



Mayne Island Local Trust Committee

Regular Meeting Agenda

Date: June 26, 2017
Time: 1:00 pm
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

	Pages
1. CALL TO ORDER	1:00 PM - 1:30 PM
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	
4. COMMUNITY INFORMATION MEETING	
4.1 Temporary Use Permit for Campbell Bay Music Festival	
5. PUBLIC HEARING	
none	
6. MINUTES	1:30 PM - 1:45 PM
6.1 Local Trust Committee Minutes Dated May 15, 2017 (for Adoption)	4 - 10
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	11 - 12
8. DELEGATIONS	
none	
9. CORRESPONDENCE	1:45 PM - 2:00 PM
<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
9.1 P. Buchholz May 31, 2017 Letter re Reversal Zoning of Foreshore Property (attached)	13 - 14

10.	APPLICATIONS AND REFERRALS	2:00 PM - 2:45 PM	
10.1	Salt Spring Island Local Trust Committee Bylaws 487 & 496 Referral (for Response)		15 - 16
10.2	MA-TUP-2017.1 (Iredale-Gray) - Staff Report		17 - 36
10.3	MA-DVP-2017.2 (Watson) - Staff Report		37 - 52
10.4	MA-TUP-2017.2 (Mayne Island Resort) - Staff Report		53 - 59
11.	LOCAL TRUST COMMITTEE PROJECTS	2:45 PM - 3:00 PM	
11.1	Riparian Area Regulations (RAR) - Staff Report & Draft Bylaw 171		60 - 70
12.	REPORTS	3:00 PM - 3:30 PM	
12.1	Work Program Reports (attached)		
12.1.1	<u>Top Priorities Report Dated June 2017</u>		71 - 71
12.1.2	<u>Projects List Report Dated June 2017</u>		72 - 72
12.2	Applications Report Dated June 2017 (attached)		73 - 74
12.3	Trustee and Local Expense Report Dated April 2017 (attached)		75 - 75
12.4	Adopted Policies and Standing Resolutions (attached)		76 - 77
12.5	Local Trust Committee Webpage		
12.6	Chair's Report		
12.7	Trustee Report		
12.8	Trust Fund Board Report		
	none		
13.	NEW BUSINESS	3:30 PM - 4:00 PM	
13.1	2016-2017 Annual Report - Approval of Mayne Island LTC Section - RFD Attached		78 - 80
13.2	Bylaw Enforcement Policy, Unlawful Dwelling - Staff Report		81 - 82
13.3	Short Term Vacation Rentals (STVR) Enforcement Policy - Staff Report		83 - 84
14.	UPCOMING MEETINGS		
14.1	Next Regular Meeting Scheduled for July 24, 2017, at the Agricultural Hall, Mayne Island		
15.	TOWN HALL	4:00 PM - 4:30 PM	
16.	CLOSED MEETING		
	none		

17. ADJOURNMENT

4:30 PM - 4:30 PM



DRAFT

Local Trust Committee
Minutes Subject to Approval By
the Local Trust Committee

Mayne Island Local Trust Committee Minutes of Regular Meeting

Date: May 15, 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
Fiona MacRaild, Senior Intergovernmental Advisor
Pat Todd, Recorder

Public There were approximately twelve (12) 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 traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

Dave Maude asked as to any response from Harbours Commission regarding correspondence on leaking fuel pipes at Miners Bay Dock.

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. MINUTES

6.1 Local Trust Committee Minutes Dated April 24, 2017

By general consent, the Mayne Island Local Trust Committee meeting minutes of April 24, 2017 were adopted.

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 May 2017

Planner Richardson informed the LTC that draft bylaws for Riparian Area Regulations would be presented at the next meeting. Staff report by Miles Drew regarding unlawful dwellings will also be available at the next meeting.

8. DELEGATIONS

None

9. CORRESPONDENCE

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

None

10. APPLICATIONS AND REFERRALS

10.1 North Pender Island Local Trust Committee Bylaw No. 213 Referral

MA-2017-016

It was MOVED and SECONDED,

that Mayne Island Local Trust Committee interests are unaffected by North Pender Island Local Trust Committee Bylaw No. 213.

CARRIED

10.2 MA-DVP-2017.1 (Adams) - Staff Report

Planner Richardson reviewed the application for a variance to square footage of a secondary suite. The application was referred to the Advisory Planning Commission.

Chair Grams opened the discussion to the public.

Glen Payan, Minty Drive resident, spoke on concerns regarding the application and the potential to expand the number of bedrooms, residents and parking/traffic. There is also concern that allowing added square footage sets a precedent.

Jon Collier, agent for applicant, informed the LTC that there are currently nine parking spaces and that, if the building was rented as a single residence, it could accommodate more individuals.

Trustee Crumblehulme spoke to the discussion at the APC meeting of May 8, 2017, where the recommendation was to approve the application. He questioned staff as to parking and water.

Staff reported there is a cistern in place and three driveways. Conditions cannot be attached to the variance.

Trustee Dodds asked if the variance could be restricted to preclude increasing bedrooms with the increased square footage.

Staff stated that this cannot be stipulated. Measurements are from exterior walls, therefore living space is actually less. The inside of a structure can be modified at any time.

MA-2017-017

It was MOVED and SECONDED,

that the Mayne Island Local Trust Committee approve issuance of Development Variance Permit MA-DVP-2017.1 (Adams).

CARRIED

Chris Roehrig, member of the APC, spoke regarding concerns of neighbours.

The applicant stated that two tenants had vacated the property, so hopefully new residents will be more considerate of neighbours.

Trustee Dodds reiterated that the LTC has no jurisdiction over residents; however, she supported the owner in encouraging tenants to be "good neighbours".

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Covenant Removal Request (Arbutus Bay Estates) - Staff Report

Staff reviewed the report, which details covenants that have been attached to lots when severed from original parcel. There is a large remainder lot and no further subdivision is allowed. Removal of covenants from smaller lots has no impact on the remainder parcel.

MA-2017-018

It was MOVED and SECONDED,

that the Mayne Island Local Trust Committee request staff to proceed with facilitating the discharge of Covenants ES35984 and FA23235 from the title of Lot 1, Plan VIP83602, Mayne Island Cowichan District, and the Chair be designated as the signing authority from the discharge documents.

CARRIED

MA-2017-019

It was MOVED and SECONDED,

that the Mayne Island Local Trust Committee request staff to proceed with facilitating the discharge of Covenants ES35954 and EW162748 from the title of Lot A, Section 2, Plan VIP80525, Mayne Island, Cowichan District, and that the Chair be designated as the signing authority for the discharge documents.

CARRIED

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report Dated May 2017

Staff reported that the RAR report will be on next agenda, and a new Island Planner has been hired and will assist with the Commercial review.

12.1.2 Projects List Report Dated May 2017

12.2 Applications Report Dated May 2017

Received for information.

12.3 Trustee and Local Expense Report Dated March 2017

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

Following this meeting, the Mayne Island LTC webpage will be updated as directed.

12.6 Chair's Report

Chair Grams reported that Senior Staff and Executive met in Nanaimo to discuss some formative issues affecting Islands Trust. The meeting was co-chaired by Islands Trust Corporate Administrative Officer (CAO), Russ Hotsenpiller, and by Islands Trust Chair, Peter Luckham. Under discussion were potential changes to the *Islands Trust Act* and how local trust committee projects are resourced and delivered. The meeting was constructive. CAO Hotsenpiller agreed to revert to Executive with staff's thoughts on structural changes to staffing that might improve project delivery, and with staff's views on the ideas raised by Executive with regard to the *Islands Trust Act*.

12.7 Trustee Reports

Trustee Dodds updated the LTC regarding the Fallow Deer Working Group Committee. Members include various ministries, the Capital Regional District (CRD) and islanders. CRD is drafting a plan for eradication and work is underway to apply for funding such a project. The Conservation Officer is enthusiastic and concern is increasing as problem is spreading to other areas. There are plans for a concerted hunt in October. IT staff attended meeting with a focus on environmental damage. There will be collaboration with First Nations.

Trustee Crumblehulme informed those present that there will be a well water workshop, supported by Islands Trust Council, on various islands; Mayne Island's workshop is on June 2. The SGIESC is on track with a report due in June as to ways to procure capital funding. Public buildings are being reviewed on the island as appropriate sites for solar panels. An application for funding would be made to CRD. The CRD is hosting a Housing Forum in beginning of June, and there is a small group exploring housing options on Mayne. The CRD has requested to meet with representatives of First Nations Tsartlip Band, date to be determined.

12.8 Trust Fund Board Report

None

13. NEW BUSINESS

13.1 First Nations Presentation by Fiona MacRaild - Staff Report

Senior Intergovernmental Advisor (SIA) MacRaild reviewed the staff report.

Discussion points:

- First Nations top priorities are land justice and development of economic opportunities.
- There is a suggestion for a unique "super soft" approach.
- Guest speakers could facilitate the understanding and importance of indigenous names/titles.
- Individuals identified would come to the island to speak to local place

names.

- Currently First Nations collaboration is not identified as a Top Priority.

Trustee Crumblehulme spoke to this being a long-term initiative that needs to begin.

Trustee Dodds agreed with this and apologized that the history of First Nations was not included in Official Community Plan.

Planner Richardson stated that to add an item to Top Priorities would necessitate the removal of an item.

Discussion followed as to Project List, hosting a public event and Top Priorities.

John Aitken supported a slow, respectful approach and emphasized the importance of history to current issues. For reconciliation, there is a need to establish trust and a secure foundation.

MA-2017-020

It was MOVED and SECONDED,

that the Mayne Island Local Trust Committee host a public event, inviting Tsartlip elder, John Elliot, his niece, Menetiye Elliot and nephew Phillip Kevin Paul (and/or other elders and knowledge-keepers that they may recommend) to share the story of the SENCOTEN language revival in the Tsartlip First Nations and sharing why indigenous place names on Mayne Island are so important to Tsartlip members.

CARRIED

There was further discussion as to when to have the event and format.

SIA MacRaild told of the success of a shared meal on Saturna Island; Denman/Hornby to bring associations together, SIA MacRaild will present history as participants talk through concerns and fears. There may be funding assistance through the Victoria office.

Planner Richardson and SIA MacRaild will work on this item with a target of October.

Chair Grams expressed appreciation to staff.

13.2 Freedom Cell Tower Proposal

Staff spoke to the report. This is for a replacement tower on Mount Parke and the proponent has advised in a letter dated May 12, 2017 that the proposal is excluded from community consultation as it is the replacement of an existing tower. There were three representatives for this project in the audience.

Chair Grams suggested an article in the Mayneliner magazine to inform the community of what is happening on the site.

This recommendation will be taken back to SBA Communications.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for June 26, 2017, at the Agricultural Hall, Mayne Island

15. TOWN HALL

Chris Roehrig questioned not having ordinances similar to those in municipalities on the island.

Glenda Johnson expressed appreciation for staff efforts on behalf of the water issues on her property. Staff have contacted the Ministry of Transportation and Infrastructure; however, there is no new information at this time. Islands Trust has no jurisdiction over the situation, but has lobbied for a resolution of the situation.

Chair Grams recommended contacting the local Member of the Legislative Assembly (MLA) as this is a Provincial issue.

16. CLOSED MEETING

None

17. ADJOURNMENT

By general consent the meeting was adjourned at 2:54 pm.

George Grams, Chair

Certified Correct:

Pat Todd, Recorder

Follow Up Action Report

Mayne Island

27-Mar-2017

Activity	Responsibility	Target Date	Status
Riparian Area Implementation - Staff directed to prepare a draft bylaw to implement an RAR DPA for Deacon Creek and Horton Creek.	Gary Richardson		Done
RAR - staff to work with LTC and Islands Trust Mapping Dept. to ensure names on streams are accurate.	Gary Richardson		Done

24-Apr-2017

Activity	Responsibility	Target Date	Status
LTC Minutes of March 27, 2017 adopted as drafted.	Sharon Lloyd-deRosario		Done
Bylaw Enforcement Policy - unlawful dwelling	Miles Drew		Done
APC Recommendation March 13, 2017 - STVR Enforcement Policy Enforcement Manager will prepare report on APC recommended wording change to policy.	Miles Drew		Done

15-May-2017

Activity	Responsibility	Target Date	Status
Minutes of April 24, 2017 approved as drafted.	Sharon Lloyd-deRosario Regina Robinson		Done
Miners Bay Dock - leaking gas lines. Contact Ted Robbins to determine status. CC Area Director and Harbors Commission.	Gary Richardson		Done
North Pender Island LTC Bylaw 213 - respond LTCs interests unaffected.	Sharon Lloyd-deRosario		Done

Follow Up Action Report

MA-DVP-2017.1 (Adams) - permit approved as drafted.	Sharon Lloyd-deRosario	Done
Covenant Removal Request - Arbutus Bay Estates - covenant removal documents to be prepared and signed by Chair.	Gary Richardson	Done
First Nations - Arrange First Nations Event for October 2017	Gary Richardson	On Going
Freedom Mobile - Forward copy of minutes to proponent	Gary Richardson	Done

ARBUTUS BAY ESTATES LTD.

Mayne Island Local Trust Committee
c/o Islands Trust,
200-1627 Fort Street
Victoria, BC V8R 1H8
Fax 250 – 405 5155

Attn. George Grams, Chair
Jeanine Dodds, Local Trustee
Brian Crumblehume, Local Trustee

May 31, 2017

Dear Jeanine, dear George, dear Brian:

Re: Reversal Zoning of Foreshore in front of Lot A, Plan VIP80525

At, or rather immediately after the last monthly Islands Trust meeting earlier this month, I spoke first with you, George, about the unanswered requests to reverse the unlawfully handling of the rezoning of my property, noted above. You stated that – although you are chair of the LTC, and as such you are part of the Executive of the Islands Trust – this would be a matter to be dealt with by the two local trustees, Jeanine and Brian.

At the previous meeting, when I raised the issue, including the direct information of the affected owner being required, instead only a publication in a Gulf Islands newspaper, you responded that the Town Hall Meeting was not the appropriate time and space to do raise the issue. But you did not advise me what would be a good time and venue to discuss this matter.

Then I spoke to you, Brian, providing you with George's response, and asked that you and Jeanine please concern yourselves now with this matter as it needs to be dealt with. You responded that it is your practice to normally notify affected off Island owners directly about an intended rezoning of property in which they have an interest. But it was not done in this case. I was confronted after the fact with the fait accompli. I was even asked by your office to pay over \$ 500 for FOI disclosures proving this fact.

In this context I refer to my registered letter of July 19, 2016, as well as all prior communication on the same issue. I had requested that the unlawful rezoning of the



foreshore in front of my waterfront property - without any Notice or information whatsoever to me - be reversed from the unlawful Community Wharf rezoning in 2009 to it's former zoning Industrial W4.

I had also provided you with detailed information about the Canadian laws of Riparian rights and the fact that my upland has all rights of waterfront associated to it, as well as that your rezoning entices the public, the community of Mayne Island, visitors and others, to unlawfully trespass on my property to access the illegal wharf obstructing my waterfront access rights.

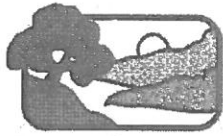
Since the earlier correspondence, it has now been proven through surveyor expert evidence that also the wharf structure itself is not only located on my foreshore, but in fact fixed to my upland – without any consent whatsoever to allow this.

Please let me know what questions you have that you would like to have answered, or clarified, and when, at what location we can discuss finally the issue of correcting the wrong rezoning. I am available both in Victoria, or on Mayne Island. Please respond to this and my prior letters at your earliest convenience, thank you kindly already in advance.

Sincerely

ARBUTUS BAY ESTATES LTD.

PAULA M. BUCHHOLZ
President



Islands Trust

BYLAW REFERRAL FORM

1-500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8
Ph: (250) 537-9144
Fax: (250) 537-9116
ssinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area

Bylaws No: 487 and 496

Date: June 8, 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:

Salt Spring Island Local Trust Committee, 1-500 Lower Ganges Road, Salt Spring Island, BC

PURPOSE OF BYLAW:

The Salt Spring Island Local Trust Committee Rural Watershed Uses project was undertaken to develop appropriate regulatory or legislative measures to address current or potential impacts from agricultural practices in the Rural Watershed 1 and 2 zones within the Salt Spring Island Local Trust.

GENERAL LOCATION:

Salt Spring Island Local Trust Area Local Electoral Area "F"

LEGAL DESCRIPTION:

Same as above.

SIZE OF PROPERTY AFFECTED:

ALR STATUS:

See other below

OFFICIAL COMMUNITY PLAN DESIGNATION:

Official Community Plan Bylaw No. 434

OTHER INFORMATION:

Only one property within Electoral Area "F" has been identified with dual ALR and Rural Watershed zoning designation. Legal description as follows: Lot B, Section 86, South Salt Spring Island, Cowichan District, Plan 29679.

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: Jason Youmans

Title: Island Planner

This referral has been sent to the following agencies:

Provincial Agencies

Ministry of Agriculture
BC Assessment Authority
Ministry of Forest Lands & Natural Resource Operations – Environment
Ministry of Forest Lands & Natural Resource Operations – Front Counter BC
Ministry of Health

First Nations

Malahat First Nation
Pauquachin First Nation
Tsartlip First Nation
Tsawout First Nation
Tseycum First Nation

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Penelakut Tribe
Stz'uminus First Nation

Semiahmoo First Nation
Tsawwassen First Nation

Hul'qumi'num Treaty Group (for information only)
Te'Mexw Treaty Association (for information only)

Regional Agencies

CRD – All Referrals
CRD – SSI Senior Manager, K. Campbell
CRD – Beddis Water Service Commission
CRD – Fulford Waterworks District
CRD – Fernwood/Highlands Water District
Vancouver Island Health Authority

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Cowichan Valley Regional District

Non-Agency Referrals

North Salt Spring Waterworks District
Salt Spring Island Water Preservation Society
Beddis and Cusheon Lake Area Residents Association
Salt Spring Island Watershed Protection Authority
Salt Spring Island Agricultural Alliance
Island Natural Growers
Salt Spring Island Farmers Institute
Salt Spring Island Water Council

PLEASE TURN OVER →

**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

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

487 and 496
(Bylaw Numbers)

(Title)

(Agency)



DATE OF MEETING: June 26, 2017
TO: Mayne Island Local Trust Committee
FROM: Phil Testemale, A/Planner 2
Southern Team
COPY: Gary Richardson, Island Planner
SUBJECT: Temporary Use Permit
Applicant: Kara Resources Ltd. c/o Meg Iredale-Grey
Location: 306 Campbell Bay Road

RECOMMENDATION

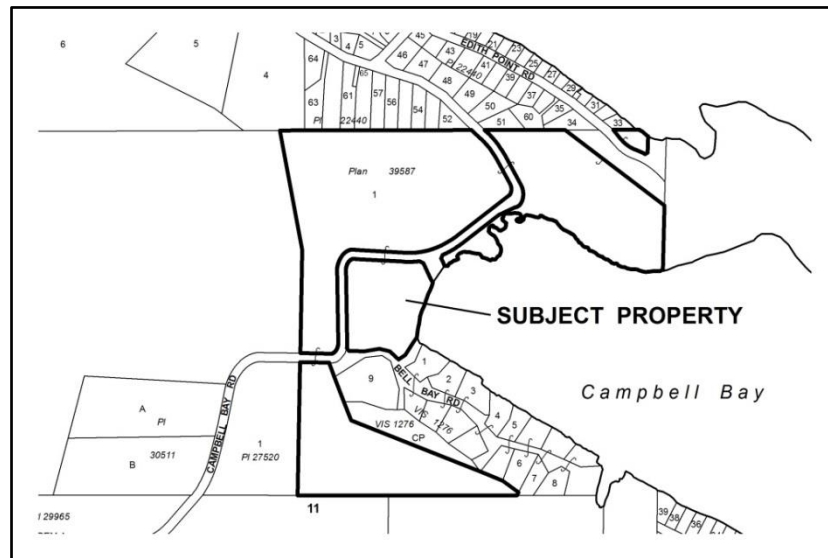
- 1. That the Mayne Island Local Trust Committee directs staff to proceed with statutory notification and report to a future LTC meeting with recommendations for issuance of the proposed MA-TUP-2017.2 (Kera Resources c/o Iredale-Grey).**

REPORT SUMMARY

The purpose of this report is to provide background information and analysis, and to seek further direction for a proposed Temporary Use Permit (TUP) for the annual Campbell Bay Music Festival.

In summary, the above recommendation is supported as staff has advertised a Community Information Meeting (CIM) to seek community input and have drafted a proposed TUP with conditions that meets Official Community Plan (OCP) guidelines and are also based on feedback from other jurisdictions. The next step in the process is for staff to make any required amendments to the draft TUP, undertake notification and report back to the LTC with recommendations for issuance.

Figure 1 – Subject Property



BACKGROUND

The proposal is for a TUP at **306 Campbell Bay Road**. The TUP would permit an annual three (3) day music festival the '**Campbell Bay Music Fest**' on a portion of the subject property (See Figure 2 – Site Plan)

As previously reported to the LTC, this year's festival is on June 23 and 24th. The purpose of this application is for a TUP for future events beginning in June of 2018.

The specifics of the application as submitted are as follows:

- A 3 day volunteer-run event to be held around the last weekend in June annually.
- Limited to a maximum of one thousand (1000) people which includes attendees, musicians and volunteers.
- Camping is permitted in designated areas.
- Off-street parking for (approximate) 180 vehicles is to be provided.
- Provision of food and alcohol services.
- Provision of outhouse and washing facilities.
- Site preparation and clean-up one week prior and one week after event.

The festival takes place on a portion of the property and has two stages (a main stage and a 'forest' stage), food and alcohol service areas, parking, camping as well as washroom (pit privy outhouses) and washing facilities.

The Music Fest has been held each year for the past nine years and began as a small musical gathering promoted only by word of mouth and has expanded in size and number of attendees over the intervening years. The festival is acknowledged as contributing to the island community's culture and economy; however, in recent years concerns about public health and safety as well as noise and nuisance to neighbours have increased.

The LTC have been made aware of concerns from the public and subsequently directed the Island Planner to inform the festival organizers that a permit for future events would be required. Application was received in March of this year. Bylaw enforcement has also been aware of issues related to the music festival, however, no formal complaint has been received nor enforcement action taken to date.

In order to generate a discussion of community concerns, an ad for a Community Information Meeting (CIM) on the application was placed in the June, 2017 *MayneLiner*. Statutory notification will be posted subsequent to the June 26th LTC meeting (see below).

Existing (permanent) buildings on the property are residential dwellings and farm use (barns and other accessory) buildings (see Attachment 1 – Site Context)

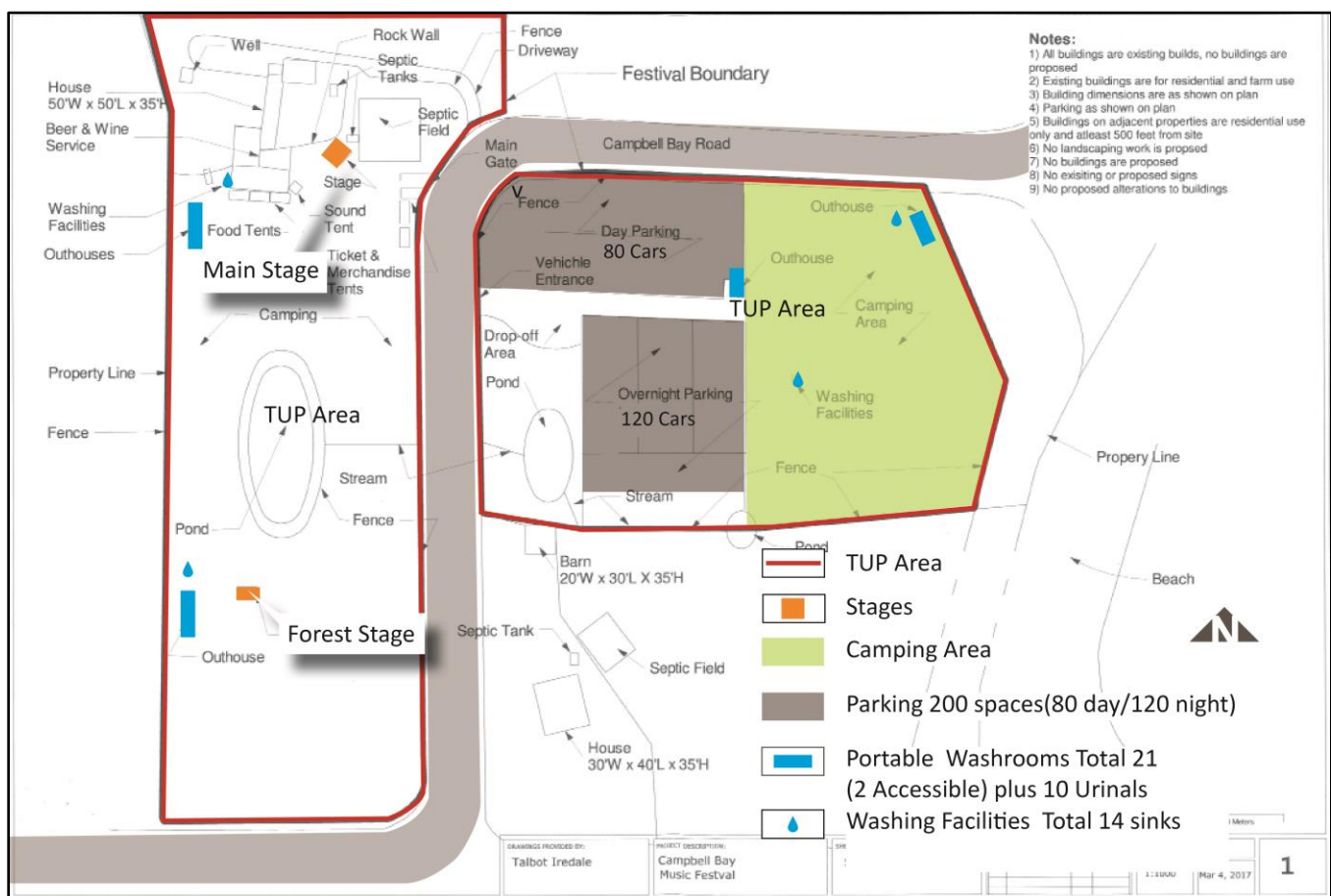
There is no permanent construction, alteration of existing buildings or land alteration associated with this application. All structures specific to the event are temporary and removed after each annual event.

The proposed TUP is for a term of three (3) years which can be renewed for a further three (3) years by application.

A copy of the draft MA-TUP-2017.1 is attached as Attachment 5.

Staff visited the site on May 29, 2017.

Figure 2 – Site Plan (Enhanced for Reporting)



ANALYSIS

Islands Trust Policy Statement:

- 5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
- 5.7.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

The proposal for a Temporary Use Permit to allow for an annual music festival is consistent with the above policies.

Official Community Plan:

The property is designated as **R – Rural** in the Mayne Island Official Community Plan Bylaw No. 144, 2007 (OCP).

There are no Development Permit Areas designated on the subject property.

Temporary Use Permit Guidelines:

Section 2.9 of the OCP establishes the objectives and guidelines for the issuance of TUPs. Relevant guidelines are as follows

2.9.1.6 permit conditions must make reference to measures dealing with the following points:

- a) general activity levels that will not create any disturbance apparent beyond the property's boundaries;
- b) adequate landscape buffering or distance separation to adjacent lots;
- c) provision of off-street parking spaces consistent with regulatory bylaws;
- d) reclamation measures that will restore the permit area to suitability for its designated primary use; and
- e) adequate supervision of the site.

2.9.1.7 In addition, permit conditions should outline operational plans, including hours and days of operation and staffing to ensure compatibility with the neighbourhood and may include an undertaking for restoration of the site and a security deposit to guarantee performance of the conditions.

These guidelines are considered in 'Issues and Opportunities' (below) and incorporated into the draft TUP.

In summary, the proposal meets the applicable guidelines contained in the OCP.

Land Use Bylaw:

The subject property is zoned as **Rural (R)** in the Mayne Island Land Use Bylaw No. 146, 2008.

The proposed TUP specifies the allowable use, conditions for the use and the time periods the use can occur.

Issues and Opportunities

Sanitation

Prior to the June 26, 2017 LTC meeting, staff will be forwarding a copy of this report including the draft TUP to the Island Health (VIHA) Environmental Health Officer for comments. Staff will report back at the June 26th meeting on any further response from VIHA.

Previous (including 2017) festivals have used pit toilets outhouse/washrooms that are dug prior to and filled after each annual festival. The specific number of these outhouses was not provided, although the site map indicates four (4) locations. It is noted that the temporary outhouses are all located over 30 metres from wells and surface water sources (ponds/streams – see Figure 2).

Staff has researched regulations and guidelines for the number and type of toilet and washing facilities from VIHA and other jurisdictions to ensure that public health risks are minimized with conditions in the TUP. VIHA has indicated that pit privies are exempt under the *Sewage System Regulation* which they enforce. However the Ministry of Health has sent a memo to health authorities saying that although pit privies are exempt it does not make them legal. VIHA position is that they will not take any actions on the use of pit privies until new regulations of direction are received from the Ministry of Health. Notwithstanding, they have stated that they highly recommend use of self-enclosed facilities in the future.

Based on the foregoing and on guidelines in 'Public Health Guidelines: Major Planned Events' (Health Protection Branch, Ministry of Health, May 2006 – relevant pages on sanitation is Attachment 4), staff is has incorporated the following conditions in the draft TUP:

- pit toilets are prohibited.
- a minimum number of portable, self-contained toilets (21 in total, 2 of which should be accessible).
- a minimum of 10 urinals.
- all sanitary liquid waste is to be transported off the island for disposal.
- a minimum of 14 washing stations.

These conditions will hopefully also assist in reducing a burden on local businesses off-site that reported experiencing excess demand.

Parking

The TUP guidelines indicate that the permit should ensure provision of off-street parking spaces consistent with regulatory bylaws. The applicants have submitted a plan that provides a total of 180 parking spaces in two designated areas (70 cars for day parking and 110 for overnight parking). That provides a ratio of 1 car for 5.5 people. There is likely to be car-pooling, and people arriving at the site through alternative transportation. In addition, the applicant would be basing their numbers on previous events.

There is no directly relevant LUB requirement for comparison purposes, although restaurants are required to provide 1 space per 3 seats. Staff is recommending that the condition be set at a minimum of 1 space per 5 people which would have the number increase to 200 spaces. This would allow a small buffer to offset any unforeseen rise in demand.

Noise

A condition in the permit is for a quiet time between 11 pm and 8 am. The format of the festival is have activities focused to the 'Forest Stage' (Figure 2) after 11 pm which is described as being more secluded and intimate, and therefore assumed to be quieter in respect of neighbours.

The proposed permit does have conditions for the permit holder or a designate to be on-site for the duration of the festival and be accountable for any violations and responsible for ensuring the conditions are met. In addition, there is a provision for the bylaw investigations officer to enter the site at any time during the festival without prior consultation to investigate any formal complaint.

Other Issues

Staff will be forwarding a copy of this report including the draft TUP to the provincial liquor control and licencing branch requesting comments on compliance with their regulations. Staff will also be forwarding a copy of this report including the draft TUP to the RCMP, Mayne Island Fire Department and CRD for their comments.

Likely through holding a CIM, other issues and concerns might be raised, and, as relevant, staff will report back to the LTC on how these can be addressed through conditions in the TUP.

Economic benefit to community

The Campbell Bay Music Festival should be acknowledged overall as an event that has positive cultural and economic benefits to the island community and attracts people to the island with benefits to local businesses and the potential to generate future tourism from returning guests.

Security

As stated above, the OCP guidelines provide for an undertaking for restoration of the site and a security deposit to guarantee performance of the conditions. The LTC could direct staff to amend the draft permit to include such an undertaking and security. Given that the event occurs on private property and there has been no history of unrepaired damage on the subject property or elsewhere, staff is not recommending such an amendment.

Consultation

Non-Statutory

A non-statutory notice was placed in the *MayneLiner* June 2017 edition (Attachment 3) invited the community to provide input at a Community Information Meeting (CIM) as part of the June 26th LTC agenda. Any feedback from the CIM will be updated when the TUP is forwarded to the LTC for consideration of issuance.

Statutory Requirement – Notification

TUP Notices will be circulated to surrounding property owners and residents and published in a forthcoming edition of the Driftwood newspaper. Any responses will be reported as per the previous.

Rationale for Recommendation

Based on the analysis of OCP guidelines and regulations, issues and opportunities, and input from other jurisdictions, and that the music festival is a long-standing event that has positive community benefits, staff is recommending the TUP proceed to statutory notification as outlined on page 1.

ALTERNATIVES

1. Amend the proposed Permit

The LTC may request that staff amend the conditions of the draft permit based on information received from the CIM, other agencies, the applicant or others.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee direct staff to amend draft MA-TUP-2017.1 (Kera Resources Ltd. c/o Iredale–Grey) by _____.

2. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should be advised to describe the specific information needed and the rationale for this request.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee request that the applicant submit to the Islands Trust _____.

3. Deny the application

The LTC may deny the application.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee deny application MA-TUP-2017.1 (Kera Resources Ltd. c/o Iredale–Grey).

NEXT STEPS

- Staff will forward a copy of this report including the draft TUP to Island Health (VIHA), the provincial Liquor Control and Licensing Branch, RCMP, Mayne Island Fire Department and RCMP for comments.
- TUP Notices will be circulated to surrounding property owners and published in the *Driftwood*.
- Staff will report back to the LTC at the July regular meeting on the results of notification and with recommendations for issuance of the TUP.

Submitted By:	Phil Testemale, A/Planner 2	June 15, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	June 15, 2017

ATTACHMENTS

1. Site Context

2. Maps, Plans, Photographs
3. Notice in '*MayneLiner*'
4. Excerpt from 'Public Health Guidelines: Major Planned Events' (Health Protection Branch, Ministry of Health, May 2006, pp. 15 -17)
5. Draft TUP Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 1, SECTION 11, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 39587
PID	000-985-341
Civic Address	306 Campbell Bay Road

LAND USE

Current Land Use	[State which land uses are currently occurring on the site]
Surrounding Land Use	[Describe what land use activity is taking place on adjacent lands]

HISTORICAL ACTIVITY

File No.	Purpose
MA-BP-2012.4 and 2017.8 SUB-1990.7	Historical and current subdivision and building permits, none of which are relevant to the current application.

POLICY/REGULATORY

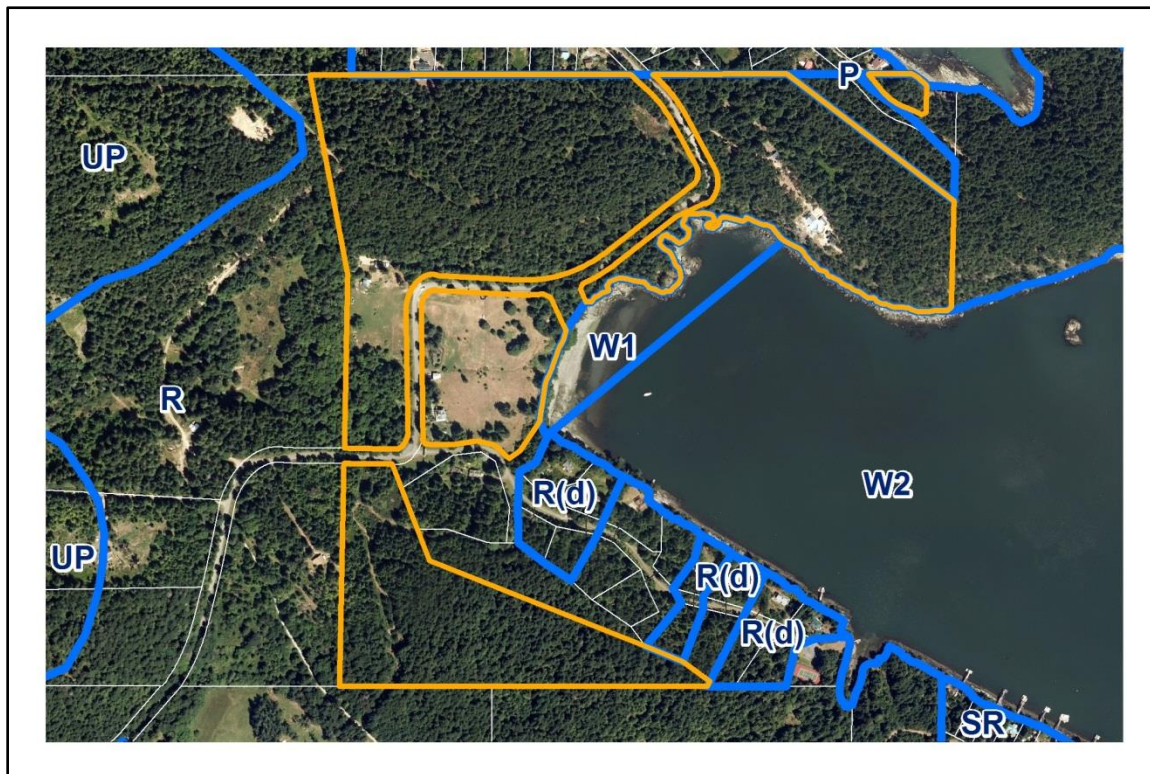
Official Community Plan Designations	R – Rural in the Mayne Island Official Community Plan Bylaw No. 144, 2007 (OCP). There are no DPAs designated on the property.
Land Use Bylaw	Rural (R) in the Mayne Island Land Use Bylaw No. 146, 2008.
Other Regulations	N/A
Covenants	M58080 applies to limits on further subdivision.
Bylaw Enforcement	Bylaw enforcement has been aware of issues related to the music festival from previous years. However, there has been no formal complaint or enforcement action taken to date. There was a previous enforcement file in 2013 with regard to the height of a fence. That file is closed.

SITE INFLUENCES

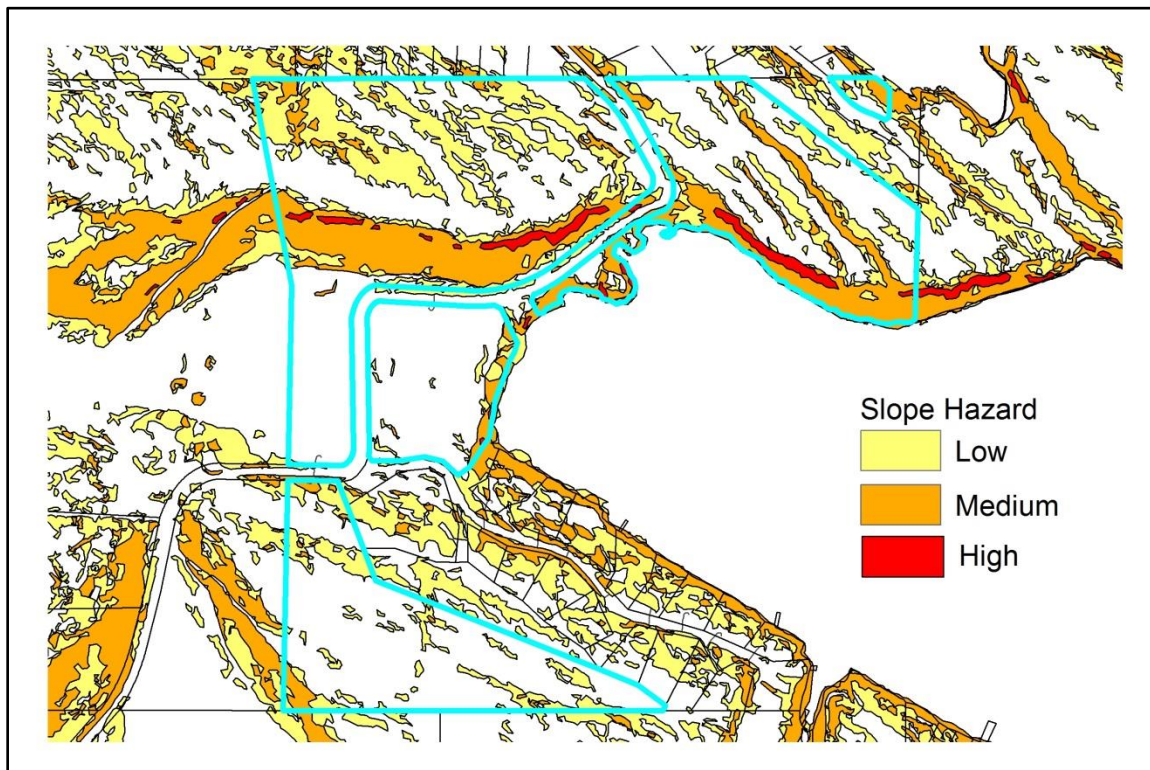
Islands Trust Fund	This application has no considerations for the Islands Trust Fund.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None
Sensitive Ecosystems	The Islands Trust Ecosystem Mapping indicates cliff and agricultural ecosystems. Sensitive ecosystems identified are associated with shoreline and marine (forage fish and eelgrass (below)
Hazard Areas	There are areas of Low, Medium and High Risk Slope Stability areas identified on the property (Attachment 2.3) However, there are only very limited areas of Low and Medium in the TUP area and there is no new development

	proposed.
Archaeological Sites	There are no know archaeological sites identified with the provincial RAAD system on the property or in proximity to the proposed development.. Regardless of the information from RAAD, check the relevant protocols and indicate any referral/process requirements. If there are no resources on RAAD, include this statement in the report: Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	There is no new development that is proposed as part of the TUP. Overall, the scale and limited nature would have a limited impact on greenhouse gas emissions.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder & Sediment Shoreline – Pebble/Sand
Shoreline Data in TAPIS	There are eelgrass beds contiguous with the subject property shoreline and the most western beach of Campbell Bay has forage fish habitat identified (see Attachment 2.4)

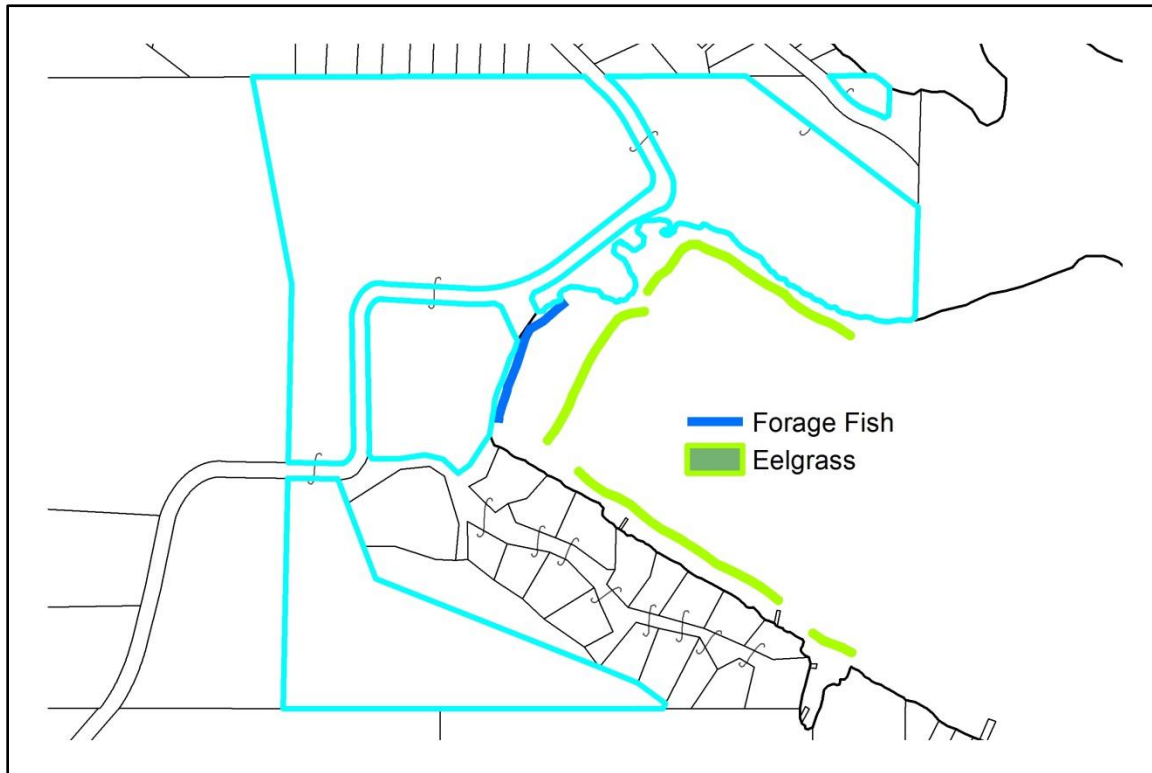
2.2 ORTHOPHOTO WITH ZONING



2.3 STEEP SLOPE HAZARD MAPPING



2.4 SENSITIVE ECOSYSTEMS MAPPING





**Mayne Island
Local Trust Committee**

www.islandstrust.bc.ca
information@islandstrust.bc.ca

**NOTICE OF
COMMUNITY INFORMATION MEETING**

The Mayne Island Local Trust Committee (LTC) will be holding a Community Information Meeting (CIM) within their regular LTC meeting on June 26, 2017, in order to discuss a Temporary Use Permit (TUP) application, to hold a weekend music festival, on a weekend in June, once a year (Campbell Bay Music Festival). The property subject to the TUP is located at 306 Campbell Bay Road

A month after this CIM (July 24, 2017) the LTC will be considering the issuance of a TUP for the music festival. The permit, if issued, will apply to future music festivals on the property starting June 2018. The TUP can be issued for up to three years.

This CIM gives the public an opportunity to comment on the proposal and ask questions of the staff and LTC prior the LTC considering issuance of the permit.

At the CIM, Islands Trust Planning staff will give a presentation to introduce the proposal and then the LTC and staff will answer questions and listen to comments from the public on issues associated with the proposed use.

DATE: Monday June 26, 2017

TIME: 1:00 p.m.

LOCATION: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

ALL MEETINGS ARE OPEN TO THE PUBLIC

FACT SHEET #3: SANITATION

BACKGROUND

This fact sheet provides guidance on providing good sanitation to reduce the risk of disease outbreaks. Sanitation generally refers to facilities and services that allow for the safe disposal of human waste. Inadequate sanitation is a major cause of disease worldwide. Improving it has a significant beneficial impact on health.

Providing safe, clean and hygienic sanitary facilities with hand-washing stations is one of the primary responsibilities of event organizers.⁷ Considering the number of toilets and hand-washing stations that should be available, their location, access and maintenance will not only help prevent disease outbreaks, but will also ensure attendees have a pleasant experience.

REDUCE THE RISK

Event organizers can reduce the risk of illness by considering the following factors when determining the number of toilets, sinks and showers (see Tables 1, 2 and 3, below, for more details):

- Event duration.
- Audience profile.
- Anticipated audience food and fluid consumption.
- Anticipated use during intervals and breaks in performance.
- Requirements for event-related temporary campsites.
- Provision of facilities for children or elderly people who may take longer to use a facility.
- Weather conditions and temperature.
- Provision of facilities for people with special needs (e.g., wheelchair accessibility). One toilet with hand-washing facilities should be provided per 75 people with special needs.
- For campgrounds:
 - Consider supplying shower facilities onsite when overnight camping is provided.
 - Use the suggested minimum number of shower facilities in Table 3.
 - Locate campgrounds in locations with adequate drainage.

Use the following recommendations when determining sanitation requirements. A consultant or contractor could provide assistance in determining the appropriate numbers of sanitary conveniences.

- Locate toilets, sinks and showers so they:
 - Provide protection from bad weather and tripping hazards.
 - Are on ground that is dry and likely to remain so.
 - Are distributed around the venue (to minimize crowding and queuing problems).
 - Do not obstruct emergency routes.
 - Are visible.
 - Are easily accessible to attendees and, if necessary, service vehicles.
- Ensure toilet blocks and individual units are adequately lit during the day and night.
- Provide stable, nonslip surfaces for toilet block floors, ramps and steps.

⁷ Division 2 of the Regulated Activities Regulation requires an operator of a public place meant for assembly or recreation to ensure the public has access to adequate sanitary facilities.

- Protect connected pipe work to avoid damage.
- Screen urinal areas with a strong screen and enclose the area with appropriate security fencing.
- Provide baby-changing facilities, including receptacles for hygienic diaper disposal.
- Designate responsibility for routine cleaning by doing the following:
 - Develop maintenance and cleaning schedules.
 - Clean toilets throughout the duration of the event.
 - Provide an adequate supply of toilet paper, soap, paper towels and/or hand sanitizer or antiseptic hand wipes.
 - Provide for disposal and removal of sanitary napkins.
 - Provide adequate cleaning supplies for staff.
 - Ensure availability of equipment and trained staff for emergency repairs and rapid clearance of blockages.

TABLE 1. RECOMMENDED NUMBER OF TOILET FACILITIES FOR EVENTS WHERE ALCOHOL IS NOT AVAILABLE

	Males			Females	
Patrons	Toilets	Urinals	Sinks	Toilets	Sinks
<500	1	2	2	6	2
<1,000	2	4	4	9	4
<2,000	4	8	6	12	6
<3,000	6	15	10	18	10
<5,000	8	25	17	30	17

TABLE 2. RECOMMENDED NUMBER OF TOILET FACILITIES FOR EVENTS WHERE ALCOHOL IS AVAILABLE

	Males			Females	
Patrons	Toilets	Urinals	Sinks	Toilets	Sinks
<500	3	8	2	13	2
<1,000	5	10	4	16	4
<2,000	9	15	7	18	7
<3,000	10	20	14	22	14
<5,000	12	30	20	40	20

TABLE 3. RECOMMENDED MINIMUM NUMBER OF SHOWER FACILITIES*

Gender	Toilets	Urinals	Sinks	Showers
Males	1 per 50	1 per 100	1 per 75	1 per 100
Females	1 per 25	N/A	1 per 75	1 per 100

*Based on two to three nights of camping.

PROVIDE INFORMATION

- Provide clear signage on toilets and showers.
- Provide hand-washing signs.
- Provide clear directional signs on where toilets and showers are located.
- Provide prominent signs in baby-changing cubicles to ensure waste receptacles are used.

MONITOR HEALTH RISKS

- Ensure facilities are clean, sanitized and maintained throughout the event.
- Keep open communication with first aid and onsite medical staff with respect to such issues as gastrointestinal illnesses.

CHECKLIST

Each event is unique, with different requirements. Checklist items may or may not be applicable to your event.

TO DO:

Ensure your sanitary facilities are:

- ☐ Provided in sufficient number.
- ☐ Located away from food storage and food service areas.
- ☐ Well lit, including the surrounding area.
- ☐ Well marked.
- ☐ Secured to prevent tipping.
- ☐ Easily accessible to service vehicles.
- ☐ Provided with waste receptacles for sanitary products and paper.
- ☐ Equipped with soap and hand-drying equipment.
- ☐ Fitted with syringe disposal units.
- ☐ Cleaned regularly and restocked throughout the event.
- ☐ Odour free.

PROPOSED



**MAYNE ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
MA-TUP-2017.1**

306 Campbell Bay Road

To: Kara Resources
c/o Meg Iredale-Gray

1. This Permit applies to the land described below:

Lot 1, Section 11, Mayne Island, Cowichan District, Plan 39587
(PID: 000-985-341)

2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:

- a) A three (3) day annual outdoor music festival ('festival')

Within the area indicated as 'TUP Area' on Schedule 'A' attached to and forming part of this permit.

3. The uses permitted in paragraph 2. may be carried out in the 'Temporary Use Permit Area' subject to the following conditions:

- a) the permit holder or designated contact person must be available on Mayne Island by telephone 24 hours a day during the dates of the festival, and that person's name and contact number(s) must be clearly posted outside the entrance gate as shown on Schedule 'A' during each annual recurrence of the festival;
- b) the permit holder must provide neighbours within a 100 metre radius of the property with the contact person's phone number, and a copy of the temporary use permit for each annual recurrence of the festival ;
- c) the permit holder must post emergency services contact information in visible locations throughout the festival area;
- d) the maximum number of attendees is limited to one thousand (1000) persons including volunteer staff and ;
- e) camping and occupancy of recreational vehicles is restricted to the area designated as 'Camping Area' on Schedule 'A' ;
- f) pit privy toilets and outhouses are prohibited;
- g) a minimum of twenty one (21) portable, self-contained toilet facilities, two (2) of which must be accessible, are to be provided;
- h) a minimum of ten (10) urinals are to be provided;
- i) a minimum of fourteen (14) washing facilities (sinks) are to be provided;
- j) all sanitary sewer waste from toilets and urinals is to be transferred and disposed of at a licenced facility off of Mayne Island;

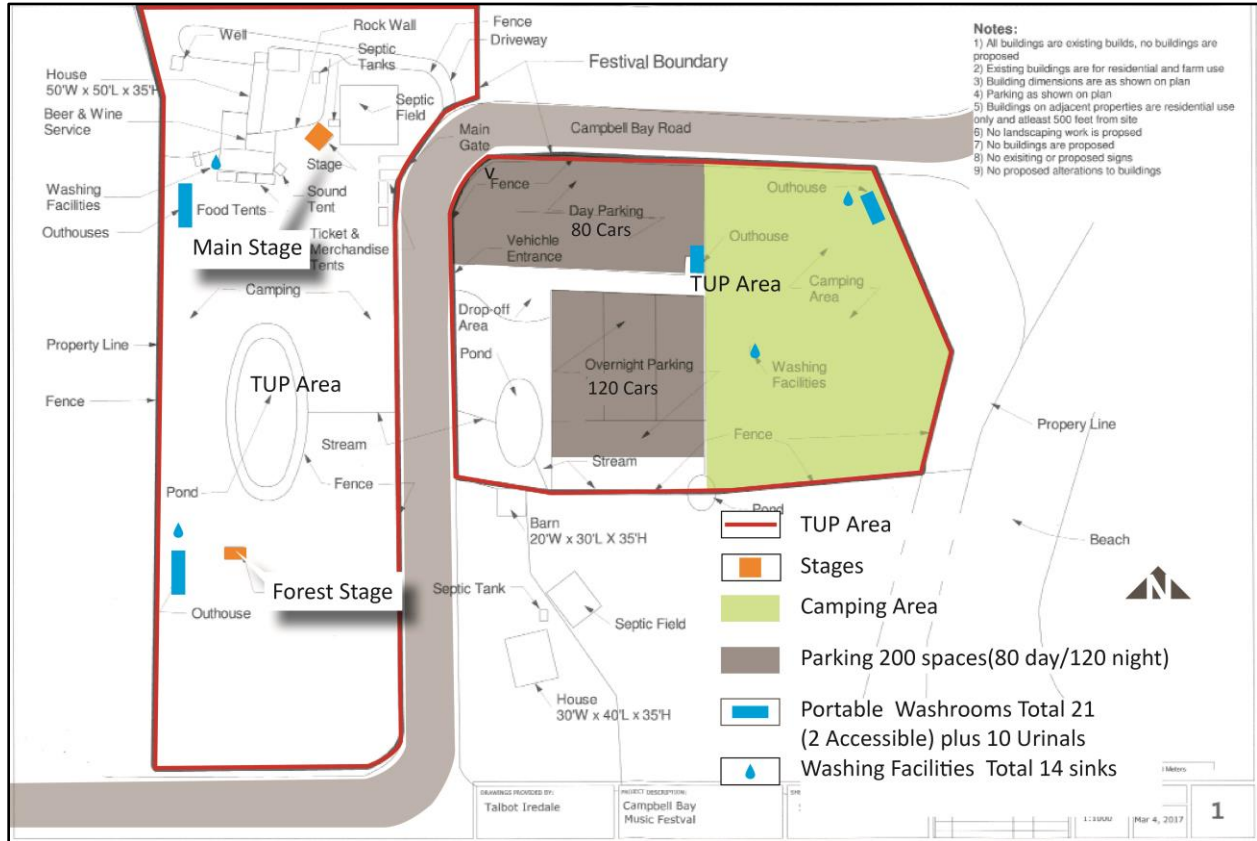
- k) all outdoor fires are prohibited;
 - l) the owner must provide on-site parking for two hundred (200) vehicles on the property in the areas designated as 'Day Parking' and 'Overnight Parking' on Schedule 'A' ;
 - m) quiet times are to be posted within the TUP Area and enforced by the holder of the permit from the hours of 11 pm to 8 am daily;
 - n) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property at any time during the festival without prior consultation with the holder of the Permit for the purpose of investigating a complaint.
4. This permit is valid for a maximum of three (3) days per year within the month of June for a duration of three (3) years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Mayne Island Land Use Bylaw No. 146, 2008" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS Xth DAY OF MONTH, 201X.

Deputy Secretary, Islands Trust

Date Issued

MAYNE ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
MA-TUP-2017.1
Schedule 'A'





DATE OF MEETING: June 26, 2017
TO: Mayne Island Local Trust Committee
FROM: Phil Testemale, A/Planner 2
Southern Team
COPY: Gary Richardson, Island Planner
SUBJECT: Development Variance Permit
Applicant: Barry Watson
Location: 491 McKercher Road, Mayne Island

RECOMMENDATION

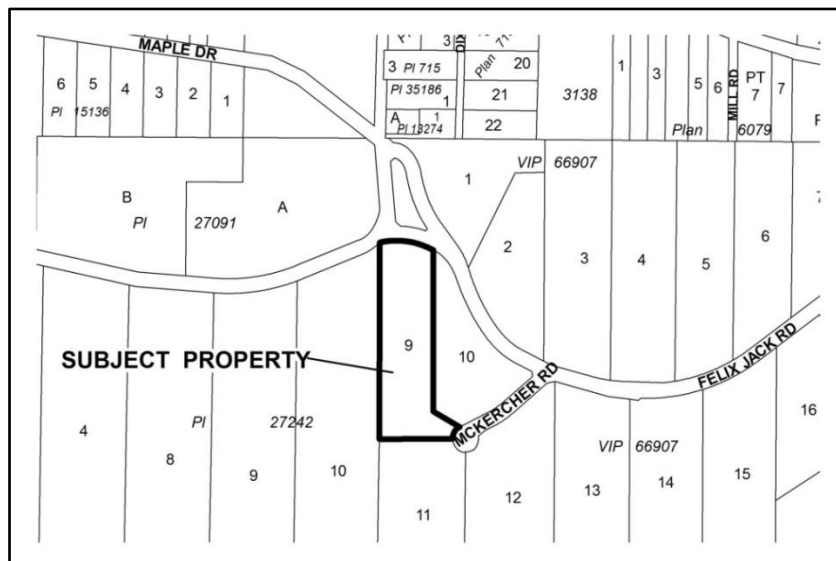
1. That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit MA-DVP-2017.2 (Watson)

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit (DVP).

In summary, the above recommendation for the issuance of the DVP is the use is permitted by the Mayne Island Land Use Bylaw. The requested variance is the result of a surveying error and is so small as to be negligible and, as such, is reasonable and consistent with the intent of the regulation. Lastly, the applicant has consulted with his immediate neighbours and no concerns have been raised.

Figure 1 : Subject Property



BACKGROUND

The proposal is to vary the setback for an interior side yard setback **491 McKercher Road**. The variance will allow for the siting of a single family dwelling that is under construction on the property (see Figure 2). The proposed use conforms to the zoning on the property.

Specifically, the proposed variance will allow for a variance for the following:

- Article 5.5(7) (b) which states that the minimum setback for any building or structure is: 3 metres (10 feet) from any interior side lot line would be varied to permit the construction of a dwelling within 2.94 metres of an interior side lot

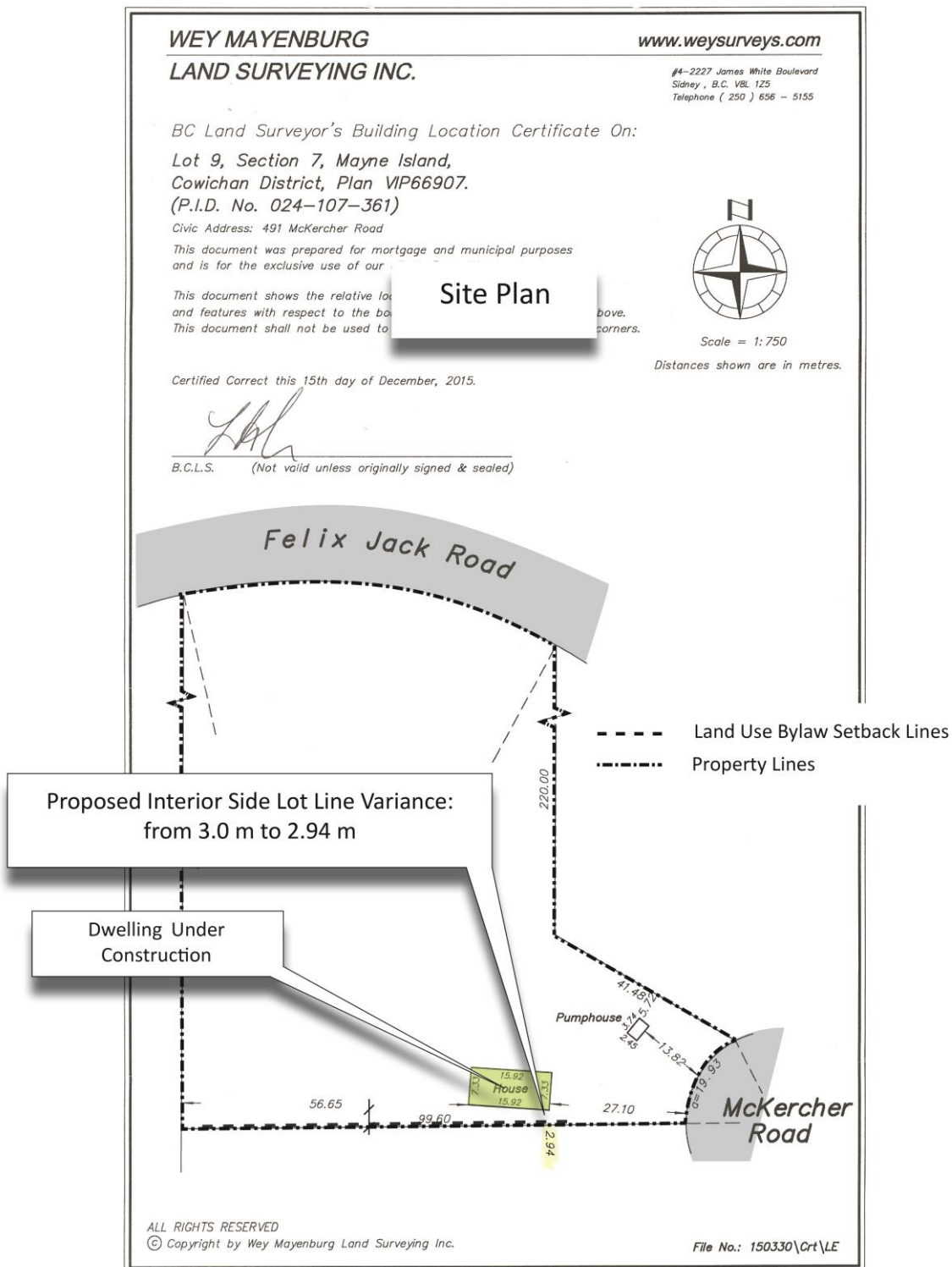
The reasons for the variance are due primarily to unintended errors in the siting of the house despite the best intentions of the owner. The location of the house on the 2 ha (5 acre) property was chosen as it is the portion of the property that has the best view. The owner initially had the house site surveyed and staked when starting construction 18 months ago, however in the course of excavation, drilling and construction, the line was lost and the house was unintentionally sited in error. The error was revealed by the survey plan conducted by Wey Mayenburg on December 15, 2015. Given the degree of accuracy that the surveyor cited, the actual variance could in reality be as small as 0.4 metres, although the survey itself indicates .06. Regardless, the size of the variance is very small by any standard.

Neighbouring residents are 62, 105 and 205 metres distant.

The property has the dwelling that is under construction and a pumphouse building.

Staff will visit the property on June 8, 2017 and will report at the meeting, if necessary.

Figure 2 – Site Plan



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

There are no relevant policies for this application.

Official Community Plan:

The property is designated as **R – Rural** in the Mayne Island Official Community Plan Bylaw No. 144, 2007

There are no Development Permit Areas designated on the subject property.

Land Use Bylaw:

The subject property is zoned as **Miners Bay Rural Comprehensive (MBRC)** in the Mayne Island Land Use Bylaw No. 146, 2008.

The single family dwelling use and density complies with the zone in the land use bylaw.

Islands Trust Fund:

This application has no considerations for the Islands Trust Fund and has no considerations for the Regional Conservation Plan.

Issues and Opportunities

Rationale for the Variance

The applicant has submitted a letter that details the chronology and reasons for the construction error and his rationale for granting the variance (Attachment 3). In summary, that rationale is as follows:

- The house site was originally surveyed and staked when construction was started.
- An unintended error was made when the location of surveyed line was lost during the construction process.
- The location of the house was sited for the best view from the property.
- The size of the variance is extremely minor.
- The location and size does not impact neighbouring properties (nearest residence is 62 metres distant).
- Neighbours have been consulted and they have expressed no objections.
- The cost of altering or moving the dwelling would be prohibitive.

The Overall Intent of the Regulation (s) being Varied

The overall purpose of the setback regulations is to minimize impacts on adjacent property related to:

- Limiting the visual impact of development on adjacent properties.
- Establishing a consistent development pattern within a local area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining a rural character.

Potential Impacts of Granting the Variance

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits.

Circulation/Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. on June 23, 2017.

Staff has received one submission to date (Attachment 4), and the applicant has consulted with the two (2) other closest neighbours.

Any further submissions received prior to the LTC meeting will be forwarded to Trustees and reported at the meeting.

Rationale for Recommendation

Staff is recommending that the variance be supported for the following reasons:

- The reasonableness of the applicant's request, particularly that it was an unintended mistake and minor in scale.
- The impacts on neighbouring properties are negligible, as the closest residence is 62 metres away.
- Neighbours have been consulted and have expressed no objections, nor have any submissions been received at the time of writing.
- The variance does not impact the intent of the bylaws.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should be advised to describe the specific information needed and the rationale for this request.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee request that the applicant submit to the Islands Trust
_____.

2. Deny the application

The LTC may deny the application.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee deny application MA-DVP-2017.2 (Watson).

Submitted By:	Phil Testemale A/Planner 2	June 6, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	June 6, 2017

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Letter from applicant
4. Letter of support
5. Notice
6. Draft Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 9, Section 7, Mayne Island, Cowichan District, Plan VIP66907
PID	024-107-361
Civic Address	491 McKercher Road
Lot size	2.06 hectares (5 acres)
Lot Description	

LAND USE

Current Land Use	Rural (Comprehensive)
Surrounding Land Use	Rural and Rural Residential

HISTORICAL ACTIVITY

File No.	Purpose
N/A	

POLICY/REGULATORY

Official Community Plan Designations	R – Rural in the Mayne Island Official Community Plan Bylaw No. 144, 2007. There are no DPAs designated on the property.
Land Use Bylaw	The subject property is zoned as Miners Bay Rural Comprehensive (MBRC) in the Mayne Island Land Use Bylaw No. 146, 2008.
Other Regulations	N/A
Covenants	None
Bylaw Enforcement	N/A.

SITE INFLUENCES

Islands Trust Fund	This application has no considerations for the Islands Trust Fund.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	No species at risk identified with mapping
Sensitive Ecosystems	No sensitive ecosystems and/or sensitive features shown on provincial or Islands Trust mapping.
Hazard Areas	There are small areas of low and medium slope stability risk on the property (Attachment 2.2). The dwelling is not located in these zones.
Archaeological Sites	There are no know archaeological sites identified with the provincial RAAD system on the property or in proximity to the proposed development.. Regardless of the information from RAAD, check the relevant protocols and indicate any referral/process requirements. If there are no resources on RAAD, include this statement in the report: Notwithstanding the foregoing,

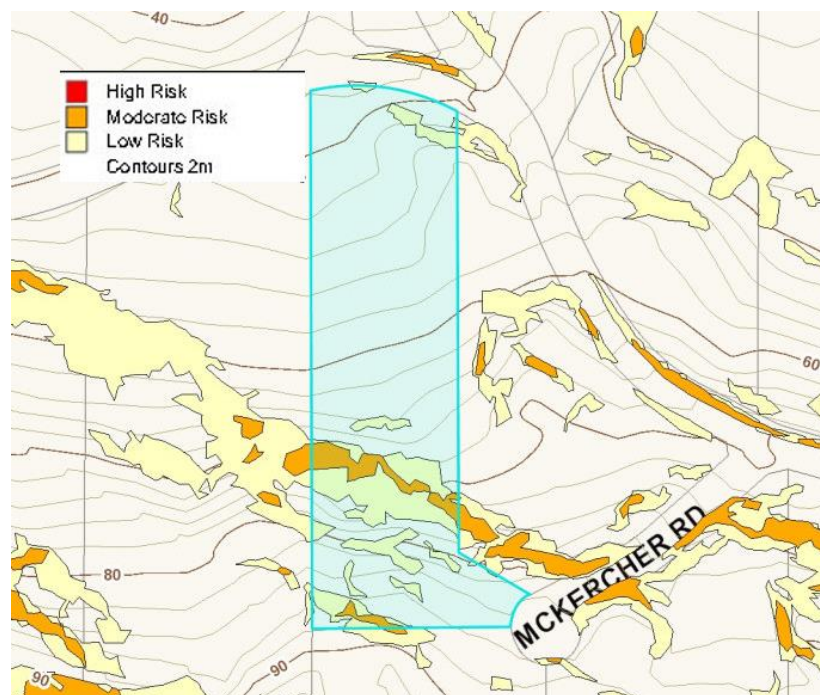
	and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	The application is for a dwelling under construction that is modest in size. The majority of the property is under forest cover. The elevation of the property and general location minimizes potential impacts of climate change.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

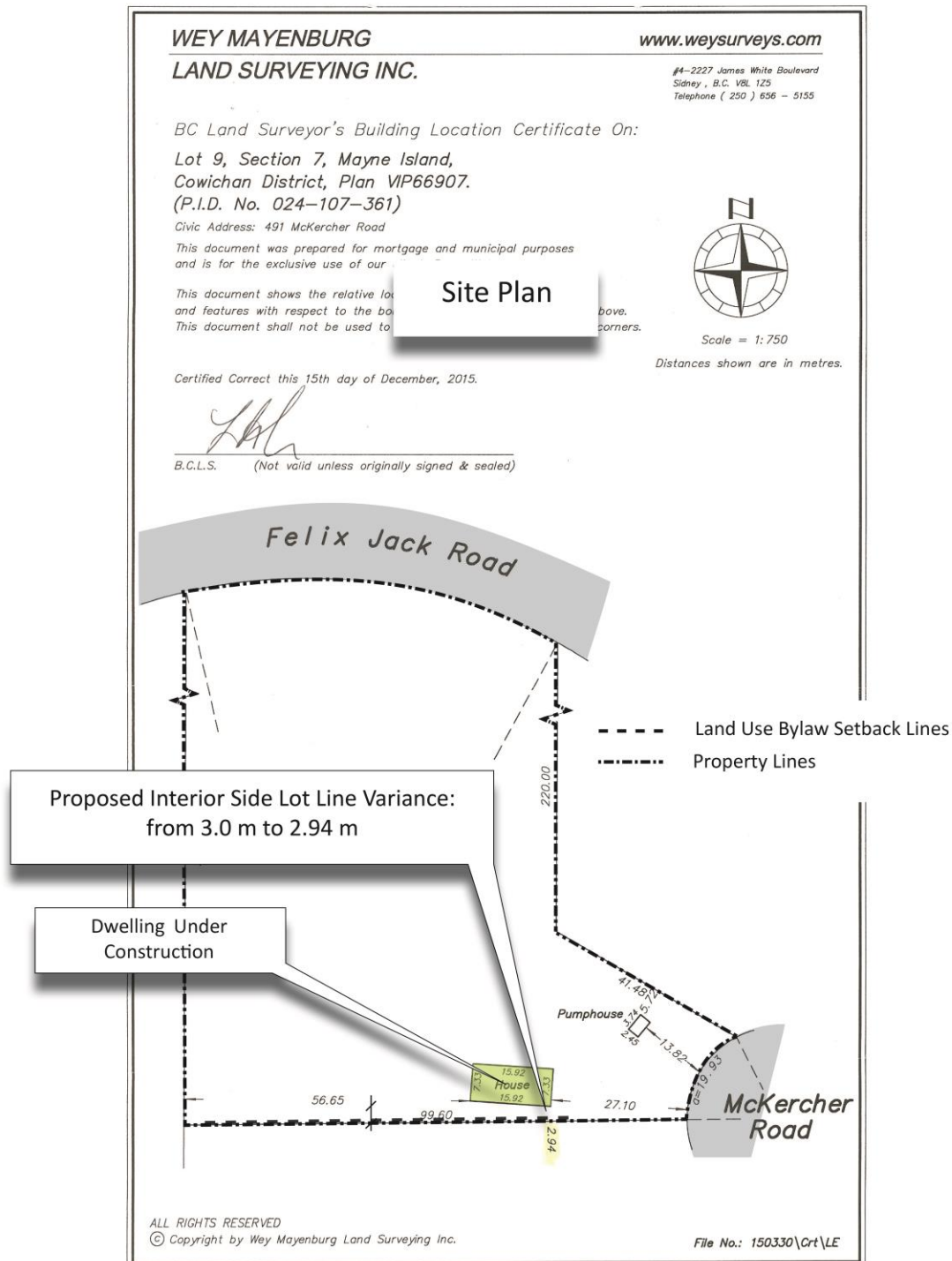
2.1 ORTHOPHOTO AND ZONING



2.2 STEEP SLOPE HAZARDS AND 2 M CONTOURS



2.3 SITE PLAN (ENHANCED)



2.4 PHOTOGRAPH OF SOUTH ELEVATION OF DWELLING



2.5 PHOTOGRAPH OF SOUTH ELEVATION OF DWELLING



491 McKercher Road
Mayne Island, BC V0N2J2

March 7, 2017

Islands Trust, Victoria Office
200 – 1627 Fort Street
Victoria, BC V8R1H8

Re: Development Variance

Good day,

I'm applying for an extremely minor development variance for a house I'm in the process of constructing for myself on Mayne Island. I bought the five-acre property twelve years ago and started construction 18 months ago.

When I laid out the house I had an initial survey done. Since then there's been a lot of surface excavation and rock-drilling and clearly, in the process of building, my line has moved slightly without my knowledge. The result is that now one corner of the house is 2 3/8" or .06 metres over the required 3-metre setback from the side property line. I have attached an actual-size drawing to illustrate the part over the setback line. It's a long slender triangle, with a total area inside the setback of about 36 square inches or .0232 square metres.

When Wey Mayenburg did the enclosed survey pursuant to the building permit but well after construction started, they didn't attempt to locate the back (west) pin on that property line. It was somewhere back in the bush. They took their calculations from the pin on the cul-de-sac at the east end. I spoke to the surveyor about resulting loss of accuracy and he said it wasn't necessary to find the back pin. When pressed, because it might be important to me, he said it could be as much as 2 cm out. If this were true, I could be only .04 meters, or 1 1/2" inside the setback, on one corner.

You might ask why I have chosen to build a house so close to the property line on a five-acre parcel. That is where the best view is. And my neighbor on the other side of this property line, Bob Mitton, who has a six-acre parcel, has built his house some 650 feet 200 metres away from my construction site through the forest and uphill, so there's little fear of 'neighbour noise' at my site. Mr. Mitton has kindly composed a letter, enclosed, which supports this variance application.

My house is a 52x24' single family single floor dwelling, 1248 sq feet. We are talking about one of the rear corners of the house. Pictures of the house are enclosed: #1 is the front as it is today. In #2, the closest corner to the camera is the corner under discussion here. You can see from the certified survey copy, enclosed, that the house is angled slightly to the property line, resulting in just the one corner being 2.94 metres from the property line rather than the required three metres. It is the only dwelling on the acreage, and the only other building is a pumphouse, illustrated on the survey, 8x10x11' high. The view is to the north, down the slope and across my land.

cont...

The lot generally slopes downhill (north) from the house, falling off more quickly 100 metres downhill and rising more quickly on Mr. Mitton's land behind the house. The septic tank and field are some 45 metres downhill from the house and the subject of this application.

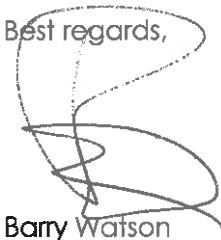
I'm giving you this detail here because I have not enclosed site elevations and some other illustrations which the application asks for, because I don't think they're relevant to the application. There are several illustrations which are relevant enclosed, and I hope they suffice. If you'd like more, please ask.

The other two closest neighbours are 62 metres (203') and 105 metres (345') away and I've spoken to them both. There will be no objection to this minor proposed change. I've attached a Google Earth picture to give you the layout of the area.

I'm extremely sorry to have to make this application. Although I wanted to build adjacent to the setback, because of the view, I didn't mean to stray across it. Nor did I mean to invite the apparent necessity of this application; it was a simple inadvertent error. Fixing it on the ground now would be a significant hardship, requiring an enormous amount of work and cost. That area across the setback line is part of a large concrete pillar, drilled into and poured around rock, supporting one corner of the house. (As it is, with this application it's still costing me about 20.00/square inch for the transgression.)

I hope you can view my application favourably. Please let me know if you need anything more. Thank you for your attention.

Best regards,

A handwritten signature in dark ink, appearing to read 'Barry Watson'. The signature is stylized with a large, sweeping 'B' and a trailing flourish.

Enclosed:

- Development Variance Permit Application Form.
- certified copy of survey from Wey Mayenburg Land Surveying Inc.
- recent State of Title Certificate.
- diagram of actual size of the area of the house involved.
- Google Earth picture of general area, with features marked.
- 2 pictures of the house as it is today.
- letter from Bob Mitton, neighbor.
- required payment 715.00.

MIMI VANDERMOLLEN & ROBERT MITTON

805-345-1390
robertlmitton@gmail.com

1505 Fountaingrove
Pkwy, # N201
Santa Rosa, CA
ZIP 95403

summer address :
496 McKercher Rd,
Mayne Island, BC

March 5, 2017

Islands Trust
200-1627 Fort St.
Victoria, BC V8R 1H8

Re: Variance application by Barry Watson for 491 McKercher Rd.

Dear Sir or Madam:

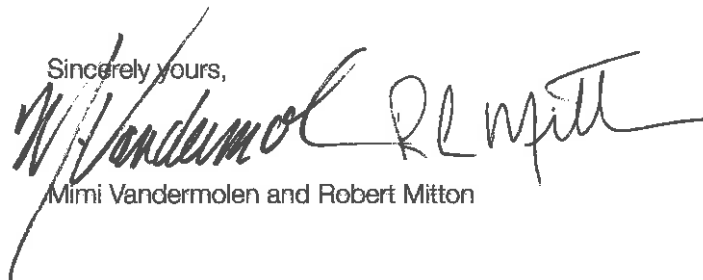
We own the lot adjacent to the subject property identified as:

Lot 11, Section 7, Mayne Island, Cowichan District which is approximately six acres in size. (parcel identifier is 024-107-557)The common boundary with Mr. Watson's lot is 99.60 metres.

Our residence is located on the furthest corner of the lot from the subject property, about 200 metres from Mr Watson's home site and is well screened by terrain and vegetation.

Given that the variance is required for an 2 3/8 inch overlap of an imaginary 3 metre setback this matter is no significance to us as the adjacent landowner. Therefore we are in full support of this variance for Mr. Watson's house location being granted.

Sincerely yours,

Handwritten signatures of Mimi Vandermolen and Robert Mitton in black ink. The signature of Mimi Vandermolen is on the left and Robert Mitton is on the right.

Mimi Vandermolen and Robert Mitton



**MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
MA-DVP-2017.2**

To: Barry Watson

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

Lot 9, Section 7, Mayne Island, Cowichan District, Plan VIP66907
(PID: 024-107-361)

2. Mayne Island Land Use Bylaw 146, 2008 is varied as follows:

- a) Article 5.4(7) (b) which states that the minimum setback for any building or structure is: 3 metres (10 feet) from any interior side lot line is varied to permit the construction of a dwelling within 2.94 metres of an interior side lot line.

The development shall be consistent with Schedules 'A' which is attached to and forms part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Mayne Island Land Use Bylaw No. 146, 2008" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS ##th DAY OF MONTH, YEAR.

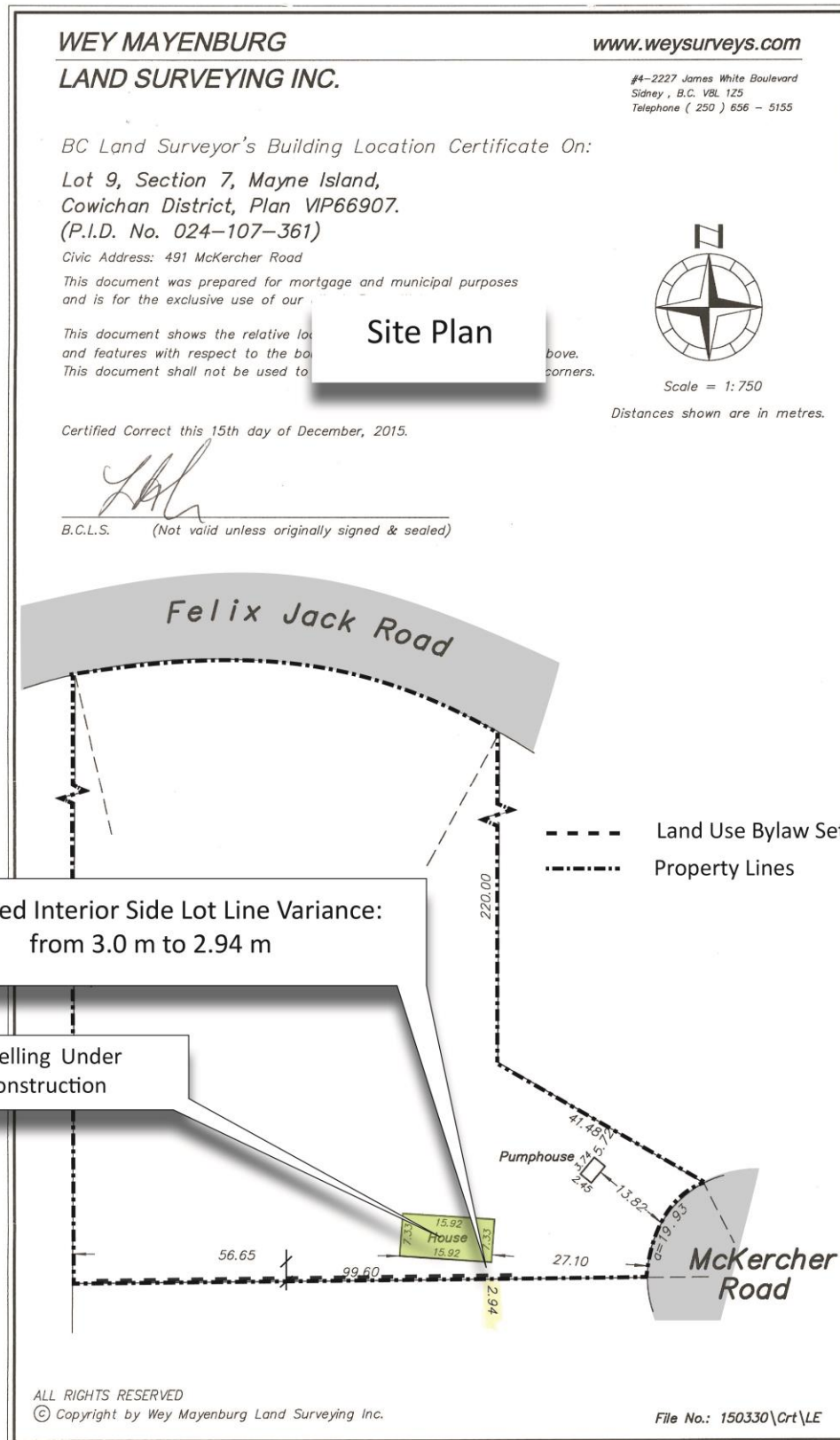
Deputy Secretary, Islands Trust

Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF MONTH, YEAR
, THIS PERMIT AUTOMATICALLY LAPSES.**

MYANE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2017.2

SCHEDULE 'A'



File No.: MA-TUP-2017.2

X-ref: MA-TUP-2013.1

DATE OF MEETING: June 26, 2017

TO: Mayne Island Local Trust Committee

FROM: Gary Richardson, Island Planner
Southern Team

SUBJECT: Application to Renew Temporary Use Permit

Applicant: Mayne Island Resort Ltd.

Location: Portion of District Lot 560 fronting Strata Plan VIS6703, Section 9, Cowichan District, Mayne Island

RECOMMENDATION

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

REPORT SUMMARY

This report comments on the requested renewal of a Temporary Use Permit (TUP) to allow for the continuation of the use of a float to dock up to 3 boats fronting the Mayne Island Resort. Staff supports the renewal of the TUP for a period of three years.

BACKGROUND

In July 2014, the LTC issued a TUP (MA-TUP-2013.1) which applied to a portion of District Lot 560 fronting Strata Plan VIS6703, Section 9, Cowichan District, Mayne Island.

SUBJECT DOCK



The 2014 TUP allows a dock structure for the docking of up to 3 boats for the owners of Strata Plan VIS6703.

The applicant, Mayne Island Resort Ltd. has requested that the permit be renewed for three additional years.

A TUP may be renewed by LTC resolution for up to three years. In terms of issues associated with a renewal:

1. There is one known bylaw enforcement issue associated with the use over the past three years. The matter was resolved and a compliance agreement is in place.
2. Renewal of the permit would be for a maximum of three years. After that time the owner would have to apply for a new TUP, apply for a rezoning or cease the use.

A draft permit is attached and is identical to the permit issued in 2014 except for the file number and if it is extended a new expiry date will be inserted.

Submitted By:	Gary Richardson	June 19, 2017

ATTACHMENTS

1. Draft TUP – MA-TUP-2017.2

MAYNE ISLAND LOCAL TRUST COMMITTEE

TEMPORARY USE PERMIT

MA-TUP-2017.2

TO: Mayne Island Resort Ltd.

1. This Temporary Industrial Use Permit applies to a portion of the land described below:

Area of foreshore fronting Plan VIS 6703 contained within DL 560 and identified as Licence 113232.

As indicated on Schedule 'A' as "the proposed area for TUP" attached to and forming part of this permit.

2. This permit is issued for the purpose of allowing the following use in the subject area:

- a) Docking of boats.

3. The use may be carried on subject to the following conditions:

- a) The float shall not exceed a maximum size of 2.4 metres (8 feet) by 15.2 metres (50 feet);
 - b) Only owners of lots in strata plan VIS6703 shall be permitted to dock at the float;
 - c) If a new float is installed the minimum spacing between deck boards shall be 2.5 cm (1 inch);
 - d) A sign not exceeding 1.5 m² (16 sq.ft.) shall be placed on the float: 1) stating not to anchor in eelgrass; 2) that it is a private dock and no more than three vessels are to be tied up; and 3) posting a phone number to call in the event of an oil spill;
 - e) No more than three boats, not exceeding 7.6 metres (25 feet in length), shall be docked at the float at any one time except for kayaks and canoes which are not limited;
 - f) Any maintenance of the dock and float is to be carried out in compliance with the Department of Fisheries and Oceans Best management practices attached as schedule "B";
 - g) For certainty the dock and float is not to be used for any commercial purpose;
 - h) The applicant should cooperate with the Mayne Island Conservancy Society to install a minimum of 4 eelgrass friendly mooring cans; and

- i) The applicant should collaborate with the Mayne Island Conservancy Society to mitigate erosion at the point where the dock attaches to the bank.
- 4. This permit is valid for **three years** from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust unless the permit is renewed by resolution of the Mayne Island Local Trust Committee.
- 5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Mayne Island Land Use Bylaw No. 146, 2008" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Vancouver Island Health Authority, Ministry of the Environment and Ministry of Transportation and Infrastructure.

**AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST
COMMITTEE THIS 25th DAY OF JUNE, 2014.**

Deputy Secretary, Islands Trust

Date of Issuance

MAYNE ISLAND LOCAL TRUST COMMITTEE
| MA-TUP-2017.2
SCHEDULE 'A'



Ministry of
Environment,
Lands and Parks

Legal Description Schedule

License No.

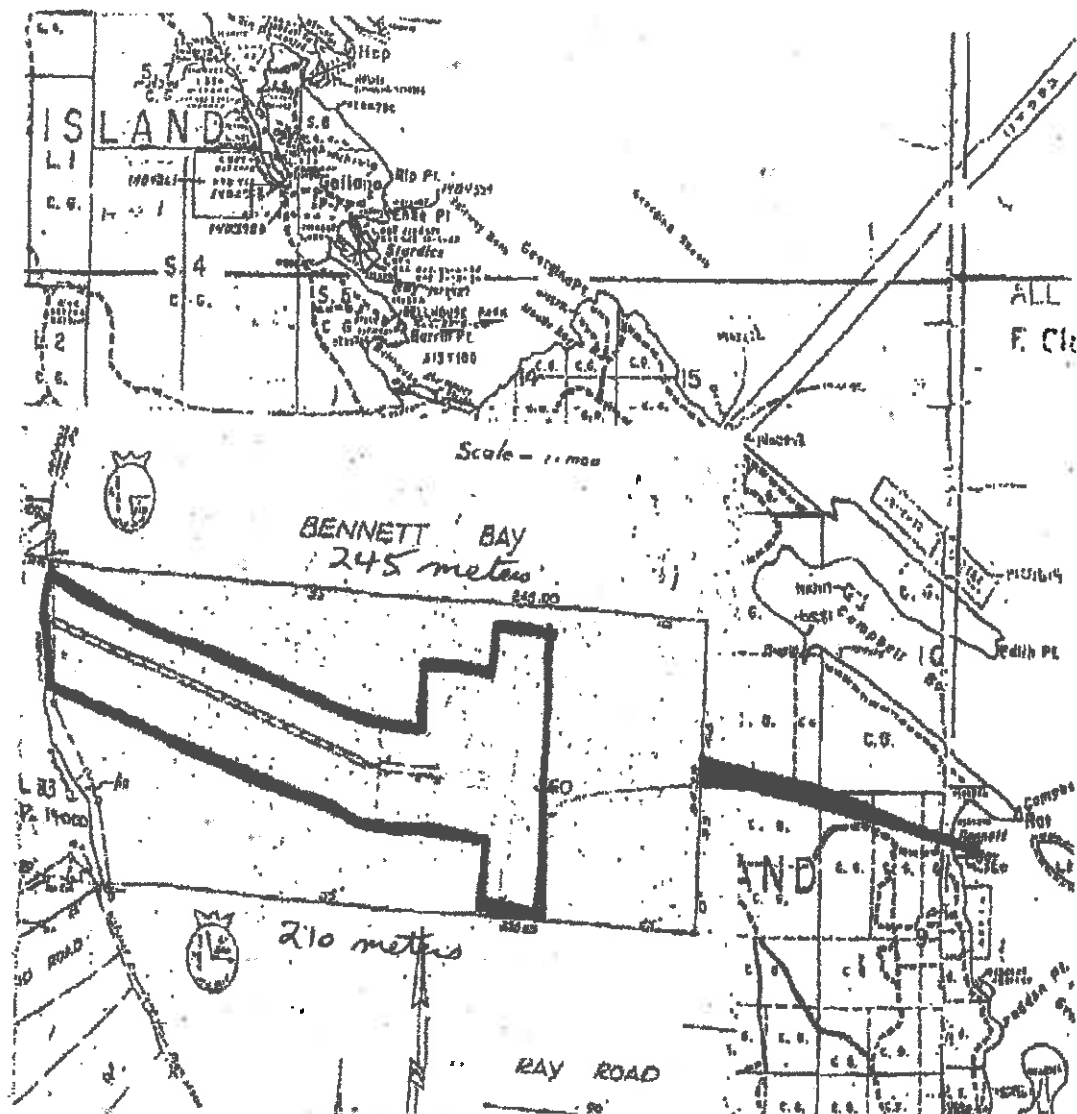
106202

File No. 0336374

1. Legal Description

That part of District Lot 560, Cowichan District, shown outlined on sketch below, containing 0.700 hectares, more or less.

2. Sketch Plan



**MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-TUP-2017.2
SCHEDULE 'B'**

Float and Dock Construction Best Management Practices

Best Management Practices (BMPs) for Constructing Docks and Floats in the South Coast Area - DFO South Coast, 2004

- These BMPs apply to docks, floats and gangways proposed for the marine shoreline.
- The BMPs are designed so that a property owner can construct a dock or float that will not adversely affect fish habitat.
- If you are able to meet with the criteria set forth in these BMPs, you do not require further advice from DFO habitat staff. A signed written notification to the local DFO office regarding the location and timing of works is all that is necessary.
- It is your responsibility to ensure that you have met the requirements of other levels of government and relevant agencies (Land and Water BC; local government etc).

The focus of these BMPs is to protect fish habitat from the impacts of shading, fill placement and low tide grounding of both structures and vessels.

- Access walkways should be 1.0 metres above the highest high water mark.
- Walkways should be a maximum width of 1.5 metres.
- The lowest portion of floats should be 1.0 m above the seabed during the lowest tide of the year. This height will need to be increased if a large draft vessel is to be moored at the dock/float.
- Grating incorporated into walkways will decrease shading to the seabed. If grating cannot be used, deck planks should be no wider than 15 cm (6 inches) and spaced at least 2.5 cm (1 inch) apart.
- North/south dock alignments will further prevent shading to the seabed.
- Floats are not to be installed over marine vegetation, especially eelgrass or kelp.
- Concrete, steel, BMP-treated or recycled timber piles are acceptable. For detailed information on treated wood options, refer to the Guideline to Protect Fish and Fish Habitat from Treated Wood Used in the Aquatic Environment in the Pacific Region, available on-line at <http://www.dfo-mpo.gc.ca/Library/245973.pdf>.
- The dock/float structure and the vessel to be moored at the structure are not to come to rest on intertidal areas during the lowest tide of the year.
- Construction must not to include native beach materials (boulders, gravel, drift logs etc.).

- Access to the beach for construction purposes is to be from the upland (property side). If heavy equipment is required to work on the beach or access is required along the beach, you should seek the advice of a professional biologist to ensure that fish habitat, including riparian and backshore vegetation, is not adversely affected during construction.
- Filling, dredging or blasting below the High Water Mark is not permitted.
- Works are to be conducted when the site is not wetted by the tide.
- Works are to be conducted in a manner that does not result in the deposit of toxic or deleterious substances (e.g. uncured concrete, sediment, paints, stains, etc.) into waters frequented by fish.
- Refueling of machinery and washing of buckets and hand tools is not to take place on the marine foreshore.
- Foreshore construction should take place between June 1 and December 1 of any calendar year.

Prepared by:

DFO-Habitat Management, South Coast Area, May 2003

Updated January 2004

Proponents are advised that works in and around fish habitat (the tidal foreshore) can negatively affect fish habitat. Section 35(1) of the Fisheries Act prohibits the harmful alteration, disruption or destruction of fish habitat (HADD). The Fisheries Act may be enforced if a HADD occurs during construction or maintenance of the structure.



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

DRAFT

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.

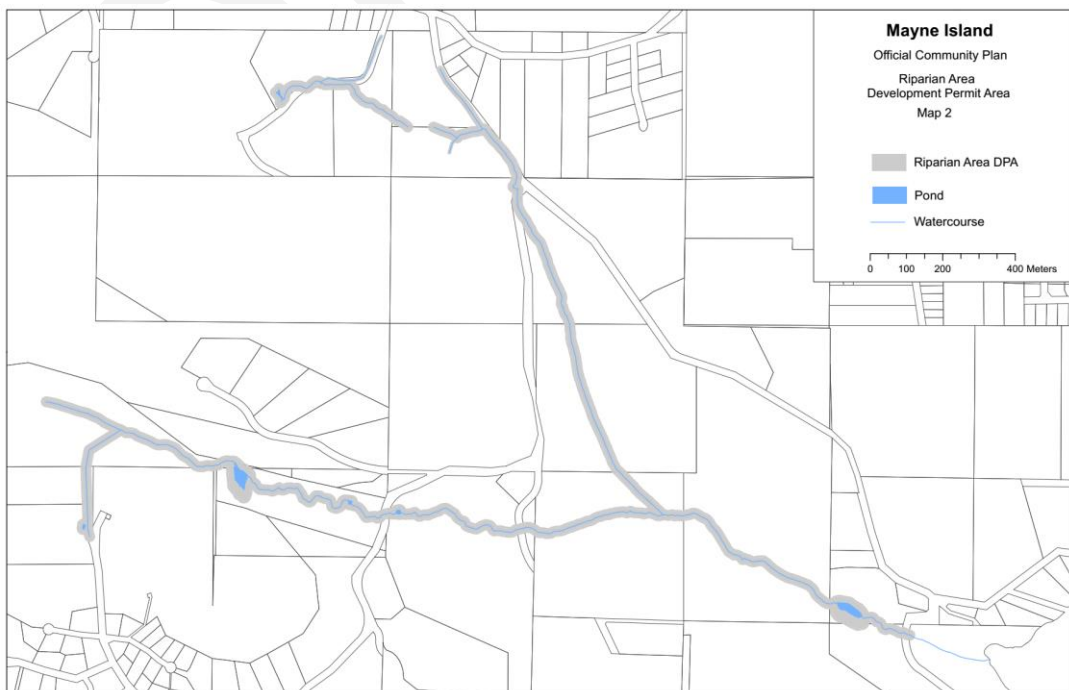
6. Where a Qualified Environmental Professional or other professional's report describes an area within the Development Permit Area as suitable for development, that is, where the Streamside Protection and Enhancement Area is less than the width of the Development Permit Area, the development permit 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





Islands Trust

Print Date: June 19, 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	Staff directed to prepare DPA Bylaw for LTCs consideration at June LTC Meeting	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

**Development Variance Permit**

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2017.2	BARRY C WATSON Planner: Phil Testemale	20-Mar-2017	491 MCKERCHER RD - VARIANCE FOR SIDE LOT LINE SET BACK

Planning Status**Status Date:** 15-Jun-2017

Staff Report and proposed DVP on June 26 the for approval of issuance

Status Date: 06-Jun-2017

Notification sent and Staff Report on June 26, 2017 LTC agenda for consideration of issuance.

Status Date: 12-Apr-2017

Staff report and draft permit to be prepared for May 15, 2017 LTC meeting for the LTCs consideration.

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 July 24, 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\nTemporary permit for commercial use (3 day music festival) on rural residential property.

Applications

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. Issuance of permit to be considered at July 24, 2017 LTC Mtg.

Status Date: 15-Mar-2017

File opened and forwarded to LTC and planner.

File Number	Applicant Name	Date Received	Purpose
MA-TUP-2017.2	MAYNE ISLAND RESORT LTD	15-May-2017	494 Arbutus Drive - renewal of permit (MA-TUP-2013.1) to allow strata owners docking privileges
Planner: Gary Richardson			

Planning Status

Status Date: 14-Jun-2017

Staff report to be prepared for June 26, 2017 LTC Mtg.

Status Date: 02-Jun-2017

Created file folder in LAN, scanned application package for e-file. Receipt issued, scanned (with cheque) for files; emailed scanned receipt to applicant, original mailed; cheque forwarded to Finance Clerk. Package emailed to LTC and Planner, hard file forwarded to Planner.

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

645 Mayne	Invoices posted to Month ending April 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	96.00	1,404.00
65210-645	LTC - Local Exp - APC Meeting Expenses	500.00	0.00	500.00
65220-645	LTC - Local Exp - Communications	1,000.00	140.00	860.00
65230-645	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>3,500.00</u>	<u>236.00</u>	<u>3,264.00</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: October 31, 2016

No	Meeting Date	Resolution No.	Issue	Policy and Description
1.	February 7, 2011	MA-LTC-13-11 This resolution repeals MA-LTC-90-09	STVRS Bylaw Enforcement	1. Given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities STVRs that have one or more of the following characteristics will be subject to enforcement: 1. They are advertised on the internet, newspapers or other media; 2. They are not managed by the property owner; 3. More than one dwelling on the lot is simultaneously made available for STVR; 4. While the property is rented persons are permitted to stay in tents or trailers; 5. There are issues related to health and safety; 6. 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 STVR; 7. The owner of the property uses more than one property on Mayne Island as a STVR. 2. No enforcement actions under section 1.1 will be taken against any STVR operation that takes place in a lawful cottage or dwelling while the operator lives in a lawful dwelling or cottage on the same property. 3. 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. This means that persons who have two lawful dwelling places on one lot and who live in one dwelling while the other is used as an STVR will be exempt from enforcement if they advertise. Staff recommends that the other factors continue to apply because STVR operations that have third party management, have more than one location on Mayne Island, or use more than one dwelling or cottage or permit camping are essentially operating as a resort or motel. The safety and nuisance triggers for enforcement protect the renters, the operators, and the neighbourhoods. It also reduces the Islands Trusts' liability.

No	Meeting Date	Resolution No.	Issue	Policy and Description
2.	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 .
3.	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.
4.	July 25, 2012	MA-LTC-34-12 x-ref #2 above	STVR Bylaw enforcement policy	That Mayne Island Local Trust Committee resolves to extend the current Short Term Vacation Rental bylaw enforcement policy, as written in Staff Report dated June 26, 2012 until the project to review use of second dwellings for Short Term Vacation Rentals is complete.
5.	June 27, 2016	MA-LTC-2016-055	Statutory Public Notice Advertising	That the Mayne Island Local Trust Committee direct staff to create a policy to advertise all statutory public notices in the Mayne Liner

REQUEST FOR DECISION

To: Mayne Island Local Trust Committee **For the Meeting of::** June 26, 2017

From: Robert Kojima,
Regional Planning Manager

Date Prepared: May 5, 2017

SUBJECT: 2016-2017 ANNUAL REPORT – APPROVAL OF MAYNE ISLAND LOCAL TRUST COMMITTEE SECTION

RECOMMENDATION: 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.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Preparation of the Islands Trust Annual Report is undertaken by Trust Area Services Communications staff, reporting to the Executive Committee and consistent with Trust Council's [Annual Report Policy 6.10.i](#). To comply with the schedule indicated in the policy, the Executive Committee has adopted the following schedule for preparation of individual committee reports:

Committee reports:	Reports to be approved on the following dates:
TPC	May 29
LPC	May 24
FPC	May 31
TFB	May 30
EC	June 7
Denman	May 2 / June 6
Gambier	April 27/ May 25
Gabriola	May 11/ June 8
Galiano	June 5
Hornby	May 5
Lasqueti	April 24
Mayne	June 26
North Pender	May 25
Salt Spring Island	May 4/ June 1
Saturna	June 15
South Pender	May 30
Thetis	April 25
Ballenas-Winchelsea	April 5
Executive Islands	

Under Trust Council's Policy, all LTCs and Council committees are expected to review and approve their sections at regular meetings listed above.

FINANCIAL: None

POLICY: No implications for existing policy

IMPLEMENTATION/COMMUNICATIONS: The process for development of the Annual Report is outlined in Trust Council's Annual Report policy 6.10.i. Once each committee has approved its section, staff will create a draft Annual Report for review by the Executive Committee and consideration of Trust Council in June. Upon approval by Trust Council, staff will send the Annual Report to the Minister of Community Sport and Cultural Development and circulate it as indicated in Trust Council's policy.

OTHER: n/a

BACKGROUND

- The Executive Committee approved the format and outline of the 2016-2017 Annual Report at its meeting on February 15, 2017.

REPORT/DOCUMENT: Mayne Island Local Trust Committee input to Annual Report (draft)

KEY ISSUE(S)/CONCEPT(S): Consistent Annual Report sections from each committee

RELEVANT POLICY: This approach complies with Section 19 of the *Islands Trust Act* and Trust Council's [Annual Report Policy 6.10.i](#).

DESIRED OUTCOME: Trust Council is able to easily approve its annual report in June 2017 without further editing from staff or trustees at the Trust Council meeting.

RESPONSE OPTIONS

Recommended: 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.

Alternative: None

Prepared By: Robert Kojima
Regional Planning Manager

Reviewed By/Date: Director (Marlor, Shelest, Frater) as appropriate

Mayne Island Local Trust Committee

The Mayne Island Local Trust Committee held 9 regular business meetings in the 2016–2017 fiscal year, as well as 1 Community Information Meeting, and 2 public hearings.

Work for this period focused on advancing the Local Trust Committee (LTC) priorities to address short term vacation rentals and implementation of the riparian areas regulation. The LTC also prioritized key projects for a commercial land use review and support for fallow deer eradication initiatives.

The Mayne Island Local Trust Committee received and considered applications for 1 development variance permit and 3 temporary use permits. As well, the LTC adopted bylaws resulting from rezoning applications which would rezone a water lot to allow for a community dock and designate the water lot as a development permit area, and rezoned a commercial guest accommodation zone to allow for residential and retail uses.

Another initiative of the Mayne Island Local Trust Committee for this period was to initiate a process of First Nations relationship building.



Policy:	B.8.1.6
Approved By:	Mayne Island Local Trust Committee
Approval Date:	
Amendment Date(s):	
Policy Holder:	Mayne Island Local Trust Committee

Mayne Island - Enforcement on Unlawful Dwellings Policy

Purpose

To direct Bylaw Enforcement staff in regards to enforcement for unlawful dwellings in the Mayne Island Local Trust Area.

Scope

This policy applies to all properties within the Mayne Island Local Trust Area.

A. Definitions from the Mayne Island Land Use Bylaw No. 146, 2008

"Dwelling unit" means a detached building, or a portion of a building in the case of a secondary suite, apartment residential use or employee housing, used as a residence for a single household and containing eating, sleeping and living facilities and a single set of facilities for food preparation.

"Accessory dwelling unit" means a dwelling unit the use of which is limited to accommodation of an owner, operator, or employee of a permitted principal use on the same lot or premises.

"Residential use" means the occupancy or use of a dwelling unit for the domicile or home life of a person or persons, or the occasional or seasonal occupancy of a dwelling unit by an owner who has a permanent domicile elsewhere or by non-paying guests of such an owner; and for certainty, residential use does not include tourist accommodation use, commercial vacation rental, or any occupancy of a dwelling unit by persons entitled to such an occupancy under a time share plan as defined in the *Real Estate Act* or successor legislation. For the purpose of this definition, owner includes a tenant under a residential tenancy agreement.

B. Policy

1. 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.

C. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

[Mayne Island Land Use Bylaw No. 146, 2008](#)

[Trust Council Policy and Procedures - 5.5.i Bylaw Enforcement](#)

[Mayne Island Local Trust Committee Policies and Standing Resolutions](#)

DRAFT

DATE OF MEETING: June 26, 2017
TO: Mayne Island Local Trust Committee
FROM: Miles Drew, Bylaw Enforcement Manager
SUBJECT: Unlawful Short Term Vacation Rental Bylaw Enforcement Policy

RECOMMENDATION

1. 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.
- 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.

REPORT SUMMARY

Islands Trust Bylaw Enforcement has been successful in gaining compliance from short-term vacation rental (STVR) operators that were subject to enforcement. However, there are still a number of operators who have not been subject to enforcement due either to lack of public complaint or because they were not operating when the last full review of operators was conducted in 2015. Bylaw changes have legalized STVRs in lawful cottages and Bylaw Enforcement staff can now concentrate on the non-permitted operations.

BACKGROUND

Starting in 2015, the Mayne Island Local Trust Committee undertook a review of temporary use permit guidelines and home occupation regulations for STVRs, and the issue of legalizing STVR use in cottages. This review resulted in OCP and LUB amendments that allowed the use of cottages for STVRs. These changes were fully adopted in November 2016.

USTVR ENFORCEMENT

Subsequently, Bylaw Enforcement recommended that the Mayne Island Local Trust Committee review its standing enforcement policy on unlawful short term vacation rentals. The LTC referred the matter to the Advisory Planning Commission who adopted the following resolution.

MA-APC-2017-001

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend to the Mayne Island Local Trust Committee that existing Bylaw Enforcement Policy regarding Short Term Vacation Rentals as detailed in Motion MA-LTC-13-2011 be maintained with Item 1.2 to read “they are not managed by the on-island owner”.

Further to that resolution, the Mayne Island LTC, at its May 15, 2017 meeting, referred the APC’s recommendation to the bylaw enforcement manager to revise the existing enforcement policy on USTVRs.

Policy/Regulatory

Persons subject to enforcement will have three options. These are:

1. Stop operating a USTVR;
2. Do something to fall below the proactive enforcement criteria;
3. Rezone or get a temporary use permit.

Rationale for Recommendation

With the adoption of this enforcement policy, the LTC will ensure that the new STVR regulations which the community has endorsed will be effective. Enforcement will be carried out in a graduated manner starting with warnings and fines and moving to legal action.

ALTERNATIVES

1. Adopt a resolution rescinding the current STVR enforcement policy and revert to the existing Islands Trust enforcement policy which states that bylaw violations are enforced only when a written complaint is received or if an unlawful act is advertised.

Submitted By:	Miles Drew, Bylaw Enforcement Manager	May 31, 2017
Concurrence:	David Marlor, Director Local Planning Services	June 7, 2017