



Mayne Island Local Trust Committee Regular Meeting Agenda

Date July 31, 2013
Time 1:00 pm
Location: Mayne Community Centre
493 Felix Jack Road
Mayne Island, BC
V0N 2J0

Pages

1. Call to Order
2. Approval of Agenda 1:00 PM - 1:10 PM
 - 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 1:10 PM - 1:20 PM
 - 5.1. Local Trust Committee Minutes
 - 5.1.1. Mayne Island Local Trust Committee Meeting Minutes of June 26, 2013 for Consideration to Adopt (attached) 4 - 9
 - 5.2. Public Hearing Records and Community Information Meeting Notes
 - 5.2.1. Mayne Island Local Trust Committee Public Hearing Record of June 26, 2013 (attached) 10 - 11
 - 5.2.2. Mayne Island Local Trust Committee Community Information Notes of June 26, 2013 (attached) 12 - 12
 - 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 | 1:20 PM - 1:30 PM | |
| 6.1. Follow-up Action List (attached) | | 13 - 13 |
| 7. Delegations | | |
| 8. Correspondence | | |
| <u>BREAK -----Stewardship Awards -----1:30 PM - 2:00 PM</u> | | |
| 9. Applications, Permits, Bylaws and Referrals | 2:00 PM - 2:30 PM | |
| 9.1. Mayne Island Bylaw No. 158 for Consideration to Adopt (attached) | | 14 - 14 |
| 9.2. MA-RZ-2012.1 (Rosengren) - Update | | |
| 10. Local Trust Committee Projects | 2:30 PM - 2:50 PM | |
| 10.1. Secondary Suites - Update | | |
| 11. Reports | 2:50 PM - 3:30 PM | |
| 11.1. Work Program Reports (attached) | | 15 - 16 |
| Discussion | | |
| 11.2. Applications Report (attached) | | 17 - 17 |
| 11.3. Expense/Budget Reports | | |
| 11.3.1. LTC Expense Report (attached) | | 18 - 18 |
| 11.4. Bylaw Enforcement | | |
| none | | |
| 11.5. Adopted Policies and Standing Resolutions | | |
| 11.5.1. Adopted Policies and Standing Resolutions Table (attached for Information) | | 19 - 22 |
| 11.6. Mayne Island LTC Web Page | | |
| View the Mayne Island Home Web Page at: | | |
| www.islandstrust.bc.ca/islands/local-trust- | | |

areas/mayne

11.7. Chair's Report

11.8. Trustee Report

12. Other Business

3:30 PM - 4:00 PM

12.1. Upcoming Meetings

The next meeting of the Mayne Island Local Trust Committee will be held September 4, 2013, at the Mayne Agricultural Hall at 1:00 pm.

12.2. LTC Pilot Project - Memo Proactively Enforcing Illegal Structures on the Foreshore

23 - 29

12.3. Mayne Island LTC Liaison to the Capital Regional District EDC

13. Town Hall Meeting

14. Adjournment

**Local Trust Committee
Minutes Subject to Approval By
the Local Trust Committee**

DRAFT

**MINUTES OF THE MAYNE ISLAND
LOCAL TRUST COMMITTEE MEETING
HELD ON WEDNESDAY JUNE 26, 2013 AT 1:00 P.M.
AT THE MAYNE ISLAND AGRICULTURAL HALL, MAYNE ISLAND, BC.**

<u>PRESENT:</u>	Peter Luckham	Chair
	Jeanine Dodds	Local Trustee
	Brian Crumblehulme	Local Trustee
	Robert Kojima	Regional Planning Manager
	Pat Todd	Recording Secretary

There were approximately five (5) 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 members present.

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

Request to move Item 12.2 to Item 7 - Delegations

2.2 Questions from Public on Agenda Items

Chair Luckham asked the members of the public if there were any questions regarding the agenda items; there were none.

The agenda as amended was adopted by consensus.

3. COMMUNITY INFORMATION MEETING

3.1 Proposed Bylaw No. 158, Amendment No. 1, 2013 (Relieving boundary adjustment subdivisions from proof of potable water)

See separate Community Information Meeting notes of same date.

4. PUBLIC HEARING

4.1 Proposed Bylaw No. 158, Amendment No. 1, 2013 (Relieving boundary adjustment subdivisions from proof of potable water)

See record of Public Hearing of same date.

5. PREVIOUS MEETINGS

5.1 Local Trust Committee Minutes

5.1.1 Mayne Island Local Trust Committee Business Meeting Minutes of May 29, 2013

Page 7: Second paragraph – 5th Sentence: An Agricultural...add "Committee" after "Plan".

The Mayne Island Local Trust Committee Business Meeting Minutes of May 29, 2013, were adopted as amended 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

None

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Regional Planning Manager (RPM) Kojima informed the Committee that a community information meeting on the Mayne Island shoreline report has been arranged for September 28, 2013.

Item 1 – Draft Bylaw 158 will be dealt with today.

Other items are ongoing.

7. DELEGATIONS

7.1 Future funding Issues for Recycle Centres in the Southern Gulf Islands

Ann Johnston spoke to this matter. The Recycle Coalition, formed in 1990, met last week. There are severe budget cuts proposed. Ministry of the Environment has changed recycling regulations and the onus is now on industry. Multi Materials British Columbia (MMBC) is now allocating funds. Packaging and printed products account for 75% of recycled goods on the island. There is concern as to what funding offer the Capital Regional District will accept. If depot offer from CRD is decreased then Mayne Island will appeal to MMBC.

There is a letter going to the Ministry of the Environment and Chair of MMBC as to concerns regarding funding and possibility of depot being closed. A letter writing campaign will be organized and the Mayne Island LTC will be contacted. It is critical that people be made aware of this situation.

8. CORRESPONDENCE

- 8.1 Linda Adam's letter re: Trustees Acting as Liaisons to Other Community Groups

Received for information

9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

None

10. LOCAL TRUST COMMITTEE PROJECTS

- 10.1 Proposed Bylaw No. 158, Amendment No. 1, 2013 (Potable Water Project)

Public Hearing notes as per Item 4.1.

Public hearing now closed. Chair Luckham outlined the next steps and staff recommendations.

Draft Bylaw can go to second reading.

Resolution MA-LTC-28-13

It was Moved and Seconded that the Mayne Island Local Trust Committee proposed Bylaw No. 158, cited as "Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2013" be given Second Reading.

CARRIED

Trustee Dodds spoke to the Resolution and restated that the amendment only addresses existing wells. Further that it is impossible to follow wells at all times to ensure potability of water – the public has to bear some responsibility when purchasing a property.

Trustee Dodds spoke in favour of the amendment.

Resolution MA-LTC-29-13

It was Moved and Seconded that the Mayne Island Local Trust Committee proposed Bylaw No. 158, cited as "Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2013" be given Third Reading.

CARRIED

Resolution MA-LTC-30-13

It was Moved and Seconded that the Mayne Island Local Trust Committee proposed Bylaw No. 158 cited as "Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2013" be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

CARRIED

11. REPORTS

11.1 Work Program Reports – June 2013

RPM Kojima advised that he will be forwarding the Bylaw amendment.

Secondary Suites projects remain a priority.

Chair Luckham questioned status of Riparian Area Regulations.

RPM Kojima reported that an area on Montrose Road is in need of remapping.

RPM Kojima requested the LTC members review the projects list and consider future projects, for example Land Use Bylaw (LUB) amendments proposed by the Advisory Planning Commission.

Trustee Dodds suggested identification of necessary changes to the LUB as pertains to Housing Options Report.

11.2 Applications Report – June 2013

Staff reported that MA-RZ-2012.1 (Oceanwood) is still in progress with the needs assessment under development.

11.3 Expense/Budget Reports

Presented for information

11.4 Bylaw Enforcement

None

11.5 Adopted Policies and Standing Resolutions

Presented for information

11.6 Mayne Island LTC Web Page

There is now a “Landing Page” and then further pages. Additions can be brought to meetings. Some items are added automatically. There is a Local Trustees Corner to post newspaper articles – just send to office. Trustee Dodds will contact Monica Works to have LTC Web page redirected.

Chair Luckham voiced concern as to being able to contact Chairs of LTCs more directly. Staff will look into this.

11.7 Chair's Report

Trust Council met on Mayne Island two weeks ago. Comments from the Executive Committee and staff were very positive as to meetings and island reception of Council.

Next Trust Council is in September on Lasqueti Island.

11.8 Trustee Report

Trustee Dodds and Trustee Crumblehulme attended a meeting regarding deer population on the island. There was a good flow of discussion. It is proposed to open the island to hunting which would allow more regulations and control of hunting. Island organizations are very involved.

Trustee Crumblehulme reported that Broadband connections are moving slowly through Beacon and the Community bus is now on the island.

12. **OTHER BUSINESS**

12.1 Upcoming Meetings

12.1.1 Next Business Meeting – Wednesday July 31, 2013 at 1:00 pm. at the Mayne Island Community Centre, 493 Felix Jack Road, Mayne Island

12.1.2 Mayne Island Local Trust Committee to pass a motion to hold a Special Local Trust Committee Meeting on September 28, 2013 re: Mayne Island Conservancy Society Report on Mayne Island shoreline.

Resolution MA-LTC-31-13

It was Moved and Seconded that Mayne Island Local Trust Committee hold a Special Local Trust Committee Meeting on September 28, 2013, to hear and share the Mayne Island Conservancy Society Report, on Mayne Island Shoreline and that notification of meeting be sent to waterfront property owners, boaters' club, and other appropriate people.

CARRIED

12.2 Future Funding Issues for Recycle Centre in the Southern Gulf Islands

See discussion under Item 7.1

13. **TOWN HALL MEETING**

Chair Luckham invited comments from the public.

Ian Dow: Spoke to the deer meeting initiated by the Ministry of Fish and Wildlife. Currently there is no existent bylaw to exclude hunting on the island. There can be a request for consideration to be included in hunting regulations. There is no hunting on private property without written permission by the owner. Off island hunters could assist the licensed island hunters. There is a serious overpopulation of black tail and fallow deer and the effects on the ecosystem are significant. The MI Conservancy and the Mayne Island Residents and Rate Payers Association are working together to submit a letter to the Ministry regarding inclusion in hunting regulations. Input from residents of Galiano Island was valuable.

Ann Johnston: Stated that the Conservancy Board is willing to support the hunting option particularly through community education and community discussion regarding the problem.

Ian Dow: The Community Bus has been withdrawn from service temporarily. Ministry of Transportation had agreed to pilot project operating before all the licensing was in place however there was a complaint by the insurance company. Ministry of Transportation is working to finalize licensing before the long weekend.

Mary Cooper: questioned the status of Secondary Suites bylaw. Staff reported that the draft bylaw will be at the July meeting and is currently out on referral to appropriate agencies. Water Districts will have the opportunity to be excluded from the bylaw.

Ann Johnston: questioned the Policies on pages 28/29 – Islands Trust Policy Statement Directives Only Checklist April 26, 2005. Staff reported that this information is to ensure LTC bylaws comply with Islands Trust Policies. It is important for the LTC to review the policies when bylaws are drafted and/or amended.

14. **ADJOURNMENT**

Chair Luckham declared the meeting adjourned at 2:39 p.m.

RECORDER

CHAIR

**RECORD OF THE MAYNE ISLAND
LOCAL TRUST COMMITTEE PUBLIC HEARING
REGARDING PROPOSED BYLAW No. 158
HELD ON WEDNESDAY JUNE 26, 2013
AT THE MAYNE ISLAND AGRICULTURAL HALL, MAYNE ISLAND, BC.**

<u>PRESENT:</u>	Peter Luckham Jeanine Dodds Brian Crumblehulme Richard Kojima Pat Todd	Chair Local Trustee Local Trustee Regional Planning Manager Recording-Secretary
------------------------	--	---

There were approximately five (5) members of the public in attendance.

Chair Luckham called the Public Hearing to order at 1:20 p.m. and welcomed all the participants. He explained that the Public Hearing is a statutory requirement held according to Section 8.92 of the *Local Government Act*. The Chair reviewed the procedures and process of a Public Hearing and informed the assembly that a binder was available containing all the reports and submissions regarding the proposed bylaw amendment.

Staff stated that notice of Public Hearing was posted and published in the local Newspapers, reviewed referral responses and to date there had been no public submissions.

Mary Cooper, 567 Club Crescent: Raised concern as to quality of water requirements. A boundary change in 2008 was cited where an old well had very high levels of arsenic and iron and the new well was even higher. When property is being purchased there is not a condition as to testing of well water.

Staff restated that the bylaw amendment only exempts existing wells; if a new well is required as a result of the boundary adjustment then there must be proof of potable water.

There was discussion regarding changeability of water quality.

Mary Cooper suggested that Islands Trust formally acknowledge water as a component of land use.

Ian Dow, 530 Montrose: Asked for confirmation that a Building Permit could not be issued without proof of potable water.

Staff concurred. It is felt that current regulations are adequate as it just involves moving a line on existent lots.

Chair Luckham called three (3) times for further speakers.

Chair Luckham explained that the LTC was not permitted to receive further information. Should there be new information it is to be directed to the Planner and it would be decided if a second Public Hearing is required.

Hearing no further submissions from the public, Chair Luckham declared the Public Hearing closed at 1:35 pm.

RECORDER

DATE

**Community Information Meeting
Notes Subject to Approval
By the Local Trust Committee**

DRAFT

**NOTES OF THE MAYNE ISLAND
LOCAL TRUST COMMITTEE
COMMUNITY INFORMATION MEETING
HELD ON WEDNESDAY JUNE 26, 2013 AT 1:15 P.M.
AT THE MAYNE ISLAND AGRICULTURAL HALL, MAYNE ISLAND, BC.**

<u>PRESENT:</u>	Peter Luckham	Chair
	Jeanine Dodds	Local Trustee
	Brian Crumblehume	Local Trustee
	Robert Kojima	Regional Planning Manager
	Pat Todd	Recording-Secretary

There were approximately five (5) members of the public in attendance.

The Chair called the information meeting to order at 1:15 p.m. and welcomed all the participants. He stated the purpose of the meeting was to provide an overview of the proposed Bylaw No. 158, Amendment No. 1, 2013, which if passed would relieve a boundary adjustment subdivision from proof of potable water.

Regional Planning Manager Kojima explained the purpose of the bylaw revision which is to relieve property owners of proving potable water under two circumstances: a) if just a boundary adjustment and wells existent, and b) subdivision does not result in increased density. He then reviewed the steps taken to date.

Ian Dow: Asked if there were any changes to existing subdivision requirements.

Staff responded no.

Mary Cooper: Asked for a definition of “established well”.

Staff reported that any well that has some production – is not capped off would fit definition. If a well is in use then the assumption is that the water is potable.

Ann Johnston: Spoke to the fact that a good well can go bad and it is the onus of the property owner to ensure quality of water.

RECORDER

DATE



Islands Trust

Follow Up Action Report w/ Target Date

Mayne Island May-29-2013

No.	Activity	Responsibility	Target Date	Status
1	Staff to arrange a meeting for a Saturday afternoon (3- 5) in September to hold community information meeting on the Mayne Island Shoreline rpt. Waterfront owners, boaters club, and other appropriate people should be notified by mail. June 26 - resolution directing staff to schedule a meeting for September 28th and to undertake mailout for waterfront owners, etc.	Sharon Lloyd-deRosario Gary Richardson	Jun-28-2013	On Going

Jun-26-2013

No.	Activity	Responsibility	Target Date	Status
2	5.1 Minutes adopted as amended	Sharon Lloyd-deRosario	Jun-30-2013	Done
3	10.1 Bylaw 158: second and third reading and direction to forward to EC for approval. Bring back for adoption at July meeting or by RWM	Sharon Lloyd-deRosario	Jul-12-2013	Done
4	11.6 Trustee Dodds to contact Mayne trustee website contractor and have site re-direct to new IT site, and allow domain name to lapse		Jul-31-2013	On Going

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 158

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

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

A. Schedule A of Bylaw No.146, cited as “Mayne Island Land Use Bylaw No 146, 2008” is amended as follows:

(1) Section 8.11 is amended by adding a new Subsection 8.11(7) as follows:

“8.11(7) An applicant is not required to fulfill the requirements of subsections 8.11(1) for boundary adjustment subdivisions provided that: there would be no increase in density or intensity of use beyond what was permitted before the boundary adjustment took place; and that all of the lots subject to the boundary adjustment have an established supply of water.”

B. This bylaw may be cited for all purposes as the “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2013”.

READ A FIRST TIME THIS	27th	DAY OF	March	2013
PUBLIC HEARING HELD THIS	26th	DAY OF	June	2013
READ A SECOND TIME THIS	26th	DAY OF	June	2013
READ A THIRD TIME THIS	26th	DAY OF	June	2013
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	23 rd	DAY OF	July	2013
ADOPTED THIS		DAY OF		20

DEPUTY SECRETARY

CHAIRPERSON



Islands Trust

Print Date: Jul-22-2013

Top Priorities

Mayne Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Housing Options	Consider OCP/LUB amendments to permit secondary suites - prepare preliminary OCP/LUB wording (done) - arrange stakeholders meeting (done) - draft bylaws (done) - refer bylaws to agencies and appropriate groups (done)	Jul-04-2011	Gary Richardson	Sep-30-2013	On Going
2	Review proof of potable water provisions in LUB regarding boundary adjustment subdivisions.	Prepare draft bylaw for LTCs consideration (done) Prepare Public Hearing and CIM for June 26/2013 (done) Proposed Bylaw on July 31/13 LTC agenda for consideration of adoption.	Oct-24-2012	Gary Richardson	Jul-31-2013	On Going
3	OCP Follow-up: 1. Implementation of Riparian Areas Regulation	Review existing mapping and documentation and prepare report for LTC.	Jun-09-2010	Gary Richardson	Sep-30-2013	On Going



Islands Trust

Print Date: Jul-22-2013

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	Agricultural Building riparian setbacks	Review LUB to consider potential amendments to setbacks for agricultural buildings from watercourses, consistent with Ministry guidelines	Oct-03-2011	On Going
3	Commercial Land Use Review	review task force reports and provide options/recommendations to the LTC	Oct-24-2012	On Going
4	First Nations Communication - deer		Jun-27-2012	On Going
5	Density provisions on large remainder lots		Jul-27-2012	On Going
6	Road issues		Jun-27-2012	On Going
7	Review TUP policies		Sep-19-2012	On Going
8	STVR Review		Sep-19-2012	On Going
9	Geo-exchange review		Nov-28-2012	On Going
10	Review of OCP and LUB as per APC report dated February 2013.		Feb-27-2013	On Going
11	Staff to review the appropriateness of continuing to allow public service uses in all zones as they may detract from residential enjoyment of property.		Feb-27-2013	On Going



Islands Trust

Print Date: Jul-22-2013

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: Jul-21-2013

Needs study proposal to be received by July 31, 2013

Status Date: Jun-18-2013

Needs study being designed with the assistance of contractor.

Status Date: May-29-2013

LTC requested needs study to be done.

Sharon Lloyd-deRosario

From: Nicole Ranger
Sent: June-26-13 12:08 PM
To: Brian Crumblehulme; Gary Richardson; Jeanine Dodds; Peter Luckham; Robert Kojima; Sharon Lloyd-deRosario
Cc: Nancy Roggers
Subject: Mayne LTC Expenses - June 30/13

Islands Trust LTC EXP SUMMARY REPORT F2014 Invoices posted to June 30, 2013				
645 Mayne	Invoices posted to June 30, 2013	Budget	Spent	Balance
65000 645	LTC "Trustee Expenses"	1,100.00	-	1,100.00
65200 645	LTC Local Exp LTC Meeting Expenses	2,500.00	594.37	1,905.63
65210 645	LTC Local Exp APC Meeting Expenses	1,000.00	66.80	933.20
65220 645	LTC Local Exp Communications	500.00	274.90	225.10
65230 645	LTC Local Exp Special Projects	2,000.00	-	2,000.00
65240 645	LTC Local Exp Miscellaneous	250.00	-	250.00
TOTAL LTC Local Expense		6,250.00	936.07	5,313.93
73001 645 2005	Mayne OCP/LUB	4,000.00	-	4,000.00
73001 645 4013	Mayne housing options	3,000.00	-	3,000.00
TOTAL Project Expense		7,000.00	0.00	7,000.00

Nicole Ranger

Finance Clerk
 Islands Trust
 200-1627 Fort Street
 Victoria, BC V8R 1H8
 Phone: (250) 405-5152
 Fax: (250) 405-5155

Preserving *Island* communities, culture and environment



Please consider the environment before printing this email

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.



Memorandum

Date June 18, 2013 File Number 4020-20 Foreshore Structures

To Local Trust Committee

From Local Planning Committee

Re **PROACTIVE BYLAW ENFORCEMENT OF ILLEGAL STRUCTURES ON THE FORESHORE**

At the May 9th, 2013 Local Planning Committee (LPC) meeting the following resolution was passed:

It was MOVED and SECONDED

That the Local Planning Committee direct staff to ask the Local Trust Committees if they are willing to pilot a project on proactively enforcing illegal structures on the foreshore.

CARRIED

As a result, this memo is to ask whether there is willingness to participate in a pilot project regarding proactively enforcing illegal structures on the foreshore. Attached is a copy of the staff briefing report considered at the LPC meeting.

The purpose of this project is to address the issue of proactive bylaw enforcement of illegal structures on the foreshore and to develop a generalized approach that all islands could use through education, proactive enforcement and regulation. The intent of this project is to address the issue of illegal foreshore structures (e.g. buildings, decks, seawalls, etc.) through various methods of improving awareness about, and enforcement of, regulations pertaining to structures built near the sea.

At this stage, it is just to gather the interest of the LTCs and then a decision will be made on which LTC and what sort of pilot project it will be given the resources (staff and funding) available.

Please indicate your interest by e-mail to Kris Nichols, Island Planner at knichols@islandstrust.bc.ca. The LPC will take the LTCs interests and comments into consideration at the August LPC Meeting.

Attachment: Staff Briefing Report

Pc David Marlor, Director

To: Local Planning Committee

For the Meeting of: May 9, 2013

From: Kris Nichols, Island Planner

Date Prepared: April 30, 2013

pc: David Marlor, Director

File No: 4020-20 Foreshore Structures

SUBJECT: PROACTIVE BYLAW ENFORCEMENT OF ILLEGAL STRUCTURES ON THE FORESHORE

DESCRIPTION OF ISSUE:

Local Planning Committee (LPC) has as its number one priority on its Work Program, “Develop Mechanism for Proactive Bylaw Enforcement of Illegal Structures on the Foreshore”. The purpose of this work program priority/project is to address the issue of proactive bylaw enforcement of illegal structures on the foreshore and to develop a generalized approach that all islands could use through education, proactive enforcement and regulations.

Initially, this priority was to be addressed in the form of a project charter. It was decided by staff in consultation with the LPC Chair and the Director of Local Planning Services that a project charter would not be the best approach to take at this time given the uncertainty of some of the issues around doing proactive enforcement, participation by the Local Trust Committees and resources (staff, time and money) required to carry out the project given the current budget of \$2000.00. Staff determined that a report would be the best approach in order to provide information to understand the issues around proactive bylaw enforcement of illegal structures on the foreshore and to present options for consideration of moving forward.

The intent of this report is to outline the issues and the possible scope of enforcement that could occur and present options for LPC discussion and direction for moving forward.

BACKGROUND:

This project has been initiated by the Local Planning Committee (LPC). This topic is in the Strategic Plan as item 2.2. The intent of this project is to address the issue of illegal foreshore structures (e.g. buildings, decks, seawalls, etc.) through various methods of improving awareness about and enforcement of regulations pertaining to structures built near the sea.

Residents that have built within the setback to the sea have done so either through not being aware of current bylaw regulations or thinking that a replacement structure is permitted without adhering to the bylaws. Some may also believe that if a building permit is not required (e.g. seawall construction) there is no issue with other local bylaw requirements such as setbacks from the sea or development permits. As well, those that do build ignoring the regulations recognize that currently there is little risk. The structures are also generally not that visible except from the seaward side of the property that bylaw officers cannot easily access, making proactive enforcement difficult when you don't know where the structures are. The best option for viewing these foreshore structures is by boat, plane or helicopter, but to do this for all the islands with approximately 1377 km of shoreline may not be a feasible solution. Residents that chose to ignore the regulations are generally aware that they can apply for a development

variance permit retroactively and in many cases these get approved, thereby weakening the argument for restrictive development of structures within the foreshore.

Generally, bylaw enforcement is complaint driven. That being said, the Islands Trust bylaw enforcement policy does permit bylaw enforcement officers to initiate enforcement on the foreshore without complaint as these areas are considered as environmentally sensitive. Pro-active enforcement is generally the best approach which should be combined with education (i.e. workshops, letters, brochures, web postings, newspaper advertisements, etc.) as bylaw officers have limited resources and capacity to do this on their own. Increasing proactive enforcement should result in greater compliance as it would increase the risk to property owners who ignored the regulations, but more importantly education of the regulations and their rationale and subsequent enforcement should help to reduce the number of bylaw infractions and protect these environmentally sensitive areas.

Rationale for Proactive Enforcement of Illegal Foreshore Structures

In establishing some of the background rationale for this priority staff has met with Bylaw Enforcement staff to gain a further understanding of the need for proactive enforcement and the specific file types (e.g. docks, decks, seawalls, etc.). Staff has reviewed the bylaw files pertaining to illegal foreshore structures on each of the islands. There are 38 files bylaw enforcement files currently open. They are as follows:

Island	Files	Generalized Type
Denman	6	Stairs to Foreshore: 5 Building: 1
Gabriola	1	Stairs to Foreshore & Log Seawall: 1
Galiano	2	Retaining Wall: 1 Stairs to Foreshore: 1
Gambier	8	Concrete Dock: 1 Structure (not specified): 5 Rip Rap Seawall: 2
Hornby	0	N/A
Lasqueti	0	N/A
Mayne	0	N/A
North Pender	5	Wooden Ramp to Foreshore: 1 Seawall (Possibly Rip Rap): 1 Dock: 2 Stairs to Foreshore: 1
Saturna	3	Deck: 2 Platform: 1
Salt Spring	8	Seawall (no indication of what type): 2 Groyne: 1 Deck with Stairway to Beach: 2 Deck: 2 Concrete Seawall: 1
South Pender	0	N/A
Thetis	5	Concrete Seawall: 1 Deck and Dock: 1 House/Deck/Stairs: 1 Float/Boat Ramp/Stairs: 1 Addition to Cabin: 1
Totals	38	Stairs to Foreshore: 7 Building: 1 Stairs to Foreshore & Log Seawall: 1 Retaining Wall: 1 Concrete Dock: 1 Structure (not specified): 5

		Rip Rap Seawall: 2 Wooden Ramp to Foreshore: 1 Seawall (not specified what type): 3 Dock: 2 Deck: 4 Platform: 1 Groyne: 1 Deck with Stairway to Beach: 2 Concrete Seawall: 2 Deck and Dock: 1 House/Deck/Stairs: 1 Float/Boat Ramp Stairs: 1 Addition to Cabin: 1
--	--	---

Table 1 – Foreshore Enforcement Files

The files listed above give a good indication of the issues that are prevalent for bylaw enforcement in addressing illegal structures on the foreshore with the most prevalent being providing access to the foreshore through the construction of stairs. The enforcement of these files will help to establish that there are regulations pertaining to illegal structures within the foreshore. It is hoped that through such enforcement that others will learn of the need to follow the regulations. This would have to be coupled with proactive enforcement in order to be more effective in getting the word out or to tackle those that were not a result of a complaint or happened upon by the enforcement officer. Again, bylaw enforcement will have to consider existing resources in order to determine whether they can expand their current enforcement program which will be needed at the outset. It should be noted that because four local trust committees do not have foreshore violations does not mean that they do not have illegal structures on the foreshore, they just don't have any recorded complaints.

Project Outline:

Staff has outlined in brief the project objectives and scope to address illegal foreshore structures. This is based on the original discussion at LPC, however, after some analysis staff realize that the project will have to be further defined prior to proceeding with further (more detailed) project evaluation.

Proposed Project Objectives

- Initiate proactive enforcement through regulation, education and awareness.
- Reduce the number of development variance permits that are applied for retroactively in the foreshore areas.
- Educate property owners with sea frontage on the importance of maintaining these environmentally sensitive areas and providing alternatives to hard structures where "green" structures could be utilized lessening the environmental impact.
- Educate agencies (e.g. CRD, VIHA, etc.) and contractors that deal with property owners with sea frontage (e.g. building permits, septic fields, etc.)
- Develop as required regulations that will help to protect the foreshore areas from illegal structures (e.g. development permits, additional setbacks, etc.)
- Establish general procedures for the enforcement of regulations with a combination of proactive enforcement and education. This would include an analysis as to the best way to establish a benchmark and the subsequent reviews of the island shorelines.

Proposed Project Scope

- Increase communication around education and awareness regarding foreshore/setback from the sea structure construction.
- Review of existing regulations on all Islands to determine if new regulations are required.
- Review of differing island approaches being taken for pro-active foreshore enforcement (i.e. existing bylaws, communication, etc.)
- Review of the current regulations used on each island regarding the ability to construct structures within the foreshore/setback to the sea.
- Determine the best approach to identifying structure on the foreshore (i.e. boat, plane, helicopter, roads, etc.) initially and a timeframe for subsequent analysis.

ATTACHMENT(S):

AVAILABLE OPTIONS:

Options to Consider for Proactive Enforcement

There are a number of options that should be considered by the LPC as to the direction to take toward increasing proactive enforcement of illegal structures on the foreshore. It is important to remember that currently the budget for this project is \$2000.00 and that as this is an enforcement issue there are limited staff resources that need to be considered.

1. Trust Wide Proactive Enforcement

This would be the most financially, staffing and time dependent option. It would involve researching the shorelines of all the islands to locate through GPS possible infractions and then identifying the specific properties and determining whether they had been given variances to accommodate the infractions or to determine when they may have occurred. It would then entail being proactive with the land owners and following up with their infractions. Follow up would be required by either bylaw enforcement staff or planning staff. Creating a foreshore picture of illegal structures would be a useful tool, but would have to be maintained every 2-3 years to be effective.

Pros – this would create the best record of structures on the foreshore for all the local trust areas. It would enable staff to be proactive in their approach by identifying specific properties and thereby proposing specific remedies.

Cons – It would be costly and time consuming for staff to establish the record and for follow up. Additionally, funding would be required and buy-in from all the local trust committees and respective staff. It would also have to be done every 2-3 years to remain effective. It would take staff away from current bylaw enforcement duties and file management. It may increase staff requirements for follow up.

2. Island Proactive Enforcement – Establish Generalized Approach

The intent would be to take one local trust area to establish a proactive enforcement approach and to use that approach, once determined, in other local trust areas (with variations).

In addition, this approach could involve establishing an education and awareness program that could ultimately be used for other islands.

Pros – this approach would create a sample proactive enforcement approach for a specific local trust area that could be used in other local trust areas. It would provide an

idea of what extra resources (i.e. staffing, time and money) would be required to do the proactive enforcement.

Cons – this approach would be specific to one local trust area and not address illegal foreshore structures immediately in all the local trust areas.

3. Education and Awareness Approach – Trust Wide

This would be the least resource dependent approach and would deal with ways to educate land owners of the need to protect the shoreline and likely could be started with the \$2000 allocated at this time. However, it could be argued that this is the least likely way to get results.

1. Mail outs – to select foreshore property owners for a targeted mail out of information regarding island specific enforcement (i.e. setbacks, development permit areas, etc.)
2. Pamphlets/Brochures – a more general approach through the development of a brochure to be available at offices and possibly used for a mail out and placed on website.
3. Website Updates – to be placed on all Island's web pages in a similar format with the brochure, but with island specific references (i.e. links to zones, Development Permit Areas, etc.)
4. Information meetings – build on Shoreline Workshops held over the past couple of months, but with specific reference to enforcement issues and what can and cannot be built in the foreshore areas.
5. Encouraging Local Trust Committees to adopt Development Permits for Shorelines Areas – while this may not stop illegal structures from occurring, the process of implementing Development Permit Areas will help to educate people about the importance of protecting the foreshore areas.

Pros – this approach is the least costly method to get information out to the residents. It ensures that those that are most likely to be able to impact the foreshore will be made aware of what is permitted to be constructed and what is not. May be a first approach to enforcement and could be evaluated at a later date to see what else may be needed. It fits within the allocated budget.

Cons – this approach may be the least likely to get results as it may just be considered another piece of paper and or meeting by the local trust committee.

4. Status Quo Approach

Given that illegal foreshore activities are only 13.9% of enforcement files and the anticipated impact that proactive enforcement may have on current resources (staff, time and money) that no proactive enforcement be taken.

Pro – keeps resources as they are currently being used.

Con – illegal foreshore structures may continue to be an issue for many islands and enforcement will remain to be both complaints driven and proactive where noticed.

Staff Summary:

It should also be noted that the active files indicated in the table (See Table 1) represent 13.9% of the total number of open enforcement files (273) currently. It should also be noted that being proactive regarding illegal foreshore structures is important in order to address some environmental concerns; however, the reality is that it will have an impact on the existing enforcement resources and will undoubtedly increase the number enforcement files that staff will have to address. It will also likely impact planning staff for follow up where applications are made. It has to be understood that a shift in the allocation of the limited resources (i.e. staff,

time and money) would be required to be more proactive in enforcement thereby impacting what kind, how and when infractions are being dealt with.

A sample approach could be done with the \$2000 currently allocated for this project, but certainly not the most effective approach, which is to survey all the foreshore properties in order to be truly proactive as to what currently exists on the foreshore properties. The LPC in making its decision about how to proceed will have to consider:

- The amount of resources (staffing, time and money) they want the Islands Trust to spend on being proactive?
- Given the amount of resources required to do this proactive enforcement in an effective manner and the resultant impact it will have on current enforcement. Should this still be an LPC top priority for all the Islands?
- There is no additional staffing enforcement resources and that bylaw files will grow and that the initiation of taking proactive enforcement measures will take some time to fully implement?
- Would education and awareness through brochures, website, and/or mail outs be sufficient given the resource limitations?

Given the possible breadth of this project and its scope staff is providing information to inform the LPC discussion on the various options considering the allocated budget available. Given the budget allocated, the most cost effective approach would be to do a brochure that could be useable for all islands and put on the websites as information as to what can and cannot be done and who to contact for further information.

FOLLOW-UP:

That the Local Planning Committee discuss and decide upon an option regarding proactive bylaw enforcement for illegal foreshore structures based on the information provided in this report entitled, "*Proactive Bylaw Enforcement of Illegal Structures on the Foreshore*" dated April 30, 2013.

Prepared By: Kris Nichols, Island Planner

Date: April 30, 2013

Reviewed By: David Marlor, Director of Local Planning Services