



MAYNE ISLAND LOCAL TRUST COMMITTEE

BUSINESS MEETING AGENDA TO COMMENCE AT 1:00 P.M., WEDNESDAY, JULY 25, 2012 AT THE MAYNE ISLAND COMMUNITY CENTRE 493 FELIX JACK 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		1:15 pm
3.1 MA-TUP-2012.3 (Nordquist) (attached)	1	
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 June 27, 2012 (attached)	16	
5.2 Public Hearing Records and Community Information Meeting Notes	25	
5.2.1 Mayne Island Public Hearing Record of June 27, 2012 (attached)		
5.3 Section 26 Resolutions-without-meeting - none		
5.4 Advisory Planning Commission Minutes - none		
6. BUSINESS ARISING FROM THE MINUTES		
6.1 Follow-up Action Report (attached)	28	
7. DELEGATIONS – none		

8. **CORRESPONDENCE** - none
[correspondence received concerning applications and/or projects is considered with the application]
9. **APPLICATIONS, PERMITS, BYLAWS AND REFERRALS** 2:15 pm
- 9.1 MA-TUP-2012.3 (Nordquist) for further consideration
 - 9.2 MA-TUP-2012.2 (Bennett) (attached) 30
 - 9.3 Proposed Mayne Island Bylaw No. 157 – for consideration of adoption (attached) 50
 - 9.4 Saturna Island Bylaws No. 107 and 108 Referral (attached) 52
 - 9.5 Saturna Island Bylaw No. 109 Referral (attached) 56
 - 9.6 Salt Spring Island Bylaw No. 461 Referral (attached) 58
- BREAK (15 minutes) -----
10. **LOCAL TRUST COMMITTEE PROJECTS** 3:30 pm
- 10.1 Secondary Suites – Report (pending)
11. **REPORTS**
- 11.1 **Work Program Reports**
 - 11.1.1 Mayne Island Local Trust Committee Work Program - Report dated July, 2012 (attached) 60
 - 11.2 **Applications Report**
 - 11.2.1 Mayne Island Applications Report dated July, 2012 (attached) 62
 - 11.3 **Expense/Budget Reports** – for information
 - 11.3.1 Trustee and Local Expenses (attached) 65
 - 11.4 **Bylaw Enforcement**
 - 11.4.1 Short Term Vacation Rentals Policy Review (attached) 66
 - 11.5 **Adopted Policies and Standing Resolutions** – for information (attached) 68
 - 11.6 **Mayne Island LTC Web Page** (attached) 72
 - 11.7 **Chair's Report**
 - 11.8 **Trustee Report**
12. **OTHER BUSINESS**
- 12.1 **Upcoming Meetings**
 - 12.1.1 Next Business Meeting – Wednesday, September 19, 2012 at 1:00 pm., at the Mayne Island Agricultural Hall
13. **TOWN HALL MEETING** 4:00 pm

14. MOTION TO CLOSE MEETING

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

15. RECALL TO ORDER

15.1 Rise and Report from Closed Meeting

14. ADJOURNMENT

4:45 pm

Date: July 16, 2012

File No.: MA-TUP-2012.3

To: Mayne Island Local Trust Committee

From: Gary Richardson, Island Planner

CC: Robert Kojima, Regional Planning Manager

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

Owner: Nordquist Holdings Ltd.

Applicant: Erick Nordquist

Location: 517 Arbutus Road, Mayne Island

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

Preliminary report prepared for Community Information Meeting July 25, 2012

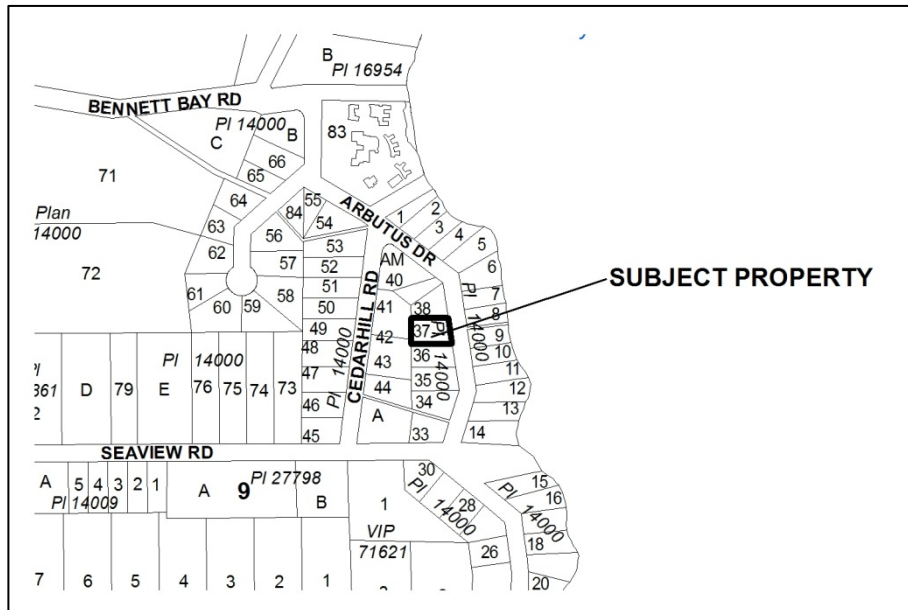
THE PROPOSAL:

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

SITE CONTEXT:

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

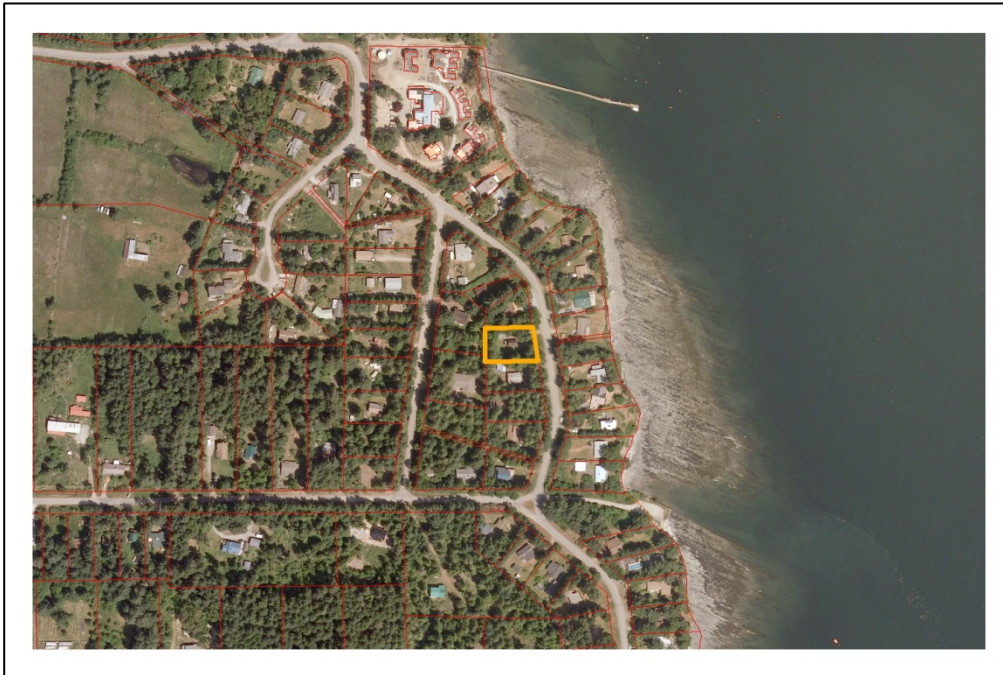
The following is a map showing the location of the subject property.



The following map is an orthophoto of the subject property.



The following map is an orthophoto of the subject area.



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

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

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

Official Community Plan

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

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

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

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

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

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

2.1.1 Settlement Residential

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

4.6 Tourism

The objectives of this section are:

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

Applicable Temporary Use Permit Guidelines

OCP Section	OCP Guidelines	Staff Comments
2.9.1.1	<i>Permits can be issued for any period up to two years and could be considered for renewal once for any further period up to two years.</i>	The Local Government Act now allows a permit to be issued for up to three years and considered once for up to a further three years. The applicant has requested 3 years.
2.9.1.2	<i>Permitted uses should be consistent with the policies of the designation and the provisions of 2.9.1.</i>	A draft permit for reference purposes has been prepared in order to be consistent with these guidelines.
2.9.1.3	<i>Permitted uses should not preclude or compromise future permitted uses on the affected lot.</i>	The proposal is consistent with this guideline as there will be no changes to the residence or grounds to accommodate the proposed STVR use.
2.9.1.4	<i>Uses should not be allowed if they conflict with any ongoing planning policies or programs.</i>	There are no apparent conflicts.
2.9.1.5	<i>Sand and gravel removal and processing, and asphalt plants shall be subject to a permit if they exceed 50</i>	Not applicable

	<i>truck loads in any given year.</i>	
2.9.1.6	<i>Permit conditions must make reference to measures dealing with the following points:</i> <i>a) general activity levels that will not create any disturbance apparent beyond the property's boundaries;</i> <i>b) adequate landscape buffering or distance separation to adjacent lots;</i> <i>c) provision of off-street parking spaces consistent with regulatory bylaws;</i> <i>d) reclamation measures that will restore the permit area to suitability for its designated primary use; and</i> <i>e) adequate supervision of the site.</i>	All of the conditions except for d) have been addressed in the draft permit. As the building and grounds will remain substantially unchanged if the STVR is permitted reclamation measures are not required in the permit.
2.9.1.7	<i>In addition, permit conditions should outline operational plans, including hours and days of operation and staffing to ensure compatibility with the neighbourhood and may include an undertaking for restoration of the site and a security deposit to guarantee performance of the conditions.</i>	Staff has written in several conditions to try and insure the STVR use is compatible with the predominately residential neighborhood. A security deposit can be required if deemed necessary.
2.9.1.8	<i>Review of applications should include consideration of smart growth principles.</i>	Not applicable for a proposed short term STVR use.

Land Use Bylaw

The property is zoned Settlement Residential (SR)

The permitted uses in the SR zone are as follows:

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

Sensitive Ecosystems and Hazard Areas:

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

Archaeological Sites:

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

Covenants:

There is a building scheme on title.

Bylaw Enforcement:

There are no bylaw enforcement files on this property.

COMMUNITY INFORMATION MEETING(S):

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

RESULTS OF CIRCULATION:

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

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

STAFF COMMENTS:

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

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

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

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

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

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

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

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

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

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

Options:

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

RECOMMENDATION:

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

Prepared and Submitted by:

Gary Richardson

July 16, 2012

Date

Concurred in by:

Robert Kojima, RPM

July 17, 2012

Date



Example

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

To:

1. This Permit applies to the land described below:

Lot 37, Section 9, Mayne Island, Cowichan District, Plan 14000, shown on Schedule "A", which is attached to and forms part of this Permit.
2. This Permit is issued for the purpose of permitting the owner to operate a commercial short term vacation rental on their property and is subject to the following conditions:
 - a) a contact person on Mayne Island associated with the property be available by telephone 24 hours/day, seven days per week;
 - b) the property owner must provide neighbours within a 100 metre radius of the vacation rental with the contact persons phone number, and a copy of the temporary use permit;
 - c) the landowner must post for guests information on noise bylaws, water conservation, fire safety, fire escape plan, storage of garbage, septic field location, and control of pets. In any case pets must be under control at all times. The guest information must also remind guests that they are in a residential area, not a commercial area;
 - d) the owner must not remove any existing vegetative screening;
 - e) the owner must provide accommodation for a minimum of two (2) vehicles on the property;
 - f) outdoor lighting must not be directed onto surrounding properties;
 - g) the owners are restricted to a maximum of one (1) sign advertising the commercial vacation rental, with a maximum area of 1 square metre, to be made of wood and not illuminated;
 - h) the maximum number of guests is limited to two (2) persons per bedroom;
 - i) the number of bedrooms is limited to a maximum of three (2);
 - j) recreational vehicles and camping are prohibited;
 - k) the residence can only be used for short term vacation rental between XXX and XXX of each year the permit is valid;

- l) the short term vacation rental cannot be advertised in any way, this includes but is not limited to notice board, newspaper and internet advertising;
 - m) all outdoor fires are prohibited; and
 - n) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or commercial vacation renter for the purpose of investigating a complaint.
3. This Permit expires on .
4. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

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

Deputy Secretary, Islands Trust

Date Issued

To:

MAYNE IS. TRUST.

MAY 2 2012.

Hi ERICK & JOYCE

GREETINGS FROM THE RAIN FOREST.

FURTHER TO OUR RECENT VISIT TO MAYNE, WHERE WE TALKED ABOUT RENTAL PROPERTIES ON MAYNE AND OTHER AREAS, WE CERTAINLY WOULD HAVE NO OBJECTION TO YOU RENTING YOUR COTTAGE. WE KNOW THAT YOU DONT RENT TO ANYONE THAT JUST HAPPENS TO COME ALONG, AND HOW WELL YOU KEEP YOUR PROPERTY. I KNOW THAT YOU WOULD NOT TOLERATE ANY BAD BEHAVIOR.

THEREFORE, I GIVE MY SUPPORT FOR YOUR RENTAL OF 517 ARBUTUS DRIVE

RON McLEAN - 525 / 523, ARBUTUS DRIVE.

R. McLean

May 9, 2012

To: The Local Island Trust

From: Erick and Joyce Nordquist

To Whom It May Concern:

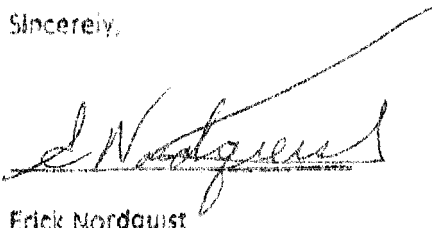
We have owned our home at 512 Arbutus Drive since 1980 and moved over full time in 1999. We purchased 517 Arbutus Drive 10 years ago as an investment and over flow for family and friends. To support the extra costs of water toils, property tax, hydro and insurance we decided to use the property as a short term vacation rental when not being used by family and friends. We purchased extra insurance to cover vacation rentals. We live across the street from the subject property and have full control of who stays there. We don't know of any problems and have a good re-pore with our neighbours. I, Erick, am a trustee of the water board and am aware of all water consumption for the CBBWD. In 2011 the average consumption for a full time resident was 20,000 gallons. Consumption at 517 Arbutus Drive was 6,500

We do not run a business, have neighbours support letters enclosed, have control of any renters, have ample water supply, live full time across the street and need the right to place our property on the Internet.

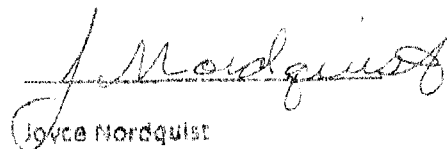
In closing we would like to apply for a temporary permit for 3 years with an extension for 3 years.

Thank you.

Sincerely,



Erick Nordquist



Joyce Nordquist

TO: MAYNE ISLAND LOCAL TRUST COMMITTEE

Date: May 03, 2012-05-03

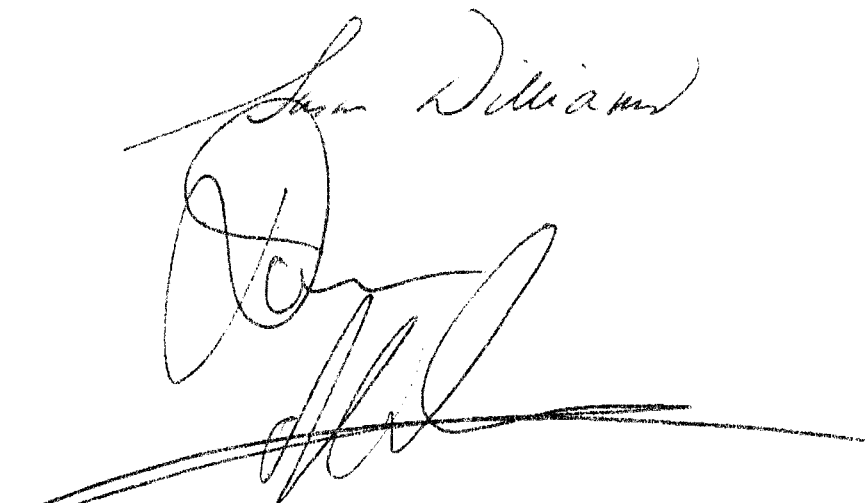
We, Don and Susan Williams, residing at 506 Arbutus Drive are close neighbors of Eric and Joyce Nordquist. We fully support Eric and Joyce's application for Short Term Rental Permit at 517 Arbutus Drive.

In the past we have never experienced any disruption of any kind on that property and have no reservations about the Short Term Rental Permit.

If you need to contact us regarding this letter, please do so via mail at 12479 - 57A Avenue, Surrey, BC V3X2S6, email at sw3875@shaw.ca or 604-594-7510.

Sincerely,

Don and Susan Williams

The block contains two handwritten signatures. The top signature is written in cursive and appears to read 'Susan Williams'. Below it is a more stylized, loopy signature that likely belongs to 'Don Williams'. Both signatures are written in black ink.

mySHAW

Communication

Entertainment

Customer Centre

Email

Address Book

Welcome E N | Support | Contact Us | Feedback | Log Out

 Compose  Printable  Settings

EMAIL

 ericarleen@shaw.ca

- ☒ Inbox
- ☒ Drafts
- ☒ Sent
- ☒ Trash
- ☒ Folders

Quota : 9% of 1024MB

Subject re short term rentals at 517 arbutus drive Mayne Island local trust c
From David Finnie <dfinnie@telus.net>
Date Sunday, April 29, 2012 2:50 pm
To ericarleen@shaw.ca

We are direct neighbors and we fully support application for short term rentals.

David and Nancy Finnie

To : Mayne Island Local Trust Committee

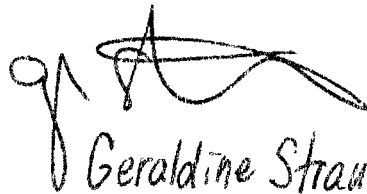
We are the owners of 514 Arbutus, Mayne Island.

We fully support, and have no concerns of the
Short Term Vacation Rental Application made by
Eric and Joyce Nordquist.

Dated: April 29, 2012

Mark Moser

Mark Moser

A handwritten signature in black ink, appearing to read 'Geraldine Straus Moser'. The signature is stylized with a large, sweeping 'G' and a long, horizontal flourish extending to the right.

Geraldine Straus Moser

Stephen & Elizabeth Adilman

511 Arbutus Drive
Mayne Island, BC V0N 2J1

April 29, 2012

Eric and Joyce Nordquist
512 Arbutus Drive
Mayne Island, BC V0N 2J1

Dear Eric and Joyce:

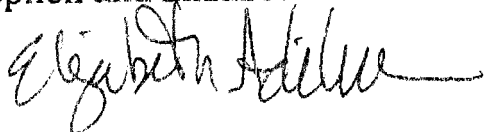
Re: Short-term Vacation Rental
For property 517 Arbutus Drive
Mayne Island, BC

This letter is written in support of Eric and Joyce Nordquist's application for a short-term rental permit for 517 Arbutus Drive. As homeowners of 511 Arbutus Drive we have never experienced any loud or disruptive activity at the proposed property and we have no concerns or reservations about short-term vacation rentals at the proposed address.

Sincerely,



Stephen and Elizabeth Adilman



TO: MAYNE ISLAND LOCAL TRUST COMMITTEE

May 03, 2012

Dear Trust Committee members,

RE: Short Term Rental Permit for 517 Arbutus Drive

We reside at 504 Arbutus Drive and are close neighbors of Erick and Joyce Nordquist.

We fully support Erick and Joyce's application for Short Term Rental Permit at 517 Arbutus Drive.

In the past we have never experienced any disruption of any kind on that property.

We have no reservations about the Short Term Rental Permit.

Should you wish to discuss this with us please feel free to contact us at:

604-271-8906 or dlawrence@telus.net.

Sincerely,

Lindsay & Diane Lawrence

5411 Warbler Ave.

Richmond, BC

V7E 4W1

**MINUTES OF THE MAYNE ISLAND
LOCAL TRUST COMMITTEE MEETING
HELD ON WEDNESDAY JULY 27, 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 fourteen (14) members of the public in attendance.

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

Add 12.3 – Electronic Meeting agenda

12.4 – Density on Unsubdividable Remainder lots.

2.2 Questions from Public on Agenda Items

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

The agenda as amended was approved by consensus.

3. COMMUNITY INFORMATION MEETING

None

4. PUBLIC HEARING

Note - Trustee Dodds excused herself from the meeting prior to the opening of the Public Hearing due to a perceived conflict of interest at 1:14 pm.

4.1 Proposed Bylaw No. 157 (MA-RZ-2010.2 – McDougall)

Note – see separate Public Hearing Notes of the same date.

Note - Trustee Dodds rejoined the meeting at 2:25 pm.

5. PREVIOUS MEETINGS

5.1 Local Trust Committee Minutes

5.1.1 Mayne Island Local Trust Committee Business Meeting Minutes of May 30, 2012

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

- Page 7, 11.4.1 – 2nd paragraph, 3rd line: to read ...and subsequently there was more opportunity for dialogue.
- Page 9, 11.8, first paragraph: to read: Trustee Dodds reported feeling that the LTC is becoming more focused.
- Page 9 Item 11.8: 2nd paragraph, 2nd sentence: change MLAs to MP.

The Mayne Island Local Trust Committee meeting Minutes of May 30 2012, as amended were Adopted by consensus.

5.2 Public Hearing Records and Community Information Meeting Notes

5.2.2 Mayne Island Community Information Meeting Notes of May 30, 2012

The Mayne Island Community Information Meeting Notes of May 30, 2012 were Adopted by consensus.

5.3 Section 26 Resolutions-without-meeting

None

5.4 Advisory Planning Commission Minutes

None

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Planner Richardson reviewed the on-going items. He advised that The Bennett application – MA-TUP-2012.2, will be on the agenda for July. Staff is working on the legal opinion regarding item #8 - RAR. Item #9 - Bylaw No. 156, has been referred to the Advisory Planning Commission (APC) and it is expected that a report will be available for the September meeting.

7. DELEGATIONS

None

8. CORRESPONDENCE

The LTC is in receipt of two letters regarding the proposed Bylaw No. 157 (MA-RZ-2010.2 – McDougall). Correspondence received concerning an application and or project is considered with the application and as such the letters have been placed in the Public Hearing Binder.

BREAK: reconvened at 2:40

9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

Note - Trustee Dodds excused herself from the meeting due to a perceived conflict of interest at 2:41 pm.

9.1 Proposed Bylaw No. 157 (MA-RZ-2010.2 –McDougall) for further consideration

Planner Richardson reviewed the application. The Local Trust Committee (LTC) can defeat the application, amend the Bylaw or consider the application for Second Reading.

Chair Luckham advised that the application can be amended up to such time as it is adopted or defeated.

Trustee Crumblehulme stated that he has reviewed the correspondence received to date. He also confirmed that Islands Trust legal counsel does not consider him to be in a position of conflict of interest.

Chair Luckham spoke to situations entailing conflict of interest. In the event that two Trustees cited a conflict of interest the matter would be referred to a Judge to determine whether someone else should be appointed or that there was an exemption of conflict which would allow the Trustees to speak to the issue. This process allows local government to continue to function.

Trustee Crumblehulme reported there were approximately 200 letters received in support of the rezoning and approximately 42 in opposition. Concerns identified included: road safety, size of building(s), parking issues and long term implications. As the LTC only considers the use of the land, road safety would be an issue for the Ministry of Transportation and Infrastructure. He also stated that the applicants currently exceed the parking requirements as outlined in the Official Community Plan (OCP). As to environmental concerns there is a certificate of non-contamination on file. It was also stated that the zoning goes with the land and adjacent land is zoned C1. Trustee Crumblehulme asked Planner Richardson to review the permissible usages under the application.

Planner Richardson reported that it could be anything retail. If considering C1 zone versus C3 zone consensus seems to be towards C1. The retail supports local production and sales which is within the OCP and LTC objectives.

The question was raised as to range of retail goods that could be sold.

The question was raised as to the size of the operation to be allowed/size of the footprint and the maintenance of a rural character.

Chair Luckham spoke to the importance of safety. He questioned Planner Richardson as to the engineer's report.

Planner Richardson confirmed that the Ministry of Transportation and Infrastructure stated that there are no concerns as long as the MoTI access permit is complied with.

The Chair further questioned if there could be additional safety audits.

Planner Richardson is unsure of this.

Chair Luckham spoke to the LTC advocating with the Ministry of Highways to address road concerns.

Planner Richardson informed the LTC that other communities have submitted lists of most dangerous sites to the Ministry of Transportation and Infrastructure and that Mayne Island could submit such a list detailing the three most dangerous road sites.

Chair Luckham informed the assembly that he felt the location to be reasonable; there is already a commercial setting adjacent; traffic could increase separate from the rezoning issue; the applicants are meeting the requirements of the TUP; hours of operation is outside of the LTC scope and he is supportive of the application.

Resolution MA-LTC-26-12.

It was Moved and Seconded that Mayne Island Local Trust Committee Bylaw No. 146, 2008, Amendment No. 1, 2012 is given Second Reading.

CARRIED

.Resolution MA-LTC-27-12.

It was Moved and Seconded that Mayne Island Local Trust Committee Bylaw No. 146, 2008, Amendment No. 1, 2012 is given Third Reading.

CARRIED

Resolution MA-LTC-28-12.

It was Moved and Seconded that Mayne Island Local Trust Committee Bylaw No. 146, 2008, Amendment No. 1, 2012 is forwarded to the Islands Trust Executive Committee for consideration.

CARRIED

Trustee Dodds rejoined the meeting. Chair Luckham advised Trustee Dodds of the Resolution to forward the rezoning application to Executive Council;

9.2 Referral of Galiano Island Bylaws No. 235 and 236

Resolution MA-LTC-29-12

It was Moved and Seconded that Mayne Island Local Trust Committee interests regarding Galiano Island Bylaw No. 235 are unaffected.

CARRIED

Resolution MA-LTC-30-12

It was Moved and Seconded that Mayne Island Local Trust Committee interests regarding Galiano Island Bylaw No. 236 are unaffected.

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 June, 2012**

Planner Richardson reviewed the Work Program report:

- Housing Options – report for next meeting
- Commercial Land Use Review – not a priority at this time
- Riparian Rights – Planner Kojima is working on report

Chair Luckham raised the issue of road safety and how best to communicate with Ministry of Highways as to concerns.

Trustee Dodds suggested a letter to the Mayne Island Residents and Rate Payers Association (MIRRA) requesting guidelines as to where the LTC could be involved and to get background information.

Ian Dow suggested an email to David Maude who chairs the MIRRA Transportation Committee.

Resolution MA-LTC-31-12

It was Moved and Seconded that the Mayne Island Local Trust Committee request staff to send a letter to the Mayne Island Residents and Rate Payers Association regarding road safety concerns and the improvements required.

CARRIED

11.2 Applications Report

11.2.1 Mayne Island Applications report dated June, 2012

Planner Richardson advised that the Beeson application is going to the Board of Variance; McDougall rezoning application will be forwarded to the Executive Committee; the subdivision application is waiting on proof of water (this is just a boundary adjustment); Bennett TUP application will be on July agenda; Nordquist – Short Term Vacation Rental TUP – application will be on the July agenda as a topic for the Community Information Meeting.

11.3 Expense/Budget Reports

11.3.1 Trustee and Local Expenses

Planner Richardson has been asked to have the LTC draft an budget report. The Trustees will work on this together.

11.4 Bylaw Enforcement

None

11.5 Adopted Policies and Standing Resolutions

Received for information.

11.6 Mayne Island LTC Web Page

Chair Luckham asked the Trustees if they had any suggestions regarding the web page; the following changes to be made:

- Remove Public Hearing.
- Add recently acquired well water report
- Keep current applications in the forefront

11.7 Chair's Report

Chair Luckham spoke to the recent Trust Council meeting. One of the priorities is a Strategic Plan and setting out the goals and objectives for the 3 year term. For the first time there will be public consultation in the form of an electronic survey

Another identified priority is to improve communications with First Nations. There was a First Nations Trainer at the Trust Council meeting to inform/educate the members.

11.8 Trustee Report

Trustee Dodds reported on a meeting in June with the San Juan Islands representatives (Islands Trust counterparts). There are many similar concerns. The primary topic was the issues of oil tankers/marine safety and how to get governments working together.

Trustee Crumblehulme reported finding the Trust Council meeting informative. Of particular interest, from the meeting with the San Juan representatives, was their strategies regarding access to farm land/food security; keeping agricultural land as farm land and steps being taken to encourage young people in the agricultural business.

Trustee Crumblehulme spoke to his ongoing efforts regarding high speed internet access. Interestingly, Mayne Island is better served than some other island communities. MP Elizabeth May and MLA Murray Coell will be forwarding letters advocating for service.

12. OTHER BUSINESS

12.1 Upcoming Meetings

12.1.1 Next Business Meeting – Wednesday July 25, 2012, at 1:00 pm.
at the Mayne Island Community Centre.

12.2 Local Trust Committee to Meet with First Nations

There was discussion as to developing new communication strategies/relationships with island First Nations. The issue of fallow

deer would be a good opportunity for Mayne Island to consult with the island First Nations. This item could be added to Project List. Trust Council and Local Trust Committees will be developing a joint protocol.

12.3 Agenda Projection

It was suggested that the meeting agenda could be projected onto the meeting hall wall and that this would ensure all those present have access and would also reduce paper. Planner Richardson will bring the equipment required.

12.4 Density on Unsubdividable Remainder Lots

Planner Richardson reported that there are at least three large parcels that when originally subdivided had a covenant placed on remainder lands with the intention to not allow an increase in density (density was used on original subdivision). He requested that these covenants be reviewed to determine exact limits and that this be added to the Projects List.

Resolution MA-LTC-32-12

It was Moved and Seconded that the Mayne Island Local Trust Committee request staff adds to the project list the item of a report on ensuring density on remainder lands is linked to residential density.

CARRIED

13. TOWN HALL MEETING

Chair Luckham invited comments from the public.

Ian Dow questioned discussions at Council meetings as to inter-island travel. It is felt necessary to look at options separate from BC Ferries and cited the example of summer service that is available to Salt Spring Island. He also spoke to the progress regarding Miners Bay Dock improvements. Murray Coell (MLA) and David Howe (CRD) are supportive. Concern is how to handle break water and it appears that wave attenuators are a good option. There is a letter being sent to LTC requesting this matter go to Council and seeking a letter of support from the Islands Trust. The MIRRA would now like to form a Miners Bay Dock Committee to increase community involvement. A proposed title of the project is "Gateway to the Gulf Islands" and there is an estimated budget of \$2 million. He spoke to the benefits for the community of a marina and the expected increase of tourist traffic.

Deb Foote questioned the position of Trust Council or LTC on marine conservation protection.

Chair Luckham replied that there is concern and that a request has been made to return the monies cut-back for lighthouses, Letters are being sent to

various agencies regarding tanker traffic and concerns as to risk of spillage. There is advocacy for restoration of previous services and maintenance of existent programs.

14. MOTION TO CLOSE MEETING

Resolution MA-LTC-33-12

That, pursuant to Section 90(1)(a) of the Community Charter, the Mayne Island Local Trust Committee resolves to close the meeting to the public for the purpose of adopting Mayne Island Local Trust Committee In Camera Minutes of March 21, 2012, and to consider appointments to the Board of Variance; and further that Islands Trust Staff and Recording Secretary Pat Todd remain present.

CARRIED

15. RECALL TO ORDER

15.1 Rise and Report from Closed Meeting

The following three individuals have been appointed to the Southern Islands Board of Variance: Priscilla Zimmerman, Jim Petrie and James White.

16. ADJOURNMENT

Chair Luckham declared the meeting adjourned at 4:40 p.m.

RECORDER

CHAIR

DRAFT

**NOTES OF THE MAYNE ISLAND
LOCAL TRUST COMMITTEE PUBLIC HEARING
REGARDING PROPOSED BYLAW No. 157 (MA-RZ-2010.2 – McDougall)
HELD ON WEDNESDAY JUNE 27, 2012, AT 1:15 PM, AT THE
MAYNE ISLAND AGRICULTURAL HALL, MAYNE ISLAND, BC.**

PRESENT: Peter Luckham Chair
Brian Crumblehulme Local Trustee
Gary Richardson Planner
Pat Todd Recording-Secretary

REGRETS: Jeanine Dodds Local Trustee (see Note)

There were approximately fourteen (14) members of the public in attendance.

- Note - Trustee Dodds excused herself from the Public Hearing due to a perceived conflict of interest.

Chair Luckham called the Public Hearing to order at 1:15 p.m. and welcomed all the participants. He explained that the Public Hearing is a statutory requirement held according to Section 8.92 of the Local Government Act. The Chair reviewed the procedures and process of a Public Hearing and informed the assembly that a binder was available containing all the reports and submissions regarding the proposed rezoning application.

Planner Richardson summarized the Public Hearing notification delivery process. The purpose of the rezoning is to change the permitted uses to Commercial 1 (C1) and letters and/or comments could be received up to the closure of the hearing today.

Planner Richardson reviewed the agencies that had been informed of the application: CRD (no response); Ministry of Transportation & Infrastructure (no objection in principle assuming all access permit requirements are met; LTCs of Saturna Island, Pender Islands and Galiano Island (no concerns).

The following comments were put forward by various property owners:

Colin Shew, 452 Garrick Road: objects to the rezoning. Stated concerns: that C1 zoning is too unlimited; road signage is disappearing and access to Fernhill Road with increased volume of traffic poses a safety issue.

Barry Wilks, 670 Horton Bay Road: concerned with: C1 zoning, possible build out; that planning process has allowed this application to get this far and safety factors with expansion of traffic volume. He reviewed history of development of this area and his involvement with the original Community Plan and highways construction. He also spoke to a number of accidents that have occurred in this area and questioned if Ministry of Transportation & Infrastructure would place a traffic counter to determine volume.

Shanti McDougall, 380 Campbell Bay Road (applicant): stated that there have been no RCMP complaints to date regarding traffic issues and that they are following the stipulations of the TUP and are not involved with removal of signs.

Deb Foote, 537 Club Crescent: supportive of application. Access is well laid out and that this is not the only area on the island with traffic issues. She supported that the applicants are meeting highway requirements and care about the community.

Jon Hoff, 411 Village Bay Road: Spoke in favour of the store but not a C1 zoning – would rather a C3 zoning with specifications.

Ann Johnston 498 Bluff Way: identified that over the years there have been a number of issues that have divided the island and that there are many people very supportive of this application. It is felt that C1 – commercial/residential zoning – would have less impact than Industrial (current zone). She spoke to the congestion at Miners Bay; appreciation of products available at this location and has no concerns regarding traffic. It is felt that this area has become an alternative commercial hub and helps to disperse traffic.

Helen O'Brian, 622 Gallagher Bay Road: supports the bylaw as a customer and a grower (supplier). She also spoke to other areas of traffic concern.

David Lindquist, 630B Tinker Road: supportive of the bylaw. A secondary commercial area allows for diversity and also stated that traffic concerns are not exclusive to this location.

Lee Allman, 579 Montrose Road: spoke in support of a secondary commercial area for the island however as a neighbour to this location has some concerns regarding safety/road conditions, road visibility and lighting of business as it affects animals. She is aware of a number of accidents that were not reported to the RCMP or ICBC. She also questioned whose responsibility it is to address the road/traffic concerns.

Ian Dow, 530 Montrose Road: has submitted a letter of support and is very aware of those for the application and those against the bylaw. A C3 zone could be more detrimental than C1 as it has a more industrial focus.

Lee Allman questioned C1 versus C3 zoning.

Chair Luckham directed the question to Planner Richardson for clarification.

Planner Richardson stated that the limited C1 zoning allows for retail sales.

Colin Shew: While he agrees there are other areas of traffic concerns we don't need to add another.

Barry Wilks: Restated his concerns regarding impact of the business and that to be a viable enterprise it has to bring in a lot of traffic. He is concerned as to potential of square footage.

Ian Dow: stated that size of lot regulates development and requirements for septic, parking etc. In response to traffic concerns, it is time to look at the island situation and get Highways to resolve some of the concerns regarding road design.

Deb Foote: understands the concern with safety however feels the applicants are being targeted.

Ann Johnston: has more safety concerns with access from Montrose Road to Fernhill than at this specific location.

Don McDougall, 380 Campbell Bay Road (applicant): The TUP was approved to demonstrate the purpose of the operation and he feels the past year has successfully done this. There has not been one traffic report to the RCMP in the past year and no reported accidents in 15 years. He feels the issue of traffic and road safety is being used in a personal bias against the applicants.

Chair Luckham restated that discussion is to the bylaw and amendments to the use of the property.

Lee Allman: spoke to traffic volume to support a commercial enterprise, parking issues, visibility concerns, allowable build out, number of buildings and the impact on traffic. As the zoning stays with the property there is a need to consider the future.

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

The Public Hearing was closed at 2:23 pm.

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

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD.

RECORDER

CHAIR



Islands Trust

Follow Up Action Report w / Target Date

Mayne Island Apr-25-2012

No.	Activity	Responsibility	Target Date	Status
1	Staff to write to MoTI inviting a representative from MoTI to update the LTC on road maintenance	Gary Richardson	May-25-2012	Done

May-30-2012

No.	Activity	Responsibility	Target Date	Status
2	Mayne LTC to purchase SFU well testing report for \$2000.00.	Gary Richardson		On Going

3	MA-TUP-2012.2 (Bennett) - TUP to be drafted incorporating CIM comments.	Kris Nichols		On Going
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4	RAR - staff to report back on status of legal opinion release.	Robert Kojima		Done
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5	Staff to bring report back to LTC regarding bylaw enforcement for STVRs.	Miles Drew Stephanie Somers		On Going
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Jun-27-2012

No.	Activity	Responsibility	Target Date	Status
6	Mtg. Minutes of May 30, 2012 adopted as amended.	Sharon Lloyd-deRosario		Done

7	In camera minutes of March 21, 2012 adopted as drafted.	Sharon Lloyd-deRosario		Done
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8	The following Board of Variance members appointed to the board: Jim Petrie, James White, Priscilla Zimmerman	Sharon Lloyd-deRosario		Done
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9	Proposed Bylaw 157 (McDougall) to be updated showing 2nd and 3rd readings. Bylaw 157 to be forwarded to executive committee for approval.	Kathy Jones Gary Richardson	Done
10	Galiano Bylaw 235 and 236 - advise that Mayne LTC has no objections to bylaws.	Kathy Jones Gary Richardson	Done
11	Local Trustees to prepare budget for 2012/2013.	Brian Crumblehulme Jeanine Dodds	Done
12	Ensure all of the meeting notices for the July mtg. use the community centre.	Sharon Lloyd-deRosario	Done
13	Amend project list by adding: First Nations Communication - deer Density provisions on large remainder properties. Road Issues	Gary Richardson	Done
14	Start a process to advise APC after each meeting if they will be getting a referral.	Gary Richardson	On Going



STAFF REPORT

July 17, 2012

File No.: MA-TUP-2012.2

To: Mayne Island Local Trust Committee

From: Kris Nichols
Planner 1
Local Planning Services

CC: Gary Richardson, Island Planner

Re: Temporary Industrial Use Permit Application for 513 Fernhill Road

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

THE PROPOSAL:

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

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

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

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

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

SITE CONTEXT:

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

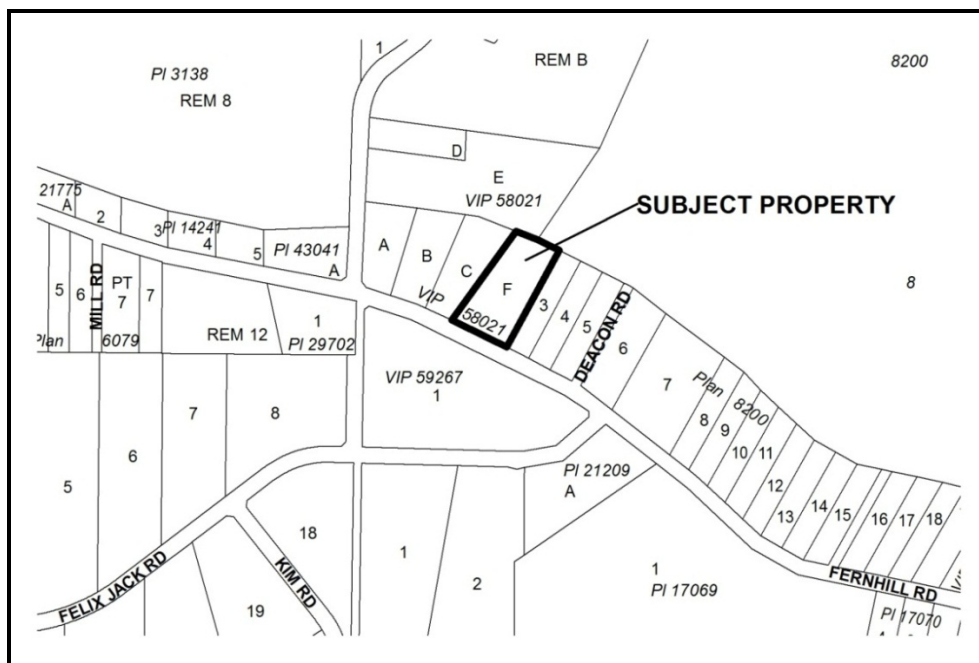


Figure 1 – Location Map



Figure 2 – Aerial Photograph of Site and Surrounding Area

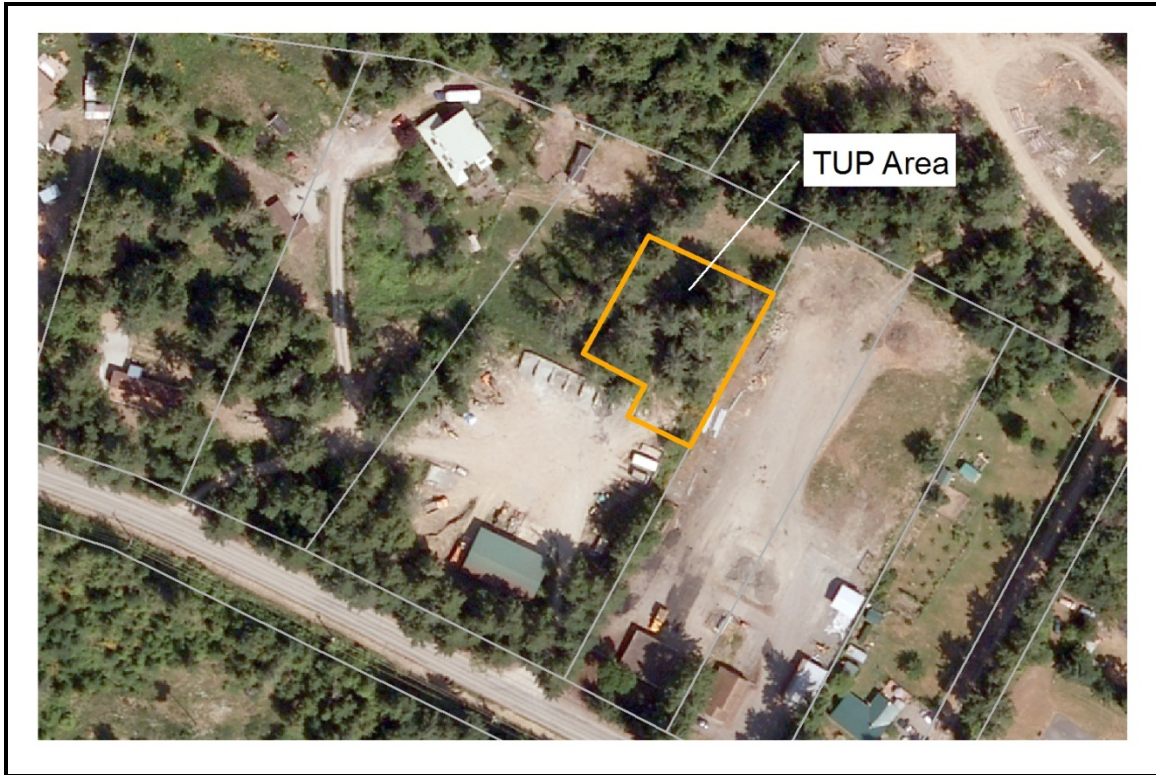


Figure 3 – Aerial Photography of Property with Approximate Location of TUP Area

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



Figure 4: Household garbage collection site



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

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



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



Figure 7: Waste collection bins

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



Figure 8: Metal collection bin



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

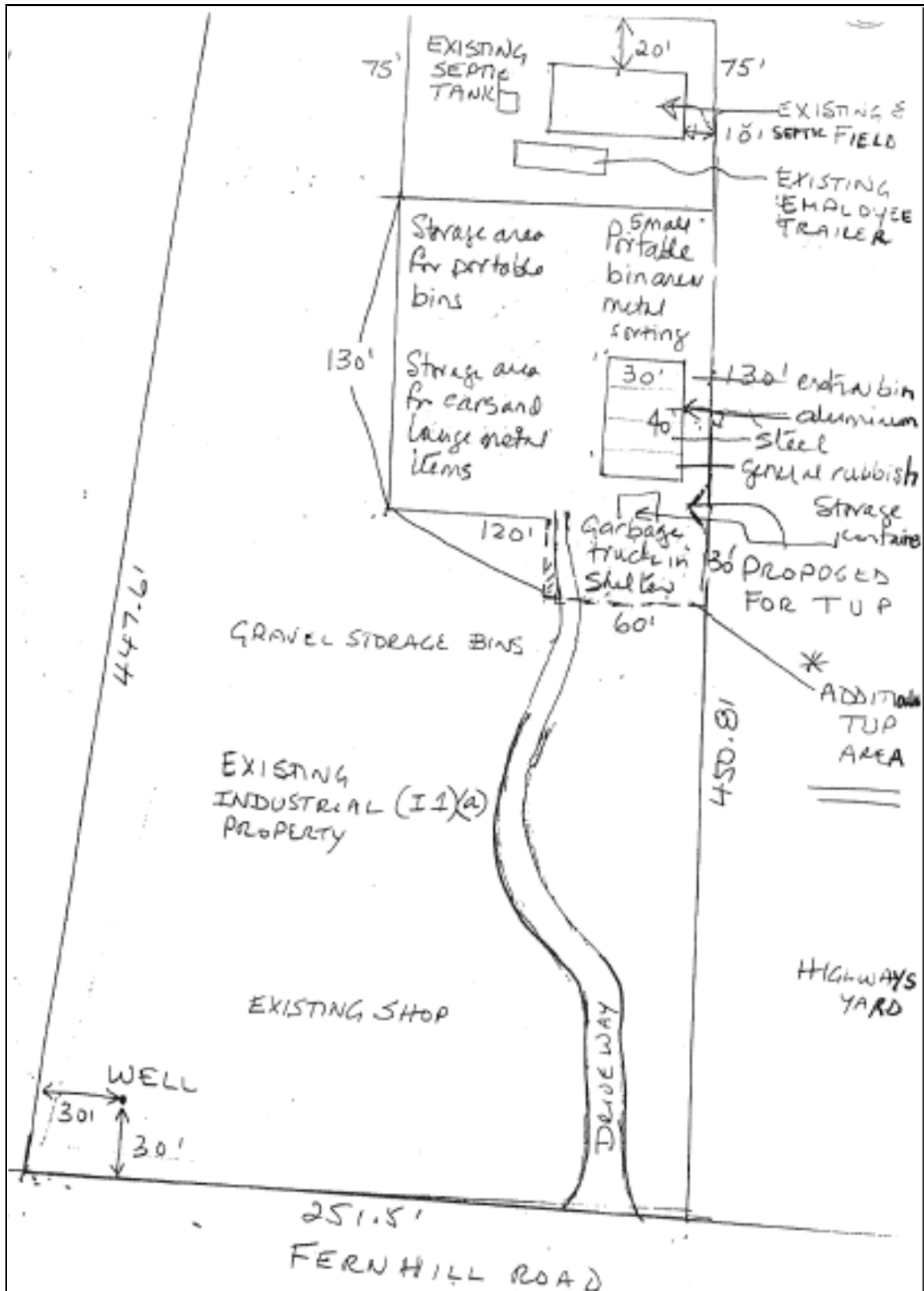


Figure 10: Proposed Site Plan with TUP Area

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

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

Commitments of Trust Council

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

Directive Policy

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

Official Community Plan

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

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

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

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

3.3.2 Disposal of Solid Waste

The objectives of this section are:

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

Advocacy Policies

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

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

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

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

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

Land Use Bylaw

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

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

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

Islands Trust Fund:

There are no Trust Fund Board covenants on the property

Sensitive Ecosystems and Hazard Areas:

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

Archaeological Sites:

There are no registered archaeological sites on the property or in close proximity. Notwithstanding the foregoing, and by copy of this report, the owners are advised that the unearthing of any archaeological resource should be reported to the Archaeology Branch.

Covenants:

There are no registered covenants on title.

Bylaw Enforcement:

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

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

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

Climate Change Mitigation and Adaptation

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

COMMUNITY INFORMATION MEETING(S):

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

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

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

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

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

RESULTS OF CIRCULATION:

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

REFERRALS:

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

STAFF COMMENTS:

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

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

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

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

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

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

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

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

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

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

Overview of Draft Temporary Use Permit

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

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

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

Some other conditions are:

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

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

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

OPTIONS:

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

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

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

RECOMMENDATIONS:

It is recommended:

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

Prepared and Submitted by:

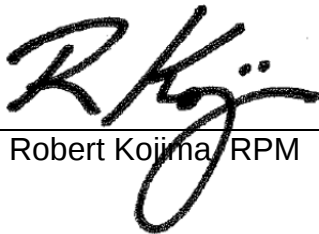
Kris Nichols

July 17, 2012

Kris Nichols, Planner 1

Date

Concurred in by:



Robert Kojima RPM

July 18, 2012

Date



Islands Trust

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE

TEMPORARY INDUSTRIAL USE PERMIT

MA-TUP-2012.2

TO: Frederick and Rosemary Bennett

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

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

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

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

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

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

- a) The use shall be limited to four bins constructed of large cement blocks, some small portable steel bins for specialty items (e.g. copper pipe, etc.), one steel waste collection truck with lid for household garbage, steel bin storage and rental, and storage for scrap vehicles shall all be contained within the area shown as "proposed area for TUP" on Schedule 'A'.
- b) The four bins constructed of concrete cement blocks shall have concrete floors with a centre-screened drain and sump for the purpose of catching and containing any leachate or runoff. In addition, each bin shall have steel bins located within them for collection.
- c) The siting of structures and buildings and screening shall meet the requirements of the Mayne Island Land Use Bylaw.
- d) The hours of operation for public disposal of discarded goods and materials shall be limited to between the hours of 9:00 am to 8:00 pm daily and be indicated on signage.
- e) The industrial uses permitted by 2. above shall not include any hazardous waste, including household hazardous waste as defined by Capital Regional District Environmental Services, bulk liquids and semi-solid sludges, including septage,

PROPOSED

black water, and sewage treatment sludge, biomedical waste, dead animals and slaughterhouse and farming wastes.

- f) The TUP area must be separated into defined areas for bin storage and rental, storage of scrap vehicles, household garbage, building demolition waste and sorting and related vehicle parking as per a site plan.
- g) Recyclables designated in the Regional Solid Waste Plan shall be prohibited from the disposal bin(s).
- h) Land clearing waste shall not be permitted to be collected.
- i) The placement of signage denoting what is and is not accepted at the site and what is accepted at the recycling facility at a separate location, fees, and hours of operation. All other signage associated with the use is not permitted.
- j) Ease of access and egress shall be established and clearly signed for safety of customers and existing operations.
- k) Staff shall be present on an intermittent basis to assist the general public and to ensure that prohibited wastes are not being dumped, that the facility is functioning properly and that the site is clean.
- l) Measures must be in place for fire prevention and protection (i.e. stand pipe, fire extinguishers, etc.) and for spills (e.g. gas, oil, etc.).
- m) No burning of materials collected is permitted.
- n) A pest control program shall be implemented to prevent attracting or harboring pests to the site to the satisfaction of Vancouver Island Health Authority (VIHA).
- o) The bin (truck) used for the collection of household garbage must be emptied at least every 7 calendar days or more frequently in the summer months. The bin shall be placed on a concrete pad with screened drain and sump for the purpose of catching and containing any leachate. All household garbage shall be bagged. A temporary steel bin with a spring loaded lid shall be used when truck is not available and located in same area on the concrete pad.
- p) Fencing, screening or a similar method of delineation shall be used to separate the uses (i.e. excavating business, transfer station (TUP area), employee residence, farm animals) on the lot.
- q) The public access to the TUP area must be clearly identified and kept free of obstructions.
- r) The areas in and around the TUP area (i.e. bin area and sorting and storage area) are to be maintained clear of litter and kept safe for general public.
- s) The TUP area shall be adequately screened, through retention of existing vegetation or planting of additional evergreen vegetation or construction of screening to provide a landscaped buffer to adjacent lots to the north and west in particular. Vegetation

PROPOSED

shall be planted on the buffer constructed between the site and the adjacent lot 3. Vegetation screening should be a minimum of 1.5 metres in height.

- t) If the use ceases to occur or if this permit is not renewed all uses permitted (see 2 above) by this permit shall be removed within 30 days.
- 4. This permit is valid for **three years** from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust unless the permit is renewed by resolution of the Mayne Island Local Trust Committee.
- 5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Mayne Island Land Use Bylaw No. 146, 2008 " and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Vancouver Island Health Authority, Ministry of the Environment and Ministry of Transportation and Infrastructure.

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

Deputy Secretary, Islands Trust

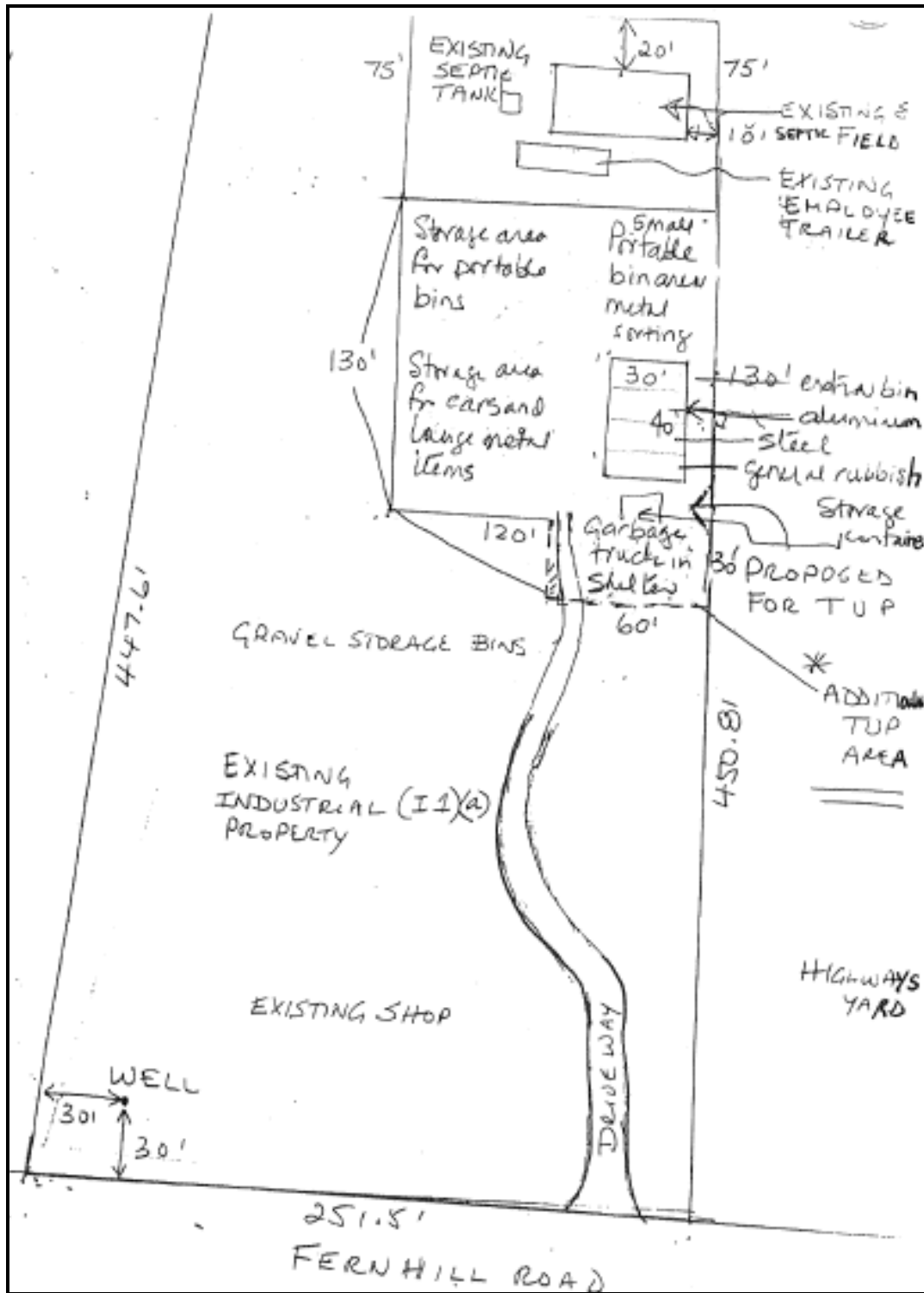
Date of Issuance

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE

MA-TUP-2012.2

SCHEDULE 'A'





Islands Trust

**NOTICE
MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-TUP-2012.2**

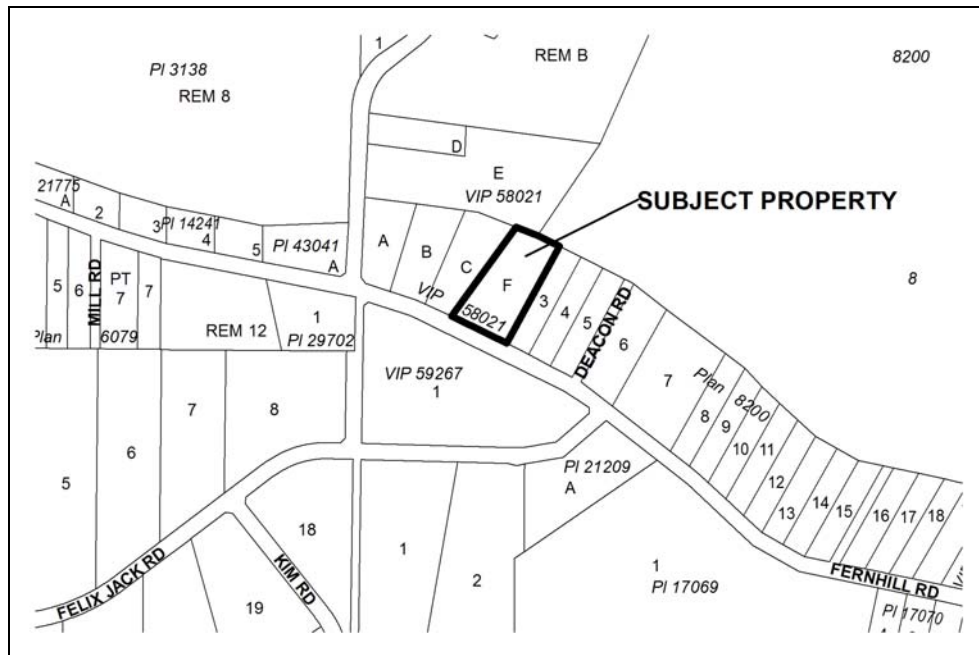
NOTICE is hereby given that the Mayne Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 921 of the *Local Government Act*. The proposed permit would apply to Lot F, Section 11, Mayne Island, Cowichan District, Plan 58021.

The purpose of this temporary use permit would be to permit a property at 513 Fernhill Road on Mayne Island to be used for the following additional uses:

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

The permit could be issued for up to three years and the owner may apply to the Mayne Island Local Trust Committee to have it renewed once for up to an additional three years.

The general location of the subject property is shown in 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 July 13, 2012 and continuing up to and including July 23, 2012.

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 July 13, 2012. Also, attached for your convenience is a copy of the proposed permit.

If you have any questions or comments please contact the Planner, Gary Richardson at (250) 405-5157; 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., July 23, 2012. 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., July 23, 2012.

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., July 25 25, 2012 at Mayne Island Community Centre, 493 Felix Jack 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

PROPOSED**MAYNE ISLAND LOCAL TRUST COMMITTEE****BYLAW NO. 157**

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

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

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

1. Section 5.8 is amended by adding the following to 5.8(11):

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
C1(c)	Lot 2, Section 8, Mayne Island, Cowichan District, Plan 17070 568 Fernhill Road	(1) Despite 5.8(1), the only uses permitted in this location are those permitted in 5.8(1)(b), l and m. (2) The total combined floor area used for retail sales use cannot exceed 279 square metres

2. Section 5.10 is amended by removing the following from 5.10(13) Column 2: “Lot 2, Section 8, Mayne Island, Cowichan District, Plan 17070”, “Fernhill Road” and “And”.

B. Schedule B of Bylaw No. 146, cited as “Mayne Island Land Use Bylaw No 146, 2008” is amended by changing the zoning of the lands legally described as Lot 2, Section 8, Mayne Island, Cowichan District, Plan 17070 from the Service Commercial C3(a) Zone to the Settlement Commercial C1(c) Zone, as shown on Plan No. 1 which is attached to and forms part of this bylaw.

C. This bylaw may be cited for all purposes as the “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2012”.

READ A FIRST TIME THIS	25th	DAY OF	April	20 12
PUBLIC HEARING HELD THIS	27th	DAY OF	June	20 12
READ A SECOND TIME THIS	27th	DAY OF	June	20 12
READ A THIRD TIME THIS	27th	DAY OF	June	20 12
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	3rd	DAY OF	July	20 12
ADOPTED THIS		DAY OF		20

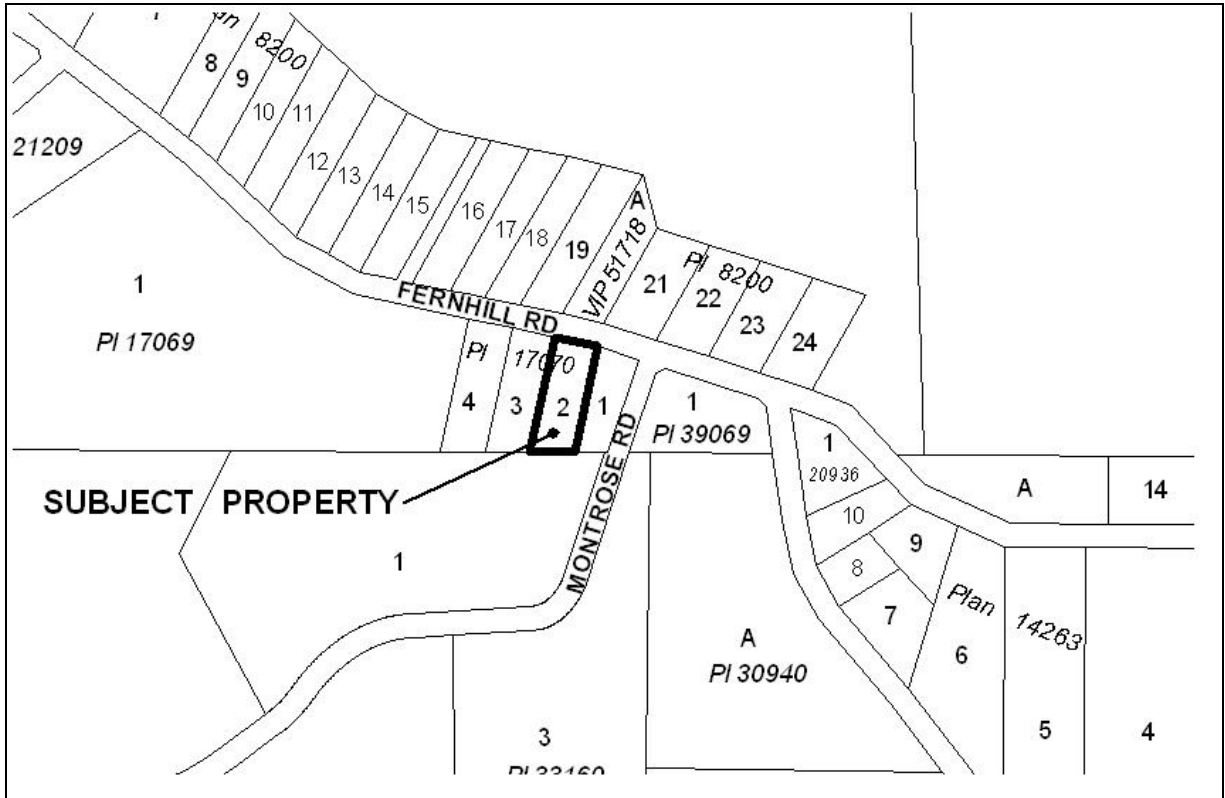
DEPUTY SECRETARY

CHAIRPERSON

MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 157

Plan No. 1





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: Saturna Bylaw No.: 107 (OCP) Date: July 5, 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. For your information a Public Hearing to consider the Bylaw will be held September 6, 2012.

APPLICANTS NAME / ADDRESS:

Saturna Island Local Trust Committee

PURPOSE OF BYLAW:

To amend the Saturna Island Local Trust Committee Official Community Plan (OCP) by changing the designation of three parcels of CRD parkland to the appropriate Park (open space) designation.

GENERAL LOCATION:

Two properties on East Point and one property at Saturna Beach (Thompson Park).

LEGAL DESCRIPTION:

East Point properties – Lots 62 and 63, Section 14, Plan 13357, Saturna Island.
Saturna Beach property – area shown as Park on Strata Plan VIS 3488, Section 5, Saturna Island.

SIZE OF PROPERTY AFFECTED:

ALR STATUS:

NA

OFFICIAL COMMUNITY PLAN DESIGNATION:

East Point properties – Rural
Thompson Park property - Farmland

OTHER INFORMATION:

See staff report attached

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: Gary Richardson

Title: Island Planner
Phone: 250-405-5157

This referral has been sent to the following agencies:

Federal Agencies

Regional Agencies

CRD Regional Parks and Community Services
CRD Building Inspection

Provincial Agencies

Adjacent Local Trust Committees and Municipalities

North Pender Local Trust Committee
South Pender Local Trust Committee
Mayne Island Local Trust Committee

Non-Agency Referrals

Saturna Island Parks Commission
Saturna Island Advisory Planning Commission

First Nations

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

PLEASE TURN OVER →

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

Saturna Island Trust Area

(Island)

107 (OCP)

(Bylaw Number)

(Name)

(Signature)

(Title)

(Agency – Please Print)

(Phone Number)

(Date)



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: Saturna Bylaw No.: 108 (LUB) Date: July 5, 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. For your information a Public Hearing to consider the Bylaw will be held September 6, 2012.

APPLICANTS NAME / ADDRESS:

Saturna Island Local Trust Committee

PURPOSE OF BYLAW:

To amend the Saturna Island Land Use Bylaw by changing the zoning of three parcels of CRD parkland to the appropriate Community Park zone.

GENERAL LOCATION:

Two properties on East Point and one at Saturna Beach (Thompson Park).

LEGAL DESCRIPTION:

East Point Properties – Lots 62 and 63, Section 14, Plan 13357, Saturna Island
Saturna Beach Property – area shown as park on Strata Plan VS 3488, Section 5, Saturna Island

SIZE OF PROPERTY AFFECTED:

ALR STATUS:

NA

OFFICIAL COMMUNITY PLAN DESIGNATION:

East Point Properties – Rural
Thompson Park property - Farmland

OTHER INFORMATION:

See staff report attached.

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: Gary Richardson

Title: Island Planner
Phone: 250-405-5157

This referral has been sent to the following agencies:

Federal Agencies

Provincial Agencies

Non-Agency Referrals

Saturna Island Parks Commission
Saturna Island Advisory Planning Commission

Regional Agencies

CRD Regional Parks and Community Services
CRD Building Inspection

Adjacent Local Trust Committees and Municipalities

North Pender Local Trust Committee
South Pender Local Trust Committee
Mayne Island Local Trust Committee

First Nations

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

PLEASE TURN OVER →

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

Saturna Island Trust Area
(Island)

108 (LUB)
(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)



Islands Trust

BYLAW REFERRAL FORM

Island: Saturna Island Local Trust Area **Bylaw No.:** 109 **Date:** July 5, 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. For your information a Public Hearing to consider the Bylaw will be held after September 6th.

APPLICANTS NAME / ADDRESS:

Saturna Island Local Trust Committee

PURPOSE OF BYLAW:

To amend Saturna Island OCP Bylaw No. 70 to redesignate the Lyall Creek DP Area and to amend the DP Area provisions in order to comply with the Fish Protection Act and the Riparian Areas Regulation

GENERAL LOCATION:

Saturna Island – Lyall Creek

LEGAL DESCRIPTION:

n/a

SIZE OF PROPERTY AFFECTED:

n/a

ALR STATUS:

n/a

OFFICIAL COMMUNITY PLAN DESIGNATION:

n/a

OTHER INFORMATION:

Additional background information, including staff and consultants' reports can be found on the Saturna Island Local Trust Committee webpage www.islandstrust.bc.ca/ltr/sa under the 'Riparian Areas Regulation Implementation' heading.

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: Robert Kojima

Title: Regional Planning Manager

This referral has been sent to the following agencies:

Federal Agencies

Fisheries and Oceans Canada
Parks Canada

Provincial Agencies

Ministry of Forest, Lands and Natural Resource Operations,
Ecosystem Section

Non-Agency Referrals

Regional Agencies

CRD Building Inspection

Adjacent Local Trust Committees and Municipalities

Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
South Pender Island Local Trust Committee

First Nations

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

PLEASE TURN OVER →

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

Saturna Island Local Trust Area

(Island)

No 109

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency or First Nation)



Islands Trust

BYLAW REFERRAL FORM

Island: Salt Spring Island Local Trust Area **Bylaw No.:** 461 **Date:** July 13, 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. For your information a Public Hearing to consider the Bylaw will be held in the near future.

APPLICANTS NAME / ADDRESS:

N/A

PURPOSE OF BYLAW:

To amend SSI Land Use Bylaw No. 355 to allow secondary suites as an accessory residential use in some areas of Salt Spring Island, as identified on the Pilot Area Map attached as a schedule to Proposed Bylaw 461.

GENERAL LOCATION:

Salt Spring Island

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

N/A

OTHER INFORMATION:

See attached Proposed Bylaw No. 461 and accompanying Staff Report (with Appendices 1 & 2)

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: Justine Starke

Title: Island Planner

This referral has been sent to the following agencies:

Provincial Agencies

BC Assessment Authority
 Ministry of Environment
 Ministry of Transportation & Infrastructure

Regional Agencies

CRD Building Inspection
 CRD Economic Development Commission (Kees Ruurs)
 CRD Water & Sewer (Kees Ruurs)
 Vancouver Island Health Authority

First Nations

Tsawout First Nation

Non-Agency Referrals

BC Ambulance Service
 North Salt Spring Waterworks District
 RCMP
 School District 64
 SSI Chamber of Commerce
 SSI Fire Protection District
 SSI Transportation Commission (Kees Ruurs)
 SSI Water Council

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
 Mayne Island Local Trust Committee
 North Pender Island Local Trust Committee
 Thetis Island Local Trust Committee for Kuper Island

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

Salt Spring Island Local Trust Area

(Island)

461

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)



Islands Trust

Print Date: Jul-18-2012

Top Priorities

Mayne Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Housing Options	Staff report on options and next steps to be prepared. - include consideration of STVRs in secondary suites	Jul-04-2011	Gary Richardson	Jul-18-2012	On Going
2	Commercial Land Use Review	Provide background report - COMPLETED draft terms of reference for a potential task force - COMPLETED forward staff report to Task Force - COMPLETED review task force report and provide comments/options to the LTC.	May-02-2011	Gary Richardson	May-30-2012	On Going
3	OCP Follow-up: 1. Implementation of Riparian Areas Regulation	1. Determine applicability of RAR to Mayne watercourses - - status of two watercourses to be determined - potential changes to Campbell Bay/Horton Bay/Hunt Brook watersheds on Montrose Road	Jun-09-2010	Robert Kojima	Mar-31-2012	On Going

11.1.1



Islands Trust

Print Date: Jul-18-2012

Projects

Mayne Island

No.	Description	Activity	Received/Initiated	Status
1	Climate Change Adaptation	Consider regulatory changes and implementation of new DPA authority	Mar-02-2009	On Going
2	Agricultural Building riparian setbacks	Review LUB to consider potential amendments to setbacks for agricultural buildings from watercourses, consistent with Ministry guidelines	Oct-03-2011	On Going
3	Review LUB requirements for proof of water for boundary adjustment subdivisions			On Going
4	First Nations Communication - deer		Jun-27-2012	On Going
5	Density provisions on large remainder lots		Jul-27-2012	On Going
6	Road issues		Jun-27-2012	On Going



Islands Trust

Applications w / Status - Mayne Island Status: Open

Applications

Board of Variance

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

Planning Status

Status Date: Jun-27-2012

E-mailed applicant to verify hardship for BOV application

Status Date: Jun-19-2012

Staff to arrange hearing

Status Date: Jun-18-2012

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

Rezoning

File Number	Applicant Name	Date Received	Purpose
MA-RZ-2010.2	Don & Shanti McDougall Planner: Gary Richardson	Mar-23-2010	568 FERNHILL RD To amend the LUB, section 5.10(1) C3A by changing to C1 5.8 Settlement Residential.

Planning Status

Status Date: Jul-18-2012

Bylaw on July 25 LTC agenda for consideration of 4th reading.

Status Date: Jun-19-2012

Public Hearing to be held June 27, 2012

Status Date: Mar-13-2012

Staff draft bylaw to be prepared for April 25, 12 LTC meeting

Subdivision

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2011.1	Richard Wey & Associates Land Surveying Inc Planner: Gary Richardson	Mar-10-2011	HORTON BAY RD Boundary Adjustment

Planning Status

Status Date: Jul-18-2012

Staff reviewing new information from applicant regarding potable water

Status Date: Mar-13-2012

Staff reviewing report regarding potable water.

Status Date: Jan-19-2012

Proof of potable water still required, planner discussing options with property owner.

Temporary and Industrial Use Permit

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

Planning Status

Status Date: Jul-18-2012

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

Status Date: Jun-19-2012

Permit to be prepared for LTCs consideration.

Status Date: May-19-2012

Staff to attend applicant's CIM

File Number	Applicant Name	Date Received	Purpose
MA-TUP-2012.3	Erick Nordquist Planner: Gary Richardson	May-14-2012	517 ARBUTUS DR Short Term Vacation Rental

Planning Status

Status Date: Jul-18-2012

Staff report prepared for July 25, 2012 CIM.

Status Date: Jun-19-2012

Staff to prepare for CIM July 25, 2012

Status Date: May-17-2012

Sent letter of acknowledgment of receipt of fees to applicant. Copied to trustees and forwarded to Planner.

Kathy Jones

From: Nancy Roggers
Sent: June-28-12 5:47 PM
To: Brian Crumblehulme; Gary Richardson; Jeanine Dodds; Kris Nichols; Peter Luckham; Robert Kojima; Sharon Lloyd-deRosario; Kathy Jones
Subject: Mayne expense report - June/12

Islands Trust
LTC EXP SUMMARY REPORT F2013
 Invoices posted to June 30, 2012

645 Mayne	Invoices posted to June 30, 2012	Budget	Spent	Balance
65000	LTC "Trustee Expenses"	1,100.00	-	1,100.00
65200	LTC Local Exp LTC Meeting Expenses	5,800.00	367.85	5,432.15
65210	LTC Local Exp APC Meeting Expenses	-	47.32	(47.32)
65220	LTC Local Exp Communications	-	60.00	(60.00)
65230	LTC Local Exp Special Projects	-	-	-
65240	LTC Local Exp Miscellaneous	-	-	-
TOTAL LTC Local Expense		5,800.00	475.17	5,324.83
73001	Project OCP update	5,000.00	-	5,000.00

Thanks!

Nancy Roggers
 Finance Officer

Islands Trust
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 Victoria, B.C. V8R 1H8
 Phone: (250) 405-5154
 Fax: (250) 405-5155
www.islandstrust.bc.ca

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Please consider the environment before printing this email.



STAFF REPORT

File No.:

To: Mayne Island, Local Trust Committee

From: Miles Drew, Bylaw Enforcement Manager

CC:

Date: June 26, 2012

Re: **Bylaw Enforcement Policy for Short Term Vacation Rentals**

For the Mayne Island Local Trust Committee meeting of July 25, 2012

THE PROPOSAL:

This report recommends that the Mayne Island Local Trust Committee extend the current enforcement policy for short term vacation rentals (STVR) until the current review of STVR use of second dwellings is complete.

ISSUES SUMMARY:

The current STVR Enforcement Policy is below:

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. 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.

STAFF COMMENTS:

Enforcement actions against STVRs on Mayne Island have reduced the number of STVRs operating in an overtly commercial manner. Of the original 20 STVRs the number has been reduced to nine. Of these six are operating in lawful cottages and are not currently subject to enforcement action. One of the remaining STVRs has applied for a Temporary Use Permit.

Staff is not ready to recommend injunctive legal action on any of the remaining STVRs as positive progress is still being made. Additionally, legal action against STVRs is still underway in other Trust Areas and the results may convince the holdouts on Mayne Island to voluntarily comply.

Recently, the Mayne Island Local Trust Committee added to its top priority projects list a review of the regulations to possibly permit STVR use for properties where more than one dwelling is permitted. Given that this review is now a top priority it is appropriate to continue the current enforcement policy for STVRs. When the STVR in second dwellings project is complete the Local Trust Committee should again review the STVR enforcement policy.

RECOMMENDATIONS:

That the Mayne Island Local Trust Committee resolves to extend the current STVR bylaw enforcement policy as written above until the project to review use of second dwellings for STVRs is complete.

Miles Drew
Bylaw Enforcement Manager

Mayne Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: March 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.

*Attach to Agenda with the Standing Policies Report
only when there is a request for financial support*

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.

July 2012

- [Mayne Island Local Trust Committee Community Information Meeting to be held within a Local Trust Committee Meeting on July 25, 2012 re: MA-TUP-2012.3 \(Nordquist\)](#)

July 2011

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

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Planner Office Hours on Mayne Island

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

Mayne Island Local Trust Committee Projects

General

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

Commercial Land Use Review

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

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Sensitive Ecosystem Mapping

Committee Links

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[Land Use Application Forms](#)

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 Area Regulations

- [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 Area Regulations](#)
- [Map of Ministry of Environment Designated Watersheds](#)
- [2007 - Stream Survey Report](#)

Mayne Island Housing Options Task Force**Report**

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

Application(s)**MA-RZ-2010.2 (McDougall)**

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

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