



Mayne Island Local Trust Committee

Regular Meeting Agenda

Date: May 21, 2014
Time: 1:30 pm
Location: Mayne Island Agricultural Hall
430 Fernhill Road
Mayne Island, BC
V0N 2J0

Pages

- | | | | |
|-------|---|-------------------|---------|
| 1. | Call to Order | 1:30 PM - 1:35 PM | |
| 2. | Approval of Agenda | | |
| 2.1 | Additions/Deletions | | |
| 2.2 | Questions from the Public on Agenda items | | |
| 3. | Community Information Meeting | | |
| | None | | |
| 4. | Public Hearing | | |
| | None | | |
| 5. | Previous Meetings | 1:35 PM - 1:45 PM | |
| 5.1 | Local Trust Committee Minutes | | |
| 5.1.1 | Mayne Island Local Trust Committee Meeting Minutes dated April 23, 2014 (attached) | | 4 - 12 |
| | For consideration to Adopt | | |
| 5.2 | Public Hearing Records and Community Information Meeting Notes | | |
| 5.2.1 | Mayne Island Local Trust Committee Community Information Notes of April 23, 2014 (attached) | | 13 - 15 |
| | For consideration to Receive | | |
| 5.3 | Section 26 Resolutions-without-meeting | | |
| | None | | |

5.4	Advisory Planning Commission Minutes	
5.4.1	APC Draft Minutes of April 14, 2014 Meeting (attached)	16 - 18
	For consideration to Receive & for information	
6.	Business Arising from the Minutes	1:45 PM - 1:50 PM
6.1	Follow-up Action List (attached)	19 - 20
	FUAL Report dated May 2014	
7.	Delegations	1:50 PM - 2:35 PM
7.1	Riparian Area Regulations (RAR)	
	Margaret Henigman - Ministry of Forests, Lands, and Natural Resource Operations - Ecosystems Biologist	
8.	Correspondence	
	<i>[Correspondence received regarding an application(s) or project(s) is listed with the applicaton/project]</i>	
	None	
9.	Applications, Permits, Bylaws and Referrals	2:35 PM - 3:25 PM
9.1	MA-TUP-2013.1 (Mayne Island Resort) Staff Report (attached)	21 - 33
9.2	MA-RZ-2012.1 (Oceanwood) Staff Report (attached)	34 - 53
10.	Local Trust Committee Projects	
	None	
11.	Reports	3:25 PM - 3:50 PM
11.1	Work Program Reports (attached)	54 - 54
	Work Program Report dated May 2014	
11.2	Applications Report (attached)	55 - 57
	Applications Report dated May 2014	
11.3	Expense/Budget Reports (attached)	58 - 58
	LTC expense report dated March 2014	

11.4	Bylaw Enforcement	
	None	
11.5	Adopted Policies and Standing Resolutions (attached)	59 - 62
	For information	
11.6	Mayne Island LTC Web Page	
	Mayne Island Local Trust Committee Web page can be found at:	
	www.islandstrust.bc.ca/islands/local-trust-areas/mayne	
11.7	Chair's Report	3:50 PM - 4:20 PM
11.8	Trustee Report	
12.	Other Business	
12.1	Upcoming Meetings	
	The next meeting of the Mayne Island Local Trust Committee will be held Wednesday, June 25, 2014, at 1:00 pm, at the Mayne Island Agricultural Hall.	
13.	Town Hall Meeting	4:20 PM - 4:45 PM
14.	Adjournment	4:45 PM - 4:45 PM

**MINUTES OF THE MAYNE ISLAND
LOCAL TRUST COMMITTEE MEETING
HELD ON WEDNESDAY, APRIL 23, 2014, AT 1:00 P.M.
AT THE MAYNE ISLAND COMMUNITY CENTRE**

<u>PRESENT:</u>	Peter Luckham	Chair
	Jeanine Dodds	Local Trustee
	Brian Crumblehulme	Local Trustee
	Gary Richardson	Island Planner
	Pat Todd	Recording Secretary

There were approximately twelve (12) members of the public in attendance.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 1:00 pm, recognizing the Local Trust Committee meeting was being held in the Coast Salish Territories and introduced himself, the Local Trustees and Islands Trust Staff.

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

Add: item 5.4.1 Mayne APC Adopted Minutes of March 10, 2014

Item 8. Correspondence

- April 4 Mayne Island Integrated Water Systems
- April 21 Jacquie Burrows and Carsten Petersen
- April 23 Mayne Island Holdings
- email – Dominic Covey

The agenda was adopted as amended by consensus.

2.2 Questions from the public on Agenda items

None

3. COMMUNITY INFORMATION MEETING

3.1 MA-RZ-2012.1 (Oceanwood)

See separate April 23, 2014, Community Information Meeting Notes for the Mayne Island Local Trust Committee.

4. PUBLIC HEARING

None

5. PREVIOUS MEETINGS

5.1 Local Trust Committee Minutes

5.1.1 Mayne Island Local Trust Committee Business Meeting Minutes of March 26, 2014

The March 26, 2014, draft minutes were amended as follows:

- page 9, Chair's Report: 2nd line ...budget has been approved with a 0% tax increase
- page 9, 5th line: remove "Emergency Contingency Plan"
- page 10, 7th line: to end after CRD

The Mayne Island Local Trust Committee Business Meeting Minutes of March 26, 2014, as amended, were adopted by consensus.

5.2 Public Hearing Records and Information Meeting Notes

None

5.3 Section 26 Resolutions-without-meeting

None

5.4 Advisory Planning Commission Minutes

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5.4.1 Mayne APC Adopted Minutes of March 10, 2014

Received for information

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Planner Richardson stated that everything has been completed or is scheduled for discussion at today's meeting.

Trustee Crumblehulme questioned RAR – this is on agenda for discussion

7. DELEGATIONS

7.1 Southern Gulf Islands Electoral Area Director

Chair Luckham explained that David Howe was unable to attend today however there are information meetings being held on the islands over the next few weeks.

There will be a Town Hall Meeting on Mayne Island May 5th and both Trustees Dodds and Crumblehulme plan to attend.

8. **CORRESPONDENCE**

There were a number of letters received which will be reviewed under Item 9 Applications, Permits, Bylaws and Referrals.

9. **APPLICATIONS, PERMITS, BYLAWS AND REFERRALS**

9.1 MA-RZ-2012.1 (Oceanwood) – Staff Report

Planner Richardson spoke to the staff report which includes maps and what is being requested / proposed in the application.

A number of concerns have been raised regarding ground water and there are a number of ways to address this such as:

- development permit guidelines
- a geohydrology study

Planner Richardson stated that a Housing Agreement could be utilized to establish a class of people who can reside in units; in this case seniors.

Trustee Dodds questioned Staff Housing – would it be restricted to staff of the Development.

Chair Luckham emphasized the obligation of the LTC to ensure that the proposal is considered under the Islands Trust Policy Statement, the OCP, and LUB.

There was discussion of lot coverage.

Planner Richardson reviewed the development phases chart.

Trustee Dodds stated concerns that phases are too heavily weighted to tourist accommodation vs. seniors.

The Applicant spoke to the staff report. There is agreement with the proposed phasing. There is some confusion as to the definition of an amenity as the Applicant feels the employment opportunities and business that will be brought to the island should be considered an amenity and if not as an amenity, certainly a benefit.

Chair Luckham stated that amenities are defined in the Official Community Plan (OCP).

The Trustees reviewed the staff report.

The question of staff housing was addressed by the Applicant. At this time it would be just workers at the facility.

Chair Luckham drew attention to the Directive Policies which stipulate water quality is to be maintained and that density not be increased in areas known to have a problem with the quality or quantity of water.

Trustee Crumblehulme spoke to the water management plan received from the applicant (page 13 of Staff Report)

Chair Luckham stated that it is critical to determine if there is or isn't a problem with fresh water and that this would require a geohydrology report.

Trustee Dodds spoke to the importance to adhere to 10% lot coverage as a means to preserve and maintain the environment.

Trustee Crumblehulme stated that a Development Permit could address the esthetics of the development.

Chair Luckham pointed out that the cluster development limits the disturbance to the environment

There was discussion regarding the Amenity Zoning Bylaws and whether Tourist Accommodation and Seniors Housing should be redefined; APC recommendations; change in density; needs for roads, parking, and signage.

Trustee Dodds requested a shift to more residential units and less tourist accommodation units.

Chair Luckham questioned if this would become a strata and the applicant responded yes. The Chair would prefer density changes at Phase 2: would like a balance to 50/50 as senior's accommodation is the amenity and this needs to come to the community earlier rather than later.

Chair Luckham summarized the points to be considered and/or clarified:

1. Water catchment/usage
2. Amenities identified
3. Dwellings vs. accommodation units
4. Climate change – transportation
5. Phasing

The Applicant was questioned as to interest in continuing with the process and indicated interest in continuing with the project.

Trustee Dodds questioned how the Applicant plans to fill the seniors units.

The Applicant feels this can be accomplished through marketing.

Jacquie Burrows asked for clarification that senior's housing is an amenity and that if no amenity, then no increase in density.

Chair Luckham stated that affordable housing is an amenity in the OCP.

Jacquie Burrows then asked how this is monitored i.e.: no seniors, no amenity.

Chair Luckham spoke to the complaint process.

Trustee Dodds stated that it is the responsibility of the applicant to offer housing to the identified population.

Jacquie Burrows then questioned, how it is decided as to what an amenity is worth.

Chair Luckham stated that the health of the community is to be considered.

Note: There was a break from 3:15 p.m. to 3:30 p.m.

Discussion regarding next step in application process – continue with draft Bylaw, Development Permit or to get a geohydrology report to address/identify if there are any water concerns.

MA-2014-028

It was Moved and Seconded that Mayne Island Local Trust Committee direct Staff to work with the Applicant and the Village Point Improvement District to address the Local Trust Committee's concerns regarding water issues.

CARRIED

MA-2014-029

It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to prepare a report with suggested wording to amend the Official Community Plan and Land Use Bylaw, a draft accessible housing definition and a covenant for the proposal as discussed.

CARRIED

9.2 MA-TUP-2013.1 (Mayne Island Resort)

Arrangements had been made to connect with the Bylaw Officer, by phone, so historical details regarding the dock and the need for a Temporary Use Permit (TUP) could be provided. Unfortunately, the Bylaw Officer is ill and unavailable.

Planner Richardson reviewed the Advisory Planning Commission (APC) recommendations and has met with the applicant and the Mayne Island Conservancy.

The drafted permit was reviewed and the Applicant is satisfied with the draft.

Trustee Dodds questioned the allowance of kayaks, canoes, or dinghies on top of the structure.

Planner Richardson said this could be added to the TUP.

Chair Luckham spoke to the TUP ultimately becoming an application to rezone. The report on Best Practices from 2002 is no longer valid and the following observations were put forward:

- top of deck should be a grate to allow light through to eelgrass
- signage to denote Private Dock and possibly a map to designate area of no anchoring in eel grass
- remediation to stabilize bank where dock is attached to bluff
- what is commitment to work with the Conservancy regarding buoys, public education, etc.?
- level of activity is more important than the number of boats.

Planner Richardson stated the inability to control a no anchoring area outside of the leave area and that the point to stabilize the bank is an important observation. The Local Trust Committee cannot require the applicant as part of this application to construct anything, such as buoys, outside the water lease area.

MA-2014-030

It was Moved and Seconded that Mayne Island Trust Committee direct Staff to amend the draft Temporary Use Permit MA-TUP-2013.1 to add the word “to” in 3b) after word permitted; 3c) spacing between deck boards of 1 inch; 3d) sign not to exceed 1.5 square meters stating to not anchor in eelgrass and to delete 3d) 3); to add a number to contact in case of an oil spill; 3e) to add excepting kayaks and canoes; addition of h) installation of a minimum of 4 eel grass friendly mooring cans in co-operation with the Mayne Island Conservancy Society and addition of i) mitigation of foreshore attachment erosion in collaboration with the Mayne Island Conservancy Society.

CARRIED

9.2.1 Letter dated February 24, 2014 from B & F Borges

Received for information

10. Local Trust Committee Projects

None

11. REPORTS

11.1 Work Program Reports

Work Program Report dated April 2014

Received for information

11.2 Applications Report

Applications Report dated April 2014

Received for information

11.3 Expense/Budget Reports

None

11.4 Bylaw Enforcement

None

11.5 Adopted Policies and Standing Resolutions

Received for information

11.6 Mayne Island LTC Web Page

Staff will update the web page, www.islandstrust.bc.ca/islands/local-trust-areas/mayne according to happenings at today's meeting.

11.7 Chair's Report

Chair Luckham attended the Columbia Institute workshops and was pleased there is an increased government commitment to climate change actions. Chair Luckham also attended the Association of Vancouver Island Coastal Communities to participate in discussions as to common issues.

11.8 Trustee Report

Trustee Crumblehulme has recently received the sustainability report of the CRD Economic Development Commission. The five key recommendations are:

- home based business especially electronic based
- development of seniors independent living
- ecotourism
- promotion of modified agriculture
- collaboration with colleges and universities to promote educational opportunities.

12. **OTHER BUSINESS**

12.1 Upcoming Meetings

MA-2014-031

It was Moved and Seconded that the next meeting of the Mayne Island Local Trust Committee will be held on Wednesday, May 21, 2014.

CARRIED

The next meeting of the Mayne Island Local Trust Committee will be held May 21, 2014, at 1:30 pm., at the Mayne Island Agricultural Hall.

12.2 2013-2014 Annual Report Submission

Received for information

12.3 Riparian Area Regulations (RAR)

Planner Richardson reported that a Ministry representative was available to attend the May meeting on the 28th. Now that the meeting has been rescheduled to May 21st, Planner Richardson will confirm if this date is possible for the representative.

Planner Richardson left the meeting at this point due to the ferry schedule.

13. **TOWN HALL MEETING**

No public comments

14. **ADJOURNMENT**

Chair Luckham declared the meeting adjourned at 5:05 p.m.

RECORDER

CHAIR

**NOTES OF THE MAYNE ISLAND
LOCAL TRUST COMMITTEE
COMMUNITY INFORMATION MEETING
HELD ON WEDNESDAY APRIL 23, 2014, AT 1:10 P.M.
AT THE MAYNE ISLAND COMMUNITY CENTRE, MAYNE ISLAND, BC.**

<u>PRESENT:</u>	Peter Luckham	Chair
	Jeanine Dodds	Local Trustee
	Brian Crumblehume	Local Trustee
	Gary Richardson	Island Planner
	Pat Todd	Recording Secretary

There were approximately twelve (12) members of the public in attendance.

3. COMMUNITY INFORMATION MEETING

3.1 MA-RZ-2012.1 (Oceanwood)

The Chair called the Community Information Meeting to order at 1:10 p.m. and welcomed all the participants. He stated the purpose of the meeting: to provide an outline of the rezoning application MA-RZ-2012.1 (Oceanwood) and allow those present to ask questions regarding the proposed project.

Planner Richardson reviewed the current status of the 10 acre property and what is being proposed:

- 28 vacation accommodation units
- 8 seniors residential units
- 7 employee dwellings
- Manager's residence.

Planner Richardson stated The Official Community Plan identifies Senior's Housing as an amenity which allows some increase of density and also requires rain water storage/catchment. He further stated that a Development Permit could be implemented to allow the Local Trust Committee (LTC) to direct the development in more detail.

The greatest concern raised to date is the demand on water resources with the increased density. A water study submitted by the Applicant suggests usage would not differ from past consumption. Water is a difficult resource to control and/or incorporate into an application and staff feels a geohydrology review would be beneficial.

There have been some concerns raised regarding the location for senior's housing as the property is isolated. Parking and septic system have been raised as issues as well.

Planner Richardson has developed a chart for phasing of construction.

The Applicant spoke to the proposal which has been amended after the study indicated that senior's housing demand was low and the LTC recommended mixed housing. All units would be screened from surrounding properties and there would be a pool as a community amenity. It was further stated that the developer would like to balance the number of vacation rentals with the number of senior's units. There are extensive plans to minimize water draw through new fixtures, water collection and harvesting of rainwater.

Trustee Crumblehulme questioned staff as to how a Development Permit could be used to protect the ground water.

Trustee Dodds questioned proceeding with the rezoning and further along to use a Development Permit to protect water usage.

Chair Luckham stated the need for the developer to be assured of what is in the Development Permit and the requirements/guidelines so there is no surprise.

Trustee Crumblehulme spoke to the length of the process and that the applicant has adapted the proposal to the recommendations and requests to date.

Planner Richardson suggested use of a Dual System however this is costlier for the developer. A covenant could be utilized to ensure compliance in perpetuity.

Chair Luckham asked who would hold the Housing Agreement.

Planner Richardson stated that the Capital Regional District would hold the Housing Agreement.

Trustee Dodds asked if a covenant could be used to ensure the number of senior's units.

Trustee Crumblehulme spoke to the need for accuracy as the zoning is attached to the land.

Jacquie Burrows questioned the value of the development to the island.

Trustee Dodds spoke to the limited interest in seniors housing demonstrated by the study and questioned how to define seniors housing.

Planner Richardson stated that the Church property had specified an age and the Staff Report suggests 65. The CRD Building Code details requirements for accessible housing.

Carsten Petersen spoke to the Official Community Plan (OCP) which states an amenity is worth ten (10) units of density and also raised concerns as to water usage as the proposal is a huge increase from existing zoning.

Trustee Dodds reminded those present that the proposal had been reviewed by the Advisory Planning Commission (APC) twice and had received the support of the APC.

Chair Luckham said there will be a number of opportunities for the public to respond to the application and that if the senior's units cannot be filled that is an issue for the developer. The LTC does not determine the viability of the project – only if the use is appropriate.

Ian Dow stated that the Experience the Gulf Islands program is trying to inventory the volume of tourist rental units and questioned the time frame for the project.

Chair Luckham replied that generally rezoning takes 6 months and at this time there is no answer as to whether the development will proceed to completion.

Ian Cocker distributed a map detailing the parking issues. When the property was rezoned previously, parking was to be on site, which didn't always happen and questioned if this would be addressed.

Planner Richardson said this could be part of the Development Permit.

Henry Lang asked if there is a standard as to number of parking spaces per unit and staff stated this is detailed in the Land Use Bylaw (LUB) as to number and size.

Dave Burroughs spoke in favour of the proposal.

The Applicant spoke to correspondence from Bill Warning on behalf of the Mayne Island Integrated Water Society.

There being no further comments, Chair Luckham closed the meeting at 1:52 p.m.

RECORDER

DATE

COPIED TO

☒ **PLANNER**

☒ **LTC**

☒ **DEPUTY**

SECRETARY

DRAFT

**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) members 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



Follow Up Action Report w/ Target Date

Mayne Island Mar-26-2014

No.	Activity	Responsibility	Target Date	Status
1	RAR - staff requested to contact MOE staff to May mtg. (done) - staff to bring RAR maps and background material to next meeting, how much is in the ALR (done) - get letter from Ian Dow. (done) - Forward MOE staff all material on RAR on Mayne before attendance at mtg.	Gary Richardson		On Going
2	OCP and LUB technical amendments 1) Land Use Bylaw amendments in table 1 and OCP amendments in table 2 to be put into draft bylaws as presented. 2) Backline version of OCP and LUB amendments in tables 1 and 2 to be prepared for ease of reference and check on ease of consolidation. 3) The remainder of the amendments titled: 'Amendments for Further Comment and/or Decision' are to be forwarded to the APC for review and comment. (DONE)	Kim Farris		On Going

Apr-23-2014

No.	Activity	Responsibility	Target Date	Status
3	Change May LTC meeting date to May 21, 2014.	Lori Foster Sharon Lloyd-deRosario		Done
4	Update Mayne webpage with meeting highlights.	Lori Foster Gary Richardson		Done
5	LTC Minutes of March 26, 2014 adopted as amended.	Lori Foster		Done

6	MA-RZ-2012.1 Oceanwood - prepare further staff report and draft wording to amend the OCP and LUB, which is to include: DP guidelines for for protection of groundwater DP guidelines for form and character Meet with village point improvement district and applicant to resolve water concerns Definition of senior (55 plus) Calculate lot coverage - permeable and impermeable Review GHG concerns and comment on how they might be addressed. Discuss with applicant more even number of seniors housing units Calculate water catchment and storage requirements Covenant wording regarding dual system Amend number of units in each phase to have require more seniors units up front. Are staff housing units for on site staff or on island staff - comment on how to regulate Address OCP amenity provisions with respect to 10 dwellings - how does that compare to the number of tourist accommodation/seniors and staff housing units being proposed. Address off street parking requirements	Gary Richardson	Done
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7	2013/2014 annual report approved	Gary Richardson	Done
8	MA-TUP-2013.1 (Mayne Island Resort) Amend TUP as directed and place draft on May 21 LTC agenda for LTC comment.	Gary Richardson	Done

STAFF REPORT

Date: May 13, 2014

File No.: MA-TUP-2013.1

To: Mayne Island Local Trust Committee

From: Gary Richardson, Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: MA-TUP-2013.1 (494 Arbutus Drive)

Owner: Mayne Island Resort Ltd.
Applicant: Same
Location: 494 Arbutus Road, Mayne Island
Legal: Portion of District Lot 560 fronting Strata Plan VIS6703, Section 9, Cowichan District, Mayne Island.

Report prepared for May 21, 2014 Local Trust Committee Meeting.

THE PROPOSAL:

The property owner is requesting that a Temporary Use Permit be issued to permit the owners of upland of Strata Plan VIS6703 to dock up to three boats at the float located in the lease area fronting Strata Plan VIS6703.

BACKGROUND:

A Community Information meeting was held February 26, 2014. The application has also been forwarded to, and comments have been received from, the Mayne APC.

At its April 23, 2014 Business meeting the LTC passed the following resolution:

MA-2014-030

It was Moved and Seconded that Mayne Island Trust Committee direct Staff to amend the draft Temporary Use Permit MA-TUP-2013.1 to add the word "to" in 3b) after word permitted; 3c) spacing between deck boards of 1 inch; 3d) sign not to exceed 1.5 square meters stating to not anchor in eelgrass and to delete 3d) 3); to add a number to contact in case of an oil spill; 3e) to add excepting kayaks and canoes;

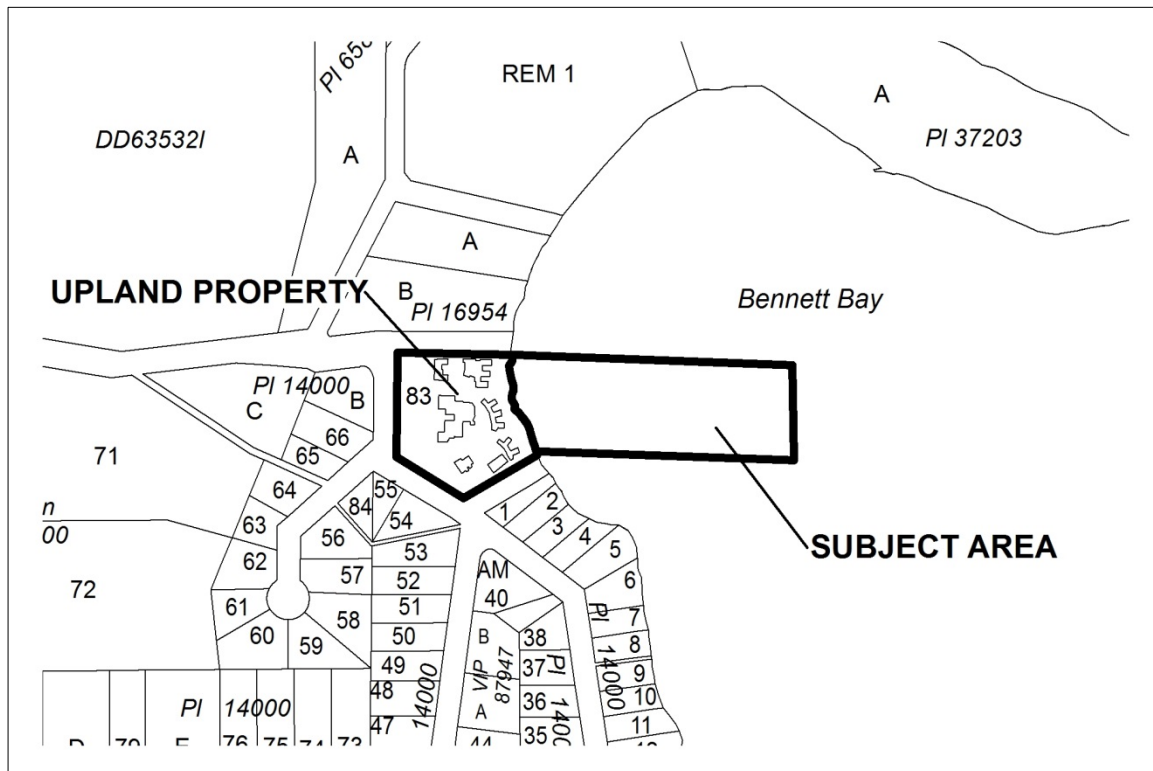
addition of h) installation of a minimum of 4 eel grass friendly mooring cans in co-operation with the Mayne Island Conservancy Society and addition of i) mitigation of foreshore attachment erosion in collaboration with the Mayne Island Conservancy Society.

A draft permit has been prepared to reflect the amendments requested by the LTC at its April 23, 2014 meeting.

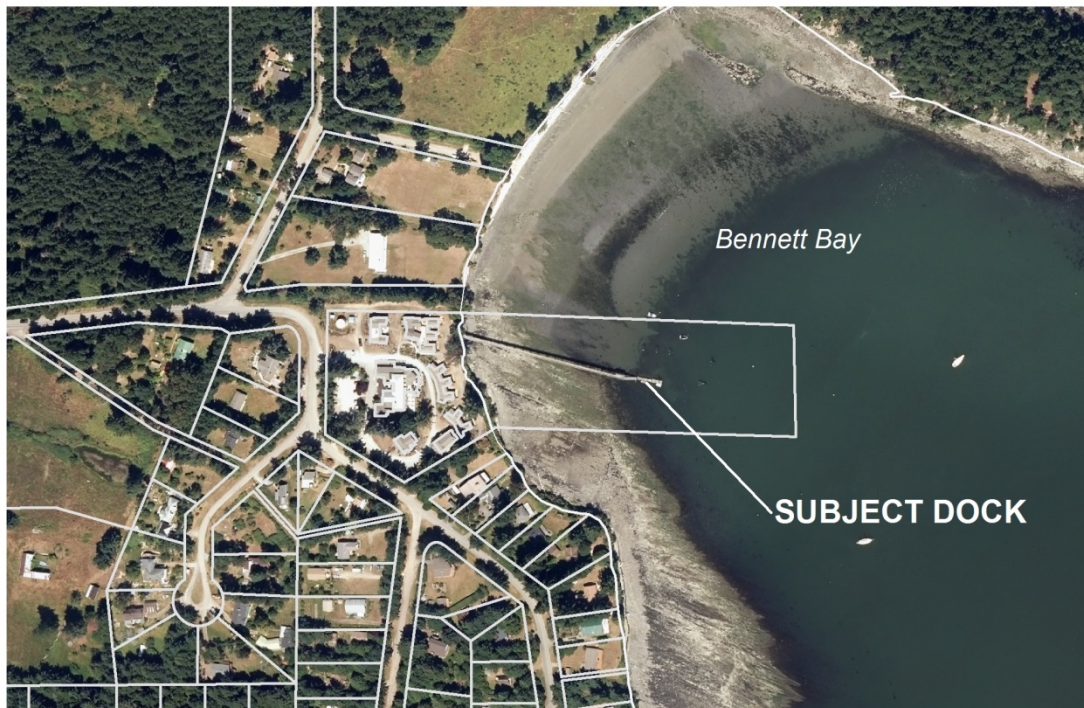
SITE CONTEXT:

The water lease area is zoned W2 (Water moorage) and is located in Bennett Bay on the east side of Mayne Island. The Bay is quite shallow which requires docks to be sited quite far from shore to get enough water depth to moor a boat. There is an existing dock which can be seen on the orthophoto contained in this report.

The following is a map showing the location of the subject area.



The following map is an orthophoto of the subject dock.



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Island trust Policy Statement

Some directive policies that the LTC may want to consider:

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 Shorelands

Directive Policies

- 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.

Official Community Plan

Some OCP policies and objectives that the LTC may want to consider:

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, and
- 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.
- 4.2.1.3 Ensure that there are adequate setbacks from the natural boundary of the sea for all development.
- 4.2.1.4 All use of coastal waters and foreshore areas shall be regulated by zoning to ensure adequate separation between potentially conflicting uses.
- 4.2.1.4 Public recreational use of the foreshore shall be given priority over other foreshore uses.
- 4.2.1.6 Private floats, docks or wharves shall be permitted by zoning only for owners of land adjacent to the shoreline of the water area subject to the zone.
- 4.2.1.7 Any zoning for commercial use of the foreshore and coastal areas shall:
 - a) include public access to the foreshore, and
 - b) protect coastal areas by balancing waterfront development (or redevelopment) with natural areas.

Applicable Temporary Use Permit Guidelines

OCP Section	OCP Guidelines	Staff Comments
2.9.1.1	<i>Permits can be issued for any period up to two years and could be considered for renewal once for any further period up to two years.</i>	The Local Government Act now allows a permit to be issued for up to three years and considered once for up to a further three years. The applicant has requested 3 years.
2.9.1.2	<i>Permitted uses should be consistent with the policies of the designation and the provisions of 2.9.1.</i>	Proposed draft permit is consistent with these guidelines.
2.9.1.3	<i>Permitted uses should not preclude or compromise future permitted uses on the affected lot.</i>	The proposal is consistent with this guideline.
2.9.1.4	<i>Uses should not be allowed if they conflict with any ongoing planning policies or programs.</i>	There are no apparent conflicts.
2.9.1.5	<i>Sand and gravel removal and processing, and asphalt plants shall be subject to a permit if they exceed 50 truck loads in any given year.</i>	Not applicable
2.9.1.6	<i>Permit conditions must make reference to measures dealing with the following points: a) general activity levels that will not create any disturbance apparent beyond the property's boundaries; b) adequate landscape buffering or distance separation to adjacent lots; c) provision of off-street parking spaces consistent with regulatory bylaws; d) reclamation measures that will restore the permit area to suitability for its designated primary use; and e) adequate supervision of the site.</i>	Proposed draft permit is consistent with this guideline.
2.9.1.7	<i>In addition, permit conditions should outline operational plans, including hours and days of operation and staffing to ensure compatibility with the neighbourhood and may include an undertaking for restoration of the site and a security deposit to guarantee performance of the conditions.</i>	A security deposit can be required if deemed necessary.
2.9.1.8	<i>Review of applications should include consideration of smart growth principles.</i>	Not applicable

Land Use Bylaw

The property is zoned Water Moorage (W2)

The permitted uses in the W2 zone are as follows:

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 aides;
- (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.

Sensitive Ecosystems and Hazard Areas:

Islands Trust Shoreline mapping indicates two types of shorelines fronting strata plan VIS6703 a pebble/sand beach and a low rock boulder beach. Mapping show eel grass in the area of the existing dock.

Archaeological Sites:

Based on information from the Provincial Remote Access to Archaeological Data (RAAD), there are archaeological sites near the property but not in the subject area. Notwithstanding the foregoing, and by copy of this report, the owners are advised that the unearthing of any archaeological resource should be reported to the Archaeology Branch.

COMMUNITY INFORMATION MEETING(S):

A community information meeting was held February 26, 2014. The following is a summary of the comments made:

- Good location for dock for emergency purposes
- Maintenance would be strengthened by allowing application
- Concern that friends of owners will use dock
- Concern about beach due to low flushing
- Increased noise and traffic
- How would permit conditions be enforced?
- Concerns about rafting of boats

RESULTS OF CIRCULATION:

Prior to the community information meeting a CIM notice was distributed to surrounding properties/owners, posted on bulletin boards, advertised in the Mayneliner and on the Islands Trust web site.

As of the date of the writing of this report four pieces of correspondence were received as a result of the notice. All correspondence has been forwarded to the LTC for consideration. Staff will distribute further correspondence to the LTC as it is received.

Mayne Island Conservancy made the following recommendations:

1. Do not increase the current footprint of the float.
2. Limit the size of the vessels that can use the float, maintain as dingy dock (reduce direct damage from motors).
3. Support partnership between Mayne Inn and the Mayne Island Conservancy to educate tenants on best anchoring practices.

Mayne APC recommendations (draft minutes of March 10, 2014):

It was moved and seconded that the Mayne Island APC recommend to the Mayne LTC the approval of MA-TUP-2013.1(Mayne Island Resort) with the following conditions:

1. Maximum three boats be moored at the dock at any one time;
2. Float not to exceed approximately 8 feet by 45 feet (existent size);
3. Signage be affixed on the dock detailing limits of usage;
4. Within foreshore lot there be speed zone signs and recommended anchorage destinations;
5. The applicant in conjunction with Mayne Island Conservancy identify appropriate moorage sites;
6. Applicant partner with the Mayne Island Conservancy regarding education and conservation.

STAFF COMMENTS:

The amendments requested by the LTC have been incorporated into the attached draft permit.

Options:

- 1) Proceed no further with application.
- 2) Direct staff to amend the permit.
- 3) Direct staff to place the permit on the May 28, 2014 LTC agenda for consideration of issuance.

Staff is recommending that the draft permit proceed to the June 25, 2014 LTC meeting for consideration of issuance. If the permit proceeds staff will place a notice in the newspaper and notify surrounding property owners that the LTC is considering issuance of the permit.

RECOMMENDATION:

THAT MA-TUP-2013.1 (Mayne Island Resort) proceed to the June 25, 2014 Mayne Island Local Trust Committee Meeting for consideration of issuance, as drafted.

Prepared and Submitted by:

Gary Richardson

May 13, 2014

Date

Concurred in by:

A handwritten signature in black ink, appearing to read 'R. Kojima', is written over a horizontal line.

Robert Kojima, RPM

May 13, 2014

Date



Islands Trust

DRAFT May 13, 2014

MAYNE ISLAND LOCAL TRUST COMMITTEE

TEMPORARY USE PERMIT

MA-TUP-2013.1

TO: Mayne Island Resort Ltd.

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

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

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

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

- a) Docking of boats.

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

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

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

AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS DAY , 2014.

Deputy Secretary, Islands Trust

Date of Issuance

MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-TUP-2013.1
SCHEDULE 'A'



BRITISH
COLUMBIA

Ministry of
Environment,
Lands and Parks

Legal Description Schedule

License No.

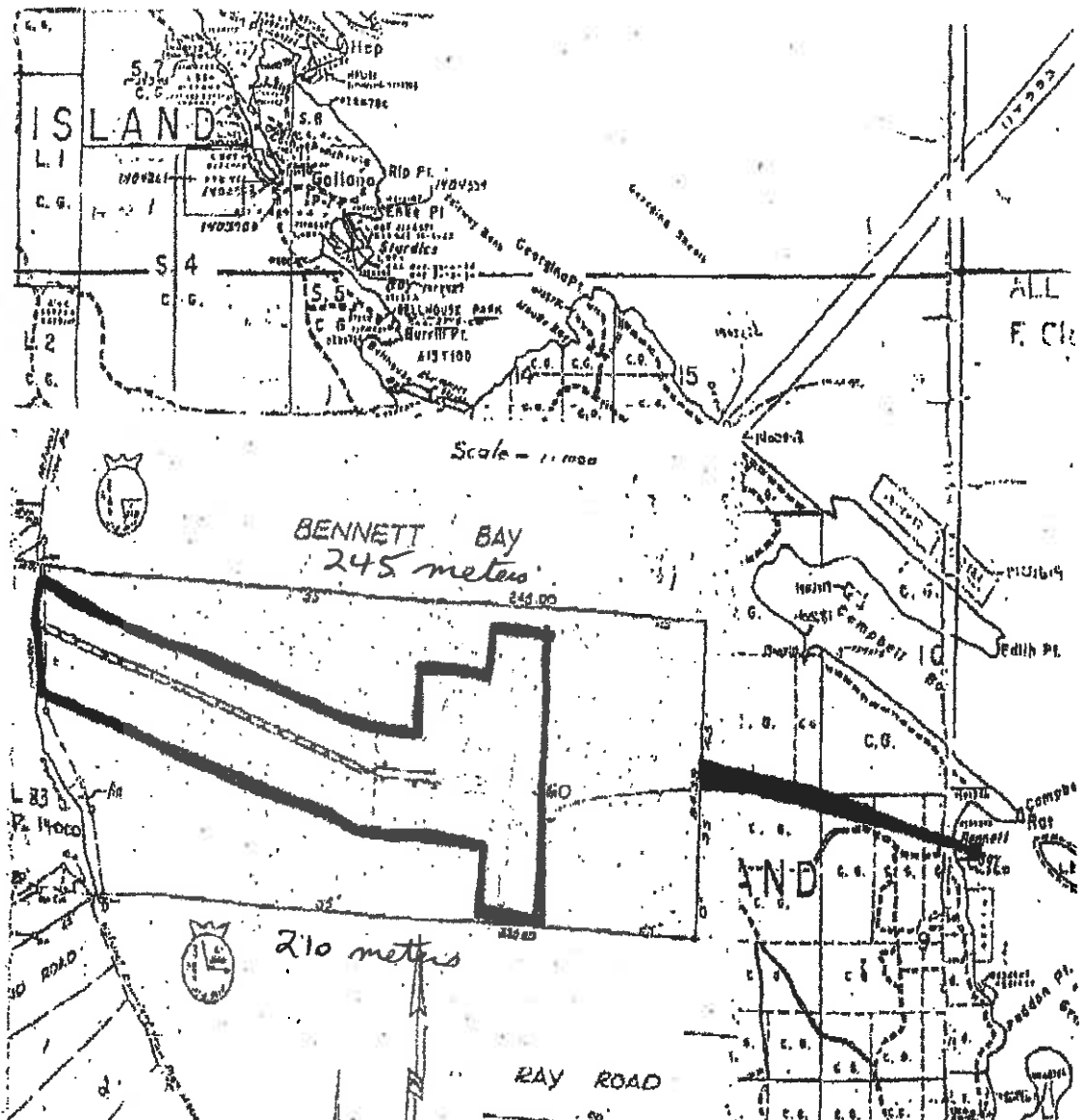
106202

File No. 0336374

1. Legal Description

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

2. Sketch Plan



**MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-TUP-2013.1
SCHEDULE 'B'**

Float and Dock Construction Best Management Practices

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

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

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

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

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

Prepared by:

DFO-Habitat Management, South Coast Area, May 2003

Updated January 2004

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

STAFF REPORT

File No.: MA-RZ-2012.1

To: Mayne Island Local Trust Committee

From: Gary Richardson, Island Planner

CC: Robert Kojima, Regional Planning Manager

**Re: Proposed Rezoning of Lot 22, Sec. 5 and 6, Plan 29750, Mayne Island
Oceanwood Country Inn – 630 Dinner Bay Road**

Owner: 0747825 B.C. Ltd.
Applicant: Murray Rosengren
Location: 630 Dinner Bay Road

BACKGROUND:

An application for rezoning was made in December 2012. The original application was predominately for seniors housing. After it was determined by a needs study that only a limited number of seniors units will likely be required on Mayne Island in the foreseeable future the application was amended.

The present application is for a mix of housing the details of which are outlined in the proposal section of this report.

At its April 23, 2014 business meeting the LTC passed the following resolutions:

It was Moved and Seconded that Mayne Island Local Trust Committee direct Staff to work with the Applicant and the Village Point Improvement District to address the Local Trust Committee's concerns regarding water issues.

It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to prepare a report with suggested wording to amend the Official Community Plan and Land Use Bylaw, a draft accessible housing definition and a covenant for the proposal as discussed.

A Community Information meeting (CIM) was held prior to the April 23 LTC meeting.

This report contains comments on concerns raised at the CIM, proposed wording to amend the OCP and LUB to accommodate the proposal as applied for as well suggested wording for two additional development permit areas (DPAs). The two DPAs that are being suggested are: A DPA for the form and Character of Intensive Residential Development (attached as Schedule B); and a DPA for Groundwater protection (attached as Schedule C). There is an existing DPA for the form and character of visitor accommodations that applies to the Oceanwood Inn.

THE PROPOSAL:

The existing lot contains a waterfront country guest house which consists of 12 tourist accommodation units, a restaurant, an accessory building/garage and an accessory dwelling unit. The applicant is proposing to keep the existing guest house but reduce the number of tourist accommodation units to 8. The remaining 4 units would be turned into staff accommodation units. There may be some issues associated with having staff housing this close to tourist accommodation units.

The existing accessory dwelling which is limited in size (140 m²) is proposed to remain.

Also being proposed are 20 vacation accommodation units each having a floor area between 56 m² and 74 m² (600-800 sq.ft.). The 20 vacation accommodation units are proposed to be built as duplexes in 10 separate ground level buildings.

Also being proposed is 8 residential units having a floor area between 56 m² and 74 m² (600-800 sq.ft.). The 8 residential units are proposed to be built as duplexes in 4 separate ground level buildings. These units are to be used for full time residential rentals or for sale as seniors homes.

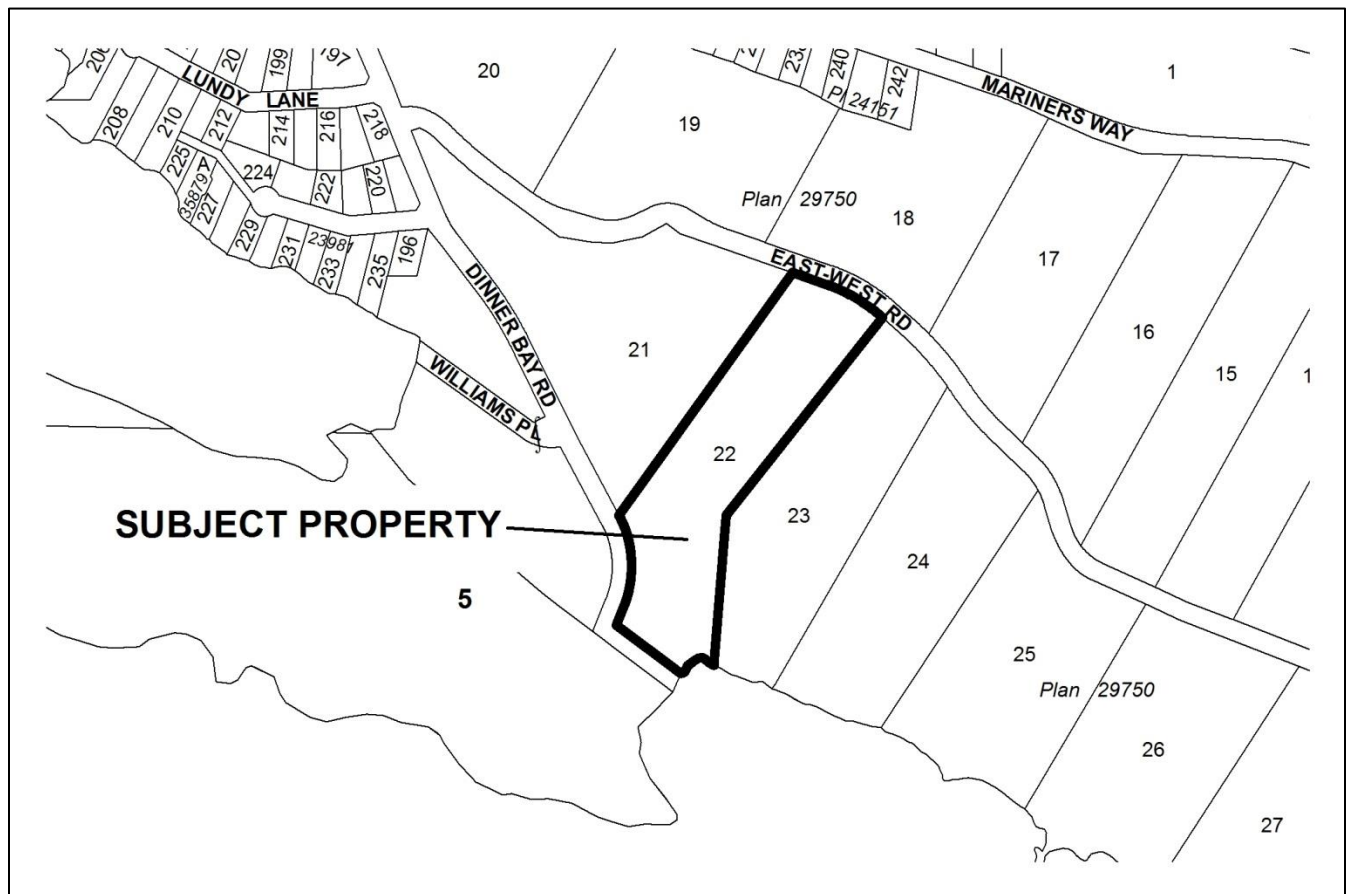
Also being proposed are 3 staff family housing units in one ground level triplex structure. No floor area has been given for this proposed structure.

A spa/pool facility remains in this proposal.

The total number of new units being proposed is 31 (20 vacation accommodation units, 8 residential units and 3 staff housing units), in addition to the existing 12 units.

SITE CONTEXT:

The property is a 4 hectare waterfront property with an existing tourist accommodation unit, restaurant, parking structure and caretaker dwelling sited on it. The lot is forested and is surrounded by similar sized lots. The surrounding lots are predominantly used for residential purposes. There is a Japanese garden located on an adjacent Lot across Dinner Bay Road.



Map showing location of subject property



Orthophoto showing subject lot



Ortho photo showing subject area

Comments from the April 23, 2014 CIM

- The value of the development to the island was questioned.
- Increased water demand was raised as a concern.
- Exceeding the amenity provisions of the OCP was raised as a concern.
- Concerns about sufficient off street parking.
- Will greenhouse gas emissions increase?

STAFF COMMENTS:

Groundwater

The Islands Trust policy statement states that neither the density nor intensity of use should be increased in areas which are known to have a problem with quantity or quality of freshwater (directive policy 4.4.2). The Mayne OCP states that development should not be permitted in areas where groundwater issues have been identified. The OCP also states that the LTC should require rainwater storage systems through the registration of a legal agreement when considering applications that could result in an increased density.

The proposed increase in density and its potential negative impacts on groundwater quantity and quality has been brought up as a concern from the public in correspondence, at LTC meetings and at the CIM. The issue has also been raised in previous staff reports.

The LTC has requested staff to prepare a draft DPA regarding groundwater protection. A draft DPA is attached as schedule C.

The DPA contains exemptions for activities that will not require a DPA; however most new construction and land alteration will require the property owner to apply for a DPA before any land alteration and/or construction is commenced.

The DPA requires a report to be prepared by a qualified professional hydrologist or engineer. Development will only be permitted to occur in compliance with the measures required in the professionals report. The measures may include areas that cannot be built on, water catchment and storage may be required, impervious surfaces will need to be minimized and vegetation retained. A dual system may be required for servicing each dwelling or accommodation unit, one system for potable water and one for non-potable water.

The objective of the DPA and mitigation measures are to minimize the negative impacts on the quality and quantity of subsurface water supplies.

Some of the measures required by the hydrologist or engineer can also be required in the LUB or by covenant; however without the benefit of a professional hydrologist's report staff cannot suggest what the most effective measures might be. This being said if a groundwater DPA is determined to be the most effective way to protect the groundwater a covenant should be required to ensure a geohydrologists report is obtained prior to the consideration of a groundwater DP.

Amenity zoning provisions of the OCP.

This proposal exceeds the amenity zoning provisions of the OCP which allows for a modest increase in density of 10 units if an amenity is provided. The list of amenities includes affordable and special needs housing.

The OCP will require amending to accommodate this proposal and the LTC may or may not want to tie the increased density to an amenity.

Staff is recommending that the seniors housing be considered the amenity in this application and that if the allowable increase in 10 additional dwelling units cannot be adhered to the OCP will require amendment to reflect a higher number.

Staff will require direction as to how the LTC wants to proceed with the increased density, either as an amenity zoning increase with the seniors housing being the amenity or as a standalone increase with no amenity referenced.

Parking

Parking requirements are already established in the LUB and addressed in the proposed development permit guidelines to ensure there is sufficient off-street parking in a suitable location on the Oceanwood property.

Greenhouse Gas Emissions

As referenced in earlier reports this development is several kilometers from both the ferry and the amenities provided in Miners bay. This will likely require more vehicle trips than if it was nearer to the commercial center of the island. The impact of increased vehicle trips could be reduced by providing bus or van transportation. The duplexing of residences and tourist accommodation units may save energy through the sharing of a wall.

Comprehensive Development Zone

An example of how a comprehensive development zone will be applied to this property is attached as schedule A.

This zone will be amended to reflect the sizes, numbers and uses of the buildings being permitted once all of the details are determined.

Development Permit Area for the Form and Character of Intensive Residential Development.

This is a DPA that presently exists on the island and should be applied to the residential portions of this proposal (attached as schedule B). This DPA has been established to ensure that new residential uses are developed in manner that is consistent with and enhances rural character and minimizes impacts on adjacent properties.

Development Permit Area for the Form and Character of Commercial, Visitor Accommodation and Industrial Development.

This DPA is contained in the existing OCP and presently applies to the Oceanwood Inn and will be extended to apply to all proposed visitor accommodation on the property. This DPA has been established to ensure that development in the form of new buildings or structures are developed in a manner that is consistent with and enhances rural character and avoids impacts on adjacent properties.

Staff is recommending that the following be applied to this proposal:

- Amenity guidelines of the Mayne OCP
 - Groundwater Protection DPA
 - Covenant requiring geohydrologists report prior to consideration of Groundwater Protection DPA
 - Form and Character of Intensive Residential Development DPA
 - Form and Character of Commercial, Visitor Accommodation and Industrial Development DPA
 - A standalone Comprehensive Development Zone
- Options

- 1) Proceed no further;
- 2) Direct staff to prepare draft bylaws to amend the OCP and LUB to accommodate the proposal as presented.
- 3) Direct staff to prepare draft bylaws to amend the OCP and LUB to accommodate the proposal as amended.

RECOMMENDATIONS:

THAT the Mayne Island Local Trust Committee direct staff to prepare: a draft OCP amendment bylaw; a draft LUB amendment bylaw for the LTCs consideration.

Prepared and Submitted by:

Gary Richardson

May 12, 2014

Gary Richardson, Island Planner

Date

Concurred in by:



Robert Kojima, RPM

May 12, 2014

Date

SCHEDULE A

5.27 Comprehensive Development Three (CD3) Zone

The purpose of the Comprehensive Development zone is to provide for and regulate the development of a mix of tourist accommodation and ground-oriented residential uses on a specific site in Dinner Bay.

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) Tourist accommodation;
 - (b) Guest House;
 - (c) Accessory restaurant;
 - (d) Senior citizen residential use;
 - (e) Employee housing;
 - (f) Accessory dwelling unit;
 - (g) Accessory uses, buildings and structures.

Density

- (2) The maximum lot coverage is 10%.
- (3) One guest house per lot;
- (4) One accessory restaurant located within a guest house per lot;
- (5) The maximum floor area of any tourist accommodation unit is m^2 (ft^2).
- (6) The maximum number of tourist accommodation units is XX
- (7) The maximum number of seniors residential dwelling units is units, consisting of detached units or duplexes containing 2 residential dwelling units each.
- (8) The maximum floor area of any seniors residential dwelling unit is m^2 (ft^2).
- (9) The maximum number of accessory employee housing units is XX.
- (10) The maximum floor area of any accessory employee housing unit is $60m^2$ ($646 ft^2$).
- (11) The maximum number of accessory dwelling units is one.
- (12) The maximum floor area of any accessory dwelling unit is $140 m^2$ ($1507 ft^2$).

Siting, Size and Location of Uses

- (13) The minimum setback for any building or structure is:
 - (a) 8 metres from any lot line;
- (14) The maximum height of any building containing tourist accommodation units, an accessory dwelling unit, or a restaurant is 9 metres (29.5 ft.) and two stories.
- (15) The maximum height of any accessory building or structure is 5 metres (16.4 ft.).

Subdivision Lot Area Requirements

- (16) The minimum lot size is 4 hectares (10 acres).

SCHEDULE B

2.8.3 Development Permits to Define the Form and Character of Intensive Residential Development

Development permits for this purpose may vary or supplement bylaw regulations to specify the general character of the development and the siting and form of buildings and structures.

Designation

This development permit area includes all land that is designated as the Intensive Residential Development Permit Area on Schedule C.

Authority

This development permit area is established, pursuant to Section 919.1(1)(e) of the *Local Government Act*, for the purpose of establishing objectives for the form and character of intensive residential development.

Objectives

The objective of this development permit area is to ensure that new or additional intensive residential uses are developed in a manner that is consistent with and enhances rural character and minimizes impacts on adjacent properties.

General Applicability

The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted below:

- (a) Construction of, addition to, or alteration of a building or other structure.

Work Not Requiring a Permit (Exemptions)

The following activities are exempt from any requirement for a development permit, upon determination by Islands Trust staff:

- a) subdivision of land;
- b) the maintenance of existing landscaping;
- c) the repair or maintenance of existing buildings or structures, including lighting, parking, or signage, provided there is no addition to lot coverage or area, no exterior alterations requiring a building permit or no change in the use of external materials that results in the alteration to the form or character of the building or structure;
- d) internal renovations or alterations;
- e) construction of buildings or structures not requiring a building permit;
- f) repair and maintenance of existing roads, parking areas, paths and trails; and
- g) construction of unpaved driveways and walkways.

2.8.4 Guidelines

The intent of this development permit area is to ensure that development in the form of new residential buildings or structures, or major additions to buildings or structures, meets the objectives described above. In considering the issuance of a development permit, the LTC should be satisfied that the following guidelines have been met where applicable and may impose conditions where appropriate:

Guideline 1 Where an application involves new buildings or structures, the building form and character should adhere to the following guidelines:

- 1) Buildings and other structures should be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.
- 2) New buildings should be sited in a manner that results in minimal disturbance to existing vegetation.
- 3) Residential buildings should be designed as detached or duplex units.
- 4) Buildings should be designed and sited with the main entrance oriented to the public road, the front lot line or to the main point of entry from the road.
- 5) Variation in design and architectural style should be used in order to avoid a monotonous appearance and the side-by-side placement of identical designs is discouraged.
- 6) Buildings should not be designed with blank walls presenting an aspect to the public road or to highly visible areas; features such as garage doors and windowless facades should be minimized.
- 7) Buildings giving the impression of strip development should not be considered.
- 8) Natural materials should be incorporated into the design of buildings with construction materials and styles relating to the vernacular style of coastal architecture.
- 9) Street front porches, patios and gardens that are visible are encouraged as architectural features and useable outdoor space.
- 10) Development should be designed and sited in such a manner as to minimize obstruction of existing significant views and view corridors from adjacent properties and public lands.

Guideline 2 All applications should include landscaping adhering to the following guidelines:

- 1) A landscape plan prepared by a professional such as a landscape architect should:
 - i. provide supporting documentary evidence pertaining to landscape specifications, irrigation requirements, planting lists (highlighting indigenous species), cost estimates, and the total value of the work;
 - ii. identify existing vegetation by type and identify areas which are to be cleared;

- iii. provide for the landscape treatment of the frontage of the site which abuts onto existing or future public roads;
 - iv. provide for vegetative buffers along lot lines and between uses;
 - v. identify how landscape treatment will avoid the use of herbicides, pesticides and fungicides.
 - 2) Existing site topography and landscape features, including indigenous vegetation, should be retained wherever possible through careful and innovative site design.
 - 3) An adequate landscaped strip should be provided along all roads. The width and extent of this buffer strip should be established based on the overall useable site area of the parcel, the extent of existing vegetation, the provision for adequate access and visual clearances, and any zoning requirements.
 - 4) Any storage areas on the property facing public roadways should have adequate landscape screening or the provision of other screening consistent with the overall character of the site and with the other guidelines in this section.
 - 5) Proposed new plantings should consist of indigenous vegetation or other non-invasive vegetation suitable for local environmental conditions; buffer planting using massing of indigenous trees and shrubs is encouraged.
 - 6) Appropriate planting should be used to soften building massing, to break up parking areas and to provide screening along lot lines. It is not intended that plantings form a full-height visual screen around the whole site and screen all buildings from view; planting should reduce and soften the apparent scale and mass of buildings, provide screens, and create breaks in a building façade or at building corners.
 - 7) New drainage swales and detention basins should be planted with materials that will assist in the treatment of storm water runoff and that are also complementary to the surrounding natural vegetation.
 - 8) All landscaping and screening should be completed within 12 months of an occupancy permit being issued and should meet or exceed the British Columbia Society of Landscape Architects and British Columbia Nursery Trades Association standards.
 - 9) The application should include a security, in the form of an irrevocable letter of credit for 125% of the value of the quoted landscaping cost.
- Guideline 3 All applications should provide a parking layout plan, adhering to the following guidelines:
- 1) Large impervious and surfaced parking areas should be avoided. Porous or permeable surfaces should be used where practical and impervious surfaces should be minimized and swales and open ditches should be installed rather than curb and gutter systems.
 - 2) Common parking spaces should be clearly identified and provided within the development. Landscaping and vegetation planting is encouraged in and around parking areas.

- 3) Parking should be unobtrusive.
- 4) Development should provide for and clearly identify pedestrian circulation areas, preferably with different paving and/or landscaping treatment.
- 5) Any significant common paved parking areas should be included within the context of any storm water plan and incorporate oil/water separators.
- 6) Provision should be made for bicycle parking or storage.

Guideline 4 Lighting proposed as part of an application for a new building or overall site development should adhere to the following guidelines:

- 1) Lighting for walks and parking areas should be small in scale and used to illuminate parking areas and pedestrian paths only.
- 2) High intensity lighting is discouraged.
- 3) Security and other lighting should not be placed so as to shine directly onto adjacent residential or commercial properties or to reduce the effectiveness of any landscaped buffer.

Guideline 5 The LTC may consider variances to siting or size regulations where the variance may result in closer adherence to the guidelines in this section.

SCHEDULE C

Development Permit Area X – Groundwater Protection DPA

2.1 Designation

All lands shown on Schedule _X_ as being a groundwater protection area are designated as a development permit area.

2.2 Authority

The Groundwater Protection Development Permit Area is designated a development permit area pursuant to Section 919.1(1)(a) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity and Section 919.1(i) of the Local Government Act for the establishment of objectives to promote water conservation.

2.3 Special Conditions and Objectives that Justify the Designation

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

It is Provincial legislation in Section 877(1)(d) of the Local Government Act that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is environmentally sensitive to development.

It is policy of the Islands Trust Council that local trust committees address measures that ensure:

- neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater,
- water quality is maintained, and

The Objectives of the development permit area are:

- to protect and sustain access to a reliable and safe supply of drinking water for private wells
- to protect and sustain the quality and supply of surface and groundwater necessary to the provision of ecological services
- to mitigate the impacts of development on sub-surface water supplies

2.5 Applicability

A development permit is required for the subdivision of land, construction of a new residence or commercial or industrial building, land alteration, or the cutting of trees in excess of the number exempted below.

2.6 Exemptions

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

- a) Repair, maintenance, alteration, additions to, or reconstruction of existing lawful buildings, structures or utilities, including those that are lawfully non-conforming (a building permit may still be required)
- b) Construction of a dwelling or subdivision of land that is, or will be, serviced by a community water system.
- c) Construction of a dwelling where the dwelling:
 - a) Is not to be connected to a groundwater source; and,
 - b) Is entirely serviced with water through stored and treated rain water which meets or exceeds Canadian Drinking Water Standards.
- d) Development on land that is subject to a conservation covenant under section 219(4) of the *Land Title Act* in relation to natural, environmental, wildlife or plant life value relating to the land, granted to the local government or a covenantee designated under section 219(3)(c) of the *Land Title Act*.
- e) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving asphaltting or similar surfacing.
- f) The placement of temporary buildings or structures
- g) All vegetation removal except for cutting and removal of more than 5 trees (with a trunk diameter greater than 20 centimetres measured 1.5 metres above the ground) within a 12-month period on any one lot.
- h) Removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.
- i) Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2), (3), (4) and (5) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*.
- j) Forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land

- under the *Private Managed Forest Land Act*.
- k) Land alteration that does not alter the natural contours of the land.
 - l) The construction of an accessory building or structure with a lot coverage of less than 100m², provided the accessory building or structure is not connected to a supply of water.
 - m) Construction of fences.
 - n) Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:
 - i. Forest fire, flood and erosion protection works;
 - ii. Protection, repair or replacement of public facilities;
 - iii. Clearing of an obstruction from a bridge, culvert, dock wharf or stream; or
 - iv. Bridge repairs.
 - o) Works undertaken by a local government or a body established by a local government.

2.7 Guidelines

1. In general, development should minimize negative impacts on the quality and quantity of subsurface water supplies.
2. A qualified professional hydrogeologist or engineer is required to prepare a report and make recommendations for mitigation measures. Once the final report from the is received from the hydrogeologist or engineer by the local trust committee, the LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of groundwater supply quality or quantity consistent with the measures and recommendations described in the report.
3. Where the a qualified professional hydro-geologist or engineer's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a hydro-geologist or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
4. Where an application involves the subdivision of land, layout of the subdivision should be designed to:

- a) replicate the function of a naturally vegetated watershed;
 - b) maintain the hydraulic regime of surface and groundwater pre-development flow rates;
 - c) not interfere with groundwater recharge;
 - d) not introduce or remove material where it would cause erosion of or the filling in of natural watercourses or wetlands.
5. Local trust committees may require the applicant to install a groundwater monitoring device in at least one well within each proposed subdivision. Local trust committees may require an agreement to be registered on title to allow a designated person or agency to access the property to collect the data from the device.
6. Where rainwater management is recommended by the report, rainwater should be retained on-site and managed using methods such as vegetated swales, rain gardens, or other methods which allow rainwater to return to the ground.
7. Where rainwater harvesting is recommended by the report for the construction of a new dwelling unit:
- a) Dwelling units should be sited to allow for the optimal placement of a gravity fed rainwater collection tank which collects rainwater from the roof leaders of the dwelling unit which capture the majority of the rainwater flows.
 - b) Dwelling units should be designed to maximize opportunities for rainwater catchment from all roof surfaces.
 - c) Impervious surfaces should be minimized. The use of impervious paved driveways shall be discouraged.
 - d) local trust committees may require that all new dwelling units include an external rainwater harvesting system such which includes the following:
 - i. External equipment for collecting and distributing rainwater from the dwelling unit roof;
 - ii. A storage tank(s) with a minimum storage capacity of XXX litres which is designed for rainwater collection and is rated for potable use;

- iii. A pumping system;
 - iv. An overflow handling system.
- e) All external pipe, plumbing fixtures, and hose bibs where rainwater is used shall be clearly marked with “Non-Potable Water Do Not Drink”.
 - f) Where external rainwater harvesting equipment is required as a condition of the permit, local trust committees shall encourage the applicant to install dedicated plumbing lines within proposed dwelling units to make use of stored rainwater for flushing toilets and other non-potable uses.
8. Where tree removal which is not exempt from the requirement for a permit:
- a) Removal of trees from steep slopes should only be allowed where necessary and where replacement vegetation / erosion control measures are established. Plans delineating extent of vegetation / tree removal and location of proposed construction, excavation and / or blasting, may be required.
 - b) All development should be undertaken and completed in such a manner as to prevent the release of sediment to any watercourse. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.
 - c) Existing, native trees should be retained wherever possible and trees to be retained near development should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
 - d) If the area has been previously cleared of trees, or is cleared during the process of development, replanting requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.
 - e) Tree species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or

wildlife habitat values as needed. Suitably adapted, non-invasive, non-native trees may also be considered acceptable.

- f) All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead trees should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.
- 9. Roads, driveways, trails and pathways should follow the contours of the land and appropriately manage drainage.
- 10. Parking areas should be located and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, bio-filtration trenches or swales, unpaved or permeable all-weather surfaces should be considered for this purpose.
- 11. Local trust committees may consider variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area.



Islands Trust

Print Date: May-13-2014

Top Priorities

Mayne Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Housing Options - Secondary suites	proposed bylaws 159 forwarded to Minister for approval. Proposed bylaws 159 and 160 to be placed on LTC agenda for final adoption once ministerial approval is received.	Jul-31-2013	Gary Richardson	May-28-2014	On Going
2	OCP and LUB amendments	LTC directed staff (March 26) to prepare draft bylaws for technical amendments recommended in staff report dated March 18, 2014. The remainder of the possible amendments in the staff report were forwarded to the APC for review.	Jul-31-2013	Kim Farris	May-28-2014	On Going
3	Fallow Deer eradication	Staff to prepare a report and recommendations on how to proceed with this initiative	Oct-30-2013	Gary Richardson	Jun-26-2014	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	Commercial Land Use Review	review task force reports and provide options/recomendations to the LTC	Oct-24-2012	On Going
3	First Nations Communication - deer		Jun-27-2012	On Going
4	Density provisions on large remainder lots		Jul-27-2012	On Going
5	Road issues		Jun-27-2012	On Going
6	Review TUP policies		Sep-19-2012	On Going
7	STVR Review		Sep-19-2012	On Going
8	Geo-exchange review		Nov-28-2012	On Going



Applications w/ Status - Mayne Island Status: Open

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
MA-RZ-2012.1	0747825 BC LTD / Bruce Rosengren c/o Murray Rosengren Planner: Gary Richardson	Dec-18-2012	630 DINNER BAY RD To rezone from Commercial zone (C5a) to Senior Citizen Housing Comprehensive Development Three zone (CD3) with site specific permissions.

Planning Status

Status Date: May-13-2014

Staff report and draft DPA guidelines prepared for May 21, 2014 LTC Mtg.

Status Date: Apr-15-2014

Staff report on amended proposal prepared for April 23, 2014 LTC Mtg.

Status Date: Apr-14-2014

CIM being held April 23, 2014

Subdivision

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2014.1	Richard & Debra Milne, Wayne & Janice Peace Planner: Gary Richardson	Jan-22-2014	000-200-212 380 GEORGINA POINT RD MA 023-910-330 370 GEORGINA POINT RD MA 023-910-348 GEORGINA POINT RD MA

Planning Status

Status Date: Apr-09-2014

PLA issued April 7, 2014

Status Date: Apr-01-2014

Referral response sent to MoTI, LTC and applicants April 1, 2014

Status Date: Feb-17-2014

application fees received and processed gave file to planner

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
MA-TUP-2013.1	Mayne Island Resort Strata Planner: Gary Richardson	Jul-09-2013	Address 494 ARBUTUS DR PID 027-713-253 Changing the use to allow strata owners docking priviledges.

Planning Status

Status Date: May-13-2014

Staff report and amended draft permit prepared for May 21, 2014 LTC Mtg.

Status Date: Apr-15-2014

Staff report and draft permit prepared for April 23, 2014 LTC meeting

Status Date: Nov-20-2013

CIM to be held during February 26, 2014 LTC mtg.

Islands Trust
LTC EXP SUMMARY REPORT F2014
Invoices posted to Month ending March 2014

645 Mayne	Invoices posted to Month ending March 2014	Budget	Spent	Balance
65000-645	LTC "Trustee Expenses"	1,100.00	419.21	680.79
LTC Local				
65200-645	LTC - Local Exp - LTC Meeting Expenses	2,500.00	2,245.21	254.79
65210-645	LTC - Local Exp - APC Meeting Expenses	1,000.00	496.04	503.96
65220-645	LTC - Local Exp - Communications	500.00	1,520.64	-1,020.64
65230-645	LTC - Local Exp - Special Projects	2,000.00	0.00	2,000.00
65240-645	LTC - Local Exp - Miscellaneous	250.00	0.00	250.00
TOTAL LTC Local Expense		<u>6,250.00</u>	<u>4,261.89</u>	<u>1,988.11</u>
Projects				
73001-645-2005	Mayne OCP/LUB	4,000.00	1,113.30	2,886.70
73001-645-4013	Mayne housing options	3,000.00	1,257.90	1,742.10
TOTAL Project Expenses		<u>7,000.00</u>	<u>2,371.20</u>	<u>4,628.80</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.