



Mayne Island Local Trust Committee Regular Meeting Agenda

Date: September 24, 2018
Time: 1:00 pm
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

			Pages
1.	CALL TO ORDER	1:00 PM - 1:20 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 July 30, 2018 (for Adoption)		4 - 9
6.2	Section 26 Resolutions-without-meeting Report		
	None		
6.3	Advisory Planning Commission Draft Minutes Dated March 12, 2018 (for Receipt)		10 - 12
7.	BUSINESS ARISING FROM THE MINUTES	1:20 PM - 1:30 PM	
7.1	Follow-up Action List Dated September 2018		13 - 14
7.2	Letter Sent to Rose Meagher		15 - 15
8.	DELEGATIONS		
	None		

9. CORRESPONDENCE

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

none

10. APPLICATIONS AND REFERRALS

None

11. LOCAL TRUST COMMITTEE PROJECTS

1:30 PM - 2:00 PM

11.1 Commercial Land Use Review - Draft Bylaws 171 and 172

16 - 35

12. REPORTS

2:00 PM - 2:30 PM

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated September 2018

36 - 36

12.1.2 Projects List Report Dated September 2018

37 - 37

12.2 Applications Report Dated September 2018 (attached)

38 - 39

12.3 Trustee and Local Expense Report Dated July 2018 (attached)

40 - 40

12.4 Adopted Policies and Standing Resolutions (attached)

41 - 42

12.5 Local Trust Committee Webpage

12.6 Chair's Report

12.7 Trustee Report

12.8 Islands Trust Conservancy Report Dated July 2018 (attached)

43 - 44

----- BREAK ----- 2:30 PM - 2:45 PM

13. NEW BUSINESS

2:45 PM - 3:00 PM

13.1 Islands Trust Conservancy, Incorporating the Regional Conservation Plan into Land Use Planning - Staff Briefing (attached)

45 - 48

13.2 Retail Cannabis Licensing - Staff Report (attached)

49 - 55

13.3 Housing Needs Assessment Report - Staff Report (attached)

56 - 58

13.4 Signs Bylaw

14. UPCOMING MEETINGS

14.1 **Next Regular Meeting Scheduled for October 29, 2018 at the Agricultural Hall, Mayne Island**

15. TOWN HALL

16. CLOSED MEETING

None

17. ADJOURNMENT

3:00 PM - 3:00 PM



DRAFT

Mayne Island Local Trust Committee

Minutes of Regular Meeting

Date: July 30, 2018
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

Members Present: _____ George Grams, Chair
_____ Jeanine Dodds, Local Trustee
_____ Brian Crumblehulme, Local Trustee
Staff Present: _____ Gary Richardson, Island Planner
_____ Pat Todd, Recorder

Public: There were approximately four (4) members of the public.

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

To add: 6.3 APC draft minutes July 16, 2018

By general consent, the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

none

4. COMMUNITY INFORMATION MEETING

none

5. PUBLIC HEARING

none

6. MINUTES

6.1 Local Trust Committee Minutes Dated June 11, 2018

The following amendments to the minutes were presented for consideration:

12.7 Trustee Report – second sentence – period after “completed and delete Fallow Deer”.

- last paragraph – first sentence - ...for the CRD, he could not speak...

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-without-meeting Report

none

6.3 Advisory Planning Commission Minutes

Planner Richardson spoke to draft minutes in which there is a motion to LTC to accept the proposals contained in the Commercial Land Review document.

APC recommended notification be given to property owners within boundaries as to proposed changes.

Planner Richardson agreed to send out bylaws when drafted.

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated July 2018

Items completed except for minutes of March 5 and March 26 being adopted.

8. DELEGATIONS

none

9. CORRESPONDENCE

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

9.1 R. Meager Email June 29, 2018 re Permission to Use Mayne Island as Name for a Rose

Trustee Dodds spoke to email. Process to name rose requires acceptance from local government.

LTC in favour of action.

Trustee Dodds agreed to draft letter.

MA-2018-040

It was Moved and Seconded,

That the Mayne Island Local Trust Committee is in favour of Rose Meagher request of June 28, 2018 and Trustee Dodds will draft a letter to this effect.

CARRIED

10. APPLICATIONS AND REFERRALS

10.1 MA-DVP-2018.2 (McCance) - Staff Report

Planner Richardson outlined the request for a variance of set-back. Variance would also bring an existent shed into compliance.

There has been one letter of support received.

MA-2018-041

It was Moved and Seconded,

That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit MA-DVP-2018.2 (McCance)

CARRIED

10.2 MA-DVP-2018.3 (Brown) - Staff Report

Planner Richardson reviewed the application which is for a height variance on a garage. One main concern within the staff report have been alleviated.

Planner Richardson also spoke to the various height restrictions/limitations and suggested this might be an item for the Work Program to review.

MA-2018-042

It was Moved and Seconded,

That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit MA-DVP-2018.3(Brown).

CARRIED

10.3 Saturna Island Local Trust Committee Bylaw No. 119 Referral

MA-2018-043

It Was Moved and Seconded,

That Mayne Island Local Trust Committee interests are unaffected by Saturna Island Local Trust Committee Bylaws No. 119, 120, 121, 122 and 123.

CARRIED

10.4 Saturna Island Local Trust Committee Bylaws No. 120 & 121 Referral

See above motion.

10.5 Saturna Island Local Trust Committee Bylaws No. 122 & 123 Referral

See above motion.

11. LOCAL TRUST COMMITTEE PROJECTS

none

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report Dated July 2018

Received for information.

12.1.2 Projects List Report Dated July 2018

MA-2018-044

It was Moved and Seconded,

That Mayne Island Local Trust Committee direct staff to remove Road Issues and add review of accessory buildings height restrictions/limitations.

CARRIED

12.2 Applications Report Dated July 2018

Planner Richardson reviewed report.

12.3 Trustee and Local Expense Report

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

Staff will update according to meeting details.

12.6 Chair's Report

Chair Grams reported that preparations are underway for final Trust Council to be held on Gambier and Keats Islands. Generally it is a quiet time leading up to election October 22, 2018.

12.7 Trustee Report

Trustee Crumblehulme spoke to the upcoming Forum, being hosted by CRD, on August 13, 2018 at Mary Winspear Centre, Sidney. Focus will be identifying how to improve communication/co-operation between service providers. Response to date has been encouraging.

Trustee Dodds stated that hunting regulations have changed for the island. Now open for Fallow Deer with a short season for black tailed deer. At this time no problems are anticipated however action is not expected to resolve issue of Fallow Deer. There has been dialogue with Parks Canada which issued an Alien Species Alert and is sponsoring a poster campaign on problem. Islands Trust Conservancy is also involved.

12.8 Trust Fund Board Report Dated May 2018

Chair Grams informed attendees that name of Islands Trust Fund has been changed to Islands Trust Conservancy. Recent meetings with Minister Selina Robinson have been viewed as very successful.

13. NEW BUSINESS

13.1 Mayne Island Local Trust Committee Bylaw Enforcement Notification (BEN) Amendment Bylaw No. 173 - Staff Report

Trustees spoke to the need for clarification and more information from Bylaw staff regarding Bylaw No. 173 amendment.

The current process has been identified as ineffective and very time consuming for staff.

Planner Richardson will speak with Bylaw Enforcement Manager Drew and arrange for a conference call at September LTC meeting.

13.2 Trust Programs Committee, Service Integration - Staff Briefing

Request is for input from LTC about any service integration concerns. (this aligns with August Forum agenda)

Areas brought forward:

- IT vs. CRD Bylaws: need clearer delineation, clarification; Bylaw officers should work together
- BC Ferries consultation with IT regarding future plans, population forecasts, services needed
- Water management, licensing authorities, CRD, Improvement Districts, sustainability, consumption patterns
- Solid Waste Disposal – intergovernmental gaps

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for September 24, 2018 at the Agricultural Hall, Mayne Island

15. TOWN HALL

Chris Roehrig reported comparing island water situation to island of Malta, which has population of 350,000. It is felt that Mayne Island has adequate water volume per capita if managed properly.

16. CLOSED MEETING (Distributed Under Separate Cover)

16.1 Motion to Close Meeting

MA-2018-45

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)(a & d) for the purpose of considering:

- *Adoption of In-Camera Meeting Minutes Dated June 11, 2018*
- *BOV Memberships*

AND that the recorder and staff attend the meeting.

CARRIED

16.2 Recall to Order

Meeting was recalled to order at 2:10 pm.

16.3 Rise and Report

No public present.

17. ADJOURNMENT

By general consent the meeting was adjourned at 2:11 pm.

George Grams, Chair

Certified Correct:

Pat Todd, Recorder



DRAFT



**Mayne Island
Advisory Planning Commission
Record of Meeting**

Date: March 12, 2018
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC
7:00 p.m.



Members Present: Ian Birtwell, Vice Chair
Dennis Emmett
Bill Bender
Chris Roehrig

Members Absent: Stephen Cropper

Staff Present: Pat Todd, Recorder

Trustees Present: Trustee Dodds

Members of the Public: none

1. CALL TO ORDER

Chair Birtwell called the meeting to order at 7:00 p.m.

2. APPROVAL OF THE AGENDA

By general consent the agenda was adopted as presented.

3. APPROVAL OF MINUTES OF A.P.C.

3.1 Meeting of May 8, 2017

By general consent the Advisory Planning Commission minutes of May 8, 2017 were adopted as presented.

4. BUSINESS ARISING FROM THE MINUTES

none

Mayne Island
Advisory Planning Commission
March 12, 2018

DRAFT

Page 1 of 3

5. REFERRALS

5.1 MA-DVP-2017.1 (Lazar)

The application is to allow an over-height accessory building to be constructed at 686 Wilks Road.

Discussion points:

- Building could be wider rather than taller.
- Bylaws do not address size of a garage – only addresses lot coverage.
- There has been correspondence from one neighbour – no objection.

MA-2018-001

It was Moved and Seconded

That the Mayne Island Advisory Planning Commission recommend to the Mayne Island Local Trust Committee that variance be granted as there have been no objections from neighbours.

CARRIED

6. TRUSTEES REPORT

Trustee Dodds advised the APC of the recent meeting in Sidney to examine the Commercial Land Use Review paper. A number of minor changes have been proposed. Guidelines for the commercial area have been identified. There will be a review/expansion of allowable Home Occupations. Existent Commercial zones will be “re-named” and site specific zoning will be amalgamated with existent zones. The report will be referred to the APC in the near future.

7. NEW BUSINESS

none

7. NEXT MEETING

To be announced.

8. ADJOURNMENT

By general consent the meeting adjourned at 7:40 p.m.

Ian Birtwell, Vice-Chair

Certified Correct:

Pat Todd, Recorder

Follow Up Action Report

Mayne Island

26-Mar-2018

Activity	Responsibility	Target Date	Status
Minutes of March 26, 2018 adopted as drafted	Sharon Lloyd-deRosario Maple Hung		Done

11-Jun-2018

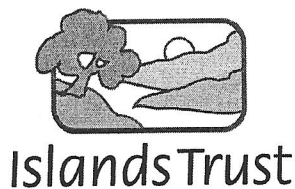
Activity	Responsibility	Target Date	Status
Minutes of March 5, 2018 adopted as drafted	Sharon Lloyd-deRosario Maple Hung		Done

30-Jul-2018

Activity	Responsibility	Target Date	Status
Minutes from June 11, 2108 adopted as amended.	Sharon Lloyd-deRosario Maple Hung		Done
MA-DVP-2018.2 (McCance) - permit issued as drafted.	Sharon Lloyd-deRosario		Done
MA-DVP-2018.3 (Brown) permit issued as drafted.	Sharon Lloyd-deRosario		Done
Saturna Bylaws 119, 120, 121, 122 and 123 Mayne LTC interests unaffected.	Sharon Lloyd-deRosario		Done
Mayne LTC Bylaw (Ben) 173 put on Nov 26 agenda and request further explanation from Miles Drew.	Robert Barlow		On Going

Follow Up Action Report

R. Meager email June 29, 2018 - Mayne Island Rose Name. Trustee Dodds to prepare response.		Done
In camera minutes of June 11, 2018 adopted as drafted.	Sharon Lloyd-deRosario Maple Hung	Done
Board of Variance - proceed as recommended in memo	Sharon Lloyd-deRosario	On Going
Trust Programs Committee, service integration. Advise of the LTCs list of topics which include: 1) Bylaw Enforcement Islands Trust/CRD responsibilities - need to work together when possible. 2) Solid waste disposal 3) Include Islands Trust in BC Ferries planning 4) Responsibility for Groundwater management	Gary Richardson	Done



Jeanine Dodds
Mayne Island Local Trustee
720 Simpson Road
Mayne Island BC V0N 2J0
Tel: 250-539-2411
Email: jdodds@islandstrust.bc.ca

September 11, 2018

To whom it may concern,

I am authorized to write on behalf of the Mayne Island Local Trust Committee. The Trust Committee is a provincially elected committee with authority over land use planning for Mayne Island. In addition the Islands Trust has a special mandate under the Islands Trust Act:

"The object of the trust is to preserve and protect the trust area and its unique amenities and environment 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."

With this mandate in mind and with the nature of the request to have a rose named after Mayne Island, we the Trust Committee fully support the application from Rose Meagher to do so. We would consider this naming to enhance the character of our Island and what we strive to achieve while protecting its natural environments.

The Mayne Island Trust Committee looks forward to viewing this very special rose.

Yours truly,

Jeanine Dodds



DATE OF MEETING: September 24, 2018
TO: Mayne Island Local Trust Committee
FROM: Gary Richardson, Island Planner
Southern Team
SUBJECT: Commercial Land Use Review

RECOMMENDATIONS

1. **That the Mayne Island Local Trust Committee direct staff to mail a notice to the commercial land owners affected by the proposed amendments advising them of the proposed changes, requesting comments, and directing them to the Mayne LTC webpage.**

REPORT SUMMARY

The purpose of this report is to provide the Mayne Island Local Trust Committee (LTC) with copies of draft Bylaw 174 (OCP) and draft Bylaw 175 (LUB) that implement the policies and regulations that the LTC and staff have advanced as a result of the Commercial Land Use Review project.

BACKGROUND

These amendments define a commercial core for Miners Bay, give property owners in the Miners Bay core that are to be zoned C1(a) the ability to use their property for commercial use, residential use, or both, and gives some direction to what types of commercial activity may be carried on outside of the Miners Bay commercial core. The properties that are zoned Settlement Residential (SR) in the commercial core will have to apply for a rezoning to carry out commercial uses.

There are several earlier staff reports relating to this project they can be found on the Mayne Island web page.

The Mayne Island LTC passed the following resolutions at the June 11, 2018 business meeting:

MA-2018-033

That the Mayne Island Local Trust Committee direct staff to draft amendment to the Mayne Island Official Community Plan Bylaw No. 144, 2007 (OCP) to implement the amendments highlighted in the attached Official Community Plan.

MA-2018-034

That the Mayne Island Local Trust Committee direct staff to draft amendments to the Mayne Island Land Use Bylaw, No. 146, 2008 to implement the amendments highlighted in the attached Land Use Bylaw document.

Draft bylaws 174 (OCP) and 175 (LUB) have been prepared as a result of the LTC's direction at the June 11, 2018 LTC meeting.

MA-2018-035

That the Mayne Island Local Trust Committee refer this staff report to the Mayne Island Advisory Planning Commission to review three specific aspects of these proposed amendments: 1) The boundary of the Miners Bay Commercial Core; 2) Allowing residential use in the Miners Bay Commercial core in addition to all other uses; 3) allowing the C1 (a), C1 (b) and C1(c) zones all of the uses permitted in the C1 zone.

The APC met on July 16, 2018, reviewed the bylaws and advised the LTC that:

MA-APC-2018-002

that the Mayne Island Advisory Planning Commission recommend to the Mayne Island Local Trust Committee acceptance of boundary as presented in staff report of June 2018.

MA-APC-2018-003

that the Mayne Island Advisory Planning Commission recommend to the Mayne Island Local Trust Committee accepting allowing residential use in the Miner's Bay Commercial Core in addition to all other uses.

MA-APC-2018-004

that the Mayne Island Advisory Planning Commission recommend that the Mayne Island Local Trust Committee accept allowing C1(a), C1(b) and C1(c) zones all of the uses permitted in the C1 zone.

ANALYSIS

Issues and Opportunities

Recommended Amendments

The OCP amendments being recommended for the Miners Bay commercial core give flexibility as to which properties might be used commercially and which ones should remain as residential.

Changing the zoning of the C1 zoned properties in Miners Bay will allow either commercial use or residential use allowing the property owner to choose which use best suits the property at any given time without having to apply for a rezoning each time they want to change the use. Owners of Settlement Residential (SR) zoned

properties within the Miners bay commercial core will be required to apply for a rezoning in order to carry out commercial uses.

The amendments support and in some cases add uses to the existing commercial properties outside of Miners Bay and could allow commercial rezoning of residential properties in very limited circumstances.

Consultation

The LTC has requested that the property owners subject to the bylaw amendments be advised of the draft bylaws. This can be done with a direct mailing to all commercial properties affected by the proposed changes.

Draft bylaws 174 and 175 be forwarded to relevant agencies for review and comment at this time.

As this project will involve OCP amendments, referral to First Nations with a stated territorial interest in the Mayne Island Local Trust Area will be referred the proposed bylaw amendments for review and comment, as well as any further consultation deemed necessary as the project evolves.

The following First Nations will forwarded the draft bylaws for review and comment at this time:

Cowichan Tribes

Halalt First Nation

Lake Cowichan First Nation

Lyackson First Nation

Pauquachin First Nation

Penelakut Tribe

Semiahmoo First Nation

Stz'uminus First Nation

Tsartlip First Nation

Tsawout First Nation

Tsawwassen First Nation

Tseycum First Nation

Statutory Requirements

Statutory notification of any proposed OCP or LUB amendments will be made in accordance with Section 466 of the *Local Government Act* and Mayne Island Development Procedures Bylaw No. 83. This will involve newspaper advertising and neighbourhood notification and will be undertaken once the LTC directs staff to schedule a public hearing. Correspondence related to this project may be sent to the Mayne Island Planner.

As this project would involve OCP amendments, the LTC is required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. As noted in the Consultation section above, staff will provide a consultation and communications plan as the bylaw amendments advance.

Rationale for Recommendation

These amendments are being recommended to: provide certainty and clarity regarding commercial land use on Mayne Island, clarify language, allow flexibility in the Miners Bay core to allow either commercial or residential use on C1 zoned properties, give certainty and clarity to the policies and zoning that applies to existing commercial properties outside of Miners Bay, and to give future LTCs and property owners policies to consider when a commercial zoning of a residential lot is applied for outside of Miners Bay.

The additional consultation of referring the draft bylaws to the commercial land owners is being carried out as a result of the LTCs request.

Draft bylaws 174 and 175 contain amendments to policies and regulations that the LTC has agreed to advance.

The APC supports the policies and regulation amendments that were referred to it for comment.

ALTERNATIVES

1. Amend the proposed amendments.

The LTC determines that not all the proposed amendments are suitable and need deleting or amending.

NEXT STEPS

1. Refer draft bylaws to First Nations and agencies.
2. Mail draft bylaws to commercial land owners affected by the changes.
3. Prepare a further report as a result of comments received from referring the draft bylaws to agencies, First Nations, commercial land owners and properties surrounding commercially zoned land.
4. Consider 1st reading
5. Schedule a public hearing

Submitted By:	Gary Richardson, Island Planner	September 18, 2018
Concurrence:	Robert Kojima, RPM	September 18, 2018

ATTACHMENTS

1. Draft Bylaw 174 (OCP)
2. Draft Bylaw 175 (LUB)

**MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 174**

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

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

1. CITATION

This Bylaw may be cited for all purposes as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2018”.

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

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

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING

THIS _____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

**MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 174**

SCHEDULE 1

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

1. Section 3 under the title ORGANIZATION is amended by removing “and H” and replacing it with “, H and I”.
2. Section 4 under the title ORGANIZATION is amended by adding “Schedule I – Miners Bay Commercial Core” immediately following “Schedule H – Excerpt from Parks and Recreation Master Plan”.
3. Table of Contents is amended by removing “2.4.1 Retail Commercial” and replacing it with “2.4.1 General Commercial”.
4. Section 2.4 Commercial is removed in its entirety and replaced with the following:

“2.4. COMMERCIAL

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

2.4.1 General Commercial

Background

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

Objectives

The objectives of this section are:

- 1) to supply services necessary to residents and visitors of the Mayne Island Trust Area,
- 2) to protect the integrity of quiet residential and rural neighbourhoods,
- 3) to provide employment opportunities within the community,

- 4) to protect the rural and marine character of the Mayne Island Trust Area,
- 5) to ensure the scale, form and character of all new commercial developments harmonize with the natural surroundings, and
- 6) to support the clustering of commercial uses in areas that limit or reduce the need to travel for services.

Policies

- 2.4.1.1 The principal land use shall be small scale commercial businesses, and in the Miners Bay Commercial Core, one residential dwelling per lot.
- 2.4.1.2 Retail, restaurants, licensed premises, office, personal service, medical and dental clinics, and other similar uses should be clustered in the Miners Bay Commercial Core shown on Schedule I. Increased residential density within the Miners Bay Commercial Core may be appropriate.
- 2.4.1.3 Existing commercial zones outside of Miners Bay Commercial Core at Montrose/Fernhill, Whalen/Fernhill, Horton/Fernhill, and Dalton/Village Bay should remain.
- 2.4.1.4 Where rezoning applications are received for existing commercial designated properties outside of the Miners Bay Commercial Core, the following types of uses are considered appropriate for the specified areas:
 - 2.4.1.1.1 Montrose/Fernhill – Uses similar to those permitted in the Miners Bay Commercial Core.
 - 2.4.1.1.2 Whalen/Fernhill – Building supply sales, and other similar uses.
 - 2.4.1.1.3 Horton/Fernhill – Vehicle and/or boat repair, machining, assembly, fabrication, and other similar types of uses provided they are carried out indoors.
 - 2.4.1.1.4 Village Bay /Dalton – Uses similar to those permitted by zoning in the Miners Bay Commercial Core. Buildings and structures should be limited in floor area.
- 2.4.1.5 Rezoning applications to change or add uses in existing commercial zones outside of the Miners Bay Commercial Core should demonstrate:
 - 2.4.1.5.1 That there is adequate parking to service the proposed use.
 - 2.4.1.5.2 That the proposed use will not have adverse impacts on neighbouring properties.
 - 2.4.1.5.3 That there is adequate water and septic capacity to support the proposed use.

- 2.4.1.6 Applications proposing to rezone non-commercial land to commercial land should only be considered if the application demonstrates:
 - 2.4.1.6.1 That there is no other suitable appropriately-zoned land.
 - 2.4.1.6.2 That there is community need for the proposed use.
 - 2.4.1.6.3 That there is adequate parking to service the proposed use.
 - 2.4.1.6.4 That the proposed use will not have adverse impacts on the neighbouring properties.
 - 2.4.1.6.5 That there is adequate water and septic capacity to support the proposed use.
 - 2.4.1.6.6 That the proposed use, buildings and structures be small in scale.
 - 2.4.1.7 Recreation commercial businesses shall be subject to rezoning on a site specific application only.
 - 2.4.1.8 The density of use on a parcel or within a building in this designation may be increased subject to compliance with Section 2.10 (Amenity Zoning Guidelines) of this Plan.
 - 2.4.1.9 In addition to principal commercial uses, in appropriate locations second-storey residential dwelling units may be permitted in order to provide a mix of housing types and to encourage residences closer to services and amenities.
 - 2.4.1.10 The LTC may consider amending the parking requirements for commercial uses, to require alternatives to parking spaces, including but not limited to: bicycle racks, electric vehicle plug-ins, or cash-in-lieu for use for trails and paths.
 - 2.4.1.11 All properties within the Miners Bay Commercial Core should be permitted one residence.
 - 2.4.1.12 Lots within the Miners Bay Commercial Core should not be consolidated into large commercial lots.
 - 2.4.1.13 Strip development will be restricted through the rezoning process and through the application of development permit guidelines.”
5. Subsection 2.8.1 is amended by removing the word “Retail” which follows the words “all land that is designated” and replacing it with the word “General”.
6. Subsection 2.8.1 is amended by removing “g) construction of unpaved driveways and walkways.” and adding:
- “g) construction of unpaved driveways and walkways; and
 - h) residential buildings within the Miners Bay Commercial Core as shown on Schedule I.”

7. Subsection 3.3.2 is amended by adding the following:

“Policies

3.3.2.1 Solid waste transfer stations should be located on industrial zoned land.”

Immediately after “3) to extend the life of the Hartland Landfill.”

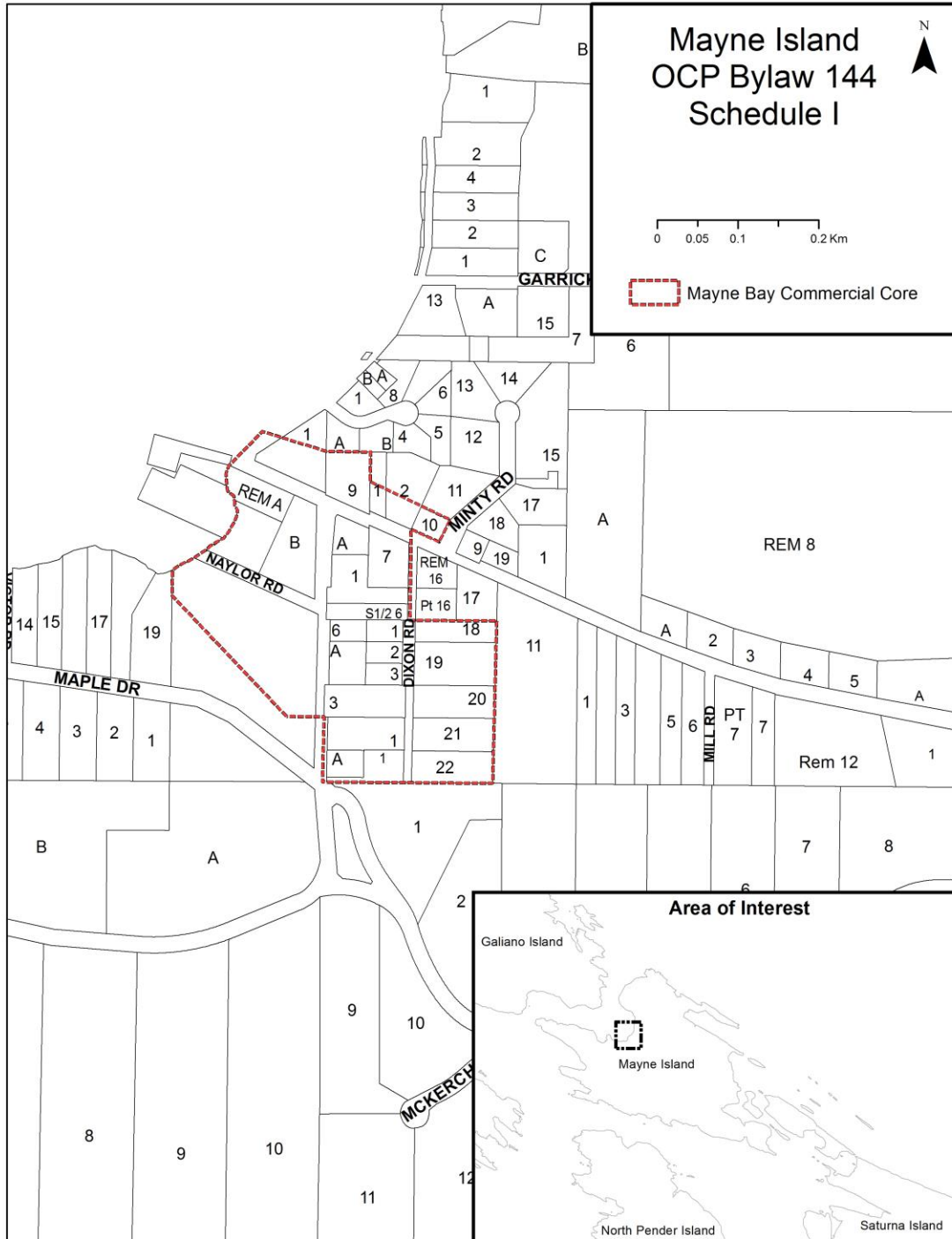
The Advocacy Policies following article 3.3.2.1 are to be renumbered accordingly.

8. Adding a new schedule titled “Schedule I Miners Bay Commercial Core” immediately following “Schedule H” as shown on Plan No. 1, which is attached to and forms part of this bylaw.
9. By amending Schedule B by changing the land use designation on a portion of Lot A, Section 12, Mayne Island, Cowichan District, Plan 13929, except part in Plan 1825R from the Industry (I) land use designation to the Visitor Accommodation (VA) land use designation as shown on Plan No. 2, which is attached to and forms part of this bylaw.
10. By amending Schedule B by changing several properties from the Settlement Residential (SR) land use designation to the General Commercial (C) land use designation as shown on Plan No. 2, which is attached to and forms part of this bylaw.
11. By amending Schedule C by changing development permit area designation of a portion of Lot A, Section 12, Mayne Island, Cowichan District, Plan 13929, except part in Plan 1825R from Industrial (I) to Visitor Accommodation as shown on Plan No. 3, which is attached to and forms part of this bylaw.
12. By amending Schedule C by placing several properties in the Commercial (C) Development Permit area as shown on Plan No. 3, which is attached to and forms part of this bylaw.

Mayne Island Local Trust Committee

Bylaw No. 174

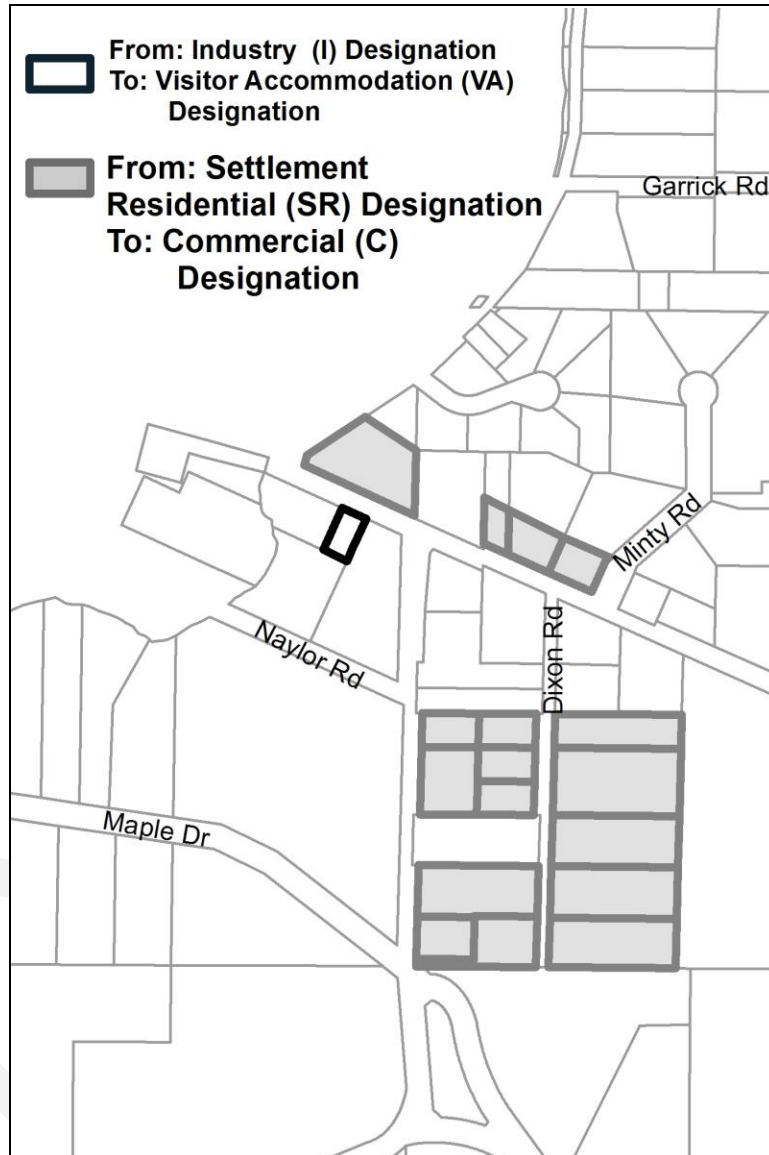
Plan No. 1



Mayne Island Local Trust Committee

Bylaw No. 174

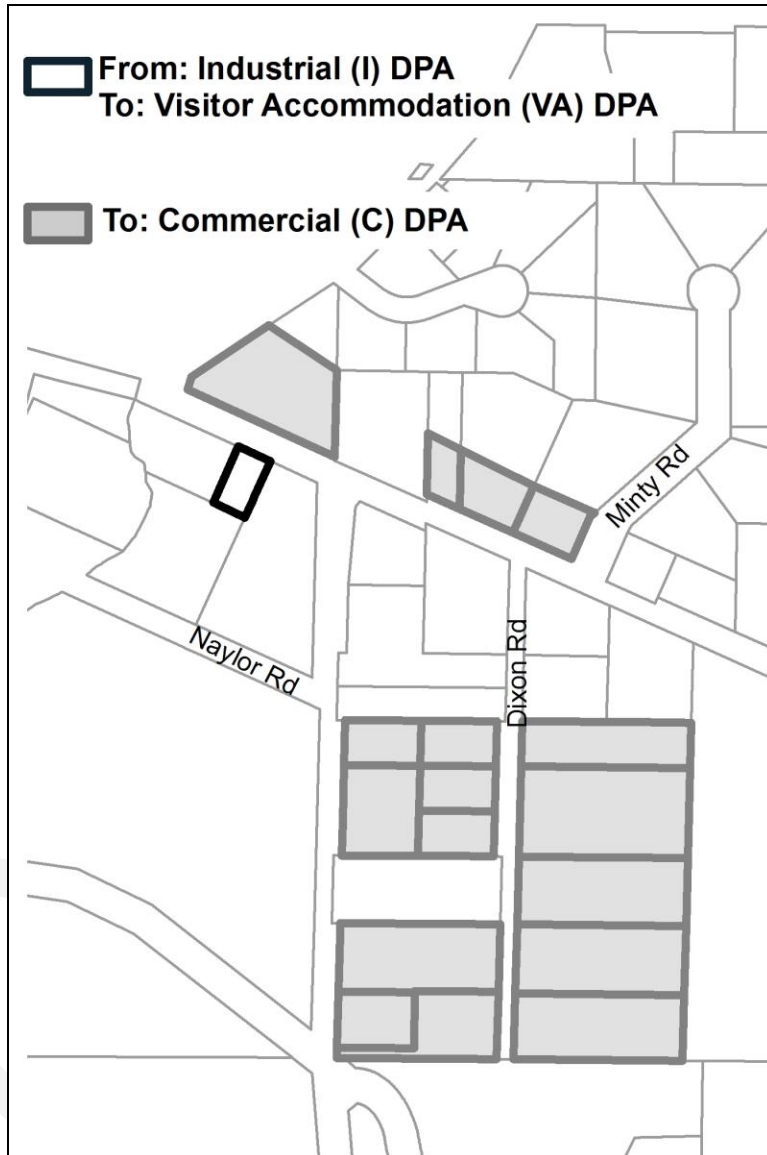
Plan No. 2



Mayne Island Local Trust Committee

Bylaw No. 174

Plan No. 3



**MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 175**

A BYLAW TO AMEND MAYNE ISLAND LAND USE BYLAW NO. 146, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2018”.

2. Mayne Island Local Trust Committee Bylaw No. 175, cited as “Mayne Island Land Use Bylaw No.146, 2008,” is amended as follows:

2.1 Subsection 3.6(1) is amended by inserting the following in alphabetical order:

“(h) A sampling area, having a floor area not exceeding 15m², is permitted inside of a building to allow for sampling of products produced as part of the home occupation;” The remaining subsections are to be renumbered accordingly.

2.2 Section 4.1 – **Division into Zones** is amended by:

- a) Deleting the words: “Settlement Commercial” and replacing it with “Commercial 1”.
- b) Deleting the words: “Commercial Tourist Accommodation” and replacing it with “Commercial 2”.
- c) Deleting the words: “Service Commercial” and replacing it with “Commercial 3”.
- d) Deleting the words “Automotive Commercial” and replacing it with “Commercial 4”.

2.2 Section 5.8 is amended by deleting the Title: “Settlement Commercial (C1) Zone” and replacing it with “Commercial 1 (C1) Zone”.

2.3 Section 5.8 is amended by deleting the words: “Settlement Commercial Zone” following the words “The purpose of the” and replacing it with “Commercial 1 Zone”.

2.4 Article 5.8(1)(c) is amended by deleting the words: “, including financial services and travel agencies”.

2.5 Subsection 5.8(2) is amended by deleting the words: “The maximum Floor Area Ratio is 0.25.” The remaining subsections are to be renumbered accordingly.

2.6 Subsection 5.8(4) is amended by deleting: “35%” and replacing it with “25%”.

2.7 Section 5.8 is amended by adding in the following immediately after subsection 10:

“Consolidation of Lots

(11) No lot should be consolidated with another lot if the resulting lot has an area larger than 0.25 ha.” The remaining subsections are to be renumbered accordingly.

- 2.8 The Table listing “Site Specific Regulations” in subsection 5.8 (11) is deleted in its entirety and replaced with the following table:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
C1(a)	Lot 9, Section 12, Mayne Island, Cowichan District, Plan 715 Lot A, Section 12, Mayne Island, Cowichan District, Plan 46230 Lot 1, Section 12, Mayne Island, Cowichan District, Plan VIP52666 That Part of Lot 6, Section 12, Mayne Island, Cowichan District, Plan 715, Lying to the South of the Easterly and Westerly Boundaries of Said Lot Lot 3, Section 12, Mayne Island, Cowichan District, Plan 715	In addition to the uses permitted in 5.8(1) principal residential use is permitted at a density of one dwelling per lot.

- 2.9 Section 5.9 is amended by deleting the Title: “Commercial Tourist Accommodation (C2) Zone” and replacing it with “Commercial 2 (C2) Zone”.
- 2.10 Section 5.9 is amended by deleting the words: “Commercial Tourist Accommodation (C2) Zone” following the words “The purpose of the” and replacing it with “Commercial 2 Zone”.
- 2.11 Subsection 5.9(3) is amended by deleting the words: “The maximum Floor Area Ratio is 0.25.” The remaining subsections are to be renumbered accordingly.
- 2.12 Section 5.10 is amended by deleting the Title “Service Commercial (C3) Zone” and replacing it with “Commercial 3 (C3) Zone”.

- 2.13 Section 5.10 is amended by deleting the words: “Service Commercial (C3) Zone” following the words “The purpose of the” and replacing it with “Commercial 3 Zone”.
- 2.14 Subsection 5.10(4) is amended by deleting the words: “The maximum Floor Area Ratio is 0.25.”. The remaining subsections are to be renumbered accordingly.
- 2.15 Section 5.11 is amended by deleting the Title: “Automotive Commercial (C4) Zone” and replacing it with “Commercial 4 (C4) Zone”.
- 2.16 Subsection 5.11(4) is amended by deleting the words: “The maximum Floor Area Ratio is 0.25.”. The remaining subsections are to be renumbered accordingly.
- 2.17 Schedule B, Mayne Island Zoning Map is amended by:
- a) Deleting the zone title in the legend “C1 Settlement Commercial” and replacing it with “C1 Commercial 1”.
 - b) Deleting the zone title in the legend “C2 Commercial Tourist Accommodation” and replacing it with “C2 Commercial 2”.
 - c) Deleting the zone title in the legend “C3 Service Commercial” and replacing it with “C3 Commercial 3”.
 - d) Deleting the zone title in the legend “C4 Automotive Commercial” and replacing it with “C4 Commercial 4”.
 - e) Changing the zone on Lot 2, Section 8, Plan 17070, Mayne Island, Cowichan District from C1(c) to C1 as shown on Plan No. 1.
 - f) Changing the zone on Lot 36, Section 6, Plan 22057, Mayne Island, Cowichan District from C1(a) to C1 as shown on Plan No. 2.
 - g) Changing the zone on Lot 3, Section 12, Plan 715, Mayne Island, Cowichan District from C1(b) to C1 (a) as shown on Plan No. 3.
 - h) Changing the zone on Lot 9, Section 12, Plan 715, Mayne Island, Cowichan District from C1 to C1(a) as shown on Plan No. 3.
 - i) Changing the zone on Lot A, Section 12, Plan 46230, Mayne Island, Cowichan District from C1 to C1(a) as shown on Plan No. 3.
 - j) Changing the zone on Lot 1, Section 12, Plan VIP52666, Mayne Island, Cowichan District from C1 to C1(a) as shown on Plan No. 3.
 - k) Changing the zone of that Part of Lot, Section 12, Plan 715, Mayne Island, Cowichan District, Lying to the South of a Straight Boundary Joining Points of Bisection of the Easterly and Westerly Boundaries of Said Lot from C1 to C1(a) as shown on Plan No. 3.

3. SEVERABILITY

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

READ A FIRST TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

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

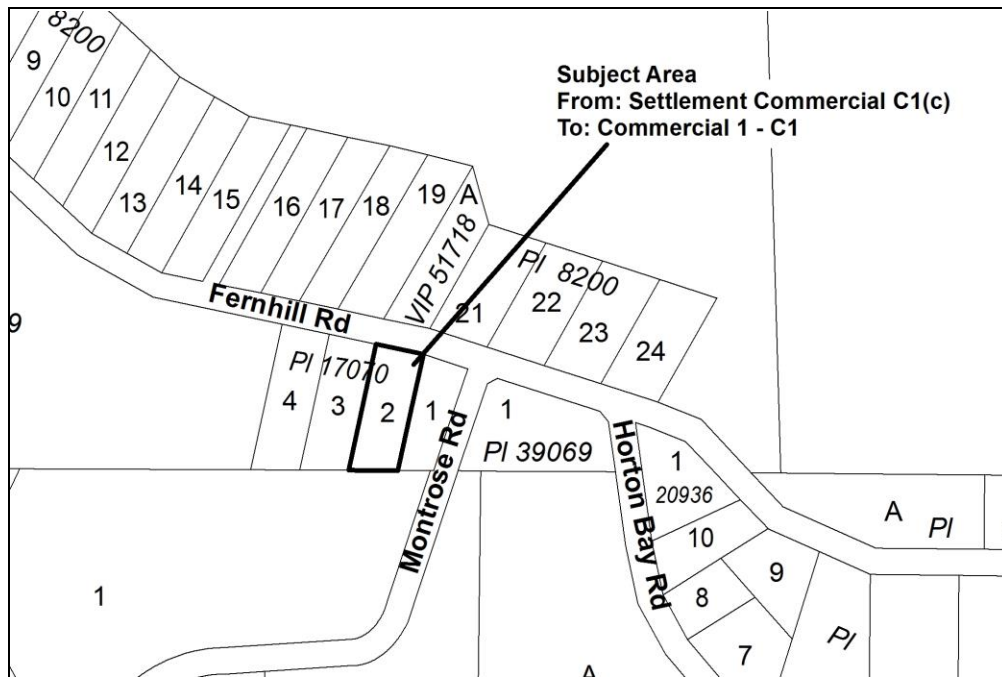
ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

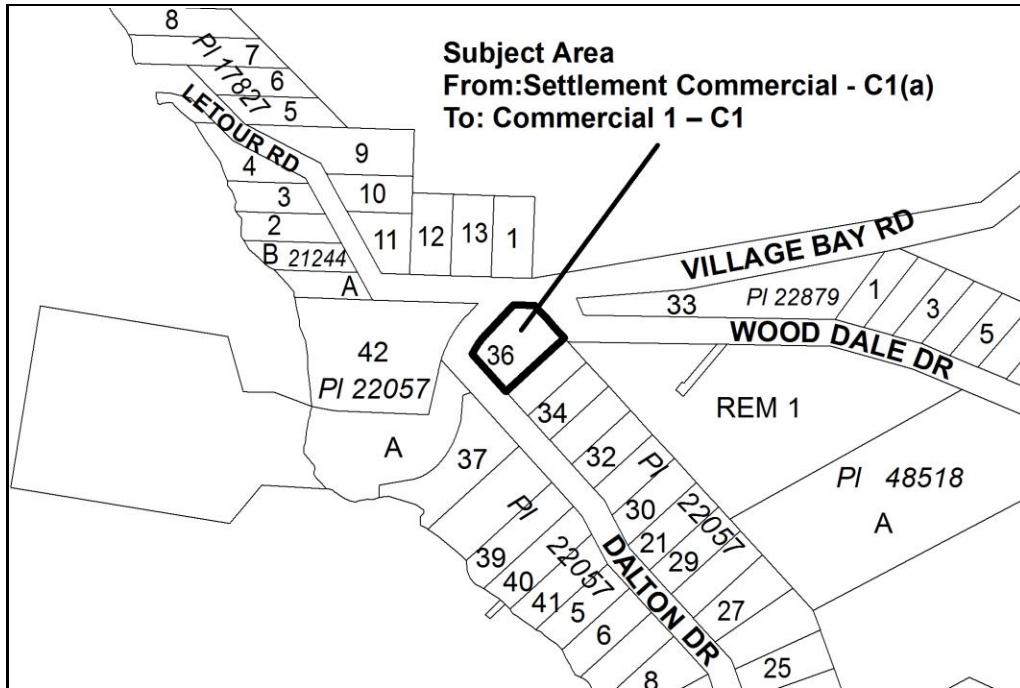
MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 175

Plan No. 1



MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 175

Plan No. 2



Top Priorities

Mayne Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Commercial Land Use Review	Bylaws 174 (OCP) and 175 (LUB) Drafted for the LTCs consideration at September 24, 2018 LTC meeting.	27-Apr-2015	Gary Richardson	31-Oct-2018
2	Review of Zoning for Contractors Yards	Initial staff report and project charter to be prepared.	26-Mar-2018	Gary Richardson	
3	Riparian Area Regulation Implementation	Draft Bylaw at Ministers office awaiting approval	25-Apr-2016	Gary Richardson	31-Mar-2018

Projects

Mayne Island

Description	Activity	R/Initiated
Climate Change Adaptation	Consider regulatory changes and implementation of new DPA authority	02-Mar-2009
Waste Management		31-Oct-2017
Fallow Deer		26-Mar-2018
Review permitted accessory building height		30-Jul-2018
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: September 18, 2018

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2018.4	BRENT MAYENBURG c/o WEY MAYENBURG LAND SURVEYING Planner: Gary Richardson	25-Jul-2018	484 Cherry Tree Bay Road - Lot A & B depth to width ratio
Planning Status			
Status Date: 12-Sep-2018 Staff report and draft permit to be prepared for October 29, 2018 LTC Mtg. for LTCs consideration.			
Status Date: 25-Jul-2018 Application received via email forwarded from Planner; created electronic and hard files.			
Status Date: 25-Jul-2018 Emailed Applicant requesting fee and Title Search; received email from Applicant with Title Search and requesting EFT payment, sent email with EFT payment info. Received EFT receipt email forwarded by Finance; updated electronic and hard files, gave folder to Planner.			

Subdivision

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2018.1	Brent Mayenburg (Maude) Planner: Gary Richardson	09-Apr-2018	Proposed 3 lot conventional subdivision
Planning Status			
Status Date: 19-Jun-2018 Referral response sent to MOTI, applicant, owner and LTC cc'd			
Status Date: 07-Jun-2018 Ian contact applicant to discuss potential issues (arch. site, covenant against further sub., proof of water, frontage, etc). Waiting on reply			



Status Date: 18-May-2018

A response to MoTI is being prepared.

Print Date: September 18, 2018

Applications

Islands Trust
LTC EXP SUMMARY REPORT F2019
Invoices posted to Month ending July 2018

645 Mayne	Invoices posted to Month ending July 2018	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-645	LTC "Trustee Expenses"	750.00	0.00	750.00
LTC Local				
65200-645	LTC - Local Exp - LTC Meeting Expenses	1,500.00	548.48	951.52
65210-645	LTC - Local Exp - APC Meeting Expenses	500.00	146.99	353.01
65220-645	LTC - Local Exp - Communications	250.00	350.00	-100.00
65230-645	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>2,750.00</u>	<u>1,045.47</u>	<u>1,704.53</u>
Projects				
73001-645-4059	Mayne Commercial Land Use Review	<u>2,000.00</u>	<u>0.00</u>	<u>2,000.00</u>
TOTAL Project Expenses		<u>2,000.00</u>	<u>0.00</u>	<u>2,000.00</u>

Mayne Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: July 13, 2017

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

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



Islands Trust Conservancy Board Report to Local Trust Committees and Bowen Island Municipality July 2018

Islands Trust Conservancy Manager – Temporary Assignment with BC Parks

The Islands Trust Conservancy Manager, Jennifer Eliason, advised the board she is leaving for a temporary assignment with BC Parks for the next eight months. The board praised Jennifer for her hard work the last ten years and thanked her for her dedication. She will be missed.

Board Vacancy

The board of the Islands Trust Conservancy is thrilled to have received a list of candidates from the Crown Agency and Board Resourcing Office for a vacant board position for an appointed member. The vacancy is due to the completion of Ron Bertrand's appointed term with the board. The board sincerely thanks Ron for his commitment and valuable contributions to the Islands Trust Conservancy over his term.

Letter from Minister Robinson re: ITF Five-Year Plan 2018-2022

The board received and reviewed a response letter from Minister Robinson on the ITF Five-Year Plan that included congratulations on the recent name change.

Audited Financial Statements

The board received and approved the Audited Financial Statements for the 2017-2018 fiscal year. The KPMG auditor's opinion was consistent with previous years.

Local Trust Committee Briefing on Regional Conservation Plan

The board requested staff to circulate the Regional Conservation Plan briefing document to Local Trust Committees and Bowen Island Municipality, and to bring it back to the board's September meeting for further direction.

Summary of Current Island-by-Island Activities

Denman

The board approved the finalised management plan for the Morrison Marsh Nature Reserve, dated July 17, 2018. Board members discussed the report's findings, including intervening in naturally occurring events such as beaver dams, and discussed invasive species removal, First Nations relations, stewardship programs and information sharing.

Lasqueti

The Salish View campaign continues, in partnership with the Lasqueti Island Nature Conservancy (LINC). The campaign is over 40 per cent of the way to a \$250,000 goal.

Salt Spring Island

The board considered and approved a request from the Salt Spring Island Conservancy for a waiver to the Andreas Vogt Nature Reserve Covenant to girdle Douglas-fir trees that are encroaching on the Garry Oak meadows in the nature reserve to protect against future impacts of climate change on Garry oak meadows habitat. The board suggested public communication regarding management techniques to ease possible concerns from the public.

Thetis

Staff continue to negotiate a conservation covenant for Fairyslipper Forest Nature Reserve with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust. Public consultation dates are in the process of being organized with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust to inform the management plan for the protected area.

*Please feel free to contact members of the board of the Trust Fund Conservancy or Islands Trust Conservancy staff for more details. Note: The Islands Trust Fund has changed its legal name to the **Islands Trust Conservancy**. We are in the process of switching over all references to the Islands Trust Fund/Trust Fund Board to the new name. Look for a public launch of our new website and social media in the fall.*

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Conservancy itcmail@islandstrust.bc.ca



BRIEFING

To: Local Trust Committees and Bowen Island Municipality **For the Meeting of:** September 24, 2018

From: Islands Trust Conservancy **Date Prepared:** July 17, 2018

SUBJECT: Incorporating the Regional Conservation Plan into Land Use Planning

PURPOSE: The Islands Trust Conservancy is providing all local trust committees and Bowen Island Municipality with a briefing to provide information on the ways the Islands Trust Conservancy's 2018-2027 Regional Conservation Plan and associated mapping and data can be incorporated into Official Community Plans, Land Use Bylaws and local planning initiatives and projects.

BACKGROUND:

In March, Trust Council endorsed the Islands Trust Fund's Regional Conservation Plan. At its April 2018 meeting, the Trust Fund Board (now Islands Trust Conservancy) passed the following resolution:

That the Trust Fund Board direct staff to provide a briefing to all local trust committees and Bowen Island Municipality requesting that consideration be given to incorporating elements of the 2018-2027 Regional Conservation Plan (including associated data and mapping) into Official Community Plans.

The Regional Conservation Plan contains significant information about regional conservation priorities that could be considered when making land use planning decisions. This information is informed by conservation area modelling, which uses multiple data sets regarding biodiversity priorities and threats to ecosystems. The information is available by local trust area/island municipality.

Why do we have a Regional Conservation Plan?

The rich diversity of life in the Islands Trust Area makes the region ecologically significant, not only locally, but globally. Most of the region is within the Coastal Douglas-fir zone, one of the rarest of British Columbia's 16 biogeoclimatic zones. The Douglas-fir ecosystems of this zone, including Garry oak and associated ecosystems, are globally rare – in the entire world they occur only on the east coast of southern Vancouver Island, the islands of the Georgia Basin, and a small area of the mainland. The Islands Trust Area is also home to several other sensitive and rare ecosystems and hundreds of rare terrestrial and marine plants and animals.

Despite its ecological significance, biodiversity in the Islands Trust Area is exposed to significant threats. With over 68% of the Islands Trust Area in private land ownership and over 3.3 million people living in the surrounding areas, the pressures to develop and change the natural landscape in the islands are substantial.

Because of the significance of the ecosystems found in the Islands Trust Area and the threats they are under, conservation planning is an important tool to ensure that the natural beauty that draws so many to the region is not lost. Since 2005, the work of the Islands Trust Conservancy has been guided by regional conservation plans. These plans have also, in some cases, supported the planning work of the Islands Trust.

What's in the Regional Conservation Plan?

The Regional Conservation Plan provides background on the ecosystems in the Islands Trust Area, evaluates their current status, identifies priorities and threats, and sets goals and objectives for the Islands Trust Conservancy for the next ten years. The goals identified in the 2018-2027 Regional Conservation Plan are:

1. Identify, investigate and communicate about important natural areas to generate action on conservation priorities
2. Strengthen relationships with First Nations to identify and collaborate on shared conservation goals
3. Continue to secure and manage Islands Trust Conservancy lands and conservation covenants to maximize ecological integrity
4. Continue to build internal and shared organizational strength and resilience to ensure long-term nature conservation in the Islands Trust Area

There are island profiles in Appendix II of the RCP with information specific to each local trust committee area and Bowen Island.

How can the Regional Conservation Plan support land use planning?

The Regional Conservation Plan can help trustees and planners identify opportunities and inform priorities for land use planning activities across the Islands Trust. During the 2018-2022 local government term, each Islands Trust LTC/IM will identify top priorities for land use planning activities and should ensure that existing Official Community Plans and Land Use Bylaws meet the goals of the Islands Trust Policy Statement and support the goals of the Regional Conservation Plan.

LTCs and BIM can use the following table to identify land use planning projects to initiate during the 2018-2022 term to advance the Islands Trust Policy Statement Goal: *to Foster preservation and protection of the Trust Area's ecosystems* and the directive policies:

Directive Policy	Available resources (Regional Conservation Plan, mapping, etc.):	What can LTCs/IM do with this information?
3.1 Ecosystems		
3.1.3 LTCs/IMs shall, in their OCPs and regulatory bylaws <i>address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.</i>	The Regional Conservation Plan highlights the following as biodiversity priorities for the region: • Sensitive ecosystems • Healthy forests • Species and ecosystems at risk • Marine shorelines and nearshore areas • Islets and small islands • Size, corridors and connectivity to other protected areas Available information and data/mapping to support these directive policies: • updated Sensitive	Development of maps; Official Community Plan (OCP) policy language and Land Use Bylaw (LUB) regulations that: • Identify and protect environmentally sensitive areas • Identify and protect significant natural sites/features/landforms • Support the development of protected area networks (or "greenways") • Identify contiguous forest cover Designate Development Permit Areas (DPAs) to protect environmentally sensitive areas
3.1.4 LTCs/IMs shall, in their OCPs and regulatory bylaws <i>address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.</i>		

	Ecosystem Mapping • Species at Risk/Critical Habitat Mapping • Ecosystem Disturbance Mapping • Priority Lands for Conservation (regional scale)	and significant natural features Prioritize bylaw investigation and enforcement on matters negatively impacting ecosystem health
3.2 Forest Ecosystems		
3.2.2 LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development and land-use.</i>	Available information and data/mapping to support this directive policy: • Mapping of Forested Ecosystems, including forest type and age • Regional Conservation Plan: Biodiversity Priorities; Forest Ecosystem descriptions and statistics • RCP Island Profiles: Sensitive Ecosystems, Forest Ecosystems and Ecosystem Disturbance for each LTA/BIM	Designate DPAs to protect unfragmented forest ecosystems Reduce site coverage density in land use bylaws Negotiate covenants to protect contiguous forest as conditions of rezoning Integrate conservation subdivision principles into land use bylaw requirements for subdivision (lot clustering, density transfer, conservation planning) Prioritize bylaw investigation and enforcement on matters negatively impacting forest ecosystems Adopt Tree Protection Bylaws (for municipalities)
3.3 Freshwater and Wetland Ecosystems and Riparian Zones		
3.3.2 LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.</i>	Available information and data/mapping to support this directive policy: • Mapping of Sensitive Ecosystems, including wetlands, freshwater and riparian • RCP: Island Profiles - Sensitive Ecosystems • Watershed mapping • Water courses mapping (TRIM) • Riparian Areas Regulation data/mapping in select areas	Designate DPA's to protect sensitive freshwater, wetland and riparian areas Implement the <i>Riparian Areas Regulation (RAR)</i> including protection of non RAR watercourses Develop LUB setbacks from water bodies Develop LUB landscape buffers along water bodies Implement freshwater planning tools and regulations available in the <i>Water Sustainability Act</i> Develop aquifer mapping and water budgets

		Designate DPAs for water conservation for all new construction/development Prioritize bylaw investigation and enforcement on matters negatively impacting freshwater, wetland and riparian ecosystems
3.4 Coastal and Marine Ecosystems		
3.4.4 LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address the protection of sensitive coastal areas.</i>	Available information and data/mapping to support these directive policies: • Eelgrass mapping • Forage fish habitat mapping (for some islands) • Species at Risk Critical Habitat Mapping – Southern Resident Orca • Shorezone mapping • New Sand Ecosystems Mapping • Dock mapping (point data)	Include mapping of marine ecosystems in OCPs and policies for regulation of development in sensitive coastal areas Designate DPAs to protect sensitive coastal areas and the intertidal zone Include DPA guidelines that address fragmentation of the coastline by subdivision Amend LUBs to create landscape buffers along the shoreline Increase LUB setbacks from the natural boundary of the sea based on the provincial 2100 sea level rise predictions Amend LUBs to limit development of private docks/structures in the marine zones Prioritize bylaw investigation and enforcement on matters negatively impacting coastal and marine ecosystems
3.4.5 LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address the planning for and regulation of development in coastal regions to protect natural coastal processes.</i>		

ATTACHMENT(S):

No attachments. For reference, the 2018-2027 Regional Conservation Plan is available online [here](#).

FOLLOW-UP:

- Consider this briefing when establishing work program priorities
- Request planning advice on how to integrate conservation data and mapping resources when considering applications, projects, etc.
- Local trust committees/island municipalities wishing to create specific maps using conservation modeling (land prioritization based on multiple data sets) or ecosystem mapping should request assistance from ITC and GIS staff.

Prepared By: Jennifer Eliason, Islands Trust Conservancy Manager

Reviewed By/Date: Regional Planning Managers and Director of Local Planning Services/July 3, 2018
Clare Frater, Director of Trust Area Services/July 9, 2018
Islands Trust Conservancy Board/July 17, 2018

File No.: 6500-20
(LTC Cannabis Regulation)

DATE OF MEETING: September 4, 2018

TO: Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee

FROM: Robert Kojima, Regional Planning Manager
Southern Team

COPY: David Marlor, Director of Local Planning Services

SUBJECT: Regulation of Cannabis Production and Retail Sales and Non-Medical Cannabis Retail License Application Fees

RECOMMENDATION

1. That the Mayne Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications:

- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee.
- The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.
- The public consultation process shall be determined by the local trust committee after initial review of the proposal.
- However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information:
 - Name of the applicant and a description of the proposal in general terms
 - The location of the proposed establishment and the subject site
 - The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered.
 - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application
 - How public comments may be submitted to the local trust committee.

2. That the Mayne Island Local Trust Committee request that staff prepare a draft bylaw to amend the fees bylaw to specify a separate fee for Liquor and Cannabis Regulation Branch non-medical cannabis retail license applications in the amount of \$2,000.

REPORT SUMMARY

This report provides information to local trust committees regarding the proposed *Cannabis Act* and describes options for the regulation of cannabis production and non-medical cannabis retail sales. The LTC is asked to consider:

- Adopting a standing resolution to process Liquor and Cannabis Regulation Branch (LCRB) non-medical cannabis retail applications;
- Amending the LTC fees bylaw to include a specific fee for the processing of LCRB non-medical cannabis retail applications;
- As an option, reviewing its land use regulations applicable to cannabis production and retail sales.

BACKGROUND

Regulatory Framework

Cannabis Act

The *Cannabis Act*¹ provides a framework for the production, distribution, sale and possession of cannabis, which would be jointly regulated by federal, provincial and local governments across Canada. Under the *Cannabis Act*, the federal government's primary responsibilities include licensing both medical and non-medical cannabis producers, regulating the industry (advertising, marketing, and promotion), and determining health and safety standards (e.g. potency and ingredients). Provinces and territories would license and oversee the distribution and retail sale of cannabis.²

Until the *Cannabis Act* comes into force October 17, 2018, the *Access to Cannabis for Medical Purposes Regulation (ACMPR)* released 2016³ remains the authority for lawful cannabis production and possession; cannabis may only be grown by registered persons or licensed producers for medical purposes; and retail distribution of cannabis in dispensaries and storefronts is illegal.⁴

The *Cannabis Act* includes a broad definition of cannabis:

- Any part of the cannabis plant, other than mature stalks that do not contain leaves, flowers or seeds, the cannabis plant fibre, or the plant root.
- Any substance or mixture of substances that contains or has on it any part of a cannabis plant.
- Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

Marihuana is a form of cannabis. "Cannabis" is preferable to "marihuana" for the regulatory context.⁵

¹ Proposed *Cannabis Act*. <http://www.parl.ca/DocumentViewer/en/42-1/bill/C-45/royal-assent>

² FCM. 2018. Municipal Guide to Cannabis Legalization. <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>

³ The *Access to Cannabis for Medical Purposes Regulation* replaced the *Marihuana for Medical Purposes Regulation*.

⁴ FCM. 2018. Municipal Guide to Cannabis Legalization. <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>

⁵ IBID.

BC Cannabis Control and Licensing Act

The *BC Cannabis Control and Licensing Act (BCCLA)*, proclaimed on May 31, 2018, establishes provincial control over the sale, supply and possession of non-medical cannabis, and establishes licensing of private cannabis retailers, including registration and training requirements for those who will work in cannabis retail. The *Act* outlines restrictions on the possession, personal cultivation and consumption of cannabis by adults and prohibitions for minors.

The *BCCLA* requires notification to the local government or Indigenous nation for the area in which a retail establishment is proposed to be located or is located.

Upon receipt of notification, the applicable local government must take into account any prescribed criteria and, in the prescribed circumstances, gather the views of residents by one or more of the following methods:

- a) By receiving written comments in response to a public notice of the application;
- b) By conducting a public hearing in respect of the application;
- c) By holding a referendum;
- d) By using another method the local government or Indigenous nation considers appropriate.

The *BCCLA* further states that a licence must not be issued or amended unless the local government for the area gives a recommendation that the licence be issued or amended.⁶

In BC, the wholesale distribution of non-medical cannabis will be solely through the Liquor Distribution Branch (LDB). The LDB will be the operator of government-run retail stores and the Liquor and Cannabis Regulation Branch (LCRB) will be responsible for licensing and monitoring the retail sector using a mixed public/private model.

Local Government Land Use Authority

Local governments have delegated authority from the Province, through the *Local Government Act (LGA)*, to regulate, through zoning regulations, the location, size, and siting of cannabis businesses.

Both the production of medical marihuana, and as of July 2018, cannabis production for retail sale, are now a permitted farm use in the ALR under the *Agricultural Land Reserve (ALR) Use, Subdivision and Procedure Regulation*. However, this regulation was amended on July 13, 2018 by removing the outright permission and replacing it with a provision allowing “the lawful production of cannabis” if produced either outdoors in a field, or inside a structure that (i) has a soil base or (ii) existed or was being constructed for the purpose of growing crops before July 13, 2018.

ANALYSIS

Issues and Opportunities

Land Use (Zoning) Authority

Local trust committees are responsible for consideration for the types and locations of land uses in their communities, and specific regulations to mitigate the potential for land use conflict. In accordance with the proposed Cannabis Act, LTCs have the ability to regulate the location, size, and siting of cannabis production and retail sales. This may occur in a variety of ways:

⁶ *Cannabis Control and Licensing Act*. <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/progress-of-bills>

1. Permissive zoning

Cannabis retail sales would theoretically be permitted in all zones where retail uses are permitted (potentially including home occupations where retail sales are permitted, subject to the criteria of the LCRB) where the applicable Land Use Bylaw permits retail sales and the definition of retail sales is broad or absent.

Similarly, LUB regulations may allow cannabis production anywhere agriculture is permitted (depending on the LUB definition of agriculture and in which zones agriculture is permitted). Cannabis production is, as noted earlier, an outright permitted use in the ALR with only limited ability to regulate structures.

2. Prohibitive Zoning

Cannabis retail sales could be prohibited in all zones (other than the ALR) if the applicable Land Use Bylaw included a regulation such as “Cannabis retail sales are prohibited in all zones” and a distinct definition of “cannabis retail sales”.

Cannabis production could be prohibited outside the ALR (although the federal government will retain exclusive authority to license producers).

3. Discretionary Zoning

Cannabis retail sales may be permitted in select zones (e.g. commercial zones) and/or a minimum distance from other cannabis retail sales establishments or other land uses (e.g. dwellings, schools, parks, museums, libraries, or medical facilities).

Cannabis production outside the ALR could be limited to select zones. Within the ALR, LTCs may regulate the siting and size of cannabis production facilities.

The LTC should consider whether or not it would like to pursue LUB amendments to strengthen its regulatory control with respect to the zoning and siting of cannabis retail sales or cannabis production facilities outside the ALR. This may occur through a resolution to add an LUB review project to the projects list or top priorities list.

Fees Bylaw

LTCs have the ability to charge fees for processing applications for LCRB non-medical cannabis retail licenses or license amendments. All southern LTCs currently require an \$825 fee for “Liquor Control Licensing Branch” applications.

The application fees collected for review of LCRB applications are used to offset staff time and notification costs in relation to the review of the applications. Generally, the fees collected for LCRB applications are insufficient to cover the costs of processing applications where the views of residents are gathered, prior to the LTC making a recommendation to the LCRB.

Staff recommend that each LTC enact a distinct and higher fee for LCRB cannabis retail applications, in anticipation of a high degree of public interest and corresponding staff resources and costs to process these applications. For reference, the Regional District of Nanaimo has amended its fees bylaw to include a fee of \$4,000 for processing non-medical cannabis license applications. LTCs and the public may, however, view inordinately high fees as being unfair or intentionally prohibitive. For this reason, staff are recommending a lesser fee in the amount of \$2,000; this is more in line with the 2004 Trust Council Model Fee for LCRB applications, following a CPI adjustment, and would offset some costs associated with staff application review, public notification, and conducting a public meeting.

Staff can proceed with the preparation of a draft bylaw to amend the LTC fees bylaw; this would require minimal staff time. Such a bylaw amendment would require three readings, and approval by the Executive Committee prior to final adoption. No public hearing would be required.

As an aside, LTCs may consider whether or not there are other application fees which are either absent or require adjustment and could be included in a fees bylaw amendment.

Consultation Requirements

The *BCCLA* does impose a responsibility onto local governments to consider applications referred through a notice by the Liquor Control and Licensing Branch (LCRB) in accordance the *BCCLA*. In doing this, each LTC should turn its mind to the “prescribed criteria”, and option to gather the views of local residents under “prescribed circumstances”.

The evaluation criteria and/or a policy for considering such applications may be formalized through the adoption of a standing resolution. Staff have recommended the following standing resolution, which may be amended (either prior to initial adoption or from time to time):

- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee.
- The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.
- The public consultation process shall be determined by the local trust committee after initial review of the proposal.
- However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information:
 - Name of the applicant and a description of the proposal in general terms
 - The location of the proposed establishment and the subject site
 - The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered.
 - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application
 - How public comments may be submitted to the local trust committee.

RATIONALE FOR RECOMMENDATION

Local trust committees must be referred notice of any cannabis license proposals, and are obligated to respond to such notices. Because a specific consultation process is not prescribed through provincial legislation or LTC bylaws, staff are recommending that LTCs adopt a standing resolution to deal with these types of applications. LTCs would have the flexibility to readily amend such a standing resolution over time to adapt to their community’s unique needs. Furthermore, because of the likelihood that these applications will attract significant public interest and involve significant staff resources to process, staff are recommending that LTCs amend their

fees bylaws to include a specific fee for LCRB cannabis retail applications, which is distinct from and higher than liquor license applications.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Adopt an Amended Standing Resolution

Should the LTC wish to proceed with a standing resolution, it may adopt an amended resolution in lieu of the recommended resolution.

2. Proceed with Land Use Bylaw Amendments

The LTC may wish to pursue amendments to its LUB. This would require that a project be added to the projects list or top priorities list and for the project to be scoped and funded. Staff still recommend that a standing resolution be passed to address applications which may be received prior to adoption of LUB amendments. Should the LTC wish to pursue an LUB review project, the following resolution may be passed:

That the Mayne Island Local Trust Committee add to its [Projects/Top Priorities List], "Review of land use regulations for cannabis production and retail sales".

3. Request further information

NEXT STEPS

A standing resolution adopted by the LTC would take effect immediately. Fees bylaw amendments would require preparation of an administrative bylaw amendment, three readings, and approval by the Executive Committee prior to adoption.

Submitted By:	Robert Kojima, Regional Planning Manager	August 22, 2018
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REFERENCES

- *Proposed Cannabis Act*. <http://www.parl.ca/DocumentViewer/en/42-1/bill/C-45/third-reading>
- Federation of Canadian Municipalities. Municipal Guide to Cannabis Legalization. <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>
- Agricultural Land Commission. Information Bulletin 04: Cannabis Production in the ALR. https://www.alc.gov.bc.ca/assets/alc/assets/legislation-and-regulation/information-bulletins/information_bulletin_04_cannabis_production_in_the_alr.pdf
- Liquor and Cannabis Regulation Branch: Local Governments' Role in Licensing Non-Medical Cannabis Retail Sales. https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/documents/local_government_role_in_licensing_cannabis_retail_stores.pdf
- *Access to Cannabis for Medical Purposes Regulation* <http://laws.justice.gc.ca/eng/regulations/SOR-2016-230/page-1.html>
- *Cannabis Control and Licensing Act*. <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/progress-of-bills>

- Cannabis licensing website: <https://justice.gov.bc.ca/cannabislicensing/>



DATE OF MEETING: September 24, 2018
TO: Mayne Island Local Trust Committee
FROM: David Marlor, Director
Local Planning Services
SUBJECT: Housing Needs Assessment Report

RECOMMENDATION

1. That the Mayne Island Local Trust Committee receive the "Southern Gulf Islands Housing Needs Assessment", report by JG Consulting Services Ltd dated February 2018; and
2. That the Mayne Island Local Trust Committee request Staff to publish the "Southern Gulf Islands Housing Needs Assessment", report by JG Consulting Services Ltd dated February 2018 on the Islands Trust website.

REPORT SUMMARY

The purpose of this report is to provide a Housing Needs Report to the Local Trust Committee and to meet the requirements of the new legislation on Housing Needs Reports.

BACKGROUND

In the 2017/18 Fiscal Year the Capital Regional District (CRD) undertook Housing Needs Assessments for Galiano, Mayne, North Pender, Saturna, and South Pender islands using similar methodology undertaken on a 2015 Salt Spring housing needs assessment. The final report was submitted to Trust Council in June 2018.

The Southern Gulf Islands Housing Needs Assessment (attached) used both qualitative and quantitative research methods; the surveys were met with very high response rates. Like the results in the Northern region, the report finds that affordable and adequate housing is unattainable for many Southern Gulf Island residents. As noted in the staff report from the Capital Regional District (attached as appendix 2(a)), the particular findings include:

- *A gap in the availability of timely housing data between Census periods, particularly on the rental market on the Southern Gulf Islands;*
- *Rental supply is low and unit numbers are decreasing;*
- *A high proportion (44%) of renters paying more than 30% of their income on shelter costs with 44 renters who answered a survey indicating they were paying more than 50% of their income on shelter costs;*
- *Home ownership becoming increasingly out of reach for many households in the area. The median household income is \$54,000 annually, but it would take an income of over \$99,000 annually to afford a home sold at the median sale price of \$580,000 (February 2018);*
- *A very low and declining rate of permanent residency in the area with dwellings increasingly being used as vacation or short-term vacation purposes;*

- *High incidence of low income households; and*
- *Households with children and seniors showing particular vulnerability to housing stress.*

Islands Trust Community Housing Strategy

Improving the availability of affordable, accessible, and appropriate housing has been a strategic priority for Islands Trust Council over the 2014-2018 political term. Over the course of the term, this has been largely pursued through the work of Local Planning Committee:

1. June 2013, Local Planning Committee hosted a community housing forum with over 70 participants from across the region. The forum showcased examples of affordable/community housing throughout the Trust Area.
2. Completed a [baseline inventory](#) of housing policies and regulations for each LTA across the Trust Area
3. Completed the final report: [Community Housing in the Islands Trust Area](#) and advanced through Trust Council 15 recommendations for action.
4. Completed Housing Needs Assessment for the Northern and Southern regions. Islands Trust now has a complete data set identifying housing needs in each region.
5. Established the administrative capacity for the administration of housing agreements by Islands Trust:
 - A housing agreement guide for planners
 - A housing agreement reference list
 - An application guide for affordable housing proponents
 - A roles and responsibilities checklist
 - Housing Agreement Templates
 - Information Brochure (on-going)
 - Monitoring Procedure (for Leg. Clerks or potential new Project Coordinator job)
 - Annual Monitoring Letter Template
 - Monitoring and Enforcing Guide

Trust council has directed staff to update the Community Housing report and consider creating a Trust wide community housing strategy designed to meet the needs identified in the Housing Needs Assessments. Such a strategy could include recommendations for Local Trust Committee land use planning processes, Trust Council advocacy, and communications to be pursued by Trust Council in the 2018-2022 political term.

Provincial Housing Needs Reports Legislation

In Spring 2018 the Provincial Government gave Royal Assent to Bill 18, 2018, amendments to the Local Government Act that requires that local governments, including local trust committees, adopt housing needs reports, update those reports every five years, and consider those reports when undertaking Official Community Plan text or mapping amendments that relate to housing.

Bill 18, 2018 comes into effect on adoption of regulation by the Lieutenant Governor-in-council, which is expected sometime in 2018.

The transitional section of the Bill 18, 2018 states that adoption of a housing needs report under Section 585.31(3)(a) of the legislation does not apply if a local government, on or after January 2, 2018 and before this section comes into force, receives, by resolution, an interim housing needs report, and publishes the interim housing needs report. Under the transitional section of Bill 18, 2018, this interim housing needs report is deemed to be the first housing needs report.

ALTERNATIVES

1. Not Receive or Publish the Housing Needs Assessment

Not received or publish the “Housing Needs Assessment, Northern Region of Islands Trust “Southern Gulf Islands Housing Needs Assessment” report by JG Consulting Services Ltd dated February 2018. The Local Trust Committee would have to undertake a housing needs report within three years of the enactment of Bill 18, 2018 (which is expected by regulation this year).

NEXT STEPS

Staff will publish the report to the Islands Trust website, and update staff reports to ensure that consideration of the Housing Needs Assessment is undertaken for Official Community Plan text and mapping amendments that affect housing.

Local Trust Committees can consider making housing a top priority and engaging a community process that considers how land use bylaws and official community plans can be amended to respond to the needs identified in the reports.

Submitted By:	David Marlor, Director of Local Planning Services	July 5, 2018
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LINKS

1. [“Southern Gulf Islands Housing Needs Assessment”, report by JG Consulting Services Ltd dated February 2018](#)