



Mayne Island Local Trust Committee

Regular Meeting Agenda

Date: September 30, 2015
Time: 1:00 pm
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

	Pages
1. CALL TO ORDER	1:00 PM - 1:30 PM
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	
4. COMMUNITY INFORMATION MEETING	
none	
5. PUBLIC HEARING	
none	
6. MINUTES	
6.1 Local Trust Committee Minutes Dated July 27, 2015 (for Adoption)	4 - 9
6.2 Section 26 Resolutions-without-meeting Report Dated September 2015	10 - 10
6.3 Advisory Planning Commission (APC) Minutes (for Receipt)	
6.3.1 <u>APC Adopted Minutes Dated April 14, 2014</u>	11 - 13
6.3.2 <u>APC Adopted Minutes Dated July 14, 2014</u>	14 - 15
6.3.3 <u>APC Draft Minutes Dated August 10, 2015</u>	16 - 18
7. BUSINESS ARISING FROM THE MINUTES	
7.1 Follow-up Action List Dated September 2015	19 - 19
8. DELEGATIONS	
none	
9. CORRESPONDENCE	1:30 PM - 2:30 PM
<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
9.1 Arbutus Bay Estates LTD - P. Buchholz, Letter Dated September 20, 2015	20 - 22

10. APPLICATIONS AND REFERRALS

10.1	MA-RZ-2015.1 (CRD) Anson Road Dock - Staff Report	23 - 37
10.2	Galiano Island Local Trust Committee Bylaw No. 253 Referral (for response)	38 - 40
10.3	Salt Spring Island Local Trust Committee Bylaw No. 484 Referral (for response)	41 - 43
10.4	Salt Spring Island Local Trust Committee Bylaw No. 483 Referral (for response)	44 - 46

11. LOCAL TRUST COMMITTEE PROJECTS

11.1	Official Community Plan (OCP) / Land Use Bylaw (LUB) Amendments - Update	
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BREAK FOR COMMUNITY STEWARDSHIP AWARDS -2:30
PM TO 3:00 PM

12. REPORTS 3:00 PM - 3:45 PM

12.1	Work Program Reports (attached)	
12.1.1	<u>Top Priorities Report Dated September 2015</u>	47 - 47
12.1.2	<u>Projects List Report Dated September 2015</u>	48 - 48
12.2	Applications Report Dated September 2015 (attached)	49 - 49
12.3	Trustee and Local Expense Report Dated August 2015 (attached)	50 - 50
12.4	Adopted Policies and Standing Resolutions (attached)	51 - 54
12.5	Local Trust Committee Webpage	
12.6	Chair's Report	
12.7	Trustee Report	
12.8	Electoral Area Director's Report	
12.9	Trust Fund Board Report Dated August 2015 (attached)	55 - 55

13. NEW BUSINESS

13.1	Request for Covenant Removal (Buchholz) - Staff Report (attached)	56- 58
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14. UPCOMING MEETINGS

14.1	Next Regular Meeting Scheduled for October 26, 2015, at the Mayne Agricultural Hall	
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15. TOWN HALL

16. **CLOSED MEETING (Distributed Under Separate Cover)** 3:45 PM - 4:00 PM

16.1 **Motion to Close Meeting**

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division e, s. 90(1) (a) & (d) for the purpose of considering:

Adoption of In-Camera Meeting Minutes Dated March 30, 2015
Appointment of BOV Members

AND that the recorder and staff attend the meeting.

16.2 **Recall to Order**

16.3 **Rise and Report**

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

Mayne Island Local Trust Committee Minutes of Regular Meeting

Date: July 27, 2015
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

Members of the Public and Media Present: There were seven (7) members of the public present

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

The following item was presented for consideration:
Add: 12.2.1 Rezoning application for Anson Road.

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

Andrew Pearson, on behalf of the Chamber of Commerce, spoke to concerns regarding parking in Miners Bay and that the Chamber is exploring having an Information Booth in the Miners Bay area. There may be a planning committee formed of all parties impacted by traffic/parking issues.

Trustee Dodds stated the Ministry of Transportation and Infrastructure (MoTI) is responsible for parking and that it may be more of a management issue of the existing spaces. This could tie in with the Commercial Review project as parking is determined by zoning.

Trustee Crumblehulme spoke in favour of the initiative.

Trustees were supportive of going to a meeting if arranged by the Chamber of Commerce; however, needs and wants have to be addressed to MoTI.

Ian Dow addressed the Riparian Area Regulations. There have been some changes to the legislation however the studies paid for by the islanders demonstrated no natural fish habitats.

4. COMMUNITY INFORMATION MEETING

none

5. PUBLIC HEARING

none

6. MINUTES

6.1 Local Trust Committee Minutes Dated June 29, 2015

The following amendments to the minutes were presented for consideration:

12.6 Chair's Report: second paragraph to read: Having skippered a day with...reported making... Planning is underway...and organizers will try to solicit interest from San Juan County.

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-without-meeting Report

none

6.3 Advisory Planning Commission Minutes

none

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated July 2015

Planner Richardson reported trying to find a previous letter regarding Short Term Vacation Rentals.

Trustee Dodds suggested forwarding this item to the September meeting and she will attempt to locate the correspondence.

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

11.1 Official Community Plan (OCP) - Land Use Bylaw (LUB) Review - Amended Project Charter

Planner Richardson stated that reports regarding amendments to the OCP and LUB will be ready for the fall and anticipates a public hearing for April or May of 2016.

MA-2015-49

It was Moved and Seconded that the Mayne Island Local Trust Committee approve the attached Official Community Plan and Land Use Bylaw Amendments- Project Charter v3 dated July 17, 2015.

CARRIED

11.2 Local Trust Committee (LTC) Projects - Draft Questionnaire

Planner Richardson outlined a number of ways to proceed with the questionnaire.

There was discussion from the public regarding the questionnaire. It was noted that the purpose of the questionnaire is to gather information, not to address specific work projects.

MA-2015-50

It was Moved and Seconded that the Mayne Island Local Trust Committee approve the draft questionnaire as presented by staff.

CARRIED

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report Dated July 2015

There are no changes. A letter to CRD regarding fallow deer has been completed.

12.1.2 Projects List Report Dated July 2015

No changes

12.2 Applications Report Dated July 2015

12.2.1 Rezoning Anson Road: Application has been made by the Capital Regional District regarding Anson Road Community Dock Facility. A preliminary staff report will be prepared for September.

12.3 Trustee and Local Expense Report Dated June 2015

Received for information

12.4 Adopted Policies and Standing Resolutions

Received for information

12.5 Local Trust Committee Webpage

The Mayne Island Local Trust Committee website can be found at: www.islandstrust.bc.ca/mayne

12.6 Chair's Report

Chair Grams reported that advertising has taken place for the job opening of the Islands Trust Chief Administrative Officer. Salt Spring Island incorporation is proceeding and the consultant is gathering costs. The Executive is going to be preparing terms of reference for review of office location which the Trust Council will then address in September. Things are busy with preparations for September meeting on Bowen Island.

12.7 Trustee Report

Trustee Crumblehulme reported on the upcoming meeting with San Juan County and the Southern Gulf Island Trustees which is scheduled for September.

Chair Grams expressed appreciation for Trustee Crumblehulme's efforts on behalf of this project.

Trustee Dodds reported on a recent meeting regarding the fallow deer issue. The CRD has provided some funding which will be used to compensate the hunters and for community education. The fallow deer are seen as a critical environmental threat as they are moving to other islands.

12.8 Electoral Area Director's Report

none

12.9 Trust Fund Board Report

none

13. NEW BUSINESS

13.1 Local Trust Committee Input into the Strategic Plan - Phase 2

There was discussion as to Riparian Area Regulations under the Environmental Heading as regulations are mandatory.

MA-2015-51

It was Moved and Seconded the Mayne Island Local Trust Committee request its planner to complete Attachment 3, based on the Local Trust Committee's work program, and forward it to the Chief Administrative Officer by August 7, 2015.

CARRIED

13.2 Riparian Area Regulations (RAR) - Prevost Island

Planner Richardson stated that Prevost Island has a setback regulation of 30 metres and it is unlikely this would be workable on Mayne Island.

Chair Grams reported that the Salt Spring Island Bylaw has a number of exclusions.

There was a discussion regarding the Mayne Island's circumstances.

13.3 2015-16 LTC Budget Requests

The budget was reviewed as presented.

MA-2015-52

It was Moved and Seconded that the Mayne Island Local Trust Committee approve and forward the draft 2016-17 Local Trust Committee Project Budget Request to the Financial Planning Committee as presented.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for September 28, 2015, at 1:00 pm., at the Mayne Island Agricultural Hall

Discussion to change meeting date from September 28th to 30th took place.

MA-2015-53

It was Moved and Seconded that the Mayne Island Local Trust Committee meeting of September 28, 2015 be rescheduled for September 30, 2015.

CARRIED

15. TOWN HALL

Paula Buchholz requested a response to her email sent to the LTC. The email was received just a few days ago.

Trustee Dodds reviewed the process for bylaw amendments and explained that it would be a year to 18 months before material was ready for a public hearing. The item will be on the agenda for September and has just been put on the Work Program.

Paula Buchholz requested to read her email to those present.

Chair Grams explained that it was premature and that issues could be addressed later in the process.

Paula Buchholz requested information as to what other properties would be affected by the proposed amendments. Staff are still identifying these properties. She then expressed concern regarding changing bylaws retroactively and that LTC should separate what is past and what is future.

Ian Dow spoke to the Anson Road application and provided the LTC with background information. Through Freedom of Information it has been learned that there is a significant account for allocation. There is a study underway to identify repair needs for existent facilities.

16. CLOSED MEETING

none

17. ADJOURNMENT

By general consent the meeting was adjourned at 2:17pm.

George Grams, Chair

Certified Correct:

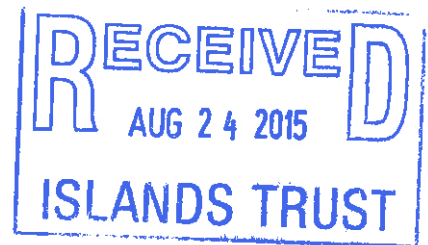
Pat Todd, Recorder



RWM From: July 27, 2015 To: September 23, 2015

Mayne Island

Resolution #	Action	Resolution Description	Resolution Date
2015-02	In Favour	That the Mayne Island Local Trust Committee authorize Trustee Crumblehulme to draft a letter of support for Beacon Wireless' grant application to extend and improve existing broadband service on Mayne Island.	Aug 21, 2015



ADOPTED

**MINUTES OF THE MAYNE ISLAND
ADVISORY PLANNING COMMISSION
HELD ON MONDAY April 14, 2014 AT 7:00 P.M.
AT THE CHURCH HOUSE**

Present: Rich Tamboline (Chair), Jerry Wise, Sally Manson, Dennis Emmett, Ian Birtwell, Bill Bender, Trustee Dodds and Trustee Crumblehulme. Pat Todd (recorder)

There was one (1) member of the public present.

1. CALL TO ORDER: 7:00 p.m.

2. APPROVAL OF THE AGENDA

Addition: # 36: Dinner Bay Park – Ian Cocker delegate

The agenda was adopted as amend by consensus.

3. APPROVAL OF MINUTES OF A.P.C.: Meeting of March 10, 2013

It was Moved and Seconded that, the Advisory Planning Commission Minutes of March 10, 20, 2014 be adopted.

CARRIED

4. BUSINESS ARISING FROM MINUTES: None

5. REFERRALS

5.1 LUB and OCP Technical amendments as outlined in the referral dated March 26, 2014 Local Trust Committee Resolution MA-LTC-025-14

Ian Cocker, representing the property owners of Dinner Bay Point, spoke to LUB detail of RR1 which states 4 accessory buildings per lot and should state "per dwelling". The property under consideration is one parcel with 5 dwellings.

It was agreed that the wording should state "per dwelling" as proposed in the referral.

Table 1

Items 3, 4 and 5: All present agreed with the proposed changes.

Item #15: This change would allow Waste Transfer as a permissible use for all Industrial Zones, of which there are three.

All present agreed with this amendment.

Item #10: Riparian Rights

Discussion spoke to the need to comply with regulations as there are no fish bearing waters on the island.

It was Moved and Seconded that, the Mayne Island Advisory Planning Commission recommend to the Mayne Island Local Trust Committee that Item #10 not be amended.

CARRIED

Table 2

Item 1: All present agreed with the recommended changes.

Item 12

The Local Government Act has changed regarding TUPs. It is important that Mayne Island OCP comply with regulations. Current applications have been approved for up to three years. It was stated that flexibility is important.

It was Moved and Seconded, Mayne Island Advisory Planning Commission recommend that Temporary Use Permits can be approved for up to three years and restrictions limiting Temporary Use Permits to Industrial and Commercial Zones be removed.

CARRIED

It was Moved and Seconded, that Mayne Island Planning Advisory Committee recommend to the Mayne Island Local Trust Committee that the procedural guidelines for Temporary Use Permits be formalized to include public consultation.

CARRIED

6. TRUSTEES REPORT

Chair Tamboline thanked the Trustees for their participation.

Trustee Crumblehulme stated that applications are still in process for Oceanwood rezoning and Mayne Inn Resort dock. In regards to the RAR, the LTC has requested a representative to attend a Community Information Meeting to address the conflicting information received as to need to comply with the regulations or being exempt. Robert Kojima will be speaking at the upcoming court case about the dock in Horton Bay and the IT is working on developing conflict of interest guidelines.

Trustee Dodds spoke to the draft housing agreement for the Oceanwood rezoning application that will be coming forward at the April LTC. There have been concerns and questions as to stages of development.

7. NEW BUSINESS: none

8. NEXT MEETING: To be announced

ADJOURNMENT: 8:15 pm.



CHAIR



DATE

ADOPTED

**MINUTES OF THE MAYNE ISLAND
ADVISORY PLANNING COMMISSION
HELD ON MONDAY JULY 14, 2014 AT 7:00 P.M.
AT THE CHURCH HOUSE**



Present: Rich Tamboline (Chair), Jerry Wise, Sally Manson, Ian Birtwell, Bill Bender, Stephen Cropper, Dave Maude and Trustee Dodds
Pat Todd (recorder)

Regrets: Dennis Emmett

1. CALL TO ORDER: 7:00 p.m.

2. APPROVAL OF THE AGENDA

The agenda was adopted by consensus.

3. APPROVAL OF MINUTES OF A.P.C.: Meeting of April 14, 2014

This item was deferred as the electronic transmission of the draft minutes was not received by the members.

4. BUSINESS ARISING FROM MINUTES: None

5. REFERRALS

5.1 MA-RZ-2012.1 (Oceanwood)

There was a review of the modifications and changes to the original application.

There would be a new zone created, fewer units, changes to the phased construction, the 10 Tourist Accommodation units would have a dual designation of Tourist and/or Residential.

Suggestion was made to request a fire hydrant be installed as an amenity.

There was consensus as to the importance of a geohydrologist's report regarding the water situation. This would be addressed in the Ground Water Development Permit Area for water.

It was Moved and Seconded that, the Mayne Island Advisory Planning Commission recommends to the Mayne Island Local Trust Committee that:

1. The Staff recommendations in the Staff Report dated June 17, 2014 be accepted;
2. The Mayne Island Local Trust Committee request the applicant install a fire hydrant accessible for emergencies;
3. The definition of a Senior be clarified ;
4. Construction be situated for minimal impact on adjoining properties.

CARRIED

6. TRUSTEES REPORT

Trustee Dodds reported that the TUP for the Mayne Resort dock has been approved. There will be a Public Hearing in September or October for the rezoning application. Riparian Area Regulations are still being addressed. It is anticipated that Horton Bay/Creek and Campbell Bay will be excluded due to natural barriers. Village Bay is still questionable as to inclusion. There remains a great deal of community concern as to these regulations and the application of them as there have never been fish on the island.

7. NEW BUSINESS: none

8. NEXT MEETING: To be announced

ADJOURNMENT: 8:30 pm.



CHAIR



DATE



DRAFT



MAYNE ISLAND ADVISORY PLANNING COMMISSION MEETING MINUTES

Date: August 10, 2015 (7:00 p.m.)

Location: 360 Georgina Point Rd, St. Mary Magdalene
Anglican Church

Members Present: Stephen Cropper
Jerry Wise
Sally Manson
Ian Birtwell
Bill Bender
Chris Roehrig

Staff Present: Miles Drew, Bylaw Enforcement Manager (via phone)
Pat Todd, Recorder

Regrets: Dennis Emmett

Members of the Public None
and Media Present:

COPIED TO

☒ PLANNER

☒ LTC

☒ DEPUTY

SECRETARY

1. CALL TO ORDER

Acting Chair Cropper called the meeting to order at 7:00 p.m. He introduced Chris Roehrig, new member, and explained that Bylaw Enforcement Manager (BEM) Drew would be available by phone.

2. ELECTION OF OFFICERS

Acting Chair Cropper called for nominations for the position of Chair of the Mayne Island Advisory Planning Commission.

Stephen Cropper was nominated for Chair Mayne Island Advisory Planning Commission and accepted the nomination.

Acting Chair Cropper called three times for further nominations.

MA-APC-2015-001

It was Moved and Seconded

That Mayne Island Advisory Planning Commission member Stephen Cropper be elected as Chair of the Mayne Island Advisory Planning Commission.

CARRIED

Chair Cropper called for nominations for the Vice Chair position.

Ian Birtwell was nominated and accepted the nomination.

Chair Cropper called three times for further nominations.

MA-APC-2015-002

It was Moved and Seconded

That Mayne Island Advisory Planning Commission member Ian Birtwell be elected as Vice Chair of the Mayne Island Advisory Planning Commission.

CARRIED

3. APPROVAL OF THE AGENDA

For consideration to add the following item to the agenda:

4.1 Adopt the APC meeting minutes of April 14, 2014.

By general consent the agenda was adopted as amended.

4. APPROVAL OF MINUTES OF A.P.C.

4.1 Meeting of April 14, 2014

By general consent the Advisory Planning Commission minutes of April 14, 2014 as presented were adopted.

4.2 Meeting of July 14, 2014

By general consent the Advisory Planning Commission minutes of July 12, 2014 as presented were adopted.

5. BUSINESS ARISING FROM MINUTES

None

6. REFERRALS

6.1 Draft Bylaw 156 - A Bylaw to Establish a Bylaw Enforcement Notification Bylaw (BEN)

Chair Cropper connected with Miles Drew, Bylaw Enforcement Manager (BEM) by phone.

It was specified that Mayne island bylaws are enforced under the *Offence Act* and prosecution under this system is costly and difficult to implement.

Discussion detailed the following:

- There are six local trust areas currently using the Bylaw Enforcement Notification (BEN) system and it is working well.
- There have been 12 notices written to date.

- BEN is less costly to administrate and there have been no changes in volume of complaints.
- Can initiate without complaint e.g. STVR
- Adjudication is whether offence happened or didn't happen and can be done in person, by phone, or mail.
- Compliance Agreement to be completed within 1 year.
- No adjudications to date.
- Warning letter or ticket given explaining situation.
- Current system: complaint initiates investigation to determine if there is a bylaw infraction.
- Is felt that fines facilitate compliance.
- Questioned if island needs BEN to enforce complaints.
- APC members questioned types of infractions for island.

Chair Cropper thanked BEM Drew for his participation.

The discussion was summarized with agreement that there needs to be another APC meeting with input from the Trustees.

Chair Cropper will contact BEM Drew regarding the nature of complaints and rate of compliance/outstanding complaints for the island.

7. TRUSTEES REPORT

None

8. NEW BUSINESS

None

9. NEXT MEETING

The next meeting of the Mayne Island Advisory Planning commission will be held September 14, 2015 at the St. Mary Magdalene Church House, 360 Georgina Point Rd.

10. ADJOURNMENT

By general consent the meeting adjourned at 8:30 p.m.

Stephen Cropper, Chair

Certified Correct:

Pat Todd, Recorder



Islands Trust

Print Date: Sep-23-2015

Follow Up Action Report w/ Target Date

Mayne Island Jul-27-2015

No.	Activity	Responsibility	Target Date	Status
1	Minutes of June 29, 2015 adopted as amended.	Lori Foster		Done
2	OCP/LUB Project Charter adopted as proposed. Resolution date to be put on charter and to be posted to web.	Lori Foster		Done
3	LTC work program questionnaire to be mailed out as drafted. Web based form to be prepared. Notice to be put in Maynelinner.	Barb Dashwood Lori Foster Gary Richardson		Done
4	Planner to complete Strategic Plan Form and forward to CAO by August 7, 2015.	Gary Richardson		Done
5	Next meeting date to be changed from September 28 to September 30.	Lori Foster		Done
6	2015/2016 Budget request approved as presented. Advise RPM.	Gary Richardson		Done

ARBUTUS BAY ESTATES LTD.

REGISTERED

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

September 20, 2015

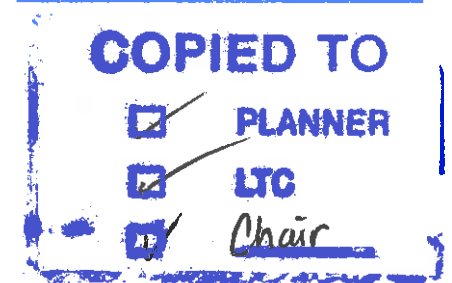
Dear Sirs/Mesdames:

Re: 777 Beechwood Drive, Mayne Island - Density Provisions

As president and sole shareholder of Arbutus Bay Estates Ltd., land owner on Mayne Island since 1973, I write to you again with respect to the attempted zoning changes of my property in Section 2, in fact an attempted downzoning. I am very surprised that to this day I have not received your responses to my detailed email letters of June 26, and July 24, 2015, in which I raised serious questions about your statements of intentions to suggest new site specific zoning for a completely different density on larger properties, contrary to the provisions in the Land Use and Zoning Bylaws, and contrary to previous assurances of your planners.

I specifically wrote that density is now regulated as being one dwelling unit per lot and one additional dwelling unit for every 4 hectares (10 acres) of lot area greater than 4 hectares (10 acres); one cottage is permitted in respect of each permitted dwelling unit on lots having an area of at least 1 hectare (2.4 acres), i.e. a maximum lot coverage of 10% for my 96 Acres property. I also wrote that you would not need to clarify this part of OCP and LUB as was recently expressed in the Staff Report, if it was already clear.

I further stated that I understand that you want to clarify now, if this was your intention for the future, and that it must be clear for landowners, to understand your intentions when subdividing a piece of land, but that it is not an acceptable process to impose such changes to the density allowed retroactively, back several decades to the time of my first subdivisions in 1989. According to the valid density expressed in the OCP/LUB during my subdivisions, I have the right to construct 9 dwellings, not 2 as suggested by you on the total land of 96 acres land.



Nowhere was it noted that the newly subdivided remaining property would be stripped of part of the density allowed, when subdividing a new lot with a minimum lot size or any size smaller than 4 hectares (10 acres). The covenant was to limit further development upon a subdivision. It has stated no provisions to change or limit the density allowed.

You, the Islands Trustees were the ones who formulated and prescribed the wording of the covenant, not I, the landowner. I had agreed and signed upon my subdivisions what you had determined at that time, but nothing else. I had referred you in my previous, detailed email letter to the covenants, signed on November 23, 2006, on November 23, 2005, on November 9, 2004. and on March 5, 2001, all registered on my 96 acre property restricting only the number of lots to be subdivided in the future.

In 2011, I received again confirmation of the validity of the density as now detailed in the zoning bylaws, as being applicable for that particular property, also by your Regional Planning Manager, Robert Kojima as well as the BC Assessment Authority having conferred with the Islands Trust Planning Department. BC Assessment Authority stated:

"At 96.024 acres, it is one of the largest parcels in the immediate vicinity. The entire property sits in a Rural (R) Zone (Addendum C). The lot is subdividable, and the Islands Trust has verified that one lot can be removed from the existing parcel. The current R zoning also gives the owner the ability to build to a total of nine single family dwellings with no size restriction and nine corresponding cottages of 1,001 sq ft each, for a total of eighteen dwellings making the Subject ripe for a large bare land strata development or co-op site. There is no limit to the number of accessory buildings allowed, and maximum lot coverage for buildings is 10% or 9.6 acres." "The Islands Trust planning department has stated that if a lot were to be taken from the Subject through subdivision, they would likely seek to restrict the density on the remainder".

This is clearly a confirmation of the Islands Trust's acknowledgment of the existing density on the remainder 96 acres lot. Because of these statements, I phoned the Regional Planning Manager, Robert Kojima on October 4, 2011, informing him about the Report of the BC Assessment Authority, asking him about the correctness of BC Assessment's statement respecting bare land strata development. Robert Kojima confirmed the statements except for the strata subdivision development. He stated:

"No, Strata Subdivision cannot be done as it is a subdivision that is restricted by covenant. As to Co-op, it is not a modern concept, but an old one, when prices were much lower for land." He then cited two co-op developments on Mayne Island that I also knew, "Marisol" and "Bakerview". Mr. Kojima then asked me if I wanted to include a restriction to the then allowed density into the existing covenant in order to save taxes from a lower Assessment. I told Mr. Kojima that I was not giving away what I had, although I would not do the subdivision or development myself anymore. My handwritten memo shows the details of this conversation.

In 2011, the density allowed with 9 dwellings and 9 guest cottages, as also repeatedly cited by me, unrestricted by covenant as further development, was recognized by the Islands Trust. You had advised at a public meeting in April that 4 or 5 other properties were affected as well, a list of the affected properties would be assembled and made available; than at the June meeting it was stated 3 or 4 properties might be affected. However, up to now, no information was available about other affected properties.

My surveyor based my first subdivision application of two five acre lots in 1986 on the then existing LUB. Trustee Dodds had mentioned at the LTC meeting June 29, 2015 that the current wording of the LUB would have been the same as already in the 1980 LUB. The planner then had suggested that I request the 1980 version to compare. In my email of July 13, 2015, I did that. However, no response also to this email was forthcoming. Please provide me with the 1986 OCP Land Use Bylaw and explain which other properties, besides that of my company, would also be affected retroactively with the attempted downzoning of density and imposed site specific zoning.

In the meantime, I received further information and proof that also in 2012 the Islands Trust had again confirmed to another Assessor of the British Columbia Assessment Authority that, and I quote "June 18, 2012. Spoke with Gary Richardson, Mayne Island Planner with the Islands Trust. He confirmed that one more lot may be subdivided off the property under the lot averaging provisions of the Rural zoning. Additionally, that the remainder will continue to enjoy the density provisions of the Rural zone which allows one SFD and one 1,001 sf cottage per 4ha (10) acres. On the basis that one more lot of 2.5 to 3.0 acres were subdivided off, the remainder would have a density of 9SFD/s and 9 cottages."

As stated by me earlier, I do not agree to retroactively applied changes to subdivisions started with the first application in 1986, as all were based on the information being provided accordingly, drafted and signed off by the Islands Trust with RESTRICTIVE COVENANTS. I will not stand by as my property, my life's savings would disintegrate if this attempt would go through. It would become unsaleable with the density of just 2 dwellings and 2 cottages, as now suggested by you. I oppose and dispute this attempt of a retroactive procedure of down zoning in the strongest terms.

Sincerely

ARBUTUS BAY ESTATES

[REDACTED]

PAULA M. BUCHHOLZ

cc Peter Luckham Islands Trust Council Chair

cc Linda Adams Chief Administrative Officer

cc Gary Richardson Island Planner

1518 Dallas Road, Victoria BC Canada V8S 1A3 Tel (250) 382-8559
e-mail: arbutusbay@shaw.ca

STAFF REPORT

File No.: MA-RZ-2015.1
Capital Regional
District

To: Mayne Island Local Trust Committee
For the meeting of September 30, 2015

From: Gary Richardson, Island Planner

CC: Robert Kojima, RPM

Re: Proposed Zoning Amendment - Water Lease No. 112548 (DL 2070)
Horton Bay, Mayne Island

Owner: Capital Regional District
Applicant: Capital Regional District
Description: Water Lease No. 112548 (DL 2070) Horton Bay, Mayne Island

PRELIMINARY REPORT

THE PROPOSAL:

The application is requesting that the zoning on water lease No. 112548 be changed from Water Moorage (W2) to a zone that will allow for the construction and operation of a public dock facility and boat ramp. The proposed plan of the dock facility and boat launch are shown on attachment 1.

The applicant is also proposing improvements to the upland access (Anson Road) to service the proposed dock facility and boat ramp.

BACKGROUND:

The Capital Regional District (CRD) operates a number of public dock facilities across the Southern Gulf Islands under the Southern Gulf Islands Harbours Commission service. Under this service the CRD acquired a water lot lease fronting Anson Road in 2007. There has been interest in developing a dock facility at Anson Road for several years.

The application states that there is a shortage of public dock facilities on Mayne Island and that if this facility is constructed it will serve as a key facility for Mayne Island residents, emergency access and evacuation, and act as a portal allowing transportation between Mayne and the surrounding islands. There is an existing public dock in Horton Bay owned by the Small Craft Harbours Branch of Fisheries and Oceans, which from casual observation appears to be at capacity all year.

SITE CONTEXT:

The lease area is 0.2830 hectares in size and is located in Horton Bay. Horton Bay, protected by Curlew and Samuel Islands, is a popular location for boaters to moor their boats to mooring buoys (as can be seen on the photos contained in this report).

There is a dedicated highway (Anson Road) that provides unpaved access to the lease area from Horton Bay Road. The upland area that is to be used to access the lease slopes down from Horton Bay Road to the foreshore. The portion of Anson road closest to the lease area is saturated with water in the winter months preventing motor vehicle access. To allow all-weather access to the foreshore and sufficient off-street parking, Anson Road would need to be constructed to a higher standard.

The surrounding area consists of residential waterfront lots ranging in size from 0.3 ha to 0.5 ha.

Figure 1: Subject Property Map

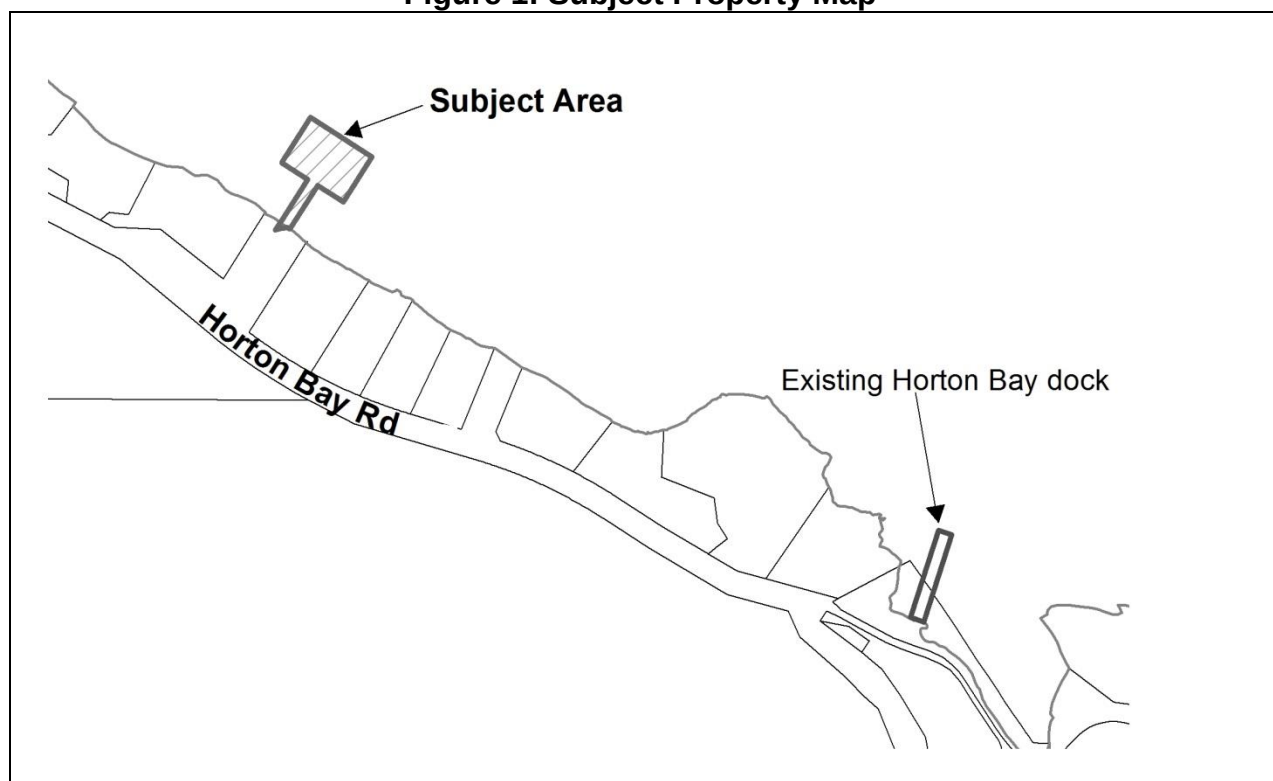


Figure 2: Orthophoto of Subject Area



Figure 3: Orthophoto of Subject Area



Figure 4: Photo from Existing Access Stairs at end of Anson Road



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

Excerpts relevant to this application:

3.4 Coastal and Marine Ecosystems

Directive Policies

3.4.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.

3.4.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

4.5 Coastal Areas and Marine Shorelines

Directive Policies

- 4.5.8 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.*
- 4.5.9 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.*
- 4.5.10 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.*
- 4.5.11 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.*

5.5 Recreation

Directive Policies

5.5.4 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:*

- *the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and*
- *the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.*

5.5.5 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:*

- *the identification of sites providing safe public access to beaches,*
- *the identification and designation of areas of recreational significance, and*
- *the designation of locations for community and public boat launches, docks and anchorages.*

Official Community Plan

Excerpts relevant to this application:

3.1.2 Water Transport

Objectives - 3) to ensure provision of water access by boat to the island.

Policies - 3.1.2.2) Commercial marinas shall be primarily for local use, subject to rezoning, and environmental regulations.

Advocacy Policies – 3.1.2.8) The sharing of community docks and private wharfs for residential use shall be encouraged.

4.2.1 Coastal Waters and Foreshore

*Objectives 1) to protect coastal areas from pollution
2) to ensure that any use of coastal waters and foreshore does not result in permanent damage to the natural systems
3) to limit the impact of foreshore uses on adjacent uses and on the visual appearance of the shoreline.*

Policies 4.2.1.1 Marshes, bluffs and beaches along the coast shall be protected from the impacts of development by ensuring foreshore zoning protects against disruption of the natural systems and pollution.

4.2.1.4 Public recreational use of the foreshore shall be given priority over other foreshore uses.

4.2.1.9 Marinas shall be subject to site specific zoning and environmental impact assessment and in assessing a rezoning for a marina the provision of toilet facilities should be considered.

4.2.2 Public Access to the Foreshore

Objectives – 3) to ensure access to all boaters at all tides and all weather with the construction of a dock, ramp and pump out station constructed at the Anson Road beach access.

4.3.2 Environmentally Sensitive Areas

Policies

4.3.2.1.1 No land in an environmentally sensitive area may be rezoned for recreational facilities or other commercial uses unless it can

be clearly demonstrated there would not be any degradation of the area's natural attributes.

- 4.3.2.2 *Development Permit Areas should be applied to environmentally sensitive areas.*

Land Use Bylaw

The lease area is currently zoned Water Moorage (W2) in Mayne Island Land Use Bylaw No. 146, 2008.

5.21 Water Moorage (W2) Zone

The purpose of the Water Moorage Zone is to provide for and regulate accessory private moorage on the foreshore and marine waters adjacent to Mayne Island.

Permitted Uses

- (1) *The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:*

(a) Marine navigational aids;

(b) Docks, accessory to the residential use of an upland lot or lots abutting the natural boundary of the sea.

For certainty, no building may be constructed or erected on any dock and no commercial or industrial use may be conducted on any structure in the W2 zone.

Siting and Size

- (2) *The maximum height of any structure is 5 metres (16.4 feet), as measured from the ordinary high water mark.*

The upland area (Anson Road) is currently zoned Settlement Residential (SR) in Mayne Island Land Use Bylaw No. 146, 2008. The following lists the permitted uses in the SR zone:

5.1 Settlement Residential (SR) Zone

The purpose of the Settlement Residential Zone is to provide regulations for the development of residential neighbourhoods.

Permitted Uses

- (1) *The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:*
- (a) *Residential;*
 - (b) *Cottage;*
 - (c) *Accessory uses buildings and structures, including but not limited to home occupations.*

Sensitive Ecosystems and Hazard Areas

The Local Planning Services Sensitive Ecosystem Mapping (SEM) does not show any sensitive terrestrial ecosystems on the upland area (Anson Road).

Archaeological Sites

There are no archaeological sites on the subject area or in close proximity; however, the site is identified as having archeological potential.

Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the *Heritage Conservation Act*. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

Shoreline

Mapping of the marine area shows Bull Kelp and Eelgrass in the vicinity of the proposed dock facility.

Figure 5: Eelgrass, Forage Fish and Bull Kelp Mapping



Mapping of the shoreline identifies the beach fronting Anson Road as a pebble/sand beach which is consistent with recent site visit. Pebble/sand shorelines are a common sediment shore types in the Gulf Islands and have a significant supply of easily erodible materials that can be transported by wave and current action. Pebble/sand shorelines can have large sediment transport rates along the shore. Interruption of the sediments feeding longshore transport can starve downstream beaches, spits and coastal lagoons of material leading to increased erosion.

Figure 6: Shoreline Mapping



COMMUNITY INFORMATION MEETING(S):

A community information meeting will be held as part of the application review later in the process by the Local Trust Committee if this application proceeds; however, it is recommended that the applicant hold a community information meeting early in the process to obtain broad community comment.

RESULTS OF CIRCULATION:

Staff will adhere to statutory requirements for notification and circulation of this application proceeds. First Nations and the Ministry of Transportation and Infrastructure will be provided with early notification of this proposal.

STAFF COMMENTS:

1. OCP - The OCP has several policies that apply to use of the foreshore and marine areas surrounding Mayne Island, which have been outlined above. Many of the policies relate to the need for careful development of the marine area to ensure that a proposed development will not: interfere with coastal processes, impede public access, degrade the coastal environment, or impact the visual appearance of the shoreline.

The OCP also has policies that encourage shared docks and community docks, and specifically identifies the Anson Road beach access as a possible site for a

dock, ramp and pump out station. One of the objectives stated in the OCP is to ensure provision of water access to the island.

2. Appropriateness of Site:

Marine Area – initial review of this proposal suggests that there is need and demand for moorage facility in the area. Horton Bay is a popular moorage area for private boats as is evidenced by the number of mooring buoys located the bay and the fact that the existing dock in Horton Bay, based on casual observation, appears to be well used all year.

Details that would allow staff and the LTC to determine if this is a technically suitable location for a dock facility and one that will comply with the policies of the OCP have not been provided with the application. Staff are recommending that prior to proceeding with a rezoning, the LTC request that the applicant provide a report prepared by a qualified professional assessing the feasibility of locating the proposed mooring facility in this location. Specifically, the report should assess tides, exposure from winds, and water depth prior to the LTC advancing this proposal. This would also assist in assessing compatibility with nearby land uses.

Upland (Anson Road) – A preliminary plan showing the proposed development of the upland has been provided with the application. In order to determine compliance with OCP policies and LUB regulations, and assess potential impacts on surrounding land uses, a more detailed plan showing the proposed upland facilities should be provided before the LTC considers the application further. Off street parking will be required to accommodate the proposed new use. Pump out facilities may be required as referenced in the OCP. Other facilities necessary to complement the proposed use such as washroom, phone etc. may be determined during the review process. The LTC should request that the applicant provide a more detailed plan which should include: road location and standards, drainage plan, parking areas and number of parking spaces, turn around area, lighting, signage, washrooms, pump out facility and septic, and emergency phone. This will also assist Ministry of Transportation staff assess any impacts on the public highway infrastructure and the proposed use of the undeveloped Anson Road access.

The upland portion of this proposal is zoned Settlement Residential which is intended to allow for residential use, as the proposal would be a change in use the zoning on the upland will require amending to allow the upland facilities associated with the community dock to be constructed and used.

3. Environmental Impacts

The Islands Trust Policy Statement and Mayne Island OCP both contain policies regarding the protection of coastal areas and policies stating that natural coastal systems shall not be disrupted. The Mayne OCP specifically states that marinas

shall be subject to an environmental impact assessment. Mapping shows that there is here is eelgrass and bull kelp in the vicinity.

Before proceeding, the LTC should request that the applicant provide a report from a suitably qualified professional identifying environmental features and values in the marine area, examining current coastal processes, assessing impacts of the proposed work and the on-going impacts of the facility, and recommending mitigation measures for any values negatively impacted.

Based on the recommendations of the environmental report, the LTC may want to consider designating a Development Permit Area on the marine portion of this proposal to ensure environmental values are maintained and that the recommendations of the professional report are implemented.

4. Community Input

Broad community input should be obtained prior to the LTC considering this proposal any further. The applicant, with the assistance of Islands Trust staff, should arrange community information meeting to be held on a Saturday or Sunday. The meeting should be well advertised in order to provide opportunity for anyone that may want to comment on the proposal.

First Nations and the Ministry of Transportation and Infrastructure will be consulted by Islands Trust staff early in the review process.

5. Public Access

The Mayne OCP contains a policy stating that access across the foreshore shall not be restricted or obstructed. The applicant should demonstrate how the boat ramp, dock facility and stairs will be constructed in a way that will not impede public access across the foreshore.

6. Need

The application states that there is a need for dock space for private boats and the popularity of the bay and the existing dock would seem to support this; however, there has not been a formal needs study prepared. At this point Islands Trust staff is not recommending that a formal needs assessment be carried out as part of the bylaw amendment process as this would be a public facility, although the Southern Gulf Islands Harbours Commission will want to pursue that prior to committing funds for the construction of this proposed public dock facility. The community consultation that will be undertaken regarding this proposal will provide the LTC with community comment regarding the perceived need for the facility.

Staff is recommending the following:

- 1) That the applicant be requested to provide an environmental review of the marine area to determine environmental values, assess impacts, and recommend mitigation measures, to be prepared by a qualified professional.
- 2) That a report be prepared by a qualified professional regarding the appropriateness of the site for the construction of a public dock facility.
- 3) That a detailed site plan be submitted showing proposed development on the upland. The plan should be to scale and show road location, parking and all other proposed upland facilities.
- 4) That the applicant arranges a community information meeting, with the assistance of Islands Trust, staff to be held on a weekend.

Options:

- 1) Proceed with review as recommended. This will ensure the proposal proceeds as staff has recommended.
- 2) Proceed no further. If this option is chosen the file will be closed and a partial refund will be forwarded to the applicant.
- 3) Proceed as amended. The LTC may direct staff to proceed in a different way than is recommended.

Next Steps:

- 1) Staff to meet with applicant to arrange community information meeting.
- 2) Staff meet with applicant to discuss information required to proceed.
- 3) Following the community information meeting and submission of requested reports and plans, the LTC wish to direct staff to prepare draft bylaws for consideration of First Reading and referral to agencies.

RECOMMENDATIONS:

1. **THAT** the Mayne Island Local Trust Committee directs staff to work with the applicant of MA-RZ-2015.1 (CRD) to arrange a community information meeting.
2. **THAT** the Mayne Island Local Trust Committee directs staff to request the applicant of MA-RZ-2015.1 (CRD) to obtain a report prepared by a qualified professional to provide an environmental review of the marine area of the proposed Anson Road community dock to determine environmental values, assess impacts, and recommend mitigation measures.
3. **THAT** the Mayne Island Local Trust Committee direct staff to request the applicant of MA-RZ-2015.1 (CRD) to obtain a report prepared by a qualified professional prepared regarding the appropriateness of the Anson Road community dock site for the construction of a public dock facility and determine if it will provide safe year round moorage.

Prepared and Submitted by:

Gary Richardson

September 18, 2015

Date

Concurred in by:

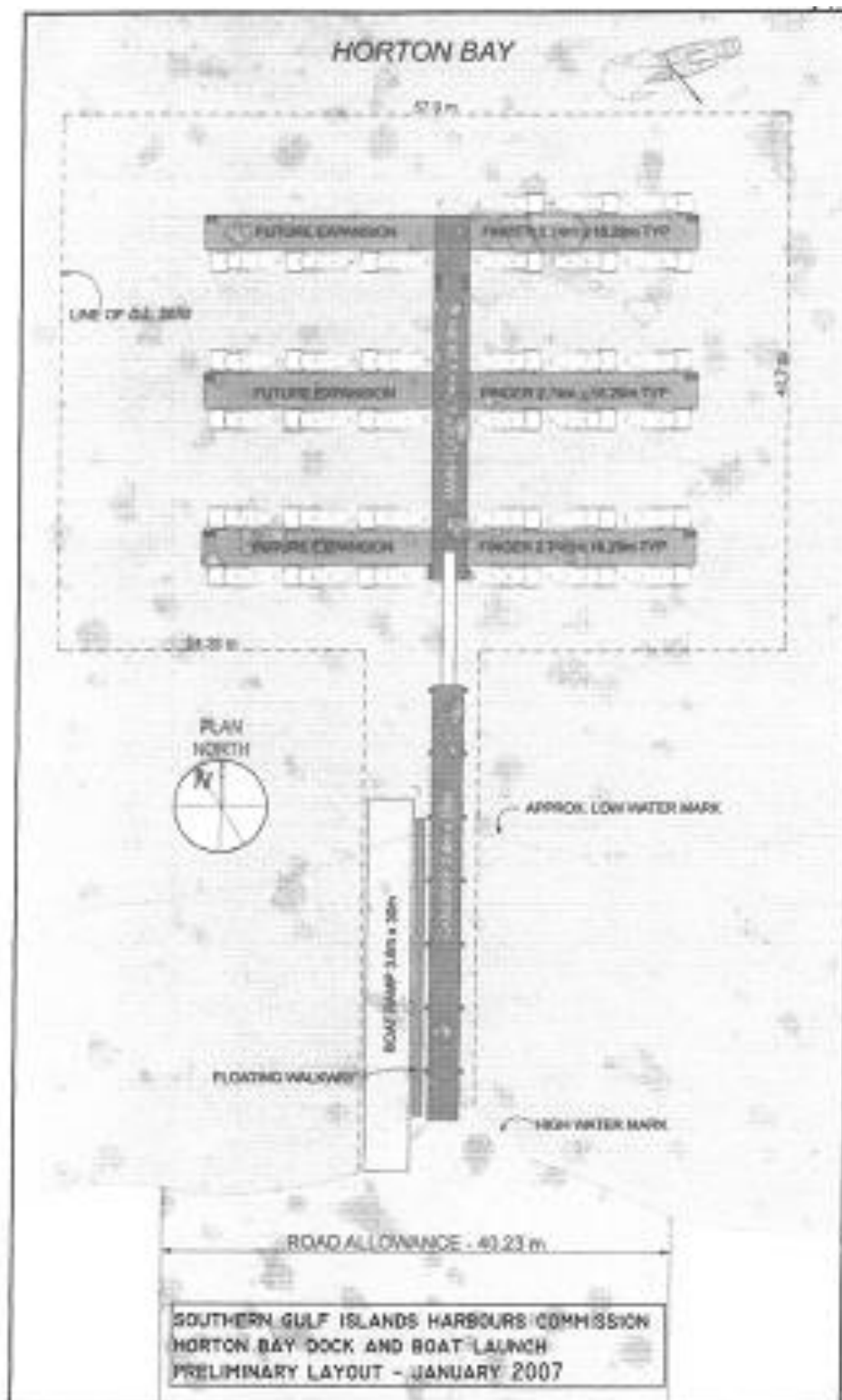


Robert Kojima
Regional Planning Manager

September 22, 2015

Date

Attachments: Moorage Facility Plan





Islands Trust

BYLAW REFERRAL FORM

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

Island: Galiano Island Local Trust Area Bylaw No.: 253 Date: Sept 1, 2015

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: LTC - initiated

PURPOSE OF BYLAW:

The proposed bylaw would amend the Galiano Official Community Plan (OCP) to permit home-based contractor yards by issuance of a Temporary Use Permit (TUP). The intent is to amend the TUP section of the Galiano OCP in order to include specific TUP guidelines and conditions for home-based contractor yards.

Staff reports and background information are available on the Galiano island webpage:
<http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/projects-initiatives/contractor-home-base.aspx>

GENERAL LOCATION:

Galiano Island Local Trust Area

LEGAL DESCRIPTION:

n/a

SIZE OF PROPERTY AFFECTED:

n/a

ALR STATUS:

n/a

OFFICIAL COMMUNITY PLAN DESIGNATION:

n/a

OTHER INFORMATION:

Additional information, including the bylaws, is available at: <http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/projects-initiatives/contractor-home-base.aspx>

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

(Signature)

Name: Kim Farris

Title: A/Planner 2
Contact Info: Tel: 250-405-5194
Email: kfarris@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Federal Agencies

n/a

Provincial Agencies

Ministry of Community, Sport and Cultural Development
Ministry of Transportation & Infrastructure
Ministry of Environment
Ministry of Forest, Lands & Natural Resource Operations
- Water Protection
Island Health Authority

Non-Agency Referrals

Islands Trust – Bylaw Enforcement

Regional Agencies

Capital Regional District – Electoral Area Director
Capital Regional District – Building Inspection
South Galiano Fire Department
North Galiano Fire Protection Society

Adjacent Local Trust Committees and Municipalities

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

First Nations

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

Galiano Island Local Trust Area

(Island)

253

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)



Islands Trust

BYLAW REFERRAL FORM

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

Island: Salt Spring Island Trust Area **Bylaw No.:** 484 **Date:** August 4, 2015

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. For your information a Public Hearing to consider the Bylaw will be held in the early winter of 2015.

APPLICANTS NAME / ADDRESS:

Salt Spring Island Local Trust Committee

PURPOSE OF BYLAW:

To amend Salt Spring Island Land Use Bylaw No. 355 to introduce a 30.5 metre setback between septic fields and drinking water wells.

GENERAL LOCATION:

Salt Spring Island

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

Official Community Plan Bylaw No. 434

OTHER INFORMATION:

Bylaw No. 484 will apply to Salt Spring Island and Islands within the Salt Spring Island Local Trust Area covered under Land Use Bylaw No. 355. See attached staff report and bylaw for further information.

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


(Signature)

Name: Jason Youmans

Title: Planner II

This referral has been sent to the following agencies:

Federal Agencies

N/A

Regional Agencies

Capital Regional District
CRD Building Inspection
CRD Engineering Services
CVRD Building Inspection
Vancouver Island Health Authority

Provincial Agencies

Ministry of Community, Sport & Cultural Development
Ministry of Environment
Ministry of Health

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

PLEASE TURN OVER 

Non-Agency Referrals

N/A

First Nations

Te'Mexw Treaty Association
Hul'qumi'num Treaty Group (for information only)
Pauquachin First Nation
Malahat First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation
Chemainus First Nation
Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Penelakut First Nation
Semiahmoo 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

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

484

(Bylaw Number)

(Title)

(Agency)



Islands Trust

BYLAW REFERRAL FORM

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

Island: Salt Spring Island Trust Area **Bylaw No.:** 483 **Date:** September 16, 2015

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. For your information a Public Hearing to consider the Bylaw will be held in the fall of 2015.

APPLICANTS NAME / ADDRESS:

1449 Fulford-Ganges Road, Salt Spring Island, BC

PURPOSE OF BYLAW:

To amend Salt Spring Island Land Use Bylaw No. 355 cited as "Salt Spring Island Land Use Bylaw, 1999" by adding a new Industrial 2 zone Variation (b) – In2(b) and a definition for an "Abattoir".

GENERAL LOCATION:

Salt Spring Island

LEGAL DESCRIPTION:

PID 001-383-001 - Lot 2, Section 78, South Salt Spring Island, Cowichan District, Plan 29468

SIZE OF PROPERTY AFFECTED:

3.32 Hectares

ALR STATUS:

Adjacent to ALR Land

OFFICIAL COMMUNITY PLAN DESIGNATION:

Rural Neighbourhood

OTHER INFORMATION:

This proposed bylaw amendment will change the zoning classification of a portion of the above noted parcel from Industrial 2 Zone to the proposed Industrial 2 Zone Variation (b) – In2(b), which will permit an abattoir on the site. Please see Staff Report dated August 20, 2015 and Proposed Bylaw No. 483 at 2nd Reading for further details.

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

(Signature)

Name: _____

Title: _____

This referral has been sent to the following agencies:	
<u>Provincial Agencies</u> Agricultural Land Commission Ministry of Agriculture BC Assessment Authority Ministry of Environment Office of the Provincial Health Officer	<u>Regional Agencies</u> Vancouver Island Health Authority
<u>First Nations</u> Te'Mexw Treaty Association Hul'qumi'num Treaty Group (for information only) Pauquachin First Nation Malahat First Nation Tsartlip First Nation Tsawout First Nation Tsawwassen First Nation Tseycum First Nation Chemainus First Nation Cowichan Tribes Halalt First Nation Lake Cowichan First Nation Lyackson First Nation Penelakut First Nation Semiahmoo First Nation	<u>Adjacent Local Trust Committees and Municipalities</u> Galiano Island Local Trust Committee Mayne Island Local Trust Committee North Pender Island Local Trust Committee Thetis Island Local Trust Committee

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area

(Island)

483

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 483

**A BYLAW TO AMEND “SALT SPRING ISLAND LAND USE BYLAW, 1999,” BEING
BYLAW NO. 355**

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

Salt Spring Island Local Trust Committee Bylaw No. 355, cited as “Salt Spring Island Land Use Bylaw, 1999”, is amended as follows:

1. By adding the following definition to Section 1.1 – Definitions:

“abattoir” means *buildings or structures* used for the processing of *farm products* that involves the handling, slaughter, cutting, wrapping and storage of processed livestock.

2. By adding to Subsection 9.7.5 – Exceptions in Particular Locations, the following new Industrial 2 Zone Variation (b) – In2(b):

“Zone Variation – In2(b)

- (9) The following additional *use* is permitted:

- (a) *Abattoir*.

- (10) The following size and siting regulations apply to lands zoned In2(b):

Despite the setback regulations for the In2 zone in Subsection 9.7.2 – Size Siting and Density of Permitted Uses, Building and Structures, no *abattoir* may be located within the following setbacks from *lot lines*, *zone* boundaries or road access easements:

- | | | |
|-----|--|-------------|
| (a) | Setback from <i>front lot line</i> : | 15 metres. |
| (b) | Setback from <i>interior side lot line</i> : | 7.5 metres. |
| (c) | Setback from non-industrial
<i>zone</i> boundaries: | 15 metres. |

- (11) Combined mass of livestock in all *confined livestock areas* shall not exceed 4550 kilograms at any one time.”

And by making such consequential numbering alterations to effect this change.



Top Priorities

Mayne Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Commercial Land Use Review	Existing OCP policies and LUB regulations being reviewed.	Apr-27-2015	Gary Richardson	Jul-31-2016	On Going
2	OCP/LUB Amendment Density Provisions on Large Lots, TUP Policies, and Short Term Vacation Rental review.	Staff report being prepared for October LTC meeting.	Feb-23-2015	Gary Richardson	Oct-30-2015	On Going
3	Fallow Deer Eradication	Letter prepared for Director Howe requesting Fallow Deer Management Plan (done) Waiting for response from Director Howe	Jan-26-2015	Gary Richardson	Mar-30-2015	On Going



Projects

Mayne Island

No.	Description	Activity	Received/Initiated	Status
1	Climate Change Adaptation	Consider regulatory changes and implementation of new DPA authority	Mar-02-2009	On Going
2	Riparian Area Regulations	Project moved from Top Priorities pending ombudsperson report response and Ministry decision on SSI bylaw. Staff to prepare a report and recommendations on how to proceed once SSI bylaw decision made and Ministry response to ombudsperson complete	Jan-26-2015	On Going
3	Road issues		Jun-27-2012	On Going



Applications w/ Status - Mayne Island Status: Open

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
MA-RZ-2015.1	CAPITAL REGIONAL DISTRICT Integrated Water Services Planner: Gary Richardson	Jul-21-2015	REZONING WATER LEASE No. 112548 District Lot 2070 /ANSON RD
Planning Status			
Status Date: Sep-21-2015			
Preliminary staff report prepared for September 30, 2015 LTC Mtg.			
Status Date: Jul-21-2015			
fees received and processed, notified LTC, gave file to planner			

Islands Trust
 LTC EXP SUMMARY REPORT F2016
 Invoices posted to Month ending August 2015

645 Mayne	Invoices posted to Month ending August 2015	<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	431.85	1,068.15
65210-645	LTC - Local Exp - APC Meeting Expenses	750.00	91.27	658.73
65220-645	LTC - Local Exp - Communications	300.00	420.00	-120.00
65230-645	LTC - Local Exp - Special Projects	750.00	0.00	750.00
TOTAL LTC Local Expense		<u>3,300.00</u>	<u>943.12</u>	<u>2,356.88</u>
Projects				
73001-645-3005	Mayne RAR	2,500.00	0.00	2,500.00
73001-645-4053	Mayne Density & STVR Review	2,000.00	0.00	2,000.00
73001-645-4059	Mayne Commercial Land Use Review	2,000.00	1,807.70	192.30
TOTAL Project Expenses		<u>6,500.00</u>	<u>1,807.70</u>	<u>4,692.30</u>

Mayne Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: July 25, 2012

No	Meeting Date	Resolution No.	Issue	Policy and Description
1.	October 1, 2007	MA-LTC-70-07	Guidelines for Use When Considering Funding for Reports	The MILTC has adopted a policy establishing the set of guidelines the LTC should employ when purchasing a report for LTC and public use.
2.	February 7, 2011	MA-LTC-13-11 This resolution repeals MA-LTC-90-09	STVRS Bylaw Enforcement	1. Given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities STVRs that have one or more of the following characteristics will be subject to enforcement: 1. They are advertised on the internet, newspapers or other media; 2. They are not managed by the property owner; 3. More than one dwelling on the lot is simultaneously made available for STVR; 4. While the property is rented persons are permitted to stay in tents or trailers; 5. There are issues related to health and safety; 6. There is a written complaint by owners or residents of two properties about bona fide serious nuisance issues such as noise or parking congestion related to the STVR; 7. The owner of the property uses more than one property on Mayne Island as a STVR. 2. No enforcement actions under section 1.1 will be taken against any STVR operation that takes place in a lawful cottage or dwelling while the operator lives in a lawful dwelling or cottage on the same property. 3. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time. This means that persons who have two lawful dwelling places on one lot and who live in one dwelling while the other is used as an STVR will be exempt from enforcement if they advertise. Staff recommends that the other factors continue to apply because STVR operations that have third party management, have more than one location on Mayne Island, or use more than one dwelling or cottage or permit camping are essentially operating as a resort or motel. The safety and nuisance triggers for enforcement protect the renters, the operators, and the neighbourhoods. It also reduces the Islands Trusts' liability.

No	Meeting Date	Resolution No.	Issue	Policy and Description
3.	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 .
4.	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.
5.	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.

GUIDELINES FOR MAYNE ISLAND LTC TO USE WHEN CONSIDERING FUNDING FOR REPORTS

**Adopted by Resolution MA-LTC-70-07 at the regular meeting of
October 1, 2007.**

ISSUE: What guidelines should an LTC employ when purchasing a report for LTC and public use?

BACKGROUND:

Islands Trust financial policy provides that an LTC cannot sponsor an event, even a community non-profit venture. LTC's can, however, purchase goods and services which are of benefit to the LTC and, by extension, the community it serves. Therefore, LTC's have supported worthwhile conferences, workshops and the like by purchasing a report on conference issues, proceedings, findings and recommendations.

In order that LTC's receive value for their purchases, the Mayne Island LTC has raised the issue outlined above. It has asked that guidelines be considered for use in evaluating future opportunities to purchase reports on a wide variety of subjects related to LTC mandates.

CONSIDERATIONS:

There are a number of factors or considerations an LTC might need to entertain. These considerations are cited below in an order which range from "fundamental" to "consequential".

1. Does the LTC have the budgetary capacity to consider the opportunity to purchase a conference report or proceeding?
2. Is the subject matter germane to the work and/or mandate of the LTC?
3. If the answers to 1 and 2 above are in the affirmative, the LTC may wish to consider requirements for the report they agree to purchase.

GUIDELINES

If the LTC decides to purchase a conference report or proceedings, it may require that reporting guidelines below be met as a condition of purchase.

These guidelines are:

1. The full proceedings of the conference or workshop are preferred.
2. If full proceedings are not produced or available the report to the LTC should include:
 - (a) The agenda of the conference or workshop
 - (b) A list of presenters and the topics they represented
 - (c) A summary of each topic discussed
 - (d) A copy of all papers presented at the conference
 - (e) A list of all recommendations made by the conference (if not cited in the papers or summary of each topic)
 - (f) A summary of any follow-up actions identified by the conference
 - (g) A copy of any contact list or referral resources generated by the conference,.
3. If only a narrative report is produced, the narrative should include or address the information sought in (a) to (g) above.

It is hoped that the guidelines above will ensure that the LTC will receive all relevant information generated by the conference or workshop.

Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality August 2015

Wallace Point Covenant signed – North Pender Island

A covenant has been signed to protect over 50% of a property at Wallace Point, the southernmost point of North Pender Island at the mouth of Bedwell Harbour. The 1.63 hectare covenanted area encompasses several distinct ecosystems and includes two wildlife trees, one of which has an active Bald Eagle nest. Dense bull kelp beds grow near the shoreline and there is a Rockfish Conservation Area offshore north and east of this property.

Meeting with Qualicum First Nation - Lasqueti Crown Land acquisition

Trust Fund Board representatives enjoyed a cordial lunch with the chief and councillors of the Qualicum First Nation followed by initial discussions about the possible acquisition of Crown land on Lasqueti for protection. The Trust Fund Board plans to host Qualicum representatives in the fall for a visit to Lasqueti to look at the land and other areas of significance to the Qualicum people.

Fairyslipper Forest Nature Reserve – Thetis Island land acquisition project

Islands Trust Fund is continuing to support its partners, Thetis Island Nature Conservancy and Cowichan Community Land Trust, as the project to protect Fairyslipper Forest moves into a new phase. So far, \$180K has been raised – over one third of the \$560k required to acquire a property on Lower Burchell Hill as Thetis Island's first nature reserve. Visit the Islands Trust Fund website to watch the video that has been created to encourage donations. www.IslandsTrustFund.bc.ca/Fairyslipper

Realtor Outreach – Pender Islands

Islands Trust Fund staff, in collaboration with the Pender Islands Conservancy Association (PICA), organized a land conservation outreach event for real estate and other professionals involved with selling properties on North and South Pender Islands. The event was well received by participants who commented that they felt much more knowledgeable about conservation covenants. Similar events will be considered for other islands. Local trustees will be contacted early in the planning process.

Grace Islet – Salt Spring Island

Islands Trust Fund is in touch with the Nature Conservancy of Canada with respect to a possible role in the ongoing protection and stewardship of Grace Islet.

Trespass at Mount Trematon Nature Reserve– Lasqueti Island

Islands Trust Fund has acted quickly to address a trespass at Mount Trematon Nature Reserve on Lasqueti Island. We are fortunate that such incidents are a rare occurrence but we are prepared to take appropriate action when they do happen.

Coastal Douglas-fir Conservation Strategy – Islands Trust Fund as an example

The Islands Trust Fund is providing a local government scenario for pursuing the Conservation Strategy of the Coastal Douglas-fir and Associated Ecosystems Conservation Partnership (CDFCP). Islands Trust Fund is an active member of this partnership which includes provincial agencies, NGOs, academics, and local governments. More information about the CDFCP Conservation Strategy will be included in September's Trust Council package.

Date: September 24, 2015

To: Mayne Island Local Trust Committee
For the meeting of September 30, 2015

From: Gary Richardson, Island Planner

CC: Robert Kojima, RPM

Re: Arbutus Bay Estates Ltd. Covenant Removal Request – The South East ¼ of Section 2, Mayne Island, Cowichan District, Except Those Parts in Plans 6166, 49353, 51014, VIP52279, VIP55242, VIP59475, VIP72321, VIP78014, VIP80525 and VIP83602.

Background

A request has been made by Timothy R. Shipley, Notary Public, on behalf of Arbutus Bay Estates Ltd. that three density control covenants held by the Mayne Island LTC be removed from the title of the above referenced property as they are no longer required.

The three covenants that are subject to the removal request are: ES35984, EW162748 and FA23235. There is one other density control covenant on the title where the Mayne Island Local Trust Committee is the transferee (FB087391) which accurately reflects the remaining subdivision potential.

Covenants:

1. ES35984

Transferee: Mayne Island Local Trust Committee

Registration date: November 5, 2001

Plan Number: VIP72321

Number of new lots created: one

Comments – restricts subdivision of remainder parcel to no more than 5 lots (consisting of not more than 4 new lots and remainder). This covenant has been made redundant by covenant FB087391 and should be discharged.

2. EW162748

Transferee: Islands Trust

Registration date: December 6, 2004

Plan Number: VIP78014

Lots Created: one

Comments: restricts subdivision of remainder parcel to no more than 4 lots (consisting of not more than 3 new lots and remainder). This covenant has been made redundant by covenant FB087391 and should be discharged.

3. FA23235

Transferee: Mayne Island Local Trust Committee

Registration date: February 22, 2006

Plan Number: VIP80525

Lots Created: one

Comments: restricts subdivision of remainder parcel to no more than 3 lots (consisting of not more than 2 new lots and remainder). This covenant has been made redundant by covenant FB087391 and should be discharged.

4. FB087391

Transferee: Mayne Island Local Trust Committee

Registration date: August 17, 2007

Plan Number: VIP83602

Lots Created: one

Comments: restricts subdivision of remainder parcel to no more than 2 lots (consisting of not more than 1 new lot and remainder). This is the current accurate control with respect to subdivision density on the above referenced remainder parcel.

Staff has reviewed the request to remove covenants ES35984, EW162748 and FA23235 and agrees that they are redundant and should be removed from the title of the above referenced remainder parcel. Covenant FB087391 accurately reflects the remaining subdivision potential of the remainder parcel and must remain on the title until further subdivision occurs.

The LTC should note that this is one of the covenants previously identified that restricts number of lots but not dwellings or cottages and is thus not consistent with subsection 8.3(2)(d) of the Mayne Island Land Use Bylaw No. 146, 2008.

Next Steps

Designate chair as signing authority for documents necessary to remove covenants ES35984, EW162748 and FA23235 from the title of the above referenced remainder parcel.

Staff will prepare documents for chairs signature and forward to Notary when complete.

RECOMMENDATIONS:

1. That the chair of the Mayne Island Local Trust Committee be designated to sign covenant removal documents in order to remove covenants ES35984, EW162748 and FA23235 from the title of the South East $\frac{1}{4}$ of Section 2, Mayne Island, Cowichan District, Except Those Parts in Plans 6166, 49353, 51014, VIP52279, VIP55242, VIP59475, VIP72321, VIP78014, VIP80525 and VIP83602, PID009-626-786.

Prepared and Submitted by:

Gary Richardson, Island Planner

September 24, 2015

Name, Title

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

September 25, 2015

Date