferry Advisory Committee related that BC Ferries was aware of island events and sailings/terminal operations were very disorganized especially with the Queen of Nanaimo being unavailable.

Glenda Goodwin, former ferry employee, stated that vehicles were moved off to the road shoulder in past years.

An organizer of the music festival, which BC Ferries was a sponsor of, reported staff being on hold with BC Ferries for 3 hours and that when speaking with BC Ferries the staff was unaware of Nanaimo breakdown.

Chair Grams supported considering BC Ferries as a coastal issue, not just a local concern. The LTC could forward a resolution to Trust Council and Executive.

Information will be brought forward to the July LTC meeting and a response to BC Ferries drafted.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for July 24, 2017, at the Agricultural Hall, Mayne Island

15. TOWN HALL

None

16. CLOSED MEETING

None

17. ADJOURNMENT

By general consent the meeting was adjourned at 2:48 pm.

George Grams, Chair

Certified Correct:

Pat Todd, Recorder

Follow Up Action Report

Mayne Island

15-May-2017

Activity	Responsibility	Target Date	Status
First Nations - Arrange First Nations Event for October 2017	Gary Richardson		On Going

26-Jun-2017

Activity	Responsibility	Target Date	Status
Minutes of May 15, 2017 adopted as amended.	Lori Foster		Done
Salt Spring LTC Bylaws 487 and 496 report that Mayne LTCs interests are unaffected.	Sharon Lloyd-deRosario		Done
MA-TUP-2017.1 (Campbell Bay Music Festival) - staff to discuss requirements with island health to determine minimum standards. Remove quiet hours provision. Amend other sections of draft TUP as directed by LTC in minutes.	Gary Richardson Phil Testemale		On Going
MA-DVP-2017.2 (Watson) - Issued as drafted.	Sharon Lloyd-deRosario		Done
MA-TUP-2017.2 (Mayne Island Resort) - Issued	Sharon Lloyd-deRosario		Done
Riparian Area Regulations - Draft Bylaw 171 - arrange CIM for July 24, 2017	Sharon Lloyd-deRosario		Done
Bylaw Enforcement Policy - unlawful dwellings - adopted as drafted, to be collated with existing policies.	Sharon Lloyd-deRosario		Done
Bylaw Enforcement Policy - adopted as drafted, to be collated with existing policies.	Sharon Lloyd-deRosario		Done
Update webpage with active applications and decisions made at June 26 LTC Mtg.	Lori Foster		Done

Follow Up Action Report

MA-TUP-2017.2 (Mayne Island Resort)- set up tapis monitoring	Gary Richardson	Done
2016-2017 annual report - approved as drafted	Robert Kojima	Done



Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Galiano Island Local Trust Area Bylaws No.: 262 & 263 Date: June 26, 2017

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Galiano Conservancy Association – 2540 Sturdies Bay Road, Galiano Island V0N 1P0

PURPOSE OF BYLAW:

The purpose and intent of Proposed Bylaw Nos. 262 and 263 is to make the changes necessary to the Galiano Island Official Community Plan and Land Use Bylaws to allow the development of a facility whose purpose is to deliver programs and experiences focussed upon environmental education and nature protection. Some of these goals have been achieved through the use of Temporary Use Permits. Approval of the bylaws will allow for the development and implementation of the facilities and infrastructure necessary to realize the Conservancy's 2013 Galiano Learning Centre Management Plan.

GENERAL LOCATION:

Galiano Island Local Trust Area

LEGAL DESCRIPTION:

District Lot 57, Galiano Island, Cowichan District

SIZE OF PROPERTY AFFECTED:

76 Ha

ALR STATUS:

13.06 ha

OFFICIAL COMMUNITY PLAN DESIGNATION:

Rural and Agriculture

OTHER INFORMATION:

Additional information, including the current bylaws, staff reports and background documents is available at:
<http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/current-applications/current-application-documents/>.
See "Current Applications, GL-RZ-2016.2 (Galiano Conservancy)"

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Rob Milne

Title: Island Planner

Contact Info: Tel: 250-405-5177
Email: rmilne@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Provincial Agencies

Agricultural Land Commission
BC Assessment Authority
Ministry of Agriculture – Regional Agrologist
Ministry of Community, Sport and Cultural Development
Ministry of Transportation & Infrastructure

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawwassen First Nation
Tsawout First Nation

Non-Agency Referrals

Galiano Island Parks and Recreation Commission

Regional Agencies

Capital Regional District – Electoral Area Director
Capital Regional District – Building Inspection
Capital Regional District – Environmental Resource Management
Island Health
North Galiano Island Fire Rescue

Adjacent Local Trust Committees and Municipalities

North Pender Island Local Trust Committee
Mayne Island Local Trust Committee
Salt Spring Island Local Trust Committee
Thetis Island Local Trust Committee

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

Galiano Island Local Trust Area

(Island)

262 & 263

(Bylaw Number(s))

(Signature)

(Name and Title)

(Date)

(Agency)



Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Saturna Island Local Trust Area Bylaw No.: 117(OCP) & 118(LUB) Date: July 4, 2017

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Nepenthe Holdings Ltd. and Money Family Projects Ltd.

PURPOSE OF BYLAW:

Proposed Bylaw 117 – the purpose of proposed bylaw 117 is to amend Saturna Island Official Community Plan Bylaw No.70, 2000 (OCP) by adding wording to the Rural OCP policies regarding subdivision capacity to allow for lots to be created below the minimum size stipulated in the OCP in circumstances where there is a simultaneous transfer of density to a lot from another lot within the Saturna Island Local Trust Area (density transfer).

Proposed Bylaw 118 – the purpose of proposed bylaw 118 is to amend Saturna Island Land Use Bylaw No. 78, 2002 (LUB) to allow for the transfer of subdivision density from one lot (donor lot) to another lot (receiver lot). This is being done in order to allow the receiving lot, which presently has three dwellings sited on it, to be subdivided into three lots. There is only one receiver lot and one donor lot that are subject to this bylaw amendment.

Staff reports are available on the Saturna Island webpage: www.islandstrust.bc.ca

GENERAL LOCATION:

Saturna Island Local Trust Area

LEGAL DESCRIPTION:

SIZE OF PROPERTY AFFECTED:

Nepenthe Lot - 3.6 ha
Money Family Projects Lot - 10.6 ha.

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

Rural

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: www.islandstrust.bc.ca

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

Name: Gary Richardson

(Signature)

Title: Island Planner
Contact Info: Tel: 250-405-5157
Email: grichardson@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Federal Agencies

none

Provincial Agencies

Ministry of Transportation & Infrastructure

Non-Agency Referrals

none

Regional Agencies

Capital Regional District – Building Inspection

Capital Regional District – Lyall Harbour/Boot Cove Water District

Adjacent Local Trust Committees and Municipalities

North Pender Island Local Trust Committee

Mayne Island Local Trust Committee

South Pender Island Local Trust Committee

First Nations

Cowichan Tribes

Halalt First Nation

Lake Cowichan First Nation

Lyackson First Nation

Malahat First Nation - TE'Mexs Treaty Association

Pauquachin First Nation

Penelakut Tribe

Semiahmoo First Nation

Stz'uminus First Nation

Tsartlip First Nation

Tsawout First Nation

Tsawwassen First Nation

Tseycum First Nation

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

Saturna Island Local Trust Area

(Island)

117 & 118

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)



DATE OF MEETING: June 26, 2017
TO: Mayne Island Local Trust Committee
FROM: Gary Richardson, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Riparian Area Regulation Implementation

Location: Mayne Island Local Trust Area

RECOMMENDATION

1. That the Mayne Island Local Trust Committee request staff arrange Community Information Meeting for July 24, 2017 to obtain community input on draft Bylaw 171.
2. That the Mayne Island Local Trust Committee request staff arrange for a staff member from Madrone Environmental Ltd. to attend the July 24, 2017 Community Information meeting.

REPORT SUMMARY

This report provides comment on the implementation of the Riparian Area Regulation on Mayne Island using Streamside Protection and Enhancement Areas (SPEAs) calculated by Madrone Environmental Ltd. The new DPA text and mapping is shown on Draft Bylaw 171 (attached).

BACKGROUND

The Riparian Areas Regulation, enacted under Section 12 of the *Riparian Areas Protection Act* in July 2004, requires local governments to protect riparian areas during residential, commercial and industrial development by ensuring that proposed activities are subject to a science based assessment, conducted by a Qualified Environmental Professional (QEP). There have been various staff reports prepared summarizing the RAR and the LTC's options for implementation (available on the Mayne Island LTC webpage).

The LTC previously contracted two Qualified Environmental Professionals (QEPs) to provide reports on RAR applicable streams, both of whom identified three streams as subject to the RAR. The Mayne Island Landowners Coalition also contracted two reports from a QEP to determine fish absence in two streams.

At its May 30, 2016 business meeting the LTC endorsed a project charter which directed staff to engage the services of a Qualified Environmental Professional (QEP) to review existing QEP reports and carryout further fieldwork.

As a result of the LTC's direction a QEP was contracted (Madrone Environmental Ltd.) and a report was prepared by the QEP titled "Review of Mayne Island Riparian Area Regulation Requirements – Recommendations Resulting from Application of the Detailed RAR Assessment Methodology". The [Madrone report](#) dated March 7, 2017 is posted on the Mayne LTC website for reference.

Madrone also completed an overview of RAR Detailed Assessment on applicable streams to assist Islands Trust staff and the Mayne Island Local Trust Committee in establishing a refined Development Permit Area (DPA) that would be reflective of specific stream characteristics and RAR assessment methodology.

Staff recommended in a report prepared for the March 27, 2017 LTC meeting that Riparian Area DPAs be implemented on Deacon Creek and Horton Creek using the DPA distances (including buffer areas) as recommended in the Madrone report for the following reasons:

- Campbell Creek has been deemed to not be RAR applicable and therefore should not be included in the DPA;
- Deacon Creek and Horton Creek have been determined to be subject to the RAR and therefore should have DPAs in place;
- The Streamside Protection and Enhancement Areas (SPEAs) as identified in the Madrone report for Deacon Creek and Horton Creek have been calculated using RAR methodology and can be used as the basis for creating a DPA; and
- Buffer areas outside of the SPEA are required in order to contain measures to protect the SPEA in the event development occurs in the vicinity of the stream.

The LTC passed the following resolutions at its March 27, 2017 LTC meeting:

MA-2017-011

It was MOVED and SECONDED

that Mayne Island Local Trust Committee direct staff to prepare a draft bylaw to establish a Riparian Area Regulation Development Permit area for Deacon Creek and Horton Creek.

MA-2017-012

It was MOVED and SECONDED

that Mayne Island Local Trust Committee endorse the Riparian Area Regulation Development Permit area implementation project charter dated March 14, 2017 as amended.

Staff has prepared a draft bylaw (Bylaw 171) that uses the SPEAs identified in the Madrone report to define Riparian DPAs for Deacon and Horton Creek. In addition to the SPEAs identified by Madrone report staff is recommending up to 5 metre buffers be added to the SPEAs to allow for an area for mitigation measures to be located if necessary to protect the SPEAs.

ANALYSIS

Policy/Regulatory

Fish Protection Act:

The Riparian Area Protection Act requires that local governments establish regulations to protect riparian areas.

Islands Trust Policy Statement:

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is a policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or water courses, wetlands or riparian zones and to protect aquatic wildlife.

Official Community Plan:

Development Permit Areas should be applied to environmentally sensitive areas.

Objective: To preserve and protect the natural environment of the Mayne Island Local Trust Area, the quality and quantity of its surface and ground water.

Issues and Opportunities

The provincial RAR requires local governments to use existing land use planning tools to protect fish habitat, including streams that are potentially fish-bearing. The recommended approach of establishing DPA for the two streams subject to the RAR on Mayne will provide certainty to landowners and to the LTC that activities undertaken adjacent to those watercourses are assessed in conformity with the Riparian Area Regulations.

Consultation

A community information meeting is recommended as part of the bylaw review process. Also the draft DPA bylaw will be forwarded to government agencies, First Nations and other groups and individuals as appropriate. If the draft DPA bylaw proceeds to public hearing all statutory notification requirements will be complied with.

Rationale for Recommendation

The provincial RAR requires local governments to use existing land use planning tools to protect fish habitat, including streams that are potentially fish-bearing. The recommended approach of establishing DPA for the three streams subject to the RAR on Mayne will provide certainty to landowners and to the LTC that activities undertaken adjacent to those watercourses are assessed in conformity with the Riparian Area Regulations.

ALTERNATIVES:

- 1) Request amendments to draft bylaw prior to proceeding.

NEXT STEPS:

- Schedule a Community Information Meeting for July 24, 2017
- Forward draft bylaw to First Nations and agencies.
- Proceed through the process to amend the OCP to establish the new DPA, including bylaw readings, public hearing, executive approval and ministerial approval.
- Implement the new DPA through landowner and contractor contact.

Submitted By:	Gary Richardson, Island Planner	June 14, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	June 15, 2017

ATTACHMENTS

1. Draft Bylaw 171

**MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 171**

**A BYLAW TO AMEND MAYNE ISLAND OFFICIAL COMMUNITY PLAN
BYLAW NO. 144, 2007**

The Mayne Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as "Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2017".

2. SCHEDULES

Mayne Island Official Community Plan No. 144, 2007 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
_____ DAY OF _____ 20____

APPROVED BY THE MINISTER COMMUNITY, SPORT AND CULTURAL
DEVELOPMENT THIS _____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 171

SCHEDULE 1

The MAYNE Island Official Community Plan No. 144, 2007, is amended as follows:

1. Schedule A (Policy Document) of Mayne Island Official Community Plan No. 144, 2007 is amended by inserting the following as new Sections 2.8.7, 2.8.8 and Section 2.8.9 following Section 2.8.6:

“2.8.7 Riparian Area Development Permit Area

Designation

This development permit area includes all land that is designated as the Riparian Area Development Permit Area on Schedule I. The Development Areas shown on Schedule I have been designated as a result of a detailed assessment carried out by Madrone Environmental Services Ltd. (Madrone) which are detailed in a March 7, 2017 report prepared by Madrone. In the report Madrone identified Streamside Protection and Enhancement Areas (SPEAS) for the Riparian Area designated watercourses on Mayne Island. The Development Permit Areas on Schedule I consist of the SPEAs identified by Madrone with a buffer area of up to 5 metres on each side of a watercourse to contain mitigation measures that may be required if development occurs near the SPEA.

Authority

This development permit area is established, pursuant to Section 488(1)(a) of the *Local Government Act*, for the purpose of establishing objectives for the protection of the natural environment, its ecosystems and biological diversity.

Objectives

The objective of this development permit area is to protect the biological diversity and habitat values of aquatic ecosystems.

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is a policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or water courses, wetlands or riparian zones and to protect aquatic wildlife.

Furthermore, the province of British Columbia’s Riparian Area Regulation (RAR), under the *Riparian Areas Protection Act*, requires that local governments establish regulations to protect riparian areas. The reason for this designation is to protect

riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.

General Applicability

The following residential, commercial, and/or industrial activities shall require a development permit whenever they occur within the DPA, unless specifically exempted below:

- (a) construction of, addition to, or alteration of a building or other structure;
- (b) removal, alteration, or destruction of vegetation;
- (c) soil removal, soil deposit or soil disturbance;
- (d) development of drainage systems;
- (e) creation of non-structural impervious or semi-impervious surfaces;
- (f) subdivision, as defined in the *Local Government Act*; and
- (g) development, as that term is defined under the provincial *Riparian Areas Regulation*.

Work Not Requiring a Permit (Exemptions)

The following activities are exempt from any requirement for a development permit:

- a. The reconstruction, repair or maintenance of a pre-existing permanent structure on its existing foundation
- b. Interior or structural exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure on an existing foundation or footprint to an extent that does not alter, extend or increase the footprint. For clarity, this includes pre-existing septic and water systems.
- c. The removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.
- d. Emergency procedures to prevent, control or reduce immediate threats to life or property including: emergency actions for flood-protection and erosion protection, clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow, and repairs to bridges and safety fences carried out in accordance with the *Water Act*.
- e. Gardening and yard maintenance activities not involving the cosmetic application of pesticides, within an existing landscaped area, including mowing, pruning, planting and minor soil disturbance that does not alter the general contours of the land.
- f. Restoration and enhancement activities by persons undertaking to only restore and enhance the natural features, functions and conditions of riparian areas as approved in a signed and sealed letter from a Qualified Environmental Professional.
- g. Proposals for the subject property which have an existing development permit and demonstrate that the proposed development shall not in any way compromise the permit and continue to demonstrate meeting or beating all protective measures and recommendations in accordance with a Riparian Assessment Report from a Qualified Environmental Professional submitted to the *Riparian Areas Regulation* Notification System.
- h. Farm Operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in the Agricultural Land Reserve

Use, Subdivision, and Procedure Regulation. For clarity, a farm operation or farm use means agricultural activities conducted by a farm business.

- i. forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*;
- j. forest management activities on land that is the subject of a woodlot license or tree farm license under the *Forest and Range Practices Act*;

2.8.8 Guidelines

Prior to undertaking any development activities within the Riparian Area DPA an owner of property shall apply to the LTC for a development permit, and the following guidelines apply:

1. The property owner shall be required, in addition to any other application requirements enacted or imposed by the Local Trust Committee, to provide at their expense an assessment report from a Qualified Environmental Professional which has been submitted per the *Riparian Areas Regulation*.
2. The Local Trust Committee should impose permit conditions based on the assessment report including:
 - a. Require specified natural features or areas to be preserved, protected, restored or enhanced in accordance with the permit.
 - b. Require natural water courses to be dedicated.
 - c. Require works to be constructed to preserve, protect, restore or enhance natural water courses or other specified natural features of the environment.
 - d. Require protection measures, including that vegetation or trees be planted or retained in order to:
 - i. preserve, protect, restore or enhance fish habitat or riparian areas;
 - ii. control drainage, or;
 - iii. control erosion or protect banks.
3. The Local Trust Committee may require a security for developments clearing greater than 280m² (3,012 ft²) of land within the Development Permit Area. Security shall be returned upon confirmation by a Qualified Environmental Professional that assessment report conditions have been satisfactorily addressed.
4. Security shall be provided to secure satisfactory completion of habitat protection works, restoration measures, or other works for the streams and streamside habitat (the "required works"). The security shall be 150% of the estimated value of the required works as determined by the Local Trust Committee.
5. The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area identified by the Qualified Environmental Professional and the property owner should be required to follow any measures identified by the Qualified Environmental Professional for protecting the Streamside Protection and Enhancement

Area over the long term and these measures should be included as conditions of the development permit. The width of the Streamside Protection and Enhancement Area may be less than the width of the Development Permit Area.

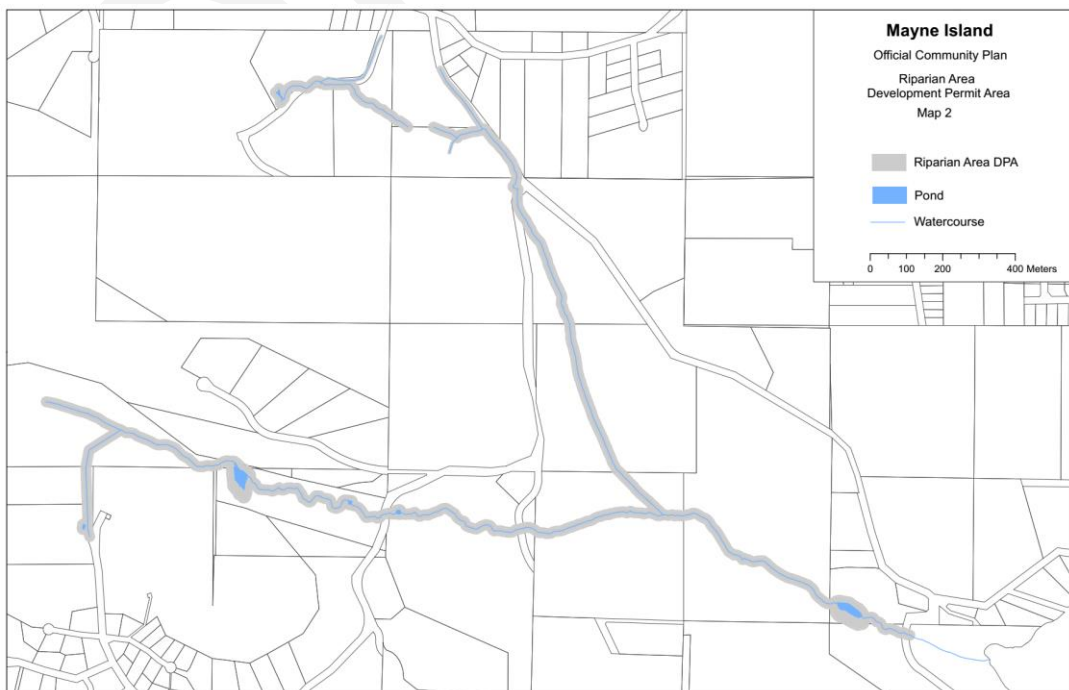
6. Where a Qualified Environmental Professional or other professional's report describes an area within the Development Permit Area as suitable for development, that is, where the Streamside Protection and Enhancement Area is less than the width of the Development Permit Area, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a Qualified Environmental Professional or other professional at the property owner's expense may be required during construction and development phases, as specified in a development permit.
7. If the nature of the proposed project within the Development Permit Area changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the property owner to have the professional update the assessment at the property owner's expense and development permit conditions may be amended accordingly.
8. The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a Streamside Protection Enhancement Area, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report.
9. If a proposed land subdivision is to create additional new lots within this Development Permit Area, then any new lots, roads, building sites, septic fields and driveways should be located and constructed in a way that meets the objectives of this Area."
2. Mayne Island Official Community Plan No. 144, 2007 is amended by adding the following Maps as Schedule I - Riparian Area Development Permit Areas.

MAYNE ISLAND OFFICIAL COMMUNITY PLAN

Bylaw No. 144

SCHEDULE I

RIPARIAN AREA DEVELOPMENT PERMIT AREAS





File No.: 6500-20 Commercial Land Use
Review

DATE OF MEETING: July 24, 2017
TO: Mayne Island Local Trust Committee
FROM: Gary Richardson, Island Planner
Southern Team
SUBJECT: Staff Report – Commercial Land Use Review

Location: Mayne Island Local Trust Area

RECOMMENDATION

1. That the Mayne Island Local Trust Committee direct staff to arrange a Community Information Meeting to obtain community comment on the commercial land use review discussion paper prepared by staff July 2017.
2. That staff forward the discussion paper to business operators and commercial property owners to obtain their comments.

REPORT SUMMARY

This report is intended to introduce a discussion paper that has been prepared by staff regarding commercial land use within the Mayne Island Local Trust area and to recommend next steps in the review process.

BACKGROUND

At its April 27, 2015 regular meeting, the Mayne Island Local Trust Committee (LTC) resolved to move “Commercial Land Use Review,” from its projects list, to No. 1 on its top priorities list.

The Project Charter adopted by LTC for this initiative states that the project objectives are:

- To determine if existing policies and regulations provide for sufficient future commercial land use; and
- To provide clarity and guidance for future land use decisions

The impetus for this project dates back to a 2010 rezoning application to create a new retail zone outside of the Miners Bay core. The application proved controversial in the community and the LTC of the day found the applicability of OCP policies related to commercial uses problematic in providing guidance for assessing the application.

A special advisory planning commission, termed the Commercial Land Use Review Task Force was appointed in 2011 to review the issues and options and subsequently provided a report. The issue was identified as a priority of the LTC and a staff report was prepared in 2012 with background material. No further work was done at that time and the LTC moved the project off the Top Priorities until 2015.

A discussion paper titled “Commercial Land Use Review Project” is attached to this staff report for the LTCs review.

Rationale for Recommendation

Staff is recommending a well-advertised community information meeting in order to obtain a wide range of community comment regarding commercial land use on Mayne Island. Graphic information will be prepared for the meeting to help the public visually understand where commercial zoning exists and how much of it is utilized. It is also recommended that immediately prior to commencing the CIM that an open house be held in order for the public to discuss the discussion paper and display materials with the LTC and staff. The CIM could be held as part of the October 30, 2017 LTC meeting, this would allow time for advertising to be carried out and graphic information to be prepared. If the LTC would prefer a standalone CIM on a weekend or weekday staff should be advised so that the appropriate arrangements can be made.

Once community and commercial operator/owner comments have been received and a CIM has been held staff will review the comments and prepare a further report suggesting recommended amendments to the OCP and LUB.

NEXT STEPS

- 1) Mail request for comment to all commercial property owners and operators. With a deadline of September 15. Responses will be collated prior to the CIM.
- 2) Schedule a Community Information Meeting
- 3) Advertise the CIM and project on bulletin board, web page, and the MayneLiner newspaper.

Submitted By:	Gary Richardson, Island Planner	July 14, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	July 14, 2017

ATTACHMENTS

1. Commercial Land Use Review Discussion Paper

MAYNE ISLAND LOCAL TRUST COMMITTEE

COMMERCIAL LAND USE REVIEW PROJECT

DISCUSSION PAPER

JULY 2017

Gary Richardson, Island Planner
Jason Youmans, A/Island Planner



Contents

Summary	1
1. Background	1
2. Land Use Bylaw No. 146	2
3. Official Community Plan Bylaw No. 144	4
4. Mayne Island Commercial Land Use Review Task Force (2011).....	7
5. Demand for Commercial and Industrial Zoning.....	9
6. Current Build-Out	10
7. Discussion and Issues.....	12
8. Options.....	15
Appendix 1 – Zoning Maps.....	17
Appendix 2 – Commercial Land Use Designations – Official Community Plan.....	23
Appendix 3 – Commercial Land Use Review Task Force (2011) – Miners Bay Commercial Core.....	24
Appendix 4 – Build Out Table.....	26

Summary

This discussion paper provides the Local Trust Committee (LTC) and the Mayne Island community with a summary of current regulations and policies related to commercial land uses on the Island. It also provides information related to the current uses and build-out potential of present commercially zoned lots. Third, it highlights issues associated with the current policies and regulations, and finally concludes with a suite of options the LTC could pursue relative to specific objectives for commercial land use on the Island.

1. Background

At its April 27, 2015 regular meeting, the Mayne Island Local Trust Committee (LTC) resolved to move “Commercial Land Use Review,” from its projects list, to No. 1 on its top priorities list.

The Project Charter adopted by LTC for this initiative states that the project objectives are:

- To determine if existing policies and regulations provide for sufficient future commercial land use; and
- To provide clarity and guidance for future land use decisions.

The impetus for this project dates back to a 2010 rezoning application to create a new retail zone outside of the Miners Bay core. The application proved controversial in the community and the LTC of the day found the applicability of OCP policies related to commercial uses problematic in providing guidance for assessing the application.

A special advisory planning commission, termed the Commercial Land Use Review Task Force was appointed in 2011 to review the issues and options and subsequently provided a report. The issue was identified as a priority of the LTC and a staff report was prepared in 2012 with background material. No further work was done at that time and the LTC moved the project off the Top Priorities until 2015.

2. Land Use Bylaw No. 146

There are currently six primary commercial zones on Mayne Island under Mayne Island Land Use Bylaw No. 146, 2008. These are:

- Settlement Commercial (C1)
- Service Commercial (C3)
- Automotive Commercial (C4)
- Industrial 1 (I1)
- Rural (R(e)) and
- Comprehensive Development 2 (CD2)

The C1, C3, I1 zones also have site-specific zone variants, with unique limitations imposed on particular parcels.

See Appendix 1 for a map of current commercial zoned land with building footprints. For a complete list of permitted uses and other land use regulations in each of those zones please refer to the [Land Use Bylaw](#).

Figure 1 below provides a table showing the total area and number of lots in each zone, as well as subdivision potential to create additional lots in those zones.

Figure 1: Zoned and Designated Land for Commercial/Industrial Use:

Land Use Zoning	Total Number of Lots	Minimum Lot Area (Hectares)	Subdivision Potential	Total Hectares	OCP Designation	Total Hectares
<i>Settlement Commercial (C1)</i>	7	0.2	1 additional lot (C1 (a))	2.03	Retail Commercial (C)	4.15
<i>Service Commercial (C3)</i>	4	0.2	1 lot with 3 additional lot potential	1.79	Retail Commercial (C)	
<i>Automotive Commercial (C4)</i>	1	0.2	N/A	0.33	Retail Commercial (C)	
<i>Industrial One (I1)</i>	5	0.4	1 additional lot (I1 (a))	2.45	Industry (I)	2.45
<i>Rural (R(e))</i>	1	1.0	N/A	0.96	Rural (R) [R(e) Zoning]	0.96
<i>Comprehensive Development Two (CD2)</i>	1	0.4	N/A ¹	1.93		
TOTAL	19		~4 lots	9.49²	TOTAL	7.56

¹Note: While the minimum lot size is 0.2 ha and based on lot size alone subdivision would be permitted, however, this site is specifically zoned for its particular use therefore subdivision is not available to this lot.

²Note: Difference between zoning and designation totals being the CD2 which permits retail sales, offices, financial services, travel agencies, medical, dental and personal services and restaurants.

The focus of this project is on the C1 zone and related lands and to a lesser extent the C3 and C4 zones; commercial zones that deal specifically with visitor accommodation are excluded from this review. However, it must be noted that both the Commercial Tourist Accommodation (C2) and Country Guest House Commercial (C5) zones permit restaurants, cafés, and licensed premises as accessory uses. Some also permit small-scale retail uses.

3. Official Community Plan Bylaw No. 144

The [Mayne Island Official Community Plan](#) establishes a framework to guide current and future Local Trust Committees in the consideration of land use issues on the island, including matters concerning commercial development. Commercial Land Uses are designated on the Land Use Map Schedule of the OCP (see Appendix 2). Commercial land uses are currently addressed across three sections of the OCP, which are provided in the tables below.

2.4 COMMERCIAL

There are two classifications of commercial use policies in this section: retail commercial and visitor accommodation. The policies that determine the criteria for locating these uses differ.¹

2.4.1 Retail Commercial

Background

Historically, the major focus of centralized commercial activity was concentrated at Miners Bay with a secondary commercial centre at the junction of Fernhill and Montrose Road and Fernhill and Whalen Roads.

Objectives

The objectives of this section are:

- 1) To supply services necessary to residents and visitors of the Mayne Island Trust Area,
- 2) to protect the integrity of quiet residential and rural neighbourhoods,
- 3) to provide employment opportunities within the community,
- 4) to protect the rural and marine character of the Mayne Island Trust Area,
- 5) to ensure the scale, form and character of all new commercial developments harmonize with the natural surroundings, and
- 6) to support the clustering of commercial uses in areas that limit or reduce the need to travel for services.

Policies

2.4.1.1 The principal land use shall be small scale commercial businesses.

2.4.1.2 Retail businesses shall be clustered at Miners Bay with the exception of; the Montrose/Fernhill area, the Building Centre at Whalen/Fernhill, and the Auto repair yard at Horton/Fernhill.

¹ Staff have not included the Visitor Accommodation OCP policies, as review of these policies is outside the scope of the current project.

- 2.4.1.3 Service based businesses should be dispersed in the Mayne Island Trust Area.
- 2.4.1.4 The retail commercial needs of the community should be addressed by considering zoning to permit small developments within the immediate neighbourhood they serve, for example, small neighbourhood corner stores.
- 2.4.1.5 Strip development of businesses outside the commercial centres shall not be permitted.
- 2.4.1.6 The scale of use, the degree of servicing, including roads and parking, the provision of open space, signage and form and character of commercial development shall be regulated through development permit.
- 2.4.1.7 Recreation commercial businesses shall be subject to rezoning on a site specific application only.
- 2.4.1.8 The density of use on a parcel or within a building in this designation may be increased subject to compliance with Section 2.10 (Amenity Zoning Guidelines) of this Plan.
- 2.4.1.9 In addition to principal commercial uses, in appropriate locations second-storey residential dwelling units may be permitted in order to provide a mix of housing types and to encourage residences closer to services and amenities.
- 2.4.1.10 The LTC may consider amending the parking requirements for commercial uses, to require alternatives to parking spaces, including but not limited to: bicycle racks, electric vehicle plug-ins, or cash-in-lieu for use for trails and paths.

Industrial land uses are addressed in Section 2.5 of the OCP.

2.5 INDUSTRIAL USE

2.5.1 Industry

Background

There are several existing industrial areas mostly on Fernhill Road. Permitted industrial uses may include processing, fabricating, assembly, storing, transporting, distributing, wholesaling, testing, servicing, repairing, wrecking or salvaging of goods and materials including the operation of truck terminals and docks. These uses may also be subject to other regulatory agencies.

Objective

The objectives of this section are:

- 1) to allow for small scale, non-polluting industrial activities, and
- 2) to protect the environment and minimize the impact on neighbours.

Policies

- 2.5.1.1 Industrial use shall be subject to rezoning on a site specific application only.
- 2.5.1.2 The form and character of any new industrial development shall be subject to a Development

- Permit to help minimize the impact on adjacent land uses, and the community generally.
- 2.5.1.3 Industrial uses shall be regulated to establish adequate setbacks and screening from roads and neighbours.
 - 2.5.1.4 Industrial rezoning proposals shall require an assessment of impact on local water flow patterns, groundwater, pollution and waste disposal.
 - 2.5.1.5 All goods, materials and equipment associated with or produced by an industrial operation must be stored in a manner that does not cause environmental damage.
 - 2.5.1.6 The map does not identify sand and gravel deposits because they are small and dispersed around the island, processing shall be under a temporary use permit.
 - 2.5.1.7 In reviewing any application for new industrial uses, or increased density in industrial zones, the LTC should consider potential climate change impacts.

Home occupations are addressed in Section 2.3 of the OCP.

2.3 HOME OCCUPATION

Background

Home occupations are permitted in most zones and are a significant part of the economic base of the Mayne Island Trust Area. Home occupations are small scale enterprises that are clearly an accessory use of residential property while allowing for economic activities. The character of the property must remain residential in appearance and when business is at such a scale that the impact on the property would be to change the residential character, it becomes defined as a commercial use, requiring appropriate commercial zoning. The use is not mapped separately on the Plan map because it is not the principal use.

Objectives

The objectives of this section are:

- 1) to provide opportunities for residents to support themselves in the Mayne Island Trust Area
- 2) to retain a rural or residential character in all neighbourhoods, and
- 3) to encourage and support small-scale economic activities that limit or reduce the need for travel by vehicle.

Policies

- 2.3.1.1 Home occupations shall be permitted only as an accessory use to a permitted residential use.
- 2.3.1.2 Only goods that are produced on Mayne Island may be sold as part of the home occupation.
- 2.3.1.3 Bed and Breakfast accommodation shall be permitted as a home occupation use, the zoning bylaw shall specify other conditions, including a limit on the number of guest accommodation rooms.
- 2.3.1.4 The size of bed and breakfast operations shall be limited by the number of bedrooms and the sewage disposal system shall be sufficient to accommodate the number of guests.
- 2.3.1.5 Home occupations shall be confined to the interior of a dwelling or a permitted accessory building and employ a maximum of three full-time equivalent employees, one of whom must reside permanently on the property on which the home occupation is conducted.
- 2.3.1.6 Signage, parking and screening of materials associated with a home occupation shall be regulated to protect the residential or rural character of neighbourhoods.
- 2.3.1.7 The rental of a cottage as a commercial vacation rental shall be permitted as a home occupation.

4. Mayne Island Commercial Land Use Review Task Force (2011)

In May 2011 the Local Trust Committee struck a task force (Special Advisory Planning Commission) to examine Mayne Island's commercial land needs and make recommendations accordingly.

The Terms of Reference approved for the Commercial Land Use Review Task Force stated that its purpose was "to provide strategic advice to the Local Trust Committee on the need, requirement and preferred locations of commercial activity on Mayne Island. The task force objective is to identify land use requirements, impacts, and issues related to commercial land use on Mayne Island."

The 10 person task force met over six months. Its final report was submitted to LTC in April 2012. The format of the final report suggests that the task force only agreed on two recommendations to the LTC, those being:

- 1) "It was Moved and Seconded that the Mayne Island Commercial Land Use Task Force recommends the identification of Miners Bay as the commercial core for Mayne Island with the designation of C1 zonings and a subcommittee be established to identify the geographical boundaries of the commercial core."

and

- 2) "It was Moved and Seconded that the Mayne Island Commercial Land Use Task Force Recommend that if a solid waste transfer station is required that it be situated on an industrial zoned site."

The remainder of the "recommendations" contained in the report are phrased ambiguously, making it difficult to determine whether they were supported by the task force.

These additional recommendations can be summarized as follows:

- That the language in Official Community Plan Section 2.4 should be revised for clarity and consistency.
- Ensure C3 and C4 zoning designations permit uses consistent with their titles.
- Temporary Use Permits should require same public hearing and notification standards as rezonings.
- LTC and community should be provided with accurate information related to current floor area on each property for purposes of understanding build-out potential; A review of the criteria should be undertaken and procedures adopted to better represent the intent of the terms "Permitted Maximum Lot Coverage" and "Maximum Floor Area Allowable."

A subcommittee of the Task Force was struck to develop a proposed boundary of the Miners Bay commercial core. The subcommittee did arrive at consensus on proposed commercial core boundaries, attached as Appendix 3. However, the Working Group's final report seems to suggest that this boundary and corresponding report was not formally received by the working group and was not recommended to the LTC.

Additionally, the LTC was sent further correspondence from members of the Task Force.

One of these members observed that the LTC should facilitate zoning that would allow for

- 1) A batch concrete plant; and
- 2) A cold storage facility for local agriculture.

Two other members co-signing an alternative report concluded that the OCP contains adequate policies to guide LTC's in their decision making about commercial zoning on the Island and that future Commercial 1 (C1) zones should not be constrained to the Miners Bay core.

5. Demand for Commercial and Industrial Zoning

According to Statistics Canada, the population of Mayne Island has risen modestly since 1991, from 740 residents to 949 residents in 2016, an approximately 28 Percent increase. For comparison sake, the population of Gabriola Island increased by more than 50 percent during that time frame, and the population of Salt Spring Island by about 35 percent.

File history on Mayne Island dating back to the year 2000 does not suggest there is significant demand for new commercial land. Any applications received were to change or intensify commercial uses on land already zoned for commercial activities.

Rezoning

Since 2002 there have been two rezoning applications with a commercial aspect:

- In a 2015/16 rezoning the Mayne Island Resort (494 Arbutus Drive) received permission to expand the permitted floor area for accessory retail sales at the resort to 40 m².
- In a 2010/12 rezoning, permitted uses on the property presently home to the Farm Gate Store (568 Fernhill Road) were changed from Commercial 3(a) to Commercial 1(c) thereby allowing retail sales totalling not more than 279 square metres in floor area.

Temporary Use Permits

Since 2002 there have been three Temporary Use Permit applications with a commercial aspect:

- In a 2010/11 TUP the Farm Gate Store (568 Fernhill) received permission to sell farm and other food products from a C3(a) zoned lot.
- In a 2010/11 TUP, Active Pass Auto and Marine Ltd (424 Fernhill) applied for permission to operate a waste transfer station.
- In a 2012 TUP, 513 Fernhill Road was granted permission to operate a waste transfer station. This use was subsequently permitted by an amendment to the Land Use Bylaw.
- Other TUPs applied for since 2002 have included those for short-term vacation rentals, commercial boat moorage, and hosting of a music festival.

6. Current Build-Out

The 2012 Commercial Land Use Review Task Force indicated a desire to see a detailed assessment of build-out potential of each commercially-zoned lot on the Island. However, to do so would require a significant investment of staff/consultant time and resources, requiring visits to, and assessment of, each individual property and its structures, coupled with development of graphics for each lot showing setback and parking requirements under a variety of development scenarios. This type of analysis would be beyond the scope of the budget for this project and the level of detail provided in such an exercise is unnecessary. Appendix 4 provides a revised table to that originally presented to the LTC in a 2011 report, with properties where significant build-out potential remains flagged.

All commercially zoned properties have buildings constructed on them (despite the fact that one property is listed as vacant by BC Assessment Authority); however, from the analysis provided in Appendix 4 it appears that no properties are currently developed to their maximum potential.

Figure 2 below shows that some commercial zoned properties retain significant build-out potential. These include:

Figure 2

Address/Lot Description	Available Commercial Floor Area
<u>Miners Bay</u>	
419 Fernhill Road (the Trading Post)	Up to 500 m ² (5400 ft ²) of unrealized retail commercial floor area
472 Village Bay Road (Mayne Mall) Lot 1, Section 12, Plan VIP52666 472 Village Bay Rd	Up to 560 m ² (6000 ft ²) of unrealized retail commercial floor area
Part of Lot 6, Section 12 Plan 715, lying south of a straight boundary joining points of bisection of the easterly and westerly boundaries of said lot. Village Bay Rd. (Lot south of Mayne Mall)	Up to 500 m ² (5400 m ²) of unrealized retail commercial floor area (currently developed with a residence)
412 Naylor Bay Road (CD2 zone)	Up to 465 m ² (5000 ft ²) of unrealized restaurants, service and office floor area
<u>Outside Miners Bay</u>	
Lot 36, Section 6, Plan 22057, Dalton Drive	Up to 400 m ² (4300 ft ²) of unrealized commercial floor area
Lot 9, Section 8, Plan 17773, 506 Whalen Rd.	Up to 500 m ² (5400 ft ²) of unrealized service commercial floor area

Solely considering the properties highlighted in Figure 2 above, there is at least of 2900 m² (31,000 ft²) of unrealized commercial floor area under current zoning. The ability to use this floor area is of course subject to a variety of factors, including setbacks, development permits, building permits, and not least the objectives of the property owners. Despite these caveats, this unrealized potential in theory represents more than 30ft² per capita (the typical warranted commercial floor area for a community ranges from 25ft² to 50ft² per capita).

7. Discussion and Issues

Land Use Bylaw Regulations

In general, the Commercial zones on Mayne Island allow the wide array of uses required to meet a small community's needs. However, the C1 zone, typical of such zones, has had uses added over the years and some of the permitted uses are broad and general ('retail sales'), others are specific and obscure ('freight depots'). The list of permitted uses could benefit from a review and simplification of the use categories. Similarly, some of the Commercial site-specific zones created over the years seem unnecessarily restrictive and limit ongoing use of the subject properties if tenants cannot be found to carry out the uses permitted under current zoning. The LTC may wish to revisit some of the site-specific commercial zones to determine if opportunities exist to address their current limitations.

Both the Floor Area Ratio (25%) and Lot Coverage (35%) limitations identified in the C1 zone may be overly restrictive. A two-storey building with identical floor areas on each floor, for example, would only be permitted a building envelope 12.5 percent of the lot area. The LTC may wish to revisit, particularly, the floor area limitations in its commercial zones, or do away with them all together in favour of lot coverage limits. While the original intent of the floor area ratio limit may have been to retain the "small scale commercial businesses" identified in OCP policy B.2.4.1.1., that policy could also be achieved currently through the DPA guidelines.

Official Community Plan Policies

OCP policies related to commercial development on the Island contain some ambiguities that the LTC may wish to address. Some of these issues that were identified by the Commercial Land Use Review Task Force. Overall the objectives of the section are solid, and policies are appropriate in terms of the level of detail, however some would benefit from revising for greater clarity and also to provide greater direction for future land uses.

The title of this section is confusing and likely should be amended from Retail Commercial to simply General Commercial, as the policies therein deal with both retail and service commercial activities. The designation on the Land Use Map is also 'General Commercial'.

These issues are as follows:

2.4.1.2 Retail businesses shall be clustered at Miners Bay with the exception of; the Montrose/Fernhill area, the Building Centre at Whalen/Fernhill, and the Auto repair yard at Horton/Fernhill.

This policy is somewhat ambiguous. First, the wording implies that the community may be open to further retail commercial development at the Montrose/Fernhill area and the other locations identified, either within the Commercial designation or outside of them. This is not a problem per se, but warrants re-consideration as to whether this is the community's intent. Second, the OCP's characterization of the building centre at Whalen/Fernhill and the Auto repair yard at Horton/Fernhill is incongruous with their

zoning designation, which considers them to be service commercial. Finally, the wording is unclear in distinguishing between simply noting existing development and zoning and addressing potential future land use changes in these locations. The wording of this policy should be reviewed and re-drafted to clarify the intent and to provide direction with respect to future land use, as opposed to simply enumerating the existing uses.

2.4.1.3 Service based businesses should be dispersed in the Mayne Island Trust Area.

The absence of a definition for what constitutes a “service” based business leaves room for a variety of interpretations. For example, the C1 zone on the Island allows for “personal services.” Does this mean that there is support for the dispersal of “personal services” throughout the Mayne Island Local Trust Area? The intent may have been that anyone reading this policy would cross-reference the Land Use Bylaw to see what it considers a “service.” It is likely that this policy is speaking to the existing service commercial zones (C3 and C4), but it provides little specific direction on any future rezoning applications. The wording should be reviewed to ensure a uniform interpretation, reduce uncertainty, and address future land use and development.

2.4.1.4 Consider rezoning to permit small retail developments to serve neighbourhood needs.

This policy is fairly clear as written and would allow consideration of future rezoning applications, but may be reviewed by the LTC if there are concerns, particularly as to scale or scope of what constitutes “small retail”.

2.4.1.5 Strip development of businesses outside the commercial centres shall not be permitted.

The use of the term “strip development” is ambiguous. Different people may have different opinions as to the point at which development becomes a “strip.” This policy is also reflected in the DPA guidelines, so the policy could be revised to specifically state that DPA guidelines should discourage strip development and also that rezonings for strip development should not be considered.

While the policies noted above may be somewhat unclear, this is not necessarily a bad thing. Ambiguity can enable flexibility, which can help facilitate pragmatic decision making. The LTC can consider whether it should tighten up these policies, to improve clarity, with the understanding that this may come at the cost of flexible interpretation.

Demand for Commercial and Industrial Zoning

File history for the last 15 years does not suggest an insufficient area of commercial zoned property on Mayne Island. Given that rezonings and applications to date have mostly been to allow expanded uses on properties already zoned for commercial purposes, the LTC may wish to consider whether it wishes to make existing zones more permissive in terms of the range of uses permitted while inserting language to more clearly establish limits on rezoning and redesignations of additional locations.

Commercial Build-Out

As Figure 2 also demonstrates, there is ample commercial land available for a variety of uses. Putting this land to productive use, however, depends on the plans of the land owners.

Miners Bay Land Use Designations

The undeveloped floor area zoned for commercial use, in combination with limited demand for rezoning, would suggest that there is little need to re-designate lands solely for commercial land uses. However, despite the fact that there is the potential to develop or redevelop existing zoned sites to greater intensity, it is important to keep in mind that there are a limited number of actual properties zoned C1, specifically in Miners Bay. This potentially limits opportunities for new businesses despite the unrealized development potential, as owners may not be interested in leasing space or in developing or redeveloping to provide additional or suitable commercial space at the point in time when a new business is seeking space. Essentially the market may be constrained by the limited number of sites zoned commercial and by the lack of suitable developed space.

The LTC could consider amending the OCP policies, and potentially the zoning regulations as well, to provide greater flexibility in Miners Bay. Currently within the Miners Bay area there are a number of Settlement Residential zoned lots that could not be used commercially and C1 zoned lots that could not be used residentially (except for second storey apartments or accessory dwellings). An option would be to create Comprehensive Development policies, and potentially zoning, that would allow both residential and commercial uses on lots within a defined area in Miners Bay. This has already been done for one specific site (the former 'Bennett' property at 412 Naylor) that was zoned CD2 to allow a mix of uses, including Tourist Accommodation, Residences, Retail Sales, Restaurants, Offices, Services, and accessory dwellings. Extending this concept to the rest of the area, either with policy criteria for rezonings, or by zoning outright, would provide greater flexibility to both land owners and to potential commercial tenants, while keeping commercial uses concentrated in Miners Bay. Additionally, a second transitional area could be designated where rezoning applications may be considered, but zoning does not allow all uses outright. Allowing both commercial and residential uses would also not result in any existing uses being rendered non-conforming, and in fact could bring currently non-conforming uses into conformity.

Commercial Lands Outside Miners Bay

For commercial lands outside of the Miners Bay Area, the LTC could review and refine the existing OCP policies as discussed above. In addition, consideration could be given to introducing additional OCP policies that would either preclude the creation new commercial zones outside of the Miners Bay core (without amending the plan) or introduce OCP policies specifying which

types of commercial development would be considered and under what circumstances outside of Miners Bay.

Home Occupations

A commonly observed theme throughout the Trust Area is home-based businesses that grow beyond what the regulations governing home-based businesses allow. This can lead to conflicts with neighbours, which in turn can lead to bylaw enforcement actions. The LTC may wish to consider whether there are any current home-businesses on the Island that are outgrowing their home locations, or conversely whether it wishes to pursue any OCP policies and LUB regulations that would enable home businesses to scale up.

8. Options

Beyond addressing some of the minor issues identified in the discussion/analysis section above (policy interpretation, consistent terminology, etc.) the following are examples of options the LTC may wish to consider.

Land Use Bylaw:

- Consider re-naming the zone to “commercial”, consistent with the OCP designation.
- Review, revise, and consolidate the list of permitted uses.
- Review and potentially eliminate site-specific restrictions, at least the ones within Miners Bay.
- Review and potentially amend or remove the floor area ratio regulations.
- Review and potentially amend home occupation regulations to address existing or potential businesses.

Official Community Plan

- Consider re-naming section 2.4.1 to ‘General Commercial’, consistent with the Land Use map designation and with the fact that the policies address more than simply retail uses.
- Review and revise policy 2.4.1.2 to provide greater clarity and certainty on the types of retail uses permitted in the general commercial designations outside Miners Bay and how any future land use should be considered.
- Review and revise policy 2.4.1.3 to provide greater clarity on service commercial uses and on future uses
- Review and revise policy 2.4.1.5 to add reference to strip development being discouraged in DPA guidelines and during rezoning applications.
- Review and potentially amend home occupation policies to address existing or potential businesses

Miners Bay

- Consider designating a Miners Bay boundary on the OCP Land Use Map, with or without transitional areas.

- Consider establishing policies permitting both commercial and residential uses within the Miners Bay area.
- Consider zoning lands currently zoned C1 and SR within the boundary to a comprehensive zone permitting both commercial and residential uses.

Other Commercial Land Use Designations

- Consider additional policy or policies to establish specific criteria for rezonings for commercial lands outside of Miners Bay core area.

Appendix 1 – Zoning Maps

Appendix 1 – Map 1



Appendix 1 – Map 2



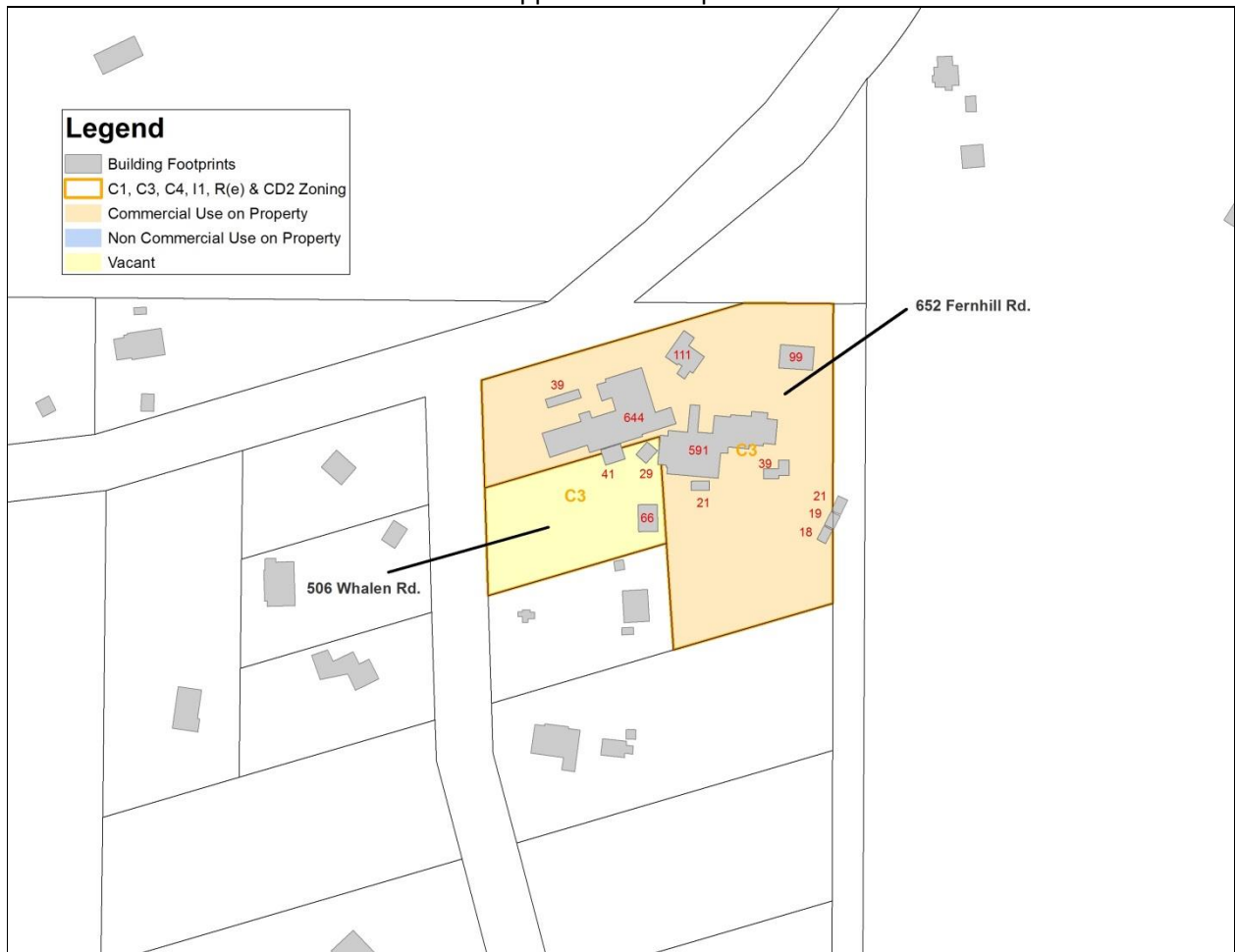
Appendix 1 – Map 3



Appendix 1 – Map 4



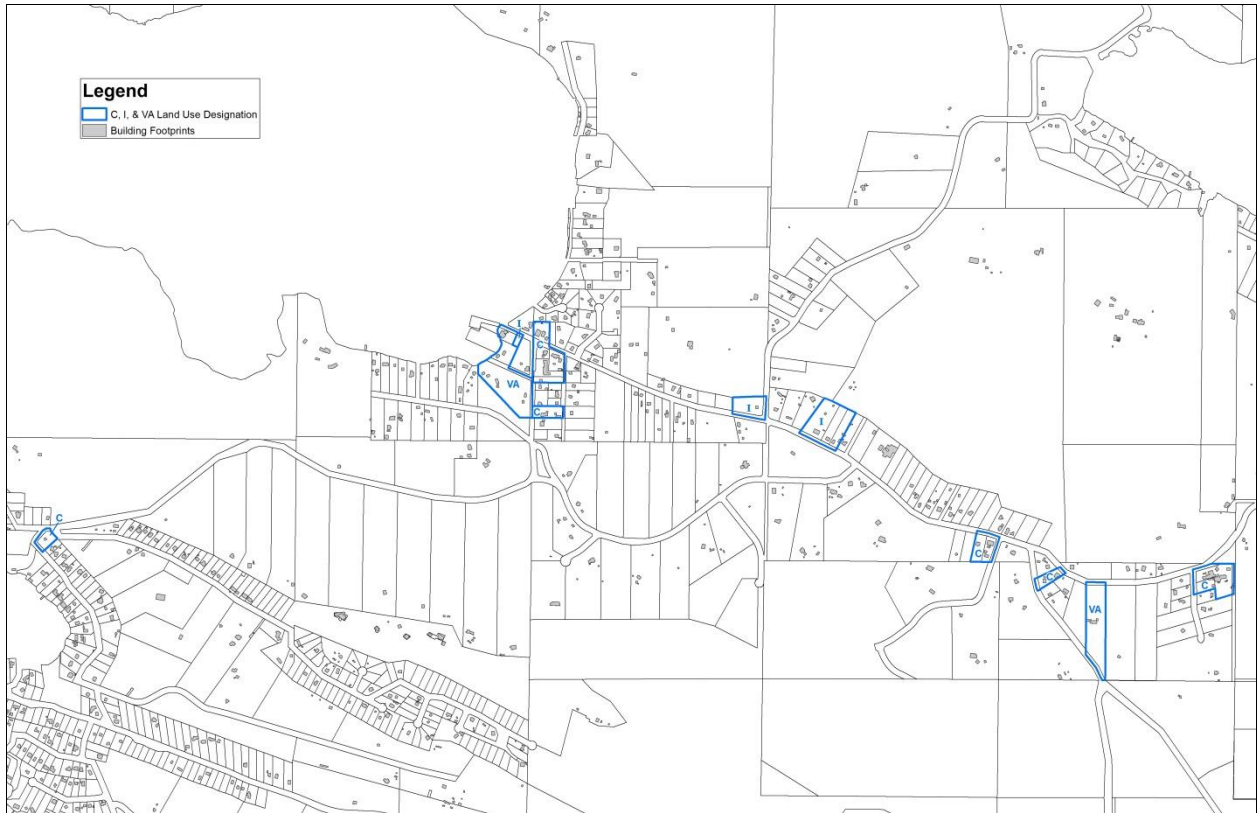
Appendix 1 – Map 5



Appendix 1 – Map 6

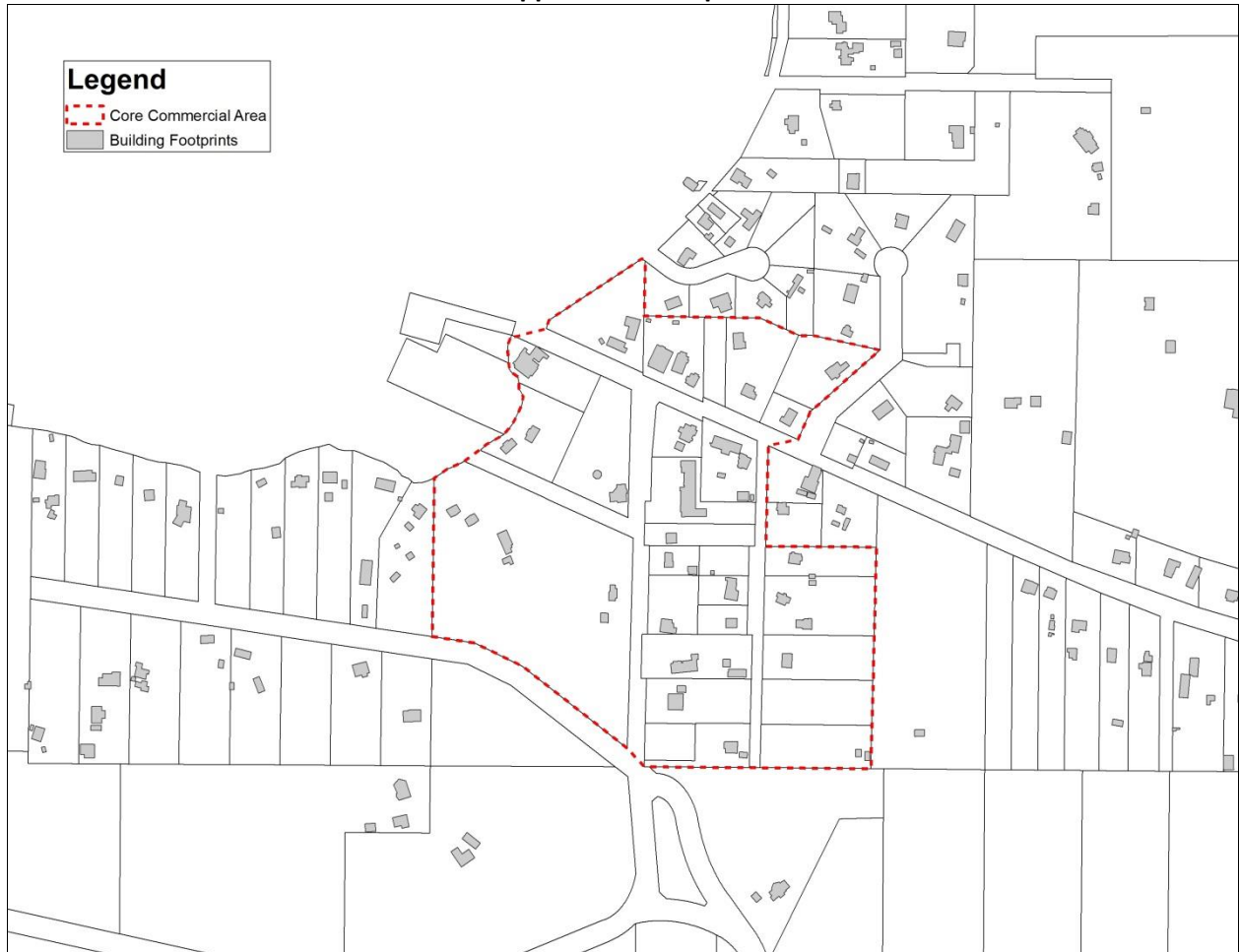


Appendix 2 – Commercial Land Use Designtions – Official Community Plan



Appendix 3 – Commercial Land Use Review Task Force (2011) – Miners Bay Commercial Core

Appendix 3 – Map 1



Appendix 3 – Map 2



Appendix 4 – Build Out Table

Zoning	Legal Description & Address	Lot Size (hectares)	Lot Size (Metres²)	Maximum Floor Area Allowable (Metres²)*	Permitted Max. Lot Coverage	Approximate Current Lot Coverage	BCAA Codes	Planning Activity & Staff Comment
<i>Settlement Commercial (C1)</i>	Lot 1, Section 8, Plan 17070 574 Fernhill Rd	0.26	2600	650	910 m ²	581 m ²	202 - Store and Living Quarters	The Fernhill Centre
	Lot 9, Section 12, Plan 715 419 Fernhill Rd.	0.36	3600	900	1,260 m ²	668 m ²	202 - Store and Living Quarters	The Trading Post
	Lot A, Section 12, Plan 46230 478 Village Bay Rd	0.18	1800	450	630 m ²	244 m ²	239 - B&B less than 4 units	The Root Cellar
	Lot 1, Section 12, Plan VIP52666 472 Village Bay Rd.	0.38	3800	950	1,330 m ²	712 m ²	200 - Store & Service Commercial	Mayne Mall
	Part of Lot 6, Section 12 Plan 715, lying south of a straight boundary joining points of bisection of the easterly and westerly boundaries of said lot. Village Bay Rd.	0.20	2000	500	700 m ²	90 m ²	040 Seasonal Dwelling	
<i>C1 (a)</i>	Lot 36, Section 6, Plan 22057 Dalton Drive	0.4	4000	1000	1,400 m ²	65 m ²	208 Office Building	Real Estate Office

Zoning	Legal Description & Address	Lot Size (hectares)	Lot Size (Metres²)	Maximum Floor Area Allowable (Metres²)*	Permitted Max. Lot Coverage	Approximate Current Lot Coverage	BCAA Codes	Planning Activity & Staff Comment
<i>C1 (b)</i>	Lot 3, Section 12, Plan 715 454 Village Bay Rd.	0.22	2200	550	770 m ²	445 m ²	202 Store & living quarters	Restaurant, accessory buildings
Total		2.03	20300	5075	7,000 m²	2,865 m²		
<i>Service Commercial (C3)</i>	Lot 9, Section 8, Plan 17773 506 Whalen Rd.	0.24	2400	600	840 m ²	136 m ²	201 Vacant IC &I	
	Lot a (DD EG16476), Section 8, Plan 17773 652 Fernhill Rd.	0.91	9100	2275	3,185 m ²	1602 m ²	200 Store & Service Commercial	Building Centre.
<i>C3 (a)</i>	Lot 2, Section 8, Plan 17070 568 Fernhill Rd.	0.35	3500	875	1,225 m ²	145 m ²	200 Store & Service Commercial	Farmgate
	Lot 10, Section 8, Plan 15263 594 Fernhill Rd	0.29	2900	725	1,015 m ²	371 m ²	000 Single Family Dwelling	Automotive and accessory dwelling
Total		1.79	17900	4475	6,265 m²	2,254 m²		
<i>Automotive Commercial (C4)</i>	Lot 7, Section 12, Plan 715 424 Fernhill Rd	0.33	3300	825	1,155 m ²	536 m ²	202 Store & living quarters	Gas Station/Office/Residence
<i>Industrial One (I1)</i>	Lot 3, Sections 8 and 11, Plan 8200	0.41	4100	1025	1,435 m ²	145 m ²	630 Works Yard	Works Yard- South Island Contracting
	Lot 4, Section 8 and 11, Plan 8200 Fernhill Rd.	0.42	4200	1050	1,470 m ²	233 m ²	630 Works Yard	Works Yard- South Island Contracting

Zoning	Legal Description & Address	Lot Size (hectares)	Lot Size (Metres²)	Maximum Floor Area Allowable (Metres²)*	Permitted Max. Lot Coverage	Approximate Current Lot Coverage	BCAA Codes	Planning Activity & Staff Comment
	Lot A, Section 12, Plan 13929 except that in Plan 1825R 400 Fernhill Rd.	0.08	800	200	280 m ²	13 m ²	238 Seasonal Resort	Split zoned portion of C2(c) zoned property there Springwater Inn is located. Currently storage.
<i>I1(a)</i>	Lot F, Section 11, Plan VIP58021, 513 Fernhill Rd.	0.92	9200	2300	3,220 m ²	387 m ²	273 Storage & Warehousing (closed)	Contractors Yard and Solid Waste collection
<i>I1(b)</i>	Lot A, Section 12, Plan 43041 Campbell Bay Rd	0.60	6000	1500	2,100 m ²	100 m ²	580 Electrical Power Systems	Rezoned from SR to I in 2004.
Total		2.45	24500	6860	9,660 m²	1,397 m²		
<i>Rural (R(e))</i>	Parcel C (DD 750191), Sections 8 and 11, except those parts included in Plan 6175, 8200, 19033, 20936, 23300 and 29965 378 Campbell Bay Rd.	0.96	9600	N/A	960 m ²	255 m ²	110 Grain & Forage	Mayne Island recycling centre
<i>Comprehensive Development Two (CD2)</i>	East 10 chains of the fractional south west ¼, Section 12, except part in Plans 13929, 15136, 21821 and 44664 412 Naylor Rd.	4.0	4000	70 m ² (for retail sales) 465 m ² for combined restaurants, services and clinics	800 m ²	549 m ²	060 2 Acres or More (Single Family Dwelling, Duplex)	Currently developed with two cabins, commercial building, accessory buildings and structures



Islands Trust

Print Date: July 17, 2017

Top Priorities

Mayne Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Commercial Land Use Review	Revised Project Charter endorsed at March LTC Meeting Discussion Paper Being Prepared for July 24, 2017 LTC Meeting	27-Apr-2015	Gary Richardson	
2	Fallow Deer Eradication		26-Jan-2015	Gary Richardson	
3	Riparian Area Regulation Implementation	CIM Being Held July 24, 2017	25-Apr-2016	Gary Richardson	

Projects

Mayne Island

Description	Activity	R/Initiated
Climate Change Adaptation	Consider regulatory changes and implementation of new DPA authority	02-Mar-2009
STVR Review - TUP Guidelines		30-Jan-2017
Road issues		27-Jun-2012
Density on large lot remainders	to review covenants on remainder lots and review zoning to density of dwellings and cottages	30-Sep-2015



Rezoning

File Number	Applicant Name	Date Received	Purpose
MA-RZ-2017.1	REEF BAY HOLDINGS LTD Planner: Gary Richardson	12-Jun-2017	Rezone from C1(A) to C1.
Planning Status			
Status Date: 14-Jun-2017 Opened file, processed fee, notified LTC, gave to planner			
Status Date: 14-Jun-2017 Preliminary Staff report to be prepared for September 18, 2017 LTC Mtg.			

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
MA-TUP-2017.1	MEG IREDALE-GRAY c/o KARA RESOURCES LTD Planner: Phil Testemale	15-Mar-2017	306 CAMPBELL BAY RD Temporary permit for commercial use (3 day music festival) on rural residential property.
Planning Status			
Status Date: 15-Jun-2017 Staff report and draft TUP on June 26th agenda for further direction			
Status Date: 08-May-2017 Proposal to be discussed at June 26, 2017 LTC Mtg.			
Status Date: 15-Mar-2017 File opened and forwarded to LTC and planner.			

Islands Trust
LTC EXP SUMMARY REPORT F2018
Invoices posted to Month ending May 2017

645 Mayne	Invoices posted to Month ending May 2017	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-645	LTC "Trustee Expenses"	750.00	0.00	750.00
LTC Local				
65200-645	LTC - Local Exp - LTC Meeting Expenses	1,500.00	206.57	1,293.43
65210-645	LTC - Local Exp - APC Meeting Expenses	500.00	55.16	444.84
65220-645	LTC - Local Exp - Communications	1,000.00	210.00	790.00
65230-645	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>3,500.00</u>	<u>471.73</u>	<u>3,028.27</u>
Projects				
73001-645-2005	Mayne OCP/LUB	5,000.00	0.00	5,000.00
73001-645-3005	Mayne RAR	5,000.00	0.00	5,000.00
73001-645-4059	Mayne Commercial Land Use Review	4,500.00	0.00	4,500.00
TOTAL Project Expenses		<u>14,500.00</u>	<u>0.00</u>	<u>14,500.00</u>

Mayne Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: July 13, 2017

No	Meeting Date	Resolution No.	Issue	Policy and Description
1.	May 2, 2011	MA-LTC-44-11	Options for adopting In Camera Minutes	It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to only include in-camera minutes on agendas where there are other reasons to close the meeting to the public.
2.	February 1, 2012		Special Occasion Liquor License referrals	That where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property where Mayne Island Land Use Bylaw 146, 2008 permits public assembly uses, such as halls, recreation facilities or restaurants, and where it can be determined that the organization or applicant have had no issues related to parking or past complaints for the preceding three years, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.
3.	June 27, 2016	MA-LTC-2016-055	Statutory Public Notice Advertising	That the Mayne Island Local Trust Committee advertise all statutory public notices in the Mayne Limer
4.	June 26, 2017	MA-2017-027	Unlawful Dwelling Enforcement Policy	That the Mayne Island Local Trust Committee directs staff to take enforcement action against unlawful dwellings only if one of the following conditions exists: 1.1. There is a complaint from an immediate neighbor; or, 1.2. There is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement. 2. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.
5.	June 26, 2017	MA-2017-028	Unlawful STVR Enforcement policy	That the Mayne Island Local Trust Committee adopts the following resolution in regards to Bylaw Enforcement of Unlawful Short Term Vacation Rentals (USTVR): a) Given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, Unlawful Short Term Vacation Rentals that have one or more of the following characteristics will be subject to proactive enforcement: i) they are advertised on the internet, newspapers or other media; ii) they are not managed by an owner of the USTVR property who lives on Mayne Island; iii) more than one dwelling on the lot is simultaneously made available for USTVR; iv) while the property is used as a USTVR, persons are permitted to stay in tents or trailers; v) there are issues related to health and safety on the property; vi) there is a written complaint by owners or residents of two properties about bona fide serious nuisance issues such as noise or parking congestion related to the USTVR; vii) the owner of the property uses more than one property on Mayne Island as a USTVR.

No	Meeting Date	Resolution No.	Issue	Policy and Description
				b) Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.



File No.: 6500-20 Covenant Removal –
Mayne Island Resort Ltd.

DATE OF MEETING: July 24, 2017
TO: Mayne Island Local Trust Committee
FROM: Gary Richardson, Island Planner
Southern Team
SUBJECT: Mayne Island Resort Covenant Removal Request
Applicant: Murray Rosengren
Location: 494 Arbutus Drive

RECOMMENDATION

1. That the Mayne Island Local Trust Committee direct staff to proceed with facilitating the discharge of Covenant EX157447 from Strata Lots 13, 14, 15, 16, 17, 18, 19 and 20, Strata Plan VIS6703, Mayne Island and that the Chair be designated as the signing authority for the discharge documents.

BACKGROUND -The Mayne Island Land Use Bylaw previously only permitted the use of the buildings on Strata Lots 13-20 for tourist accommodation units. A successful application was made to allow residential use in addition to the permitted tourist accommodation use on Strata Lots 13-20. Bylaw 170 was adopted November 28, 2016 allowing residential use on strata lots 13-20.

Covenant EX157447 restricts all of the strata lots at the Mayne Island Resort to tourist accommodation use only; therefore to allow the residential use on Strata Lots 13-20 the covenant needs to be discharged for those lots.

It is recommended that the covenant restricting residential use on strata lots 13-20 be discharged.

NEXT STEPS

Staff will have the appropriate documentation prepared for the Chairs signature to discharge the covenants.

Submitted By:	Gary Richardson Island Planner	July 14, 2017
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ATTACHMENTS

1. Portion of Covenant EX157447

TERMS OF INSTRUMENT – PART 2**SECTION 219 COVENANT**

THIS COVENANT dated for reference the ____ day of November, 2005

BETWEEN:

686428 B.C. LTD., (Incorporation No. BC0686428), a British Columbia corporation, of 3711 Somerset Crescent, Surrey, British Columbia, V3S 0H9

(the "Developer")

AND:

MAYNE ISLAND LOCAL TRUST COMMITTEE, incorporated under the *Islands Trust Act*, R.S.B.C. 1996, c.239 and having its office at Suite 200 - 1627 Fort Street, Victoria BC V8R 1H8

(the "LTC")

GIVEN THAT:

- A. The Developer is the registered owner of land and premises situate on Mayne Island, British Columbia, in the Province of British Columbia, and described as:

Capital Assessment Area
Campbell-Bennett Bay Improvement District
Parcel Identifier: 000-153-397
Lot 83
Section 9
Mayne Island, Cowichan District
Plan 14000

(the "Lands")

- B. Section 219 of the *Land Title Act* provides for the registration of a covenant of a negative or positive nature, in respect of the use of land or the use of buildings on or to be erected on land, that land is or is not to be built on or that land is not to be subdivided except in accordance with the covenant, in favour of a local trust committee under the *Islands Trust Act*;
- C. The Developer wishes to develop the Lands for tourist accommodation uses permitted by the LTC's bylaws, and to subdivide buildings on or to be

constructed on the Lands into strata lots and to create fractional interests in such strata lots;

- D. The Developer and the LTC wish to establish with certainty the extent to which an owner of a fractional interest in a strata lot or the public may occupy as tourist accommodation the strata lots to be developed on the Lands;
- E. The Developer has agreed to grant to the LTC the Section 219 Covenant contained in this Agreement over the Lands,

THIS AGREEMENT is evidence that in consideration of payment of \$2.00 by the LTC to the Developer and other good and valuable consideration, the receipt of which is acknowledged by the Owner, the Developer covenants and agrees with the LTC in accordance with Section 219 of the *Land Title Act* as follows:

1. **Definitions**

In this Agreement, the term:

- 1.1 "Day" means any period of 24 consecutive hours commencing at noon of any day and ending at noon on the immediately following day;
- 1.2 "Fractional Interest" means any partial interest in a Strata Lot including any shared interest in land or time share interest, each as defined in the *Real Estate Development Marketing Act* or any successor legislation;
- 1.3 "Hotel Manager's Residence Strata Lot" means the strata lot to be created by subdivision of the Lands for use as a single family dwelling to be used by the owner, manager or staff of the Hotel Strata Lot, being proposed Strata Lot 2 on the plan of proposed subdivision of the Lands attached as Schedule A;
- 1.4 "Hotel Strata Lot" means the strata lot to be created by subdivision of the Lands for use as an inn and spa facility, being proposed Strata Lot 1 on the plan of proposed subdivision of the Lands attached as Schedule A;
- 1.5 "Peak Season" means the period from noon July 1 to noon September 1 of each year;
- 1.6 "Person" means a natural person, firm, trust, partnership, association, corporation, government or governmental board, agency or instrumentality;
- 1.7 "Owner" means the Person registered from time to time in the Victoria Land Title Office as owner in fee simple of a Strata Lot, or, in the event that a Strata Lot is divided into Fractional Interests, then the Person

registered from time to time in the Victoria Land Title Office as owner in fee simple of a Fractional Interests in a Strata Lot ;

- 1.8 "Public" means all Persons other than the Owner;
- 1.8 "Shoulder Season" means the period from noon September 1 of each year to noon July 1 of each year;
- 1.9 "Strata Lot" means any of the strata lots into which the Lands are subdivided except strata lots that are used or available for parking, storage or similar purposes or for commercial purposes other than tourist accommodation;
- 1.10 "Tourist Accommodation" means the use of a Strata Lot for the accommodation of Owners and the Public;
- 1.11 "Used" includes the purpose to which the Strata Lot is put, and includes, sleep, inhabit or otherwise occupy, as the context requires;

2. Use of Lands

The Developer covenants and agrees with LTC that:

-  (a) all Strata Lots on the Lands other than the Hotel Strata Lot and the Hotel Manager's Residence Strata Lot shall be used only for Tourist Accommodation and for no other use;
- (b) neither an Owner nor the Public shall use the Strata Lots for more than 45 Days in any calendar year (hereinafter called the "Permitted Annual Allotment");
- (c) of the Permitted Annual Allotment, there shall not be more than 30 consecutive Days in the Shoulder Season and not more than 14 consecutive Days in the Peak Season.

- 3. **Release of Suites** - The LTC may by resolution, upon request in writing, consent to release any Strata Lot or portion of the Lands from any or all of the restrictions set out in Section 2 herein either fully, on conditions or for stipulated periods of time. It is agreed that the LTC shall execute a discharge of this covenant from the Hotel Manager's Residence Strata Lot upon the creation of such Strata Lot. It is further agreed that the LTC shall execute a discharge of this covenant from the Lands if the Developer does not proceed with the development as proposed in Schedule A.

4. **Inspection** - The LTC, its officers, employees and agents shall have access to the Lands at all reasonable times, following reasonable notice to the Developer, as may be necessary to ascertain compliance with this covenant
5. **Use and Enjoyment** - No provision herein will prevent the Developer from using the Lands in a manner which does not interfere with the exercise by LTC of its rights hereunder.
6. **Effect of Covenant** - This covenant runs with the Lands and is binding upon the owners of the Lands from time to time and every reference to the Developer includes the Developer's successors in title. The Developer and any subsequent owner shall not be liable for any breach of this covenant occurring after they have ceased to be an Owner of the Lands.
7. **No Liability in Tort** - The parties agree that this covenant creates only contractual obligations and obligations arising out of the nature of this document as a covenant under seal. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of, or any default under or in respect of, this covenant. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and under the law pertaining to covenants under seal.
8. **Indemnity** - The Developer shall indemnify and save the LTC harmless from all costs, damages or other loss resulting from any claim or proceedings arising from the granting or existence of this covenant or resulting from any breach of this covenant. The Developer's obligations under this section 8 shall survive any discharge of this covenant and any transfer of title to the Lands, in respect of events first arising prior to the discharge or transfer.
9. **Bylaw to the Contrary** - This covenant shall restrict use of the Lands in the manner provided herein notwithstanding any right or permission to the contrary contained in any bylaw of the LTC.
10. **No Public Law Duty** - Where the LTC is required or permitted by this covenant to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Developer agrees that the LTC is under no public law duty of fairness or natural justice in that regard and agrees that the LTC may do any of those things in the same manner as if it were a private party and not a public body.
11. **Runs with the Lands** - Every obligation and covenant of the Developer in this covenant constitutes both a contractual obligation and a covenant granted under s.219 of the *Land Title Act* in respect of the Lands and this covenant burdens the Lands and runs with it and binds the successors in title to the Lands. This

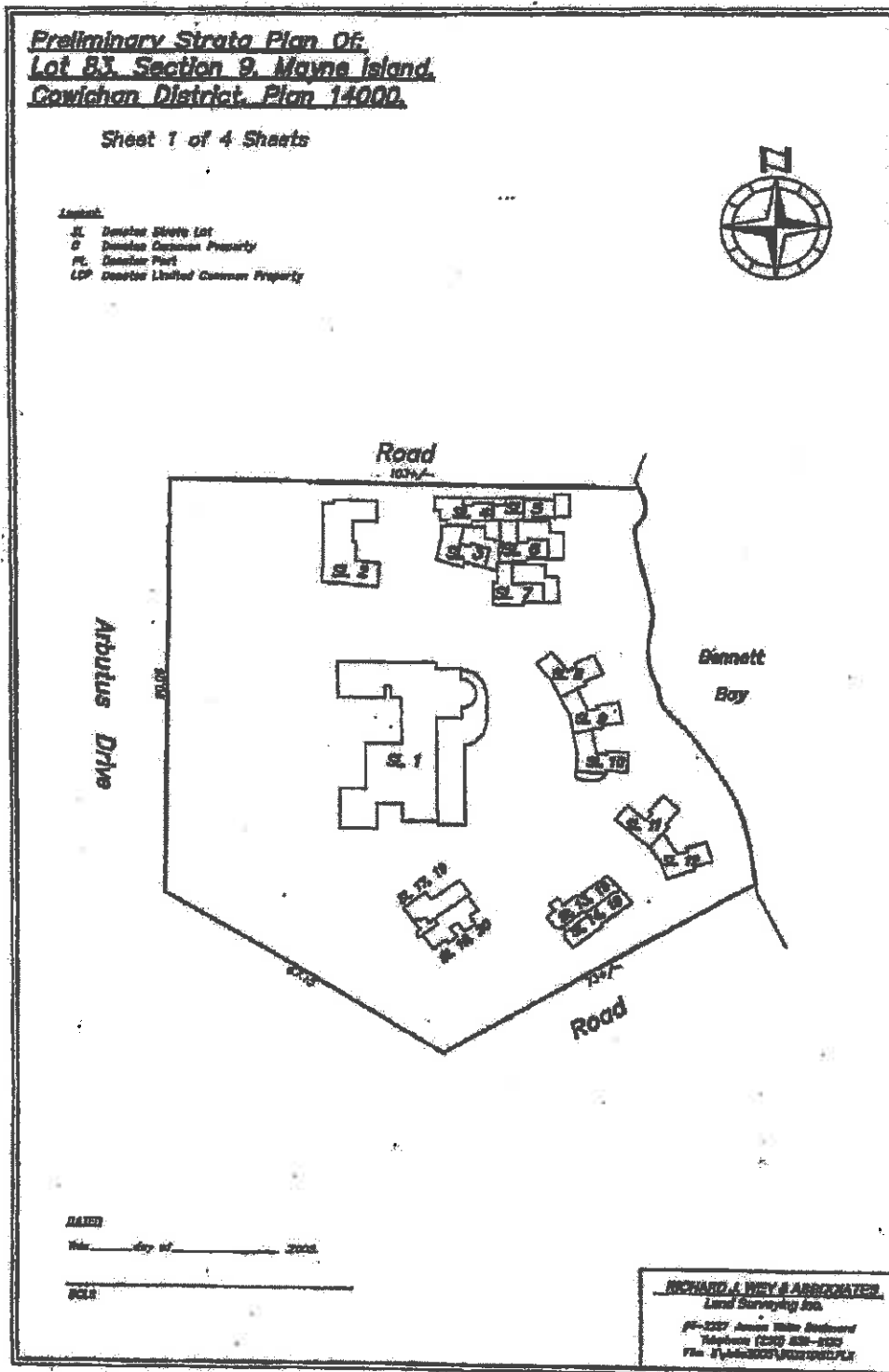
covenant burdens and charges all of the Lands and any parcel into which the Lands are consolidated (including by removal of interior parcel boundaries) and shall be extended, at the Developer's cost, to burden and charge any land consolidated with the Lands.

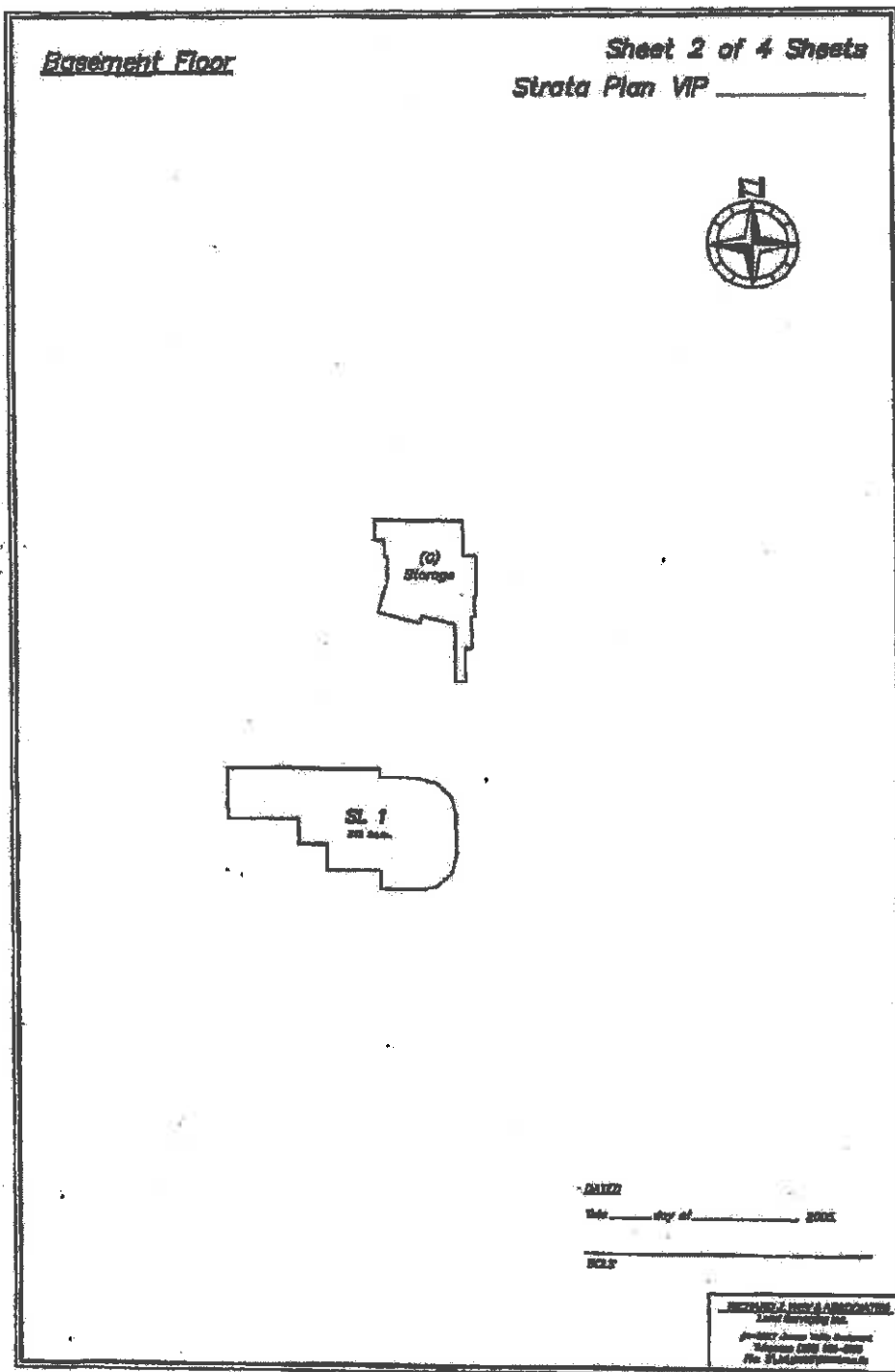
12. **Notice** - Any notice under this covenant shall be in writing and shall be sufficient if delivered to the recipient's address set out above, or to such other address as either party may provide to the other from time to time, or in the case of any owner subsequent to the Developer, to the address of such owner according to the Land Title Office records in respect of the Lands.
13. **Waiver** - An alleged waiver of any breach of this covenant is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver of a breach of this covenant does not operate as a waiver of any other breach of this covenant.
14. **Severance** - If any part of this covenant is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this covenant and the rest of this covenant remains in force unaffected by that holding or by the severance of that part.
15. **Enurement** - This covenant binds the parties to it and their respective successors, heirs, executors and administrators.
16. **Priority** - The Developer will, at the expense of the Developer, do or cause to be done all acts reasonably necessary to grant priority to this Agreement over all charges and encumbrances which may have been registered against the title to the Lands in the Victoria Land Title Office save and except those specifically approved in writing by the LTC or in favour of LTC.
17. **Further Assurances** - The parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this covenant.
18. **Time** - Time is of the essence of this Covenant.
19. **Context** - All references to any person in this Covenant shall be read with such changes in number and gender as the context hereof or reference to the parties shall require.
20. **Execution** - By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

As evidence of their agreement to be bound by the terms of this instrument, the parties each have executed and delivered this Agreement under seal by executing Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement.

SCHEDULE "A"

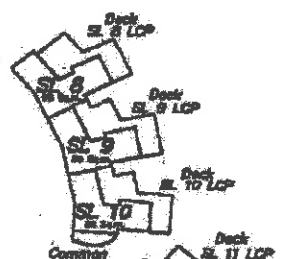
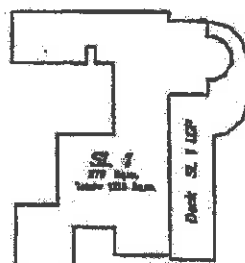
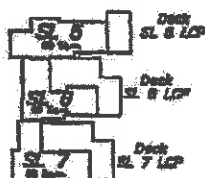
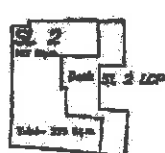
Page 10





First Floor

Sheet 3 of 4 Sheets
Strata Plan VIP



DATED
This _____ day of _____, 2008.
WLS

REGISTERED VIEX157477
Land Management Inc.
P.O. Box 1000, 1000
Burlington, ON L7R 4K2
Tel: 905-335-0000

