



MAYNE ISLAND LOCAL TRUST COMMITTEE

BUSINESS MEETING AGENDA TO COMMENCE AT 1:00 P.M., WEDNESDAY, FEBRUARY 27, 2013 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		1:15 pm
5.1.1 Mayne Island Local Trust Committee Business Meeting Minutes of November 28, 2012 (attached)	1	
5.2 Public Hearing Records and Community Information Meeting Notes - none		
5.3 Section 26 Resolutions-without-meeting (attached)	8	
5.4 Advisory Planning Commission (APC) Minutes		
5.4.1 Mayne Island APC Minutes of January 14, 2013 (attached)	9	
6. BUSINESS ARISING FROM THE MINUTES		1:30 pm
6.1 Follow-up Action Report (attached)	11	
7. DELEGATIONS – none		

8.	CORRESPONDENCE (attached) <i>[correspondence received concerning applications and/or projects is considered with the application]</i>	
8.1	D. Maude letter received February 14, 2013 re: Active Pass Legacy Fund	13
9.	APPLICATIONS, PERMITS, BYLAWS AND REFERRALS	
9.1	Galiano Island Bylaws No. 238 and 239 Referral (attached)	14
9.2	North Pender Island Bylaw No. 192 Referral (attached)	17
9.3	MA-DVP-2013.1 (Peace) (attached)	20
9.4	MA-RZ-2012.1 (Oceanwood) (attached)	32
	----- BREAK (15 minutes) -----	3:00
	Special cake to celebrate having the "Island" restored to our official name.	
10.	LOCAL TRUST COMMITTEE PROJECTS	
10.1	Proof of Portable Water for Boundary Adjustments (attached)	46
10.2	Secondary Suites (pending)	
11.	REPORTS	
11.1	Work Program Reports	
	11.1.1 Mayne Island Local Trust Committee Work Program - Report dated February 2013 (attached)	51
11.2	Applications Report	
	11.2.1 Mayne Island Applications Report dated February 2013 (attached)	53
11.3	Expense/Budget Reports – for information	
	11.3.1 Trustee and Local Expenses (attached)	55
11.4	Bylaw Enforcement - none	
11.5	Adopted Policies and Standing Resolutions – for information (attached)	56
11.6	Mayne Island LTC Web Page (attached)	60
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, March 27, 2013 at 1:00 pm., at the Mayne Island Agricultural Hall	
12.2	Natural Marine Conservation Area Exclusion Zones (attached)	62
12.3	Food Security and Farming	
12.4	Excessive Idling of BC Hydro Trucks on Mayne Island (attached)	65

13. TOWN HALL MEETING

14. MOTION TO CLOSE MEETING

THAT, pursuant to Section 90(a) and (f) of the Community Charter, the Mayne Island Local Trust Committee resolves to close the meeting to the public for the purpose of adopting July 25, 2012 Mayne LTC In Camera Minutes and to consider an Advisory Planning Commission appointment; and further that staff and Recording Secretary remain present.(distributed under separate cover)

15. RECALL TO ORDER

15.1. Rise and Report from Closed Meeting

16. ADJOURNMENT

4:00 pm

**MINUTES OF THE MAYNE ISLAND
LOCAL TRUST COMMITTEE MEETING
HELD ON WEDNESDAY NOVEMBER 28, 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
	Pat Todd	Recording Secretary

There were approximately four (4) members of the public in attendance.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 1:01 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:

Chair Luckham asked if there were any amendments to the agenda the following changes were made by adding:

12.3 Other business: correspondence from John Meehan

12.4 Exclusions from National Marine Conservation Area

2.2 Questions from Public on Agenda Items

None

The agenda was approved by consensus.

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 October 24, 2012

Chair Luckham asked the Trustees for any amendments.
Page 4: Resolution MA-LTC-50-12 – third line “...using The Simple Assessment...”.

The Mayne Island Local Trust Committee Meeting Minutes of October 24, 2012, were adopted by consensus.

5.2 Public Hearing Records and Community Information Meeting Notes

None

5.3 Section 26 Resolutions-without-meeting

The Mayne Island Local Trust Committee (LTC) is to send a letter to the Mayne Island Conservancy, fully supporting the Community Based Conservation Action Project.

5.4 Advisory Planning Commission (APC) Minutes

5.4.1 Mayne Island APC Minutes of October 15, 2012

Received for information.

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Planner Richardson has mailed out the information regarding secondary suites. An invoice is required for payment of \$100.00 to Tread Lightly and this will be forthcoming. Planner Richardson is waiting to hear from the Ministry of Transportation as to who would be the best representative to attend an LTC meeting; looking at February meeting. The Planner will be emailing the Chair of the APC after each LTC meeting to keep them informed as to referrals, etc. A letter of support was sent regarding the Community Centre's application for a grant however the Community Centre has withdrawn from this project.

7. DELEGATIONS

None

8. CORRESPONDENCE

None

9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

9.1 MA-DP-2012.1 (McDougall)

Note: Trustee Dodds excused herself from the meeting due to a conflict of interest at 1:21 pm.

Planner Richardson reviewed the Development Permit for an addition to the existent Farm Gate Store; guidelines were included with the application. This Development Permit supplements the previously approved permit and appears in compliance with the guidelines. Staff recommendation is to approve the application.

Trustee Crumblehulme had no questions to the application.

Chair Luckham raised a concern as to the spacing of additional parking at the front of the building. The applicant assured the LTC that there is quite a lot of room in that area.

Resolution MA-LTC-53-12

It was Moved and Seconded that the Mayne Island Local Trust Committee approve application MA-DP-2012.1 (McDougall).

CARRIED

Note: Trustee Dodds rejoined the meeting at 1:16 pm.

Chair Luckham informed Trustee Dodds of the resolution.

9.2 Proposed Galiano Local Trust Committee Bylaw No. 237 (LUB Amendment) Referral

The cover page for this Bylaw was received however the actual Bylaw was not. Chair Luckham is aware of Bylaw and does not feel that it affects Mayne Island interests. Staff agreed that Mayne Island interests are not affected.

Resolution MA-LTC-54-12

It was Moved and Seconded that the Mayne Island Local Trust Committee indicate to Galiano Local Trust Committee that Mayne Island interests are not affected by Bylaw No. 237(LUB Amendment).

CARRIED

9.3 Proposed Saturna Local Trust Committee Bylaw No. 110 (LUB Amendment) Referral

Staff does not perceive any affect on Mayne Island from this Bylaw.

Resolution MA-LTC-55-12

It was Moved and Seconded that Mayne Island Local Trust Committee indicate to Saturna Local Trust Committee that Bylaw No. 110 (LUB Amendment) does not affect Mayne Island's interests.

CARRIED

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 November, 2012

Planner Richardson informed the LTC that the Housing options mail out, to consider OCP/LUB amendments to permit secondary suites, has been sent to all property owners. A review is underway regarding potable water provisions in LUB regarding boundary adjustment subdivisions and it is expected that a draft will be available for February meeting. There was discussion regarding Saturna Bylaw No. 110 and it was felt that Mayne Island Land Use Bylaw should be reviewed specific to geo-exchange permissions.

Resolution MA-LTC-56-12

It was Moved and Seconded that the Mayne Island Local Trust Committee direct staff to place the review of geo-exchange systems on the project list.

CARRIED

11.2 Applications Report

11.2.1 Mayne Island Applications report dated November, 2012

Planner Richardson advised MA-DP-2012.1 (McDougall) has been dealt with today; MA-DVP-2012.2 (Beeson) – applicant is still undecided and has been informed to notify staff early in January if he wants inclusion in February agenda.

11.3 Expense/Budget Reports

11.3.1 Trustee and Local Expenses

Received for information

11.4 Bylaw Enforcement

None

11.5 Adopted Policies and Standing Resolutions

No. 4. Special Occasion Liquor License: Concern has been raised by the Mayne Island Agricultural Society regarding the reference to “past complaints”.

Resolution MA-LTC-57-12

It was Moved and Seconded that Mayne Island Local Trust Committee Policy regarding Special Occasion Liquor License referrals read “...that the organization or applicant have had no verified complaints related to parking or noise for the preceding three years” and that the word staff be capitalized.

CARRIED

11.6 Mayne Island LTC Web Page

Work priorities are on the list.

11.7 Chair’s Report

Chair Luckham reported that the Trust Council has agreed to take a much stronger vocal position on BC Ferry issues. A proposal has been developed to forward to BC Ferries as part of the current review. There is concern that ferry cost issues impact families and the islands. This proposal will be presented at the Salt Spring Island BC Ferries community meeting.

11.8 Trustee Report

Trustee Dodds and Trustee Crumblehulme have attended another meeting regarding the National Marine Conservation Area.

Trustee Dodds reported that the budget for 2013/14 reflects the Cost of Living index.

Trustee Crumblehulme reported that wireless access is moving slowly forward and a meeting with Minister Bill Bennett, to ask for capital to cover installation costs, is expected before the year end. There is a meeting this week regarding the Experience the Gulf Islands.

12. OTHER BUSINESS

12.1 Upcoming Meetings

12.1.1 Next Business Meeting – Wednesday February 27, 2013 at 1:00 pm.
at the Mayne Island Agricultural Centre

12.2 Advisory Planning Commission Memberships Expire

There are four APC members whose term expires January 30, 2013.
There was an advertisement for new members for the APC earlier this year
and if there are vacancies can approach those applicants as to interest.

Resolution MA-LTC-58-12

It was Moved and Seconded that the Mayne Island Local Trust
Committee direct Staff to contact Advisory Planning
Commission members, whose term is expiring, and ask if they
wish to be reappointed and that if there are any vacancies staff
can access existent list of applicants.

CARRIED

12.3 Mail Out Addresses

Trustee Dodds received an email from a resident regarding the secondary
suites information mail out. The individual wants only use of an initial and
was concerned with a full name being used in the address. The mail list is
from B.C. Assessment. Staff was asked to determine if the mail list could be
amended to use just an initial.

12.4 Exemption from National Marine Conservation Area

Note: Trustee Crumblehulme excused himself from the meeting due to a conflict of
interest at 1:55 pm.

Trustee Dodds reviewed the proposed National Marine Conservation Area
(NMCA) and with future plans to develop Miners Bay Dock and Horton Bay
Dock it is important that these two areas be excluded or development could
be restricted.

Chair Luckham detailed that the NMCA is still very much in the planning stage
and concerns may be premature. Any changes or development would be
done through the governing body and employ best practices with Parks
Canada and the existent NMCA plan is vague and is expected to be more
defined. A positive point of being included is that the designated areas will be
managed and developed in a sustainable fashion through Parks Canada.

Trustee Dodds stated that the community needs to become involved and
informed.

David Maude voiced concerned as to potential regulations and pointed out that other islands have dock areas that have already been exempted. Questioned if breakwaters would be allowed; fuel dock; moorage.

Clarification is required as to projected policies.

There will be more information for February meeting.

Note: Trustee Crumblehulme rejoined the meeting at 2:14 pm.

13. TOWN HALL MEETING:

Ann Johnston questioned how to inform the community as to the National Marine Conservation Area.

The Chair reviewed the project to date. The next phase is to identify areas and design the development plan. The draft plan will then be presented to the communities.

Dave Maude spoke to the BC Ferries consultations currently underway and the importance of advocating on behalf of home porting of vessels. This could be a significant economic factor for the island and an issue that Islands Trust could raise with BC Ferries.

Chair Luckham stated that it would be important to have evidence that home porting would in fact be cost efficient.

14. ADJOURNMENT

Chair Luckham declared the meeting adjourned at 2:29 p.m.

RECORDER

CHAIR



RWM From: November 20, 2012 To: February
15, 2013

Mayne Island

Resolution #	Action	Resolution Description	Resolution Date
2013-01	In Favour	THAT Mayne Island Local Trust Committee appoint Bill Bender, Dennis Emmett and Sally Manson to the Mayne Island Advisory Planning Commission for a three year term effective January 30, 2013 to January 30, 2015.	Jan 04, 2013

**MINUTES OF THE MAYNE ISLAND
ADVISORY PLANNING COMMISSION
HELD ON MONDAY JANUARY 14, 2013 AT 7:00 P.M.
AT THE CHURCH HOUSE**

5.4.1

JAN 17 2013

SHERIFF (KOD)
VICTORIA BC

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

Regrets: Dennis Emmett, Bill Bender and Trustee Crumblehulme

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

2. **APPROVAL OF THE AGENDA**

New Business 7.1 Abandoned vehicles

**IT WAS MOVED AND SECONDED THAT THE AGENDA BE
APPROVED AS AMENDED.**

CARRIED

3. **APPROVAL OF MINUTES OF A.P.C.:** Meeting of December 10, 2012

**IT WAS MOVED AND SECONDED THAT THE MINUTES OF
DECEMBER 10, 2012 BE APPROVED.**

CARRIED

4. **BUSINESS ARISING FROM MINUTES:** December 10, 2012

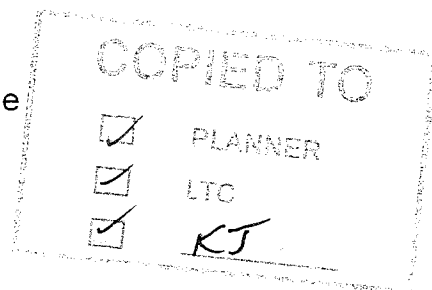
4.1 Location of meeting venue for calendar year 2013

Chair Tamboline has arranged for a 1 year standing reservation for
the second Monday of each month at the Church House.

4.2 Comments on Appendix A

Discussion included:

- To separate report into three sections: definitions, recommendations for wording changes and changes to be deferred to the next LUB review.
- Definition of exterior lot line required Page 8 Fig. 1.2 as this affects set backs



IT WAS MOVED AND SECONDED THAT THE AMENDED APPENDIX A BE RECOMMENDED TO THE MAYNE ISLAND LOCAL TRUST COMMITTEE FOR ACTION WHERE INDICATED.

CARRIED

5. REFERRALS

5.1 Bylaw Enforcement Notification Bylaw

Discussion addressed the following:

- Having the Bylaw Officer to a meeting to review bylaw
- Concern as to no requirement for investigation – felt it could be indiscriminate
- Cases that cannot be resolved go to court which is very expensive
- Still complaint driven
- Could do conference call with Bylaw Officer
- Process for investigating and initiation of action should be included in bylaw

Chair Tamboline will contact the Bylaw Officer regarding availability for a conference call.

- 6. TRUSTEES REPORT:** Trustee Dodds reported on an application to rezone the Oceanwood property for Seniors Housing which is likely to be referred to the APC. RAR is still ongoing. There is an informal agreement to a 5 m. set back. Ministry of Environment has interpreted act to address “potential habitat for fish” and land cannot be disturbed except within agriculture zone.

7. NEW BUSINESS:

7.1 Abandoned Vehicles: Trustee Dodds spoke to a concern that has been brought to her attention regarding unsightly abandoned vehicles on Wood Dale Drive. There is no existent bylaw. This item will be on the agenda for the LTC and may be referred to APC regarding need for a bylaw. Through discussion it was identified that Ministry of Transportation is not willing to address issue and RCMP does not feel it is within their mandate.

8. NEXT MEETING: February 11, 2013

9. ADJOURNMENT: 8.45

CHAIR

DATE



Islands Trust

Follow Up Action Report w / Target Date

Mayne Island

Oct-24-2012

No.	Activity	Responsibility	Target Date	Status
1	The MILTC will spend \$100.00 to purchase a page for islands trust information on the next printing of 'Tread Lightly'.	Gary Richardson Nancy Rogers		Done
2	Staff to contact MoTI staff member to attend an LTC meeting to discuss road issues.	Gary Richardson		Done

Nov-06-2012

No.	Activity	Responsibility	Target Date	Status
3	Advise APC chair after each meeting if there will be a refferal or not.	Gary Richardson		Done

Nov-28-2012

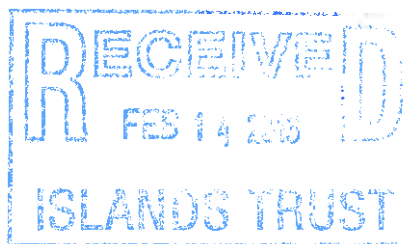
No.	Activity	Responsibility	Target Date	Status
4	Minutes of October 24, 2012 adopted as amended.	Sharon Lloyd-deRosario		Done
5	MA-DP-2012.1 (McDougall) issued as drafted.	Kathy Jones		Done
6	Proposed Galiano LTC Bylaw 237 - interests unaffected.	Kathy Jones		Done
7	Proposed Saturna LTC Bylaw 110 - interests unaffected.	Kathy Jones		Done
8	Add geoexchange review to projects list.	Gary Richardson		Done
9	Amend liquor licence standing resolution.	Gary Richardson		Done
10	Send letter to present APC members asking if they would like to serve another term.	Kathy Jones		Done

11 Staff to look into possibility of using only initials instead of first names when doing mailouts as per Mr. Meads request (see email).

Gary Richardson

Done

Mayne Island Local Trust Committee



Following discussions with CRD Director David Howe, the Mayne Island Advisory Group (Transportation) to the Economic Development Commission are pursuing a mutually agreed upon option for the protection, rebuilding and preservation of the Miners Bay Dock.

As you are well aware, the dock is a critical piece of community infrastructure that supports the BC Ambulance Service, RCMP, School District 64, Canadian Coast Guard as well as many private commercial and recreational users. Provincial Government use of this facility is significant and coincidentally the Provincial Government is responsible for the transportation of commercial traffic on the vessels which cause the damage to our dock and the hazard to its users.

We are preparing a proposal to the Province for the funding of a wave attenuator (Breakwater) and the replacing of some 400 feet of dock as the first phase of restoring this community asset. Part of this proposal would be initiating a toll for commercial vehicles transiting Active Pass on BC Ferries and SeaSpan. We are suggesting a toll of \$10.00 per vehicle. We further request that the Province create an Active Pass community legacy fund that would be used to invest in and support community initiatives in the Pass area. These funds would be equally distributed between First Nations and the legacy fund.

We would appreciate the endorsement of this concept by the LTC as we prepare to initiate this process.

We are seeking the support of the Mayne Island Residents and Ratepayers Association, the Mayne Island Community Chamber of Commerce, the Mayne Island Improvement District and through open and advertised meetings of the Advisory Group, the support of residents and taxpayers.

We have been assured by our CRD Director that this proposal will be fully supported and advocated by the CRD.

Thank you.

Ian Dow
David Maude

Mayne Island Transportation Initiative





Islands Trust

BYLAW REFERRAL FORM

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

Island: Galiano Island Trust Area Bylaw Nos.: 238 and 239 Date: December 6, 2012

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Local Trust Committee Initiated

PURPOSE OF BYLAW:

Proposed Bylaw No. 238 is to amend the Land Use Bylaw to permit the owner of District Lot 46 to be able to construct a dwelling without having direct highway access. Currently, the owner cannot build a residence due to the wording in the bylaw. (See Attachment 1 for staff report)

Proposed Bylaw No. 239 is to amend six (6) subject areas within the Land Use Bylaw. The areas are:

1. Split zoned lots – to remove the possibility of split zoned lots having additional density unless the zoned lots can be subdivided.
2. Permitting Stairs with Setbacks for Public Bodies – to allow public bodies to be able to construct stairs (accesses) providing access to the foreshore/beach areas without requiring a development variance permit.
3. Calculation of Floor Area for Environmentally Buildings – to permit the calculation of floor area for environmentally friendly buildings to be measured to the inner surface of the exterior wall and not the exterior surface as is done for conventional buildings.
4. Small Lot Sawmilling Clarification – to ensure that the bylaw explicitly states that sawmilling is to be for the use of the owner on that lot where the sawmilling takes place unless otherwise permitted in the zone.
5. Accessory Building Allowances – to change the calculation of accessory buildings permit from a maximum floor area to a calculation based on lot coverage.
6. Lions Hall zone – to amend the zone to permit existing uses (hall, thrift store, walkway) to remain. (See Attachment 2 for staff report)

GENERAL LOCATION:

Galiano Island

LEGAL DESCRIPTION:

n/a

SIZE OF PROPERTY AFFECTED:

n/a

ALR STATUS:

n/a

OFFICIAL COMMUNITY PLAN DESIGNATION:

n/a

OTHER INFORMATION:

Please note that additional background information on this application can be found on the Islands Trust website under <http://www.islandstrust.bc.ca/itc/gl/default.cfm>

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

(Signature)

Name: Kris Nichols

Email: knichols@islandstrust.bc.ca
Title: Island Planner

This referral has been sent to the following agencies:

Federal Agencies

N/A

Regional Agencies

Building Inspection, CRD
Regional Parks & Community Services, CRD

Provincial Agencies

Ministry of Transportation & Infrastructure
Private Managed Forest Land Council

Adjacent Local Trust Committees and Municipalities

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

Non-Agency Referrals

Bylaw Enforcement, Islands Trust
Galiano Island Parks & Recreation Commission

First Nations

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

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Galiano Island Trust Area

(Island)

238 and 239

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)



Islands Trust

BYLAW REFERRAL FORM

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

Island: North Pender Island Local Trust Area **Bylaw No.:** 192 **Date:** January 10, 2012

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

n/a

PURPOSE OF BYLAW:

The purpose of proposed bylaw 192 is to amend the North Pender Island Official Community Plan by repealing and replacing 'Schedule E – Road Classification' with an updated version. The objective of the amendment is to designate the roadway between the BC Ferries terminal and the entrance to Magic Lake Estates as the 'Magic-Ferry Bicycle-Walking Route' and to identify the existing Car Stop network. Magic Lake Estates is a small lot subdivision on North Pender Island where over 60% of the residential lots exist. Both the Magic-Ferry Bicycle-Walking route and the Car Stop network are located on lands identified as public road dedication.

GENERAL LOCATION:

North Pender Island generally.

LEGAL DESCRIPTION:

n/a

SIZE OF PROPERTY AFFECTED:

n/a

ALR STATUS:

n/a

OFFICIAL COMMUNITY PLAN DESIGNATION:

n/a

OTHER INFORMATION:

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

(Signature)

Name: Andrea Pickard

Title: Island Planner
Contact Info: Tel: 250-405-5189
Email: apickard@islandstrust.bc.ca

This referral has been sent to the following agencies:

Federal Agencies

Parks Canada

Provincial Agencies

Ministry of Transportation and Infrastructure
BC Hydro

Regional Agencies

CRD Environmental Sustainability
Pender Islands Park and Recreation Commission

Adjacent Local Trust Committees and Municipalities

South Pender Island Local Trust Committee
Salt Spring Island Local Trust Committee
Saturna Island Local Trust Committee
Mayne Island Local Trust Committee

PLEASE TURN OVER →

Non-Agency Referrals

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Malahat First Nation – TE'Mexw Treaty Assoc.
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

North Pender Island Local Trust Area

(Island)

192

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)



STAFF REPORT

February 14, 2013

File No.: MA-DVP-2013.1
(Peace)

To: Mayne Island Local Trust Committee

From: Kim Farris,
Planner 1

CC: Robert Kojima, Regional Planning Manager
Gary Richardson,
Island Planner

Re: Development Variance Permit for 380 Georgina Point Road

Owner: Wayne Peace and Janice Peace

Applicant: Same

Location: Lot 5, Section 12, Mayne Island, Cowichan District, Plan 788

THE PROPOSAL:

This application seeks to vary Subsection 5.1(9) of the Mayne Island Land Use Bylaw No. 146, 2008 in order to legalize the height of an existing detached accessory building. The proposed permit would increase the maximum height for the accessory building from 5.0 metres to 5.6 metres.

The accessory building was built for equipment and trailer storage on the lower level and a workshop on the second level. The applicants were notified during the building permit process that the accessory building may be over height. After a height confirmation was required, a site survey confirmed the building was 0.6 metres over height and therefore the applicants have applied for a variance to increase the maximum height of an accessory building.

SITE CONTEXT:

The west-facing waterfront property is located at the western end of Mayne Island fronting Active Pass. The subject property is 0.4 ha (1.0 acres) in area and is zoned Settlement Residential (SR). Settlement Residential zoned parcels surround the subject property and Georgina Point Road bisects the parcel into two sections – a small, slender strip of land fronting Active Pass and a larger parcel of land containing the dwelling unit and accessory buildings. The property slopes upward from Georgina Point Road towards the back of the property where the accessory building is built into the slope (as demonstrated in Picture 2). The area around the dwelling unit and accessory building is primarily unvegetated with a few trees and is heavily

vegetated to the rear of the property. Figure 1 indicates the location of the subject property and Figure 2 shows the location of the accessory building.

Figure 1: Subject Property Map

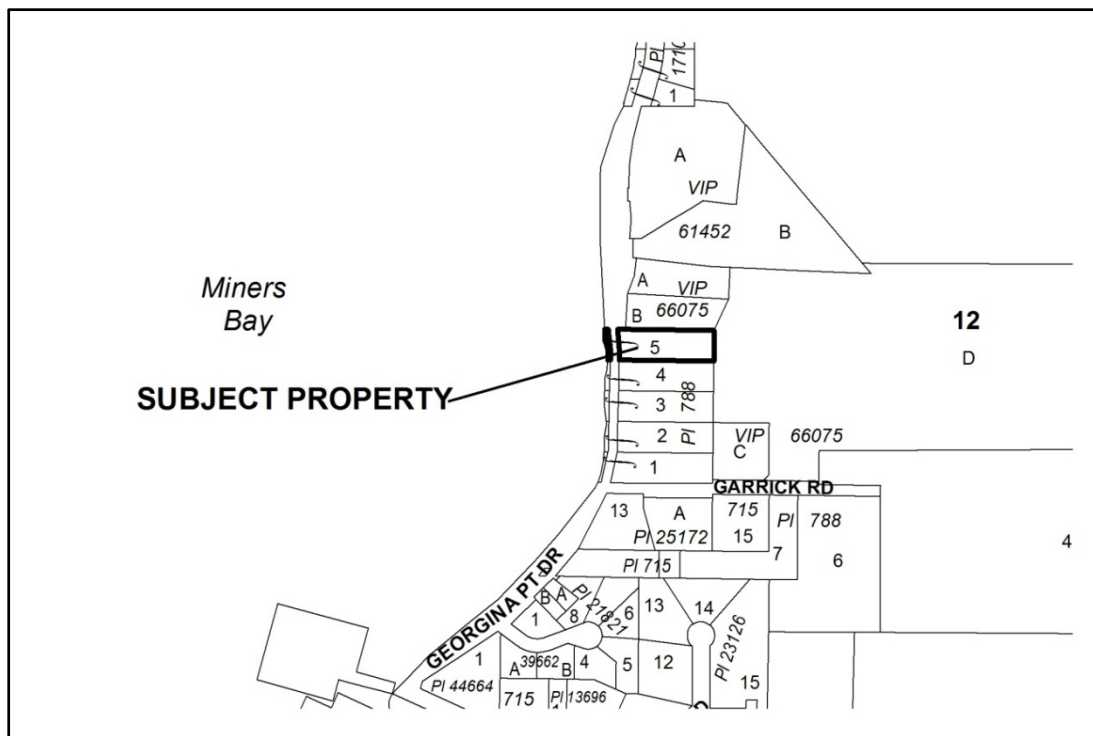


Figure 2: Orthophoto and 2 metre Contour Lines

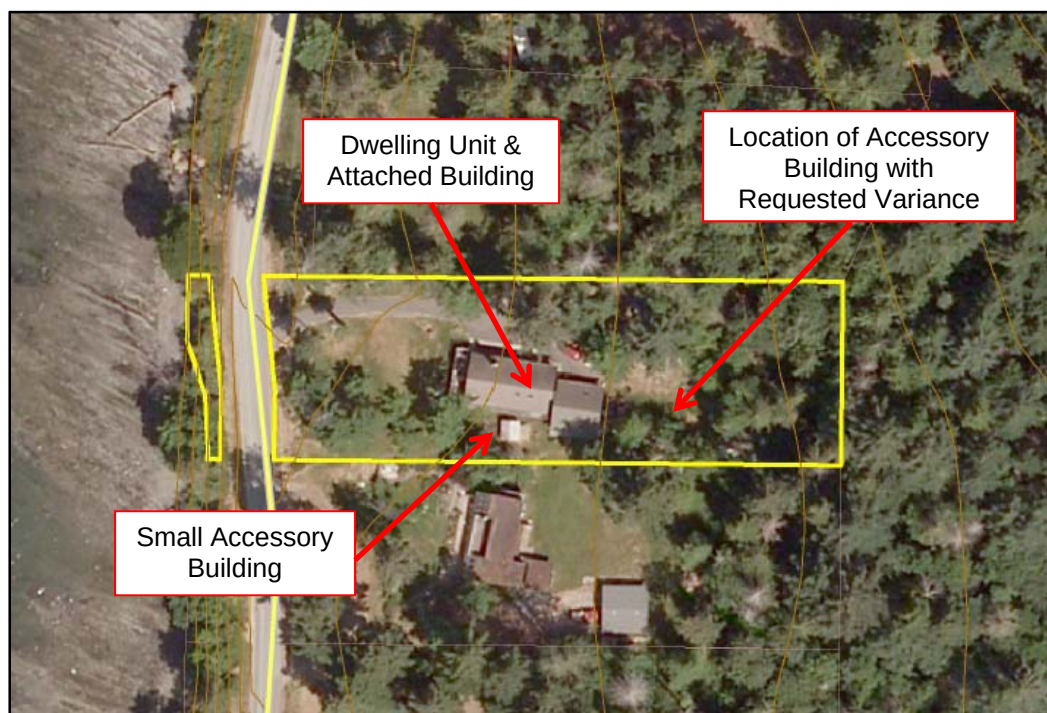
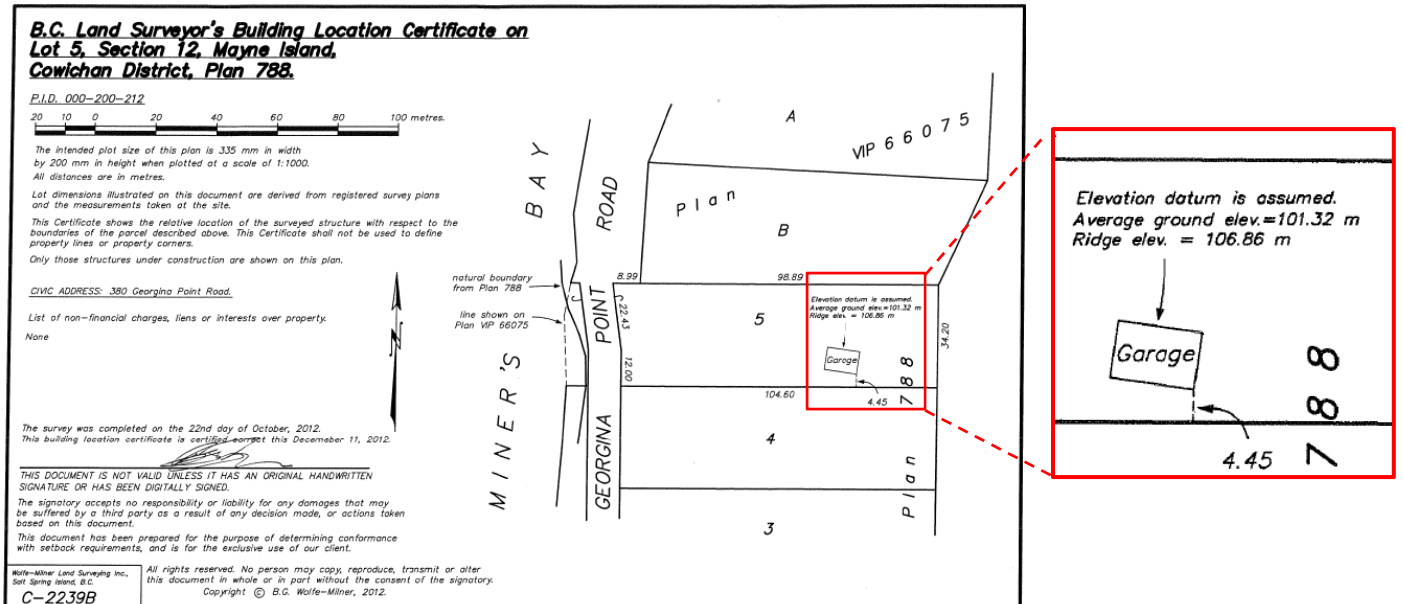


Figure 3: Survey Site Plan (other existing structures not shown)



Picture 1: View from Georgina Point Road looking east towards back of property



Picture 2: Accessory Building with requested height variance



Picture 3: Looking west towards accessory building and Active Pass



Picture 4: South elevation of accessory building



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

This application is not in contravention of the Trust Policy Statement and there are no directive policies relevant to this application.

Official Community Plan:

The subject property is designated Settlement Residential (SR) in the Mayne Island Official Community Plan (OCP) Bylaw No. 144, 2007. The Residential objectives of this designation are:

1. to ensure compatibility of the residential use with adjoining land uses,
2. to protect the health and safety of the residential neighbourhood, and
3. to ensure that ecologically sensitive areas are not disturbed by future development.

The specific policies in the SR designation that pertain to this application are:

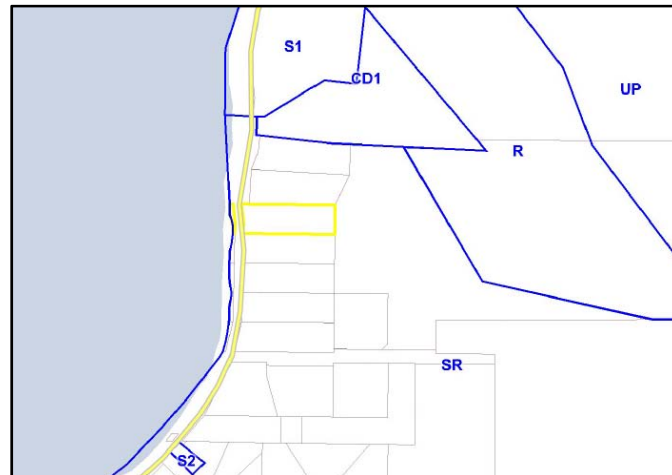
- 2.1.1.1 The principal use shall be residential with accessory uses consistent with residential character.
- 2.1.1.5 Location, number and size of buildings and structures shall be regulated to protect the quiet enjoyment of property and to implement smart growth principles.
- 2.1.1.7 The number and size of accessory buildings permitted on a parcel shall be regulated.

Land Use Bylaw:

The subject property is zoned Settlement Residential (SR) in the Mayne Island Land Use Bylaw (LUB) No. 146, 2008. The specific bylaws relevant to this application include:

5.1(9) - The maximum height for any accessory building or structure is 5 metres (16.5 feet).

Figure 4: Zoning Map



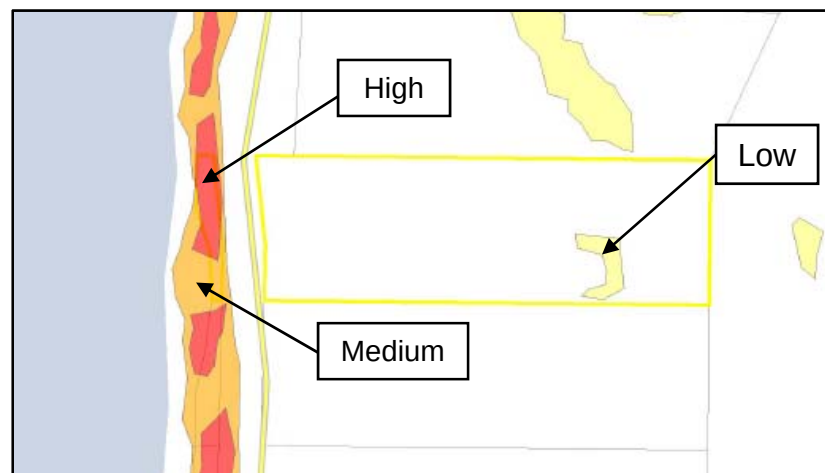
Islands Trust Fund:

This application has no considerations for the Island Trust Fund.

Sensitive Ecosystems and Hazard Areas:

Islands Trust Sensitive Ecosystems Mapping (SEM) does not identify any sensitive ecosystems on the property. The steep slope hazard mapping shows medium and high hazards on the west portion of the property where the slope is the steepest (Figure 4). There is low hazard where the accessory building is located although there is no concern as the accessory building was built into the slope.

Figure 4: Steep Slopes Map



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 are no covenants registered on the property.

Bylaw Enforcement:

There are no bylaw enforcement files associated with this property.

Climate Change Mitigation and Adaptation:

This application has no direct bearing on climate change mitigation and adaptation.

CRD Building Inspection:

A building permit referral was sent to the Islands Trust in August 2009 for the construction of the accessory building. After a zoning review it was determined that a survey was required at the time of framing to ensure height compliance as the submitted plans showed a building height of 5 metres. To date, final occupancy for the accessory building has not been received.

RESULTS OF CIRCULATION:

Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m on February 25, 2013. At the writing of this report, no public submissions have been received. Any additional public submissions will be forwarded to the LTC and presented at the Mayne Island Local Trust Committee meeting on February 27, 2013.

ISSUES SUMMARY:

Applicant's stated rationale for the proposed variance. The applicants applied for a building permit in 2009 with the intention of constructing an accessory building that would meet the maximum height of 5 metres. The applicant states that once the building was framed, they received permission from the CRD to roof the accessory building prior to a framing inspection to protect the newly constructed building from potential rain damage. Once the framing inspection was conducted the building inspector asked for a survey to determine the height. The applicant contacted a surveyor on Salt Spring and was told the survey would be completed the next time they were on Mayne Island which took over a year. The completed height survey verified the building was in fact over height; therefore, the applicants applied for a development variance permit. The surrounding neighbours were informed of the over height building by the property owners and received no objections. The applicants have indicated that reducing the height, at this point, is not an option.

The overall intent of the regulation being varied. The overall purpose of height regulations is to minimize impacts on adjacent property related to: shading, aesthetic, and privacy concerns. Regulating lower height for accessory buildings ensures that principal buildings remain dominant in size and scale relative to accessory uses. Regulating height also helps to provide a consistent pattern of development within a given zone.

Potential impacts of granting a variance. Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation, it is unlikely to generate expectations for other landowners. Each application is evaluated on its own merits.

STAFF COMMENTS:

This variance application is to legalize the height of an existing accessory building on the subject property. The applicants have requested a variance to increase the maximum height permitted for an accessory building from 5.0 metres to 5.6 metres.

The property owners applied for a building permit in 2009 for the detached accessory building which was referred to the Islands Trust. At that time we indicated that a height confirmation prepared by a B.C. Land Surveyor was required at framing inspection as the building plans indicated that the accessory building was at the maximum height of 5.0 metres. A survey to confirm height is required at the framing stage as the surveyor can accurately determine height at that point in the building process and if the building or structure is overheight, adjustments can still be made. In this case the applicant constructed the roof prior to receiving the height survey due to reasons indicated in their rationale (above) and therefore took on the risk of an overheight building. Once the applicants received the height survey, they determined the need for a development variance permit.

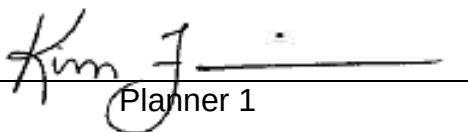
The location of the accessory building does not appear to impact negatively on the adjacent lots. Constructing the accessory building partially into the slope helps to reduce the overall height and mass of the structure. The building is located in the rear yard behind the dwelling unit which lessens the visual impact from the road and surrounding properties (as shown in Picture 1).

Staff is of the opinion that the proposed accessory building does not conflict with the intent of the Mayne Island LUB and that the overheight structure in its existing location should be permitted.

RECOMMENDATIONS:

1. THAT the Mayne Island Local Trust Committee approve development variance permit MA-DVP-2013.1 (Peace).

Prepared and Submitted by:


Planner 1

February 14, 2013
Date

Concurred in by:



Regional Planning Manager

February 18/13

Date



PROPOSED

**MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
MA-DVP-2013.1**

TO: Wayne Peace & Janice Peace

1. This Development Variance Permit applies to the land described below:

Lot 5, Section 12, Mayne Island, Cowichan District, Plan 788
2. The "Mayne Island Land Use Bylaw No. 146, 2008" is varied as follows:
 - a. Subsection 5.1(9) is varied to increase the maximum height for an accessory building from 5 metres (16.5 feet) to 5.6 metres (18.4 feet) to permit an existing detached accessory building.

All buildings and structures are to be consistent with Schedule A attached to and forming part of this permit.
3. 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 obtain other approvals necessary for completion of the proposed development.

**AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST
COMMITTEE THIS ____ DAY OF _____, 201__**

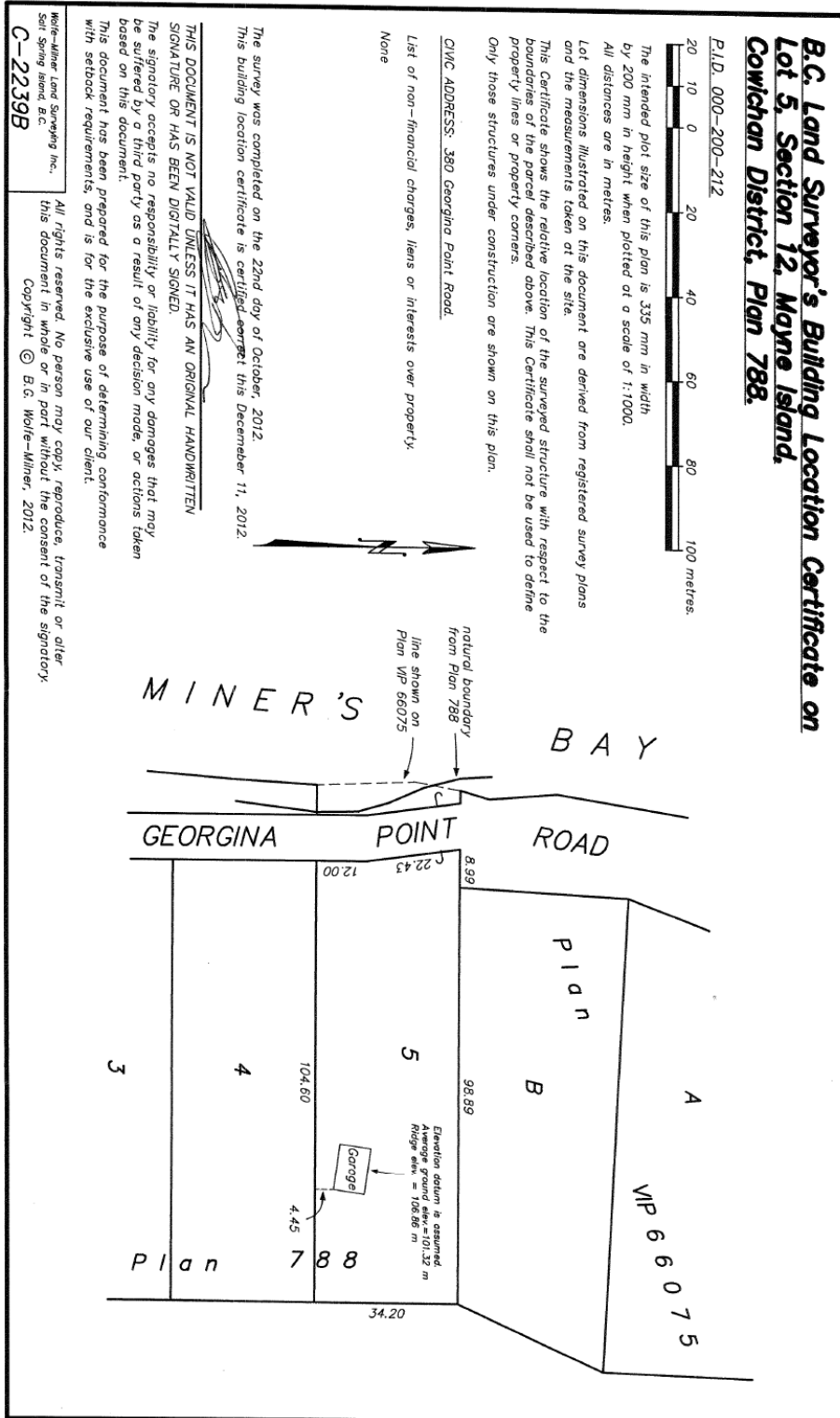
Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF _____, 201__, THIS PERMIT AUTOMATICALLY LAPSES.

MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
MA-DVP-2013.1

SCHEDULE "A"





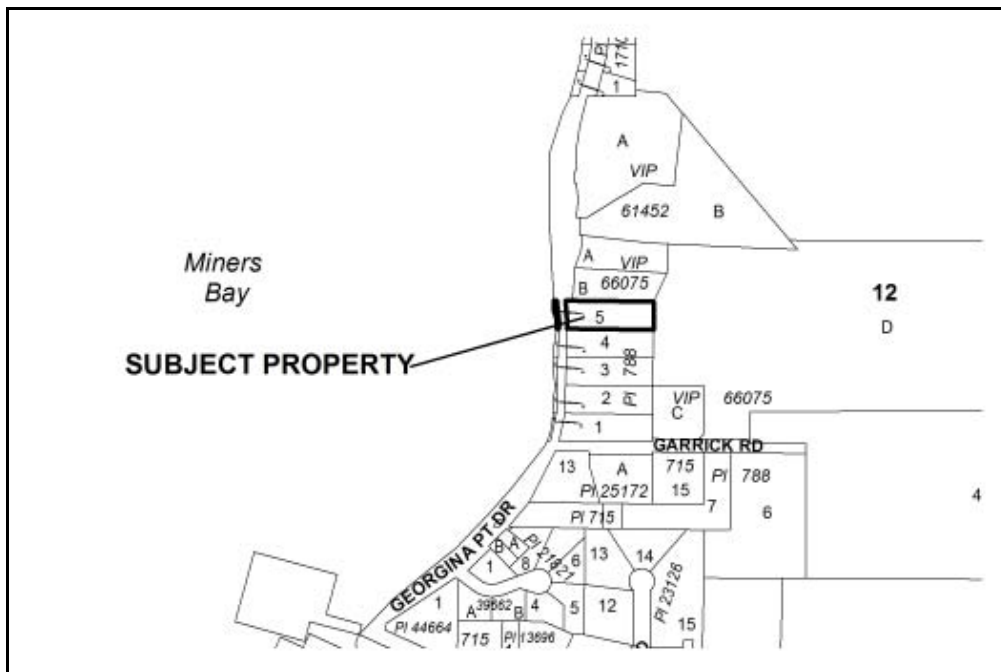
**NOTICE
MA-DVP-2013.1
MAYNE ISLAND LOCAL TRUST COMMITTEE**

NOTICE is hereby given that the Mayne Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 922 of the *Local Government Act*.

The purpose of this permit is to vary Subsection 5.1(9) of Mayne Island Land Use Bylaw No. 146, 2008, to increase the maximum height for an accessory building from 5 metres (16.5 feet) to 5.6 metres (18.4 feet) to permit an existing detached accessory building.

The property is located at 380 Georgina Point Road and is legally described as Lot 5, Section 12, Mayne Island, Cowichan District, Plan 788.

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing February 14, 2013 and continuing up to and including February 25, 2013.

For the convenience of the public only, and not to satisfy Section 922(5) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Mayne Island, B.C., commencing February 14, 2013. Also, attached for your convenience is a copy of the proposed permit.

If you have any questions or comments please contact the Planner 1, Kim Farris at (250) 405-5194; for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867 before 4:30 p.m., February 25, 2013. Written comments may be mailed to Islands Trust, 200 – 1627 Fort Street, Victoria, BC V8R 1H8; faxed to (250) 405-5155; or emailed to information@islandstrust.bc.ca before 4:30 p.m., February 25, 2013.

The Mayne Island Local Trust Committee may consider the issuance of the permit at the Mayne Local Trust Committee Meeting being held at 1:00 p.m., February 27, 2013 at Mayne Island Agricultural Hall, 430 Fernhill Road, Mayne Island.

All applications are available for review by the public. Written comments made in response to this notice will also be available for public review.

Kathy Jones, Deputy Secretary



STAFF REPORT

File No.: MA-RZ-2012.1

To: Mayne Island Local Trust Committee

From: Gary Richardson, Island Planner

CC: Robert Kojima, Regional Planning Manager

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

Owner: 0747825 B.C. Ltd.

Applicant: Murray Rosengren

Location: 630 Dinner Bay Road

Preliminary Report

THE PROPOSAL:

The existing lot contains a waterfront country guest house which consists of 12 tourist accommodation units, a restaurant, an accessory building/garage and an accessory dwelling unit. The applicant is proposing to keep the existing guest house and restaurant as is and maintain its current use as tourist accommodation.

The existing accessory dwelling which is limited in size (140 m²) is proposed to be demolished and replaced with a managers dwelling permitted to have maximum floor area 370 m².

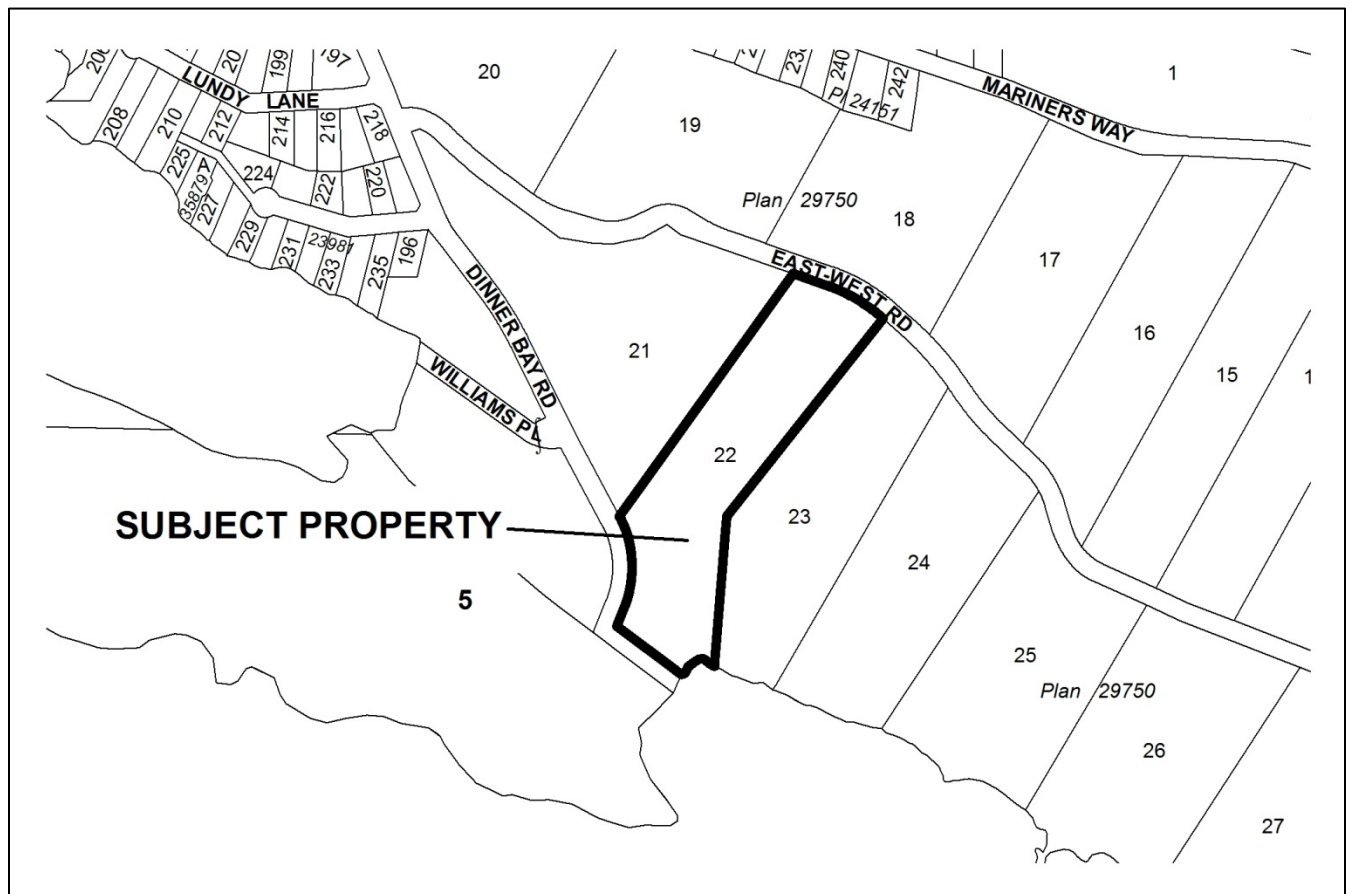
Also being proposed are 37 attached or semidetached seniors dwelling units and 4 employee dwelling units. The seniors units and employee units are to be permitted to have maximum floor area of 80 m² each.

The proposed maximum floor area of the seniors dwelling units, manager dwelling unit and employee dwelling units combined is not to exceed 3700 m².

The applicant is also requesting a reduction in the setback requirements to allow for the siting of the new construction.

SITE CONTEXT:

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



Map showing location of subject property



Orthophoto showing subject lot



Ortho photo showing subject area

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

4.4 Freshwater Resources

Commitment of Trust Council

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

Directive Policies

- 4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure:
- neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater,
 - water quality is maintained, and
 - existing, anticipated and seasonal demands for water are considered and allowed for.
- 4.4.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses¹⁸.

5.2 Growth and Development

Commitments of Trust Council

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

Directive Policies

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

5.8 Health and Well-being

Directive Policies

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

Official Community Plan

1.2 BROAD COMMUNITY OBJECTIVES

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

2.10 AMENITY ZONING GUIDELINES

2.10.1 In the case where a property owner offers to provide a voluntary community amenity as a condition of subdivision or rezoning, consideration may be given to increasing the permitted density on a parcel in any designation other than Public Service, Park or Resource Conservation.

2.10.2 The following community amenities represent a list of potential community amenities which may be acceptable for consideration under this section:

- i) the provision of land for preservation of unique natural environments and sensitive areas,
- ii) the provision of land to preserve forests, watersheds and wetlands,
- iii) the provision of land for community park or public open space,
- iv) the provision of land for sewage treatment facilities or community water systems,
- v) the provision of community wells for domestic water supply,
- vi) the provision of firefighting storage reservoirs,
- vii) the provision of easements or rights of way for utilities or trails,
- viii) the provision of community buildings,
- ix) the provision of land for community buildings or structures,
- x) the provision of community space in a commercial building,
- xi) the provision of affordable and special needs housing, and
- xii) the provision of any other amenity which is similar in nature to the foregoing and/or is consistent with the objectives and policies of the OCP.

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

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

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

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

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

Development Permit Area

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

Land Use Bylaw

5.12 Country Guest House Commercial (C5) Zone

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

Permitted Uses

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

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

Density

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

Siting and Size

- (5) The minimum setback for any building or structure, except a sign, fence, or pumphouse is:
 - (a) 8 metres (26 feet) from any front, rear, or exterior side lot line;
 - (b) 3 metres (10 feet) from any interior side lot line;
- (6) The maximum height of any guest house or dwelling unit is 9 metres (29.5 ft.).
- (7) The maximum height of any accessory building or structure is 5 metres (16.4 ft.).
- (8) The maximum height of any accessory building or structure used for agricultural purposes is 15 metres (49 ft.).

Subdivision Lot Area Requirements

- (9) The minimum lot area is 4 hectares (10 acres).

Conditions of Use

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

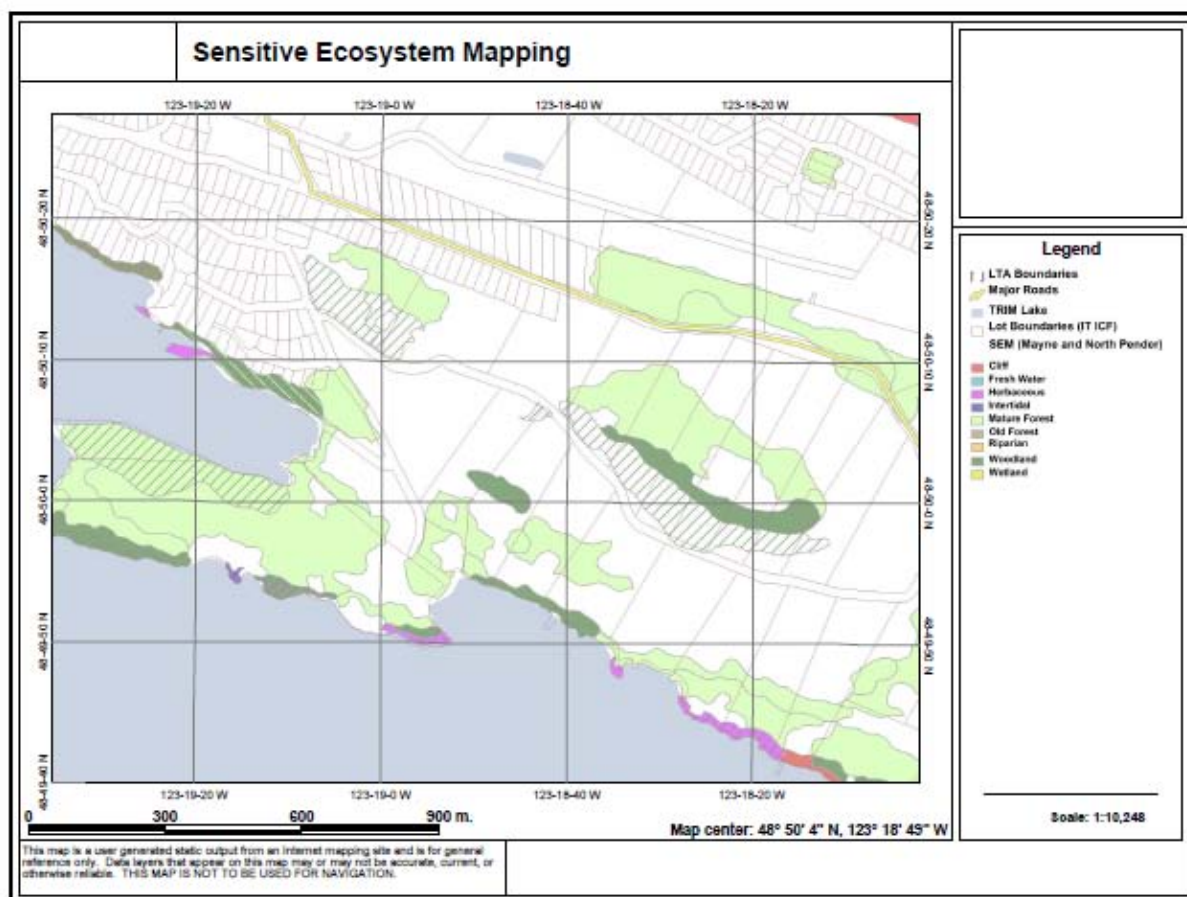
Site Specific Regulations

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

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

Sensitive Ecosystems :

The subject property contains some mature forest and woodland ecosystems.



Archaeological Sites:

Based on information from the Provincial Remote Access to Archaeological Data (RAAD), there are no archaeological sites on the property; however, there is a site within 100 metres of the subject lot. Notwithstanding the foregoing, and by copy of this report, the owners are advised that the unearthing of any archaeological resource should be reported to the Archaeology Branch.

Existing and Proposed Density

	Permitted in present LUB	Proposed in application	Comments
1.	One guest house not to exceed 836 m ² .	Remain as is.	Existing guesthouse to be maintained as is and used for tourist accommodation.
2.	No more than 12 tourist accommodation units contained within the guest house.	Remain as is.	Twelve rooms maintained as tourist accommodation rooms.
3.	One accessory dwelling unit not to exceed 140 m ² .	To be demolished.	To be replaced with new managers dwelling unit not to exceed 370 m ²
4.	One restaurant contained within the guest house. Restaurant not to exceed 56 m ²	Remain as is.	Restaurant to remain open to visitors.
5.		37 seniors dwelling units not to exceed 80 m ² .	New construction.
6.		Four employee dwelling units not to exceed 80 m ²	New construction
7.		Manager dwelling unit not to exceed 370 m ²	New construction to replace existing accessory dwelling.

Covenants:

There are no covenants on title.

Bylaw Enforcement:

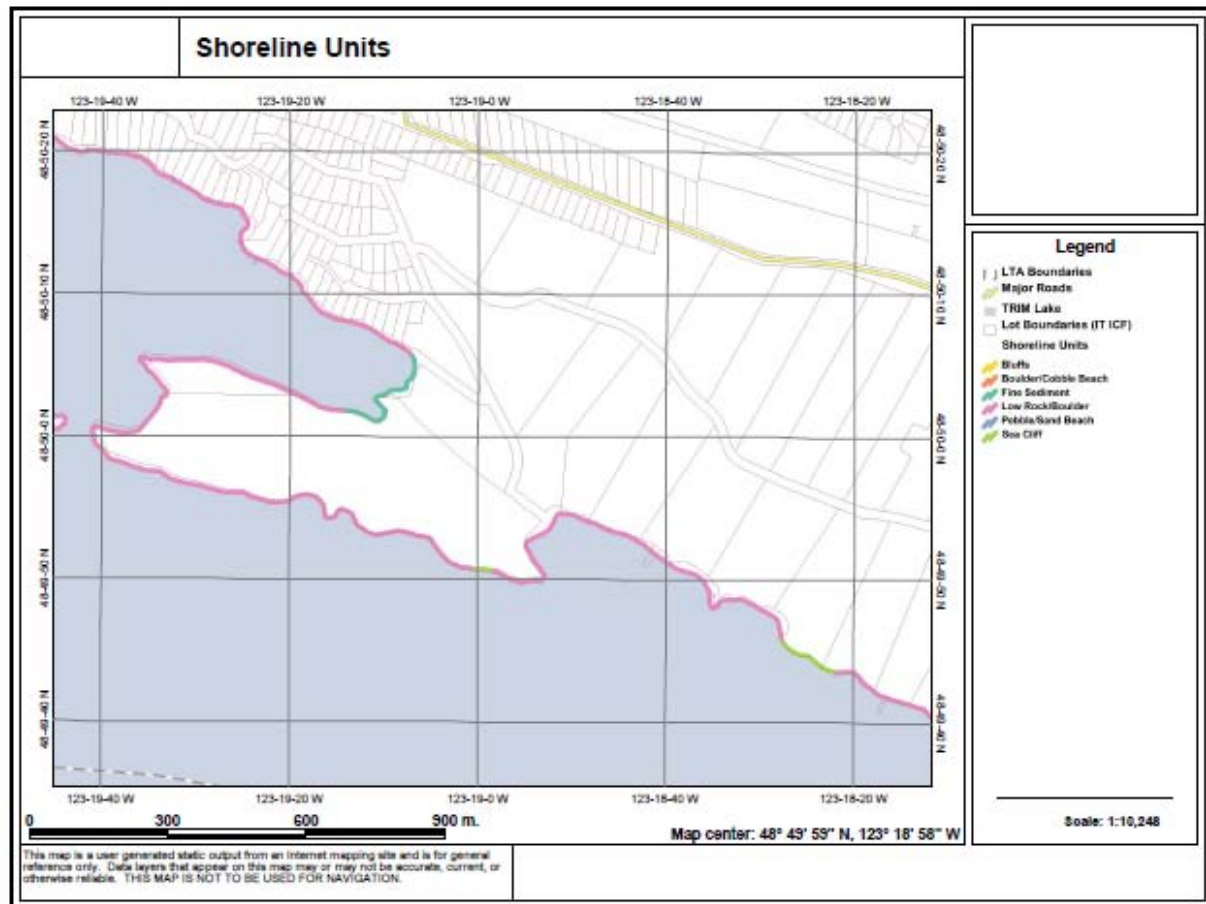
None

Climate Change Mitigation and Adaptation

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

Shoreline Type

The subject property contains a low rock boulder shoreline.



COMMUNITY INFORMATION MEETING(S):

If this proposal proceeds it is recommended that a Community Information Meeting be held in order for the LTC and applicant to gauge community comment.

RESULTS OF CIRCULATION:

Notice will be distributed as appropriate if proposal proceeds.

STAFF COMMENTS:

1. Existing Seniors Housing Development Potential on Mayne Island

There are currently two properties in the Miners Bay Area that allow for seniors housing.

One of the properties, Lot B, Plan 61452 (Church Property) is a 1.85 hectare property zoned Seniors Citizens Housing (CD1). CD1 allows a total of eight duplexes. Each residential unit cannot exceed a maximum floor area of 90 m². There is a housing agreement in place. reference. The property is currently vacant.

The other property is a 4 hectare property in Miners bay zoned Comprehensive Development Two (CD2). CD2 allows a comprehensive list of uses including 10 residential dwelling units not exceeding a maximum floor area of 93 m² each. The property is currently minimally developed.

The advantage these properties have is their proximity to the main commercial area of Mayne Island. There is a bakery, library, grocery store, restaurants, pub and various other commercial amenities within walking distance of the two properties.

2. Potable Water Supply

The trust policy statement suggests that density should not be increased in areas that have a problem with quantity or quality of potable water. The Mayne OCP states that development should not be permitted in areas where groundwater issues have been identified. The OCP also states that the LTC should require rainwater storage systems through the registration of a legal agreement when considering applications that could result in an increased density.

There is no known groundwater problems in this area; however, with the density being proposed in this application it seems prudent to require rainwater catchment and storage for all new residential units. If the application proceeds it should be forwarded to the village bay water sytem for comment.

3. Proximity to Commercial Centre.

The location of the subject property is approximately 4 kms from the main commercial centre. If the residents do not drive there are no other options as walking is not an option. The applicant has suggested that a van or other type of shuttle may be implemented. This does not encourage a land use pattern that results in a more compact, complete and connected community, with new

residential development occurring in areas accessible to existing transportation and services as is supported in the OCP.

4. Need

There has not been a comprehensive need study done to determine if there is a need on Mayne Island for 37 new seniors units. This type of housing adds to the mix of housing on the Island which is supported by the OCP; however, it has not been demonstrated that there is a need for housing specifically constructed for seniors.

5. Housing Agreements

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

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

It is recommended that if the LTC proceeds with this application that a housing agreement be prepared that restricts the use of the residential units to seniors only (65 years or older).

6. Amenity Zoning and Density

The amenity zoning guidelines in the OCP state that applications should be for a relatively modest increase in density that the LTC should not consider applications in which more than 10 additional units are proposed in exchange for a community amenity. The OCP lists special needs housing as an amenity.

The 37 units proposed in this application exceeds modest density supported in the OCP for amenity rezonings of 10 units.

7. Development Permit Area

If this proposal proceeds it is recommended that the portion of the property subject to the seniors housing be placed in an intensive residential DP area.

8. Official Community Plan

The application is presently for an amendment to the Mayne LUB, however if this proposal proceeds it will likely require amendments to the OCP. Additional fees will be required if this proposal proceeds.

It is difficult for staff to determine from the information at hand if there is a need for the proposed seniors housing. Particularly due to the fact that there is already property zoned for seniors housing, in a more suitable location that has not been utilized.

Staff has concerns about the location of this proposed housing due to its distance from amenities.

Staff has some concerns about the viability of the proposal; however, if the LTC determines this proposal has merit and decides to proceed with it staff recommends that a community information meeting be held to gauge community comment.

Options

- 1) Proceed no further;
- 2) Direct staff to prepare draft bylaws to implement the proposal as is;
- 3) Direct staff to prepare draft bylaws to implement the proposal as is amended;
- 4) Direct staff to arrange a Community Information Meeting.

RECOMMENDATIONS:

THAT the Mayne Island Local Trust Committee direct staff to arrange a community information meeting for application MA-RZ-2012.1 (Oceanwood).

Prepared and Submitted by:

Gary Richardson

February 19, 2013

Gary Richardson, Island Planner

Date

Concurred in by:

Robert Kojima

February 19, 2013

Robert Kojima, RPM

Date



STAFF REPORT

File # MA-6500-20

To: Mayne Island Local Trust Committee

From: Gary Richardson, Island Planner

CC: Robert Kojima, RPM

Re: Mayne Island Land Use Bylaw – Proof of Potable Water for Boundary Adjustment Subdivisions

THE PROPOSAL:

The Mayne Island Land Use Bylaw (LUB) requires that a land owner applying for a boundary adjustment subdivision provide proof of potable water to the same level as is required for a multi lot subdivision. In some cases there are existing dwellings and proven supplies of potable water on the lots that are subject to the boundary adjustment subdivision.

The Mayne Island LTC placed the review of proof of potable water provisions for boundary adjustment subdivisions on its work program priority list on October 24, 2012. The LTC requested staff to provide options and recommendations to the LTC regarding possible amendments to the Land Use bylaw.

This report identifies the issue, provides options and recommends a course of action.

Trust Policy Statement:

The following directive policies should be considered when determining how to proceed:

Directive Policies

4.4.2 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure:*

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

- *existing, anticipated and seasonal demands for water are considered and allowed for.*

4.4.3 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses.*

Official Community Plan

Objectives

The objectives of this section are:

- 1) to conserve rainwater, surface wells and all groundwater supplies,
- 2) to protect watersheds and to encourage the development of catchment areas for existing and future use, and
- 3) to ensure that the development and use of the land base does not lead to degradation of the current supply of fresh water.

Policies

- 3.2.1.1 As a condition of subdivision approval, applicants shall be required to prove the availability of sufficient potable water to support the proposed use.
- 3.2.1.2 Development should not be permitted in areas where groundwater limitations have been identified.
- 3.2.1.3 The sale of collected rainwater maybe permitted by rezoning only and should only be considered if it is determined that the proposed use would not impact adjacent properties.

Land Use Bylaw

8.11 Water Supply Standards

- (1) Where a well is proposed as a source of potable water for a proposed subdivision, the applicant for subdivision must provide the written certification under seal of an Engineer or a professional hydrogeologist with experience in groundwater hydrology that there is in respect of each building, structure, or use of land permitted by this bylaw on or to each proposed lot an available supply of potable water that meets or exceeds the Guidelines for Canadian Drinking Water Quality in the amounts set out in Table 1.

TABLE 1: Potable Water Supply Standards	
<u>Use</u>	<u>Volume (per day/lot)</u>
Residential	2275 litres
Agricultural	2275 litres
Commercial	3640 litres
Industrial	3640 litres
All other uses	2275 litres

If it is proposed to provide potable water to a lot from a well on another lot, the applicant must concurrently with the registration of the subdivision plan register against title to the lot on which the well is located:

- (a) an easement in favour of each lot to which water is provided; and
- (b) a s. 219 covenant in favour of the Mayne Island Local Trust Committee for water supply purposes,

each of which must be in terms satisfactory to the Mayne Island Local Trust Committee.

- (2) Where the certification referred to in subsection 8.11(1) cannot be made, the approving officer may nonetheless approve the subdivision in the following circumstances:
 - (a) where the applicant provides a community water system complying with the requirements of this bylaw; or
 - (b) where the applicant grants a s. 219 covenant to the LTC and to the CRD restricting the development of the subdivision to the buildings, structures and uses in respect of which a certification has been made under subsection 8.11(1).
- (3) Where applicant has provided a report by a professional engineer or hydrogeologist with experience in groundwater hydrology, and the report indicates that the water from a well does not meet the standards of potability as set in 8.11(1) and the report states that with specific treatment systems the well can be certified as to potability, the approving officer may nonetheless approve the subdivision provided that:
 - (a) the applicant grants a s. 219 covenant to the LTC and to the CRD restricting use and occupancy of the land and any building or structure on the land until the owner installs a water treatment system which is effective in making the water from

the well potable to no less a standard than that specified in this Bylaw.

- (4) For the purposes of the certification referred to in 8.11(1), the engineer or hydrogeologist must supply supporting documentation and if a pump test has been conducted the engineer or hydrogeologist must indicate that the test was of sufficient duration to establish in accordance with generally accepted hydrological engineering practice the long term reliability of the water supply.
- (5) Where an engineer or hydrogeologist provides a certification under 8.11(1) as to the quality of a proposed source of potable water, the certification must include a plan of the proposed subdivision indicating the location where each water sample was taken, and a statement that the water samples upon which the water quality analysis was performed were unadulterated samples taken from the locations indicated on the plan.
- (6) No community water system may be supplied with water other than that which is obtained on the island on which the system is located.

COMMUNITY INFORMATION MEETING(S):

If an amending bylaw is drafted a Community Information Meeting will be held prior to a public hearing.

COMMUNICATIONS:

As a technical amendment, limited community consultation is recommended. If a public hearing is held appropriate notification will be carried out.

STAFF COMMENTS:

Boundary adjustments are fairly common as a mechanism to bring buildings or structures into compliance with setback requirements, create level or accessible building sites on topographically difficult lots, or to allow for driveway access.

Boundary adjustment subdivisions do not create any new lots they are solely to change a boundary between lots in a way that does not allow an increase in lots to be created or allow more lots to be created in the future than could be created at the time of the boundary adjustment.

Boundary adjustment subdivisions are often between two lots with existing dwellings and existing potable water supplies. In some cases they involve vacant lots.

The existing requirements in the LUB for proof of potable water required at time of subdivision has proven to be quite onerous for property owners that are simply moving a boundary between two existing dwellings with existing supplies of potable water.

In order to address this issue, while remaining consistent with the OCP and Policy Statement, staff are recommending that the LUB be amended to allow boundary adjustment subdivisions to be excluded from the potable water requirements of the LUB if the properties subject to the boundary adjustment have an existing proven source(s) of potable water. A similar amendment was made to the North Pender LUB last term.

RECOMMENDATIONS:

That the Mayne Island Local Trust Committee direct staff to prepare an amendment to the Mayne Island Land Use Bylaw to relieve boundary adjustment subdivisions from proof of potable water requirements of the LUB provided that they have an existing proven supply of potable water.

Prepared and Submitted by:

Gary Richardson

February 19, 2013

Gary Richardson, Island Planner

Date

Concurred in by:



February 19, 2013

Date



Islands Trust

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-31-2012	On Going
2	Review proof of potable water provisions in LUB regarding boundary adjustment subdivisions.	Provide options/recomendations to the LTC regarding possible amendedments	Oct-24-2012	Gary Richardson	Jan-01-2013	On Going
3	OCP Follow-up: 1. Implementation of Riparian Areas Regulation	follow timeline agreed to at Oct 24/12 LTC meeting.	Jun-09-2010	Gary Richardson	Apr-15-2013	On Going



Projects

Mayne Island

No.	Description	Activity	Received / Initiated	Status
1	Climate Change Adaptation	Consider regulatory changes and implementation of new DPA authority	Mar-02-2009	On Going
2	Agricultural Building riparian setbacks	Review LUB to consider potential amendments to setbacks for agricultural buildings from watercourses, consistent with Ministry guidelines	Oct-03-2011	On Going
3	Commercial Land Use Review	review task force reports and provide options/recomendations to the LTC	Oct-24-2012	On Going
4	First Nations Communication - deer		Jun-27-2012	On Going
5	Density provisions on large remainder lots		Jul-27-2012	On Going
6	Road issues		Jun-27-2012	On Going
7	Review TUP policies		Sep-19-2012	On Going
8	STVR Review		Sep-19-2012	On Going
9	Geo-exchange review		Nov-28-2012	On Going



Applications w / Status - Mayne Island Status: Open

Applications

Board of Variance

File Number	Applicant Name	Date Received	Purpose
MA-BOV-2013.1	Paul Beeson	Jun-19-2012	238 CALLAGHAN CRES To vary the allowable setbacks so that house and deck are not encroaching the lotlines.

Planner: Gary Richardson

Planning Status

Status Date: Feb-20-2013

BOV Hearing is being set for May/13

Status Date: Jan-30-2013

The application has been changed back to a BOV, see file MA-BOV-2013.1

Status Date: Jan-07-2013

Applicant has opted to change his DVP to BOV

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2013.1	Wayne and Janice Peace	Jan-16-2013	to vary the height of the outbuilding
	Planner: Kim Farris		

Planning Status

Status Date: Feb-20-2013

Staff Report and Permit on Feb 27 LTC agenda for LTCs consideration.

Status Date: Jan-16-2013

Received application, forwarded to planner and copied to Local Trustees

Rezoning

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

Planning Status

Status Date: Feb-20-2013

Preliminary staff report on Feb 27 LTC agenda for LTCs consideration.

Status Date: Dec-19-2012

Sent a letter of acknowledgement of receipt of fees and application to applicant. Copied to trustees and forwarded file to Planner.

Kathy Jones

From: Nicole Ranger
Sent: January-29-13 12:34 PM
To: Brian Crumblehulme; Gary Richardson; Jeanine Dodds; Peter Luckham; Robert Kojima; Sharon Lloyd-deRosario; Kathy Jones
Cc: Nancy Roggers
Subject: Mayne Expense Report Jan/13

<i>Islands Trust</i> LTC EXP SUMMARY REPORT F2012 Invoices posted to January 31, 2013				
645 Mayne	Invoices posted to January 31, 2013	Budget	Spent	Balance
65000 645	LTC "Trustee Expenses"	1,100.00	246.66	853.34
65200 645	LTC Local Exp LTC Meeting Expenses	5,800.00	1,631.02	4,168.98
65210 645	LTC Local Exp APC Meeting Expenses	-	477.79	(477.79)
65220 645	LTC Local Exp Communications	-	345.00	(345.00)
65230 645	LTC Local Exp Special Projects	-	2,000.00	(2,000.00)
65240 645	LTC Local Exp Miscellaneous	-	-	-
TOTAL LTC Local Expense		5,800.00	4,453.81	1,346.19
73001 645 2005	Mayne OCP/LUB	5,000.00	1,174.15	3,825.85
73001 645 3005	Mayne RAR	4,000.00	-	4,000.00
TOTAL Project Expense		9,000.00	1,174.15	7,825.85

Nicole Ranger

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

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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.



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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.

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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. No latest news at this time

November 2012

- [Mayne Island Secondary Suites Information Notice - November 2012](#)

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Planner Office Hours on Mayne Island

- [Planner Office Hours on Mayne Island - 2013](#)

Mayne Island Local Trust Committee Projects

Local trust committee community planning projects are initiated and managed through their Work Programs. The Work Program Top Priorities are projects that have been prioritized by the LTC and for which resources are available or anticipated to be available shortly. Projects can be significant and long term, such as an Official Community Plan Review, or may be relatively minor, such as an amendment to a regulation in a Land Use Bylaw.

- [Work Program Top Priorities](#)

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](#)

Secondary Suite Review

Report

- [Mayne Island Housing Options Task Force Report - May 31, 2011](#)
- [Staff Report - September 19, 2011](#)
- [Staff Report - July 12, 2012](#)
- [Mayne Island Secondary Suites Information Notice - November 2012](#)

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](#)

Committee Links

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[Land Use Application Forms](#)

- [Mayne Island Commercial Land Use Task Force Report - April 16, 2012](#)

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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](#)
- 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](#)

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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](#)

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Memorandum

Date January 24, 2013 File Number 0410-20

To Gabriola Island Local Trust Committee
 Galiano Island Local Trust Committee
 Mayne Island Local Trust Committee
 North Pender Island Local Trust Committee
 Salt Spring Island Local Trust Committee
 Saturna Island Local Trust Committee
 South Pender Island Local Trust Committee
 Thetis Island Local Trust Committee

From Robert Kojima, Regional Planning Manager
 Leah Hartley, Regional Planning Manager
 Courtney Simpson, Regional Planning Manager

Re National Marine Conservation Area

At December Trust Council, a Request for Decision (RFD) from Trust Programs Committee concerning the proposed National Marine Conservation Area Reserve (NMCAR) was considered. Trust Council adopted the following resolutions:

Resolution TC 161/12

That the Islands Trust Council reaffirm its support for a National Marine Conservation Area Reserve in the Southern Strait of Georgia, and affirms its support for enacting the entire perimeter (or larger) as currently proposed.

Resolution TC 161/12

That the Islands Trust Council recommend that local trust committee zoning be used by Parks Canada as the basis for defining the zoning in the National Marine Conservation Area Reserve Interim Management Plan.

Resolution TC 161/12

That the Islands Trust Council propose that the Islands Trust be included in a joint management approach to the National Marine Conservation Area Reserve.

The RFD included the following passage:

Local trust committees (except Lasqueti, Hornby, Denman, Gambier and Executive (Ballenas-Winchelsea)) are encouraged to give specific input (ideally by resolution) about more precise NMCAR boundary definition in environmentally sensitive areas and/or exclusions of high use areas such as docks

and sewage outfalls. (CAO comment: Those LTCs that wish to solicit public comment or make detailed assessments before providing more specific input regarding NMCAR boundary definition would need to make this a work program priority with assigned planner resources.)

LTCs have several options in considering if further specific input is appropriate.

1. Review of NMCAR boundaries: as suggested in the RFD quote above, an LTC may consider that a detailed review of the proposed boundaries within the LTA should be conducted prior to making comment. This may involve some or all of the following:
 - a. Staff review of Parks Canada proposed NMCAR boundaries in comparison to Islands Trust mapping and LTC bylaw designations and zoning.
 - b. Identification and delineation of specific locations to recommended for exclusion (or for inclusion). For example public docks could be requested for exclusion, and options could be considered for the exact boundary of the area of exclusion (i.e. lease, zone or general area of activity). Conversely, a recommendation could be made to include areas current shown as excluded based on Islands Trust mapping (ecosystem, shoreline, archaeological, etc.)
 - c. LTC led consultation, including community meetings and consultation with local groups

Although the work may be completed within one or two LTC meetings, this level of work should be treated like any other LTC project and included as Top Priority on the Work Program and staff should be requested to provide options on the resources, timelines and scope of work.

2. The LTC may consider a simple resolution or set of resolutions to forward to Parks Canada. For example:
 - a. A resolution recommending exclusion specific location or feature (e.g. a public dock)
 - b. A resolution recommending that Parks Canada hold a public meeting on the island.

This approach would typically be considered at a single meeting and would not need to be added to the Work Program. Trustees considering this approach are encouraged to work with their Island Planner in advance of the meeting on suitable resolution wording.

3. Finally, an LTC may consider that no further action is necessary from the LTC. In other words, the resolutions of Trust Council are sufficient.

pc David Marlor, Director of Local Planning Services
Lisa Gordon, Director of Trust Area Services



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BRAS PLUME

Kathy Jones

From: Jeanine Dodds
Sent: February-09-13 7:55 AM
To: Kathy Jones; Peter Luckham; Brian Crumblehulme; Gary Richardson
Subject: FW: Excessive Idling of BC Hydro Trucks on Mayne Island-formal complaint

Follow Up Flag: Follow Up
Flag Status: Completed

Good morning, could you place this letter on our next agenda, it could come under new business as an issue of air quality concerns or?? Jeanine

From: Annette Witteman [annettepmw@shaw.ca]
Sent: Friday, February 01, 2013 7:48 AM
To: jade.yehia@viha.ca
Cc: Brian Crumblehulme; Jeanine Dodds; directorsgi@crd.bc.ca
Subject: Excessive Idling of BC Hydro Trucks on Mayne Island-formal complaint

Jade Yehia
 Of Victoria Health Authority
 Environmental Health Authority
 Bylaw Enforcement

Hello Jade,
 I apologize for the Phone tag.

I am Writing to launch an official complaint against the BC Hydro maintenance Crew on Mayne Island in the month of January 2013 for excessive Idling.
 The work crew on Mayne Island are usually on Island only 30 days of the year for this type of maintenance work.
 I am not sure for how much longer they will be on Mayne Island at this time.
 included you will find a copy of a letter of complaint that I sent to BC Hydro through their web site yesterday-I have not yet had any response back.
 I am sending a copy of this letter to the Director of the CRD, and Mayne Islands Islands Trust

We are writing to inform BC Hydro that we are in the process of putting in an Official Complaint in with the Victoria Health Authority as to the Issue of the Works Crew on Mayne Island (A Saltspring Island crew of around 10 workers with fleet of 2 -3 ford f350s, 2 large tractors and 3-4 large trucks with cranes and equipment) on Mayne during the month of January 2013 over the excessive Idling of their fleet of trucks and tractors. We have spoken to 3 supervisors and understand BC Hydro is working to resolve this issue-unfortunately we are not able to trust that once this crew leaves our Island(they told me they are only on Island for 30 days per year) that this issue will be resolved. We have as yet received no resolution to our complaints. This Issue is Very Important and we have been told by one of your not too friendly managers that there is no official BC Hydro Idling policy and that the crews are to adhere to the idling policy of the municipality. For the information of your crew and for BC Hydro I have included the CRD's Idling policy in effect for Mayne Island at the bottom of this E-mail- on the BC HYDRO web site I found this information on Idling addressed to your customers for the purpose of informing us on how to reduce our fuel costs-IT IS VERY GOOD ADVICE and according to these figures BC HYDRO is Wasting a very large amount of Diesel fuel-much greater than 5%!!!

It Reads...

"Avoid idling. Idling for more than 10 seconds burns more gas than shutting off your car and restarting. Idling for 10 minutes a day increases your fuel consumption by 5% over the course of a year. In cold weather, use a block heater to warm your engine instead of leaving it running to "warm up." "

We -My Husband Michael Garratt and my-self Annette Witteman have been keeping and Idle Log since January 17th:

Jan17th awoke from Idling trucks and smell of diesel at 6:20-lights on some flashing-not moving from 2 tractors and up to 4 service trucks and large crane and equipment trucks. While driving my husband to catch the 7:40 ferry to Vancouver for work I saw 2 BC Hydro Ford F350(?) trucks at the Bakery one was running with all lights on while 7-8 crew members were inside having coffee and breakfast.I went in for coffee and asked them the reason for the Idling-Answer was "You should not have bought a property next to a BC Hydro Works Yard if it bothers you"-They also said the sole reason for idling was to "warm up" the Diesel Trucks-It was 4 Degrees -No Frost-Told they would try to Idle less when I explained my concern was for the environment-and for the extra cost of fuel to BC Hydro customers if all of BC Hydro's Fleet of service vehicles Idled to this extent-the trucks were still running when I arrived home while the crew was not there.Trucks finally began to pull out of yard at 8:30 as I left on bike to bring my kids to school-

Jan. 22nd-7 am till 8:45

Jan.25th -2 Tractors were started at 6 am -Michael tried to see if a crew boss was available to ask them to turn off the tractors but there was no crew on site till after 7 am Tractors did not leave yard till after 7:40 trucks left later.

Jan 28th- Idling began at 7:45 -no crew left yard till 9am

Jan 29th -7 am idling began-7:36 first tractors left last truck left at 8:20

Jan 30th 2 tractors began Idling at 5:56 am when leaving to bring Michael to ferry saw light of and heard up to 5 trucks and tractors running, upon arriving home had conversation with neighbor who walks by yard every morning to work at hardware store-and she complained about the amount of trucks running every morning with little or no work being visibly done with them.

Jan 30 -I(Annette) called to complain for a 3rd time to BC Hydro(Michael has had 2 conversations with BC Hydro -first spoke to Donna-she directed me over to a BC Hydro Supervisor at around 11:20 this morning-He was short with me and not at all sympathetic for our complaint-After asking if there was an official BC Hydro Idling policy he finally He let me know that crews are meant to adhere to the Idling policy of the municipality.which I have included in the body of this e-mail:

2012CAPITAL REGIONAL DISTRICT

BYLAW NO. 3533

A Bylaw to Promote Clean Air by Regulating Motor Vehicle Idling

W H E R E A S:

A. By Supplementary Letters Patent dated May 16, 1974, the powers, duties and obligations of all participating member Municipalities and any other local authorities to perform the function conferred on the Capital Regional District pursuant to Division XI – Community Health were transferred to the exclusive jurisdiction of the Capital Regional District, including, but without limiting the generality of the foregoing, the health powers conferred upon the Council of a municipality by the Community Charter S.B.C. 2003, c. 26;

B. The Board of the Capital Regional District may, by bylaw, pursuant to section 523 of the Local Government Act, R.S.B.C. 1996, c. 323, regulate and prohibit for the purposes of maintaining, promoting and preserving public health and maintaining sanitary conditions and undertake any other measures it considers necessary for those purposes;

C. The Capital Regional District has been granted the additional power to exercise the powers conferred on a council of a municipality under section 8(3)(i) of the Community Charter, S.B.C. 2003, c. 26, in accordance with section 14 of the Capital Regional District Regulation, B.C. Reg. 65/90;

D. Section 9(4) of the Community Charter, S.B.C. 2003, c. 26, and the Public Health Bylaws Regulation, B.C. Reg. 42/2004, requires that a bylaw to be adopted in relation to a matter referred to in both subsection (1)(a) or (b) and subsection 1(c) or (d) must not be adopted until the local government has consulted with the Medical Health Officer responsible for health matters within the Capital Regional District and approved by the Minister of Health;

E. The Board of the Capital Regional District has consulted with the Medical Health Officer and this Bylaw has been approved by the Minister of Health.

F. Motor vehicles are sources of particulate matter, nitrogen oxide, carbon monoxide, sulphur oxide, and volatile organic compounds which are a health hazard to the inhabitants of the Capital Regional District; and

G. It is desirable for the purposes of maintaining, promoting and preserving the public health of the inhabitants of the Capital Regional District to prohibit, regulate and impose requirements in relation to controlling vehicular idling in the Capital Regional District.CRD Bylaw No. 3533 -2-

NOW, THEREFORE, the Board of the Capital Regional District, in open meeting assembled
HEREBY ENACTS AS FOLLOWS:

1. INTERPRETATION

In this Bylaw:

"Idle" means the operation of a vehicle engine while the vehicle is not in motion and "idling" has a corresponding meaning.

"Vehicle" or "Motor Vehicle" means any vehicle that is capable of being driven or drawn on roads by any means other than muscular power exclusively, but does not include any vehicle designed to run exclusively on rails.

"Mobile Workshop" means

- i. a vehicle containing equipment that must be operated inside or in association with the vehicle; or
- ii. a vehicle serving as a facility for taking measurements or making observations or conducting maintenance or construction operated by or on behalf of a local government, public utility or police, fire or emergency service; or
- iii. a vehicle with technical specifications that require the engine to idle as prescribed by the vehicle's operating manual or for the purpose of personal and/or public safety.

2. PROHIBITION

No person shall cause or permit a vehicle engine to idle for more than three consecutive minutes.

3. EXEMPTIONS

Section 2.0 does not apply to:

- (a) Police, fire or ambulance vehicles while engaged in operational activities, except where idling is substantially for the convenience of the operator of the vehicle.
- (b) Vehicles assisting in an emergency activity.
- (c) Mobile workshops while they are in the course of being used for their basic function.
- (d) Vehicles using heating or refrigeration systems powered by the motor or engine for the preservation of perishable cargo.
- (e) Vehicles for which idling is required to service the engine or conduct repairs.
- (f) Armoured vehicles in which a person remains inside the vehicle while guarding the contents, or while the vehicle is being loaded or unloaded. CRD Bylaw No. 3533 -3-
- (g) Vehicles remaining motionless because of an emergency, traffic (including traffic congestion and signals), weather conditions or mechanical difficulties over which the driver has no control.
- (h) Vehicles engaged in the course of a parade or race or any other event authorized by municipal Council or the CRD Board.
- (i) Vehicles idling while passengers are embarking or disembarking.
- (j) Vehicles transporting a person where a medical doctor certifies in writing that for medical reasons a person in a vehicle requires that temperature or humidity be maintained within a certain range.

4. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court, the section, subsection, sentence, clause or phrase may be severed from the remaining portion of this Bylaw.

5. PENALTY

Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon conviction to the penalties prescribed by the Offence Act.

6. CITATION

This Bylaw may be cited as the "Capital Regional District Idling Control Bylaw No.1, 2008."

READ A FIRST TIME THIS 14

th

day of May 2008.

READ A SECOND TIME THIS 9

th

day of July 2008.

READ A THIRD TIME THIS 9

th

day of July 2008.

APPROVED BY THE MINISTER OF HEALTH THIS 12

th

day of January 2009.

ADOPTED THIS 8

th

day of April 2009.

Original signed by Geoff Young Original signed by Carmen Thiel
CHAIRPERSON SECRETARY

I will be following up with the Victoria Health Authority to launch an official complaint -and hope that there will be an Official BC Hydro Idling Policy put in place ASAP that keeps to the specifications of their own advice to us customers. BC Hydro offers Mayne Island Exceptional Service year around-and we are MOST grateful for this otherwise Exceptional Service by this particular crew here on Mayne Island-We do understand that hard working conditions occur on a geographically isolated location like ours and now is when they fix the problems which could cause outages through out the year.

With Thanks for your Time-and for the otherwise great service we are offered by your crews and BC Hydro as a whole.

Concerned BC Hydro Customers:

Annette Witteman Michael Garratt
490 Fernhill Rd
Mayne Island BC
annettepmw@shaw.ca

Jade,

just some more information to date from our Idle log:

Feb. 1st ,2013-This Morning again the 2 tractors began idling at 6 am-Michael went down to see if there were any crew on site and found none-at 6:45 he saw a truck drive in and went down to ask some questions-he spoke to one of the tractor drivers who told him the trucks idled to warm them up. Yesterday(Jan 31st) for the first time we heard the tractors start at 7 and they drove off by 7:05 am-so they don't always need to warm up for 45 minutes or more.

Please realise that we intend to see that this crew and other BC Hydro crews do not continue this practice in the future-and that BC Hydro creates an official Idling Policy for their company.

If you are in need of any more information please feel free to contact Michael or myself.

Annette Witteman and Michael Garratt
250-539-5011
annettepmw@shaw.ca