Islands Trust

Mayne Island Local Trust Committee
Regular Meeting Agenda

Date:	March 27, 2017
Time:	1:00 pm
Location:	Mayne Island Agricultural Hall 430 Fernhill Road, Mayne Island, BC

			Pages
1.	CALL TO ORDER	1:00 PM - 1:15 PM	
2.	APPROVAL OF AGENDA		
3.	TOWN HALL AND QUESTIONS		
4.	COMMUNITY INFORMATION MEETING		
	none		
5.	PUBLIC HEARING		
	none		
6.	MINUTES		
6.1	Local Trust Committee Minutes Dated January 30, 2017 (for Adoption)		3 - 9
6.2	Section 26 Resolutions-without-meeting Report Dated March 2017		10 - 10
6.3	Advisory Planning Commission Minutes		
	none		
7.	BUSINESS ARISING FROM THE MINUTES	1:15 PM - 1:30 PM	
7.1	Follow-up Action List Dated March 2017		11 - 11
8.	DELEGATIONS		
	none		
9.	CORRESPONDENCE		
	Correspondence received concerning current applications or projects is posted to the LTC webpage		
9.1	C. Redsell Letter Dated February 25, 2017 re: Chartering of the Boat Pekona		12 - 14

10. APPLICATIONS AND REFERRALS

10.1 North Pender Island Local Trust Committee Bylaws No. 209 & 210 Referal (for response) 15 - 17

10.2 Salt Spring Island Local Trust Committee Bylaws No. 488, 489 & 490 Referral (for Response) 18 - 21

11. LOCAL TRUST COMMITTEE PROJECTS 1:30 PM - 2:30 PM

11.1 Riparian Area Implementation - Staff Report 22 - 89

11.2 Commercial Land Use Review - Revised Project Charter 90 - 92

12. REPORTS 2:30 PM - 2:45 PM

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated March 2017 93 - 93

12.1.2 Projects List Report Dated March 2017 94 - 94

12.2 Applications Report Dated March 2017(attached) 95 - 95

12.3 Trustee and Local Expense Report Dated January 2017 (attached) 96 - 96

12.4 Adopted Policies and Standing Resolutions (attached) 97 - 98

12.5 Local Trust Committee Webpage

12.6 Chair's Report

12.7 Trustee Report

12.8 Trust Fund Board Report Dated February 2017 99 - 100

13. NEW BUSINESS 2:45 PM - 3:30 PM

13.1 Provincial Private Moorage Policy Update - Staff Memo 101 - 106

13.2 CRD Gulf Islands Regional Trail Plan Open House - Letter of Invitation 107 - 113

13.3 Bylaw Enforcement Policy (unlawful dwellings) - Staff Report 114 - 118

14. UPCOMING MEETINGS 3:30 PM - 4:00 PM

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

15. TOWN HALL

16. CLOSED MEETING

none

17. ADJOURNMENT 4:00 PM - 4:00 PM

Islands Trust

DRAFT

Mayne Island Local Trust Committee
Minutes of Regular Meeting

Date: January 30, 2017
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

Members Present: George Grams, Chair (via telelink)
Jeanine Dodds, Local Trustee
Brian Crumblehulme, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Gary Richardson, Island Planner
Fiona MacRalid, Sr. Intergovernmental Policy Advisor
Miles Drew, Bylaw Enforcement Manager
Pat Todd, Recorder

Others Present: Approximately fourteen (14) members of the public present

1. CALL TO ORDER

Acting Chair (A/C) Trustee Crumblehulme called the meeting to order at 1:00 pm. acknowledging that the meeting was being held in traditional territory of the Coast Salish First Nations. He introduced staff present.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

none

4. COMMUNITY INFORMATION MEETING

none

5. PUBLIC HEARING

none

6. MINUTES

6.1 Local Trust Committee Minutes Dated November 28, 2016 (for Adoption)

By general consent the Local Trust Committee meeting minutes of November 28, 2016 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 January 2017

Planner Richardson reported that everything is completed and in order.

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 MA-DVP-2016.1 (Crocker) - Staff Report

Planer Richardson explained that the application is for a variance of the setback from sea to permit a second floor deck. There has been one letter of concern received.

The application and staff report were discussed.

The staff recommendation is in support of an amended variance for a smaller deck.

MA-2017-001
It was MOVED and SECONDED
that the Mayne Island Local Trust Committee approve issuance of amended Development Variance Permit MA-2016.3(Crocker)

CARRIED

The applicant informed the Committee that the septic has been buried and questioned the smaller deck.

The Planner stated that a smaller deck would not cover a natural herbaceous area and would be less intrusive

Trustee Dodds recused herself from meeting due to a conflict of interest for the next item.

10.2 MA-TUP-2016.3 (Beaudet/Active Pass Auto Marine) - Staff Report

Planner Richardson reviewed the application which is for an expansion of permitted uses for the business for personal service use and office use.

One response has been received questioning parking spaces.

Staff has recommended approval as proposed are compatible with existing uses.

Chair Grams reported having no issue with application.

Regional Planning Manager Kojima stated that the application could be approved with a Resolution-Without-Meeting.

The applicant spoke to the importance of the business to the island and the need to enhance revenue sources.

Staff were directed to prepare a Resolution-Without-Meeting to accept the application for a 3 year term.

Trustee Dodds rejoined the meeting.

11. LOCAL TRUST COMMITTEE PROJECTS

none

12. REPORTS

12.1 Work Program Reports (attached)

12.1.1 <u>Top Priorities Report Dated January 2017</u>

Staff spoke to the need to pare down Top Priorities from 4 to 3 and suggested that Short Term Vacation Rentals Review (STVR) be moved to the Projects List

The top priority is Commercial Land Use Review and this is underway.

Field work will be carried out in the next couple of weeks by a qualified environmental professional (madrone Environmental) to help facilitate the implementation of the Riparian Area Regulations.

MA-2017-002
It was MOVED and SECONDED
that the Mayne Island Local Trust Committee direct staff to amend Top Priorities List to #1 Commercial Land Use Review, #2. Riparian Area Regulation Implementation, and #3. Fallow Deer Eradication and that Short Term Vacation Rentals Review be placed on Projects List.

<u>CARRIED</u>

It was reported that on February 14, 2017 there will be a meeting regarding Fallow Deer and there will be representatives from a number of Ministries.

12.1.2 Projects List Report Dated January 2017

Staff will amend according to discussion.

12.2 Applications Report Dated January 2017 (attached)

Two applications have been addressed today.

12.3 Trustee and Local Expense Report Dated November 2016 (attached)

Received for information

12.4 Adopted Policies and Standing Resolutions (attached)

Received for information

12.5 Local Trust Committee Webpage

Staff will update according to meeting proceedings.

12.6 Chair's Report

Chair Grams reported on the Trust Council meeting held on Salt Spring Island. Two key items to be addressed by Council include an internal review of the Islands Trust Act (any changes recommended would have to be adopted by the Minister) and the engagement of a fresh water specialist to collect data as to water quantity and quality as this would relate to land use.

12.7 Trustee Report

Trustee Dodds spoke to attending a community meeting hosted by the Mayne Island Health Centre Association (MIHCA) regarding a Community Health Network to co-ordinate island groups/efforts. This project was proposed to start on Mayne Island and then may extend to other islands. The emphasis is on the importance of a healthy community.

Trustee Dodds and Crumblehulme cut the ribbon at the grand opening of the refurbished library.

Trustee Crumblehulme also attend the MIHCA forum and reported there is an upcoming meeting with the Capital Regional District (CRD) regarding Cotton Park. There will be a number of CRD meetings in February.

12.8 Trust Fund Board Report

none

12.9 Bylaw Enforcement re STVR Enforcement Policy - Staff Report

Bylaw Manager Miles Drew reviewed the staff report and requested guidance from the Trustees regarding Short Term Vacation Rental (STVR) policies and enforcement.

Staff recommendation is to continue enforcement for unlawful STVR as home owner can request a TUP or rezoning to legalize operation.

Staff reported that there is a lot of research involved in identifying and notifying unlawful STVR operations.

Trustee Dodds raised concerns that if there is a TUP application it is unlikely to be approved as there is probably a complaint on file.

Regional Planning Manager Kojima reviewed the situation on Galiano Island regarding STVR Bylaw enforcement. There have been three applications, to date n Mayne Island with two of them coming forward after complaint(s) had been registered.

There was discussion as to Bylaw process, advertising component and steps to compliance.

MA-2017-003
It was MOVED and SECONDED
that the Mayne Island Local Trust Committee direct staff to forward Bylaw Enforcement Staff Report, copy of current Standing Resolutions and any correspondence received to date to Mayne Island Advisory Planning Commission regarding acceptance of staff report or recommendations regarding enforcement policies for Short Term Vacation rentals.

CARRIED

Trustee Dodds questioned how Bylaw Enforcement Bylaw (BEN) has been working on Mayne Island.

Bylaw Enforcement Manager Miles Drew reviewed the process and stated that it is easier to achieve compliance as opposed to issuance of a ticket. A fine is only imposed if there is no compliance. BEN is a compliance tool.

Trustee Dodds raised the issue of housing that is not permitted/legal/conforming to zoning.

Miles Drew reported that some areas have a policy specific to this situation and that a policy could be developed for Mayne Island which for instance would only take enforcement action if there were a second agency involved and/or the complaint concerned health and safety issues.

MA-2017-004
It was MOVED and SECONDED
that the Mayne Island Local Trust Committee direct Bylaw Enforcement staff to bring forward a draft policy regarding enforcement policy for unlawful housing.

CARRIED

13. NEW BUSINESS

13.1 First Nations Presentation by Fiona MacRaild

Senior Intergovernmental Policy Advisor MacRalid presented information regarding relationships with First Nations and spoke very favourably regarding the efforts of John Aiken, a local First Nations resident.

Presentation highlights:

- Douglas Treaties and the Gulf Islands: "We are all Treaty People"
- Historical review of Douglas Treaties
- Impact of treaties, smallpox epidemic, formation of reserves
- Significance of reduction of reserve lands – forced people off reserves
- Impact of residential schools: over 88 years of segregation policies
- Douglas Treaty people have been fighting for past 50 years to have treaty rights respected
- May 2017 – court application for 200 acres around Cadboro Bay, Victoria by Songhees/Esquilmalt as compensation for village site
- Village sites on Gulf Islands identified by Elders in 1983 and 2015
- 37 First Nations identified with Islands Trust: each defines reconciliation differently
- Importance of listening and learning…being authentic to facilitate island reconnections
- Acknowledge history and language

It was suggested that Trustees consider hosting an event with the Elders to begin reconnection process. A Staff Report will be forwarded to the Trustees and consideration should be given to address First Nations in the OCP.

Planner Richardson will post a link to presentation on the web site.

There was a break taken from 2:50 to 3:05pm.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for February 27, 2017, at the Agricultural Hall, Mayne Island

15. TOWN HALL

Chris Redsell questioned what constitutes a legitimate bylaw complaint.

He also stated that the Chamber of Commerce is advertising the island however there are concerns as to lack of accommodation. It was also stated that Air B&B could be of benefit to the island as participants are screened.

Trustee Dodds stated usually complaints are regarding a specific issue such as noise or trespassing and come from an immediate neighbour.

Robert Kojima stated that a complaint is a complaint and Bylaw Enforcement investigates as to circumstances. Role of Bylaw enforcement is to determine if bylaw is being adhered to or is a law being broken.

Trustee Dodds commented that there are specific zones/areas for commercial/STVR and owner can apply to rezone. The input from the community is critical as to the direction of bylaws.

16. CLOSED MEETING (Distributed Under Separate Cover)

16.1 Motion to Close Meeting

MA-2017-005
It was MOVED and SECONDED
that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1) (d & f) for the purpose of considering:
Adoption of In-Camera Meeting Minutes Dated November 7, 2016
Bylaw Enforcement Issue
AND that the recorder and staff attend the meeting.

CARRIED

16.2 Recall to Order

The meeting was recalled to order at 3:40 pm.

16.3 Rise and Report

Nothing to report

17. ADJOURNMENT

By general consent the meeting was adjourned at 3:45 pm.

____
George Grams, Chair

Certified Correct:

____
Pat Todd, Recorder

Resolutions Without Meeting

Mayne Island

Resolution #	Action	Resolution Desciption	Resolution Date
2017-01	In Favour	THAT Mayne Island Local Trust Committee approve issuance of Temporary Use Permit MA-TUP-2016.3 (Active Pass Auto and Marine Ltd) for a three year period.	31-Jan-2017
2017-02	In Favour	THAT the Mayne Island Local Trust Committee regular business meeting of February 27, 2017, be cancelled.	21-Feb-2017

Print Date: March 20, 2017

Follow Up Action Report

Mayne Island

30-Jan-2017

Activity	Responsibility	Target Date	Status
Minutes of November 28, 2017 adopted as drafted.			Done
MA-DVP-2016.1 (Crocker) - amended permit issued.	Gary Richardson Sharon Lloyd-deRosario		Done
MA-TUP-2016.3 (Active Pass Auto Marine Ltd.) - staff to prepare RWM for LTC to consider issuance - (DONE). Create monitoring notification for permit.	Gary Richardson Sharon Lloyd-deRosario		Done
Amend top priorities by moving STVR review to project list.	Gary Richardson		Done
Forward STVR staff report, enforcement policy and Chris Roehrigs email to APC for review and recommendation.	Gary Richardson		Done
Policy regarding enforcement on unlawful non-permitted housing.	Miles Drew		Done
Place Fionas MacRailds presentation on the Mayne website.	Gary Richardson		Done
In camera minutes of Nov 7, 2016 adopted as drafted.			Done
Fiona MacRaild to prepare report on recommended next steps on possible First Nations projects.			Done

Regina Robinson

Subject: FW: a message from Chris Redsell
Attachments: The Islands Trust.docx; ATT00001.htm

From: Brian Crumblehulme
Sent: Tuesday, February 28, 2017 3:28 PM
To: Gary Richardson
Subject: Fwd: a message from Chris Redsell

Try this.
B

Sent from my iPad

Begin forwarded message:

> **From:** "chris"[redacted]
> **Date:** February 25, 2017 at 3:15:39 PM PST
> **To:** <bcrumblehulme@islandstrust.bc.ca>
> **Subject: a message from Chris Redsell**
>
> Brian– I have attached a letter for your consideration. Hopefully this can be considered in your next Islands Trust meeting. I would really appreciate a note from you just to let me know that you have received this and it has not gone straight to "junk". Thanks Chris

The Islands Trust

To the Trustees

A letter concerning the charter of the boat Pekona.

I am the owner of the marine navigational vessel Pekona. This is a vessel equipped with facilities for navigation on the ocean. These include navigational instruments, propulsion equipment, a galley and facility for persons to sleep and live, including a head and beds. This is all quite normal and is what one would find on most marine cruising vessels.

I choose to charter my boat to persons who are in this area vacationing. This for me is an opportunity to supplement our income without going off island and therefore becoming "part timers". I also find enormous pleasure having the opportunity to share the marine treasures found here .

I have, since we moved here, tried to begin to understand some of the workings of this community. I have attended Islands trust meetings and some meetings of the Chamber of commerce in order to piece together what may be the vision for Mayne Island. I have spoken to some business personalities, many of the neighbours who surround us here on Mariners Way where we live and the many friends that we have met over these two years. This is what I see:

I see the Chamber of commerce, helped with 250,000 dollars of BC government money to promote tourism in the Gulf islands actively admitting that in the main summer months there is not enough accommodation available. This fact was stated by the main speaker for the chamber of commerce meeting during her presentation on promoting the gulf islands for tourism.. We have seen wedding party's unable to find enough accommodation to be able to have a wedding on Mayne Island in the summer months. I see small retail businesses struggling to survive –businesses that need footfall. I don't see a lot of young people on the island who I understand leave because there are no work prospects.

I don't know what the answers are in all its detail and complexity. I don't know if in fact most persons just want it to stay like this, but I do think that if Mayne Island is to include tourism in its vision for the future it can use more accommodation and accommodation that enjoys the features, especially those marine features that make this area especially exceptional.

As I understand it from my correspondence with Miles Drew…. There has been no real substantive complaint against the renting our boat. There has been no complaint of noise or disruptive behaviour, just a complaint that- we do it- which makes the commercial establishments uncomfortable. Our boat does not increase water consumption as it has its own water desalination system, it has a holding tank for sewage and ….. frankly ..I cannot for the life of me see what is detrimental to Mayne Island in what we do.

Miles Drew has explained to me that no commercial activity of any kind is allowed on W2 waters –but he then explains that he does not regulate any charters – or water taxis or kayak rental or fishing charters or any form of charter- all of them commercial. Further he has explained that if a chartered sailboat were to come into village bay to stop for the night – that it would not be regulated. Many chartered boats also, by the way, cruise these waters and stop to tie up or anchor in many of the little bays that surround our islands. Is this not what the Gulf Islands want?

By Federal marine law I am allowed to charter my boat. By federal marine law the person/persons chartering my boat are legally permitted to use my boat as they wish and how they wish. They come to us to find a particular marine experience for which we have so far been rated as "five star "and for which we have a long list of glowing reviews. This charter experience includes sailing these waters and can also mean making use of the facilities for preparing food, or sleeping which are included in the design purposes of this navigational vessel and also makes the charter affordable for those persons.

This service that we offer means that our customers also use , the ferries , the supermarket, the restaurants, the market and all the other retail establishments who are also trying to make a living here on this island.

Of course Miles has recommended that we just do not advertise. I am fearful to proceed with a system of customer search that is so unregulated and has not the possibility, as does Airbnb to vet thoroughly those potential customers who inquire and has a functioning means of dealing with anyone who violates the rules of the owner. In our experience of using this service from Airbnb we have completely eliminated any "problem customers" that we on occasion experienced in past years before we came to Mayne Island .

I ask you as Trustees of, this our island, if this is how you see it and if you agree that Miles Drew should continue to enforce a prohibition against my chartering of Pekona, our boat so that we cannot offer an exciting five star adventure that features whales , seals , eagles , herons ,otters and fishing, to tourists who want to come to Mayne island and see what they cannot see in their city dwelling lives that we all chose not to have. I ask you as well if you are happy instead that I leave the island to find a supplement for my income.

I respectfully await your thoughts on this matter which is important to us and many persons who would like a glimpse, from the water, of what we have here and also those persons who by **coming aboard** can visit Mayne Island in a season when there is a **no vacancy** sign hung out on land.

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

Islands Trust

BYLAW REFERRAL FORM

Island: North Pender Island Local Trust Area **Bylaws No.:** 209 & 210 **Date:** February 9, 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:

Lloyd Eakins c/o Mill Bay Marine Group, 740 Handy Road, Mill Bay, BC V0R 2P1

PURPOSE OF BYLAW:

The purpose of Bylaw **209** is to amend the North Pender Island Official Community Plan to re-designate a portion of Lot 3, Plan 7982, except Part in Plan 21227 and 1772RW from **Community Service – CS** to **Rural – R.** The change will allow the relocation of existing septic infrastructure for sewage generated on Lot A (DD G54184), Section 11, Plan 7982 to be re-located on the same portion of the subject property.

The purpose of Bylaw **210** is to amend the North Pender Island Land Use Bylaw to: rezone a portion of Lot 3, Plan 7982, except Part in Plan 21227 and 1772RW from **Service Zone (a) (SD(a))** and **Rural (R)** to **Rural (d) (R9d))**; and, to rezone Lot 4, Plan 7982 from **Rural (R)** to **Rural (d) (R9d))**. The bylaw is a technical amendment allow the relocation of existing septic infrastructure for sewage generated on Lot A (DD G54184), Section 11, Plan 7982 to be re-located on the two properties.

Professional reports and staff reports are available on the North Pender island webpage:
http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/

GENERAL LOCATION:

North Pender Island Local Trust Area

LEGAL DESCRIPTION:

Lot 3, Section 11, Pender Island, Plan 7982 except Part in Plan 21227 and 1772RW and Lot 4, Section 11, Pender Island, Plan 7982

SIZE OF PROPERTY AFFECTED:	ALR STATUS:	OFFICIAL COMMUNITY PLAN DESIGNATION:
(portion) Lot 3, Plan 7982 – 1.38 ha (3.14 ac) Lot 4, Plan 7982 - 0.99 ha (2.44 ac)	N/A	**Community Service – CS** and **Rural - R**

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/

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

Name: Justine Starke

(Signature)

Title: Island Planner

Contact Info Tel: 250-405-5189
Email: jstarke@islandstrust.bc.ca

PLEASE TURN OVER →

This referral has been sent to the following agencies:

Federal Agencies
N/A

Regional Agencies
Capital Regional District – Electoral Area Director
Capital Regional District – Building Inspection
Capital Regional District – Infrastructure Engineering
Island Health
North Pender Island Fire Rescue

Provincial Agencies
Ministry of Community, Sport and Cultural Development
Ministry of Forest, Lands & Natural Resource Operations
-- Archaeology Branch
Ministry of Transportation and Infrastructure

Adjacent Local Trust Committees and Municipalities
Mayne Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee
Salt Spring Island Local Trust Committee

Non-Agency Referrals
Islands Trust – Bylaw Enforcement

First Nations
Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Malahat First Nation - TE'Mexs Treaty Association
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation

BYLAW REFERRAL FORM
RESPONSE SUMMARY

☐ **Approval Recommended for Reasons Outlined Below**

☐ **Approval Recommended Subject to Conditions Outlined Below**

☐ **Interests Unaffected by Bylaw**

☐ **Approval Not Recommended Due to Reason Outlined Below**

North Pender Island Local Trust Area	209 & 210
(Island)	(Bylaw Number)
(Signature)	(Name and Title)
(Date)	(Agency)

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

Islands Trust

BYLAW REFERRAL FORM

Island: Salt Spring Island Trust Area **Bylaw No.:** 488-489-490 **Date:** March 14, 2017

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 60 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
Islands Trust, 1-500 Lower Ganges Road, Salt Spring Island, BC, V8K 2N8

PURPOSE OF BYLAW:

Proposed Bylaw No. 488 amends Salt Spring Island Official Community Plan Bylaw No. 434 by introducing a new definition of “General Employment” as a basis for zoning changes in Land Use Bylaw No. 355 (LUB 355) and by introducing a policy context for the Salt Spring Island Local Trust Committee to entertain future rezoning applications in certain areas of Salt Spring Island and by modifying development permit guidelines to address new uses envisioned in Proposed Bylaw No. 489 including the addition of new development permit guidelines for the protection of farming.

Proposed Bylaw No. 489 amends LUB 355 by replacing Section 9.7 with a new “General Employment” zoning structure which reworks the existing industrial land use framework by adding permitted uses, amending site coverage, setback regulations as well as zone variations. In addition, a total of 54 properties are potentially rezoned by this draft bylaw; however, some of the properties are currently zoned for commercial and industrial uses and the rezoning is more reflective of the new “General Employment” zoning approach rather than a substantive change to permitted uses on those properties.

Proposed Bylaw No. 490 amends LUB 355 by amending the zoning classification of some existing Waste Management Facilities to reflect that use.

A copy of the most recent staff report and proposed bylaws may be found at the following link:
http://www.islandstrust.bc.ca/islands/local-trust-areas/salt-spring/projects-initiatives/industrial-land-uses/
For your reference Land Use Bylaw No. 355 and Official Community Plan Bylaw No. 434 and their current amendments can be accessed at these links.

GENERAL LOCATION:

Salt Spring Island Electoral Area F

LEGAL DESCRIPTION:

Salt Spring Island Electoral Area F

SIZE OF PROPERTY AFFECTED:	ALR STATUS:	OFFICIAL COMMUNITY PLAN DESIGNATION:
N/A	N/A	Bylaw No. 488

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. Email your response to ssiinfo@islandstrust.bc.ca.

(Signature)

Name: Rob Milne

Title: Island Planner

This referral has been sent to the following agencies:

Provincial Agencies Agricultural Land Commission Ministry of Agriculture Ministry of Community, Sport & Cultural Development Ministry of Forest Lands & Natural Resource Operations – Environment Ministry of Jobs, Tourism & Skills **Non-Agency Referrals** North Salt Spring Waterworks District SSI Chamber of Commerce SSI Fire Protection District SS Farmer's Institute SSI Farmland Trust SSI Agricultural Alliance Cusheon Lake Stewardship Committee SSI Water Council Society SSI Water Preservation Society **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	**Regional Agencies** CRD – J. Arnett, All referrals CRD – K. Campbell, Senior Manager CRD – SSI Economic Development Commission CRD – SSI Parks and Recreation Commission CRD – Ganges Sewer Commission CRD – Fulford Water Service Commission Vancouver Island Health Authority **First Nations** Malahat First Nation Pauquachin First Nation Tsartlip First Nation Tsawout First Nation Tseycum First Nation Semiahmoo First Nation Tsawwassen First Nation Cowichan Tribes Halalt First Nation Lake Cowichan First Nation Lyackson First Nation Penelakut Tribe Stz'uminus First Nation Hul'qumi'num Treaty Group (for information only) Te'Mexw Treaty Association (for information only)

PLEASE TURN OVER

BYLAW # 488 - 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	488
(Island)	(Bylaw Number)
(Signature)	(Title)
(Date)	(Agency)

BYLAW # 489 - 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	489
(Island)	(Bylaw Number)
(Signature)	(Title)
(Date)	(Agency)

BYLAW # 490 - 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	490
(Island)	(Bylaw Number)
(Signature)	(Title)
(Date)	(Agency)

STAFF REPORT

File No.: 6500-20 (Mayne RAR)

DATE OF MEETING: March 27, 2017

TO: Mayne Island Local Trust Committee

FROM: Gary Richardson, Island Planner
Southern Team

SUBJECT: Riparian Area Regulation Implementation

Location: Mayne Island Local Trust Area

RECOMMENDATION

1. **That the 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.**

2. **That the Mayne Island Local Trust Committee endorse the Riparian Area Regulation Development Permit area implementation project charter dated March 14, 2017**

REPORT SUMMARY

This report provides comment on the March 7, 2017 report prepared by Madrone Environmental Services Ltd. (Madrone) in which Madrone completed an assessment of three stream networks on Mayne Island in order to determine the applicability of the streams to the Riparian Area Regulation (RAR). 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. The Madrone report dated March 7, 2017 is attached for the LTCs reference.

The report also recommends a course of action to implement RAR DPAs on the RAR applicable watercourses, within the Mayne Island Local Trust Area. A project charter is attached for the LTCs consideration.

In summary, staff is recommending that Riparian Area DPAs be implemented on Deacon Creek and Horton Creek using the DPA distances (including buffer areas) 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 be 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.

BACKGROUND

The Riparian Areas Regulation, enacted under Section 12 of the Fish 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 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 to determine:

- If Horton Creek, Campbell Creek, and Deacon Creek are RAR applicable streams.

- Calculate the Streamside Protection and Enhancement Areas (SPEAs) using the detailed assessment method for watercourses deemed to be subject to the RAR.

As a result of the LTCs 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 attached for the LTCs reference.

ANALYSIS

Policy/Regulatory

Fish Protection Act:

The Fish 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.

NEX THE NEXT STEPS IN THE PROCESS ARE TO:

- Prepare a draft bylaw to create the RAR DPA.
- Schedule a Community Information Meeting
- 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	March 13, 2017
Concurrence:	Justine Starke, A/Regional Planning Manager	March 15, 2017

ATTACHMENTS

1. Project Charter dated March 14, 2017
2. Report prepared by Madrone Environmental dated March 7, 2017

Riparian Area Regulations (RAR) - Charter v2 March 14, 2017

Mayne Island Local Trust Committee

Purpose: Establish a RAR compliant Development Permit Area for Deacon Creek and Horton Creek based on the setback distances recommended in the Detailed Assessment report prepared by Madrone Environmental Ltd.

Background: 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 another QEP to: review existing QEP reports; to carry out an assessment of RAR applicable streams using the Detailed Assessment Method; identify SPEAs and confirm which of the three streams are subject to the RAR.

Objectives

- Establish a RAR compliant DPA for Deacon Creek and Horton Creek based on detailed assessment, SPEAs and setbacks identified and recomended by Madrone Environmental Ltd.

In Scope

- Prepare bylaws to implement RAR DPA
- Community and First Nations Consultation
- Statutory Bylaw amendment process

Out of Scope

- Additional or extra ordinary community consultation
- Additional QEP support

Workplan Overview

Deliverable/Milestone	Date
1) Draft DPA Bylaw	May 15 2017
2) Community Information Meeting	June 2017
3) Staff report addressing community comments 4) Referral to agencies and First Nations	June/July 2017
3) Public Hearing	October 2017
5) Forward to Executive of Islands Trust and Minister	October/November 2017
6) Consider adoption of bylaw. 7) Community and contractor education	February/March 2018

Project Team

Gary Richardson, Island Planner	Project Manager
Sharon Lloyd-deRosario	Admin support
Regina Robinson	Admin support
Barb Dashwood	GIS support

RPM Approval:

Date: March 14, 2017

LTC Endorsement:

Resolution #:

Budget

Budget Source:

Fiscal	Item	Cost
2017/18	CIM	500.00
2017/18	Legal Review	1500.00
2017/18	Public Hearing	2500.00
2017/18	Contingency	500.00
	Total	5000.00

Review of Mayne Island Riparian Area Regulation Requirements - Recommendations Resulting from Application of the Detailed RAR Assessment Methodology

PREPARED FOR:

Mr. Gary Richardson – Island Planner
Islands Trust
200-1627 Fort Street
Victoria, BC
V8R 1H8

PREPARED BY:

Trystan Willmott, B.Sc. A.Sc.T.
MADRONE ENVIRONMENTAL SERVICES LTD.

March 7, 2017

MADRONE ENVIRONMENTAL SERVICES LTD.
1081 CANADA AVENUE • DUNCAN • BC • V9L 1V2
TEL 250.746.5545 • FAX 250.746.5850 • WWW.MADRONE.CA

DOSSIER: 16.0418

TABLE OF CONTENTS

Review of Mayne Island Riparian Area Regulation Requirements - Recommendations Resulting from Application of the Detailed RAR Assessment Methodology

1 Introduction

1.1 Riparian Areas Regulation (RAR) Overview

The Riparian Areas Regulation (RAR) is the basis of streamside protection in British Columbia. The RAR was enacted in 2004 under Section 12 of the Fish Protection Act. The RAR is a joint initiative with Fisheries and Oceans Canada (DFO), the Ministry of Environment (MoE) and local government. The RAR uses a science-based approach to help ensure land development activities do not result in a harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes. In BC, the definition of fish habitat includes all aquatic and terrestrial areas that affect fish life processes. Fish habitat, therefore, includes the area directly adjacent to a stream (*i.e.*, the riparian area) because it provides food, nutrients, and other functions vital to fish survival.

Since the inception of the RAR, local governments throughout BC have enacted bylaws associated with RAR implementation, usually through the establishment of Development Permit Areas (DPAs). The default standard, as per the RAR, is that development activities within the "Riparian Assessment Area" (RAA), which extends for a distance of 30 m back from the High Water Mark (HWM) of a "stream" (as defined under the RAR) trigger the completion of an assessment using RAR assessment methodology. The "Detailed Assessment" methodology establishes a site-specific Streamside Protection and Enhancement Area (SPEA), which is generally based on the average bankfull width of a stream, or default setbacks associated with wetlands, ponds and lakes. Under the Detailed Assessment, the SPEA ranges from a minimum of 10 m to a maximum of 30 m for lotic systems (streams) and a minimum of 15 m to a maximum of 30 m for lentic systems (wetlands, ponds and lakes). Ditches are associated with narrower SPEAs, usually between 2 m – 5 m, depending on fish-bearing status.

The Detailed Assessment methodology considers three Zones of Sensitivity (ZOS), which provide biological function to the adjacent water body when establishing the SPEA: shade; Large Woody Debris (LWD) input/bank stability; and litter fall/insect drop. The shade ZOS applies to the south side of streams, wetlands and lakes and is based on a value that is three times the average channel width for lotic systems, but for lentic systems, the ZOS for shade is 30 m on southern banks. The LWD/bank stability ZOS is also based on a value that is three times the average channel width in lotic areas, up to a maximum of 30 m and a minimum of 10 m. Channel morphology (e.g. riffle-pool, cascade-pool or step-pool) affects the maximum LWD/bank stability ZOS, with the maximum for a cascade-pool system, for example, set at 15 m. For a riffle-pool system, this ZOS could extend to the maximum of 30 m, depending on the bankfull width. For lentic systems, the ZOS for LWD/bank stability is 15 m. The litter fall/insect drop ZOS is established at 15 m for lentic systems and is calculated on lotic systems as being three times the average channel width, up to a maximum of 15 m and a minimum of 10 m. The SPEA is always set at the maximum of the three ZOS.

For small streams with average bankfull widths that are less than approximately 3.3 m, the SPEA (extending from the HWM) would be 10 m under the Detailed Assessment methodology, considering the influence of the three different ZOS. As part of the Detailed Assessment, a suite of site -specific SPEA-protection measures that consider erosion and sediment control, tree protection, danger tree management, windthrow, slope stability, stormwater management, encroachment and floodplain concerns are recommended to help ensure that the SPEA remains biologically functional during and after any development proposal that occurs within the RAA. As noted, Detailed Assessments are generally triggered by a development proposal inside the RAA, and the various measures are prescribed by a Qualified Environmental Professional (QEP) as part of a report submitted to the Riparian Areas Regulation Notification System.

The "Simple Assessment" methodology is another process used to determine the width of the SPEA, and is based on potential riparian vegetation width, stream periodicity and fish presence or absence. Based on the rural nature of Mayne Island and depth of potential riparian vegetation, both lotic and lentic systems would likely be associated with SPEAs between 15 – 30 m through implementation of the Simple Assessment. The wider SPEAs that generally result from applying the Simple Assessment methodology in part reflect the fact that there are no specific SPEA protection measures associated with the Simple Assessment.

"Development" activities, which would trigger an assessment under RAR, include the following (as regulated under Part 26 of the *Local Government Act* for residential, commercial and industrial activities):

- removal, alteration, disruption or destruction of vegetation;
- disturbance of soils;
- construction or erection of buildings and structures;
- creation of non-structural impervious or semi-impervious surfaces;
- flood protection works;
- construction of roads, trails, docks, wharves and bridges;
- provision and maintenance of sewer and water services;
- development of drainage systems;
- development of utility corridors; and
- subdivision as defined in section 872 of the *Local Government Act*.

The regulation does not apply to a development permit or development variance permit issued only for the purpose of enabling reconstruction or repair of a permanent structure described in section 911 (8) of the Local Government Act if the structure remains on its existing foundation. It is also important to note that the regulation does not apply to farming-related activities consistent with the *Right to Farm Act*, institutional development proposals or forestry activities on private land governed by the *Private Managed Forest Land Act* or on woodlot or tree farm licences managed under the *Forest Act*.

Existing land-uses and structures that are located inside a RAA or SPEA are considered legally non-conforming; land within the RAA or SPEA can be used as it has been historically, but one of the goals of the RAR is to enhance degraded habitat. If any new development activities are proposed within a RAA, that is when the RAR would apply. Similarly, if a non-farming-related activity were proposed on agricultural land, the RAR would apply.

The RAR only considers development activities adjacent to freshwater habitat and does not apply to saltwater. The upper limit of tidal influence is relevant, therefore, in the implementation of the RAR, as per the RAR assessment methods:

> *"The Riparian Areas Regulation does not apply to marine or estuarine shorelines; these waters are still considered fish habitat under the Fisheries Act and DFO should*

be contacted regarding appropriate setback widths to ensure that development activities do not result in a harmful alteration, disruption or destruction of fish habitat. The boundary between freshwater habitats and estuarine habitats is considered the upstream extent of tidal influence."

Fish and fish habitat are also protected by the Federal Fisheries Act. Where the RAR do not apply in freshwater habitat (e.g. on farm land) the Fisheries Act is applicable. Specifically, the Fisheries Act affords protection to fish that form part of a commercial, recreational or Aboriginal fishery, which includes fish that support such a fishery. It is unlawful to cause "Serious Harm" to fish (unless Authorized under specific circumstances), which is defined under the Fisheries Act as "…the death of fish or any permanent alteration to, or destruction of, fish habitat." Upland activities adjacent to freshwater areas (even if the stream were to be non-fish-bearing) that cause the introduction of deleterious substances (which includes sediment) into the marine environment would be subject to the Fisheries Act.

The Water Sustainability Act regulates instream works, such as (but not limited to): culvert placement; construction of irrigation ponds; bank armouring; channel maintenance; and water withdrawal. Any instream works are required to obtain either Approvals or Notifications under Section 11 of the Water Sustainability Act. In addition to considering potential ecological impacts from instream works (including the maintenance of fish passage), the Section 11 process also considers potential downstream effects to landowners (e.g. impacts that may be related to increased erosion or flooding from dam breaches etc.). The Section 11 process also applies to related works in the riparian area. For example, a driveway being placed across a stream requiring the placement of a crossing structure (e.g. culvert) would necessitate the unavoidable disturbance of riparian vegetation within a SPEA. In this particular example, the disturbance would be considered and permitted as part of the Section 11 application.

1.2 Objectives

Islands Trust requested that Madrone Environmental Services Ltd. (Madrone) complete an assessment of selected stream networks on Mayne Island to determine the applicability of the streams to the RAR. Another objective was to complete an overview RAR Detailed Assessment on applicable streams to help establish refined DPAs that would be reflective of specific stream characteristics and RAR assessment methodology – specifically bankfull width and associated SPEA dimensions. The selected streams consisted of Campbell Creek, Horton Creek (Hunt Brook) and Deacon Creek (Village Bay Creek). The scope of the project did not involve stream mapping or correcting any previous stream mapping that had been conducted.

1.3 Definition of a Stream under RAR

In order to determine applicability of the selected streams to the RAR, the definition of a "stream" as listed under the RAR, was used as a standard. As per Section 1.4.2 of the RAR Assessment Methodology; (http://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/fish-fish-habitat/riparian-areas-regulations/rar_assessment_methods.pdf), a "stream" is defined as follows:

"…any watercourse – natural or human made – that provides fish habitat that contains water on a perennial or seasonal basis, is scoured by water or contains observable deposits of mineral alluvium, or has a continuous channel bed including a watercourse that is obscured by overhanging or bridging vegetation or soil mats. A watercourse may not itself be inhabited by fish, but may provide water, food and nutrients to streams that do support fish."

The RAR further identifies a stream as:

"…any of the following that provides fish habitat:

(a) a watercourse, whether it usually contains water or not;

(b) a pond, lake, river, creek, brook;

(c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b).

It is important to note that a "stream" under the RAR is not necessarily fish bearing. If a watercourse connects by surface flow to potential fish habitat, it is considered a "stream" under the RAR. If a barrier (either definitive or non-permanent) to the migration of fish is identified, a watercourse is classified as a stream above the barrier if there is potential fish habitat downstream of the barrier. Any part of a watercourse that is not inhabited by fish (e.g. above a barrier) that connects by surface flow to fish habitat is considered a stream under the RAR process.

If low gradient habitat (less than 20%) occurs on a stream at tidewater (even if the stream only exhibits seasonal flow), it would be expected to provide potential habitat for anadromous fish capable of completing their life cycle in seasonal streams (e.g. chum – *Oncorhynchus keta* – and pink – *Oncorhynchus gorbuscha* salmon). Sexually immature anadromous life-phase coastal cutthroat trout (*Oncorhynchus clarkii clarkii*) could also potentially use any seasonal streams that connect directly to the ocean (assuming access is possible from the ocean). Sexually immature coastal cutthroat trout can exhibit "wandering" tendencies and overwinter in streams that may not necessarily be their natal systems prior to showing fidelity to their natal streams during spawning runs once sexually mature (Johnston 1982; cited in Slaney and Roberts 2005). Where a natural barrier occurs at tidewater, which precludes the entry of any anadromous fish, either due to excessive gradient or a singular feature, a stream would not be expected to provide fish habitat, unless suitable potential habitat for resident fish occurred above the barrier.

It is also important to consider the definition of a "ditch" as opposed to a "stream". Under the RAR (http://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/fish-fish-habitat/riparian-areas-regulations/rar_assessment_methods.pdf), ditches are defined as follows: *"Ditches are characterized as being manmade and straight, with no significant headwaters or springs. They were constructed to drain property (they often form property boundaries) or roadways and while connected to natural streams they are not part of the natural historic drainage pattern."*

If a ditch connects by surface flow to a potentially fish-bearing stream, it is considered under the regulation (albeit with reduced setbacks). Channelized or ditched segments of the historic drainage network or ditched portions of watercourses that are naturally fed by springs or are associated with headwaters are not considered "ditches". It is possible, therefore, to have long, straight segments of ditching or channelization on a natural stream; if segments of natural stream channel remain either upstream or downstream of a ditched segment, the system would be classified as a "stream" as opposed to a "ditch".

2 Methodology

2.1 Background Research

Based on the history of the RAR-implementation process on Mayne Island (over the past 8-10 years), previous QEP reports were reviewed prior to conducting a field assessment of the selected streams. These reports consisted of: Mayne Island Stream Survey Report - Prepared by Kathleen Reimer, March 2007; Review of Riparian areas Regulation for Streams on Mayne Island - Prepared by Swell Environmental Consulting, February 16th 2010; Mayne Island Fish Presence Assessment - Prepared by D.R. Clough Consulting, July 2010; and Mayne Island Fish Presence Survey – Salmon Spawner Survey 2011 - Prepared by D.R. Clough Consulting, January 20th 2012. Background research was also carried out using the Habitat Wizard database (http://maps.gov.bc.ca/ess/sv/habwiz/) to determine whether any documented fish distribution data existed for the focus streams.

2.2 Assessment Area

The assessment area included the existing stream network provided by Islands Trust for the Campbell Creek, Deacon Creek (Village Bay Creek) and Horton Creek (Hunt Brook) watersheds. An overview of the assessment area is shown in Figure 1.

2.3 Landowner Contact

Prior to the field assessment, a database containing landowner information was provided by Islands Trust for landowners with streams on their property. Affected landowners were contacted by telephone, advised of the objectives of the assessment and asked for access permission. Field maps were modified accordingly to reflect those properties where access was permitted and those where access had been denied. Attempts were made to contact all affected property owners, although there were several instances where landowners were absent during the landowner contact phase, or contact information could not be found. During fieldwork, further efforts were made to contact property owners by knocking on doors and explaining the objectives of the assessment. This approach was not always practical, based on the fact that many landowners were absent. Properties were not included in the assessment unless explicit permission had been provided beforehand, or was given during the fieldwork.

2.4 Field Assessment Procedures

The field assessment took place between February 13th and 14th 2017 and was completed by Trystan Willmott, B.Sc., A.Sc.T. and Justin Lange, B.Sc., R.P.Bio. Both crew members have completed the provincial RAR-implementation training course and are Qualified Environmental Professionals (QEPs) under the RAR.

The field assessment was carried out during a period of relatively high stream flow, at a time when the seasonal watercourses on Mayne Island contained flowing water. The outlet of each stream was assessed to determine whether access for anadromous fish was possible. Based on a review of the previous QEP reports, this appeared to be most critical at the mouth of Campbell Creek, where there were conflicting opinions as to whether a physical barrier to upstream fish movement was present or not.

Where property access had been allowed, measurements of bankfull width were completed on the subject RAR-applicable streams to determine the width of the SPEA under the Detailed Assessment RAR methodology. Where sufficient area was available on each accessible property, eleven measurements of bankfull width were taken. The average bankfull width was then calculated by removing the maximum and minimum values and dividing the total by the remaining number of values (nine). Stream gradient was also measured to determine channel type, as this (in addition to bankfull width) affects the calculation of the SPEA. Observations of riparian vegetation characteristics and land use were also noted, to help in the consideration of recommended DPA dimensions.

The reach breaks included in Swell (2010) were used as a basis in describing and determining the SPEA for each stream segment. In cases where property access was not possible, descriptions of the stream channels from Clough (2010) and Swell (2010), which included bankfull width, were used to determine the SPEA (where practical to do so). Field observations and measurements were also completed where possible (e.g. from road right of ways).

As the field assessment was not based on any specific development activities, specific SPEA-protection "measures" (which usually represent part of the Detailed Assessment procedure) were not completed for each of the assessed areas; rather, the Detailed Assessment methodology was used to determine the dimensions of the SPEAs for incorporation into Islands Trust's RAR implementation strategy (*i.e.* determination of DPAs). Figures 2 and 3 show the dimensions of the SPEAs on applicable streams. Detailed instream habitat assessment notes were not collected, based on the significant volume of existing data (e.g. Swell 2010; Clough 2010, 2012).

While the scope of the assessment did not include mapping the location of streams, where inconsistencies or additional unmapped drainages were observed, general locational data was noted using the GPS function on an I-Pad. Discrepancies and general corrections have been highlighted in Figures 2 and 3. Representative site photographs were also taken during the field assessment Appendix 1).

PROJECT: Review of Mayne Island Riparian Area Regulation Requirements		LOCATION: Mayne Island, BC	CLIENT: Islands Trust	DOSSIER NO: 16.0418
ASSESSED BY: Trystan Willmott, B.Sc. A.Sc.T.	FIELD DATE: February 13 & 14, 2017	MAP SCALE: 1:15,000	MAPPING DATE: February 28, 2017	DRAWN BY: Anna Jeffries

MADRONE environmental services ltd

FIGURE 1: Overview

3 Results

3.1 Documented Fish Distribution Data and Previous Fish Sampling Work

Campbell Creek is a documented, gazetted stream (Watershed Code 925-259000-77400). Horton Creek is also a gazetted system (Watershed Code 925-259000-91200). Research using Habitat Wizard (2017) indicated documented observations of coastal cutthroat trout in several reaches of Horton Creek (observation date of 1995). There is no available data that would suggest that these fish were artificially introduced to the system (stocked), indicating that the observed fish were likely part of a natural population. Chum salmon are also documented as occurring in Horton Creek (observation date of 1995), which is likely attributable to a “Salmon in The Classroom” project (Reimer 2007). According to Reimer (2007), there was one anecdotal record of chum salmon returning to this creek as a result of the project.

Documented occurrences of rainbow trout (*Oncorhynchus mykiss*) are listed for Campbell Creek (1995 observation date), which were apparently “naturalized” progeny of fish that were stocked historically in constructed ponds on the 380 Campbell Bay Road property (Reimer 2007). There are no documented occurrences of fish in Deacon Creek, but Reimer (2007) stated that chum salmon fry from the Goldstream River hatchery had previously been stocked regularly into this system. Clough (2010) noted that there had been no evidence of long-term success of this initiative.

Fish sampling work completed by Clough (2010, 2012) did not return any fish in any of the focus streams. The Clough (2010) assessment, which was carried out during low flow in the summer months, would suggest that any remnant naturalized fish from the rainbow trout stocking efforts in the Campbell Creek system did not persist. An adult salmon spawner assessment completed in December 2011 did not return any evidence of spawning salmon in Deacon Creek or Horton Creek (Clough 2012). Despite the results of these assessments, in the absence of a definitive barrier at tidewater, it would be extremely difficult to prove a permanent lack of fish use, especially for anadromous species that do not rely on perennial freshwater habitat (e.g. chum and pink salmon).

Horton Creek has been documented as supporting coastal cutthroat trout in the past (Habitat Wizard 2017), which indicates that there is the obvious potential for salmonids to occur in the future, especially if restrictions associated with artificial barriers and habitat degradation were removed. As noted, it is very unlikely that these observed fish originated from introduced hatchery stock. In addition, it would be extremely difficult to prove that fish use is not occurring on a temporary basis, in cases where there are no natural barriers restricting access from the ocean. For example, immature coastal cutthroat trout may seek winter refuge habitat in streams that may not be their natal system, and only use the streams for a relatively short period of time. Based on low numbers of these "wandering" fish and the season of use (winter), it would be extremely difficult to detect them and confidently be able to disprove their presence on a permanent basis. This life-history trait exhibited by coastal cutthroat trout would allow the fish to use the habitat on a temporary basis during a time where restrictions associated with low flows, water temperature or dissolved oxygen would not be limiting factors. Furthermore, winter freshwater "refuge" migrations of coastal cutthroat trout are thought to involve very little feeding behaviour (Slaney and Roberts 2005). This indicates that even habitat that contains little in the way of available food items as a result of habitat limitations could offer potential habitat values.

3.2 Assessment Summary

3.2.1 Campbell Creek

During the field assessment, the landowner at 380 Campbell Bay Road was very accommodating and helpful. We were able to access the tidal segment of the stream on that property to assess the cascade that had been noted in previous QEP reports (Reimer 2007, Swell 2010, Clough 2010).

At tidewater, the stream drops steeply via a bedrock cascade, which has an average gradient of 23 % over a distance of 15 m. Within that 15 m stretch, the maximum gradient increases to 26 % over a distance of 9.6 m. The characteristics of the cascade are such that there are numerous segments where the water flow is very shallow (~ 10 cm deep) over smooth bedrock. There is a small pool at the base of the steeper section of the cascade, which had a maximum depth of 40 cm on the day of the assessment (during relatively high flows). There are no pools over the length of the steeper part of the cascade.

Based on the fact that there are no plunge-pools that would afford fish the opportunity to gain momentum to ascend the cascade, the presence of very shallow, high-velocity flow over bedrock and the overall gradient of the feature, the cascade represents a natural barrier to the upstream movement of fish. As such, there is no potential for anadromous fish to use Campbell Creek, even on a seasonal basis. This finding concurs with the assessment completed by Clough (2010).

Above the cascade, the gradient of the stream decreases to 4 % for a distance of approximately 30 m. The gradient then increases sharply to 25 % over a short cascade (4. 8 m), which represents the outflow of a constructed pond over what appears to be imported dam-construction material (large cobbles). Significant erosion and down-cutting has occurred through the pond outlet feature, which has partially failed. This failure has decreased the gradient of the stream over the pond outlet structure (confirmed by the landowner), which was noted by Clough (2010) to be 45 %.

Based on the presence of the barrier at tidewater, Campbell Creek would only be applicable to the RAR if resident fish occurred above the barrier. As noted, rainbow trout were historically stocked in constructed ponds located on the property at 380 Campbell Bay Road and may have "naturalized" in the stream. The fish sampling work completed by Clough (2010) in Campbell Creek did not result in any fish capture above the barrier (which included the constructed ponds). As any resident fish would have been concentrated in available habitat during the summer fish sampling conducted by Clough (2010), it is apparent that the stocked fish, any subsequent naturalized population, or any wild population of resident fish do not occur above the barrier. As such, Campbell Creek should not be considered a "stream" under the RAR.

3.2.2 Deacon Creek (Figure 2)

The landowner at 535 Dalton Road was accommodating and allowed access to the beach at the outflow of Deacon Creek. At tidewater, a weir structure has been installed, apparently to prevent seaweed from blocking the channel (Swell 2010). There is no barrier at tidewater, and potential fish habitat occurs in the low gradient stream. The upper limit of tidal influence (as provided by Islands Trust) occurs close to the western limit of the 535 Dalton Road property. Small gravel and cobble comprise the stream substrate, which shifts to predominantly sand and silt further upstream.

Up to Dalton Road, which represents Reach 1 (as per Swell 2010), the riparian area has been historically impacted by human activities (i.e. vegetation removal and landscaping) and only a narrow fringe of vegetation remains. The bankfull width of the stream on the accessed property reaches a maximum of 2.4 m, with an average of 2.2 m. The channel represents a riffle-pool morphology (based on gradient), but habitat degradation has limited normal channel-forming processes.

Based on the average channel width and channel morphology (riffle-pool), the maximum SPEA for Reach 1 of Dalton Creek is 10 m as per the Detailed Assessment methodology.

The 10 m SPEA is represented by the maximum ZOS associated with the functions of LWD/bank stability and litter fall/insect drop.

At Dalton Road, the stream flows under the road via a 1500 mm metal culvert, which is not a barrier to fish passage. The bankfull width immediately upstream of the culvert inlet in the Dalton Road right of way was measured at 2 m. The landowner was amenable to allowing access onto his property (524 Dalton Drive), but wanted to be present during the assessment. Unfortunately, the landowner was not able to be on Mayne Island on the dates of the field assessment. Based on observations of the stream from Dalton Road through the property immediately upstream of the road crossing (Reach 2 – Swell 2010), the riparian zone appeared intact for at least 10 – 15 m, with red alder (*Alnus rubra*) dominating. The observable channel upstream of Dalton Road was in good condition, with a substrate of gravel and cobble and a riffle-pool morphology.

The remainder of Reach 2 could not be accessed, but the average channel width from Clough (2010) was measured at 1.3 m. The channel was also inspected from Merryman Road at the point where it flows off agricultural land and into the forested area that extends over the majority of the property to the immediate north of Merryman Road. At this point, the channel appeared to be less than 2 m wide. The riparian zone throughout Reach 2 is intact, with the red alder patch immediately upstream of Dalton Road changing to a continuous mature stand of coniferous forest.

Based on the average channel width (as per Clough 2010), the measurement of bankfull width at Dalton Road and observations of the channel from Merryman Road, the SPEA for Reach 2 of Dalton Creek is 10 m. This represents the maximum ZOS for LWD/bank stability and litter fall/insect drop.

Two unmapped roadside ditches, each carrying significant flow, join Deacon Creek close to the point where the stream parallels Merryman Road. One ditch, which flows along the south side of Merryman Drive, enters via a perched culvert under Merryman Road. The second ditch, which flows along the north side of Merryman Road, joins Deacon Creek close to the point where the road bends to the north. These roadside ditches would be applicable to the RAR, based on the fact that they connect by surface flow to potential fish habitat. The maximum SPEAS under the Detailed Assessment would be dependent upon the fish-bearing potential of the ditches. Based on the characteristics of the ditches, lack of habitat attributes and lack of accessibility for fish from the main-stem drainage, it is extremely unlikely that fish would ever be present in these ditches, even if access barriers were removed. The ditches should, however, be associated with 5 m maximum SPEAs, using a conservative approach.

The entire length of Reach 3 (Swell 2010) could be accessed, as the landowners provided permission (316 Wood Dale Drive and 305 Merryman Road). Reach 3 consists of a channelized stream, with low natural sinuosity and a lack of fish habitat attributes. The channel flows over an organic substrate, with minimal riparian vegetation. The surrounding land use consists of pasture/hay fields, which extend close to the edge of the channel. The maximum channel width through this reach was 2.0 m and the average was 1.4 m. The channel gradient suggests a default riffle-pool morphology, but channelization has removed any natural channel form. The average channel width and default channel morphology through Reach 3 result in a 10 m SPEA, based on the maximum ZOS for litter fall/insect drop and LWD/bank stability.

Reach 4 (Swell 2010) consists of a constructed irrigation pond approximately 90 m long and 25 m wide, which supports limited riparian vegetation. This pond occurs on 305 Merryman Road, which was accessible during the assessment (the landowner provided access permission). Due to the size of the pond, it should be considered a separate feature, as opposed to an "in-line" feature that is part of the stream channel. Under the Detailed Assessment methodology, the SPEA for this feature would be set at 30 m for the south side (based on the shade ZOS) and 15 m for the north, east and west sides (ZOS for litter fall/insect drop and LWD/bank stability). In reality, any biological function of the SPEA on the south side would be truncated by Merryman Road, which occurs approximately 18 m to the south.

Reach 5 (Swell 2010) was accessible, as the landowner gave permission during the field assessment (325 Merryman Road). The landowner was helpful and accommodating during the assessment. The stream has been historically channelized, with the western segment flowing through an intact riparian zone consisting of red alder and second growth Douglas-fir (*Pseudotsuga menziesii*). Agricultural land use (horse pasture) lies adjacent to the south side of the stream in the eastern segment of the property, where riparian vegetation is limited to a fringe of red alder.

The substrate in the stream consists of sand and small gravel, but fish habitat attributes are lacking. In the approximate centre of the property, channel definition decreases through a low gradient area consisting mainly of slough sedge (*Carex obnupta*).

The maximum bankfull channel width through Reach 5 was 1.6 m and the average 1.2 m. The gradient of the channel indicates a default riffle-pool morphology, but there are no typical riffle-pool characteristics, based on the low stream magnitude and historical channelization. The maximum SPEA in Reach 5, indicated by the default channel morphology and bankfull width, is 10 m (as per the maximum ZOS for LWD/bank stability and litter fall/insect drop).

Reach 6 (Swell 2010) could not be accessed during the assessment (361 Merryman Drive), but based on observations from the neighbouring property and Merryman Road, the stream represents a low gradient (default "riffle-pool") channelized system up to a maximum of 1.5 m wide (bankfull width). The SPEA for Reach 6 is also 10 m, based on the default channel type and maximum ZOS associated with litter fall/insect drop and LWD/bank stability.

Reaches 7-9 (Swell 2010), which occur on 380 Merryman Road and 385 Mariners Way, could not be accessed during the assessment, or viewed from a nearby road right of way. Swell (2010) describes Reach 7 as being a dug-out irrigation pond, Reach 8 as a series of ditches flowing into the pond and Reach 9 as a natural wetland connecting by a ditch to the pond comprising Reach 7.

The natural wetland is associated with default maximum SPEAs of 15 m for LWD/bank stability/litter fall/insect drop on the east, north and west banks and 30 m for the shade ZOS on the south bank. The pond in Reach 7 appears to represent a significant feature (based on orthophoto interpretation) that would indicate default 15 m SPEAs on the east, west and north banks and 30 m on the south bank. The ditches described in Reach 8 are associated with 5 m maximum SPEAs. The "ditch" connecting the wetland to the pond is considered a channelized stream, as it originates from natural headwaters and is therefore associated with the 10 m stream SPEA.

PROJECT: Review of Mayne Island Riparian Area Regulation Requirements		LOCATION: Mayne Island, BC	CLIENT: Islands Trust	DOSSIER NO: 16.0418
ASSESSED BY: Trystan Willmott, B.Sc. A.Sc.T.	FIELD DATE: February 13 & 14, 2017	MAP SCALE: 1:4,000	MAPPING DATE: February 28, 2017	DRAWN BY: Anna Jeffries

FIGURE 2: Deacon Creek

3.2.3 Horton Creek Main-stem (Figure 3)

The mouth of this creek into the marine environment could not be accessed (670 Horton Bay Road), but the upper limit of tidal influence has been previously mapped at the Horton Bay Road culvert (location provided by Islands Trust). During the field assessment, it was confirmed that tidal influence occurs at least up to the culvert. Based on observations from the Horton Bay Road crossing through the tidal reach (Reach 1 – Swell 2010), there are no barriers preventing anadromous fish access into the stream, at least on a seasonal basis. The culvert is partially collapsing at the outflow, but it is not a barrier to fish movement, and would be submerged during high tides. Reach 1 is vegetated with a mature stand of conifers, which is providing proper riparian function. Reach 1 is not applicable to RAR, as it occurs entirely within the area that is influenced by saltwater.

Reach 2 (Swell 2010) could not be accessed during the assessment (flows through the 655 Horton Bay Road property), but the eastern-most segment was observed from the Horton Bay Road crossing. The bankfull width is 4.0 m at the culvert inlet, but this area is likely wider due to the influence of the culvert and the fact that tidewater backs up behind the culvert. Observations of the stream further upstream indicated that the bankfull width narrowed. Bankfull width measurements completed by Clough (2010) and Swell (2010) indicated an average bankfull width of 1.5 m through Reach 2.

The stream flows through intact riparian vegetation consisting mainly of mature bigleaf maple (*Acer macrophyllum*), western redcedar (*Thuja plicata*) and red alder for approximately 100 m before reaching a dug-out pond (distance based on orthophoto interpretation). The observed portion of Reach 2 from the road appeared in good condition, with no signs of apparent instability, with a riffle-pool channel morphology. Based on field observations of Reach 2, bankfull width measurements reported by Swell (2010) and Clough (2010) and the riffle-pool channel type, the SPEA is 10 m. This reflects the maximum ZOS for LWD/bank stability and litter fall/insect drop.

Reach 3 (Swell 2010), which was also inaccessible during the assessment (also occurs on the 655 Horton Bay Road property), consists of a constructed pond approximately 75 m long and 25 m wide (dimensions based on orthophoto interpretation). The outlet of this feature is described as a barrier to the upstream movement of fish (perched culvert) by Clough (2010). It should be noted that the culvert would not be considered a permanent, definitive barrier to fish movement. Based on the dimensions of the pond, it should be considered a separate feature as opposed to an "in-line" segment of the stream. The SPEA is set at 30 m (for the maximum shade ZOS) on the south side of the pond and 15 m for the north, east and west banks, as per the maximum ZOS for LWD/bank stability and litter fall/insect drop.

Reach 4 (Swell 2010) extends through the Glenwood Farm property, which was not accessible during the assessment. Descriptions of the reach (Clough 2010, Swell 2010) and observations from the Simpson Road crossing indicate historical channelization (ditching) through the farmland. The bankfull width is up to 2 m (Swell 2010) and the low gradient suggests a riffle-pool channel type. In actuality, observations of the channel did not indicate a typical riffle-pool channel, due to the historical channelization. Riparian vegetation is lacking throughout the farm area. Despite a lack of access along Reach 4, observations made during the field assessment, in addition to descriptions provided by Clough (2010) and Swell (2010) indicate a 10 m SPEA. This is based on the maximum ZOS for litter fall/insect drop and LWD/bank stability.

Reach 5 (Swell 2010) was accessible during the assessment, as the landowner at 622 Gallagher Bay Road provided permission. The landowner was helpful and accommodating during the field visit. The lower segment of this reach (downstream of the residence) is confined through a shallow gully. This feature does not represent a "ravine" as per RAR standards, as the slopes are discontinuous and not consistent on both sides of the stream. At Simpson Road, the culvert crossing structure is perched, which represents a barrier (at least on a temporary basis) to the potential upstream movement of fish. The gully is vegetated with mature conifers, which extend up to the top of bank. Beyond the top of bank, agricultural land persists (livestock pasture).

Through the gully, the gradient of the stream almost qualifies the stream as a cascade-pool system, but the minimal width results in a riffle-pool classification. The stream consists of a gravel/cobble bed through the gully, but fish habitat diversity is lacking. Mid-way through the treed gully, an impoundment has created a small pond approximately 15 m wide and 25 m long in the stream channel. The outlet structure of this pond represents a barrier to the upstream movement of fish, with a culvert emptying out over a constructed embankment consisting of large boulders (in excess of 40 % gradient).

The natural gully ends at the property access driveway and residence on 622 Gallagher Bay Road, with the stream representing more of a channelized system throughout the remainder of the property. Riparian vegetation is lacking through the western segment of the property, with the channel flowing mainly over a grassy substrate with segments of alluvium. A small pond (approximately 8 m by 8 m) occurs close to the western property boundary.

The average bankfull width throughout Reach 5 is 1.5 m, with a maximum width of 3.1 m. The SPEA, based on this average channel width and riffle-pool channel type is 10 m (as per the maximum ZOS for LWD/bank stability and litter fall/insect drop). In this case, the 10 m SPEA also applies to the two small ponds, which are not of a large enough magnitude to be considered as being separate from the lotic system.

Reach 6 (Swell 2010) could not be accessed during the field assessment. The stream in this area was also not assessed by Swell (2010) or Clough (2010). The stream was accessed where it flows under Gallagher Bay Road. At this point, the stream is 1.2 m wide (bankfull width) and consists of a well-defined historically channelized system with an alluvial substrate (mainly small gravel). Where it flows through the 631 Gallagher Bay Road property, the majority of the stream appears to flow through intact young forest, with some disturbance around the eastern segment of the property associated with farming activities and a residence (based on orthophoto interpretation). A small pond occurs in this area, which is approximately 10 m by 10 m. A larger pond is evident close to the north western property boundary, which is approximately 70 m long and 30 m wide (dimensions based on orthophoto interpretation).

The headwaters of the stream were also observed from Tinker Road, where a watershed divide occurs close to two small (10 m by 10 m) circular ponds located on the 414 Heck Hill Road property in a moist area consisting of hydrophytic vegetation. Drainage from this moist area has been channelized along the western side of Tinker Road (the existing mapping incorrectly shows the mapping on the eastern side of the road). The channelized stream flows beyond the northern terminus of Tinker Road onto the 540 Glen Echo Road property, which could not be accessed. It appears that existing mapping shows the stream branching on the 540 Glen Echo Road property.

Based on observations of the stream beyond the end of Reach 5 (Swell 2010), which included bankfull width measurements taken along Tinker Road and at the Gallagher Bay Road crossing, the SPEA is 10 m throughout the remaining stream area. The smaller eastern-most pond observed on the orthophoto on the 631 Gallagher Bay Road property is considered part of the stream channel (10 m SPEA). The more significant pond in the north western corner of the property is associated with a 30 m SPEA (maximum shade ZOS) adjacent to the south side and 15 m SPEAs on the north, east and west sides (ZOS for litter fall/insect drop and LWD/bank stability). Only the northern circular constructed pond close to the west side of Tinker Road is considered under RAR, as the other pond does not connect by surface flow to the channelized stream. The RAR-applicable pond is not considered as a separate feature, but rather part of the lotic system, based on the small size of the pond (10 m SPEA).

3.2.4 Horton Creek North Fork (Hunt Brook) (Figure 3)

Reach 1 (Swell 2010) could not be accessed during the field assessment. This reach flows through Glenwood Farm, where it represents similar characteristics as Reach 4 (Swell 2010) on the main-stem drainage. The stream was observed from Gallagher Bay Road, where it flows from channelized roadside ditches onto the farm property. Based on observations of the Reach 1 channel from the road, it has been channelized through the farmland and is less than 2 m wide (bankfull width). From these observations, the channelized stream is associated with a 10 m SPEA, resulting from the maximum ZOS for LWD/bank stability and litter fall/insect drop.

Reach 2 (Swell 2010) represents channelized flow along the west side of Horton Bay Road. The stream at this location exhibits minimal riparian vegetation and severely lacks fish habitat values, based on the fact that it has been channelized along the road edge. A perched culvert carries the drainage underneath the driveway that accesses 523 Horton Bay Road. The stream continues as a steep (15 %) channelized system along the north side of the driveway, where it is deeply incised. The stream then emerges from forested habitat as a more natural stream channel (the beginning of Reach 3 – Swell 2010), where it flows through moist forested habitat located on the property to the north (515 Horton Bay Road). The landowners at 523 Horton Bay Road were accommodating and helpful, but we were unable to access the 515 Horton Bay Road property or the property to the west.

The existing stream mapping for the lower segment of Reach 3 is inaccurate, as the point at which the stream exits the 523 Horton Bay Road property and flows onto 515 Horton Bay Road is further to the east. As the 515 Horton Bay Road property could not be accessed, the route of the stream through that property, or the property to the west, could not be confirmed.

The average bankfull width through Reach 2 is 1.1 m, and the gradient over the whole reach indicates a "riffle-pool" channel type. This default channel morphology is not represented in reality, based on the fact that the stream has been channelized. Based on the average channel width and default channel type, the SPEA for Reach 2 is 10 m and is represented by the maximum ZOS for LWD/bank stability and litter fall/insect drop.

Swell (2010) adds three further reach descriptions (reaches 4-6), but existing mapping (Swell 2010) indicates only three reaches in total for the north fork of Horton Creek (Hunt Brook). For purposes of this summary, only three reaches are described (as per the existing mapping layer). The remainder of Reach 3 was assessed from Mount Parke Regional Park and also along Montrose Road, as access permission was not provided for

515 Horton Bay Road or the neighbouring property to the west. Access was also not confirmed for the 521 Montrose Road property.

From the Montrose Road right of way, observations of the stream where it flows through the property to the south of Montrose Road indicate that the stream is very poorly defined and flows over an organic substrate. This drainage is currently effectively blocked by a foot trail through the park. Above the trail, the stream is poorly defined over an organic substrate and is fed by a small (approximately 15 m by 15 m) constructed pond close to the park boundary. Based on observations of the poorly-defined “channel” from Montrose Road to the park, the remainder of Reach 3 is associated with a 10 m SPEA, with the constructed pond also associated with a 10 m SPEA (not considered a separate system in this case).

A constructed ditch now captures surface flow coming from the top of Reach 3 (originating from the pond) to the north of the blockage associated with the trail. While it should be noted that this ditch is directly located on the Reach 3 stream channel, a ditch classification has been applied at the point where the ditch has been constructed along the north side of Montrose Road. The more “natural” stream channel continues to the south of Montrose Road below the trail blockage, connecting with Reach 2 on 523 Horton Bay Road.

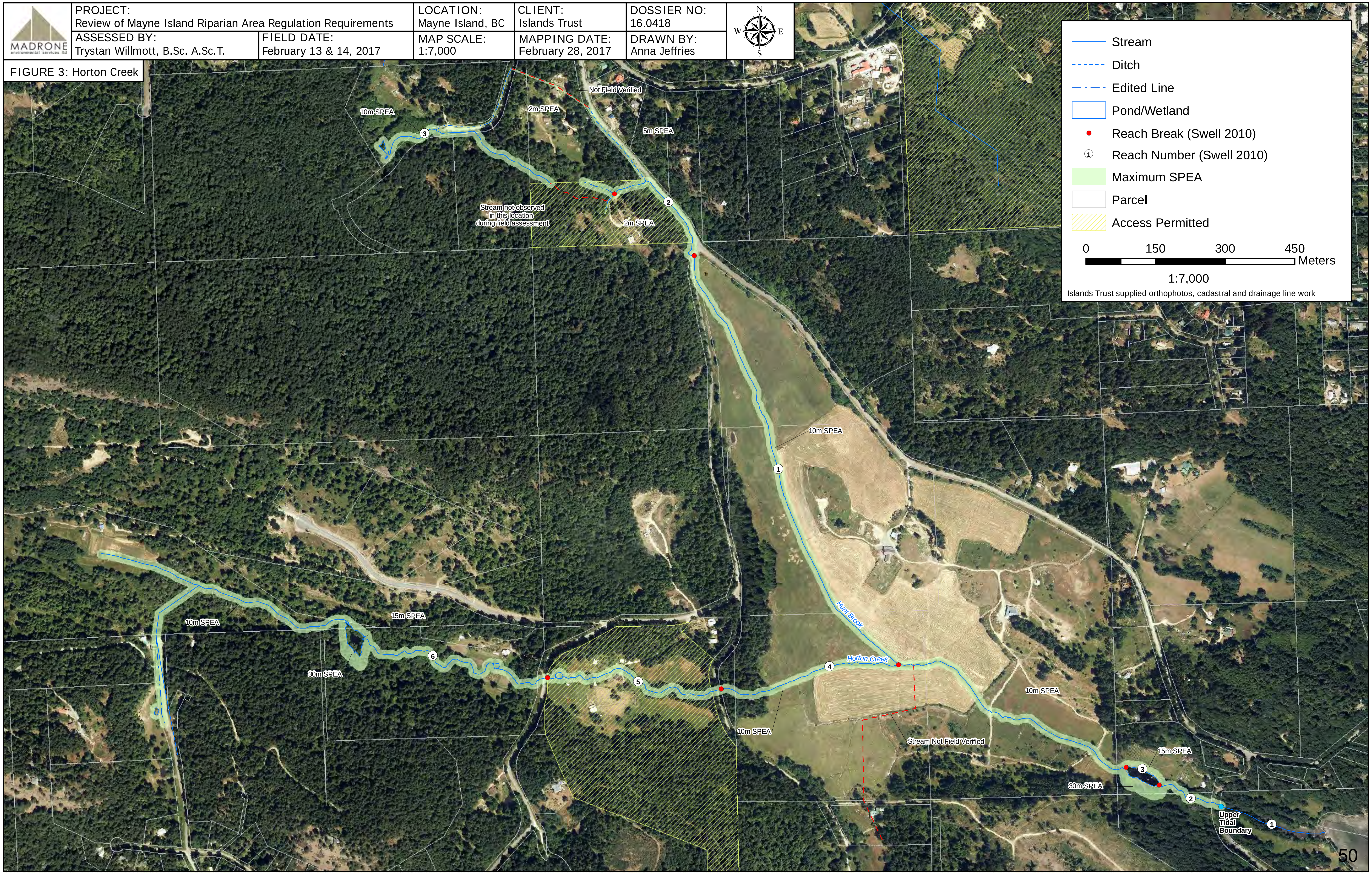
The ditch continues along the north side of Montrose Road prior to flowing under the road via a culvert discharging onto the property to the immediate west of 515 Horton Bay Road. The ditch was observed flowing off the 515 Horton Bay Road property, where it is directed along the west side of Horton Bay Road. This ditch joins with the channelized segment of Reach 2 at the bottom of the 523 Horton Bay Road property driveway. This ditch was previously unmapped, which may indicate that the work was done after the 2010 assessments completed by Clough and Swell.

Notwithstanding any temporary barriers to the movement of fish located further downstream on the Horton Creek system (e.g. Reach 3 pond outlet on the main-stem), the gradient of the ditch where it flows through the 515 Horton Bay Road property precludes any potential for fish use. The constructed ditch is, therefore, associated with a maximum 2 m SPEA from the point where it flows off the 515 Horton Bay Road property, based on excessive gradient. Along Horton Bay Road, the constructed ditch would be associated with a 5 m SPEA (very conservative approach), based on the fact that there are no natural barriers precluding fish access, at least on a seasonal basis. It should be noted that it is extremely unlikely that fish would ever be present in the ditch, even if downstream barriers were removed.

An additional ditch was discovered on the 523 Horton Bay Road property, which joins the main-stem along the property driveway close to the break between Reach 2 and 3. This ditch is very short (approximately 50 m) and drains a moist area close to the top of the driveway. This ditch is associated with a 2 m SPEA, as it is located above the steep segment of the main-stem, which precludes any potential for fish access.

PROJECT: Review of Mayne Island Riparian Area Regulation Requirements		LOCATION: Mayne Island, BC	CLIENT: Islands Trust	DOSSIER NO: 16.0418
ASSESSED BY: Trystan Willmott, B.Sc. A.Sc.T.	FIELD DATE: February 13 & 14, 2017	MAP SCALE: 1:7,000	MAPPING DATE: February 28, 2017	DRAWN BY: Anna Jeffries

FIGURE 3: Horton Creek



4 Discussion and recommendations

Based on the observations of Deacon Creek, Campbell Creek and Horton Creek, both Horton Creek and Deacon Creek provide potential fish habitat (especially in the lower reaches) and are, therefore, applicable to the RAR. All tributary drainages in these watersheds are also considered "streams" under the RAR, as a stream does not necessarily need to support fish in order for it to be included. If a non-fish bearing stream connects by surface flow to potential fish habitat, it qualifies under the regulation.

Fish use in the applicable streams is currently restricted, based on low stream magnitude (seasonal flow), a lack of habitat diversity and the presence of obstacles and barriers to upstream fish movement. To permanently classify these streams as being non-fish-bearing would remove any potential for any future restoration or improvement of current conditions, which have mainly resulted from anthropogenic influences.

Currently, any fish use would be limited to seasonal occupancy by anadromous species that do not rely upon perennial habitat or temporary use by anadromous cutthroat trout, which could potentially use the lower reaches in very low numbers on an intermittent basis. Trying to establish permanent year-round non-fish presence in a stream where there are no physical barriers preventing the seasonal (or temporary) movement of fish into the stream from the ocean would be extremely difficult.

In cases where there are significant, naturally occurring year-round, permanent limitations associated with water quality that are beyond tolerable thresholds, fish would not be expected to occur. This is not the case on Mayne Island, where there may be seaosnal limitations to water quality on a reach by reach basis, but no permanent or significant threshold breaches that would preclude seasonal fish use of lower stream reaches.

Data from April 2008 (included in Clough 2010) for Horton Creek showed pH within the preferred range of salmonids for Reach 1, Reach 2 and Reach 3 (pH values of 6.7, 6.5 and 7 respectively). Similarly, dissolved oxygen was shown to be well within the levels preferred by salmonids in the same reaches (10.8, 9.2 and 11.2 Mg/l respectively). A "farm ditch" segment of Reach 2 was shown to have lower water quality during the same period, with a pH of 5.7 and dissolved oxygen level of 1.6 Mg/L (Clough 2010). Summer water quality data for Horton Creek compiled by Clough (2010) indicates much lower dissolved oxygen levels for Reach 1 of Horton Creek that would be well within the avoidance range of salmonids over the summer period. This would be expected, based on lower flows and higher temperatures and the range in oxygen levels that commonly occurs in most streams over the course of a season. Seasonal use of the same habitat (considering the more favourable water quality data from April 2008) cannot be discounted.

Determining fish presence or absence above a physical, natural barrier is a much more feasible undertaking. There is no potential for use of Campbell Creek on a seasonal or temporary basis by any life phase of anadromous fish, based on the presence of a natural barrier to upstream fish movement at tidewater. The Campbell Creek system was sampled for fish during an optimal time of year in available habitat (Clough 2010), which resulted in no fish capture. Based on the fish sampling results and presence of the permanent, natural barrier at tidewater, Campbell Creek (including tributary systems) does not apply to the RAR. Any rainbow trout that were stocked historically in the ponds on the 380 Campbell Bay Road property (or naturalized offspring) are no longer present.

Based on average bankfull widths and application of the Detailed Assessment methodology under the RAR, SPEAs for the subject streams (Horton Creek and Deacon Creek) are 10 m. Significant ponds and wetlands connected to these systems are associated with SPEAs of 30 m on the south banks and 15 m on east, west and north banks. True ditches identified during the assessment are associated with either 2 m SPEAs for non-fish-bearing ditches or 5 m SPEAs, using a conservative "potentially fish-bearing" approach where applicable. The dimensions of all SPEAs are indicated in Figures 2 and 3. Reaches downstream of the upper tidal limits provided by Islands Trust are not applicable to SPEAs or the RAR. Inconsistencies were noted in the provided stream mapping data, and corrections have been included in Figures 2 and 3. It should be noted that not all areas could be field verified or assessed, based on a lack of property access. For the most part, orthophoto coverage allowed for an interpretation of the stream network, and observations of inaccessible properties from neighbouring properties or roadsides also provided useable data. Previous reports prepared by Reimer (2007), Clough (2010) and Swell (2010) were also very useful.

The SPEA data can be used by Islands Trust as a planning tool to help implement bylaws that "meet or beat" the RAR. It is important to note that any bylaw that is set up would need to account for the fact that under the detailed RAR assessment methodology, a suite of development-specific measures are considered that help ensure the integrity of the SPEA during development activities. One potential planning opportunity would be to add depth to the edge of the SPEA boundary, to create a Development Permit Area that exceeds the SPEA widths that have been provided in this project. This would help ensure the integrity of the SPEA is maintained in the absence of Detailed Assessment measures.

A suggested DPA width would be 15 m for streams associated with a 10 m SPEA, 10 m for the default fish-bearing ditches and 5 m for non-fish-bearing ditches. For significant wetlands and ponds, a 20 m DPA is recommended on east, west and north banks, where-as a 30 m DPA is suggested for south banks. Landowners would then have the opportunity to complete a development-specific Detailed Assessment by a QEP if they were not prepared to accept the default bylaw DPA. If a Detailed Assessment were completed, the SPEA would be 10 m for streams, and would vary between 2 m and 5 m for constructed ditches. For the identified significant ponds and wetlands, the SPEA would range between 15 m and 30 m (no reasonable potential to decrease the 30 m DPA on the south sides of the identified wetlands and ponds). If the default "meet or beat" setback option is accepted by a landowner, a site visit by a planner, building inspector or QEP may be required to ensure that the setback is being maintained and is being measured from the correct location. If a landowner chooses to complete a Detailed Assessment by a QEP to reduce the DPA down to the SPEA value, the precise location of the HWM and SPEA would be identified as part of the Detailed Assessment reporting procedure.

Setting up DPAs would also need to take into account the fact that some riparian areas are currently developed, or encroached upon. The RAR does not apply to existing land uses and structures, as these are considered legally non-conforming. Landowners can continue to use their land (including areas inside SPEAs) as it has been used historically. Any new developments inside a previously developed SPEA or established DPA would trigger the RAR, and the new development would be subject to the RAR. Riparian enhancement is encouraged, especially adjacent to sensitive areas, or areas that are experiencing erosion due to the removal of riparian vegetation.

Landowners adjacent to streams often do not realize the financial incentives of maintaining a functioning riparian zone. For example, intact riparian vegetation can help prevent lateral bank movement, thus protecting valuable property from erosion. Potential hazards associated with flooding can also be ameliorated as a result of maintaining a functioning riparian area. These benefits, in addition to wildlife and vegetation values, would also apply to Campbell Creek, despite the fact that it does not apply under the RAR. Enhancement of riparian areas using appropriate techniques (e.g. replanting with native vegetation to stabilize banks) is encouraged in previously impacted riparian areas. Enhancement operations are not subject to the RAR.

It is worth noting the expanse of agricultural land on Mayne Island, as farming-related activities are not subject to the RAR. Farming activities are, however, applicable to the federal Fisheries Act and provincial Water Sustainability Act (including any potential impacts to connected marine habitats). Any instream works and associated riparian disturbance (e.g. culvert/driveway construction) would be considered under the Water Sustainability Act and not the RAR. On-going activities that are associated with farming, such as (but not limited to) channel drainage maintenance to maintain the value of adjacent agricultural land can continue, but such activities would be considered under the Water Sustainability Act (instream works) as opposed to the RAR. It is important to note that permitting requirements for instream works on Campbell Creek would still apply under the Water Sustainability Act, as it qualifies as a stream under the Act, despite the fact that the stream does not support fish.

If you have any questions or comments about the project, please do not hesitate in contacting the undersigned.

Prepared by:

Applied Science Technologists and Technicians of British Columbia
25491
TRYSTAN WILLMOTT
AScT

Trystan Willmott, B. Sc., A.Sc.T.
Madrone Environmental Services Ltd.

References

Clough, D. 2010. Mayne Island Fish Presence Assessment, July 2010. D.R. Clough Consulting.

Clough, D. 2012. Mayne Island Fish Presence Survey – Salmon Spawner Survey 2011. D.R. Clough Consulting.

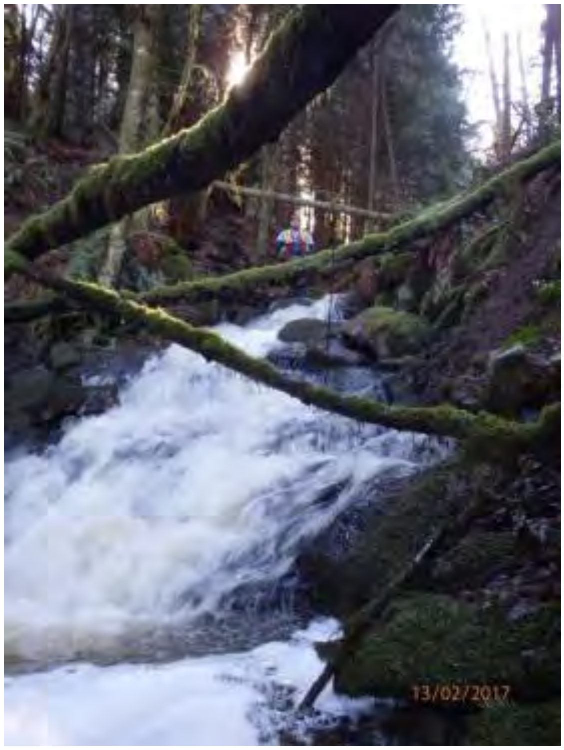
Malmkvist, L. 2010. Review of Riparian Areas Regulation for Streams on Mayne Island. Swell Environmental Consulting Ltd.

Reimer, K. 2007. Mayne Island Stream Survey Report.

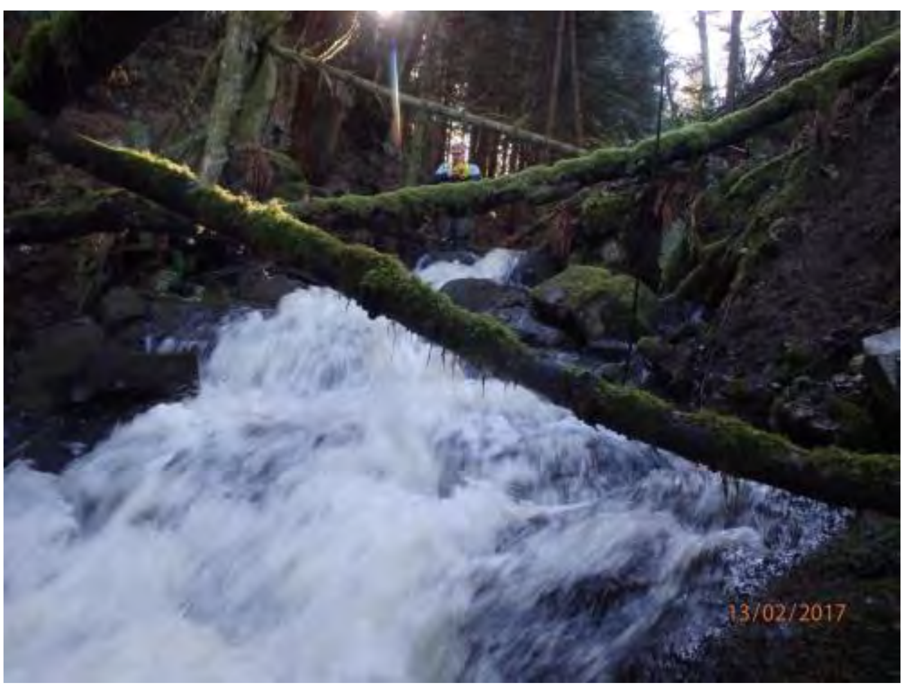
Slaney, P and J.Roberts. 2005. Coastal Cutthroat Trout as Sentinels of Lower Mainland Watershed Health. Strategies for Coastal Cutthroat Trout Conservation, Restoration and Recovery.

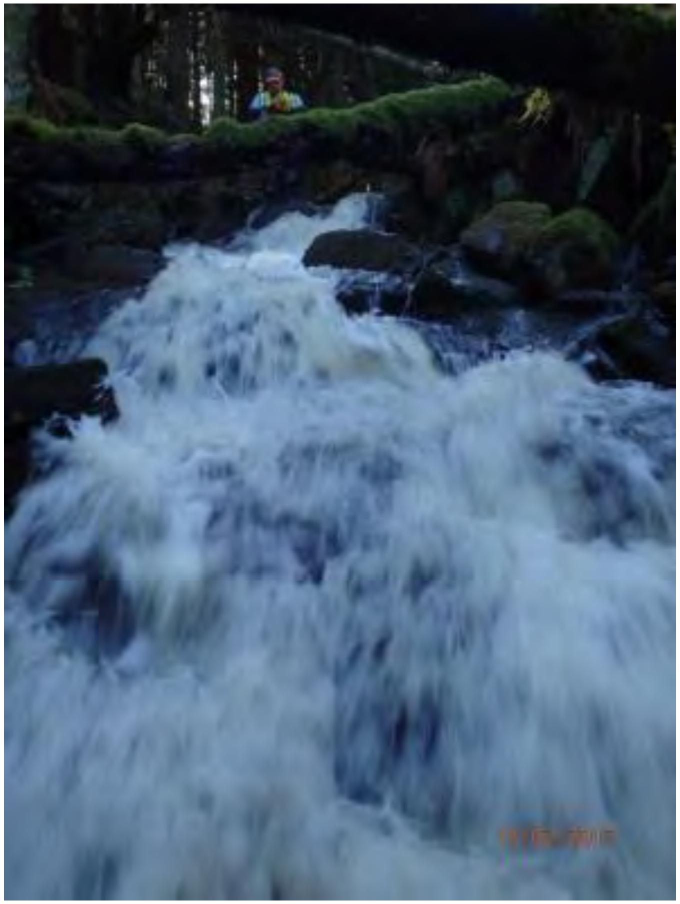
APPENDIX 1 - PHOTOS

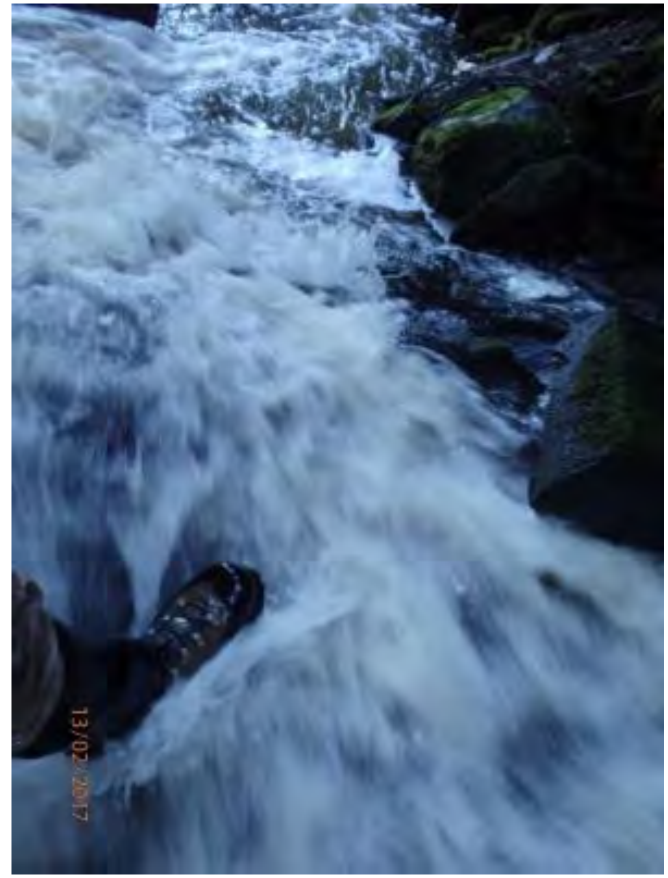
Campbell Creek



Above and below (following 2 photos): looking upstream along the cascade barrier to upstream fish movement located at tidewater on Campbell Creek. Note shallow, high-velocity cascading flow over bedrock.







Examples of shallow, high-velocity flow over smooth bedrock through the cascade at tidewater on Campbell Creek.

Deacon Creek

Looking upstream towards the weir located at the mouth of Deacon Creek.

Above and below: looking upstream through the lower segment of Reach 1.

Channel characteristics in the lower segment of Reach 1 where it flows through the 535 Dalton Road property.

Looking upstream through the lower segment of Reach 2 from Dalton Road. Note the presence of a functioning riparian zone.


Looking upstream through the lower segment of Reach 2 from the Dalton Road culvert inlet. Note stable channel characteristics.


Looking downstream through the upper segment of Reach 2 from Merryman Road. Note presence of a continuous, functioning riparian zone.

Looking upstream through the lower segment of Reach 3 where it flows through agricultural land on the 316 Wood Dale Drive property.

Above and below: looking downstream through the channelized segment of Deacon Creek (Reach 3) where it flows through agricultural land located on the 316 Wood Dale Drive property.

Looking upstream over the irrigation pond representing Reach 4 of Deacon Creek (305 Merryman Road).

Above and below: typical channelized characteristics of Reach 5 where it flows through the 325 Merryman Road property.


Perched culvert and inflow of ditch flowing along the south side of Merryman Road into Deacon Creek.


Looking upstream (west) along the ditch flowing along the south side of Merryman Road.

Looking upstream (east) along the ditch flowing along the north side of Merryman Road immediately upstream of its confluence with Deacon Creek.

Horton Creek - Mainstem

Looking downstream along tidal Reach 1 from the Horton Bay Road crossing.

Partially collapsed culvert carrying Horton Creek underneath Horton Bay Road. This culvert will be submerged during high tides.

Above and below: looking upstream through the lower segment of Reach 2 from the Horton Bay Road crossing. Note evidence of tidal inundation in the upper photo.

Looking downstream along the channelized segment of Reach 4 from Simpson Road where it flows through the Glenwood Farm property.

Looking downstream along the upper segment of Reach 4 from Simpson Road. Note more natural channel conditions, natural drainage draw and functioning riparian vegetation.

Outflow of perched culvert carrying Horton Creek underneath Simpson Road. This feature represents a barrier to the upstream movement of fish, but is located well above the pond outlet barrier located in Reach 3.

Looking downstream through natural stream draw typical of the lower segment of Reach 5 where it flows through the 622 Gallagher Bay Road property.

Dam and culvert outlet representing a barrier to upstream fish movement located mid-way through Reach 5 (622 Gallagher Bay Road). This feature is located well above the pond outlet barrier located in Reach 3 and also the perched culvert barrier located at Simpson Road.

The dam shown above impounds water to form a small irrigation pond located mid-way through Reach 5.

Typical channel and substrate characteristics (gravel/cobble) throughout the lower segment of Reach 5 (622 Gallagher Bay Road).

Functioning riparian vegetation growing along the natural draw associated with the lower segment of Reach 5 (622 Gallagher Bay Road).

Typical channel characteristics and lack of riparian vegetation evident through the upper segment of Reach 5 (622 Gallagher Bay Road).


Typical gravel/cobble substrate exhibited throughout the majority of Reach 5.

Small constructed irrigation pond located close to the upper limit of Reach 5 on the 622 Gallagher Bay Road property.

Characteristics of Reach 5 where the stream flows into the pond pictured above.

Well-defined channel (historically channelized) and gravel substrate noted at the Gallagher Bay Road crossing (beginning of Reach 6).

Small ponds located in a moist area close to the terminus of Tinker Road representing part of the headwaters of Horton Creek. The pond in the background does not connect by surface flow to the drainage network.

Looking downstream (north) along the headwaters of Horton Creek from Tinker Road.

Looking upstream towards the moist area representing part of the headwaters of Horton Creek.

Horton Creek – North Fork (Hunt Brook)

Looking south east along the upper segment of Reach 1 where it has been channelized through agricultural land on the Glenwood Farm property.

Looking downstream (south east) along Gallagher Bay Road close to the intersection with Horton Bay Road. The channelized stream flows underneath Gallagher Bay Road via two culverts at this location and represents the lower segment of Reach 2.

Looking downstream (south east) where the lower segment of Reach 2 flows alongside Gallagher Bay Road prior to flowing onto agricultural land.

Looking downstream (south east) along the upper segment of Reach 2 where it has been channelized along Horton Bay Road.

Looking upstream (north west) along the upper segment of Reach 2 where a culvert carries the flow underneath a property access driveway (523 Horton Bay Road).

Above and below: looking upstream (west) along the upper segment of Reach 2 where it becomes incised along the edge of the 523 Horton Bay Road property driveway.

Confluence of the ditch (to the left) flowing into the main-stem drainage on the 523 Horton Bay Road property (beginning of Reach 3).

Upper segment of the ditch located on the 523 Horton Bay Road property.

Moist area drained by the ditch located on the 523 Horton Bay Road property.

Characteristics of the upper segment of Reach 3 from the Montrose Road right of way.


Reach 3 immediately downstream (east) of a foot trail through Mount Parke Regional Park.


Foot trail to the immediate west of the photo shown above. Water is now directed via a constructed ditch along the north side of Montrose Road.

Upper segment of Reach 3 along the Mount Parke foot trail.

Headwaters of Hunt Brook draining a pond located close to the Mount Parke boundary.

Outlet of the ditch draining the Mount Parke area where it flows off the 515 Horton Bay Road property into a ditch located along Horton Bay Road.

Looking upstream (west) through the 515 Horton Bay Road property from Horton Bay Road along the ditch draining the Mount Parke area.

Looking downstream (east) along the ditch at the point where it flows out of the culvert under Montrose Road and onto private property.

Looking upstream (south west) along the ditch that drains the Mount Parke area along the edge of Montrose Road.

Looking downstream (north east) along the constructed ditch along the edge of Montrose Road close to the Mount Parke Regional Park parking area.

Looking upstream (west) along the beginning of the ditch draining the Mount Parke area taking water along the northern side of Montrose Road.

STAFF REPORT

Date: March 16, 2017

File No.: 6500-20- Commercial Land Use Review

To: Mayne Island Local Trust Committee
For the meeting of March 27, 2017

From: Gary Richardson, Island Planner

CC: Robert Kojima RPM

Re: Commercial Land Use Review 2017

Background

The LTC initiated a project to review commercial land use at the April 27, 2015 LTC business meeting. This matter was reviewed in 2011/2012 by the Commercial Land Use Review Task Force. The task force prepared a report which will be reviewed as part of this project.

It is recommended that commercial land use policies and regulations to be reviewed from time to time to ensure there is sufficient commercial land in appropriate locations to fulfil the needs of the community for the foreseeable future.

Clear OCP policies and LUB regulations assist the LTC, general public and planning staff in understanding how commercial land use policy and regulations apply to Mayne Island and provide guidance to the review of future commercial land use amendment applications.

The review will concentrate on the miners Bay area where most services are but will also include a review of the policies that apply to commercial areas outside of the Miners Bay commercial area.

The project charter attached is considered phase one of a two phase project. The draft project charter terminates in October 2017, after that the LTC will need to consider a new project charter if it is determined that amendments to the OCP and LUB are required as a result of the phase one review.

The project charter is attached for the LTC's consideration.

Next Steps

Review the attached project charter at the March 27, 2017 LTC meeting and either amend the charter or adopt as drafted. The next steps after that are outlined in the charter.

Summary of Planning Recommendations

Staff is recommending the project charter be adopted as drafted as it provides a reasonable time frame for staff to: review existing policies and regulations regarding commercial land use; prepare necessary documents and display materials; carry out sufficient community consultation; and prepare a discussion paper.

RECOMMENDATION:

That the Mayne Island Local Trust Committee approve the attached project charter dated March 16, 2017 as drafted.

Prepared and Submitted by:

Gary Richardson	March 16, 2017
Name, Title	Date

Attachments: Project Charter

Commercial Land Use Review - Charter v1 March 16, 2017,

Purpose: Inventory existing commercial land use; review OCP policies and LUB regulations regarding commercial land use; consult commercial land owners and the Mayne Is. community regarding commercial policies; and prepare a discussion paper regarding commercial land use.

Background In 2011 the Mayne Island commercial land use review task force was formed and completed a report in 2012. The recommendations contained in the task force report will be reviewed and commented on . It is recommended commercial land use policies and regulations be reviewed from time to time to ensure there is sufficient land zoned for future commercial use in the appropriate areas. There needs to be clear policies and regulations to guide future commercial land use and to guide future commercial land use amendment applications. Commercial Land Use review is a project priority of the Mayne Island Local Trust Committee.

Objectives

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

In Scope

- Review commercial polices and regulations in OCP and LUB.
- Review commercial land use task force report.
- Arrange a CIM and meet with commercial land owners and business operators.
- Prepare public display materials
- Prepare discussion paper
- Webpage

Out of Scope

- Additional or extra ordinary community consultation
- Amendments to the OCP or LUB
- Amendments to unrelated by-laws

Workplan Overview

Deliverable/Milestone	Date
1) Review of existing reports, policies and regulations. Prepare technical public display materials regarding existing OCP policies and LUB regulations.	March/April 2017
2) Prepare discussion paper on existing policies and regulations and provide options regarding amending commercial OCP policies and LUB regulations.	May 15, 2017 LTC Mtg.
3) Provide discussion paper to business owners and operators, land owners surrounding Miners Bay commercial area, and general public for comment.	June/July 2017
4) CIM	June/July 2017
5) Staff to prepare staff report containing staff review, community comments and staff recommendations.	September 2017
6) Prepare new project charter to facilitate the preparation of draft by-laws to implement OCP/LUB amendments as directed by LTC	October 2017

Project Team	
Gary Richardson, Island Planner	Project Manager
Sharon Lloyd-deRosario	Admin support
Regina Robinson	Admin support
Barb Dashwood	GIS support

Budget

Budget Source:

Fiscal	Item	Cost
2016/17	CIM	500.00
2016/17	Advertising	500.00
	Total	1000.00

RPM Approval:

LTC Endorsement:

Resolution #: **Date:**

Islands Trust

Top Priorities

Mayne Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Commercial Land Use Review	Work on project has commenced. Revised project charter prepared for the March 27, 2017 LTC meeting for the LTCs consideration.	27-Apr-2015	Gary Richardson	
2	Fallow Deer Eradication		26-Jan-2015	Gary Richardson	
3	Riparian Area Regulation Implementation	QEP has been contracted report to be presented at March 27, 2017 LTC meeting.	25-Apr-2016	Gary Richardson	

Islands Trust

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

Islands Trust

Print Date: March 20, 2017

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2017.1	CAMPBELL, CARALYN **Planner:** Gary Richardson	24-Jan-2017	426 MINTY DRIVE\nVARIANCE TO ALLOW LARGER SECONDARY SUITE

Planning Status

Status Date: 18-Mar-2017

Notification to be carried out and staff report and draft permit to be prepared for the LTCs consideration at its April 24, 2017 LTC Mtg.

Status Date: 25-Jan-2017

File opened and forwarded to planner and LTC.

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:** Gary Richardson	15-Mar-2017	306 CAMPBELL BAY RD\nTemporary permit for commercial use (3 day music festival) on rural residential property.

Planning Status

Status Date: 15-Mar-2017

File opened and forwarded to LTC and planner.

Islands Trust

LTC EXP SUMMARY REPORT F2017

Invoices posted to Month ending January 2017

645 Mayne	Invoices posted to Month ending January 2017	Budget	Spent	Balance
65000-645	LTC "Trustee Expenses"	750.00	89.58	660.42
LTC Local				
65200-645	LTC - Local Exp - LTC Meeting Expenses	1,500.00	1,617.55	-117.55
65210-645	LTC - Local Exp - APC Meeting Expenses	500.00	129.89	370.11
65220-645	LTC - Local Exp - Communications	1,000.00	630.00	370.00
65230-645	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		3,500.00	2,377.44	1,122.56
Projects				
73001-645-3005	Mayne RAR	8,000.00	1,347.50	6,652.50
TOTAL Project Expenses		8,000.00	1,347.50	6,652.50

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 that 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 neigbourhoods. 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

ISLANDS TRUST FUND
A Conservancy for Canada's Islands in the Salish Sea

Trust Fund Board Report
to Local Trust Committees
and Bowen Island Municipality
February 2017

Regional Conservation Plan – LTC input

The Regional Conservation Plan guides the work of the Islands Trust Fund. The Plan's objectives and goals shape how we pursue our mission based on good science, the regional context and the resources available. Our current five year plan – extended for a further two years – will conclude this year. We are pleased to report that most of its goals have been, or are about to be, achieved.

The Trust Fund Board has approved the project charter for developing a new Regional Conservation Plan. This time, we are looking at a ten year plan with action items being developed and reviewed every two to three years. First steps include background research and preliminary consultations with trustees, partners and planners over the spring. We very much welcome the input of local trust committees and Bowen Island Municipality. We will be in touch with a formal way to provide feedback, but feel free to contact us for more information or send us your ideas informally.

New Board Member: Robin Williams

At our February meeting we welcomed a new Board member appointed by the Province: Robin Ashley Williams. Robin is a resident of Salt Spring Island who has been very actively involved in his community. Prior to his retirement, Mr. Williams was the President and Owner of Rombus Digital Systems and Ashley Fraser Technologies. Active in his community, Robin is the elected Chair for the Capital Regional District (CRD) Salt Spring Island Transportation Commission. He brings a range of expertise and experience that will be of great value to the Board. We are now back up to our full complement of six members.

Moore Hill, Thetis Island - New Nature Reserve

We are excited to announce the acquisition of a new 21 hectare nature reserve of unspoiled waterfront forest on Thetis Island. Moore Hill forms one of the highest peaks on Thetis and features sandstone cliffs with caves that provide bat habitat. This hill is ecologically rich and is culturally significant to the Penelakut Tribe. The acquisition involved an Ecological Gift from the former owner, a significant private donation, a major grant and partnership with Cowichan Community Land Trust and the Thetis Island Nature Conservancy.

Fairyslipper Forest campaign

This project is moving into its crucial final fund-raising stage. Thetis Islanders have already provided huge support through donations and pledges, so the balance required to close the purchase will likely have to be found from off-island sources. To that end, applications have been submitted to appropriate funding agencies. Deep appreciation is due to Lisa Gordon and everyone who contributed to her retirement campaign which raised $3,000 towards the Fairyslipper Forest acquisition.

Summary of Current Island-by-Island Activities

Bowen
Bowen Island Conservancy has just completed site remediation work in the David Otter Nature Reserve and installed a new sign. ITF staff are working with a contractor to revise the management plan for the Singing Woods Nature Reserve.

Denman
The Islands Trust Fund Manager and the Director of Trust Area Services met recently with staff of the Ministry of Forests, Lands and Natural Resources to explore options for the protection of provincially managed parcels on Denman Island that have identified conservation values.

Gabriola
A survey of Western Screech Owls is being carried out during February in the Elder Cedar Nature Reserve. We are waiting to hear about potential funding to cover the cost of a boardwalk around the iconic large western redcedar. Two new signs for the entry points are being created to remind visitors about leashing dogs. A management plan for Burren's Acres Nature Reserve has been approved and posted to the ITF website.

Galiano
Restoration activities including tree planting plus weeding of last year's planting are taking place in March in the Trincomali Nature Reserve.

Gambier
Gambier Island Conservancy will be carrying out restoration work in the Long Bay Wetlands Nature Reserve. This will involve planting and caging new western redcedar seedlings in the old gravel pit and in the areas that have been previously logged.

Lasqueti
A Species at Risk survey on all three Lasqueti Island nature reserves has begun. The revision of the management plan for the Kwel Nature Reserve is underway.

Salt Spring
The Trust Fund Board approved a conservation covenant on Salt Spring Island to be held with the Salt Spring Island Conservancy.

Please feel free to contact members of the Trust Fund Board or Islands Trust Fund staff for more details.

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Fund itfmail@islandstrust.bc.ca

Islands Trust

MEMORANDUM

File No.:	3030-01 (LTC General)
DATE:	January 25, 2017
TO:	Local Trust Committees (Southern Region)
FROM:	Robert Kojima, RPM Southern Team
SUBJECT:	Provincial Private Moorage Policy Update

PURPOSE

The Ministry of Forests, Lands and Natural Resource Operations (FLNRO) has recently amended its private moorage policy to no longer require applications for private moorage (i.e. docks) in certain locations and under certain conditions. These are now authorized as 'General Permissions'.

However, applications will continue to be required in 'Application-Only Areas' (see attached West Coast and South Coast Region Private Moorage Application-Only Area maps). In 'Application-Only Areas', all proposed new private docks, regardless of size, will continue to be subject to review and decision under the *Land Act*, and all proponents of new private docks will be required to submit an application to FrontCounter BC. However, tenure replacements for existing docks within 'Application-Only Areas', which meet the terms and conditions of a General Permission, will fall under the new General Permission policy and as such will not require an application and statutory decision.

Denman, Hornby, and Lasqueti Islands and the North Pender Associated Islands south of Piers and Moresby Islands, are excluded from the 'Application-Only Areas' and private moorage is permitted under the General Permission policy (with no application to FLNRO or referral to Islands Trust). Correspondence from FLNRO indicates their staff may be carrying out of a review of the 'Application-Only' areas with the intention of applying the General Permission provision to a larger area.

Please note the changes to the Private Moorage policy do not affect local government zoning or bylaws. Local zoning bylaw requirements must be met regardless of location. Prospective dock owners must continue to ensure compliance with local zoning bylaws.

The Private Moorage Policy and supporting documents are available on the Province of BC website:
http://www2.gov.bc.ca/gov/content/industry/natural-resource-use/land-use/crown-land/crownland-uses/residential-uses/private-moorage.

Submitted By:	Robert Kojima, Regional Planning Manager	January 25, 2017

ATTACHMENTS

1. Letter from FLNRO to UBCM (January 17, 2017)
2. West Coast Region Letter to Local Governments
3. West Coast Region Private Moorage Application-Only Areas Map
4. South Coast Region Private Moorage Application-Only Areas Map

Date: January 17, 2017

Gary MacIsaac, Executive Director
Union of British Columbia Municipalities
525 Government Street
Victoria, BC V8V 0A8
(Sent by e-mail)

Re: Notice of amendments to the Private Moorage Program

To local government members:

The purpose of this letter is to advise you of recent changes to the Provincial Private Moorage Land Use policy that provides direction on the authorization of residential docks.

The Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) has made changes to the private moorage program that will reduce red-tape and streamline administration, while maintaining public safety and environmental standards.

Effective January 17, 2017 more residential docks will be eligible to be authorized under a "General Permission" rather than an application-driven Crown land tenure. The General Permission will grant authority for a residential dock, subject to a dock owner complying with a set of specific conditions. These conditions have been established to avoid environmental impacts and interference with the public and other stakeholders, as well as to provide a high level of certainty that the dock will satisfy provincial and federal legislation. Some of the key requirements include:

- the dock owner must be the owner or lessee of the property fronting the foreshore where the dock is sited;
- the dock is not located in an area designated as being environmentally sensitive, or overlapping with other authorizations or Crown land reserves;
- the dock is not in a designated "application-only area" (i.e. where special circumstances dictate that all private moorage proposals require submission of an application);
- the dock is built to a specified standard and within set size limits; and
- the dock is constructed and placed to not unduly impede public access and to avoid impacts to neighbouring property owners.

Ministry of Forests, Lands and Natural Resource Operations
Land Tenures Branch
Mailing Address:
PO Box 9352
Victoria BC V8W 9M1
Phone: 250 387-6730
Fax: 250 356-6791

Docks that do not satisfy the conditions of the General Permission will require an application for a tenure, which will be subject to the standard ministry application review process, currently in place.

The policy changes expand the applicability of the private moorage General Permission which was introduced in 2008 and previously only applied to certain types of freshwater docks. The new policy now provides for moderately-sized docks, and docks located in marine waters to be eligible for general permission, subject to meeting all required conditions.

The changes to the private moorage policy do not affect local government zoning or bylaws. Prospective dock owners must continue to adhere to all local government requirements.

The rules and regulations of the Water Sustainability Act, including compliance with “works in and about a stream (waterbody)”, and those of other agencies, such as Federal Fisheries and Oceans Canada, and Transport Canada – Navigable Waters program, will continue to apply to all docks whether covered under a General Permission or not.

For further details of the Private Moorage Policy, as well as, the full list of conditions and requirements of the General Permission, please refer to the following website: http://www2.gov.bc.ca/gov/content/industry/natural-resource-use/land-use/crown-land/crown-land-uses/residential-uses/private-moorage

If you have questions or would like further information on how this may affect docks in your area please contact FrontCounter BC at: http://www.frontcounterbc.gov.bc.ca/contact/.

Sincerely,

Greg Kockx, Manager
Land Tenures Branch
Ministry of Forests, lands and Natural Resource Operations

E-mail: Greg.Kockx@gov.bc.ca

Date: January 20, 2017

To: Local Governments with jurisdiction in Application-only Areas within the West Coast Natural Resource Region of MFLNRO
(Sent by e-mail)

Re: Notice of amendments to the Private Moorage Program – Application-only Areas in West Coast Natural Resource Region

Further to the attached letter detailing the recent update to the Private Moorage Program regarding the use of General Permissions for certain private docks, please be advised that within the West Coast Natural Resource Region, the Ministry of Forests, Lands and Natural Resource Operations has identified a Private Moorage Application-only Area (see map). This Application-only Area was identified in recognition of concerns expressed over the management of private moorages on the southern east coast of Vancouver Island and the Southern Gulf Islands.

As this Application-only Area overlaps in part or whole with your local government's area of jurisdiction, we wish to notify you that within these areas, *all* proposed *new* docks, regardless of size, will continue to be subject to review and decision under the *Land Act*, and all proponents of new docks will therefore be required to submit an application to FrontCounter BC. Please note, however, that tenure replacements for *existing* docks within Application-only Areas which meet the specified terms and conditions of a General Permission will fall under the new General Permission policy and as such will not require an application and statutory decision.

The Application-only Area pertaining to private moorages on Vancouver Island applies to Crown foreshore commencing at the Englishman River Estuary in Parksville, B.C. and extends southeast along eastern Vancouver Island to encompass Crown foreshore between the Englishman River Estuary to Saanich Inlet. The Application-only Area includes the western foreshore of Saanich Inlet to the southern tip of Finlayson Arm, and it also applies to all Southern Gulf Islands situated between Gabriola Island to the north and Piers Island to the south.

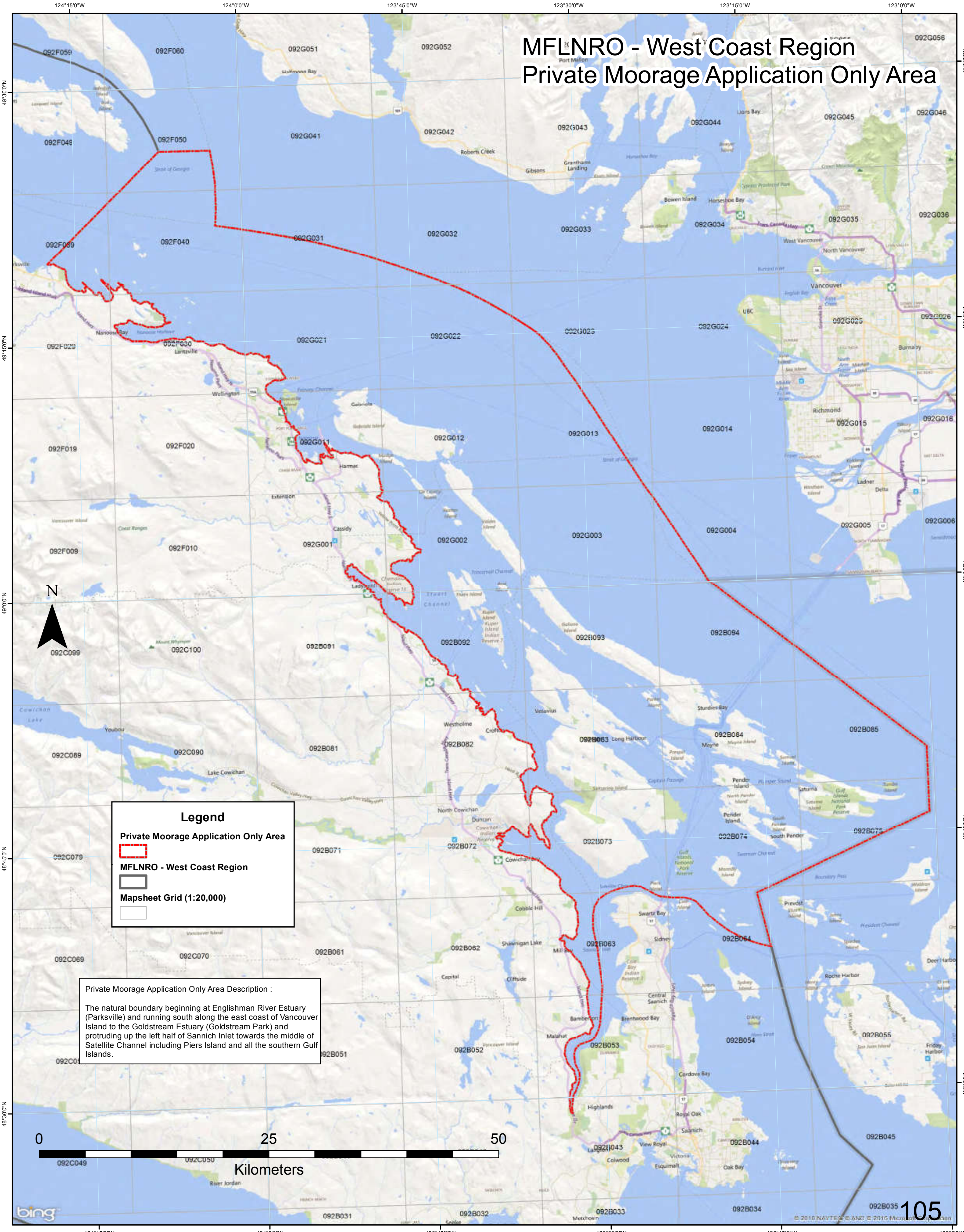
If you require additional information or would like to discuss this further, please contact Bonita Wallace at 250-751-7248 or Bonita.Wallace@gov.bc.ca.

Best Regards

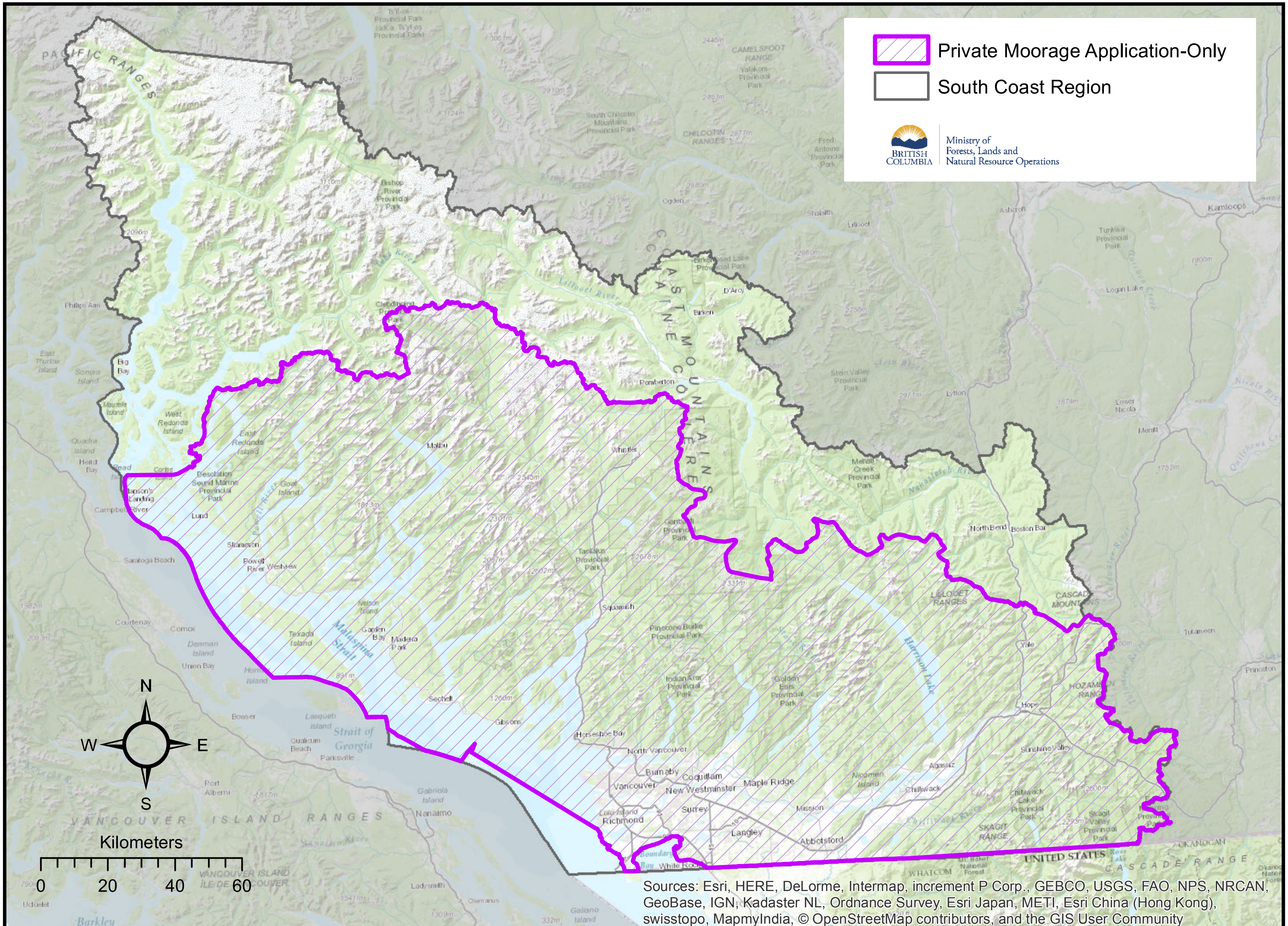
Rudi Mayser, Manager of Authorizations
MFLNRO, West Coast Natural Resource Region

Attachments: UBCM letter; Application-only Area map

Ministry of Forests, Lands and Natural Resource Operations
West Coast Natural Resource Region
Location: 142-2080 Labieux Road, Nanaimo, BC V9T 6J9 CANADA
Tel: 250-751-7220
Fax: 250-751-7224
Web: http://www.gov.bc.ca/for/


MFLNRO - West Coast Region
Private Moorage Application Only Area
Legend
Private Moorage Application Only Area
MFLNRO - West Coast Region
Mapsheet Grid (1:20,000)
Private Moorage Application Only Area Description :
The natural boundary beginning at Englishman River Estuary (Parksville) and running south along the east coast of Vancouver Island to the Goldstream Estuary (Goldstream Park) and protruding up the left half of Sannich Inlet towards the middle of Satellite Channel including Piers Island and all the southern Gulf Islands.
0
25
50
Kilometers
N
124°15'0"W
124°0'0"W
123°45'0"W
123°30'0"W
123°15'0"W
123°0'0"W
49°30'0"N
49°15'0"N
49°0'0"N
48°45'0"N
48°30'0"N
Vancouver
Richmond
Nanaimo Bay
Lantzville
Wellington
Harmac
Extension
Cassidy
Ladysmith
Westholme
Crofton
North Cowichan
Duncan
Cobble Hill
Shawnigan Lake
Mill Bay
Bamberton
Malahat
Sidney
Swartz Bay
Central Saanich
Brentwood Bay
Saanich
Victoria
Esquimalt
Oak Bay
Colwood
Langford
View Royal
Highlands
Gibsons
Roberts Creek
Bowen Island
Horseshoe Bay
Lions Bay
West Vancouver
North Vancouver
Burnaby
Ladner
Delta
Gabriola
Galiano Island
Mayne
Saturna
Pender Island
Long Harbour
Sturdies Bay
Vesuvius
Youbou
Lake Cowichan
Capital
Cliffside
Cowichan Bay
Cordova Bay
Royal Oak
River Jordan
Sooke
Metchosin
Roche Harbor
Friday Harbor
Deer Harbor
Prevost
Halfmoon Bay
Port Mellon
Granthams Landing
UBC
092F059
092F060
092G051
092G052
092G056
092F049
092F050
092G041
092G042
092G043
092G044
092G045
092G046
092F039
092F040
092G031
092G032
092G033
092G034
092G035
092G036
092F029
092F030
092G021
092G022
092G023
092G024
092G025
092G026
092F019
092F020
092G011
092G012
092G013
092G014
092G015
092G016
092F009
092F010
092G001
092G002
092G003
092G004
092G005
092G006
092C099
092C100
092B091
092B092
092B093
092B094
092C089
092C090
092B081
092B082
092B083
092B084
092B085
092C079
092B071
092B072
092B073
092B074
092B075
092C069
092C070
092B061
092B062
092B063
092B064
092B051
092B052
092B053
092B054
092B055
092C049
092C050
092B043
092B044
092B045
092B031
092B032
092B033
092B034
092B035
bing

South Coast Private Moorage Application-Only Areas: January 2017



W:\srm\sry\Local\projlib\2016-17\LAND_Misc\mxds\PvtMoorageAppOnly_20160630.mxd

CRD
Making a difference...together

Regional Parks
490 Atkins Avenue
Victoria, BC, Canada V9B 2Z8

T: 250.478.3344
F: 250.478.5416
www.crd.bc.ca/parks

February 14, 2017

File: 6130-30
Gulf Islands

Mayne Island Local Trust Committee
c/o Islands Trust
200 1627 Fort Street
Victoria BC V8R 1H

Dear Mayne Island Local Trust Committee:

RE: CAPITAL REGIONAL DISTRICT – GULF ISLANDS REGIONAL TRAILS PLAN

The Capital Regional District (CRD) is undertaking a planning process to develop a Regional Trails Plan for the Gulf Islands. This plan will identify a conceptual route for a regional trail on each of Galiano, Saturna, Mayne, North, and South Pender, and Salt Spring islands, as well as provide policies to guide implementation and trail development. CRD has met with Islands Trust staff to gather key background information and to understand Islands Trust interests generally.

Please find enclosed Project Bulletin #1, which outlines the project scope and the planning process being used to gather input and ideas from interested individuals, for your reference.

The CRD will be hosting public open houses on the islands in March 2017 and wanted to provide Local Trust Committees with advance notice. These sessions will be advertised in local publications and on the CRD website. A poster that outlines the open house dates and locations is also enclosed. We would appreciate any assistance you can provide in letting islanders know of the upcoming open houses.

At the open houses, the CRD will provide background information and will seek input on proposed trail routes and criteria for prioritizing trail development. Information and comment forms will also be available for those who cannot attend an open house on the CRD website at: www.crd.bc.ca/project/gulf-islands-regional-trails-plan

Once the Regional Trails Plan is drafted, the CRD will circulate a copy to the Local Trust Committee for comment and will provide opportunities for public review.

The CRD invites local trustees to drop in at an open house and we request that the Local Trust Committee provide any information or comments regarding specific community interests or challenges that it believes the CRD should be aware of at this stage in the planning process.

Sincerely,

M. Walton

Mike Walton
Senior Manager, Regional Parks

Enclosures (2)

cc. Brett Hudson, Manager, Planning, Resource Management & Development (email)
Carolyn Stewart, Park/Trail Planner, Regional Parks (email)
Robert Kojima, Regional Planning Manager - Southern Team, Islands Trust (email)

Gulf Islands Regional Trails Plan

CRD
Making a difference...together

Inside this Bulletin

- Background
- What's Planned
- Timeline
- Map
- Demonstration Project
- Experience the Gulf Islands Initiative
- Get Involved

The Capital Regional District is developing a regional trails plan for Galiano, Mayne, North and South Pender, Salt Spring and Saturna Islands. The plan will identify a conceptual regional trail route on each of the islands, and include direction for implementation.

Background

The Board-approved *CRD Regional Parks Strategic Plan 2012-2021* includes an action that CRD staff "In partnership with other public agencies, local government and private landowners, initiate planning for the regional trails system on Salt Spring Island and Southern Gulf Islands." Planning for a system of trails on the Southern Gulf Islands was initiated in 2013 and public input was gathered regarding potential trails in 2014. This information will be used to inform the development of the plan in 2017.

What's Planned

Regional Trails in the CRD are envisioned to be major routes for recreation and active transportation that connect communities and key regional destinations. The Gulf Islands Regional Trails Plan will identify a regional trail route on each of Galiano, Mayne, North and South Pender, Salt Spring and Saturna islands. The project area is shown on the map (page 3).

In general, each regional trail route will provide a 'spine' or 'loop' that other trails can connect with to create a broader network. The goal is that each regional trail will connect the ferry terminal to at least one key destination on the island. Where possible and feasible, preference will be given to locating the regional trail along road rights-of-way. Although the preference for regional trails is to be separate from roads, in some cases on-road sections may be required. In addition to identifying the general route for the regional trail on each island, the plan will also include policies relating to trail priorities and development.

Detailed individual trail planning, design and construction is outside of the scope of this project.

Timeline

January-June 2017

Round 1 public, First Nation & government engagement

↓

Develop Draft Plan

↓

CRD Regional Parks Committee review of Draft Plan

↓

July-December 2017

Round 2 public, First Nation & government engagement on Draft Plan

↓

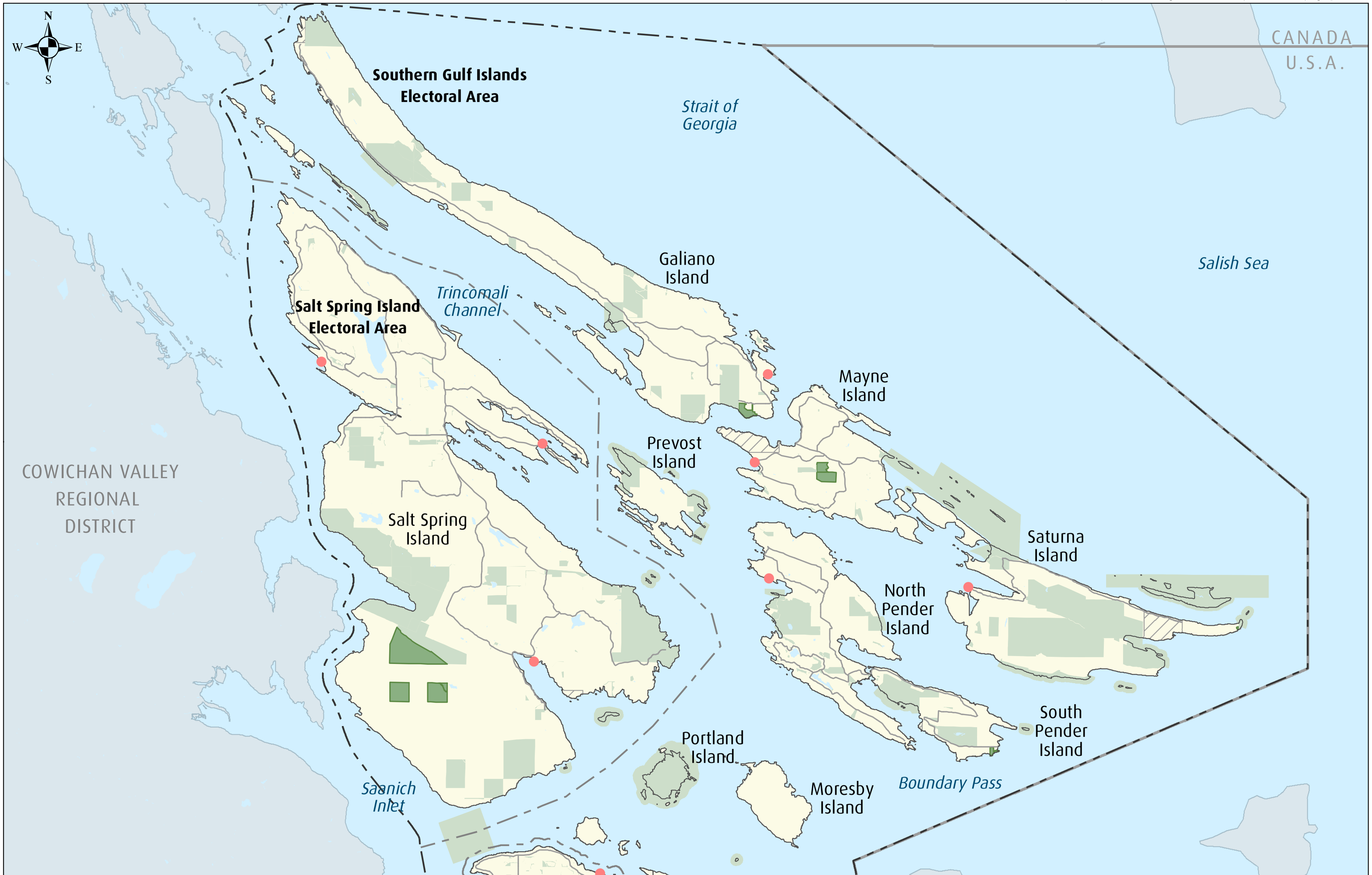
Review all comments received & revise Draft Plan

↓

January-March 2018

CRD Regional Parks Committee endorsement and CRD Board approval

February 2017 | GulfIslands_RegionalTrailsPlan_ProjectArea.mxd | gis@crd.bc.ca



CRD
Making a difference...together

Kilometres
0 2 4 6

Projection: UTM ZONE 10N NAD 83

Important This map is for general information purposes only. The Capital Regional District (**CRD**) makes no representations or warranties regarding the accuracy or completeness of this map or the suitability of the map for any purpose. **This map is not for navigation.** The CRD **will not be liable** for any damage, loss or injury resulting from the use of the map or information on the map and the map may be changed by the CRD at any time.

- Regional Park
- Other Park
- First Nation Reserve
- Lake / Ocean
- Municipal / Electoral Area Boundary
- Capital Regional District Boundary
- International Boundary
- Major Road
- Ferry Terminal

Capital Regional District

Gulf Islands Regional Trails Plan Project Area

Regional Trail Demonstration Project

A project has been initiated on Mayne Island to plan and develop a regional trail from the Village Bay ferry terminal to Miners Bay. The trail will be designed to accommodate pedestrians and cyclists. This demonstration project will inform the design and development of future routes identified in the Gulf Islands Regional Trails Plan. Construction of the demonstration trail will occur at a later date, when funding is secured.

Experience the Gulf Islands Initiative

The intent of the Experience the Gulf Islands (ETGI) initiative is to enhance the social, environmental and economic sustainability of the islands. The ETGI Concept Plan recognizes that having regional trails will advance the intent of the ETGI initiative and recommends a coordinated approach by the various local and regional trail planning groups. Find out more at sustainableislands.ca.

Get Involved

The CRD will engage the public through two rounds of consultation: one prior to drafting the plan and the second to review the draft. The trail plan will be finalized in 2018, following public consultation. Trail construction on the islands will take place over many years as funding is identified. Watch newspapers and the website for project announcements crd.bc.ca/project/gulf-islands-regional-trails-plan

Trail use in the Capital Regional District

CRD

Making a difference...together

For more information:
CRD Regional Parks
T: 250.478.3344 | crdparks@crd.bc.ca
www.crd.bc.ca/project/gulf-islands-regional-trails-plan

OPEN HOUSES on Gulf Islands Regional Trails Plan

The Capital Regional District is developing a regional trails plan for the Gulf Islands. The plan will identify a conceptual regional trail route on each of the main islands and provide direction for implementation. You are welcome to drop in at one of the open houses to provide comments.

Date	Time	Island	Location
Tuesday, March 7	3:30-6:30 pm	**North & South Pender**	Community Hall
Thursday, March 9	3:30-6:30 pm	**Salt Spring**	Artspring
Tuesday, March 21	12-3 pm	**Saturna**	Community Hall
Wednesday, March 22	1-4 pm	**Mayne**	Community Hall
Tuesday, March 28	1-4 pm	**Galiano**	Community Hall

You may also provide your feedback online by March 31, 2017.
www.crd.bc.ca/project/gulf-islands-regional-trails-plan

CRD
Making a difference...together

Islands Trust

STAFF REPORT

File No.: 3040-20/08 MA

DATE OF MEETING:	April 24, 2017
TO:	Mayne Island Local Trust Committee
FROM:	Miles Drew , Bylaw Enforcement Manager Victoria Office
SUBJECT:	Enforcement on Unlawful Dwellings

RECOMMENDATION

1) **That the Mayne Island Local Trust Committee adopts the attached Enforcement on Unlawful Dwellings Policy.**

BACKGROUND

The Mayne Island Local Trust Committee passed the following resolution at its January 30, 2017 meeting:

> **MA-2017-004**
> **It was MOVED and SECONDED,**
> that the Mayne Island Local Trust Committee direct Bylaw Enforcement staff to bring forward a draft policy regarding enforcement policy for unlawful housing.
> CARRIED

ANALYSIS

There appears to be little need for a specific bylaw enforcement policy for unlawful housing as bylaw enforcement statistics for Mayne Island show that there are very few unlawful housing enforcement files. Since 2011 there have only been five such files opened. In 2013 and 2014 there were none. In 2016 the only unlawful housing enforcement file is in regards to summer use of travel trailers to accommodate vacationing family members on a lot used strictly for recreation.

The LTC has taken some significant steps to accommodate the need for low cost housing. The Land Use Bylaw (LUB) permits the use of travel trailers as a dwelling provided that the use does not exceed density requirements. Additionally, in 2015, the LTC amended the Land Use Bylaw to permit suites in all residential zones except on lots serviced by water districts.

Adopting an enforcement policy which prevents enforcement on unlawful housing may result in upsetting the density provisions of the LUB and the Official Community Plan. These density provisions were in part developed because of concerns that increased density might overtax resources on Mayne Island.

Currently investigations into Mayne Island LUB violations such as unlawful housing are guided by the Trust Council policy in Chapter 5, Section 5, Subsection i, 6 & 7:

> "6. Bylaw investigation is normally undertaken in response to written complaints of a violation by any person. On receipt of a written complaint, a letter acknowledging receipt of the complaint and an explanation of the course of investigative action to be taken will be provided to the complainant.
>
> 7. A Bylaw Enforcement Officer may commence an investigation without written complaint where:
> a) bylaw violations are observed by the Bylaw Enforcement Officer, the consequences of which may threaten or damage natural ecosystems as referenced in the islands Trust Policy Statement Part III, Section 3.3.1.
> b) bylaw violations are observed by the Bylaw Enforcement Officer as part of a building permit process or other permitting process administered by a local government or the Islands Trust.
> c) a referral is received from a permitting agency that identifies land use bylaw violations associated with the permit request.
> d) advertisements for uses believed to be illegal have been observed."

However, the LTC can adopt a bylaw enforcement policy specifically suited to an issue such as unlawful housing. The LTC could restrict enforcement to only complaints coming from an immediate neighbour or from agencies responsible for health and safety issues doing concurrent enforcement. Thus the LTC might reduce the possibility of otherwise homeless persons losing their homes while preventing undue impacts on neighbours and ensuring that issues about unsafe or unhealthy housing are resolved.

If the LTC wishes to implement the attached draft policy, it should make the recommended resolution.

ALTERNATIVES

1. **Do not adopt a new enforcement policy**

   The LTC can decide not to adopt a new unlawful housing enforcement policy but instead rely on the existing enforcement policy as stated in the Trust Council enforcement policy outlined above.

   Alternative Resolution:

   That the Mayne Island Local Trust Committee directs bylaw enforcement staff to continue to use the Trust Council bylaw enforcement policy in chapter 5, section 5, subsection i of the Trust Council policy manual when dealing with unlawful housing.

2. **Receive for information**

   The LTC may receive the report for information.

Submitted By:	Miles Drew, Bylaw Enforcement Manager	March 10, 2017
Concurrence:	David Marlor, Director Local Planning Services	March 10, 2017

ATTACHMENT

1. Enforcement on Unlawful Dwellings - Draft Policy

Islands Trust

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]