



MAYNE ISLAND LOCAL TRUST COMMITTEE

BUSINESS MEETING AGENDA TO COMMENCE AT 1:00 P.M., WEDNESDAY, SEPTEMBER 19, 2012 AT THE MAYNE ISLAND AGRICUTUAL HALL 430 FERNHILL ROAD, MAYNE ISLAND, B.C.

***Approximate** time is provided for the convenience of the public only and is subject to change without notice. There will be a 15 minute break prior to item 10 of this agenda, as indicated

	Page #	*Time Approx
1. CALL TO ORDER		
2. APPROVAL OF AGENDA		1:00 pm
2.1 Additions/Deletions		
2.2 Questions from public on Agenda Items		
3. COMMUNITY INFORMATION MEETING - none		
4. PUBLIC HEARING - none		
5. PREVIOUS MEETINGS		
5.1 Local Trust Committee Minutes for Adoption		
5.1.1 Mayne Island Local Trust Committee Business Meeting Minutes of July 25, 2012 (attached)	1	
5.2 Public Hearing Records and Community Information Meeting Notes		
5.2.1 Mayne Island Local Trust Committee Community Information Meeting Notes of July 25, 2012 (attached)	9	
5.3 Section 26 Resolutions-without-meeting (attached)	11	
5.4 Advisory Planning Commission Minutes	12	
5.4.1 APC Meeting Minutes of August 11, 2012 (attached)		
6. BUSINESS ARISING FROM THE MINUTES		1:30 pm
6.1 Follow-up Action Report (attached)	16	
7. DELEGATIONS – none		

8.	CORRESPONDENCE (attached) <i>[correspondence received concerning applications and/or projects is considered with the application]</i>		
8.1	I. Dow email dated September 10, 2012 re: Mayne Island Landowners Coalition (RAR)	17	
9.	APPLICATIONS, PERMITS, BYLAWS AND REFERRALS		
9.1	MA-TUP-2012.2 (Bennett) (attached)	19	
9.2	MA-TUP-2012.3 (Nordquist Holdings Ltd) (attached)	39	
	----- BREAK (15 minutes) -----		2:30 pm
10.	LOCAL TRUST COMMITTEE PROJECTS - none		
11.	REPORTS		
11.1	Work Program Reports		
11.1.1	Mayne Island Local Trust Committee Work Program - Report dated September, 2012 (attached)	51	
11.2	Applications Report		
11.2.1	Mayne Island Applications Report dated September, 2012 (attached)	53	
11.3	Expense/Budget Reports – for information		
11.3.1	Trustee and Local Expenses (attached)	55	
11.3.2	Budget Submissions – 2013-14 (memo attached)	56	
11.4	Bylaw Enforcement - none		
11.5	Adopted Policies and Standing Resolutions – for information (attached)	60	
11.6	Mayne Island LTC Web Page (attached)	64	
11.7	Chair’s Report		
11.8	Trustee Report		
12.	OTHER BUSINESS		3:30 pm
12.1	Upcoming Meetings		
12.1.1	Next Business Meeting – Wednesday, October 24, 2012 at 1:00 pm., at the Mayne Island Agricultural Hall		
13.	TOWN HALL MEETING		
14.	ADJOURNMENT		4:00 pm

DRAFT

MINUTES OF THE MAYNE ISLAND
LOCAL TRUST COMMITTEE MEETING
HELD ON WEDNESDAY JULY 25, 2012 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
	Gary Richardson	Island Planner
	Robert Kojima	Regional Planner Manager
	Miles Drew	Bylaw Enforcement Manager
	Pat Todd	Recording Secretary

There were approximately thirteen (13) members of the public in attendance.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 1:03 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 12.2 – Name change back to Mayne Island

11.4 – to follow Item 2.

The agenda as amended was approved by consensus.

2.2 Questions from Public on Agenda Items

None

11. Reports

11.4 Bylaw Enforcement

11.4.1 Short Term Vacation Rentals Policy Review

Miles Drew, Bylaw Enforcement Manager (BEM), reviewed the current enforcement policy on Short Term Vacation Rentals and recommended the enforcement policy remain as is until a review is completed on Short Term Vacation Rentals.

Resolution MA-LTC-34-12.

It was Moved and Seconded that Mayne Island Local Trust Committee resolves to extend the current Short Term Vacation Rental bylaw enforcement policy, as written in the Staff Report dated June 26, 2012, until the project to review use of second dwellings for Short Term Vacation Rentals is complete.

CARRIED

3. COMMUNITY INFORMATION MEETING

3.1 MA-TUP-2012.3 (Nordquist)

See Community Information Notes of same date.

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 June 27, 2012

Chair Luckham asked the Trustees for any amendments; the following amendments were made:

- Item 4 – Note: Trustee Dodds...remove word perceived.
- Item 9 –Note: Trustee Dodds...remove word perceived.
- Page 2: 5.1.1 Chair Luckham... change “comments” to amendments.

The Mayne Island Local Trust Committee meeting Minutes of June 27 2012, as amended were adopted by consensus.

5.2 Public Hearing Records and Community Information Meeting Notes

5.2.1 Mayne Island Public Hearing Record of June 27, 2012

- Page 1, Second sentence - Note: Trustee Dodds...remove word perceived.

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

Planner Richardson reviewed the on-going items. He advised that purchase of SFU well testing report is ongoing; MA-TUP-2012.2 (Bennett) is on today's agenda; and that Item 14 – notification to APC regarding referrals: this will be done via email following the LTC resolution.

7. DELEGATIONS

None

8. CORRESPONDENCE

The LTC is in receipt of correspondence regarding the proposed MA-TUP-2012.3 (Nordquist). Correspondence received concerning an application and/or project is considered with the application.

9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

9.1 MA-TUP-2012.3 (Nordquist)

Planner Richardson outlined the three options for the application:

- a) it goes no further;
- b) proceed as drafted and will be on agenda for September 19;
- c) amend the permit and then proceed to September 19th meeting.

Trustee Dodds questioned sending the application to the Advisory Planning Commission as this is an important decision for the island community.

Robert Kojima outlined that the APC referral could detail parameters for the permit and these could also be circulated to neighbours prior to the September meeting.

Trustee Crumblehulme requested a letter of approval from the appropriate water board be obtained.

Trustee Dodds spoke to removing the advertising restriction.

Chair Luckham stated that to allow unrestricted advertising increases the “commercialization” of the operation and if owner wants to operate a commercial business can apply to rezone.

Trustee Dodds stated that to rezone is a separate issue and that there is no current enforcement for those who are advertising and operating a STVR without a permit.

Resolution MA-LTC-35-12.

It was Moved and Seconded that Mayne Island Local Trust Committee refers MA-TUP-2012.3 (Nordquist) to the Mayne Island Advisory Planning Commission, with an amendment to item k) and deletion of item l), for consideration.

CARRIED

9.2 MA-TUP-2012.2 (Bennett)

Gary Richardson reviewed the application information to date. A draft permit has been prepared. Responses have been received from the Fire Chief; comments from VIHA have been incorporated; Ministry of Transportation has made a site visit.

There was discussion regarding specifications of drafted permit and required parameters/structures for the operation.

Applicant spoke to requirement of a sump operation to pump off rain water. Truck could be put under a cover. The infrastructure requirements are felt to be onerous and costly. All agreed that requirements are best practice principles.

Chair Luckham reminded everyone that Islands Trust does not want to be involved in the management of the business – just wants to ensure neighbours and community concerns are addressed and that “best practices” are implemented.

Fred Bennett, applicant, asked if the use as a solid waste transfer site would be added on to the Industrial Use Zone.

Planner Richardson stated this could be the long term plan – either through application or the LTC could amend the zone in the LUB.

Staff will amend draft permit, consult with applicant and application will be on agenda for September meeting.

Note - Trustee Dodds excused herself from the meeting at 2:49 pm, due to a conflict of interest.

9.3 Proposed Mayne Island Bylaw No. 157 – for consideration of adoption

Bylaw No. 157 was approved by the Executive Committee of the Islands Trust on July 3, 2012.

Resolution MA-LTC-36-12

It was Moved and Seconded that Mayne Island Local Trust Committee Bylaw No. 157, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2012” be Adopted.

CARRIED

Note - Trustee Dodds rejoined the meeting at 3:00 pm.

9.4 Saturna Island Bylaws No. 107 and 108 Referral

Resolution MA-LTC-37-12

It was Moved and Seconded that Mayne Island Local Trust Committee interests regarding Saturna Island Bylaws No. 107, No.108, No. 109 and Salt Spring Island Bylaw No. 461, are unaffected.

CARRIED

9.5 Saturna Island Bylaws No. 109 Referral

See Resolution MA-LTC-37-12.

9.6 Salt Spring Island Bylaw No. 461 Referral

See Resolution MA-LTC-37-12.

Note - The meeting recessed for a break at 2:53 pm.

Note - The meeting reconvened at 3:08 pm.

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Secondary Suites – Report

Planner Richardson spoke to the report of the Mayne Island Housing Options Task Force. Currently secondary suites are not permitted on the island.

Trustee Dodds reported that 70 to 75% of properties are already developed and few existent houses could be retrofitted for a secondary suite. It would be worthwhile to send a letter to all property owners informing them that the LTC is looking at permitting secondary suites and to get information back before debating the issue.

Trustee Crumblehulme stated that permission should only be given where the specific water board approves and that secondary suite does not necessarily mean a basement unit – could be an addition.

Resolution MA-LTC-38-12

It was Moved and Seconded that the Mayne Island Local Trust Committee request staff to send a letter to all property owners and water boards outlining a proposal to permit secondary suites to be included in a dwelling.

CARRIED

This letter will be sent out in September and there will be a follow-up Community Information Meeting.

11. REPORTS

11.1 Work Program Reports

11.1.1 Mayne Island Local Trust Committee Work Program – Report dated July, 2012

Planner Richardson reviewed the Work Program report:

- Consideration of secondary suites - October
- Commercial Land Use Review – finish referrals and Housing Options first

11.2 Applications Report

11.2.1 Mayne Island Applications report dated June, 2012

Planner Richardson advised that the Beeson application is going to the Board of Variance; McDougall rezoning application was finished today; the subdivision application is done; Bennett TUP revised application will be on September agenda; Nordquist – Short Term Vacation Rental TUP – application will go to APC and is expected back for September.

11.3 Expense/Budget Reports

11.3.1 Trustee and Local Expenses

Received for information.

11.4 Bylaw Enforcement

See Bylaw Enforcement Page 1 of this set of minutes.

11.5 Adopted Policies and Standing Resolutions

Received for information.

11.6 Mayne Island LTC Web Page

No changes were made at this time.

11.7 Chair's Report

Chair Luckham spoke to working at getting bylaws processed and preparing for next Trust Council meeting on Bowen Island. The National Marine Conservation Area is continuing to develop. The Kinder Morgan Pipeline is of concern to many and for Islands Trust as it has a mandate to protect marine environment.

11.8 Trustee Report

Trustee Crumblehulme spoke to the Economic Development Commission which has three members from Mayne Island. The CRD is looking to support endeavors through regulations/licensing processes. All Islands are feeling the economic stress. There is a proposal to create a hiking, cycling and water trail to connect all the islands through to Vancouver Island – “Explore the Gulf Islands”. This would be viewed as an extension of the TransCanada Trail and would involve all levels of government. Trustee Crumblehulme will chair the Mayne Island Advisory Team for this project and will report to the CRD regarding the activities of the group. Trustee Crumblehulme questioned if this activity posed any conflict of interest and Chair Luckham felt not at this time.

Regarding the high speed internet, Trustee Crumblehulme has had contact with Network BC, which supports high speed connections in remote areas and Mayne Island is eligible to apply for a grant in October. He is looking for assistance to draft this application.

12. OTHER BUSINESS

12.1 Upcoming Meetings

12.1.1 Next Business Meeting – Wednesday September 19, 2012 at 1:00 pm. at the Mayne Island Agricultural Centre.

12.2 Mayne Island Name

Trustee Dodds will be contacting the BC Geographical Names Office regarding having the island's name officially changed back to Mayne Island. "Island" was dropped in 1939 and many residents have been voicing concerns to Canada Post (which implemented the deletion of Island in November of 2011) however Canada Post cannot do anything without a directive from the Names Office.

Trustee Dodds asked for a resolution to pursue this on behalf of the LTC. After a brief discussion it was agreed that Trustee Dodds would draft a letter requesting reinstating "Island", circulate it to LTC members and it could be approved through a Resolution-without-meeting.

13. TOWN HALL MEETING

David Maude (resident) expressed appreciation for efforts regarding changing name back to Mayne Island.

14. MOTION TO CLOSE MEETING

That, pursuant to Section 90(1) (i) of the Community Charter, the Mayne Island Local Trust Committee resolves to close the meeting to the public for the purpose of adopting Mayne Island Local Trust Committee In Camera Minutes of June 27, 2012 and to receive legal advice; and further that Islands Trust Staff and Recording Secretary Pat Todd remain present.

15. RECALL TO ORDER

15.1 Rise and Report from Closed Meeting

Resolution MA-LTC-42-12

It was Moved and Seconded that the Mayne Island Local Trust Committee directs staff to post the Young Anderson legal opinion dated January 30, 2012 and accompanying cover summary to the webpage and make copies available for distribution.

CARRIED

16. ADJOURNMENT

Chair Luckham declared the meeting adjourned at 4:07 p.m.

DRAFT

**NOTES OF THE MAYNE ISLAND
LOCAL TRUST COMMITTEE
COMMUNITY INFORMATION MEETING
HELD ON WEDNESDAY JULY 25, 2012, AT 1:00 P.M.
AT THE MAYNE ISLAND COMMUNITY CENTRE, MAYNE ISLAND, BC.**

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

There were approximately thirteen (13) members of the public in attendance.

The Chair called the information meeting to order at 1:15 p.m. The purpose of the Community Information Meeting was to discuss the application MA-TUP-2012.3 (Nordquist) which is for Short Term Vacation Rentals.

Planner Richardson spoke to the application and outlined the information included within the agenda package. There were a number of letters of support and 1 letter in opposition received. Staff reviewed the drafted TUP which addressed a number of issues eg. screening, sign restriction, maximum number of guests, etc. Of concern is the inability to enforce restrictions. The request is for a three year term.

Trustee Dodds questioned if the permit could be revoked if there were a complaint and an investigation. Staff responded that the permit remains valid until expiry date.

Chair Luckham related that Gabriola has a resident Bylaw Enforcement Officer but this doesn't appear to have resulted in an increase of TUPs.

Eric Nordquist, applicant, reviewed the history of the property and stated he has been renting out the premises for a number of years, the neighbours are aware and to date there have been no complaints. They are very careful about who they rent to and aware of water concerns (applicant is a trustee on the applicable water board). Current usage is well below the average full time residence. Mr. Nordquist is asking to be able to advertise the rental.

Barbara Baker (resident): Asked that information be corrected as to the water system. Property is in Bennett Bay/Campbell Bay Water District.

Ann Johnston (resident): asked for clarification as to the applicant's residence – it is directly across the road.

Ruth Curran (neighbour): questioned receipt of notice – this was earlier notice with incorrect lot number.

Dave Finnie (neighbour): has had absolutely no problem to date with rental of property,

Trustee Crumblehulme clarified that the TUP application is to legalize what has been happening for the past 9 years.

Shanti McDougall (resident): stated importance of reviewing Short Term Vacation Rentals on a case by case basis.

The Chair adjourned the Community Information Meeting at 1:30 p.m.

RECORDER

DATE



Islands Trust

Print Date: Sep-11-2012

RWM From: July 18, 2012 To: September 11, 2012

Mayne Island

Resolution #	Action	Resolution Description	Resolution Date
2012-01	In Favour	THAT the Mayne Island Local Trust Committee authorizes Mayne Island Local Trustee, Jeanine Dodds, to send a letter to the Naming Office, requesting the Island Post Office name be changed, as reflected in the attached Draft letter.	Aug 07, 2012

RECEIVED

AUG 21 2012

ISLANDS TRUST
VICTORIA BC

DRAFT

**MINUTES OF THE MAYNE ISLAND
ADVISORY PLANNING COMMISSION
HELD ON WEDNESDAY AUGUST 11, 2012 AT 7:00 P.M.
AT THE COMMUNITY CENTRE**

COPIED TO 5.4.1	
☒	PLANNER
☒	LTC
☒	KT

Present: Ian Birtwell (Deputy Chair), Rich Tamboline, Bill Maund, Sally Manson, Steve Cropper, Dennis Emmett, Dave Maude, Trustee Dodds and Trustee Crumblehulme. Pat Todd (recorder)

Regrets: Bill Bender and Gerry Wise

1. **CALL TO ORDER:** 7:00 p.m. Deputy Chair Birtwell welcomed the new members.

2. **APPROVAL OF THE AGENDA**

IT WAS MOVED AND SECONDED THAT THE AGENDA BE APPROVED.

CARRIED

3. **ELECTION OF CHAIR AND DEPUTY CHAIR**

Trustee Dodds called for nominations for position of Chair.

It was Moved by Bill Maund and Seconded by Sally Manson that Rich Tamboline be nominated as Chair of the APC.

Trustee Dodds called three (3) times for further nominations. There were none. Rich Tamboline was acclaimed as Chair.

Chair Tamboline called for nominations for the position of Deputy Chair.

It was Moved by Bill Maund and Seconded by Dennis Emmett that Ian Birtwell be nominated as Deputy Chair.

Chair Tamboline called three (3) times for further nominations. There were none. Ian Birtwell was acclaimed as Deputy Chair.

4. **APPROVAL OF MINUTES OF A.P.C.:** Meeting of February 8, 2012

IT WAS MOVED AND SECONDED THAT THE MINUTES OF JANUARY 11 BE ADOPTED.

CARRIED

5. BUSINESS ARISING FROM MINUTES:

a) Trustee update on consideration of legalization of secondary suites and suggested recommendations and draft Community Housing policy section of the OCP.

Trustee Dodds informed the Commission that at the July LTC meeting staff was directed to send a letter to all home owners explaining that the LTC is considering legalizing secondary suites. It is felt that feedback will direct further actions.

Chair Tamboline pointed out that the Policy Statement states: "... no increase in density ...". Traditionally definition of density has been one residence per parcel.

It is important that Trust Council examine the Policy statements prior to further examination of secondary suites – may need to redefine density.

The Trustees agreed to take this concern back to Trust Council.

6. NEW MEMBERS ORIENTATION

New members to the APC have received an orientation package. The question was raised as to access to past minutes. Contact will be made with Islands Trust staff regarding the easiest way to access minutes.

The Planner could be available for an orientation for new members either through teleconference or arranging for an afternoon when Planner Richardson is on island. The Chair will contact Planner Richardson to arrange this session.

Ian Birtwell reviewed some of the APC activities over the past while: review of TUP for gas station; foreshore encroachment at Village Bay; DVP for Ecological Sensitive Areas Mapping; Housing Task Force; a number of members participated in the Commercial Land Use Review Task Force.

Meetings are scheduled upon receipt of referral(s) from the LTC.

7. REFERRALS

1. Bylaw Enforcement Notification Bylaw

Chair Tamboline outlined some existent gaps in the zoning bylaws and permitted usages which would allow Bylaw Enforcement to shut down business operation. It is felt that until permitted uses are reviewed and deemed complete and inclusive that "power" should not be turned over to Bylaw Enforcement. Planners write and interpret bylaws and it is imperative that the bylaws are accurate..

The current system places the onus on Bylaw Enforcement to investigate a complaint. The new Bylaw allows enforcement through ticketing and then it is up to the owner to satisfy the issue.

Primary concern is lack of enforcement.

Some jurisdictions have turned the Bylaw Enforcement Bylaw down and it is felt important to learn how it is operating for those communities that adopted the Bylaw,. The majority of communities have adopted the Bylaw and those who have turned it down want to review their own bylaws prior to consideration of new Bylaw Enforcement Bylaw.

The Bylaw Enforcement Officer is available to speak/meet with the APC.

Compliance could be governed through a policy directive for utilization of ticket as last step.

Terminology needs to be better defined and more explicit.

MOTION

IT WAS MOVED THAT THE BYLAW NOTIFICATION PROCESS NOT BE ADOPTED AT THIS TIME UNTIL THE LAND USE BYLAW HAS BEEN REVIEWED AND AMENDED AND WHILE THE LAND USE BYLAW REVIEW IS UNDERWAY THE ADVISORY PLANNING COMMISSION CONTINUE WITH A REVIEW OF BYLAW ENFORCEMENT NOTIFICATION BYLAW.

Motion did not proceed

MOTION

IT WAS MOVED AND SECONDED THAT THE ADVISORY PLANNING COMMISSION RECOMMEND THAT HE COMMISSION HAVE AN OPPORTUNITY TO REVIEW THE LAND USE BYLAW #146, 2008 PRIOR TO CONSIDERING A RECOMMENDATION REGARDING THE BYLAW ENFORCEMENT NOTIFICATION BYLAW.

CARRIED

In consideration of this Motion the APC will delay review of the Bylaw Notification Bylaw until the completion of the LUB review.

8. TRUSTEES REPORT:

Trustee Dodds informed the members that a motion was made at the July LTC to refer a TUP for Short Term Vacation Rental to the APC however there may be a delay as Planner is on holidays. The LTC would like to address this application at the September 19 meeting. Trustee Crumblehulme agreed to contact staff regarding processing the referral to APC as soon as possible.

A letter, requesting that "Island" be reinstated in the name of Mayne, has been approved by Resolution-without-meeting.

9. NEW BUSINESS:

Discussion regarding meeting day and time as Wednesday causes a conflict for some of the new members.

Chair will check regarding availability of the Community Centre and agreement by members to meet the second Monday of each month.

There was a request that if meetings are cancelled, due to lack of business, that the Community Centre be informed as another group may want the time slot.

10. NEXT MEETING: Monday September 10, 2012

ADJOURNMENT: 8:50 pm.

CHAIR

RECORDER



Islands Trust

Follow Up Action Report w / Target Date

**Mayne Island
Jul-25-2012**

No.	Activity	Responsibility	Target Date	Status
1	Adopt STVR policy as recommended	Kathy Jones	Aug-09-2012	Done
2	3.1 - MA-TUP-2012.3 (Nordquist) - refer to APC, revise permit, refer to Campbell-Bennett improvement district.	Gary Richardson	Aug-30-2012	Done
3	5.1.1 - minutes of june 27th adopted as amended.	Sharon Lloyd-deRosario	Jul-31-2012	Done
4	5.2.1 - revise public hearing record	Sharon Lloyd-deRosario	Jul-31-2012	Done
5	9.2 - MA-TUP-2012.2 (Bennett): revise permit, review changes with applicant, bring back to next meeting	Gary Richardson	Jul-31-2012	Done
6	9.3 - bylaw 157 - adopted	Kathy Jones	Jul-31-2012	Done
7	9.4, 9.5, 9.6 - Saturna and salt spring bylaw referrals - LTC interests unaffected	Kathy Jones	Jul-31-2012	Done
8	10.1 - secondary suites - prepare mail-out for October	Gary Richardson	Jul-31-2012	On Going
9	post legal opinion	Kathy Jones	Jul-27-2012	Done
10	14 - in-camera minutes of june 27th adopted	Sharon Lloyd-deRosario	Jul-31-2012	Done

Kathy Jones

From: Jeanine Dodds
Sent: September-10-12 6:19 PM
To: Kathy Jones
Subject: FW: RAR

Follow Up Flag: Follow up
Flag Status: Flagged

~~Sorry to be late with this, Kristine & Jeanine~~

From: Ian Dow [iccd@telus.net]
Sent: Monday, September 10, 2012 4:17 PM
To: Jeanine Dodds
Subject: Fw: RAR

----- Original Message -----

From: [Ian Dow](#)
To: [Jeanine Dodds](#)
Cc: [Brian Crumblehulme](#) ; [Dean Mackay](#)
Sent: Sunday, September 09, 2012 10:16 AM
Subject: Re: RAR

Jeanine,

Dean MacKay and I have talked at length over the issue of the legal opinion and we are in agreement that the whole RAR act is poorly defined, too broad in its scope and definition and as such should not be used as a guide to define streams either. All of the watercourses on Mayne Island are the result of landowners ditching their properties to control runoff water during the rainy season. There is no water in them otherwise and it stretches the imagination to the breaking point to call these streams, when one compares these to actual streams and rivers elsewhere where headwaters provide year round flows from actual watershed areas, lakes, glaciers etc. We have none of these things only runoff. It is the opinion of the Land Owners Coalition that our watercourses should be treated as non fish bearing ditches with a 2 meter SPEA as described by Leyna Malmkvist in her report for SWELL Environmental. We have at the recommendation of the Trust planner, spent considerable community money, time and effort proving the absense of fish in any of these watercourses and as such all of them are proven to be non fish bearing.

Thank you

Ian Dow, Chair,
Land Owners Coalition

----- Original Message -----

From: [Jeanine Dodds](#)
To: [iccd@telus.net](#)
Sent: Wednesday, August 22, 2012 11:14 AM
Subject: RE: RAR

Can I forward this to Robert and Gary R for inclusion in our next agenda. We need to get this into the LTC discussions. Jeanine

From: [iccd@telus.net](#) [iccd@telus.net]
Sent: Wednesday, August 22, 2012 9:26 AM
To: [dean@commercialgroup.ca](#); Jeanine Dodds; Brian Crumblehulme
Subject: Re: RAR

Thank you Dean. I am in agreement with your conclusions regarding Riparian Area Regulation. I read your letter to be that you are asking the trustees to drop any consideration of imposing RAR as a result of conclusions brought to light in the legal opinion. This would deal with the fish presence or

absence question. You have not mentioned stream side protection as contained in our OCP and as proposed by Trust regarding the recommended RAA changes described in the opinion. Can i assume that you are in agreement with the proposal to adjust our current stream side setbacks to comply with those currently used provincially in the RAA regulations which are not the RAR regulations?

Ian

Sent from my Motorola device on the Rogers Wireless Network

Envoyé depuis mon téléphone Motorola sur le réseau sans fil Rogers

-----Original message-----

From: Dean Mackay <dean@commercialgroup.ca>

To: "iccd@telus.net" <iccd@telus.net>, "jeaninedodds@hotmail.com" <jeaninedodds@hotmail.com>

Sent: Tue, Aug 21, 2012 10:23:16 PDT

Subject: RAR

I got a chance to read the Young Anderson report on RAR, also the Island Trust interpretation.

I ask that our Local Island Trust take the position "that enacting riparian protection or restoration requirements on watercourses on Mayne Island that do not provide fish habitat, will not be considered worthwhile."

Young Anderson's direction is that the Provincial legislation was poorly written, and too broadly defines RAR areas. The legislation did not consider streams that are not now, and never would be fish bearing or become fish habitat. Our Local Island Trust can, and should take the position, that enacting the legislation is groundless on streams that do not and will never support fish. The legislation is flawed as it did not take into consideration watercourses that will never be fish bearing or provide fish habitat; due to stream barriers, lack of oxygen in the water due to low water flow, seasonally drying of stream beds, and natural toxins in the water. All of these deterrents to fish habitat are present in the Mayne Island streams, (as proven in the scientific analysis) and enacting the Riparian Area protection bylaws are inappropriate and impose poorly conceived legislation on the community.

The Young Anderson report said our advocacy efforts should be directed at the provincial legislators, so let the legislators get involved in this, and amend and correct the flaws in the legislation. In the mean time I ask that we do not enacting the bylaw on Mayne Island.

Dean Mackay
Member , LOC



Memorandum

Date September 11, 2012 File Number MA-TUP-2012.2

To Mayne Island Local Trust Committee
Robert Kojima, RPM

From Gary Richardson, Island Planner

Re MA-TUP-2012.3 (513 Fernhill Road)

The property owner has applied for a TUP to allow for a solid waste drop off and transfer site.

The LTC has held a community information meeting on this proposal. At its last LTC business meeting July 25, 2012 the LTC considered the proposal and draft permit. The LTC directed staff to amend the draft permit, consult further with the applicant and prepare a revised draft for the September 19, 2012 LTC meeting.

Staff has amended the permit, consulted with the applicant and prepared an amended permit for the LTCs consideration.

The amended draft permit is attached.

The LTC can consider: issuing the permit at this time as drafted; issuing the permit at this time with further amendments; or proceed no further with the permit.

Attached:

- 1) Staff Report July 17, 2012
- 2) Amended Permit
- 3) Comments from applicant



STAFF REPORT

July 17, 2012

File No.: MA-TUP-2012.2

To: Mayne Island Local Trust Committee

From: Kris Nichols
Planner 1
Local Planning Services

CC: Gary Richardson, Island Planner

Re: Temporary Industrial Use Permit Application for 513 Fernhill Road

Owner: Fred and Rosemary Bennett
Applicant: Same as above
Location: 513 Fernhill Road

THE PROPOSAL:

The applicant is applying for a Temporary Use Permit (TUP) for the purpose of permitting the following additional uses:

- a) storage, processing, handling of household rubbish, building waste, household garbage, scrap metal and scrap vehicles;
- b) preparation of the above items (a) for transport off island;
- c) bin rental operation for demolition and construction waste; and
- d) parking of vehicles and storage of bins used in business.

These uses are proposed to be located on a portion of the property located at 513 Fernhill Road, Mayne Island as shown on Figure 3. This proposal is meant to serve as a precursor to a future rezoning of the property to allow for these uses to remain on a permanent basis. A TUP generally is issued for a period of three (3) years with a possibility of renewal.

The stated purpose of the facility is to provide Mayne Island residents, businesses and contractors a site to discard, store and process solid waste materials (e.g. household garbage and rubbish, building waste, scrap metal and scrap vehicles) prior to being transferred off island. The site will also supply bin rental services for demolition, construction and household waste.

The TUP is to be located on a portion of an industrial zoned ((I1(a)) property which currently is used for an excavating company (i.e. storage of equipment, soils, ready mix concrete, gravel, etc.). The site also contains a residence for an employee and an area for raising chickens, donkeys and a mule. The area of the TUP will be approximately 0.4 acres in size (see Figure 3). The Islands Trust bylaw enforcement policy permits the applicant to carry on the business provided that an application is under consideration, therefore it is in operation receiving a variety of waste products as stated in the permit application. The TUP area is partially constructed (i.e. cement block bins, garbage truck collection area) and will require further construction, alteration and planting to comply with the proposed permit conditions.

SITE CONTEXT:

The property is located at 513 Fernhill Road and is currently used for an excavating company, employee housing and some farm animals. The property is 0.92 ha (2.28 acre) industrial zoned (Industrial One (a) Zone) site. The TUP will share approximately 0.16 ha (0.4 acre) of this lot. The property to the east is also zoned industrial and is used by the Ministry of Transportation and Infrastructure. The properties to the north and south (across Fernhill Road) are zoned Rural and the property to the west is zoned Settlement Residential and is owned by the applicant.

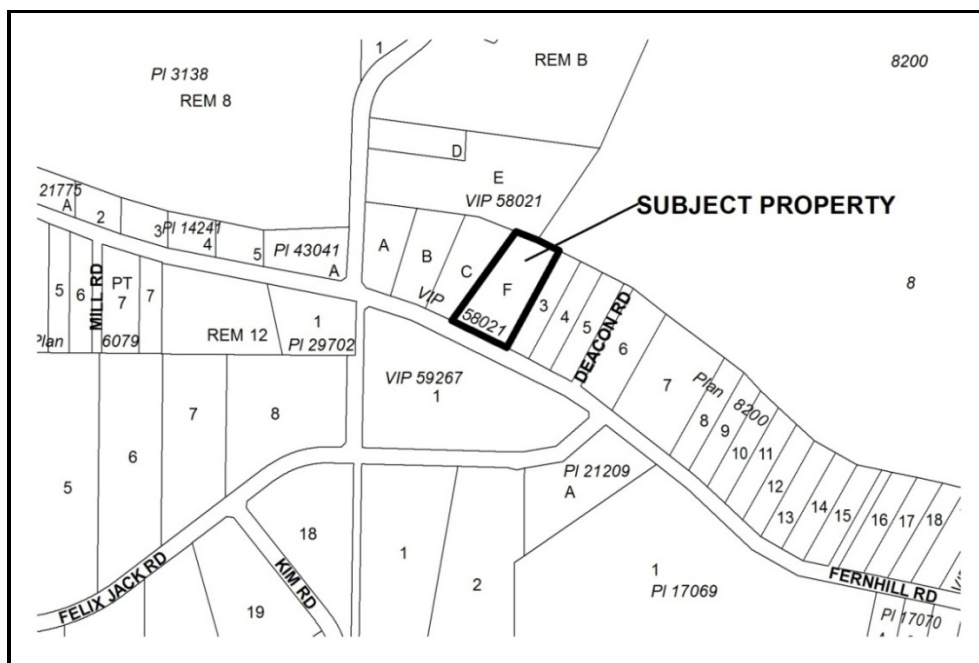


Figure 1 – Location Map



Figure 2 – Aerial Photograph of Site and Surrounding Area

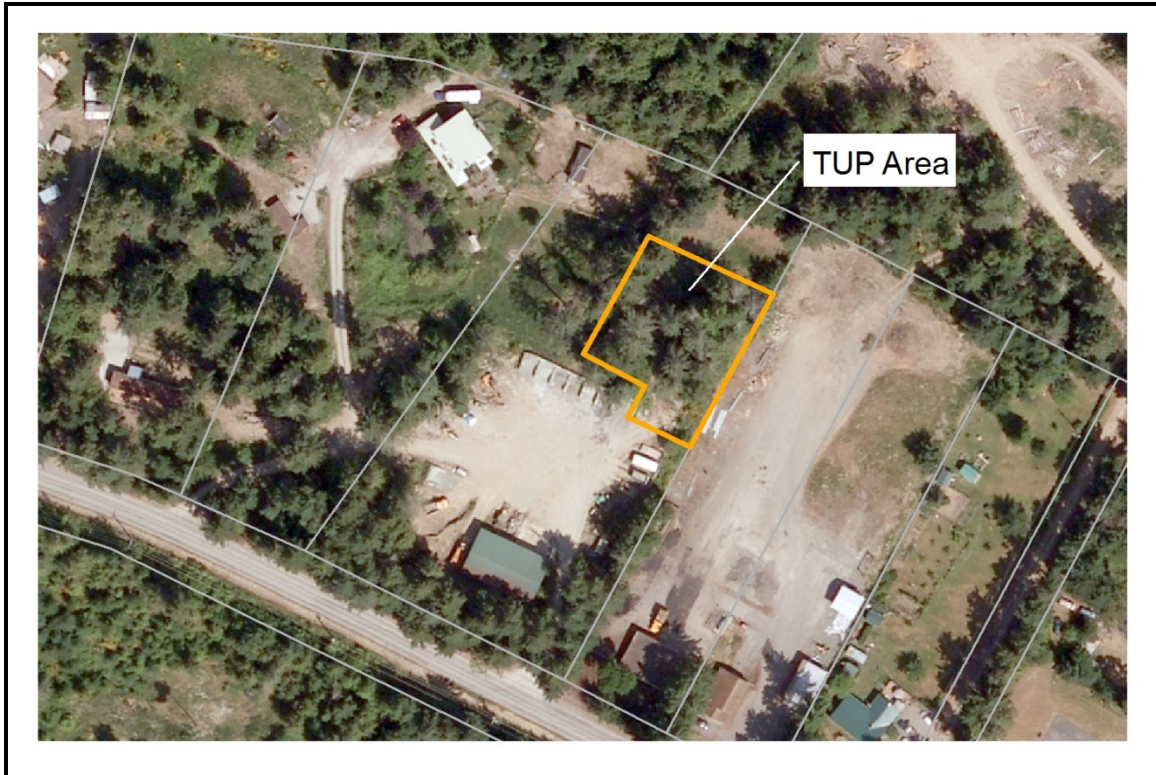


Figure 3 – Aerial Photography of Property with Approximate Location of TUP Area

The general public will access the lot through a marked entrance and will exit through the same driveway. The public will drop off their household garbage at the entrance to the TUP area into a compaction waste collection truck. The truck is located under a temporary roofed structure (see Figures 4 and 5). The truck will be taken off island to Hartland Landfill a minimum of once a week. The truck is water/liquid tight with any liquid being collected being dispensed of at Hartland Landfill as well. A cement floor with a drain and sump would also be required as part of the TUP. The garbage drop off is currently based on the honor payment system. The applicant states that it can hold about 500 bags of garbage. Currently, most other materials are collected in the cement bins (see Figures 7 and 8) and then transferred to a rolloff container for removal off island when full. The draft permit states a steel bin is required for each cement bin. Some household rubbish that is not sorted will be done off-island by another company. Both the garbage collection site and the 'other materials' area has additional conditions that will have to be met as part of the development permit.



Figure 4: Household garbage collection site



Figure 5: Compaction Waste Collection Truck used for collection of household garbage

The household garbage collection site is located at the entrance to the TUP site permitting easy access for the public to drop off their garbage.



Figure 6: Entrance to waste collection area with household garbage collection on the right.



Figure 7: Waste collection bins

The applicant have currently set up the TUP site and organized the cement block bins construction and ultimate location. They have had to expedite their process due to the closing of another garbage collection site on the Island. Currently they are uncertain the exact number of concrete/steel bins that will be used. Currently, the bins are constructed of concrete blocks (2-3 high) with gravel bases. Cement floors are a requirement of the TUP. An earth berm is being constructed behind the bins between the Highways Maintenance Yard and the TUP site. It will eventually be planted with vegetation.



Figure 8: Metal collection bin



Figure 9: Berm being constructed between Highways Maintenance Yard and TUP site

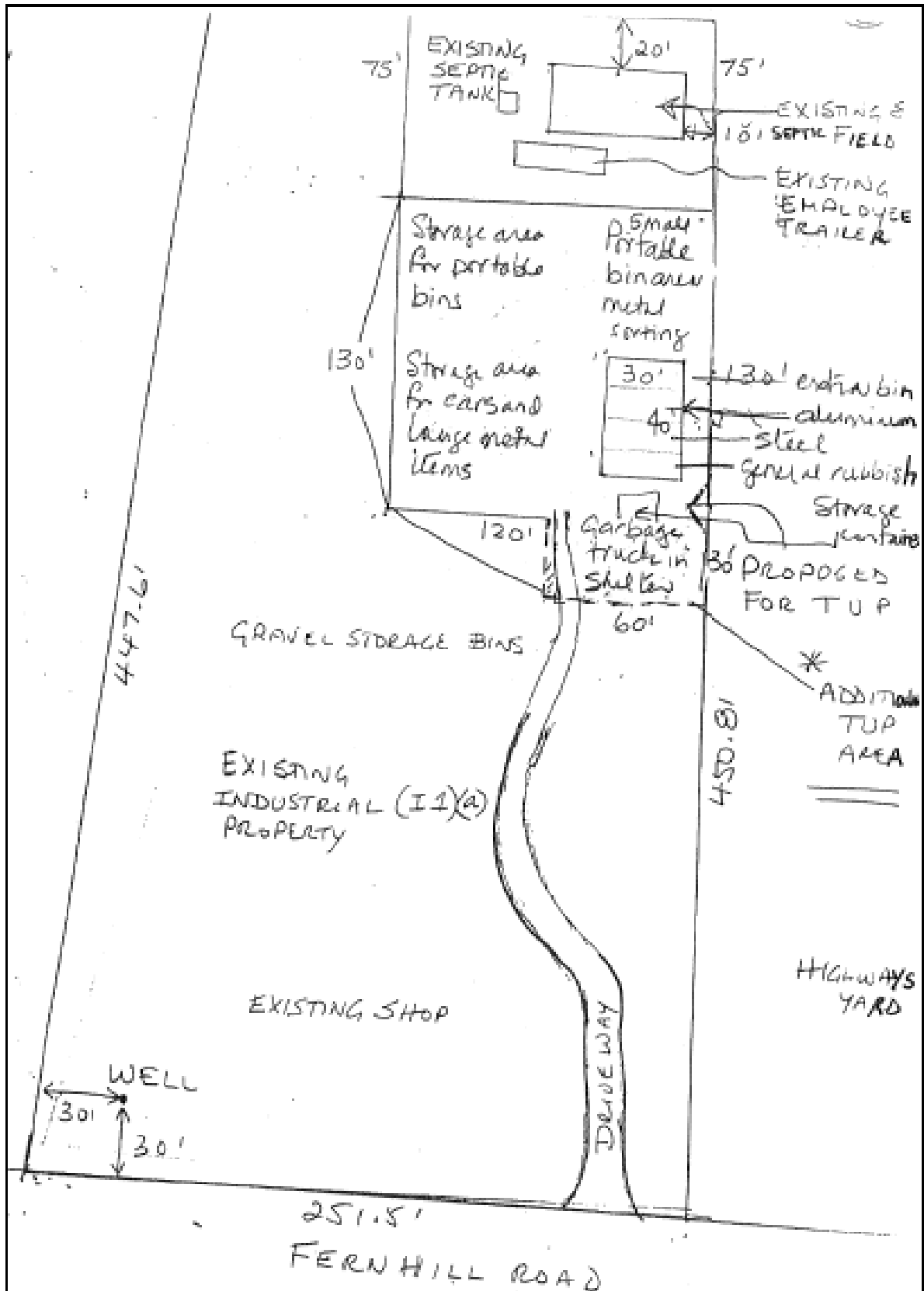


Figure 10: Proposed Site Plan with TUP Area

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

The section of the Trust Policy Statement relevant to this application is Section 5.4 Disposal of Waste:

Commitments of Trust Council

- 5.4.1 It is Trust Council's policy that the safe disposal in the Trust Area of waste originating in the Trust Area is acceptable.
- 5.4.2 It is Trust Council's policy that:
- neither hazardous nor industrial waste should be disposed of in the Trust Area,
 - local recycling operations should be established, and
 - local programs for chipping of wood waste and disposal of hazardous wastes should be established.
- 5.4.3 It is Trust Council's policy that there should be a reduction in the burning of solid waste in the Trust Area.

Directive Policy

- 5.4.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

Official Community Plan

The property is designated Industrial (I). Most of the industrial areas are located on Fernhill Road. The objectives of this designation are:

1. To allow small scale, non-polluting industrial activities, and
2. To protect the environment and minimize the impact on neighbours.

The relevant policies to be addressed deal with the need to minimize impacts on adjacent land uses and the community in general, establishing adequate setbacks and screening and to ensure no environmental damage.

Temporary Commercial and Industrial Use Permits and in policy 3.3.2 Disposal of Solid Waste. Policy 3.3.2 does not contain any direction as to the siting of waste disposal facilities or transfer areas on the island, and only provides direction for other agencies regarding the handling of waste and the encouragement of recycling and composting as follows:

3.3.2 Disposal of Solid Waste

The objectives of this section are:

1. to encourage the on-island handling of reusable, recyclable and compostable materials,
2. to protect the environmental quality of the Mayne Island Trust Area, and,
3. to extend the life of the Hartland Landfill.

Advocacy Policies

3.3.2.1 The reuse, recycling and composting of solid wastes is encouraged.

3.3.2.2 The Recycling Depot and any other site used for the storage of solid wastes shall be managed in compliance with the regulations of the Capital Regional District and the Ministry of Environment.

- 3.3.2.3 The Ministry of Environment shall be requested to provide safe storage and to regulate and to coordinate dangerous cargo sailings with BC Ferries in the removal of hazardous wastes from the Mayne Island Trust Area.
- 3.3.2.4 Fisheries and Oceans Canada and the Provincial Ministry of Environment shall be requested to prohibit the dumping of any waste materials in the waters of the Mayne Island Trust Area.
- 3.3.2.5 The development of innovative techniques and appropriate training will be supported for the disposal of waste material generated by both existing and future development in the Mayne Island Trust Area will be supported.
- 3.3.2.6 The LTC should support efforts to expand recycling and composting and small-scale chipping in appropriate locations.

The objectives for issuing Temporary Commercial and Industrial Use permits include testing the compatibility of a proposed land use, which may have not been anticipated, with existing uses. The policies under Section 2.9 Temporary Commercial and Industrial Use Permit have been evaluated along with community and agency input in drafting the TUP drafted.

The subject property is within the Industrial Development Permit Area. As the waste disposal facilities (i.e. cement bins, cement pads/floors, steel bins, covering structure over compaction truck, steel bins) currently in place are either temporary in nature or do not require a building permit, the proposal is exempt from requiring a Development Permit. A DP would be required should the proposal change such that one or more building permits are required. A DP could include conditions addressing the impacts associated with buildings, as well as landscaping, screening, parking, lighting and signage related to the buildings.

Land Use Bylaw

The current zoning of the property is Industrial One (I1 (a)). This zone is specifically tailored for the additional industrial use related to the excavating and soil sales operation with an increase in lot coverage.

The TUP is to permit a use (i.e. transfer station type facility) that does not fit within a current zone in the Mayne Island Land Use Bylaw, but is an industrial type use.

The TUP site and the larger industrial site are required to meet existing bylaw requirements for landscaping, setback for structures, etc.

Islands Trust Fund:

There are no Trust Fund Board covenants on the property

Sensitive Ecosystems and Hazard Areas:

There are no sensitive ecosystems or hazard areas on the property.

Archaeological Sites:

There are no registered archaeological sites on the property or in close proximity. 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.

Covenants:

There are no registered covenants on title.

Bylaw Enforcement:

In April 2012, a bylaw enforcement file was opened based on the "Operation of a drop-off, storage and transfer station for household waste". The operation is permitted to continue as a TUP application has been made.

As part of the review for this TUP, there appears to be at least one building that does not meet setback requirements (i.e. straddles the lot line) and it will have to be addressed should the TUP proceed. The applicants have stated that the building could be moved if required. A bylaw enforcement file will be initiated to ensure that the building is moved upon issuance of the TUP.

As the TUP conditions will require the applicant to act on them to continue operating the transfer station, bylaw enforcement will coordinate with planning to ensure that the conditions are met. Ultimately, should the conditions of the TUP not be followed they will be enforced as would a zoning infraction through Bylaw Enforcement.

Climate Change Mitigation and Adaptation

The site is industrial and has been previously cleared. The applicants will be creating a berm and planting with vegetation. The intent of the operation is to lessen the impact on the environment (i.e. lessen impact on landfill and burning) by providing a venue for the Island residents to dispose of their solid waste and recyclable materials.

COMMUNITY INFORMATION MEETING(S):

Two community information meetings have been held to date. Community information meetings or public hearings are not required under the *Local Government Act* prior to the issuance of Temporary Use Permits.

The applicants held their own community information meeting on May 19th, 2012 in order to get feedback from the community on their proposal. Islands Trust staff and trustees attended in addition to approximately 10 others from the community. The applicants have also submitted a 76 person petition in support of the "Waste Transfer Station" at 513 Fernhill. This petition was presented to the LTC at the last meeting.

A community information meeting was held on May 30th, 2012 at the regularly scheduled Local Trust Committee Meeting. The intent of this meeting was to inform the community of the purpose of the application, allow for questions and the applicants to present.

Previously, there was one submission in May that listed a number of concerns relating to the use of the property in its entirety, the number of residences, unsightliness, possible toxic materials being handled, and possible contamination of soil and water.

The surrounding property owners have been notified of the consideration by the LTC at the July regularly scheduled meeting.

RESULTS OF CIRCULATION:

The notification period for this application began on July 13, 2012, and will continue until July 23, 2012. At the writing of this report, staff have received no public submissions. Should staff receive any submissions prior to the July 25, 2012 LTC meeting, these will be presented at that time. A copy of the notice is attached as Schedule A.

REFERRALS:

Given the nature of the application (i.e. transfer facility) and the diversity of issues that could be related to the operation of such a facility, staff have referred the application to the Capital Regional District, Ministry of Transportation and Infrastructure, and the Vancouver Island Health Authority, and the Mayne Island Fire Department. At the time of writing this report, only one agency, Vancouver Island Health Authority (VIHA) had responded. It stated that it had no objections based on the following recommendation: "A pest control program be implemented to prevent attracting or harbouring pests to the site." This recommendation has been included in the draft permit conditions.

STAFF COMMENTS:

Section 920.2 of the British Columbia *Local Government Act* states that an Official Community Plan (OCP) or a zoning (land use) bylaw may provide general conditions and designate areas where temporary use permits (TUP) may be allowed. The Mayne Island OCP permits TUPs to be issued for all areas except in the ALR or Resource Conservation designation.

A Temporary Use Permit (TUP) is a flexible planning tool used to permit and regulate a use on a property that would otherwise not be permitted due to the current zoning. A TUP can be issued for a period of up to 3 years, with a possibility of renewal for up to an additional 3 years. The granting of the permit, the conditions of the permit, the length of the permit, and whether or not it will be granted renewal are all at the discretion of the LTC. Generally, any construction, demolition or land alteration associated with a TUP may not commence until a temporary use permit is obtained for the project. However, the Islands Trust bylaw enforcement policy permits the applicant to carry on the business provided that a TUP application is under consideration. The applicants are aware that there is a risk in doing so, but also recognize the need that garbage collection especially needs to be addressed on the Island.

A TUP can be issued for uses that may only require a limited one-time permit (e.g. gravel processing), or may be issued so that a use can be "incubated" in order to test whether or not it is an appropriate use at a particular site. This TUP is in consideration of whether this transfer station type use will work on this property.

There is no zone or designation on Mayne Island which would permit outright a waste transfer operation such as is being proposed. Therefore, a temporary use permit is considered to be an

appropriate mechanism for testing out the use to determine its compatibility with other uses in this location. Issuing the permit will provide an opportunity to test whether or not the use is suitable in this zone and in this location.

Transfer station type facilities function such that solid waste is dropped off by relatively small vehicles, loaded into larger containers or onto larger vehicles, and hauled to an off-site management facility for further processing or final disposal.

The Capital Regional District is generally responsible for the management and disposal of solid waste in the region, but the Mayne Island Improvement District was granted in its Letters Patent the authority for the provision of garbage collection and disposal on Mayne Island. Currently, curbside pick-up is operated by an independent contractor. Since 1985, Mayne Island has made an increasing commitment to recycling its waste. This kind of service is needed on the Island, but it must be done according to best practices in an effort to create no environmental or health hazard and no nuisance.

A temporary use permit has been drafted and is attached as Schedule B. The applicants have received a draft copy of the temporary use permit and have indicated that they have concerns with some of the proposed conditions. They have stated that they will ensure that the LTC is aware of their concerns at or before the July 25 LTC meeting and options to resolve them. At the time of writing this report staff are not aware of their specific concerns.

The owners are aware that as this is a temporary use permit, and that after 3 years they may have to remove any structures/alterations associated with the temporary use if the permit is not renewed or a rezoning granted.

The following gives a brief overview of some of the TUP conditions.

Overview of Draft Temporary Use Permit

The draft temporary use permit contains a number of conditions that must be adhered to in order to continue with operating the transfer station operation as long as the TUP is permitted for. In this case, it is recommended for 3 years with a possible renewal of an additional 3 years.

The conditions are based on the Ministry of Environment's "*Guidelines for Establishing Transfer Stations for Municipal Solid Waste*", (<http://www.env.gov.bc.ca/epd/mun-waste/waste-solid/sw-mgmt-plan/transfer-station-msw/index.htm>), similar TUPs and the specifics on this site and the application. Many relate to the health and safety of those using the site, proper storage, the protection of the environment (i.e. land, groundwater) and controlling possible nuisance issues. Given the possibility that there could be issues with safety, fires, spills, drainage or leachate and nuisance from the transfer station it is recommended that these best practices be implemented as conditions of the permit.

The intent is that each collection bin be set on a concrete floor (pad) for ease of moving the steel bins and to enable stormwater and other runoff to be collected and contained. Runoff from collected materials could be harmful to the environment (i.e. groundwater) if not properly contained. The bins are recommended in order to keep all the collection material in one area. As can be seen from the pictures, just having the block wall separation does not provide a limit to where materials are kept. This is also an important health and safety consideration.

Some other conditions are:

- The TUP area must be set out as per a site plan which clearly defines the individual uses within specific areas. To not have this could lead to an unmanageable area of collected materials.
- The TUP area must also be clearly delineated from the employee residence area and other uses on the lot.
- Safety measures must be in place to deal with the possibility of fires or unanticipated spills.
- VIHA has asked for a pest control plan to prevent attracting or harboring pests to the site.
- The permit establishes a requirement for staff to be present on an intermittent basis, the hours of operation, public access and egress, screening requirements.

In reviewing the permit conditions, staff are recommending that in addition to those already listed that gravel be placed throughout the TUP area for ease of driving in the area and to lessen dust issues. The applicant also operates an excavating company on the same lot which provides such services as gravel supplies and ready mix cement. It is therefore understood that these requirements and others within the TUP should not cause undue hardship for the applicant.

In addition, the Local Trust Committee may want to consider requesting a security as part of the permit. The *Local Government Act* permits local governments to require a security to guarantee the performance of the terms of the permit.

OPTIONS:

The Local Trust Committee has a number of options regarding the issuance of the Temporary Use Permit:

1. To pass a resolution to issue the Temporary Use Permit as written;
2. To pass a resolution to issue the Temporary Use Permit with amendments as stated in the LTC meeting;
3. To withhold passing a resolution to issue the Temporary Use Permit until the applicants have met the conditions of the Temporary Use Permit; or
4. Decide not to proceed with the issuance of a TUP.

The property is industrial zoned which is appropriate for this use and is in an easily accessible site for public access. Staff recommends that the temporary use permit be approved for a three (3) year term. The draft permit is attached as Schedule B.

RECOMMENDATIONS:

It is recommended:

- a. **THAT** the requirement for gravel to be placed through the TUP area especially where loading and unloading will occur (i.e. vehicle movement) be added to the Permit conditions.
- b. **THAT** Temporary Use Permit MA-TUP-2012.2 (Bennett) **BE APPROVED**,

Prepared and Submitted by:

Kris Nichols

July 17, 2012

Kris Nichols, Planner 1

Date

Concurred in by:



Robert Kojima RPM

July 18, 2012

Date



Islands Trust

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE

TEMPORARY INDUSTRIAL USE PERMIT

MA-TUP-2012.2

TO: Frederick and Rosemary Bennett

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

Lot F, Section 11, Mayne Island, Cowichan District, Plan VIP58021

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 industrial uses in the subject area:
 - a) storage, processing, handling of , building waste, household garbage, recyclables, scrap metal and scrap vehicles.
 - b) preparation of the above items for transport off island.
 - c) bin rental operation for demolition and construction waste.
 - d) parking of vehicles and storage of bins used in business.
3. The uses may be carried on subject to the following conditions:
 - a) The use shall be limited to storage areas constructed of large cement blocks or portable steel bins, vehicles, including a truck capable of carrying either a steel waste bin or a flat deck, one steel waste collection truck with lid for household garbage and additional vehicles associated with the business, steel bin storage and rental, and storage for scrap vehicles. All uses shall be contained within the area shown as "proposed area for TUP" on Schedule 'A'.
 - b) The siting of structures and buildings and screening shall meet the requirements of the Mayne Island Land Use Bylaw.
 - c) The hours of operation for public disposal of discarded goods and materials shall be limited to between the hours of 9:00 am to dusk daily and be indicated on signage. The hours can be lessened at the discretion of the operator.
 - d) The industrial uses permitted by (2) above shall not include any hazardous waste, including household hazardous waste as defined by Capital Regional District Environmental Services, bulk liquids and semi-solid sludges, including septage, black water, and sewage treatment sludge, biomedical waste, dead animals and slaughterhouse and farming wastes.

PROPOSED

- e) The TUP area must be separated into defined areas for bin storage and rental, storage of scrap vehicles, household garbage, building demolition waste and sorting and related vehicle parking as per the site plan.
- f) Recyclables shall be treated as such and stored separately from waste.
- g) Land clearing waste shall not be permitted to be collected.
- h) Signage shall be installed denoting what is and is not accepted at the site and what is accepted at the recycling facility at a separate location, fees, and hours of operation.
- i) Ease of access and egress shall be established and clearly signed for safety of customers and existing operations. The civic address shall be clearly posted at the site access/entrance driveway.
- j) Staff shall be present on an intermittent basis to assist the general public and to ensure that prohibited wastes are not being dumped, that the facility is functioning properly and that the site is clean.
- k) Measures must be in place for use of employees and public for fire prevention and protection (e.g. stand pipe, garden hose, fire extinguishers, etc.) and for spills (e.g. gas, oil, etc.), including a spill kit. A fire response plan shall be prepared to the satisfaction of the Mayne Island Fire Rescue. A clearly marked telephone landline shall be provided for staff and patrons to call 911 in case of emergency.
- l) No burning of materials collected is permitted.
- m) A pest control program shall be implemented to prevent attracting or harboring pests to the site to the satisfaction of Vancouver Island Health Authority (VIHA).
- n) The bin (truck) used for the collection of household garbage must be emptied at least every 7 calendar days or more frequently in the summer months. The bin (truck) shall be placed on a concrete pad with screened drain and sump for the purpose of catching and containing any leachate and shall be covered with a water-proof shelter. All household garbage shall be bagged. A temporary steel bin with a spring loaded lid shall be used when the truck is not available and located in the same area on the concrete pad.
- o) Fencing, screening or a similar method of delineation shall be used to separate the uses (i.e. excavating business, transfer station (TUP area), employee residence, farm animals) on the lot.
- p) The public access to the TUP area must be clearly identified and kept free of obstructions.
- q) The areas in and around the TUP area (i.e. bin area and sorting and storage area) are to be maintained clear of litter and kept safe for the general public.
- r) The TUP area shall be adequately screened, through any combination of: retention of existing vegetation, planting of additional evergreen vegetation, berms, or

PROPOSED

construction of screening to provide a buffer to adjacent lots, specifically Lot 4, Plan 8200. Vegetation shall be planted on the berm constructed between the site and the adjacent lot 3. Screening should be a minimum of 2 metres in height measured from natural grade.

- s) If the use ceases to occur or if this permit is not renewed all uses permitted (see 2 above) by this permit shall be removed within 30 days.
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 ___th DAY _____, 2012.**

Deputy Secretary, Islands Trust

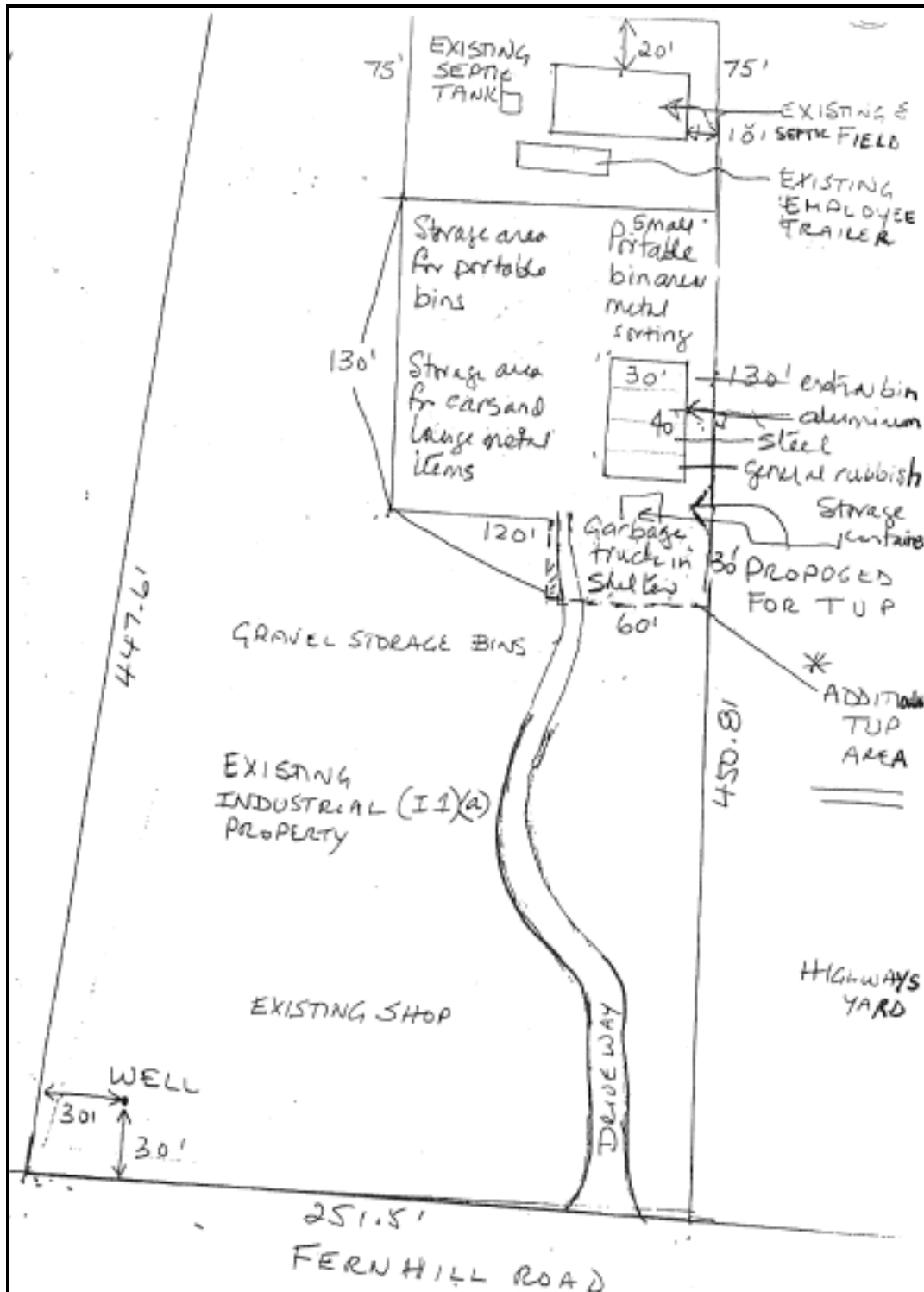
Date of Issuance

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE

MA-TUP-2012.2

SCHEDULE 'A'



Kathy Jones

From: Gary Richardson
Sent: September-11-12 1:28 PM
To: Kathy Jones
Subject: FW: MA-TUP-2012.2

From: Rose Bennett [<mailto:rosebennett1957@gmail.com>]
Sent: August-28-12 5:27 PM
To: Gary Richardson
Subject: MA-TUP-2012.2

Hi Gary:

Here are the small proposed changes for our TUP:

Section 3 (a) The use shall be limited to storage areas constructed of large cement blocks OR portable steel bins, vehicles, etc.

Section 3 (s) TUP area shall be adequately screened....or construction of screening to provide a buffer to the RESIDENTIAL LOT ON THE EAST SIDE OF ADJACENT LOT 3. Vegetation shall be planted on the berm constructed between the site and the adjacent INDUSTRIALLY ZONED Lot 3 (HIGHWAYS MAINTENANCE YARD) FOR THE BENEFIT OF THE RESIDENTIAL LOT.
 Screening should be a minimum of 2 metres in height FROM NATURAL GRADE.

Notes:

With reference to 3(a), we would like to have the option of putting in some steel bins along with the concrete block bins at a later time, if finances permit.

With reference to 3(s) - you may be able to phrase this better than I did - I just want to make it clear that the only reason for the vegetation buffer is to benefit the residential lot on Deacon Road, not for the benefit of the Highways Yard, since they are already industrially zoned, and a buffer is not required between adjacent industrial lots.

With reference to the grade - it makes sense to establish the height of the screen using the natural grade to measure from - as some of the screening will be plants or posts and fencing set in the berm itself.

Hope this all seems clear - please email me if you have any questions. We will be going away next week sometime, but as mentioned, I should have access to daily email and you can send me the revised draft TUP whenever it's ready.

Thanks,
 Rose



Memorandum

Date September 11, 2012 File Number MA-TUP-2012.3

To Mayne Island Local Trust Committee
Robert Kojima, RPM

From Gary Richardson, Island Planner

Re MA-TUP-2012.3 (517 Arbutus Drive)

The property owner has applied for a TUP to allow for an existing residence to be rented to the public on a short term basis as a vacation rental.

The LTC held a community information meeting on July 25, 2012 regarding the proposal.

The LTC passed the following resolution at its July 25, 2012 business meeting:

Resolution MA-LTC-35-12.

It was Moved and Seconded that Mayne Island Local Trust Committee refers MA-TUP-2012.3 (Nordquist) to the Mayne Island Advisory Planning Commission, with an amendment to item k) and deletion of item l), for consideration.

The draft permit has been amended as per the LTCs resolution.

The amended draft permit was forwarded to the APC for review and comment. As of the date of this memo a referral response from the APC had not been received.

The amended draft permit is attached.

The LTC can consider: issuing the permit at this time as drafted; issuing the permit at this time with further amendments; proceeding no further with the permit; or consider deferring decision until APC comments are received.

Attached:

- 1) Staff Report July 16, 2012
- 2) Amended Permit



STAFF REPORT

Date: July 16, 2012

File No.: MA-TUP-2012.3

To: Mayne Island Local Trust Committee

From: Gary Richardson, Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: MA-TUP-2012.3 (517 Arbutus Drive)

Owner: Nordquist Holdings Ltd.

Applicant: Erick Nordquist

Location: 517 Arbutus Road, Mayne Island

Legal: Lot 37, Section 9, Cowichan District, Mayne Island, Plan 14000

Preliminary report prepared for Community Information Meeting July 25, 2012

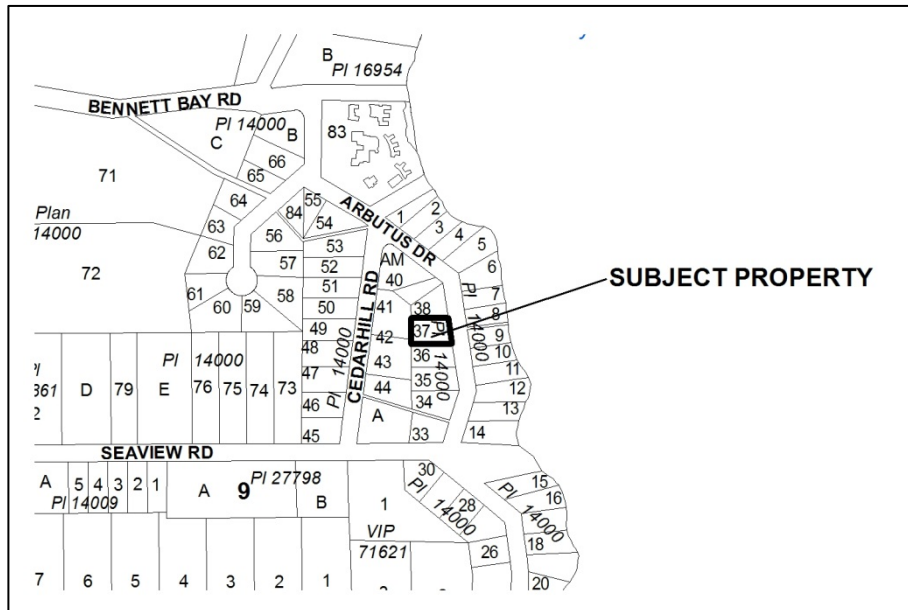
THE PROPOSAL:

The property owner is requesting that a Temporary Use Permit be issued for a residential lot at 517 Arbutus Road in order to permit the existing residence to be rented to the public on a short term basis as a vacation rental. There would be no change to the existing buildings or grounds.

SITE CONTEXT:

Site is zoned SR (Settlement Residential) and is 0.137 hectares (0.34 acres) in size, located on Arbutus Drive in the Bennett Bay neighborhood on the east side of Mayne Island. It is an inland lot surrounded predominately by small residential properties, one exception is the Mayne Inn which is several lots to the North. The existing residential building is a small A-frame structure.

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



The following map is an orthophoto of the subject property.



The following map is an orthophoto of the subject area.



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

The following are some excerpts from the policy statement that the LTC should consider:

- 5.2.3 *LTCs shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.*
- 5.7.2 *LTCs shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.*

Official Community Plan

Schedule B – Land Use Designations – Designated Settlement Residential (SR)

Schedule C – Development Permit Areas – subject lot not in a development permit area

Schedule D – Land Status and Road Dedication – Arbutus Road is designated minor rural and Charter Road is designated rural residential

Schedule E – Water Resources – subject lot is within the Bennett Bay waterworks district

Schedule F – Sensitive Ecosystem – no sensitive ecosystems shown on subject property

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

2.1.1 Settlement Residential

2.1.1.1 The principal use shall be residential with accessory uses consistent with the residential character.

4.6 Tourism

The objectives of this section are:

- 1) to maintain the rural ambience of the Mayne Island Trust Area,*
- 2) to provide adequate infrastructure for tourist activities, and*
- 3) to ensure tourism use that is environmentally, economically and civically sustainable, and within the capability of our community's volunteer base which supports or provides most local services and resources.*

Applicable Temporary Use Permit Guidelines

OCP Section	OCP Guidelines	Staff Comments
2.9.1.1	<i>Permits can be issued for any period up to two years and could be considered for renewal once for any further period up to two years.</i>	The Local Government Act now allows a permit to be issued for up to three years and considered once for up to a further three years. The applicant has requested 3 years.
2.9.1.2	<i>Permitted uses should be consistent with the policies of the designation and the provisions of 2.9.1.</i>	A draft permit for reference purposes has been prepared in order to be 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 as there will be no changes to the residence or grounds to accommodate the proposed STVR use.
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</i>	Not applicable

	<i>truck loads in any given year.</i>	
2.9.1.6	<i>Permit conditions must make reference to measures dealing with the following points:</i> <i>a) general activity levels that will not create any disturbance apparent beyond the property's boundaries;</i> <i>b) adequate landscape buffering or distance separation to adjacent lots;</i> <i>c) provision of off-street parking spaces consistent with regulatory bylaws;</i> <i>d) reclamation measures that will restore the permit area to suitability for its designated primary use; and</i> <i>e) adequate supervision of the site.</i>	All of the conditions except for d) have been addressed in the draft permit. As the building and grounds will remain substantially unchanged if the STVR is permitted reclamation measures are not required in the permit.
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>	Staff has written in several conditions to try and insure the STVR use is compatible with the predominately residential neighborhood. 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 for a proposed short term STVR use.

Land Use Bylaw

The property is zoned Settlement Residential (SR)

The permitted uses in the SR zone are as follows:

- (a) Residential;*
- (b) Cottage;*
- (c) Accessory uses, buildings and structures, including but not limited to home occupations.*

Sensitive Ecosystems and Hazard Areas:

Islands Trust Sensitive Ecosystems Mapping (SEM) indicates that there are no sensitive or important ecosystems on the subject property. In addition, the subject property is not located within any designated or unverified Riparian Areas Regulation watershed.

Archaeological Sites:

Based on information from the Provincial Remote Access to Archaeological Data (RAAD), there are no archaeological sites on the property. 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.

Covenants:

There is a building scheme on title.

Bylaw Enforcement:

There are no bylaw enforcement files on this property.

COMMUNITY INFORMATION MEETING(S):

A community information meeting is being held July 25, 2012.

RESULTS OF CIRCULATION:

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

As of the date of the writing of this report no correspondence has been received as a result of the notice; however, the applicant supplied several letters of support with the application. The letters are attached for the LTC's consideration. Staff will distribute further correspondence to the LTC as received and bring copies to the July 25 LTC meeting for the LTCs consideration.

STAFF COMMENTS:

1. Islands Trust Policy statement - This application does not contravene the directive policies contained within the Trust Policy Statement. The Policy Statement advises LTCs to turn their minds the social impact of development and consider economic opportunities that are compatible with conservation of resources and protection of community character.

Staff has prepared a draft TUP for reference purposes that should, if complied with, allow the proposed commercial activity (STVR) to take place within a residential area that has minimal social impact and retains the character of the area. The conditions are fairly extensive and it is the responsibility of the property owner to ensure the guests using the STVR comply with all of the conditions contained in the TUP.

2. Mayne Island OCP – The OCP does not contain policies that directly apply to consideration of applications for short term vacation rental of residences; however there are some existing policies that provide some guidance. OCP policies suggest that uses in the SR designation be consistent with residential character. The tourism objectives in the OCP suggest that: the rural ambience be maintained, there be adequate infrastructure for tourist activities, tourism use be environmentally, economically and civically sustainable.

This proposal would not directly contravene the OCP policies and objectives for the following reasons: the appearance of the residence and residential property would not change; the proposed TUP contains conditions to ensure the residential character of the property is maintained and the rural ambience of the surrounding area is maintained.

Once again the conditions are fairly extensive and it is the property owner's responsibility to ensure they are complied with.

3. Temporary Use Permit Conditions – The conditions require: a 24 hr. 7 day a week contact; communication with surrounding property owners; information to be posted for guest regarding noise, information on use of water, fire, garbage, septic field, control of

pets; outdoor lighting; minimal signage; restricted number of guests; no camping or recreation vehicles; that there be no advertising and no outdoor fires.

These conditions have been put in place to ensure that the residential character of the area is maintained and that there is no loss of enjoyment for the surrounding property owners.

The conditions put the onus on the property owner to ensure the conditions are complied with. Staff has no reason to believe that the property owner will not do everything they can in order to ensure the TUP conditions are complied with; however in the event the conditions are not complied with it is staff's experience that the Local Trustees, Islands Trust bylaw enforcement officer or planner are contacted. Due to the nature of the conditions of the TUP the enforcement and evidence gathering is often required during non-regular working hours. The bylaw enforcement officer would likely be responding days after any infraction. Surrounding property owners have an expectation that the conditions of the permit will be reasonably enforced and with there being a lag time between a possible infraction and enforcement, staff are not confident that in the event of an infraction the conditions of the permit can be upheld during the time that the offending party is using the STVR.

4. Term – TUPs can be issued for up to three years and renewed once for up to 3 years. If the LTC issues the permit the term can 3 years or any period up to 3 years that the LTC determines is reasonable.
5. Staff has some concerns regarding STVR use on Mayne Island. The principle reason is administrative issues inherent in the use and the conditions in the proposed permit. In the event that an infraction takes place staff are not confident that enforcement and evidence gathering can occur while the alleged offending party is using the STVR making effective enforcement difficult. Also the large number of conditions in the permit increase the possibility that an infraction may take place which in turn places an burden on Islands Trust staff to ensure the conditions are complied with on an ongoing basis. This concern was discussed during the consideration of a similar application in the same neighborhood earlier this year.

Options:

- 1) Proceed no further with application.
- 2) Proceed with permit as drafted to the September 19, 2012 LTC meeting and consider issuance of permit at that time.
- 3) Direct Staff to amend the permit and proceed to the September 19, 2012 LTC meeting and consider issuance of the permit at that time.

RECOMMENDATION:

That the Mayne Island Local Trust Committee not proceed with MA-TUP-2012.3 (Nordquist)

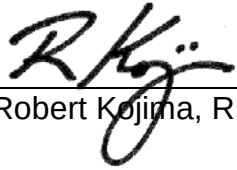
Prepared and Submitted by:

Gary Richardson

July 16, 2012

Date

Concurred in by:



Robert Kojima, RPM

July 17, 2012

Date



PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT MA-TUP-2012.3 (Nordquist Holdings Ltd.)

To: Nordquist Holdings Ltd.

1. This Permit applies to the land described below:

Lot 37, Section 9, Mayne Island, Cowichan District, Plan 14000, shown on Schedule "A", which is attached to and forms part of this Permit.

2. This Permit is issued for the purpose of permitting the owner to operate a commercial short term vacation rental on their property and is subject to the following conditions:
 - a) a contact person on Mayne Island associated with the property be available by telephone 24 hours/day, seven days per week;
 - b) the property owner must provide neighbours within a 100 metre radius of the vacation rental with the contact persons phone number, and a copy of the temporary use permit;
 - c) the landowner must post for guests information on noise bylaws, water conservation, fire safety, fire escape plan, storage of garbage, septic field location, and control of pets. In any case pets must be under control at all times. The guest information must also remind guests that they are in a residential area, not a commercial area;
 - d) the owner must not remove any existing vegetative screening;
 - e) the owner must provide accommodation for a minimum of two (2) vehicles on the property;
 - f) outdoor lighting must not be directed onto surrounding properties;
 - g) the owners are restricted to a maximum of one (1) sign advertising the commercial vacation rental, with a maximum area of 1 square metre, to be made of wood and not illuminated;
 - h) the maximum number of guests is limited to two (2) persons per bedroom;
 - i) the number of bedrooms is limited to a maximum of two (2);
 - j) recreational vehicles and camping are prohibited;
 - k) the residence can only be used for short term vacation rental between April and October of each year the permit is valid;
 - l) all outdoor fires are prohibited; and

m) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or commercial vacation renter for the purpose of investigating a complaint.

3. This Permit expires on .
4. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF _____, 2012.

Deputy Secretary, Islands Trust

Date Issued

[illegible]



Islands Trust

Print Date: Sep-11-2012

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 mailout - October 2012	Jul-04-2011	Gary Richardson	Oct-24-2012	On Going
2	Commercial Land Use Review	Provide background report - COMPLETED draft terms of reference for a potential task force - COMPLETED forward staff report to Task Force - COMPLETED review task force report and provide comments/options to the LTC.	May-02-2011	Gary Richardson	May-30-2012	On Going
3	OCP Follow-up: 1. Implementation of Riparian Areas Regulation	1. Determine applicability of RAR to Mayne watercourses - - status of two watercourses to be determined - potential changes to Campbell Bay/Horton Bay/Hunt Brook watersheds on Montrose Road	Jun-09-2010	Robert Kojima	Mar-31-2012	On Going



Islands Trust

Print Date: Sep-11-2012

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	Review LUB requirements for proof of water for boundary adjustment subdivisions			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



Islands Trust

Applications w / Status - Mayne Island Status: Open

Print Date: Sep-11-2012

Applications

Board of Variance

File Number	Applicant Name	Date Received	Purpose
MA-BOV-2012.1	Paul Beeson Planner: Gary Richardson	Jun-15-2012	238 CALLAGHAN CRES To vary the setback to allow for the existing deck.

Planning Status

Status Date: Sep-11-2012

Applicant has changed application to DVP and staff will prepare notice and draft permit for LTCs consideration at October 24, 2012 LTC mtg.

Status Date: Jun-27-2012

E-mailed applicant to verify hardship for BOV application

Status Date: Jun-19-2012

Staff to arrange hearing

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
MA-TUP-2012.2	Fred C. Bennett Excavating Ltd Planner: Gary Richardson	Jan-26-2012	Expansion of storage & sale of aggregate, trucking & excavation business

Planning Status

Status Date: Sep-11-2012

Amended permit and staff report prepared for LTC consideration at September 19, 2012 LTC mtg.

Status Date: Jul-18-2012

Permit and staff report prepared for reconsideration at July 25, 2012 LTC Mtg.

Status Date: Jun-19-2012

Permit to be prepared for LTCs consideration.

File Number	Applicant Name	Date Received	Purpose
MA-TUP-2012.3	Erick Nordquist Planner: Gary Richardson	May-14-2012	517 ARBUTUS DR Short Term Vacation Rental
Planning Status			
Status Date: Sep-11-2012			
Amended permit prepared for LTC consideration at September 19, 2012 LTC Mtg.			
Status Date: Jul-18-2012			
Staff reort prepared for July 25, 2012 CIM.			
Status Date: Jun-19-2012			
Satff to prepare for CIM July 25, 2012			

Kathy Jones

From: Nancy Roggers
Sent: September-06-12 3:24 PM
To: Brian Crumblehulme; Gary Richardson; Jeanine Dodds; Peter Luckham; Robert Kojima; Kathy Jones; Sharon Lloyd-deRosario
Cc: Cindy Shelest
Subject: Mayne LTC expense report - Aug/12

Islands Trust
LTC EXP SUMMARY REPORT F2012
Invoices posted to August 31, 2012

645 Mayne	Invoices posted to August 31, 2012	Budget	Spent	Balance
65000	LTC "Trustee Expenses"	1,100.00	112.66	987.34
65200	LTC Local Exp LTC Meeting Expenses	5,800.00	766.99	5,063.01
65210	LTC Local Exp APC Meeting Expenses	-	137.32	(47.32)
65220	LTC Local Exp Communications	-	100.00	(100.00)
65230	LTC Local Exp Special Projects	-	2,000.00	(2,000.00)
65240	LTC Local Exp Miscellaneous	-	-	-
TOTAL LTC Local Expense		5,800.00		2,915.69
73001-645-2005	Mayne OCP/LUB	5,000.00	-	5,000.00
73001-645-3005	Mayne RAR	4,000.00		4,000.00

Thanks!

Nancy Roggers
Finance Officer

Islands Trust



Memorandum

Date August 2, 2012 File Number

To Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee
EC as an LTC

From Robert Kojima
Regional Planning Manager
Local Planning Services

Re 2013-14 Budget Submissions

Local trust committees have been requested to submit budget requests for the next fiscal year.

What is Different this Year?

Local Trust Committee Expense Budgets

1. This year the Director of Administrative Services is recommending allocation of all the Local Expense Account lines based on historical spending. Currently some LTCs prepare their own budgets, others don't allocate the amounts to specific lines. For most LTCs there would be minimal or no change in the total funds allocated for LTC expenses such as meetings, APCs, communications, etc.
2. A re-allocation of some funding from OCP/LUB and Programs to the Special Projects line item in each Local Trust Committee Expense Account. This Special Projects funding is intended to support local planning initiatives at the discretion of the LTC. It is currently proposed that this budget line be \$3000 (more for Salt Spring and Gabriola). Generally, these funds would be for smaller projects, particularly issues that emerge on the LTC work program after the budget is approved. An example would be minor LUB or OCP amendments where there is not anticipated to be significant additional costs for meetings or consultants reports. LTCs could also continue to use this line to purchase reports from community groups. LTCs would not need to make budget requests in advance for these projects and would not need any approval for expenditure of these funds beyond an LTC resolution if needed. The increase in LTC expense budgets because of the additional discretionary Special Projects funding is expected to be off-set by a matching decrease in the OCP/LUB and Programs budget.
3. Combining the "OCP/LUB" and "Program" budgets into a single "Projects" budget. All LTC initiatives are considered projects, regardless of whether it involves an OCP or LUB amendment or not.

Project Budgets

Local trust committees will still have to make a funding request to support OCP and LUB or other project work that is identified in advance or that cannot be undertaken with the money available in the LTC Special Projects line. These projects would typically be major OCP or LUB reviews or other projects.

Un-used Funding

By November, 2013, any OCP/LUB or project funding that has not been committed to be used by the end of the fiscal year may be reallocated to other projects.

Budget Request Guidelines:

When making budget requests for the 2013/14 fiscal year, local trust committees and staff should consider the following in order to obtain support for the requested budget item:

1. the budget item is required to meet Provincial legislation (in other words, not undertaking the project means that the OCP or LUB would not comply with Provincial legislation);
2. the budget item advances one of the objectives of the Islands trust Strategic Plan;
3. the budget item is a continuation of an existing OCP or LUB program and is required to continue or complete the program; or
4. the budget item implements newly adopted policies in the OCP.

Budget Request Timeline:

1. July 2012 Regional Planning Managers develop detailed budget estimates for consideration by Local Trust Committees
2. Aug to Sept Local trust committees review and approve budget requests at an LTC meeting
3. Sept 28, 2012 Budget requests submitted to the Director of Local Planning Services

LTC Budget Requests

For each LTC, I have included in the attached worksheet all Top Priority work program items which are currently anticipated to commence in, or to carry, into the next fiscal year. I have also included items from the Projects List which I have anticipated to commence in the coming year. Generally speaking, where the project is to complete current work, I have estimated \$2000, for a new project not involving significant consultation or external consultants I have estimated \$4000, and I have added an additional amount to projects that could involve extraordinary consultation. The LTC should identify any other projects it is currently considering and add them to the budget request (and the work program if necessary) and identify an additional expenses associated with the identified projects. The LTC should keep in mind that with the proposed changes to the LTC expense budget allocation, more discretionary funding will be available to LTCs to support smaller projects that are either not anticipated or which arise during the course of the year.

Resolution Wording

U:\Budgets\2013-14 fiscal\LTC Memo.docx

1. THAT the ____ Island Local Trust Committee approve and forward the draft 2013-14 LTC Project Budget submission to Financial Planning Committee as presented; or
2. THAT the ____ Island Local Trust Committee revise the draft 2013-14 LTC Project Budget submission and forward to Financial Planning Committee as revised.

Attachments:

1. Project Budget Submission worksheet

pc Island Planners

MAYNE	Project	Budget		Strategic Plan	Prov. Requirement	Continuation of existing OCP/LUB	Newly Adopted Policy in OCP	Notes	Approved by LTC	Approved by FPC	Approved by
Project #1	Housing Options (completion)	\$	3,000.00	x		x		consider secondary suites			
Project #2	OCP/LUB amendments	\$	4,000.00			x		various amendments - subdivision regs, dwelling equivalent to lot densities, commercial policies			
Project #3	RAR implementation	\$	4,000.00	x	x	x		complete RAR - revise mapping, complete bylaw			
	TOTAL PROJECTS	\$	11,000.00								

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.



Islands Trust

Preserving **island** communities, culture and environment.

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Population (2011):

Approximately 1,071

Size:

2,334 hectares (5,767 acres)

Location:

19.7 kilometres east of the Swartz Bay ferry terminal on Vancouver Island.

[Land Use Planning](#)
[Related Planning Services](#)
[Related Resources](#)
[Trust Area Mapping](#)
[Related Links](#)

Mayne Island Local Trust Committee

Latest News

In this section you will find current news items that are relevant to your Local Trust Area and your community. [Subscribe](#) to the Mayne Island Latest News updates and receive the latest information on official community plan reviews, staff reports, notifications and other documents published in the latest news section.

July 2011

- ["Guide to Environmentally Friendly Building and Renovating in the Southern Gulf Islands"](#)
- Fact sheet: ["Choosing a Building Site on your Lot"](#)
- Fact sheet: ["Making Changes to your Lot Line"](#)
- Fact sheet: ["Applying for a Variance"](#)

[^ top](#)

Planner Office Hours on Mayne Island

- [Planner Office Hours on Mayne Island - 2012](#)

Mayne Island Local Trust Committee Projects

General

- [Mayne Island Integrated Water System Society Report - May 1, 2010](#)
- [Short Term Vacation Rentals - Information Notice](#)
- [Mayne 2030 A Panel Discussion and Community Dialogue - Sponsored by Resilient Mayne Initiative](#)
- [Amended Mayne Island Bylaw Enforcement Policy for Short Term Vacation Rentals](#)
- ["A Guide to Environmentally Friendly Building and Renovating in the Southern Gulf Islands" booklet](#)
- [A "Choosing a Building Site on your Lot" fact sheet](#)
- [A "Making Changes to your Lot Line" fact sheet](#)
- [An "Applying for a Variance" fact sheet](#)
- [Update on Bylaw Enforcement on Short Term Vacation Rentals](#)

Commercial Land Use Review

- [Task Force Terms of Reference](#)
- [Mayne Island Commercial Inventory Staff Report - September 19, 2011](#)
- [Mayne Island Commercial Land Use Task Force Report- April 9, 2012](#)
- [Mayne Island Commercial Land Use Task Force Report - April 15, 2012](#)
- [Mayne Island Commercial Land Use Task Force Report - April 16, 2012](#)

[^ top](#)

Sensitive Ecosystem Mapping

Maps and Fact Sheets

- Sensitive Ecosystem: [Map](#) | [Project Background](#) | [Methods](#)
- [How to Read a Sensitive Ecosystems Map](#)
- Cliff Ecosystems: [Map](#) | [Fact Sheet](#)
- Freshwater Ecosystems: [Map](#) | [Fact Sheet](#)

Committee Links

- [Committee Home](#)
- [Trustee Membership](#)
- [Contact Trustees](#)
- [Contact Planning Staff](#)
- [Planning Bylaws](#)
- [Administrative Bylaws](#)
- [Meetings Schedule](#)
- [Meeting Agendas](#)
- [Meeting Minutes](#)
- [Resolutions-Without-Meeting](#)
- [Associated Islands](#)
- [Land Use Application Forms](#)

- [Herbaceous Ecosystems: Map | Fact Sheet](#)
- [Riparian Ecosystems: Map | Fact Sheet](#)
- [Woodland Ecosystems: Map | Fact Sheet](#)
- [Wetland Ecosystems: Map | Fact Sheet](#)
- [Intertidal Ecosystems: Map | Fact Sheet](#)
- [Sensitive Ecosystem Development Permit Areas](#)
- [Development Permit Areas Workshop Presentation](#)

Other Important Ecosystems

- [Mature Forest Ecosystem Fact Sheet](#)
- [Young Forest Ecosystem Fact Sheet](#)

Background Information

- [Sensitive Ecosystem Mapping Webpage](#)
- [Sensitive Ecosystem Mapping Standard](#)
- [Terrestrial Ecosystem Mapping of the Southern Gulf Islands - Final Report](#)

^
[top](#)

Riparian Areas Regulation

- [Ministry of Forest, Lands & Natural Resource Operations - Resource Stewardship Division - June 3, 2011](#)
- [Swell Environmental Consulting Report \(February 16, 2010\) \(Complete Report 12 MB\)](#)
- For convenience this report has been divided into the following parts:
 - [Part 1](#)
 - [Part 2](#)
 - [Part 3](#)
 - [Part 4](#)
- [D.R.Clough Report - January 2012](#)
- [D.R. Clough Report - July 2010](#)
- [Staff Report - March 20, 2009](#)
- [Staff Report - May 15, 2009](#)
- [Staff Report - September 17, 2009](#)
- [Provincial Riparian Areas Regulation](#)
- [Map of Ministry of Environment Designated Watersheds](#)
- [2007 - Stream Survey Report](#)
- [Islands Trust Legal Opinion - Riparian Areas Regulation](#)

Mayne Island Housing Options Task Force

Report

- [Mayne Island Housing Options Task Force Report - May 31, 2011](#)
- [Staff Report - dated September 19, 2011](#)

Application(s)

MA-RZ-2010.2 (McDougall)

- [Public Hearing Notice - June 27, 2012 | Proposed Bylaw No. 157](#)

^ [top](#)

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