



Mayne Island Local Trust Committee

Regular Meeting Agenda

Date: April 23, 2014
Time: 1:00 pm
Location: Mayne Island Agricultural Hall
430 Fernhill Road
Mayne Island, BC
V0N 2J0

Pages

1. Call to Order 1:00 PM - 1:45 PM
2. Approval of Agenda
 - 2.1 Additions/Deletions
 - 2.2 Questions from the public on Agenda items
3. Community Information Meeting
 - 3.1 MA-RZ-2012.1 (Oceanwood)
4. Public Hearing 1:45 PM - 2:30 PM
none
5. Previous Meetings
 - 5.1 Local Trust Committee Minutes
 - 5.1.1 Mayne Island Local Trust Committee Meeting Minutes dated March 26, 2014 (attached) 4 - 13
For consideration to Adopt
 - 5.2 Public Hearing Records and Information Meeting Notes
none
 - 5.3 Section 26 Resolutions-without-meeting
none
 - 5.4 Advisory Planning Commission and/or Mayne Island Commercial Land Use Task Force Minutes
none

6.	Business Arising from the Minutes	
6.1	Follow-up Action List (attached)	14 - 15
	FUAL Report dated April 2014	
7.	Delegations	
7.1	Southern Gulf Islands Electoral Area Director	
8.	Correspondence	
	<i>[Correspondence recieved concerning applications and/or projects is considered with the application/project]</i>	
	none	
9.	Applications, Permits, Bylaws and Referrals	2:30 PM - 3:30 PM
9.1	MA-RZ-2012.1 (Oceanwood) - Staff Report (attached)	16 - 33
9.2	MA-TUP-2013.1 (Mayne Island Resort) - Staff Report (attached)	34 - 46
9.2.1	Letter dated February 24, 2014 from B & F Borges re Oil Spill at Bennet Bay (attached)	47 - 49
10.	Local Trust Committee Projects	
	none	
11.	Reports	3:30 PM - 4:15 PM
11.1	Work Program Reports (attached)	50 - 51
	Work Program Report dated April 2014	
11.2	Applications Report (attached)	52 - 53
	Applications Report dated April 2014	
11.3	Expense/Budget Reports	
	none	
11.4	Bylaw Enforcement	
	none	
11.5	Adopted Policies and Standing Resolutions (attached)	54 - 57
	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

11.8 Trustee Report

12. Other Business

12.1 Upcoming Meetings

The next meeting of the Mayne Island Local Trust Committee will be held on Wednesday, May 28, 2014, at 1:00 PM, at the Mayne Island Agricultural Hall.

12.2 2013 - 2014 Annual Report Submission (attached)

58 - 60

12.3 Riparian Area Regulations (RAR)

Discussion

13. Town Hall Meeting

14. Adjournment

4:15 PM - 4:15 PM

**MINUTES OF THE MAYNE ISLAND
LOCAL TRUST COMMITTEE MEETING
HELD ON WEDNESDAY MARCH 26, 2014, AT 1:00 P.M.
AT THE MAYNE ISLAND AGRICULTURAL HALL**

<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 six (6) 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 items:

10.1 OCP and LUB Technical Amendments – Staff Report

11.3 Expense/Budget Reports – LTC March 2014

The agenda was Adopted as amended by consensus.

2.2 Questions from the public on Agenda items

None

3. COMMUNITY INFORMATION MEETING

None

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 February 26, 2014

Page 4 second last paragraph: to read: "Trustee Dodds supports the TUP process continuing and..."

Page 6 third paragraph: to read: "Trustee Dodds and Trustee Crumblehulme support moving forward with the..."

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

5.2 Public Hearing Records and Information Meeting Notes

5.2.1 Mayne Island Local Trust Committee Draft Public Hearing Record of February 26, 2014

The Mayne Island Local Trust Committee Public Hearing Record of February 26, 2014, were Received by consent.

5.2.2 Mayne Island Local Trust Committee Draft Community Information Meeting Note of February 26, 2014

Amend page 2, last sentence: to read: "Trustee Dodds explained this is why there is a TUP application, to change the permitted use."

The Mayne Island Local Trust Committee Community Information Meeting Notes of February 26, 2014, as amended, were Received by consent.

5.3 Section 26 Resolutions-without-meeting

None

5.4 Advisory Planning Commission Minutes

5.4.1 Mayne APC Adopted Minutes of January 13, 2014

The adopted Mayne Island Advisory Planning Commission Meeting Minutes of January 13, 2014, were received for information.

5.4.2 Mayne APC Draft Minutes of March 10, 2014

Received for information.

6. **BUSINESS ARISING FROM THE MINUTES**

6.1 Follow-up Action List

Planner Richardson reported that item (1) one is completed and that comments were received from the Advisory Planning Commission (APC) regarding MA-TUP-2013.1.

Trustee Dodds stated that, unfortunately, the Mayne Island Conservancy had been unaware of the APC meeting and therefore, unavailable to speak to their report. There is a need for a mechanism to co-ordinate the partnership with the Conservancy and the applicant. The APC did have the Conservancy report and recommended the applicant work with the Conservancy.

This will be further discussed under Agenda Item 9.2

Item 3 is ongoing, and Item 4 Nordquist Temporary Use Permit has been issued for 3 years.

Bylaws 159 and 160 (Secondary Suites) have been approved by the Executive Committee and will be forwarded to the Minister.

Chair Luckham reviewed the discussions at the Executive Committee and stated there is an increased focus by Islands Trust to ensure that LTC actions fit within Policies and Guidelines. There were some concerns that report was unspecific regarding secondary suites and density (not felt that density will increase) and parking. It is important that Mayne Island (MI) Bylaws meet Policy Statement and Guidelines.

Trustee Dodds stated that density needs to be defined within Bylaws.

Chair Luckham informed the Committee that Saturna Bylaws speak to secondary suites and density and that there is a cap on the number of suites. Chair Luckham was able to address the issues as he knew the MI LTC direction – it just wasn't specifically stated.

7. **DELEGATIONS**

None

8. CORRESPONDENCE

- 8.1 Response email letter dated March 5, 2014, from Minister Thomson re: RAR on Mayne Island

Chair Luckham spoke to the correspondence from the Ministry of Forests, Lands and Natural Resources. To date, everything has been by email and while the initial email was recalled, the email of March 5th is identical to the one recalled.

Trustee Dodds stated that the Land Owners Coalition has an email from the Ministry that states if able to prove no fish then they will be exempted from the Riparian Areas Regulations (RAR). It is now time to send this email to the current Minister and explain that this is what the community was told and why Mayne Island is requesting an exemption. The majority of watercourses are through agricultural land so there are a limited number of waterways that are affected by RAR.

Trustee Crumblehulme suggested having an information meeting with Ministry representatives.

Ian Dow (Citizens Coalition) reviewed actions to date. There has been \$15,000 spent for 3 reports proving an absence of salmonoids and why there are no salmonoids for the purposes of RAR. The existent waterways are acidic and toxic for fish.

MA-2014-018

It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to invite Margaret Henigman, Ecosystem Biologist, West Coast Region, Ministry of Forests, Lands and Natural Resources, to attend a Community Information Meeting on Mayne Island to discuss and resolve the implementation of Riparian Area Regulations and to send an information package to Ms. Henigman.

CARRIED

9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

9.1 North Pender Island Local Trust Committee Proposed Bylaw No. 194 Referral

MA-2014-019

It was Moved and Seconded that Mayne Island Local Trust Committee advise the North Pender Island Local Trust Committee that Mayne Island interests are unaffected by Bylaw No. 194.

CARRIED

9.2 MA-TUP-2013.1 (Mayne Island Resort)

9.2.1 Email from B. Wilks re: Bennett Bay and Other Foreshore

Trustee Dodds stated that the Advisory Planning Commission (APC) had received the above cited email and it was taken into consideration.

Planner Richardson noted that the recommendations from the APC had been received and asked if the LTC wished to continue with the application which would involve directing staff to prepare a more thorough staff report and to draft a Temporary Use Permit.

Murray Rosengren (applicant) stated that he had spoken with the Mayne Island Conservancy regarding the recommendations from the APC and plans are underway for signage and conservancy buoys, for which the Resort is willing to share the costs.

Trustee Dodds suggested there be a letter of agreement between the Conservancy and the Resort as part of the TUP to outline goals and intentions.

MA-2014-020

It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to draft a Temporary Use Permit for the application MA-TUP-2013.1 (Mayne Island Resort) for the April 23, 2014, Local Trust Committee meeting.

CARRIED

Trustee Crumblehulme suggested signage to demark the three berths, specify a speed limit, and educate public regarding eelgrass.

Trustee Dodds reminded the Committee that the berths are for the use of strata owners – not tourists or commercial vessels.

9.3 MA-RZ-2012.1 (Oceanwood)

Trustee Crumblehulme suggested proceeding with a draft for the rezoning and that the water report be forwarded to the Village Point Improvement District for review.

Trustee Dodds stated that it would be more efficient to wait for the staff report to detail what can be managed through permit before sending a report to water district.

The applicant stated plans for a well test and report will be sent to the LTC.

Chair Luckham referred to the Ground Water Protection document which also includes a Well Head Protection Plan. The application increases density significantly and Chair Luckham questioned the mechanisms/tools available within rezoning to allow the LTC to ensure best practices are being implemented.

The applicant employs a Water Technician to monitor systems and the well has a concrete seal, is capped, and locked.

Trustee Crumblehulme spoke to the importance of protecting the water source and the quality of water.

Chair Luckham stated that there is a need to ensure that future owners are held to standards.

9.4 Saturna Island Local Trust Committee Bylaws No. 112, 113, 114 and 115

Planner Richardson outlined the Bylaws.

MA-2014-021

It was Moved and Seconded that Mayne Island Local Trust Committee advise the Saturna Island Local Trust Committee that Mayne Island interests are unaffected by Bylaw No. 112.

CARRIED

MA-2014-022

It was Moved and Seconded that Mayne Island Local Trust Committee advise the Saturna Island Local Trust Committee that Mayne Island interests are unaffected by Bylaw No. 113.

CARRIED

MA-2014-023

It was Moved and Seconded that Mayne Island Local Trust Committee advise the Saturna Island Local Trust Committee that Mayne Island interests are unaffected by Bylaw No. 114.

CARRIED

MA-2014-024

It was Moved and Seconded that Mayne Island Local Trust Committee advise the Saturna Island Local Trust Committee that Mayne Island interests are unaffected by Bylaw No. 115.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 OCP and LUB Technical Amendments – Staff Report

Planner Richardson reviewed the staff report which provides an overview of recommended amendments to the Official Community Plan (OCP) and the Land Use Bylaw (LUB), which would provide clarity, update information and remove ambiguity. There is additional information pertaining to some of the more complex amendments proposed where further discussion, direction and/or decision is required by the LTC.

MA-2014-025

It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to refer Items No. 3-5, 10 and 15 in Table 1 and Item #1 and 12 in Table 2 in the staff report of March 18, 2014, to the Mayne Island Advisory Planning Commission for consideration.

CARRIED

11. REPORTS

11.1 Work Program Reports

Planner Richardson reported that Bylaws 159 and 160 have been sent on to the Minister.

Staff informed the LTC that the quotes for the fallow deer eradication project exceeded the budgeted allotment.

Trustee Dodds pointed out the need for a planning tool within the OCP as to how to deal with the issue of fallow deer.

Trustee Crumblehulme suggested looking at the applicant's quote to explore negotiation of costs and that maybe other community groups would be willing to assist funding the project.

MA-2014-026

It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to develop a proposal as to how the Mayne Island Local Trust Committee might implement a plan as to fallow deer eradication within the Official Community Plan.

CARRIED

11.2 Applications Report

Applications Report dated March 2014

Planner Richardson stated there are 3 applications in process:

- rezoning – Oceanwood
- boundary adjustment
- TUP to increase dock berths

11.3 Expense/Budget Reports

LTC Expense Report March 2014 received for information.

Chair Luckham stated any questions should be directed to Staff and any expenses for March need to be received by April 4, 2014 for year end.

11.4 Bylaw Enforcement

Planner Richardson spoke to Trustee Dodd's suggestion that the Bylaw Officer be asked to attend a meeting and speak to the TUP for the Mayne Island Resort dock as the Bylaw Officer has historical information.

Chair Luckham asked that there be a summary and chronological history prepared on the dock situation.

MA-2014-027

It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to invite the Bylaw Officer to conference call at the April 23, 2014, Local Trust Committee meeting and to request the Bylaw Officer to provide a chronological summary regarding the Bylaw file on the Mayne Island Resort dock.

CARRIED

11.5 Adopted Policies and Standing Resolutions

Received for information

11.6 Mayne Island LTC Web Page

Staff will update the page according to happenings at today's meeting.

11.7 Chair's Report

Chair Luckham spoke to the recent Trust Council meeting on Hornby Island and that the budget has been approved at 0% increase. Executive Committee and Trustees attended the rally at Parliament regarding BC Ferries. Islands Trust is working on various plans and strategies on such topics as Emergency Contingency Plans, Advocacy Strategies, Oil Spill Response, etc. There was a recent oil spill in Houston due to a vessel collision which could happen within the Islands Trust area.

11.8 Trustee Report

Trustee Crumblehulme stated that BC Transit is willing to support up to 53% of the island bus service. There has been a letter sent supporting the Pathways Initiative and the group will be having a community meeting on March 29. There is a draft business plan for Miners Bay Dock and surplus monies could be directed towards the transit service. As the Mayne Island Broadband representative he will be attending a discussion meeting being organized by the MLA. The proposal/plans to link the islands with the Trans Canada Trail has been published and is very comprehensive.

12. **OTHER BUSINESS**

12.1 Upcoming Meetings

The next meeting of the Mayne Island Local Trust Committee will be held April 23, 2014, at 1:00 pm., at the Mayne Island Agricultural Hall.

12.2 Groundwater Toolkit and Memo

Received for information

Trustee Dodds suggested that this be emailed to the Mayne Island Integrated Water Systems.

13. **TOWN HALL MEETING**

Chair Luckham invited comments from the public.

Ian Dow provided information on the Miners Bay Dock Business Plan. Through the Residents and Ratepayers Association there was a request made through the Freedom of Information Act and there have been significant monies taxed on the dock and transferred to general revenues – 53%, while the Harbours Commission is claiming no dollars for repairs. The plan would increase moorage revenues which could then been used for a transit system be it bus or possibly a water taxi. The proposal has been presented to CRD and the Harbours Commission and will be proceeding to the next step of the process. BC Transit has approved use of private vehicles for “bus” service and analysis of costs suggests that costs would be \$15 to \$20 per parcel to operate.

14. ADJOURNMENT

Chair Luckham declared the meeting adjourned at 3:00 p.m.

RECORDER

CHAIR



Follow Up Action Report w/ Target Date

Mayne Island Feb-26-2014

No.	Activity	Responsibility	Target Date	Status
1	MA-RZ-2012.1 (Oceanwood) - Staff to prepare further report on housing agreements etc and arrange CIM for April 23, 2014 MILTC Mtg.	Gary Richardson		Done

Mar-26-2014

No.	Activity	Responsibility	Target Date	Status
2	Meeting minutes of February 26, 2014 adopted as amended.	Lori Foster		Done
2	CIM notes of February 26, 2014 to be amended.	Lori Foster		Done
3	RAR - staff requested to contact MOE staff to May mtg. - staff to bring RAR maps and background material to next meeting, how much is in the ALR - get letter from Ian Dow. - Forward MOE staff all material on RAR on Mayne before attendance at mtg.	Gary Richardson		On Going
4	North Pender LTC Proposed Bylaw 194 - respond that the Mayne LTCs interests are unaffected.	Sharon Lloyd-deRosario		Done
5	MA-TUP-2013.1 (Mayne Island Resort) - staff requested to: For the April 23, LTC Mtg: - request bylaw enforcement officer (Miles Drew) to provide history of past issues regarding the dock (via phone). - staff to discuss conditions with conservancy and applicant.	Gary Richardson		Done

- staff to prepare a staff report and draft permit for LTC review.

For the May 28, LTC Mtg:

- statutory notification prior to mtg.
- prepare tup for LTC to consider issuing.

6	MA-RZ-2012.1 (Oceanwood) - staff to prepare report for April 23 LTC Mtg. regarding tools available to regulate water conservation practices, housing type and timing of development. Determine what tools can be used form groundwater protection toolkit.	Gary Richardson	Done
7	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
8	Proposed Saturna LTC Bylaws 112, 113, 114 and 115 - advise that Mayne LTCs interests are unaffected by bylaws.	Sharon Lloyd-deRosario	Done

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 to rezone this property for 37 seniors dwelling units and 4 employee dwelling units was received in December 2012.

The LTC considered the initial proposal and directed staff to have a needs assessment carried out regarding the need for seniors units on Mayne Island. An assessment of the demand for seniors supported living units was carried out by Carol Munro who prepared a report dated November 11, 2013 which suggested a very low demand for the type of units being proposed.

At its November 27, 2013 LTC meeting the LTC passed the following resolution:

Resolution MA-LTC-58-13

It was Moved and Seconded that Mayne Island Local Trust Committee request the applicant of MA-RZ-2012.1 to revise the proposal by reducing the number of units being proposed.

On December 18, 2013 the applicant provided an amended application with a reduced number of units. The amended application is no longer exclusively for seniors units it provides for more of a mix of accommodation types.

At its February 26, 2014 LTC meeting the LTC passed the following resolutions:

Resolution MA-2014-004

It was Moved and Seconded that, Mayne Island Local Trust Committee request the applicant of MA-RZ-2012.1 (Oceanwood) to provide a Water Management Report.

Resolution MA-2014-005

It was Moved and Seconded that, Mayne Island Local Trust Committee direct staff to request a water plan from the MA-RZ-2012.1 (Oceanwood) applicant and that staff prepare a sample housing agreement and schedule a Community Information Meeting for the April 23, 2014, Local Trust Committee meeting.

This report provides comments on: the water report provided by the applicant and ways that the LTC can regulate/protect groundwater water; housing agreements; phasing of the proposed development; and recommends next steps.

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.

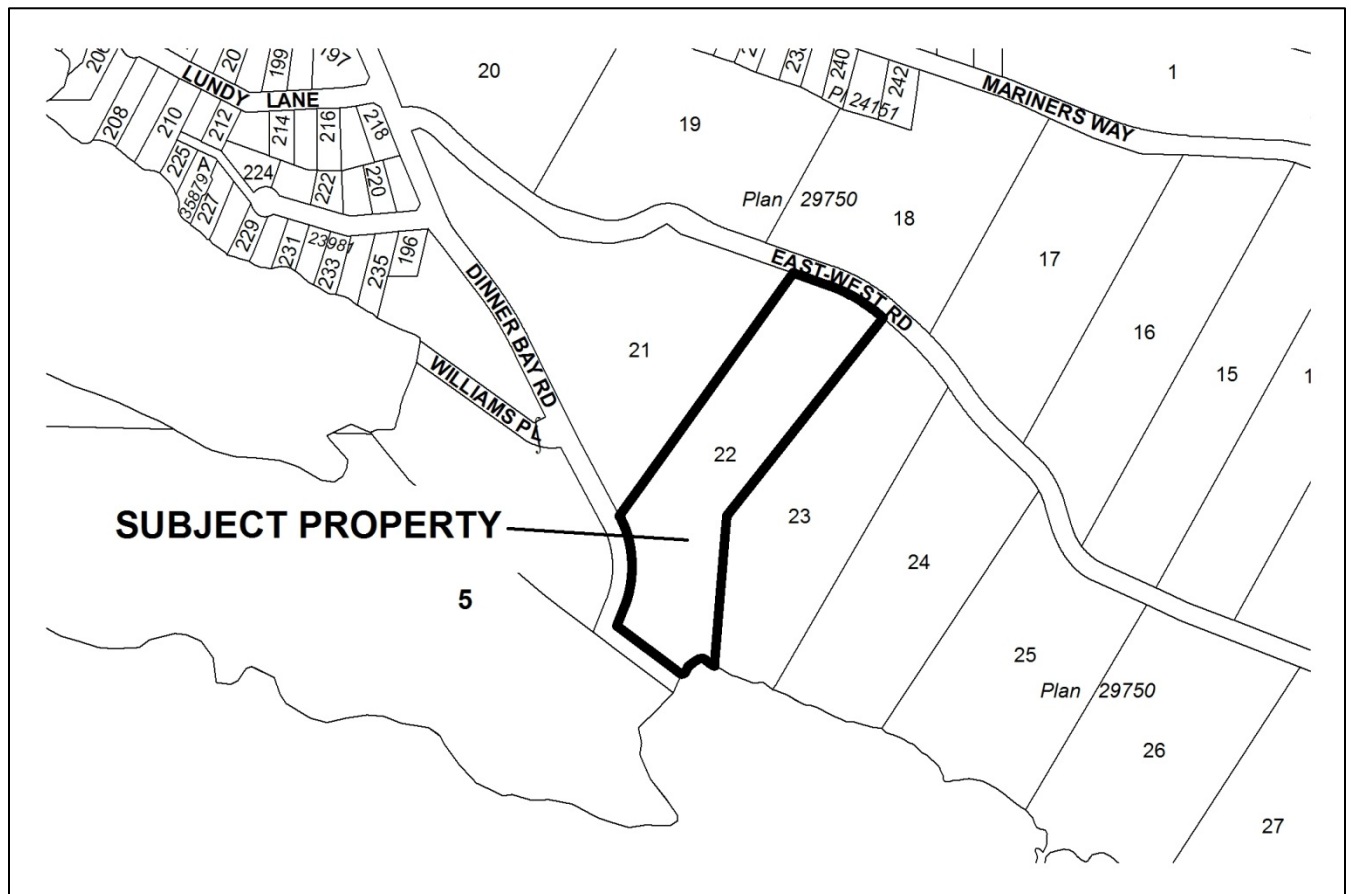
Also being proposed are 3 staff family housing units in one ground level triplex structure. No floor area has been given for this proposed structure.

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

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

4.4 Freshwater Resources

Commitment of Trust Council

- 4.4.1 It is Trust Council's policy that islands in the Trust Area should be self-sufficient in regard to their supply of freshwater.

Directive Policies

- 4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, 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
 - existing, anticipated and seasonal demands for water are considered and allowed for.
- 4.4.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses¹⁸.

5.2 Growth and Development

Commitments of Trust Council

- 5.2.1 Trust Council holds that growth and development in the Trust Area should be compatible with preservation and protection of the environment, natural amenities, resources and community character.

Directive Policies

- 5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
- 5.2.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
- 5.2.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
- 5.2.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.

5.8 Health and Well-being

Directive Policies

- 5.8.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

Official Community Plan

1.2 BROAD COMMUNITY OBJECTIVES

- 5) To support a diverse and vital community structure through effective housing policies for affordability, long term rental opportunities and special needs while maintaining flexibility for a range of dwelling types.

2.4.2 Visitor Accommodation

Objectives

The objectives of this section are:

- 1) to ensure a supply of accommodations that are safe and offers a healthy environment,
- 2) to disperse accommodations in quiet natural settings having the least impact on the quiet rural character of the Mayne Island Trust Area,
- 3) to ensure all accommodations can be adequately serviced, and
- 4) to ensure all restaurants are at an appropriate scale to service residents and visitors.

Policies

- 2.4.2.1 Accommodation for visitors shall be at a low density as defined in the Land Use Bylaw and shall be dispersed around the Mayne Island Trust Area.
- 2.4.2.2 There should be regulation in the Land Use Bylaw that would limit the length of stay for visitor accommodation units while acknowledging that the Springwater Lodge and Blue Vista, for example, has for many years allowed works crews to stay for longer durations.
- 2.4.2.5 The scale of use, the degree of servicing, including roads and parking, the provision of open space, signage and the form and character of any new visitor accommodation development shall be regulated through development permit.
- 2.4.2.6 The density of use on a parcel or within a building in this designation may be increased subject to compliance with Section 2.8 (Amenity Zoning Guidelines) of this Plan.
- 2.4.2.7 Employee accommodation may be required in new development where a significant number of additional units are permitted or proposed.

2.10 AMENITY ZONING GUIDELINES

- 2.10.1 In the case where a property owner offers to provide a voluntary community amenity as a condition of subdivision or rezoning, consideration may be given to increasing the permitted density on a parcel in any designation other than Public Service, Park or Resource Conservation.
- 2.10.2 The following community amenities represent a list of potential community amenities which may be acceptable for consideration under this section:
 - i) the provision of land for preservation of unique natural environments and sensitive areas,
 - ii) the provision of land to preserve forests, watersheds and wetlands,
 - iii) the provision of land for community park or public open space,
 - iv) the provision of land for sewage treatment facilities or community water systems,
 - v) the provision of community wells for domestic water supply,
 - vi) the provision of firefighting storage reservoirs,
 - vii) the provision of easements or rights of way for utilities or trails,
 - viii) the provision of community buildings,
 - ix) the provision of land for community buildings or structures,
 - x) the provision of community space in a commercial building,
 - xi) the provision of affordable and special needs housing, and

- xii) the provision of any other amenity which is similar in nature to the foregoing and/or is consistent with the objectives and policies of the OCP.

2.10.3 In evaluating a proposal to increase density consideration shall be given to the appropriateness of the proposed amenity that would be donated and the implications for the parcel and adjoining parcels of permitting the increased density.

The LTC should consider the following criteria in assessing such applications:

- a) where the proposal involves the donation of land, the number of additional dwellings or lots permitted should not exceed:
 - i) the equivalent of the area being donated divided by the average lot area, or where the zone has no average lot area, the minimum lot area. Any fractional amount which is equal to or greater than half the minimum or average lot area should be considered as a full density unit; or
 - ii) one dwelling or lot where the area being donated is less than one half of the average lot area, or where the zone has no average lot area, less than one half the minimum lot area.
- b) additional density should take the form of residential lots or dwellings;
- c) development should:
 - i) be sited away from sensitive ecosystems,
 - ii) minimize visual impacts,
 - iii) mitigate potential natural hazards,
 - iv) implement sustainable development practices; and
 - v) not adversely impact adjacent properties.
- d) where appropriate, such an application may be considered in conjunction with an application to transfer density under the provisions of Section 2.11.
- e) as it is intended that applications should be for relatively modest increases in density, the Local Trust Committee should not consider applications in which more than 10 additional dwelling units are proposed in exchange for a community amenity.

2.10.4 The LTC should require rainwater storage systems through the registration of a legal agreement when considering applications that could result in an increased density.

2.10.5 Where, as a condition of providing a community amenity, a parcel is to be granted greater density than would otherwise be the case in the zone in which it is located, the zoning shall be amended on the property to reflect the new maximum density permitted on the parcel.

Development Permit Area

The subject Lot is currently in a Visitor Accommodation Development Permit area.

5.12 Country Guest House Commercial (C5) Zone

The purpose of the Country Guest House Commercial Zone is to provide regulations for inns in rural locations.

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) Guest House;
 - (b) Agriculture;
 - (c) Accessory dwelling unit;
 - (d) Accessory restaurant;
 - (e) Accessory uses, buildings and structures.

Density

- (2) The maximum lot coverage is 10%.
- (3) One guest house per lot.
- (4) One accessory dwelling unit per lot.
- (5) One accessory restaurant, located within a guest house, per lot.
- (6) The maximum number of accessory buildings is four per lot, other than an accessory dwelling unit, utility sheds, or woodsheds.

Conditions of Use

- (1) Outdoor storage areas and tourist accommodation uses, including restaurants and parking areas, must be screened from residential uses on adjoining lots by a landscape screen not less than 1.5 metres in height and complying with the provisions of Section 3.8.

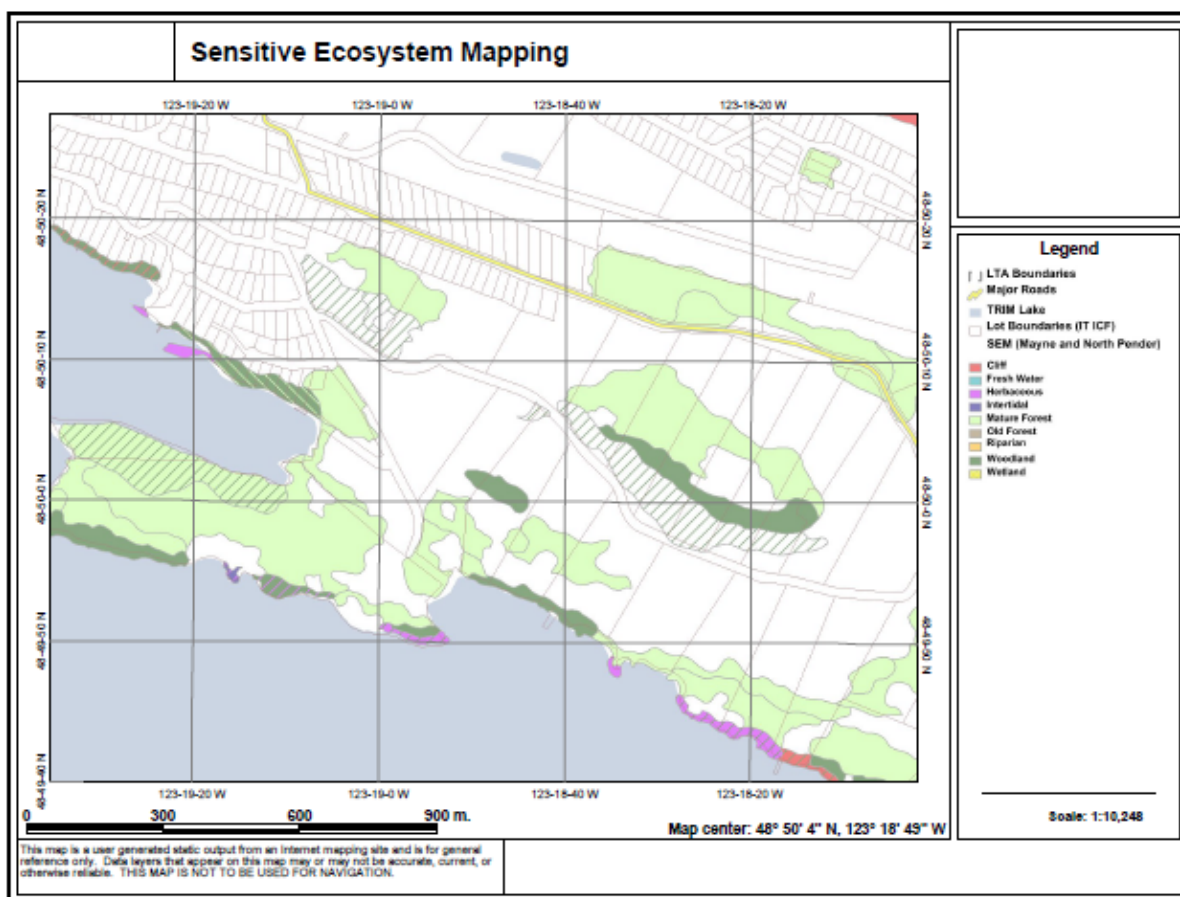
Site Specific Regulations

- (2) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
C5(a)	Lot 22, Sections 5 And 6, Mayne Island, Cowichan District, Plan 29750 630 Dinner Bay Road	(1) In addition to the uses permitted in 5.12(1), Riding Stables, are also permitted in this location. (2) The maximum number of tourist accommodation units is 12 and the maximum floor area of a guest house use is 836 m² (9000 ft²). (3) The maximum floor area of an accessory restaurant use is 56 m² (603 ft²). (4) The maximum floor area of an accessory dwelling unit is 140 m² (1507 ft²)

Sensitive Ecosystems :

The subject property contains some mature forest and woodland ecosystems.



Archaeological Sites:

Based on information from the Provincial Remote Access to Archaeological Data (RAAD), there are no archaeological sites on the property; however, there is a site within 100 metres of the subject lot. 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.

Existing and Proposed Density

	Permitted in present LUB	Proposed in application	Comments
1.	One guest house not to exceed 836 m ² .	Remain as is.	Existing guesthouse to be maintained as is.
2.	No more than 12 tourist accommodation units contained within the guest house.	8 tourist accommodation units and 4 staff housing units.	4 of the 12 tourist accommodation units are to be turned into staff accommodation units.
3.	One accessory dwelling unit not to exceed 140 m ² .	To remain as is.	May be replaced in the future.
4.	One restaurant contained within the guest house. Restaurant not to exceed 56 m ²	Remain as is.	Restaurant to remain open to visitors.
5.		20 vacation accommodation units not to exceed 74 m ² each. Built in duplex structures.	New construction.
6.		8 residential units not to exceed 80 m ² each. Built in duplex structures.	New construction.
7.		3 staff housing units in a triplex structure.	New construction.
8.		Spa and pool structure	New construction.

Covenants:

There are no covenants on title.

Bylaw Enforcement:

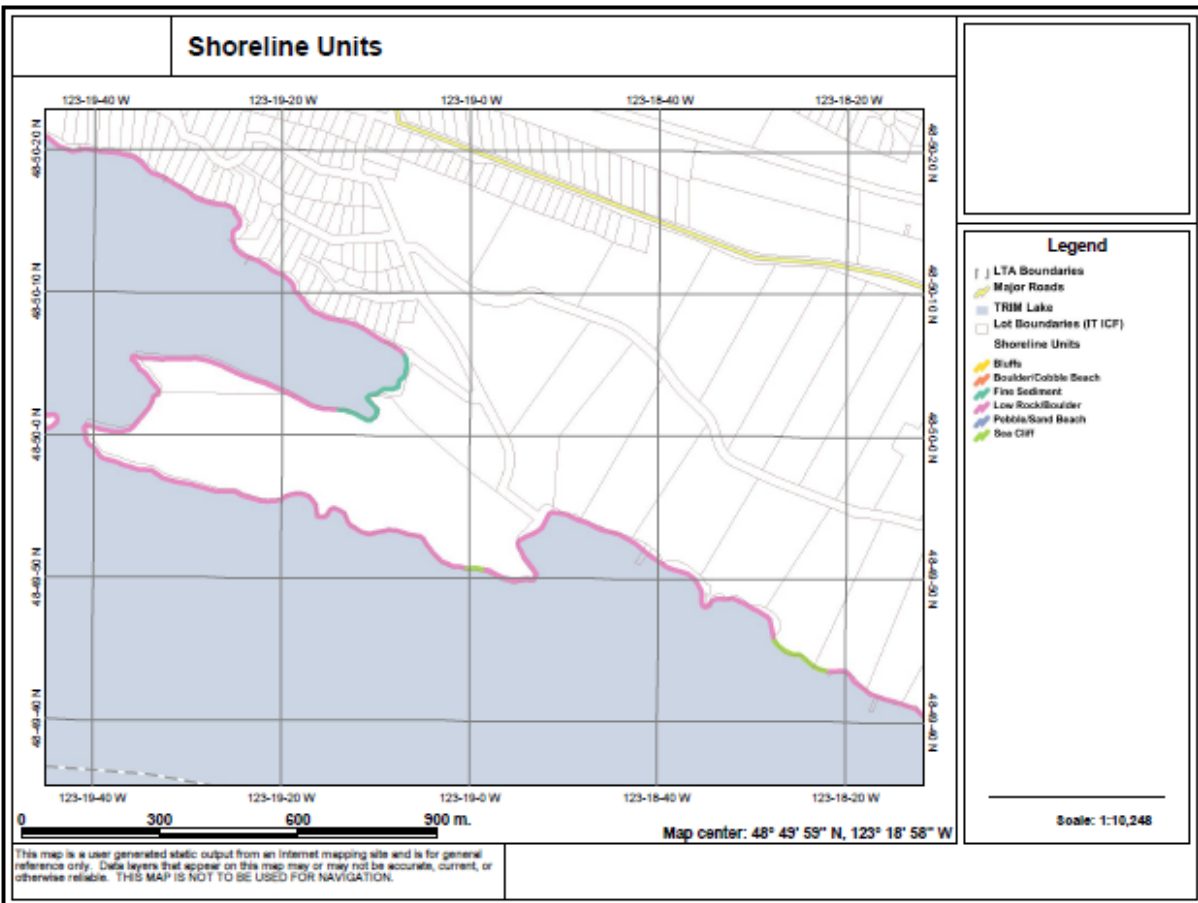
None

Climate Change Mitigation and Adaptation

The location of the proposed housing is far from the commercial amenities on Mayne Island and is not consistent with compact and connected land use as supported in the OCP.

Shoreline Type

The subject property contains a low rock boulder shoreline. This type of shoreline is fairly resistant to erosion and the area close to the shoreline is already developed.



COMMUNITY INFORMATION MEETING(S):

A Community Information Meeting is being held on April 23, 2014 in order for the LTC and applicant to gauge community comment.

RESULTS OF CIRCULATION:

Notice will be distributed as appropriate if proposal proceeds.

APC Comments

The APC met on January 13, 2014 to review the amended proposal and the draft minutes contain the following:

It was moved and seconded that the Mayne Island Advisory Planning Commission Accepts the amended proposal MA-RZ-2012.2 (Oceanwood) and further recommends to the Mayne LTC the following: That the total number of vacation rental units not exceed 28 plus staff housing and that the final development include a minimum of 8 units accessible to seniors.

STAFF COMMENTS:

1. Groundwater

The Islands Trust policy statement states that density should not be increased in areas that have a problem with quantity or quality of potable water. 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.

There are no known groundwater problems in this area; however, with the amount of density being proposed in this application it seems prudent to require rainwater catchment and storage for all new construction.

At a previous meeting the LTC requested that the applicant provide a water management plan. The LTC received the water management plan at its March 26, 2014 LTC meeting.

The water management plan received from the applicant suggests that water for the increased density will be provided without increasing the historical demand on the aquifer if the following is adhered to:

- *Working with neighboring well owners and operators.*
- *Cease all irrigation with water drawn from aquifer.*
- *Decommission unnecessary secondary wells for aquifer protection.*
- *Use a VIHA certified technician to monitor water use and keep records.*
- *Remove the 150 gallon soaker tubs from all existing hotel rooms.*
- *Individually meter every unit to monitor for wasteful usage and detect leaks.*
- *Install a rainwater harvesting and storage system for the flushing of all site toilets.*
- *Create awareness with guests and senior occupants of the importance of conservation.*

- *Install high efficiency fixtures, faucets and equipment both in new units and in the old hotel.*

The water plan provided does contain many effective ways to reduce water consumption in the proposed units and existing units and suggests that water consumption could be kept to a level similar to that of the existing commercial operation.

Most of the water conservation initiatives rely on personal consumption habits and are not something that can be regulated in an LUB.

The LTC has several tools available to it to minimize water consumption. These tools are discussed in detail in “Gulf Islands Groundwater Protection, A Regulatory Toolkit” prepared by Kris Nichols dated January 30, 2014.

The Mayne OCP does not contain any groundwater protection development permit areas at this time. The identification of groundwater protection areas and the preparation of a list of guidelines to protect them on an Island wide basis would be a complex project requiring scientific study by individuals with knowledge in the field of geohydrology.

A report prepared by a geohydrologist could be required for this proposal before it proceeds further. Having the benefit of a geohydrologist's report would allow staff and the LTC to determine if the level of density being proposed will have a negative effect on the aquifer beneath the subject property and surrounding properties.

If a DPA for groundwater protection was put in place it would require the applicant to obtain a permit that specifies conditions to protect groundwater/aquifers.

As part of the OCP amendment a DPA could be designated which would establish that a permit be obtained after the rezoning is adopted.

Some examples of DPA guidelines are:

- replanting and rehabilitation of disturbed areas
- erosion and sediment control
- hydrologic studies to the satisfaction of the LTC
- consistency between pre and post development hydrology
- limits to the amount of impermeable surfaces
- Specify areas that must remain clear of development.

In addition to regulatory requirements that an LTC can implement, there are a number of water conservation tools that can be encouraged. Some of these tools are:

- planting water resistant plants;
- harvesting and storing rainwater;
- water efficient appliances and toilet (CRD requirement);
- drip irrigation systems;
- limit the amount of impermeable surfaces;
- water storage tanks for low producing wells; and
- dual water systems - potable for human consumption and non-potable for toilets and irrigation.

Without having the benefit of a geohydrologist's report and/or the implementation of a groundwater protection DPA it is difficult to determine with any certainty how this proposal may affect the aquifer; therefore, it is recommended that the LTC implement several water conservation regulations to ensure long term water conservation is adhered to. The regulations should include:

- water catchment and storage systems for all new development;
- a water storage tank or tanks for the storage of well water to even out the extraction of groundwater;
- limitation on the amount of impermeable surfaces; and
- dual water systems in all new construction to ensure that only non-potable water is used for all new toilets and irrigation.

The regulations would be in the form of LUB amendments where possible and contained in a covenant when the LUB is not appropriate.

2 Housing Agreements

Section 905 of the Local Government Act sets up the framework for Housing Agreements to be required by local governments for affordable and special needs housing.

Housing agreements allow a local government to deal with the occupancy of residential units with conditions of use that are beyond the powers of zoning. Section 905 specifically authorizes terms and conditions regarding the occupancy of housing units identified in the agreement, including but not limited to the form of tenure of the units; their availability to classes of persons identified in the agreement; the administration of the units.

It is recommended that if the LTC proceeds with this application that a housing agreement be prepared that restricts the use of 8 of the residential units to seniors only (65 years or older). This is consistent with the APC's recommendation and the anticipated demand.

If a housing agreement is not required the seniors units could be defined in the LUB.

3 Phasing

To ensure that all of the housing types are constructed and to ensure the amenities are provided it is recommended that the construction be permitted to proceed in phases as shown on the following table.

Phase	Total number of staff housing units constructed.	Total number of seniors units constructed.	Total number of vacation accommodation units permitted	Comments
1.	4	0	8	This would be the conversion of 4 of the 12 tourist accommodation units in the existing Oceanwood Inn into staff housing units. The remaining 8 units are to remain as tourist accommodation units.
2.	0	2	6	This would allow 6 new tourist accommodation units to be constructed provided that two seniors units are constructed at the same time.
3.	3	2	6	This would allow 6 more tourist accommodations units to be constructed if 2 additional seniors units and the staff housing triplex are constructed at the same time.
4.	0	4	8	This would allow the final 8 tourist accommodation units to be constructed if the final 4 seniors units are constructed at the same time.

Next steps:

If this application proceeds staff will prepare the following for a subsequent LTC meeting:

- Prepare suggested OCP wording or prepare a draft bylaw to support the amendments being proposed for the LUB.
- Prepare a draft housing agreement that will apply to 8 of the units and set the age of a senior citizen at 65. The costs of drafting this would be at the applicants expense through a cost recovery agreement.
- Prepare suggested LUB wording or prepare a draft bylaw to allow the application to proceed as proposed and incorporate water conservation requirements where possible.
- Prepare covenant wording to require any water conservation measures that cannot be contained in the LUB.

Options

- 1) Proceed no further;
- 2) Direct staff to prepare draft bylaws, a covenant and a housing agreement to implement the proposal as is;
- 3) Direct staff to prepare draft bylaws, a covenant and a housing agreement to implement the proposal as is amended;
- 4) Staff to prepare a report with suggested wording to amend the OCP and LUB, a draft housing agreement and a covenant for the proposal as is.
- 5) Staff to prepare a report with suggested wording to amend the OCP and LUB, a draft housing agreement and a covenant for the proposal as is amended.

RECOMMENDATIONS:

THAT the Mayne Island Local Trust Committee direct staff to prepare: a draft OCP amendment bylaw; a draft LUB amendment bylaw; a draft housing agreement; and a draft water conservation covenant to implement the application as proposed.

Prepared and Submitted by:

Gary Richardson

April 15, 2014

Gary Richardson, Island Planner

Date

Concurred in by:

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

Robert Kojima, RPM

April 15, 2014

Date

STAFF REPORT

Date: April 9, 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 April 23, 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:

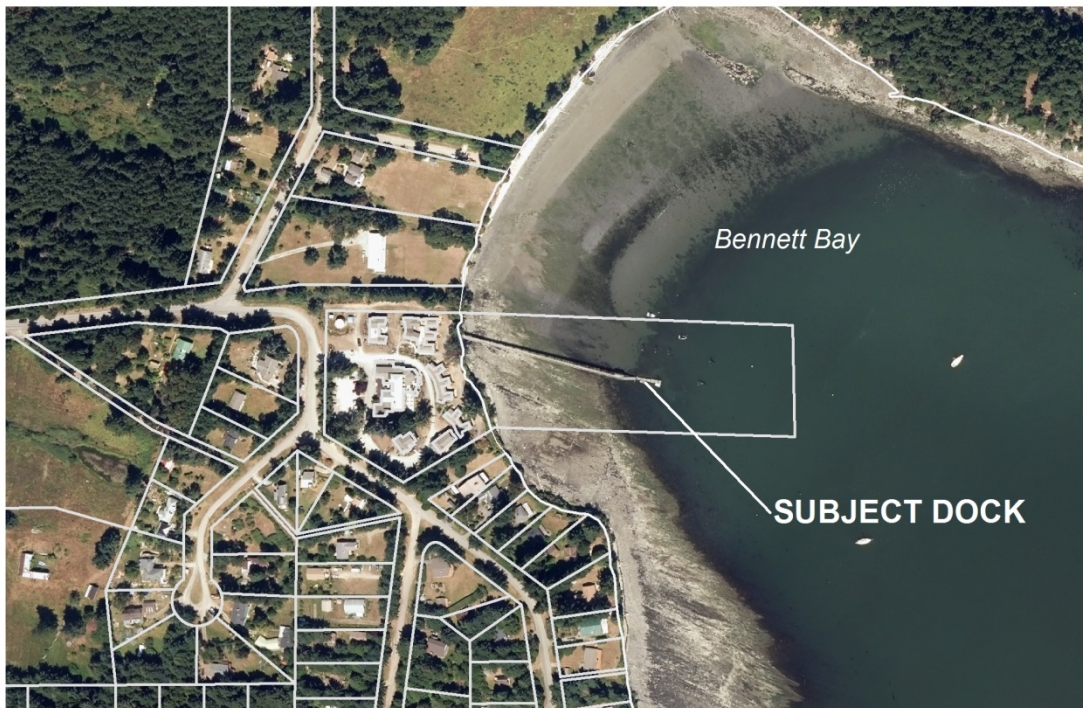
A Community Information meeting was held February 26, 2014. The application has also been forwarded to, and comments have been received from, the Mayne APC.

This report has been prepared to comment on comments provided by the APC, Mayne Island Conservancy and brought up at the February 26 CIM.

A draft permit has been attached to this report for the LTCs review.

SITE CONTEXT:

The water lease area is zoned W2 (Water moorage) and is located on in Bennett Bay on the east side of Mayne Island. The Bay is quite shallow which requires docks to be sited quite far



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
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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 was 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 existing dock is constructed over part of a large eelgrass meadow that covers much of the Bennett Bay area.

This dock is a permitted structure associated with the residential use of the upland lot. There are no development permit area guidelines in place to guide dock construction; however there are TUP guidelines in the OCP that are commented on earlier in the report and have been addressed where possible in the permit conditions.

The request is for up to 3 boats owned by strata owners to be permitted to be tied up at the dock at one time. There is no commercial use of the dock proposed.

The location and the size of the dock will not be changing so a reduction in the size or length is not required in the draft permit; however if the float is replaced there is a condition that requires deck spacing to allow sunlight to reach the ocean floor under the float to encourage eelgrass growth.

The Islands Trust Policy Statement contains policies regarding the protection of sensitive coastal areas and natural processes. The Policy Statement also supports the sharing of docks. The Mayne OCP contains similar policies. These policies have been addressed in the permit conditions where possible.

The Mayne Island Conservancy comments regarding the size of the float and the size of vessels that can use the float have also been incorporated into the draft permit. Staff and the applicant have been working with and will continue to work with the Conservancy on this proposal.

A sign is required as one of the permit conditions, the purpose of the sign is threefold: 1) to educate the public on best anchoring practices; 2) to list an on island phone number in case of emergency or in the event there is a concern that the dock is being used inappropriately; and to outline the pertinent conditions of the TUP.

Staff will work with the applicant and conservancy to prepare appropriate wording for the sign prior to the May 28, 2014 LTC meeting.

This permit has been drafted in a way to both allow for what has been requested in the application and address some of the concerns raised by the APC, community and the Mayne Island Conservancy. The draft permit is also consistent with the policies in the Islands Trust Policy Statement and Mayne Island OCP.

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 May 28, 2014 LTC meeting for consideration of issuance.

RECOMMENDATION:

THAT MA-TUP-2013.1 (Mayne Island Resort) proceed to the May 28, 2014 Mayne Island Local Trust Committee Meeting for consideration of issuance, as drafted.

Prepared and Submitted by:

Gary Richardson

April 11, 2014

Date

Concurred in by:



Robert Kojima, RPM

April 15, 2014

Date



Islands Trust

DRAFT April 15, 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 size 2.4 metres (8 feet)15.2 metres (50 feet);
- b) Only owners of lots in strata plan VIS6703 shall be permitted dock at the float;
- c) If a new float is installed the decking on the float requires minimum spacing between deck boards of 1.3 cm (½ inch);
- d) A sign not exceeding (xx)m² shall be placed on the float: 1) outlining precautions to be taken when mooring in eelgrass; 2) listing an on-island 24 hour contact phone number in case of emergency or in the event the dock is used inappropriately; and 3) listing the TUP conditions;
- 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;
- 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"; and
- g) For certainty the dock and float is not to be used for any commercial purpose.

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

BRITISH
COLUMBIA

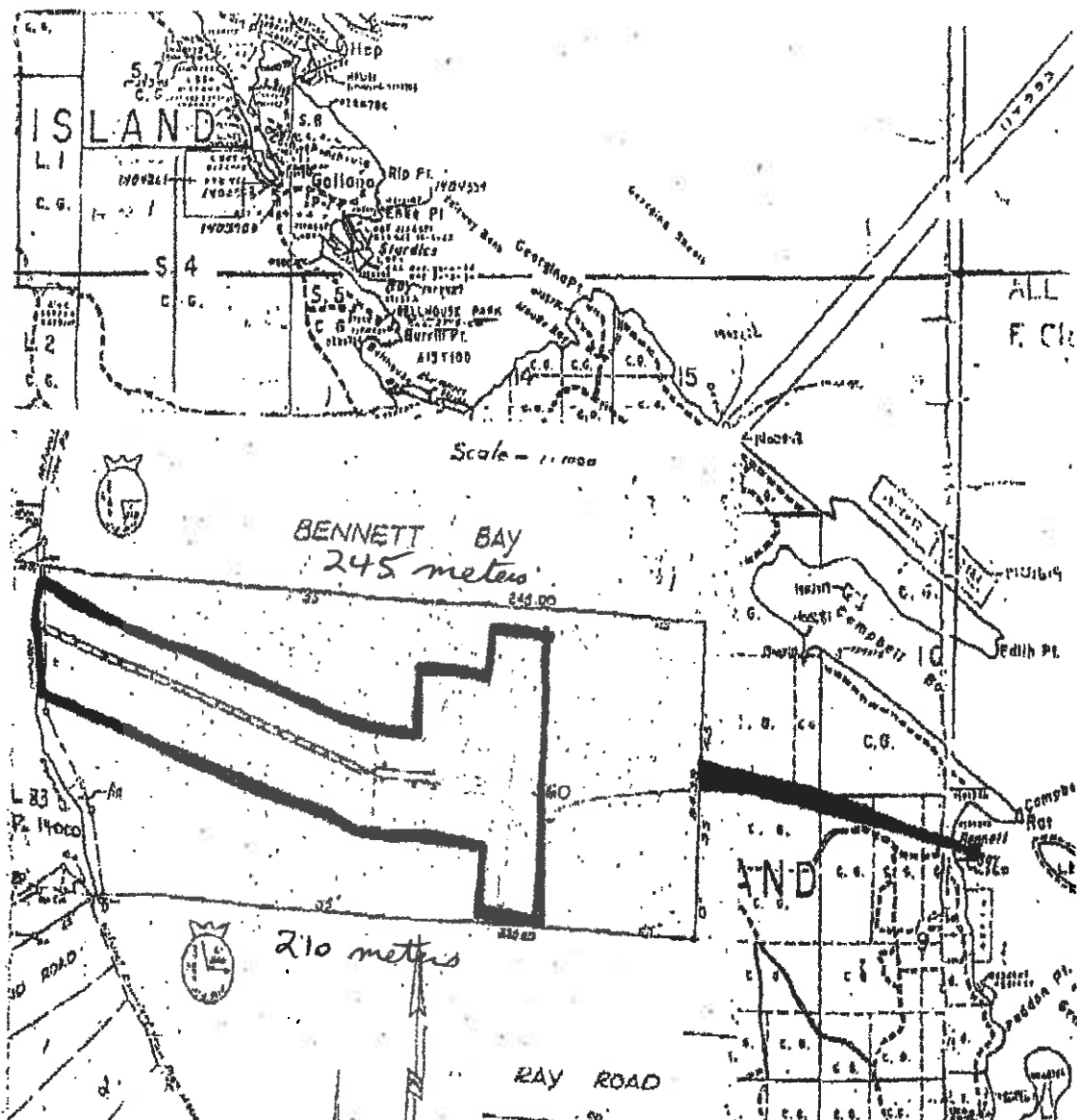
Legal Description Schedule

106202

File No. 0336374

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

7. 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.

February 24, 2014

Mayne Island Local Trust Committee

Dear Trustees,

Please refer to the attached email from Mr. Jody Goffic, Program Support Officer, Canadian Coast Guard, Environmental Response dated June 25, 2013 in response to my phone call reporting the oil spill found on the beach at Bennett Bay on June 25, 2013.

Please see the three photos of the oil spill on the beach at Bennett Bay taken on June 25, 2013 by Bryan Borges.

My son, his wife and two children, while visiting our home on a summer holiday, walked to Bennett Bay to enjoy the beach and the children were all excited, toy shovels and buckets in hand, to play in the sand.

The shock and disappointment was apparent when they returned early to tell us that they had found oil all along the beach...there were dead crabs and starfish on the beach. As a mother, my son's wife was very upset explaining to her children the situation.

I was especially upset for we as residents are happy to say to friends what a beautiful sandy beach we have at sunny Bennett Bay on Mayne Island. The Parks Canada website boasts Bennett Bay for "Its natural environment and undisturbed waterfront are combined with one of the finest sand beaches in the Gulf Islands."

In my phone conversation with Jody Goffic, he felt a nearby boat was the likely source of the oil. His first question was, is there was a marina nearby? By his email, it is apparent nature would have to look after the oil spill.

With one of Mayne Island's key assets, the Bennett Bay Gulf Island National Park, the beautiful peninsula, Campbell Point, the Bennett Bay sandy beach and popular launch point for kayakers, and Georgeson Island, I submit it would be unthinkable to grant the TUP as requested by the owners of the upland strata lots of Strata Plan VIS6703 to dock their boats at the float located in the lease area fronting Strata Plan VIS6703 (Mayne Island Resort - 494 Arbutus Drive)

Sincerely yours,

A handwritten signature in black ink, appearing to read "Bill and Fay Borges". The signature is fluid and cursive, with the first names being more prominent.

Bill and Fay Borges

From: Jody Goffic [Jody Goffic@dto-mpo.gc.ca](mailto:jody.goffic@dto-mpo.gc.ca)
Subject: RE: pollution report 2013-0320
Date: June 25, 2013 at 20:03
To: Bryan Borges bryan_borges@hotmail.com, Bill Borges borges.we@gmail.com

Thanks Bryan!

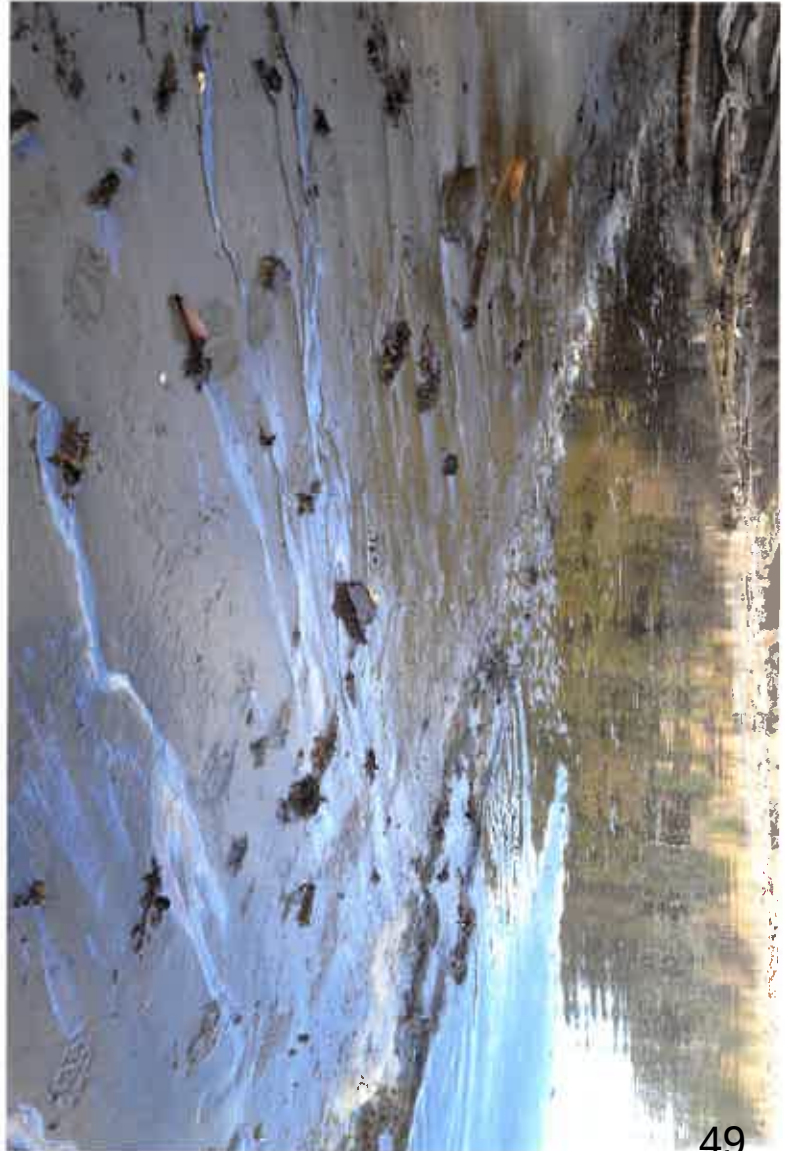
That is definitely an oil sheen. Unfortunately it is not recoverable at that stage. It looks as if it was deposited at high water and now it is weeping back into the water. Never the less, I would be interested in finding out the source. Do you have the name of the local marina there that this may be coming from? If you are out in the area again, please have a look and see if you can locate the source. Chances are it may all be gone by morning but if it is persistent I will be looking to contact this marina and request they investigate their berths.

Thanks!!

Mr. Jody Goffic
Program Support Officer
Canadian Coast Guard
Environmental Response
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Islands Trust

Print Date: Apr-15-2014

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	Gary Richardson	May-28-2014	On Going
3	Fallow Deer eradication	Staff to prepare a report and recommendations on how to proceed with this initiative Staff report being prepared for May 28 LTC Mtg.	Oct-30-2013	Gary Richardson	May-28-2014	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: 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

Status Date: Nov-20-2013

Staff report and needs study on November 27, 2013 LTC agenda for the LTCs consideration.

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: 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.

Status Date: Oct-23-2013

Staff report to be prepared for February 26, 2014 LTC meeting.

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.

REQUEST FOR DECISION

To: All Trust Council Committees, Local Trust Committees and Trust Fund Board

For the Meeting of: April 23, 2014

From: Lisa Gordon, Trust Area Services Director

Date Prepared: March 19, 2014

File No.:

SUBJECT: 2013-2014 ANNUAL REPORT – APPROVAL OF COMMITTEE SECTION

RECOMMENDATION: That the Mayne Island Local Trust Committee approves the attached text for inclusion in the 2013-2014 Annual Report for approval by Trust Council and submission to the Minister of Community, Sport and Cultural Development.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Committee reports:	Reports to be approved on the following dates
TPC	May 12
LPC	May 15
FPC	June 2
TFB	May 5
EC	April 15 / May 6
Denman	April 1 / May 2
Gambier	April 10
Gabriola	April 17
Galiano	April 7
Hornby	April 25
Lasqueti	May 1
Mayne	April 23
North Pender	April 24
Salt Spring Island	April 10
Saturna	April 17
South Pender	April 8
Thetis	April 16
Bellenas-Winchelsea Executive Islands	May 2

FINANCIAL: None

POLICY: None

IMPLEMENTATION/COMMUNICATIONS: All LTCs and Council committees will review and approve their sections at regular meetings listed above. Executive Committee requires all

contributors to report on accomplishments in terms of how they achieve goals in the strategic plan or in the Islands Trust Policy Statement. LTC and Council Committee Chairs will ensure that the text for their sections meets the new standards.

OTHER:

BACKGROUND

On March 4 and 18, 2014 the Executive Committee provided the following direction for changes in the way staff draft the annual report sections:

- Make the annual report more of a status report on the policy statement and the strategic plan – how are our activities contributing to achieving the higher goals?
- LTC reports should refer only to LTC projects and agenda items, not staff workload.
- Do not report building permits or referrals unless they were on an LTC or TFB agenda and reported in the minutes.
- Report only bylaw enforcement action (proactive or legal) initiated by the LTC.
- Identify grant-funded projects within Local Trust Committee and Trust Council Committee reports, rather than a separate section

REPORT/DOCUMENT: see attached draft Annual Report wording.

KEY ISSUE(S)/CONCEPT(S): Consistent reporting from each committee following new standards and committee approval of its section in the Annual Report

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

DESIRED OUTCOME: Trust Council is able to easily approve its annual report in June 2014 without further editing from staff or trustees.

RESPONSE OPTIONS

Recommended: As above

Alternative: None

Prepared By: Lisa Gordon, Director, Trust Area Services

Reviewed By/Date: David Marlor, Director, Local Planning Services

The Mayne Island Local Trust Committee held eight regular business meetings, two special meetings, three community information meetings and two public hearings. The Local Trust Committee considered applications for one rezoning and two temporary use permits.

Projects initiated, conducted or completed during this period included work on bringing the Local Trust Committee's bylaws into compliance with the Riparian Areas Regulation (*strategic plan 1.3 and policy statement policy 3.3.2*), a project to review policies to support fallow deer eradication, amendments to permit and regulate secondary suites, amending potable water requirements for boundary subdivisions, and initiating a series of technical amendments to the OCP and LUB.