



Mayne Island Local Trust Committee

Regular Meeting Agenda

Date: June 25, 2014
Time: 1:00 pm
Location: Mayne Island Agricultural Hall
430 Fernhill Road
Mayne Island, BC
V0N 2J0

Pages

1. Call to Order 1:00 PM - 1:15 PM
2. Approval of Agenda
 - 2.1 Additions/Deletions
 - 2.2 Questions from the public on Agenda items
3. Community Information Meeting
none
4. Public Hearing
none
5. Previous Meetings
 - 5.1 Local Trust Committee Minutes
 - 5.1.1 Mayne Island Local Trust Committee Meeting Draft Minutes of May 21, 2014 (attached) 4 - 14
For Consideration to Adopt
 - 5.2 Public Hearing Records and Information Meeting Notes
none
 - 5.3 Section 26 Resolutions-without-meeting
none
 - 5.4 Advisory Planning Commission Minutes
none

6.	Business Arising from the Minutes	
6.1	Follow-up Action List (attached)	15 - 15
	FUAL Report dated June 2014	
7.	Delegations	
	none	
8.	Correspondence	
	[correspondence received concerning applications and/or projects is considered with the applications/projects]	
	none	
9.	Applications, Permits, Bylaws and Referrals	1:15 PM - 2:30 PM
9.1	MA-TUP-2013.1 (Mayne Island Resort) - Staff Report (attached)	16 - 28
9.2	Galiano Island Local Trust Committee Bylaws No. 246, 247 & 248, for Referral Response (attached)	29 - 37
9.3	MA-RZ-2012.1 (Oceanwood) - Staff Report (attached)	38 - 66
10.	Local Trust Committee Projects	
10.1	LUB/OCP Technical Review - Staff Report (attached)	67 - 88
	Black-line Version of Draft Bylaws 161 & 162 (tentative)	
10.2	Riparian Area Regulation (RAR) - Update (attached)	89 - 90
11.	Reports	2:30 PM - 3:00 PM
11.1	Work Program Reports	
11.1.1	Work Program Report dated June 2014 (attached)	91 - 92
11.1.2	Federal Marihuana for Medical Purposes Regulation (attached)	93 - 100
11.2	Applications Report (attached)	101 - 102
	Application Report dated June 2014	
11.3	Expense/Budget Reports (attached)	103 - 103
	LTC Expense Report dated May 2014	
11.4	Bylaw Enforcement	
	none	

11.5	Adopted Policies and Standing Resolutions (attached)	104 - 107
11.6	Mayne Island LTC Web Page The Mayne Island Local Trust Committee Web Page can be found at: www.islandstrust.bc.ca/islands/local-trust-areas/mayne	
11.7	Chair's Report	
11.8	Trustee Report	
12.	Other Business	3:00 PM - 3:30 PM
12.1	Upcoming Meetings The next meeting of the Mayne Island Local Trust Committee will be held July 30, 2014, at 1:00 pm, at the Mayne Island Agricultural Hall.	
12.2	SGIEDC Food and Agriculture Strategy Briefing - Jeff Weightman, CRD Project Manager (attached)	108 - 108
13.	Town Hall Meeting	
14.	Adjournment	3:30 PM - 3:30 PM



**Mayne Island
Local Trust Committee
Minutes of a Regular Business Meeting**

Date of Meeting: Wednesday, May 21, 2014
Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island

Members Present: Peter Luckham Chair
Jeanine Dodds Local Trustee
Brian Crumblehulme Local Trustee

Staff Present: Gary Richardson Island Planner
Pat Todd Recording Secretary

Media and Others Present: Approximately thirteen (13) members of the public

1. CALL TO ORDER

Chair Luckham called the meeting to order at 1:30 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.

Chair Luckham introduced guest Margaret Henigman, Ecosystems Biologist, from the Ministry of Forests, Lands, and Natural Resource Operations.

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

The following addition to the agenda was presented for consideration:
9.2 Two letters received regarding Oceanwood rezoning application

By general consent, the agenda was approved as amended.

2.2 Questions from the public on Agenda items

None

3. COMMUNITY INFORMATION MEETING

None

4. PUBLIC HEARING

None

5. PREVIOUS MEETINGS

5.1 Local Trust Committee Minutes

5.1.1 Mayne Island Local Trust Committee Business Meeting Minutes of April 23, 2014

By general consent, the Mayne Island Local Trust Committee Business Meeting Minutes of April 23, 2014, were adopted.

5.2 Public Hearing Records and Community Information Meeting Notes

5.2.1 Mayne Island Local Trust Committee Community Information Notes of April 23, 2014

Staff will review the number of units requested and amend as appropriate.

By general consent, the Mayne Island Local Trust Committee Community Information Meeting Notes of April 23, 2014, were received for information.

5.3 Section 26 Resolutions-without-meeting

None

5.4 Advisory Planning Commission Minutes

5.4.1 Mayne APC Draft Minutes of April 14, 2014

Received for information

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report May 2014

Planner Richardson stated that everything has been completed except for Item 2 (OCP and LUB technical amendments) or is scheduled for discussion at today's meeting. Staff confirmed that the recommendations from the APC are being included/considered for item 2.

7. DELEGATIONS

7.1 Riparian Area Regulations (RAR)

Chair Luckham reviewed that Margaret Henigman had been invited to provide information as to how the LTC could move forward and address the RAR.

Staff spoke to the history of actions to date and a map was posted to detail potential RAR streams.

Ms. Henigman reviewed the background of the regulations which were adopted in 2004 with the expectation that districts would have adopted RAR bylaws by 2006. The regulations are to address the changes to the land and the resultant changes to fish populations. The significant impact on streams, through development, has led to the loss of fish populations. The regulations are to protect waterways where there are fish or where there is the potential for fish. The RAR is directed at residential, commercial, and industrial land use only. It was stated that Islands Trust is one of the last areas to enact RAR bylaws.

Chair Luckham requested questions from the LTC.

Trustee Dodds asked for clarification as to construction and land use.

Ministry staff stated that if there is a commercial or industrial enterprise, then RAR applies. There is a 30 metre riparian assessment area measured from the top of the bank (upland) and if there is residential, commercial or industrial construction within the 30 m a Development Permit is required. A stream side protection area is identified between 10 m and 30 m. There must be minimum intrusion between the set back and 30 m.

Trustee Dodds questioned the definition of ditches vs. streams.

Ms. Henigman stated there are a few definitions e.g. constructed channels which are kept dug out; redirected waterways, etc. The regulations address bringing back the potential of streams through enhancements. It is possible to determine if historically the "ditch" was a stream at one time.

For a ditch, if there are head waters and the water flow is connected to natural waters then RAR applies.

Trustee Crumblehulme spoke to the distinction between restore and enhancement and that farmland is exempt. He questioned what happens for the waterway that flows from agricultural area to a residential area.

Ministry staff emphasized that the regulations speak to land use not zoning and that on farmland it is important to follow best practices to protect water courses. Setbacks are vital to water courses to prevent flooding as an example. There are efforts being taken with the Ministry of Transportation to address ditches e.g. avoid cleaning at certain times of the year.

Trustee Dodds stated that historically there have never been fish on the island and there is no expectation that fish will ever be here due to acidity of waters.

Ms. Henigman restated that fish presence is only one portion of RAR and that regulations apply based on the potential for fish to be there. The report completed by the Ministry did not speak to the acidity problem and states there is the potential for fish on the island.

Chair Luckham commented that the objective is to minimize impact of development and enhance the water area.

Chair Luckham opened the discussion to the public.

Dave Maude stated there had been an email, a few years ago, citing very clearly that as there were no fish on the island then no need to apply RAR. He further said that historically there is no record of fish on the island and that there are reports stating there is no potential for fish due to lack of water, acidity of water, etc. He added that a lot of money had been expended to demonstrate no fish present.

Ministry staff restated that if conditions were changed in the streams there was no reason to presume that fish could not be supported.

Trustee Crumblehulme read the email dated March 31, 2010, from Marlene McCaskey.

Ian Dow stated that the Coalition had followed the directions within the email, hired a biologist to complete a study and spoke with Marlene McCaskey. There is opposition to regulations being imposed where regulations are not required. He further stated that Horton Bay waters are toxic to fish due to acidity, for 7 to 8 months per year there are no waterways/streams on the island and there are no lakes. The Coalition feels they have followed instructions from the Ministry and now that personnel have changed the directions have changed.

Ms. Henigman stated that the study did not utilize the specific processes identified within the regulations and the report is not being endorsed by the Ministry.

Ian Dow reported that the second study had been completed in a different season and that the Ministry accepted the reports earlier but is now disclaiming their validity.

Ministry staff restated that the reports failed to follow the proper procedures detailed within the RAR to prove absence of fish.

Peter Kenny questioned the process for an area to be deemed excluded.

Ms. Henigman spoke to the process, which is cumbersome and expensive. It was further stated that protection steps vary according to the area and identified needs.

Trustee Dodds questioned Islands Trust staff regarding the use of a Development Permit.

Staff stated that the permit could be utilized to determine protection area by a qualified professional.

Ministry staff further stated that the Stream Side Protection Area could be adjusted as to the siting of the building and setbacks e.g. wider in one area and narrower in another.

Planner Richardson asked if a Simple Assessment could be used to implement RAR on Mayne Island.

Ministry staff reported that yes a Simple Assessment method could be used and that a Simple Assessment has been used a number of times and if the landowner disagrees or can't comply they can then apply for a variance. The Simple Assessment is a viable option for the island as there are only three streams. There is a matrix within the regulations to apply the Simple Assessment method.

Trustee Dodds stated that the areas under discussion are already developed.

Ms. Henigman reminded those present that questions could be directed to her office and expressed appreciation for the invitation to attend today's meeting and for the information received.

Note: There was a break from 2:45 p.m. to 3:00 p.m.

8. CORRESPONDENCE

None

9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

9.1 MA-TUP-2013.1 (Mayne Island Resort) Staff Report

Planner Richardson reviewed the staff report. The first draft for the Temporary Use Permit had been reviewed at the April 23, 2014; LTC meeting and the suggested amendments have been incorporated into the second draft which is included in the agenda package.

Trustee Crumblehulme questioned 3c) regarding the spacing of the deck boards.

Chair Luckham confirmed with the applicant that the deck board spacing is 2.5 cm or 1 inch and requested staff to reword 3c) to state "minimum spacing to be..."

MA-2014-032

It was Moved and seconded that MA-TUP-2013.1(Mayne Island Resort) proceed to Local Trust Committee meeting on June 25, 2014 for consideration as amended.

CARRIED

9.2 MA-RZ-2012.1 (Oceanwood) Staff Report

Planner Richardson circulated the letters from Chris Roehrig, Jacquie Burrows, and Carsten Petersen.

Staff has spoken with a representative of the Village Bay Improvement District as to water concerns. There are 282 properties on the system.

Staff has confirmed that the definition of Senior in the LUB is 55 years of age.

A geohydrological study could be requested now, or later, and Staff has drafted a Development Permit stating that a water study would be done at a later date. This report would be required to identify what would be needed to minimize the water usage impact.

Compliance with on the amenity zoning provisions of the OCP would have to be addressed as the current application does not comply.

Staff is requesting direction from the LTC on a number of items:

- Greenhouse gas emissions – does not meet IT objectives: increased parking needs will impact on forest – could stipulate electrical charging stations
- Geohydrology report – now or later: if later could cause problems for developer depending on findings
- Comprehensive Development Zone suggested – Yes
- DPA – character of development - Yes
- Ground Water Protection Area – Yes
- Number of units: type of use; phasing: could draft bylaws and put numbers in later

Trustee Dodds stated that the APC recommended 100% residential usage at some point in time.

Planner Richardson pointed out that more than 10 additional units impacts on Amenity Zoning.

Trustee Dodds stated that Seniors Housing and staff housing could be identified as an amenity.

Planner Richardson stated that staff housing is not within the definition of Amenity Zoning.

Chair Luckham spoke to the significant increase in density of the application and it is critical to balance the increase with the Land Use Bylaw (LUB), Official Community Plan (OCP), and Local Trust Committee objectives.

Trustee Dodds questioned changing some of the current accommodation rooms into staff housing and that the overall density increase is huge. It was suggested that density be decreased.

Trustee Crumblehulme stated that much of the discussion is speculative and that there is a concrete proposal before the LTC with an extensive staff report.

The applicant stated that the original density was based on the proposal for Senior's Housing and the numbers reflected what was necessary to make the project financially viable. There is more interest in Senior's Housing rather than Vacation Accommodation however the community study indicated little need for Seniors Housing at this time. It is felt that a Development Permit for water (Schedule C) page 15 of the Staff report would work well for what is being proposed.

Chair Luckham reviewed the steps taken to date and voiced concern that the Local Trust Committee is "designing" the proposal. He stated it is critical to decrease the density to limit the impact of the development.

Trustee Dodds suggested having 10 senior's units and to have a dual designation Tourist – Residential use on 10 units.

Trustee Crumblehulme spoke in favour of this flexible format to maximize the benefit of the development.

Chair Luckham reminded the group that zoning is forever unless there is a future request to change.

There was some discussion regarding moorage concerns and increased marine traffic.

MA-2014-033

It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to draft Land Use Bylaws amendments and Official Community Plan amendments to include the Development Permit Area guidelines regarding MA-RZ-2012.1 (Oceanwood).

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

None

11. REPORTS

11.1 Work Program Reports

Work Program Report dated May 2014

Planner Richardson spoke to the progress of the items and suggested that 3. Fallow Deer could be replaced with RAR and then when 1. Secondary Suites is finalized, Fallow Deer eradication could be put back on the list.

MA-2014-034

It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to move Fallow Deer to Projects List and insert Riparian Area Regulation on the Top Priority List.

CARRIED (2/1)

Trustee Dodds requested her negative vote be noted.

11.2 Applications Report

Applications Report dated May 2014

Received for information

11.3 Expense/Budget Reports

LTC expense report dated March 201 received for information.

11.4 Bylaw Enforcement

None

11.5 Adopted Policies and Standing Resolutions

Received for information

11.6 Mayne Island LTC Web Page

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

11.7 Chair's Report

Chair Luckham stated that the IT Council meeting in June will be held on Saturna Island.

11.8 Trustee Report

Trustee Crumblehulme reported The Economic Development report is available on line and cites Seniors Housing and Seniors Vacations as areas to focus on. There is going to be a presentation by First Nations People recreating reef net fishing. Meetings are ahead for Experience the Gulf Islands with the Province and Broadband with Network BC and a representative from the Premier's Office. MI Conservancy is working with Galiano Conservancy planning a festival to celebrate Active Pass for mid-April 2015. The Harbours Commission has received the island's request for increased local control of docks and the increase in revenue could be applied to the bus service which BC Transit will subsidize for 53%. Pathways Initiative application has gone forward for funding.

Chair Luckham mentioned there will be a presentation on June 6, hosted by the MI Conservancy regarding Wasting Star Syndrome.

12. OTHER BUSINESS

12.1 Upcoming Meetings

The next meeting of the Mayne Island Local Trust Committee will be held Wednesday June 25, 2014, at 1:00 pm., at the Mayne Island Agricultural Hall.

13. TOWN HALL MEETING

Dave Maude: Requested the email be included on the agenda as it is a foundational document and that there is still hope island will be excluded from RAR.

It was explained that the email is referenced in the minutes and is contained on file at the IT office.

Carsten Petersen: Spoke to the rezoning application for the Oceanwood property – can the development be contained.

It was stated that there are details in the proposal and that lot coverage is managed through the LUB i.e. 10% and that there will be further opportunities to review, question and discuss the proposal at the Community Information Meeting and the Public Hearing.

14. ADJOURNMENT

Chair Luckham declared the meeting adjourned at 4:31 p.m.

X

Peter Luckham, Chair

CERTIFIED CORRECT:

X

Pat Todd, Recording Secretary



Follow Up Action Report w/ Target Date

Mayne Island Mar-26-2014

No.	Activity	Responsibility	Target Date	Status
1	OCP and LUB technical amendments 1) Land Use Bylaw amendments in table 1 and OCP amendments in table 2 to be put into draft bylaws as presented. 2) Backline version of OCP and LUB amendments in tables 1 and 2 to be prepared for ease of reference and check on ease of consolidation. 3) The remainder of the amendments titled: 'Amendments for Further Comment and/or Decision' are to be forwarded to the APC for review and comment. (DONE)	Kim Farris		Done

May-21-2014

No.	Activity	Responsibility	Target Date	Status
2	Minutes of April 23, 2014 adopted as drafted.	Lori Foster		Done
3	CIM Notes of April 23, 2014, received as amended.	Lori Foster		Done
4	MA-TUP-2013.1 (Mayne Island Resort) - staff to prepare notification and permit for consideration of issuance at June 25, 2014 LTC Mtg.	Sharon Lloyd-deRosario Gary Richardson		Done
5	MA-RZ-2012.1 (Oceanwood) - staff to prepare draft bylaws for LTCs review.	Gary Richardson		Done
6	Work Program to be amended by removing fallow deer eradication from the top priority list and placing it on the project list. Also by removing RAR implementation from the project list and placing it on the top priority list.	Gary Richardson		Done

STAFF REPORT

Date: June 17, 2014

File No.: MA-TUP-2013.1

To: Mayne Island Local Trust Committee

From: Gary Richardson, Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: MA-TUP-2013.1 (494 Arbutus Drive)

Owner: Mayne Island Resort Ltd.
Applicant: Same
Location: 494 Arbutus Road, Mayne Island
Legal: Portion of District Lot 560 fronting Strata Plan VIS6703, Section 9, Cowichan District, Mayne Island.

Report prepared for June 25, 2014 Local Trust Committee Meeting.

THE PROPOSAL:

The property owner is requesting that a Temporary Use Permit be issued to permit the owners of upland of Strata Plan VIS6703 to dock up to three boats at the float located in the lease area fronting Strata Plan VIS6703.

BACKGROUND:

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

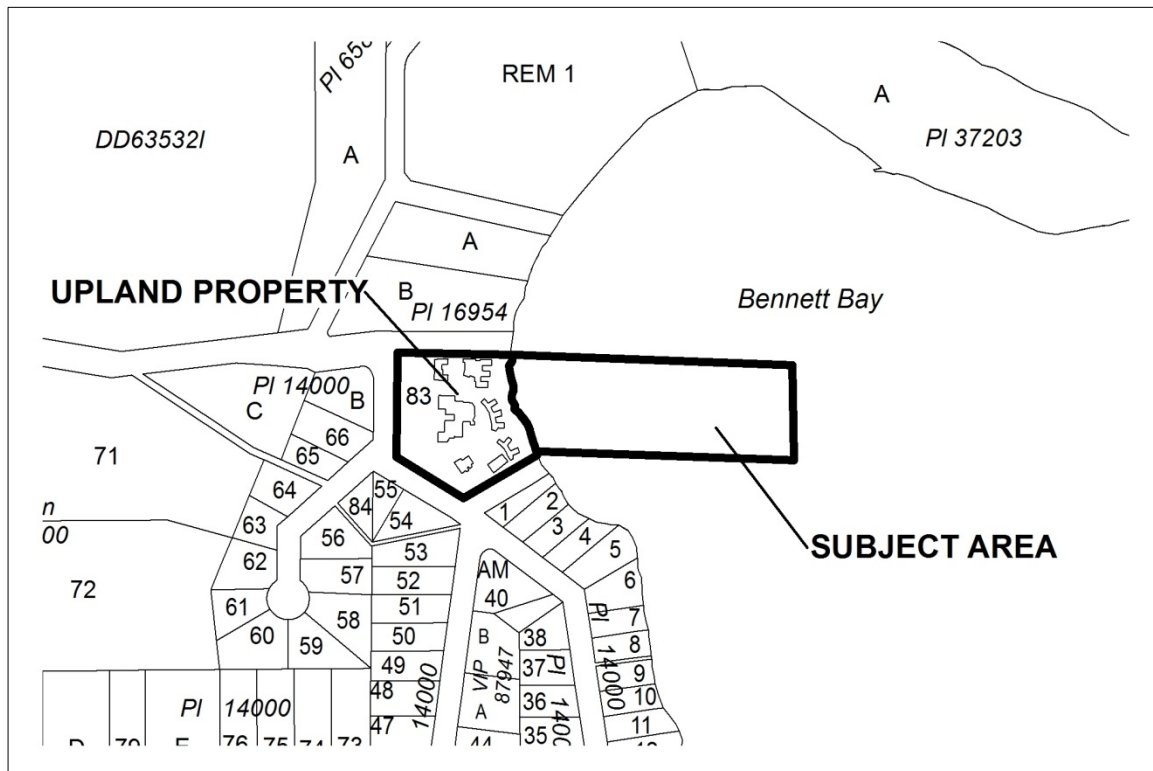
The application and various versions of draft permits have been reviewed at previous LTC meetings. Staff has amended the draft permits as directed by the LTC. All previous staff reports and draft permits can be viewed at the Mayne LTC webpage by using the following link:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/mayne/current-applications.aspx>

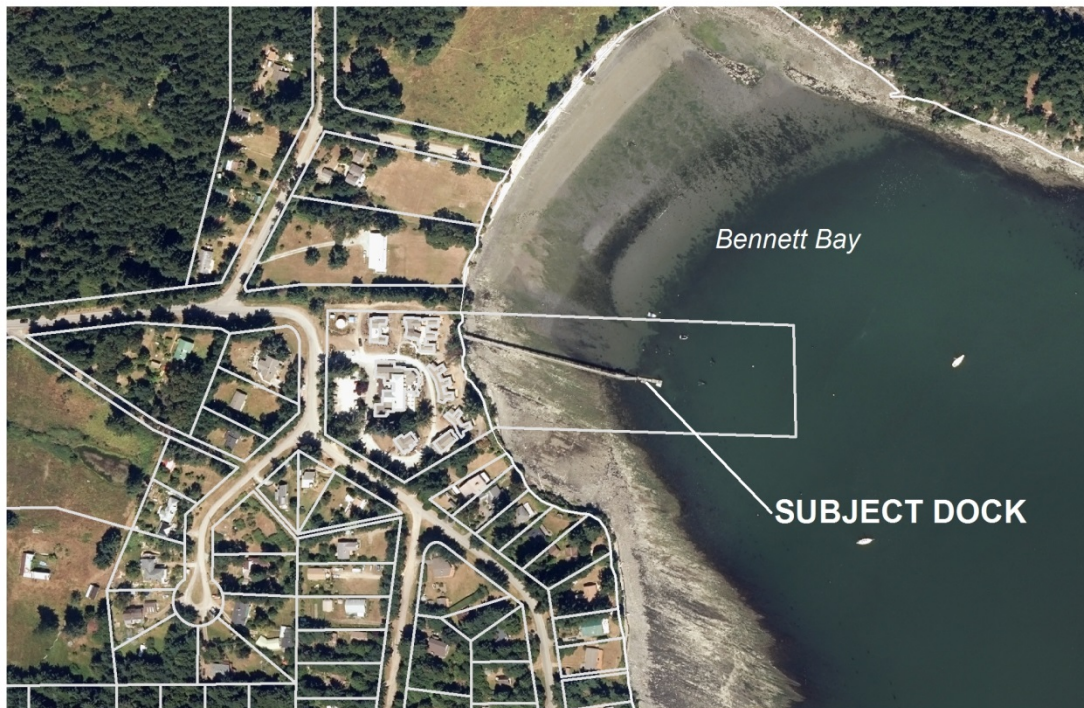
MA-2014-032
It was Moved and seconded that MA-TUP-2013.1(Mayne Island Resort)
proceed to Local Trust Committee meeting on June 25, 2014 for consideration
as amended.

SITE CONTEXT:

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



The following map is an orthophoto of the subject dock.



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Island trust Policy Statement

Some directive policies that the LTC may want to consider:

3.4. Coastal and Marine Ecosystems

Directive Policies

- 3.4.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
- 3.4.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

4.5 Coastal Areas and Marine Shorelands

Directive Policies

- 4.5.10 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.

- 4.5.11 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.

Official Community Plan

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

4.2.1 Coastal Waters and Foreshore

Objectives

- 1) to protect coastal areas from pollution,
- 2) to ensure that any use of coastal waters and foreshore does not result in permanent damage to the natural systems, and
- 3) to limit the impact of foreshore uses on adjacent uses and on the visual appearance of the shoreline.

Policies

- 4.2.1.1 Marshes, bluffs and beaches along the coast shall be protected from the impacts of development by ensuring foreshore zoning protects against disruption of the natural systems and pollution.
- 4.2.1.3 Ensure that there are adequate setbacks from the natural boundary of the sea for all development.
- 4.2.1.4 All use of coastal waters and foreshore areas shall be regulated by zoning to ensure adequate separation between potentially conflicting uses.
- 4.2.1.4 Public recreational use of the foreshore shall be given priority over other foreshore uses.
- 4.2.1.6 Private floats, docks or wharves shall be permitted by zoning only for owners of land adjacent to the shoreline of the water area subject to the zone.
- 4.2.1.7 Any zoning for commercial use of the foreshore and coastal areas shall:
 - a) include public access to the foreshore, and
 - b) protect coastal areas by balancing waterfront development (or redevelopment) with natural areas.

Applicable Temporary Use Permit Guidelines

OCP Section	OCP Guidelines	Staff Comments
2.9.1.1	<i>Permits can be issued for any period up to two years and could be considered for renewal once for any further period up to two years.</i>	The Local Government Act now allows a permit to be issued for up to three years and considered once for up to a further three years. The applicant has requested 3 years.
2.9.1.2	<i>Permitted uses should be consistent with the policies of the designation and the provisions of 2.9.1.</i>	Proposed draft permit is consistent with these guidelines.
2.9.1.3	<i>Permitted uses should not preclude or compromise future permitted uses on the affected lot.</i>	The proposal is consistent with this guideline.
2.9.1.4	<i>Uses should not be allowed if they conflict with any ongoing planning policies or programs.</i>	There are no apparent conflicts.
2.9.1.5	<i>Sand and gravel removal and processing, and asphalt plants shall be subject to a permit if they exceed 50 truck loads in any given year.</i>	Not applicable
2.9.1.6	<i>Permit conditions must make reference to measures dealing with the following points: a) general activity levels that will not create any disturbance apparent beyond the property's boundaries; b) adequate landscape buffering or distance separation to adjacent lots; c) provision of off-street parking spaces consistent with regulatory bylaws; d) reclamation measures that will restore the permit area to suitability for its designated primary use; and e) adequate supervision of the site.</i>	Proposed draft permit is consistent with this guideline.
2.9.1.7	<i>In addition, permit conditions should outline operational plans, including hours and days of operation and staffing to ensure compatibility with the neighbourhood and may include an undertaking for restoration of the site and a security deposit to guarantee performance of the conditions.</i>	A security deposit can be required if deemed necessary.
2.9.1.8	<i>Review of applications should include consideration of smart growth principles.</i>	Not applicable

Land Use Bylaw

The property is zoned Water Moorage (W2)

The permitted uses in the W2 zone are as follows:

Permitted Uses

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

(a) Marine navigational aides;

(b) Docks, accessory to the residential use of an upland lot or lots abutting the natural boundary of the sea.

For certainty, no building may be constructed or erected on any dock and no commercial or industrial use may be conducted on any structure in the W2 zone.

Siting and Size

(2) The maximum height of any structure is 5 metres (16.4 feet), as measured from the ordinary high water mark.

Sensitive Ecosystems and Hazard Areas:

Islands Trust Shoreline mapping indicates two types of shorelines fronting strata plan VIS6703 a pebble/sand beach and a low rock boulder beach. Mapping show eel grass in the area of the existing dock.

Archaeological Sites:

Based on information from the Provincial Remote Access to Archaeological Data (RAAD), there are archaeological sites near the property but not in the subject area. Notwithstanding the foregoing, and by copy of this report, the owners are advised that the unearthing of any archaeological resource should be reported to the Archaeology Branch.

COMMUNITY INFORMATION MEETING(S):

A community information meeting was held February 26, 2014. The following is a summary of the comments made:

- Good location for dock for emergency purposes
- Maintenance would be strengthened by allowing application
- Concern that friends of owners will use dock
- Concern about beach due to low flushing
- Increased noise and traffic
- How would permit conditions be enforced?
- Concerns about rafting of boats

RESULTS OF CIRCULATION:

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

As of the date of the writing of this report four pieces of correspondence were received as a result of the notice. All correspondence has been forwarded to the LTC for consideration.

Most recently the notice and draft permit have been published in the Driftwood newspaper (June 11, 2014) mailed and hand delivered to surrounding property owners and posted on island notice boards (prior to June 13, 2014). No new correspondence has been received; however, staff will distribute further correspondence to the LTC as it is received.

Mayne Island Conservancy made the following recommendations:

1. Do not increase the current footprint of the float.
2. Limit the size of the vessels that can use the float, maintain as dingy dock (reduce direct damage from motors).
3. Support partnership between Mayne Inn and the Mayne Island Conservancy to educate tenants on best anchoring practices.

Mayne APC recommendations (draft minutes of March 10, 2014):

It was moved and seconded that the Mayne Island APC recommend to the Mayne LTC the approval of MA-TUP-2013.1(Mayne Island Resort) with the following conditions:

1. Maximum three boats be moored at the dock at any one time;
2. Float not to exceed approximately 8 feet by 45 feet (existent size);
3. Signage be affixed on the dock detailing limits of usage;
4. Within foreshore lot there be speed zone signs and recommended anchorage destinations;
5. The applicant in conjunction with Mayne Island Conservancy identify appropriate moorage sites;
6. Applicant partner with the Mayne Island Conservancy regarding education and conservation.

STAFF COMMENTS:

The permit has been appropriately advertised and is ready for the LTC's consideration.

Options:

- 1) Proceed no further with application.
- 2) Direct staff to amend the permit.
- 3) Issue the permit as drafted for up to a 3 year term.

Staff is recommending that the draft permit be issued as drafted for a three year term.

RECOMMENDATION:

THAT MA-TUP-2013.1 (Mayne Island Resort) be approved.

Prepared and Submitted by:

Gary Richardson

June 17, 2014

Date

Concurred in by:

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

Robert Kojima, RPM

June 17, 2014

Date



Islands Trust

MAYNE ISLAND LOCAL TRUST COMMITTEE

TEMPORARY USE PERMIT

MA-TUP-2013.1

TO: Mayne Island Resort Ltd.

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

Area of foreshore fronting Plan VIS 6703 contained within DL 560 and identified as Licence 113232.

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

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

- a) Docking of boats.

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

- a) The float shall not exceed a maximum size of 2.4 metres (8 feet) by 15.2 metres (50 feet);
 - b) Only owners of lots in strata plan VIS6703 shall be permitted to dock at the float;
 - c) If a new float is installed the minimum spacing between deck boards to be 2.5 cm (1 inch);
 - d) A sign not exceeding 1.5 m² (16 sq.ft.) shall be placed on the float: 1) stating not to anchor in eelgrass; 2) and posting a phone number to call in the event of an oil spill;
 - e) No more than three boats, each not exceeding 7.6 metres (25 feet in length), shall be docked at the float at any one time except for kayaks and canoes which are not limited;
 - f) Any maintenance of the dock and float is to be carried out in compliance with the Department of Fisheries and Oceans Best management practices attached as schedule "B";
 - g) For certainty the dock and float is not to be used for any commercial purpose;
 - h) The applicant should cooperate with the Mayne Island Conservancy Society to install a minimum of 4 eelgrass friendly mooring cans; and

- i) The applicant should collaborate with the Mayne Island Conservancy Society to mitigate erosion at the point where the dock attaches to the bank.
- 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, Island Health, Ministry of the Environment and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS DAY , 2014.

Deputy Secretary, Islands Trust

Date of Issuance

MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-TUP-2013.1
SCHEDULE 'A'



BRITISH
COLUMBIA

Ministry of
Environment,
Lands and Parks

Legal Description Schedule

License No.

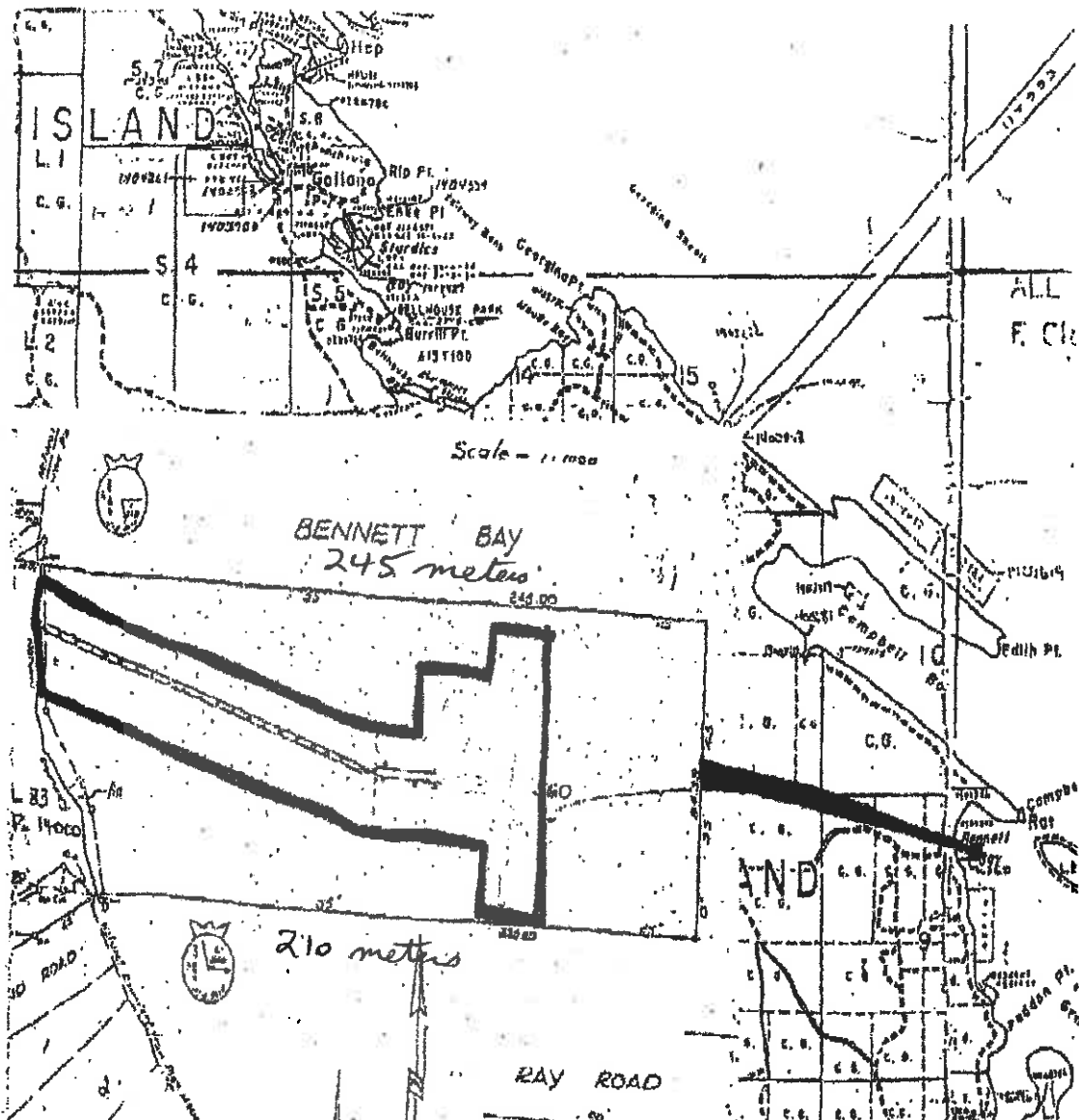
106202

File No. 0336374

1. Legal Description

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

2. Sketch Plan



**MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-TUP-2013.1
SCHEDULE 'B'**

Float and Dock Construction Best Management Practices

Best Management Practices (BMPs) for Constructing Docks and Floats in the South Coast Area - DFO South Coast, 2004

- These BMPs apply to docks, floats and gangways proposed for the marine shoreline.
- The BMPs are designed so that a property owner can construct a dock or float that will not adversely affect fish habitat.
- If you are able to meet with the criteria set forth in these BMPs, you do not require further advice from DFO habitat staff. A signed written notification to the local DFO office regarding the location and timing of works is all that is necessary.
- It is your responsibility to ensure that you have met the requirements of other levels of government and relevant agencies (Land and Water BC; local government etc).

The focus of these BMPs is to protect fish habitat from the impacts of shading, fill placement and low tide grounding of both structures and vessels.

- Access walkways should be 1.0 metres above the highest high water mark.
- Walkways should be a maximum width of 1.5 metres.
- The lowest portion of floats should be 1.0 m above the seabed during the lowest tide of the year. This height will need to be increased if a large draft vessel is to be moored at the dock/float.
- Grating incorporated into walkways will decrease shading to the seabed. If grating cannot be used, deck planks should be no wider than 15 cm (6 inches) and spaced at least 2.5 cm (1 inch) apart.
- North/south dock alignments will further prevent shading to the seabed.
- Floats are not to be installed over marine vegetation, especially eelgrass or kelp.
- Concrete, steel, BMP-treated or recycled timber piles are acceptable. For detailed information on treated wood options, refer to the Guideline to Protect Fish and Fish Habitat from Treated Wood Used in the Aquatic Environment in the Pacific Region, available on-line at <http://www.dfo-mpo.gc.ca/Library/245973.pdf>.
- The dock/float structure and the vessel to be moored at the structure are not to come to rest on intertidal areas during the lowest tide of the year.
- Construction must not to include native beach materials (boulders, gravel, drift logs etc.).

- Access to the beach for construction purposes is to be from the upland (property side). If heavy equipment is required to work on the beach or access is required along the beach, you should seek the advice of a professional biologist to ensure that fish habitat, including riparian and backshore vegetation, is not adversely affected during construction.
- Filling, dredging or blasting below the High Water Mark is not permitted.
- Works are to be conducted when the site is not wetted by the tide.
- Works are to be conducted in a manner that does not result in the deposit of toxic or deleterious substances (e.g. uncured concrete, sediment, paints, stains, etc.) into waters frequented by fish.
- Refueling of machinery and washing of buckets and hand tools is not to take place on the marine foreshore.
- Foreshore construction should take place between June 1 and December 1 of any calendar year.

Prepared by:

DFO-Habitat Management, South Coast Area, May 2003

Updated January 2004

Proponents are advised that works in and around fish habitat (the tidal foreshore) can negatively affect fish habitat. Section 35(1) of the Fisheries Act prohibits the harmful alteration, disruption or destruction of fish habitat (HADD). The Fisheries Act may be enforced if a HADD occurs during construction or maintenance of the structure.



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: Galiano Island Local Trust Area Bylaw No.: 246 Date: May 27, 2014

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

APPLICANTS NAME / ADDRESS: N/A

PURPOSE OF BYLAW: To revise and update existing Development Permit Area 4 – Elevated Groundwater Protection

The intent of the revised development permit area remains the same and remains applicable to those areas over the 140 m elevation as it is shown in Schedule G of the Galiano Official Community Plan (OCP). The intent is to guide development such as construction of buildings and structures and alteration of land and the subdivision of land within areas identified as groundwater recharge areas for downslope groundwater regions. Only those portions of the catchment areas having shallow soils and being particularly sensitive to development for that reason are included in the development permit area.

The revised bylaw has been updated with a number of additions:

- Addition of legislative authority 4.2
- Addition of Special Conditions and Objectives that Justify the Designation section 4.3
- Addition of Applicability section 4.5
- Addition Development Permit Exemptions section 4.6
- Addition of an improved and more detailed Guidelines section 4.7

The intent of the revised bylaw is to improve clarity and applicability by establishing where and how the DPA applies and where it doesn't through adding an improved Guidelines section and Exemption Section. The addition of an improved Guideline sections help to improve clarity on what is required through the DPA.

Professional and staff reports related to this topic are available on the Galiano Island webpage:
<http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/projects-initiatives/groundwater-study.aspx>

GENERAL LOCATION:

Galiano Island Local Trust Area

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

N/A

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: www.islandstrust.bc.ca

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.

Name: Kris Nichols

(Signature)

Title: Island Planner
Contact Info: Tel: 250-405-5170
Email: knichols@islandstrust.bc.ca

PLEASE TURN OVER →

This referral has been sent to the following agencies:

Federal Agencies

N/A

Provincial Agencies

Ministry of Forest, Lands & Natural Resource Operations – Crown
Lands And Resources
Ministry of Environment – Water Stewardship Division –
Groundwater Protection

Non-Agency Referrals

Islands Trust Fund
Galiano Island Advisory Planning Commission
Galiano Estates Improvement District
Galiano Island Waterworks District
Montague Improvement District
Spanish Hills Waterworks District
Sticks Allison Water Services Area
Wise Island Waterworks District

Regional Agencies

Capital Regional District – Building Inspection
Capital Regional District – Regional Parks and Community Services

Adjacent Local Trust Committees and Municipalities

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

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
TE'Mexs Treaty Association
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawwassen First Nation

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Galiano Island Local Trust Area

(Island)

246

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)



Islands Trust

BYLAW REFERRAL FORM

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Ph: (250) 405-5151
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www.islandstrust.bc.ca

Island: Galiano Island Local Trust Area Bylaw No.: 247 Date: May 27, 2014

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

APPLICANTS NAME / ADDRESS: N/A

PURPOSE OF BYLAW:

The purpose of the Land Use Bylaw (LUB) amendment is to provide an option for property owners with a residential dwelling and a cottage on their property the ability to have a short term vacation rental (STVR) in one of them through the Home Occupation Regulations. STVRs is a term commonly used to describe the rental of dwellings to paying guests for a period of time generally less than on a month-to-month basis. This use occurs in dwellings (residences or cottages) that are located in residential zones.

The LUB amendment would allow STVRs to be permitted outright through the Home Occupation Regulations where the owner or operator resides in the other dwelling (residence or cottage) located on the property.

Professional reports and staff reports are available on the Galiano Island webpage: <http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/projects-initiatives/short-term-vacation-rentals.aspx>

GENERAL LOCATION:

Galiano Island Local Trust Area

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

N/A

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: www.islandstrust.bc.ca

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.

Name: Kris Nichols

(Signature)

Title: Island Planner
Contact Info: Tel: 250-405-5170
Email: knichols@islandstrust.bc.ca

PLEASE TURN OVER →

This referral has been sent to the following agencies:

Federal Agencies

N/A

Provincial Agencies

BC Assessment Authority
Ministry of Transportation & Infrastructure

Non-Agency Referrals

BC Hydro and Power Authority
Islands Trust – Bylaw Enforcement
Galiano Island Advisory Planning Commission
Galiano Estates Improvement District
Galiano Island Waterworks District
Montague Improvement District
Spanish Hills Waterworks District
Sticks Allison Water Services Area
Wise Island Waterworks District

Regional Agencies

Capital Regional District – Building Inspection
Island Health
Galiano Island Fire Rescue

Adjacent Local Trust Committees and Municipalities

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

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Galiano Island Local Trust Area

(Island)

247

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)



Islands Trust

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Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Galiano Island Local Trust Area Bylaw No.: 248 Date: May 27, 2014

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

APPLICANTS NAME / ADDRESS: N/A

PURPOSE OF BYLAW:

The purpose of the Official Community Plan Bylaw (OCP) amendment is to provide an option for property owners that have one residential dwelling on their property the ability to have a short term vacation rental (STVR) through applying for a Temporary Use Permit (TUP). Those lots with one residence and no cottage on the property would be permitted to have an STVR, but would have to apply for a Temporary Use Permit. The Temporary Use Permit (TUP) section of the OCP will be amended through this bylaw to provide guidance and certainty for applicants, and guidance for planning staff and the LTC in assessing applications. STVRs is a term commonly used to describe the rental of dwellings to paying guests for a period of time generally less than on a month-to-month basis. This use occurs in dwellings (residences or cottages) that are located in residential zones.

Professional reports and staff reports are available on the Galiano Island webpage: <http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/projects-initiatives/short-term-vacation-rentals.aspx>

GENERAL LOCATION:

Galiano Island Local Trust Area

LEGAL DESCRIPTION:

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

N/A

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: www.islandstrust.bc.ca

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.

Name: Kris Nichols

(Signature)

Title: Island Planner
Contact Info: Tel: 250-405-5170
Email: knichols@islandstrust.bc.ca

PLEASE TURN OVER →

This referral has been sent to the following agencies:

Federal Agencies

N/A

Provincial Agencies

BC Assessment Authority
Ministry of Community, Sport and Cultural Development
Ministry of Transportation & Infrastructure

Non-Agency Referrals

Islands Trust Fund
Islands Trust – Bylaw Enforcement
Galiano Island Advisory Planning Commission
Galiano Estates Improvement District
Galiano Island Waterworks District
Montague Improvement District
Spanish Hills Waterworks District
Sticks Allison Water Services Area
Wise Island Waterworks District

Regional Agencies

Capital Regional District – Building Inspection
Island Health
Galiano Island Fire Rescue

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

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Lake Cowichan First Nation
Lyackson First Nation
TE'Mexs Treaty Association
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawwassen First Nation

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Galiano Island Local Trust Area

(Island)

248

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

File No.: MA-RZ-2012.1

To: Mayne Island Local Trust Committee

From: Gary Richardson, Island Planner

CC: Robert Kojima, Regional Planning Manager

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

Owner: 0747825 B.C. Ltd.

Applicant: Murray Rosengren

Location: 630 Dinner Bay Road

BACKGROUND:

An application for rezoning was made in December 2012. The original application was predominately for seniors housing. After it was determined by a needs study that only a limited number of seniors units will likely be required on Mayne Island in the foreseeable future the application was amended.

The present application is for a mix of housing the details of which are outlined in the proposal section of this report.

The LTC passed the following resolution at its May 21, 2014 business meeting:

MA-2014-033

It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to draft Land Use Bylaws amendments and Official Community Plan amendments to include the Development Permit Area guidelines regarding MA-RZ-2012.1 (Oceanwood).

Staff has prepared two draft bylaws 163 (OCP) and 164 (LUB) for the LTC's consideration.

Several staff reports have been prepared on this proposal and can be found on the Mayne LTC webpage at:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/mayne/current-applications.aspx>

THE PROPOSAL:

The existing lot contains a waterfront country guest house which consists of 12 tourist accommodation units, a restaurant, an accessory building/garage and an accessory dwelling unit.

As a result of the LTC's comments at the May 21, 2014 LTC meeting and further discussions with the planner the applicant has amended his proposal as follows:

- The applicant is proposing to keep the existing guest house as is with 12 tourist accommodation rooms and a restaurant.
- The existing accessory dwelling which is limited in size (140 m²) is proposed to remain.
- 10 new units not to exceed 90 m² (969 sq.ft.) to be used as either vacation accommodation units or residential units are being proposed.
- 10 new seniors residential units not to exceed 90 m² (969 sq.ft.) are being proposed.
- 3 staff housing units not to exceed 60 m² (646 sq.ft.) are being proposed.

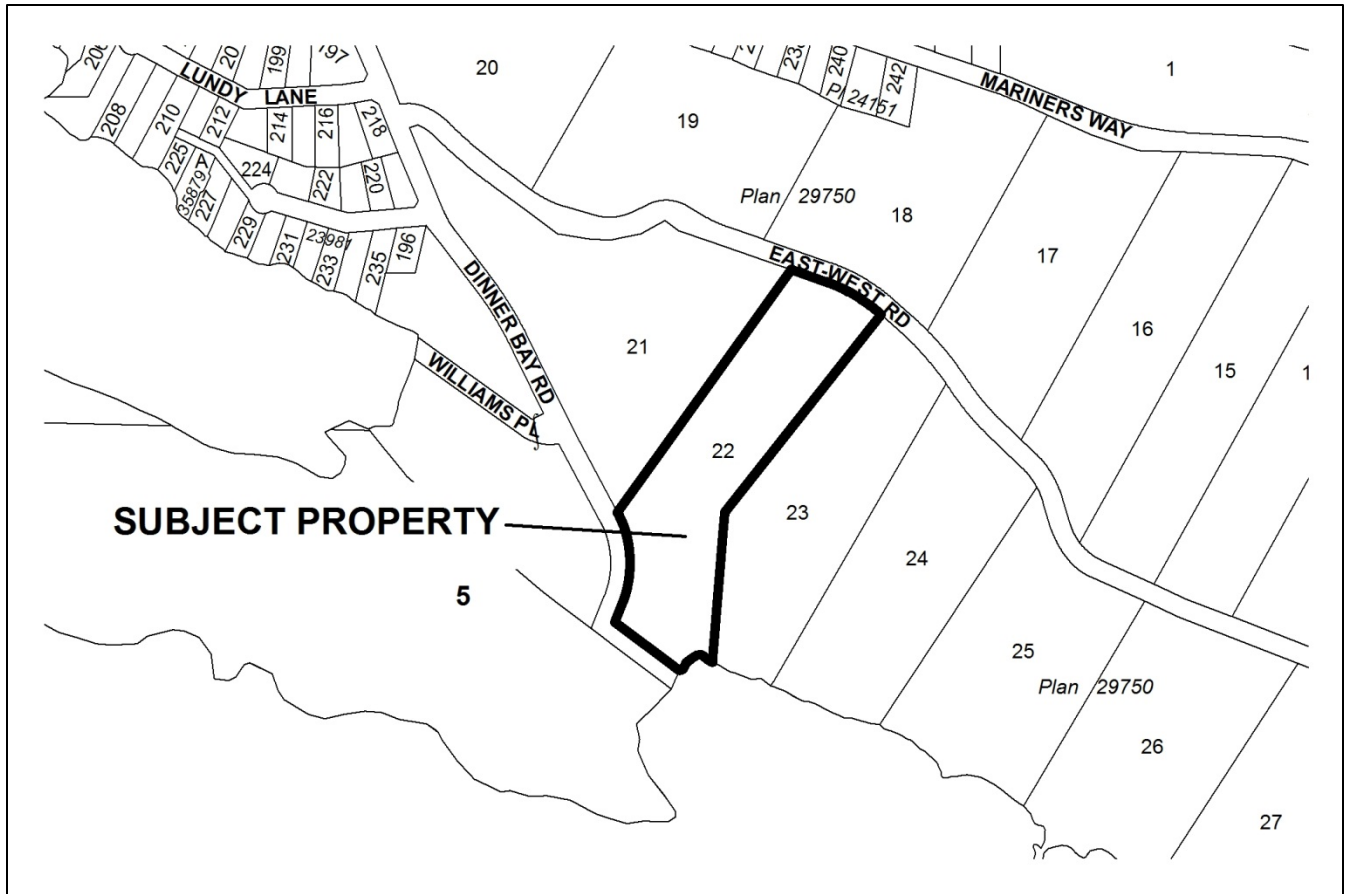
SITE CONTEXT:

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

Islands Trust Policy Statement:

The policy statement directives checklist for each draft bylaw is attached for the LTCs review.

The groundwater protection DPA has been recommended to ensure the increase in density will not have an adverse effect on water quality.



Map showing location of subject property



Orthophoto showing subject lot



Ortho photo showing subject area

STAFF COMMENTS:

This proposal now complies with the amenity zoning provisions of the OCP which allows for a modest increase in density of 10 units if an amenity is provided. The list of amenities includes affordable and special needs housing.

As a result of the direction given at the May 21, 2014 LTC meeting staff has prepared two draft bylaws for the LTC's consideration.

Draft OCP bylaw 163 places the entire property in: the Groundwater Protection DPA; the Form and Character of Intensive Residential Development DPA; and the Form and Character of Commercial, Visitor Accommodation and Industrial Development DPA.

As was recommended in the previous staff report a covenant requiring a geohydrologist's report prior to consideration of a groundwater protection development permit should be registered prior to these proposed bylaws being considered for adoption.

Draft LUB Bylaw 164 places the entire property in a new Comprehensive Development Three (CD3) Zone.

The CD3 zone allows for what the applicant has recently proposed: 10 seniors units; 10 vacation accommodation or residential units; and 3 staff housing units.

The staff housing units and seniors units are considered the amenity in this proposal; therefore, draft bylaw 164 has been structured to require the applicant to construct the amenity units in a phased fashion with the vacation accommodation/ residential units.

Setbacks have been increased to 8 metres for all lot lines.

Options

- 1) Proceed no further.
- 2) Direct staff to amend bylaws.
- 3) Give 1st reading to draft bylaws 163 and 164 and request staff to shechlue a public hearing. Staff will also forward to appropriate agencies for comment.

RECOMMENDATIONS:

1. THAT the Mayne Island Local Trust Committee give draft bylaw 163, cited as Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 2, 2014, 1st reading.
2. THAT the Mayne Island Local Trust Committee give draft bylaw 164, cited as Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2014, 1st reading.

3. THAT the Mayne Island Local Trust Committee direct staff to arrange a community information meeting and public hearing for draft bylaws 163 and 164.
4. THAT the Mayne Island Local Trust Committee direct staff to enter into a cost recovery agreement with the applicant in order to have an appropriately worded covenant prepared to ensure a geohydrologists report is prepared prior to the issuance of a groundwater protection DP.
5. That the Mayne Island Local Trust Committee review the Islands Trust Policy Statement Directives Only Checklist and determine that Bylaws No. 163 and 164 are not contrary to or at variance with the Islands Trust Policy Statement.

Prepared and Submitted by:

Gary Richardson

June 17, 2014

Gary Richardson, Island Planner

Date

Concurred in by:



Robert Kojima, RPM

June 17, 2014

Date

Attachments:

Draft Bylaw 163

Draft Bylaw 164

Policy Statement Checklists for Draft Bylaw 163 and 164

**MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 163**

A BYLAW TO AMEND MAYNE ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 144, 2007

WHEREAS the Mayne Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Mayne Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS Section 29 of the *Islands Trust Act* gives the Mayne Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*;

AND WHEREAS the Mayne Island Local Trust Committee wishes to amend the Mayne Island Official Community Plan Bylaw No. 144, 2007;

AND WHEREAS the Mayne Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Mayne Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as "Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 2, 2014."

2. SCHEDULES

- a. Schedule A (Policy Document) of Mayne Island Official Community Plan No. 144, 2007 is amended as indicated on Schedule 1, attached to and forming part of this amending bylaw.
- b. Schedule C (Map of Development Permit Areas) of Mayne Island Official Community Plan No. 144, 2007 is amended in accordance Schedules 2 and 3, attached to and forming part of this amending bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this _____ day of _____ October, 20____.

PUBLIC HEARING HELD this day of November , 20.

READ A SECOND TIME this _____ day of _____ February _____, 20____.

READ A THIRD TIME this _____ day of _____ February _____, 20____.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
day of February, 20.

APPROVED BY THE MINISTER OF COMMUNITY DEVELOPMENT this
day of April, 20.

ADOPTED this day of April , 20.

SECRETARY

CHAIRPERSON

MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 163

SCHEDULE 1

1. Schedule A (Policy Document) of Mayne Island Official Community Plan No. 144, 2007 is amended by inserting the following new Section 2.8.5.

“2.8.5 Development Permits for Groundwater Protection

Development permits for this purpose may vary or supplement bylaw regulations to specify the general character of the development and the siting and form of buildings and structures.

Designation

All lands shown on Schedule C as being a groundwater protection area are designated as a development permit area.

Authority

The Groundwater Protection Development Permit Area is designated a development permit area pursuant to Section 919.1(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity and Section 919.1(i) of the *Local Government Act* for the establishment of objectives to promote water conservation.

Objectives

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is Provincial legislation in Section 877(1)(d) of the Local Government Act that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is environmentally sensitive to development. It is policy of the Islands Trust Council that local trust committees address measures that ensure:

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

The Objectives of the development permit area are:

- to protect and sustain access to a reliable and safe supply of drinking water for private wells
- to protect and sustain the quality and supply of surface and groundwater necessary to the provision of ecological services
- to mitigate the impacts of development on sub-surface water supplies

General Applicability

A development permit is required for the subdivision of land, construction of a new residence or commercial or industrial building, land alteration, or the cutting of trees in excess of the number exempted below.

Work Not Requiring a Permit (Exemptions)

The following activities are exempt from any requirement for a development permit:

- a) Repair, maintenance, alteration, additions to, or reconstruction of existing lawful buildings, structures or utilities, including those that are lawfully non-conforming (a building permit may still be required).
- b) Construction of a dwelling or subdivision of land that is, or will be, serviced by a community water system.
- c) Construction of a dwelling where the dwelling:
 - a) Is not to be connected to a groundwater source; and,
 - b) Is entirely serviced with water through stored and treated rain water which meets or exceeds Canadian Drinking Water Standards.
- d) Development on land that is subject to a conservation covenant under section 219(4) of the *Land Title Act* in relation to natural, environmental, wildlife or plant life value relating to the land, granted to the local government or a covenantee designated under section 219(3)(c) of the *Land Title Act*.
- e) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving asphaltting or similar surfacing.
- f) The placement of temporary buildings or structures
- g) All vegetation removal except for cutting and removal of more than 5 trees (with a trunk diameter greater than 20 centimetres measured 1.5 metres above the ground) within a 12-month period on any one lot.
- h) Removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.
- i) Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2), (3), (4) and (5) of the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation.
- j) Forest management activities, as defined in the Private Managed Forest Land Regulation, on land classified as managed forest land under the *Private Managed Forest Land Act*.
- k) Land alteration that does not alter the natural contours of the land.
- l) The construction of an accessory building or structure with a lot coverage of less than 100m², provided the accessory building or structure is not connected to a supply of water.
- m) Construction of fences.
- n) Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:
 - i. Forest fire, flood and erosion protection works;
 - ii. Protection, repair or replacement of public facilities;
 - iii. Clearing of an obstruction from a bridge, culvert, dock wharf or stream; or
 - iv. Bridge repairs.
- o) Works undertaken by a local government or a body established by a local government.

2.8.4 Guidelines

1. In general, development should minimize negative impacts on the quality and quantity of subsurface water supplies.
2. A qualified professional hydrogeologist or engineer is required to prepare a report and make recommendations for mitigation measures. Once the final report from the is received from the hydrogeologist or engineer by the local trust committee, the LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of groundwater supply quality or quantity consistent with the measures and recommendations described in the report.
3. Where the a qualified professional hydro-geologist or engineer's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a hydro-geologist or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
4. Where an application involves the subdivision of land, layout of the subdivision should be designed to:
 - a) replicate the function of a naturally vegetated watershed;
 - b) maintain the hydraulic regime of surface and groundwater pre-development flow rates;
 - c) not interfere with groundwater recharge;
 - d) not introduce or remove material where it would cause erosion of or the filling in of natural watercourses or wetlands.
5. The Local trust committee may require the applicant to install a groundwater monitoring device in at least one well within each proposed subdivision. The Local trust committee may require an agreement to be registered on title to allow a designated person or agency to access the property to collect the data from the device.
6. Where rainwater management is recommended by the report, rainwater should be retained on-site and managed using methods such as vegetated swales, rain gardens, or other methods which allow rainwater to return to the ground.

7. Where rainwater harvesting is recommended by the report for the construction of a new dwelling unit:
 - a) Dwelling units should be sited to allow for the optimal placement of a gravity fed rainwater collection tank which collects rainwater from the roof leaders of the dwelling unit which capture the majority of the rainwater flows.
 - b) Dwelling units should be designed to maximize opportunities for rainwater catchment from all roof surfaces.
 - c) Impervious surfaces should be minimized. The use of impervious paved driveways shall be discouraged.
 - d) The local trust committee may require that all new dwelling units include an external rainwater harvesting system such which includes the following:
 - i. External equipment for collecting and distributing rainwater from the dwelling unit roof;
 - ii. A storage tank(s) of sufficient capacity designed for rainwater collection;
 - iii. A pumping system;
 - iv. An overflow handling system.
 - e) All external pipe, plumbing fixtures, and hose bibs where rainwater is used shall be clearly marked with "Non-Potable Water Do Not Drink".
 - f) Where external rainwater harvesting equipment is required as a condition of the permit, the local trust committee shall encourage the applicant to install dedicated plumbing lines within proposed dwelling units to make use of stored rainwater for flushing toilets and other non-potable uses.
8. Where tree removal which is not exempt from the requirement for a permit:
 - a) Removal of trees from steep slopes should only be allowed where necessary and where replacement vegetation / erosion control measures are established. Plans delineating extent of vegetation / tree removal and location of proposed construction, excavation and / or blasting, may be required.
 - b) All development should be undertaken and completed in such a manner as to prevent the release of sediment to any watercourse. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.
 - c) Existing, native trees should be retained wherever possible and trees to be retained near development should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
 - d) If the area has been previously cleared of trees, or is cleared during the process of development, replanting requirements may be specified in the development permit. Areas of

undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.

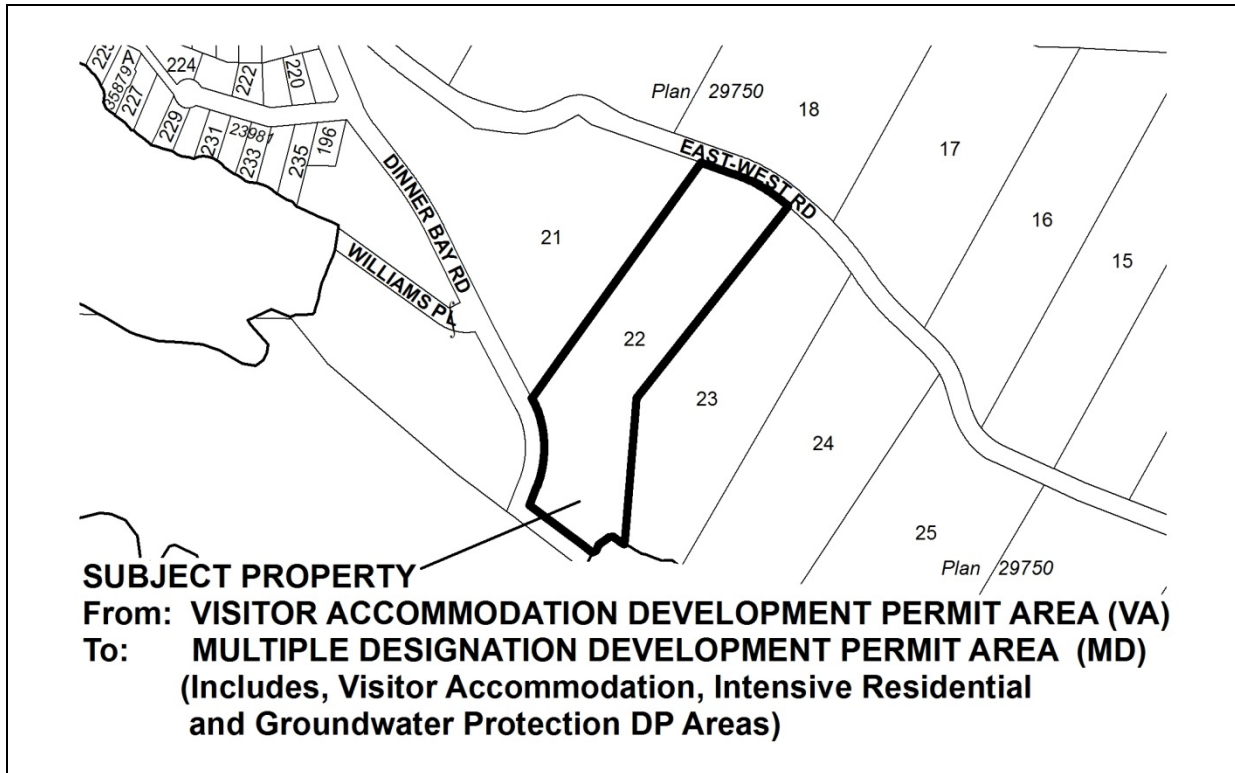
- e) Tree species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or wildlife habitat values as needed. Suitably adapted, non-invasive, non-native trees may also be considered acceptable.
 - f) All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead trees should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.
- 9. Roads, driveways, trails and pathways should follow the contours of the land and appropriately manage drainage.
 - 10. Parking areas should be located and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, bio-filtration trenches or swales, unpaved or permeable all-weather surfaces should be considered for this purpose.
 - 11. The local trust committee may consider variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area.

MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 163

SCHEDULE 2

1. Schedule C (Development Permit Area Map) of Mayne Island Official Community Plan No. 144, 2007 is amended placing the following Development Permit designation on the lands shown below.



MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 163

SCHEDULE 3

1. Schedule C (Development Permit Area Map) of Mayne Island Official Community Plan No. 144, 2007 is amended placing a new Development Permit Area in the list of Development Permit Areas as follows:

“Multiple Designation Development Permit (MD) (Includes Visitor Accommodation, Intensive Residential and Groundwater Protection DP Areas)”.

MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 164

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) By adding a new Section 5.27 as follows:

“5.27 Comprehensive Development Three (CD3) Zone

The purpose of the Comprehensive Development Three zone is to provide for and regulate the development of a mix of tourist accommodation and ground-oriented residential uses on a specific site in Dinner Bay.

Permitted Uses

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

- (a) Tourist accommodation;
- (b) Agriculture;
- (c) Residential;
- (d) Guest House;
- (e) Accessory restaurant;
- (f) Senior citizen residential use;
- (g) Employee housing;
- (h) Accessory dwelling unit;
- (i) Riding Stables;
- (j) Accessory uses, buildings and structures.

Density

- (2) The maximum lot coverage is 10%.
- (3) One guest house per lot.
- (4) The maximum floor area of a guest house is 836 m² (9000 ft²).
- (5) The maximum number of tourist accommodation units contained within a guesthouse is 12.

- (6) One accessory restaurant, located within a guest house, per lot.
- (7) The maximum floor area of an accessory restaurant use is 56m² (603 ft²).
- (8) The maximum floor area of a tourist accommodation unit sited outside of a guesthouse is 90 m² (969 ft²).
- (9) The maximum number of tourist accommodation units or residential units permitted outside of a guesthouse is 1 tourist accommodation unit or one residential unit except where 2 employee housing units and 5 seniors housing units are constructed and maintained, then the number of tourist accommodation units or residential units permitted is 5. If 3 employee housing units and 10 seniors housing units are constructed and maintained, then the maximum number of tourist accommodation units or residential units permitted is 10.
- (10) The maximum number of employee housing units is 3.
- (11) The maximum floor area of accessory employee housing units is 60m² (646 ft²).
- (12) The maximum number of senior citizen residential units is 10.
- (13) The maximum floor area of any seniors residential unit is 90 m² (969 ft²).
- (14) The maximum number of accessory dwelling units per lot is 1.
- (15) The maximum floor area of any accessory dwelling unit is 140 m² (1507 ft²).
- (16) The maximum number of accessory buildings is four per lot, other than an accessory dwelling unit, utility sheds, or woodsheds.

Siting, Size and Location of Uses

- (17) The minimum setback for any building or structure, except a sign, fence, or pumphouse is:
 - (a) 8 metres from any lot line;
- (18) The maximum height of any guest house, dwelling, tourist accommodation unit or seniors residence is 9 metres(29.5 ft.).
- (19) The maximum height of any accessory building or structure is 5 metres(16.4 ft.).
- (20) The maximum height of any accessory building or structure used for agricultural purposes is 15 metres (49 ft.).

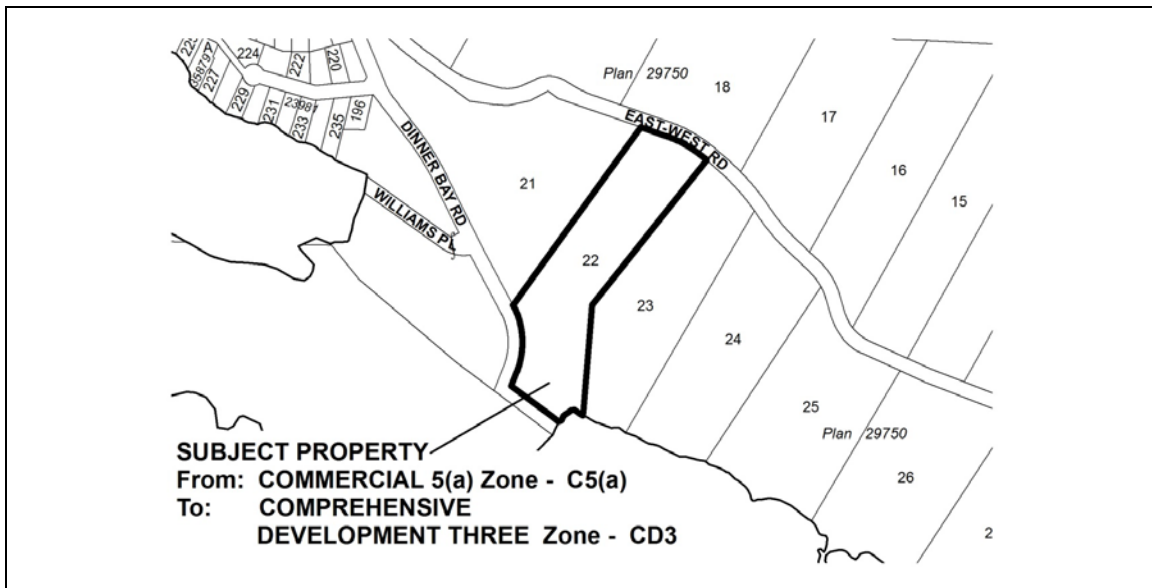
Subdivision Lot Area Requirements

- (18) The minimum lot size is 4 hectares (10 acres).

Conditions of Use

- (19) Outdoor storage areas and tourist accommodation uses, including restaurants and parking areas, must be screened from residential uses on adjoining lots by a landscape screen not less than 1.5 metres in height and complying with the provisions of Section 3.8.”
- (2) By removing the site specific regulations from all three columns, from the table located in Subsection 5.1.2 regarding the C5(a) zone.
- (3) By adding “Comprehensive Development 3” to the zone names in Subsection 4.1 (1) and by adding “CD3” to the zone abbreviations in Section 4.1 both are to be added at the end of the list.
- (4) By adding “CD3” to the sign regulations in Subsection 6.5(1) in the table immediately following “CD2”.

B. Schedule B of Bylaw No.146, cited as “Mayne Island Land Use Bylaw No 146, 2008” is amended for the land as depicted in the map below:



B. This bylaw may be cited for all purposes as the “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2014”.

READ A FIRST TIME THIS	th	DAY OF	20
PUBLIC HEARING HELD THIS	th	DAY OF	20
READ A SECOND TIME THIS	th	DAY OF	20
READ A THIRD TIME THIS	th	DAY OF	20
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS		DAY OF	20
ADOPTED THIS		DAY OF	20

DEPUTY SECRETARY

CHAIRPERSON



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: 163

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECK LIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✗ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
n/a	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
n/a	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
n/a	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
n/a	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
n/a	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
n/a	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
n/a	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
n/a	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
n/a	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
n/a	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
n/a	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
n/a	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
n/a	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
n/a	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
n/a	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
n/a	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
✓	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
✓	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
n/a	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
n/a	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
n/a	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
n/a	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
n/a	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the

		protection of productive soils.
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PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
✓	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
n/a	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
n/a	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
n/a	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
n/a	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
n/a	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
n/a	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.

CONSISTENT	NO.	DIRECTIVE POLICY
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	5.5	Recreation
n/a	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
n/a	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
n/a	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
n/a	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
n/a	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
n/a	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
n/a	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
✓	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
✓	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: 164

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

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n/a	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the

		protection of productive soils.
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PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
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n/a	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
n/a	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
n/a	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
n/a	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.

CONSISTENT	NO.	DIRECTIVE POLICY
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	5.5	Recreation
n/a	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
n/a	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
n/a	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
n/a	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
n/a	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
n/a	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
n/a	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
✓	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
✓	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:

STAFF REPORT

Date: June 12, 2014

File No.: MA-6500-20 OCP/LUB
Technical Amendments

To: Mayne Island Local Trust Committee
For the meeting of June 25, 2014

From: Kim Farris, Planner 1

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

**Re: Official Community Plan and Land Use Bylaw Technical Amendment
Bylaws No. 161 & 162**

Purpose

The purpose of this report is to present the draft technical amendment bylaws for the Land Use Bylaw (LUB) and Official Community Plan (OCP) Bylaw to the Mayne Island Local Trust Committee (LTC). The report also outlines the project's next steps for the Mayne LTC to consider.

Project Objectives

The Mayne Island Local Trust Committee (LTC) has identified a technical review of the Official Community Plan (OCP) Bylaw No. 144, 2007 and the Mayne Island Land Use Bylaw (LUB) Bylaw No. 146, 2008 as a top priority on the work program. The object of the project is to amend the Mayne Island Land Use Bylaw and Official Community Plan for technical corrections, such as erroneous cross-references, typographical errors, outdated regulatory references, or that improve clarity in the bylaw. Staff recognizes there are a number of additional topics that are identified for the OCP and LUB review which will remain outstanding and require a more comprehensive review in the future.

Project Background

At the March 26, 2014 meeting of the Mayne Island Local Trust Committee (LTC), the LTC received a preliminary report with a list of possible amendments for consideration. A number of those amendments required further discussion by the LTC to determine the preferred course of action. The Local Trust Committee (LTC) passed the following resolution:

MA-2014-025

It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to refer Items No. 3-5, 10 and 15 in Table 1 and Item #1 and 12 in Table 2 in the staff

report of March 18, 2014, to the Mayne Island Advisory Planning Commission for consideration.

The amendments that required further discussion were sent to the Mayne Island Advisory Planning Commission (APC). At the April 14, 2014, the APC passed the following resolutions:

It was Moved and Seconded that, the Mayne Island Advisory Planning Commission recommend to the Mayne Island Local Trust Committee that Item #10 not be amended.

It was Moved and Seconded, Mayne Island Advisory Planning Commission recommend that Temporary Use Permits can be approved for up to three years and restrictions limiting Temporary Use Permits to Industrial and Commercial Zones be removed.

It was Moved and Seconded, that Mayne Island Planning Advisory Committee recommend to the Mayne Island Local Trust Committee that the procedural guidelines for Temporary Use Permits be formalized to include public consultation.

Background information on the project and previous staff reports are available under 'Projects & Initiatives' on the Mayne Island LTC webpage and are also available by clicking on the following link: **OCP & LUB Amendments Project**

Relevant Policy and Land Use Considerations

The policy statement checklist used for the Executive Committee bylaw submission report is attached to this report for the LTC to review and endorsement. The proposed bylaws were not applicable to all the policies found in the checklist; none of the amendments were considered contrary to or at variance with the Policy Statement.

The checklist will be forwarded to the Executive Committee after Third Reading of both bylaws.

Analysis

APC:

The Mayne Island APC agreed with the proposed changes for Items 3, 4, 5, and 15 in Table 1 and Item 1 and 12 in Table 2 found in the staff report dated March 18, 2014. The APC recommended that Item 10 (setbacks from watercourses for agricultural buildings and structures) not be included in the amendments. The APC minutes noted that there was discussion regarding the need to comply with the regulations as there are no fish bearing waters on Mayne Island. It should be noted that the Ministry of Agriculture is encouraging local governments to amend their land use bylaws to include the setback regulations for agricultural buildings from watercourses as recommended by the Ministry of Environmental in order to implement fish protection on agricultural lands.

The Mayne Island LUB defines a watercourse as any natural or man-made depression with well-defined banks and a bed 0.6 metres (2.0 feet) or more below the surrounding land serving to give direction to a current of water at least six months of the year or having a drainage area of

two square kilometres or more. Currently, the LUB Subsection 3.3(5) requires that no building or structure may be constructed, reconstructed, moved, extended, or located within 7.5 metres (25 feet) of the natural boundary of a watercourse except for a fence of utility shed. The Ministry of Agriculture is encouraging a larger setback from watercourses for agricultural buildings and structures to 15.0 metres.

Forests, Lands and Natural Resource Operations staff have recently confirmed there are three streams on Mayne are subject to the Riparian Area Regulations. As the LTC has added this project to the work program, the recommended setbacks should be addressed as part of that project.

Waste Transfer Facility Use:

In the previous staff report dated March 18, 2014 staff provided the following two options:

1. Include a waste transfer facility use as a permitted use in one or more industrial zones in the LUB; or
2. Not include a waste transfer facility use as a permitted use in the LUB.

At the April 14, 2014 the Mayne Island APC agreed to allow waste transfer facility as a permissible use for all Industrial zones. After further analysis, staff are of the opinion that allowing a Waste Transfer Facility use in the Industrial zone as a permitted use is not a minor amendment to the LUB as in-depth research would be required to determine a waste transfer facility definition, zoning regulations specifically for the waste transfer use, and if the use would be permitted on all lots zoned Industrial.

Also, a TUP was granted in 2012 to permit the storage, processing, handling of household rubbish, building waste, household garbage, scrap metal and scrap vehicles in preparation for transport off island on an Industrial zoned property. There are outstanding conditions in the TUP that the applicant has not completed. Staff would support amending the LUB to permit a waste transfer facility use in the LUB once the conditions in the TUP have been met.

New Amendments:

Two new amendments have been included in the attached draft bylaws that were not included in the 'table of possible amendments' included with the preliminary staff report; they are:

- The definition of the natural boundary will be amended to be to more closely align with the definition of natural boundary in the *Land Act*. consistent with the *Land Act*. The definition of natural boundary is amended by deleting "and in the case of a lot having a surveyed high water mark means the high water mark" from the definition and inserting "in vegetation, as well as in the nature of the soil itself" such that it reads: "natural boundary" means the visible high water mark of the sea, a lake, a stream or other body of water, where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the body of water a character distinct from that of the bank, in vegetation, as well as in the nature of the soil itself."; and
- The land designation for the Mayne Island Community Centre will be amended from 'Rural' to 'Public Service' on the OCP Land Use Designation map to correct a mapping error.

If the LTC prefers a different approach or decides not to proceed with such an amendment at this time, they should direct staff accordingly. The LTC is also respectfully reminded that any proposed amendments can be revised based on input from the public or through the referral process.

Communications

Agency Referrals:

As a next step, staff would refer the draft bylaws to agencies and First Nations. This will allow the Mayne Island LTC to make any necessary changes to the draft bylaw prior to Second Reading

Community Information Meeting & Public Hearing:

No formal community consultation for the draft amendment bylaws has taken place. A Community Information Meeting (CIM) often takes place in advance of a public hearing in order to provide the public with an opportunity to ask questions regarding the amendments and for any changes to be incorporated in the proposed bylaws. The LTC may wish to consider scheduling a CIM prior to the public hearing.

Staff recommend scheduling a CIM and Public Hearing in conjunction with the July 30th, 2014 LTC regular meeting. Following the Public Hearing the LTC could give consideration to Second and Third Reading and forwarding the bylaw to Executive Committee for approval. Further specific direction from the LTC will be required if any additional community consultation or special meetings above and beyond the standard process are desired.

Summary of Planning Recommendations

Staff have prepared the attached draft bylaws for consideration of the LTC. The next steps for the project are as follows:

- Provide direction to staff for any revisions of the draft bylaw,
- The LTC can consider giving First Reading for the draft bylaw,
- The bylaw will be forwarded to referral agencies for comment,
- The LTC should direct staff to schedule a Public Hearing
 - o Note: this could be on a day separate from, or in conjunction with an LTC meeting,
- Following the referral process and the public hearing, the LTC could consider further revisions (within limits) to the proposed bylaw and direct staff to forward the bylaw to Executive Committee for approval, and
- Once Executive Committee and the Ministry of Community, Sport and Cultural Development (MCSCD) has approved the proposed bylaws, the bylaws would return to the LTC for adoption. Approval from the MCSCD is only necessary for the OCP bylaw amendment.

Staff recommend giving First Reading to both draft bylaws and to schedule a Community Information Meeting and Public Hearing for the July 30th, 2014 Mayne Island LTC meeting. Amendments, if required, to the bylaws may be made prior to Second Reading.

RECOMMENDATIONS:

1. THAT the Mayne Island Local Trust Committee give First Reading to draft bylaw 162, cited as Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2014.
2. THAT the Mayne Island Local Trust Committee give First Reading to draft bylaw 161, cited as Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2014.
3. THAT the Mayne Island Local Trust Committee direct staff to schedule a Community Information Meeting and Public Hearing for proposed bylaw 162 and proposed bylaw 161 to be held in conjunction with the July 30th regularly scheduled meeting of the Mayne Island Local Trust Committee.
4. THAT the Mayne Island Local Trust Committee review the Islands Trust Policy Statement Directives Only Checklist and determine that Bylaw No. 162 and Bylaw No. 161 are not contrary to or at variance with the Islands Trust Policy Statement

Prepared and Submitted by:



Kim Farris, Planner 1

June 12, 2014

Date

Concurred in by:

Robert Kojima

Robert Kojima, RPM

June 13, 2014

Date

Attachments: 1. Draft Bylaw 161
2. Draft Bylaw 162
3. Policy Statement Directives Checklist

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW No. 161

A BYLAW TO AMEND MAYNE ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 144, 2007

WHEREAS the Mayne Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Mayne Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS Section 29 of the *Islands Trust Act* gives the Mayne Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*;

AND WHEREAS the Mayne Island Local Trust Committee wishes to amend the Mayne Island Official Community Plan Bylaw No. 144, 2007;

AND WHEREAS the Mayne Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Mayne Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as "Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2014."

2. SCHEDULES

- a. Schedule A (Policy Document) of Mayne Island Official Community Plan No. 144, 2007 is amended as shown on Schedule 1, attached to and forming part of this amending bylaw.
- b. Schedule B (Land Use Designations) of Mayne Island Official Community Plan No. 144, 2007 is amended in accordance with the maps attached to and forming part of this bylaw as Schedule 2, attached to and forming part of this amending bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this day of

PUBLIC HEARING HELD this day of

READ A SECOND TIME this day of

READ A THIRD TIME this day of

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL
DEVELOPMENT this

ADOPTED this

DEPUTY SECRETARY

CHAIR

MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 161

SCHEDULE 1

Schedule A (Policy Document) of Mayne Island Official Community Plan No. 144, 2007 is amended by:

1. Policy 1.1.3 is amended by deleting the second and third paragraph and inserting the following in their place:

“The island has an area of approximately 2,300 hectares (5,750 acres). The permanent population on Mayne Island according to the 2011 census was 1,070 resulting in a population density of one person per 2.15 hectares (5.3 acres).

The rate of population growth in each of the inter-censal periods between 1986-91 and 1991-96 was around 18% followed by a slight reduction in the population between 1996-2001. From 2001-2006 the rate of population increased by 27% and between 2006-2011 decreased by 4%. Based on past patterns of population growth, and on projections prepared for larger areas, the projected growth rate will average approximately 1% per year up to 2031. This would translate into a permanent population of about 1150 in 2031.”

2. Policy 2.1.1.6 is amended by deleting “Section 2.8” and inserting “Section 2.10” such that it reads: ‘Affordable housing is encouraged through joined or multiple housing units which may be considered by site specific rezoning of a parcel subject to compliance with Section 2.10 (Amenity Zoning Guidelines) of this Plan.’
3. Policy 2.1.4.4 is amended by deleting “Section 2.8” and inserting “Section 2.10” such that it reads: ‘Affordable housing is encouraged through joined or multiple housing units which may be considered by site specific rezoning of a parcel subject to compliance with Section 2.10 (Amenity Zoning Guidelines) of this Plan.’
4. Policy 2.1.4.6 is amended by deleting “(Section 2.8)” and “(Section 2.9)” and inserting “(Section 2.10)” and “(Section 2.11)” such that it reads: ‘Despite the average parcel size provision applicable to this designation, increased density may be permitted on a parcel subject to compliance with the Amenity Zoning Guidelines (Section 2.10) and the Density Transfer Provisions (Section 2.11) of this Plan.’
5. Policy 2.1.4.9 is amended by deleting “(Section 2.8)” and “(Section 2.9)” and inserting “(Section 2.10)” and “(Section 2.11)” such that it reads: ‘Despite the parcel size provisions of Policy 2.1.4.5, in a case where through density transfer within a parcel, it may be demonstrated that through utilizing the concept of “Open Space Subdivision Design” (as detailed in Schedule G), a property may be developed in a manner which permits the more efficient use of the land, the protection of resource lands and/or the conservation of features with significant environmental and aesthetic appeal, the minimum parcel size may be reduced to 0.4 hectares through rezoning. This may be accomplished in conjunction with the policies in Sections 2.10 (Amenity Zoning Guidelines) and 2.11 (Density Transfer Provisions).’
6. Policy 2.1.4.11 is amended by deleting “2.3.2.2” and inserting “2.4.2.3” such that it reads: ‘Site specific rezoning to permit small-scale campgrounds as an accessory use may be considered, subject to policy 2.4.2.3, upon application.’

7. Policy 2.2.1.8 is amended by deleting “2.3.2.2” and inserting “2.4.2.3” and by deleting “Reserve” and inserting “Agricultural” after ‘Land’ such that it reads: ‘Site specific rezoning to permit small-scale campgrounds as an accessory agri-tourist use may be considered upon application, subject to policy 2.4.2.3 and the approval of the Agricultural Land Commission.’
8. Policy 2.3.1.3 is amended by adding “.” at the end of the sentence such that it reads: ‘Bed and Breakfast accommodation shall be permitted as a home occupation use, the zoning bylaw shall specify other conditions, including a limit on the number of guest accommodation rooms.’
9. Policy 2.4.1.8 is amended by deleting “Section 2.8” and inserting “Section 2.10” such that it reads: ‘The density of use on a parcel or within a building in this designation may be increased subject to compliance with Section 2.10 (Amenity Zoning Guidelines) of this Plan.’
10. Policy 2.4.2.6 is amended by deleting “Section 2.8” and inserting “Section 2.10” such that it reads: ‘The density of use on a parcel or within a building in this designation may be increased subject to compliance with Section 2.10 (Amenity Zoning Guidelines) of this Plan.’
11. Policy 2.7.4.10 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to maintain and mark public accesses and ensure they are not used for camping or overnight parking or obstructed in other ways.’
12. Section 2.9 is amended by deleting “commercial and industrial” and “commercial or industrial” such that it reads:

‘2.9 TEMPORARY USE PERMITS

The Mayne Island Local Trust Committee may issue Temporary Use Permits for all areas covered by this Plan except areas in the ALR or Resource Conservation designation.

Objectives for Issuing Temporary Use Permits

2.9.1 Permits for temporary uses may be issued:
for short term uses; or as a test of the compatibility of the proposed land use, which may not have been anticipated, with existing uses.’

13. Policy 2.9.1.1 is amended by deleting “two” and inserting “three” such that it reads: ‘Permits can be issued for any period up to three years and could be considered for renewal once for any further period up to three years.’
14. Policy 3.1.1 is amended by deleting “and Highways” and inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure is responsible for the development and maintenance of the island road system. In recognition of the special nature of the islands, a Letter of Understanding between the Island Trust and the Ministry of Transportation and Infrastructure was signed in November 1992.’
15. Policy 3.1.1.2 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure

shall be requested to maintain the major road pattern as shown on Schedule D, the land status map.'

16. Policy 3.1.1.3 is amended by inserting "and Infrastructure" after 'Ministry of Transportation' such that it reads: 'The Ministry of Transportation and Infrastructure shall be requested to provide, wherever possible, designated cycle lanes and pedestrian paths along roadways.'
17. Policy 3.1.1.4 is amended by inserting "and Infrastructure" after 'Ministry of Transportation' such that it reads: 'The Ministry of Transportation and Infrastructure shall be requested to retain low speed limits on all roads and lower the speed limit to 30 kph in the Miners Bay core area.'
18. Policy 3.1.1.5 is amended by inserting "and Infrastructure" after 'Ministry of Transportation' such that it reads: 'The Ministry of Transportation and Infrastructure shall be requested to ensure the road system follows natural contours of the land wherever possible.'
19. Policy 3.1.1.6 is amended by inserting "and Infrastructure" after 'Ministry of Transportation' such that it reads: 'The Ministry of Transportation and Infrastructure shall be requested to retain unused road dedications as greenbelts.'
20. Policy 3.1.1.9 is amended by inserting "and Infrastructure" after 'Ministry of Transportation' such that it reads: 'The Ministry of Transportation and Infrastructure shall be requested to ensure signage along the roads is minimal and in keeping with a rural atmosphere.'
21. Policy 3.1.2.9 is amended by inserting "and Infrastructure" after 'Ministry of Transportation' such that it reads: 'The Ministry of Transportation and Infrastructure shall be requested to identify and maintain all public accesses to water including boat ramps.'
22. Policy 3.2.1.8 is amended by deleting "The Vancouver" before 'Island Health' and "Authority" after 'Island Health' such that it reads: 'Island Health shall be requested to ensure any flow of effluent be controlled so it does not contaminate surface or groundwater.'
23. Policy 3.2.2.3 is amended by deleting "Vancouver" before 'Island Health' and "Authority" after 'Island Health' such that it reads: 'The development of community water systems and the use of shared wells shall be encouraged; however, this requires Island Health approval and a permit to operate.'
24. Policy 3.2.2.5 is amended by deleting "The Vancouver" before 'Island Health' and "Authority" after 'Island Health' such that it reads: 'Island Health and provincial government shall be requested to monitor water quality of community water systems.'
25. Policy 3.3.1.2 is amended by deleting "Vancouver" before 'Island Health' and "Authority" after 'Island Health' such that it reads: 'Effective, non polluting alternative sewage treatment methods shall be encouraged such as low-flush and composting toilets and the use of grey water for toilets; however pursuant to Island Health regulations, there will be no reduction in the sizing of a septic system for low flush toilets, composting toilets or grey water.'

26. Policy 3.3.1.3 is amended by deleting “The Vancouver” before ‘Island Health’ and “Authority” after ‘Island Health’ such that it reads: ‘Island Health shall be requested to consider the cumulative effects of individual disposal systems in an area.’
27. Policy 3.3.1.5 is amended by deleting “the Vancouver” before ‘Island Health’ and “Authority” after ‘Island Health’ such that it reads: ‘The Ministry of Environment and Island Health shall be requested not to permit any ocean dumping of untreated sewage.’
28. Policy 4.1.1 (Background) is amended by deleting “Ministry of Tourism, Sport and the Arts” and inserting “Ministry of Forests, Lands and Natural Resource Operations” such that it reads: ‘According to the Ministry of Forests, Lands and Natural Resource Operations there are approximately 30 recorded archaeological heritage sites located in the Mayne Island Trust Area.’
29. Policy 4.1.1.4 is amended by deleting “Ministry of Tourism, Sport and the Arts” and inserting “Ministry of Forests, Lands and Natural Resource Operations” such that it reads: ‘Any development applications involving areas on which archaeological sites may be located shall be referred to the Archaeology Branch of the Ministry of Forests, Lands and Natural Resource Operations and to interested First Nations for comment. Development should not be permitted in areas with known archaeological sites without first undergoing an archaeological impact assessment.’
30. The second instance of Policy 4.2.1.4 is amended by deleting “4.2.1.4” and inserting “4.2.1.5” such that it reads:

‘4.2.1.5 Public recreational use of the foreshore shall be given priority over other foreshore uses.’
31. Policy 4.2.2.2 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to maintain launching facilities at Village Bay, David Cove, Horton Bay, Bennett Bay and Aitken Point (Potato Point).’
32. Policy 4.2.2.3 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to ensure that public accesses are not blocked by private docks.’
33. Policy 4.2.2.5 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to ensure that dedicated public accesses are retained and additional accesses obtained wherever possible.’
34. Policy 4.2.2.6 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to identify and clear any dedicated public access to the foreshore established as a result of subdivision for pedestrian use.’
35. Policy 4.3.1.1 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ and by deleting “Ministry of Tourism, Sport and the Arts” and inserting “Ministry of Forests, Lands and Natural Resource Operations” such that it reads: ‘Environmental standards shall be established in support of the policies and jurisdictions of the Capital Regional District, Ministry of Environment, Ministry of Transportation and Infrastructure and Ministry of Forests, Lands and Natural Resource Operations.’

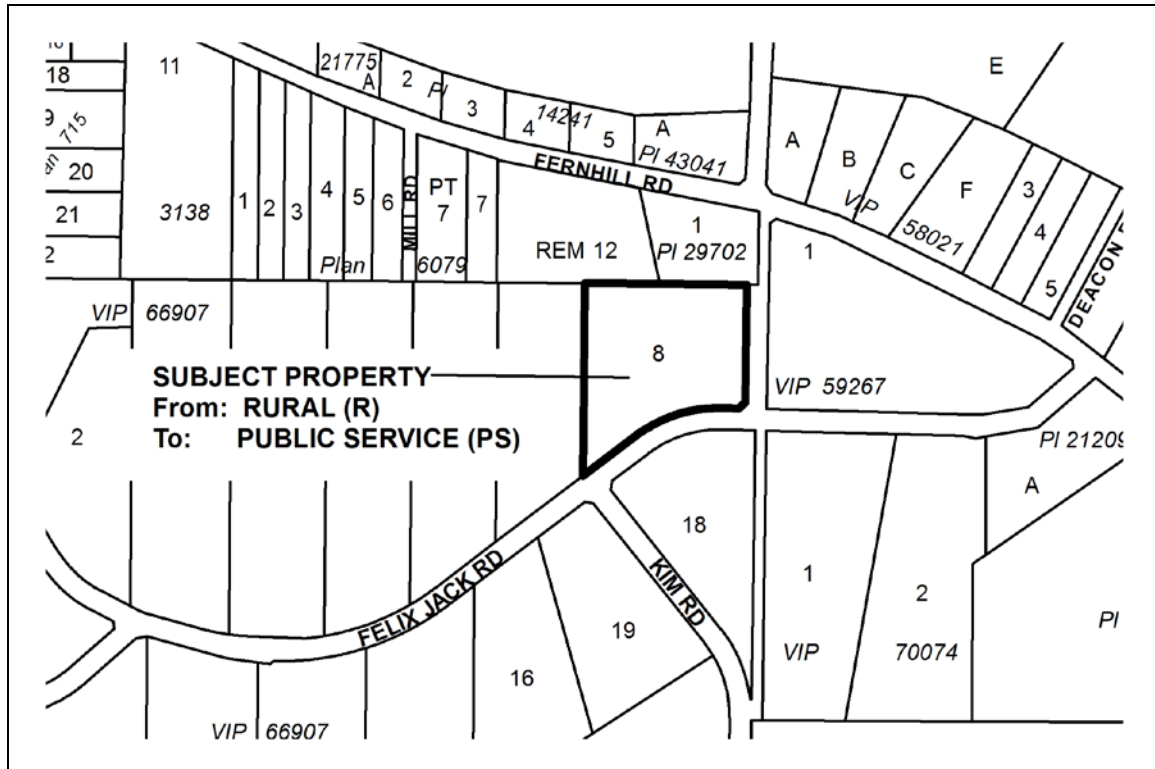
36. Policy 4.3.2.1.1 is amended by deleting “.1” after ‘4.3.2.1’ such that it reads:
- ‘4.3.2.1 No land in an environmentally sensitive area may be rezoned for recreational facilities or other commercial uses unless it can be clearly demonstrated there would not be any degradation of the area's natural attributes.’
37. Policy 4.4.3 is amended by deleting “Section 2.8” and inserting “Section 2.10” such that it reads: ‘Land provided as a community amenity in exchange for an increase in density under Section 2.10 (Amenity Zoning Guidelines) may be re-designated and rezoned as Resource Conservation.’
38. Policy 4.4.4 is amended by deleting “Subsection 2.9.1” and inserting “Subsection 2.11.1” such that it reads: ‘As provided for in Subsection 2.11.1, as a condition of density transfer lands in an Upland designation maybe re-designated and rezoned as Resource Conservation.’
39. Policy 4.5.1.1 is amended by deleting “Ministry of Energy, Mines and Petroleum Resources” and inserting “Ministry of Energy and Mines” such that it reads: ‘The Ministry of Energy and Mines shall be requested to maintain the moratorium on oil and gas exploration in the Mayne Island Trust Area.’
40. Policy 4.6.1.2 is amended by deleting “Ministry of Tourism” and by inserting “Ministry of Jobs, Tourism and Skills Training” such that it reads: ‘The Ministry of Jobs, Tourism and Skills Training shall be requested to ensure the rural ambience is maintained by integrating community values into tourism planning for the Mayne Island Trust Area.’
41. Policy 4.6.1.3 is amended by deleting “Ministry of Tourism” and by inserting “Ministry of Jobs, Tourism and Skills Training” such that it reads: ‘The Ministry of Jobs, Tourism and Skills Training shall be requested to ensure that the appropriate authorities provide sanitary services, including fresh water, toilets and garbage cans for the visiting public.’

MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 161

SCHEDULE 2

Schedule B (Land Use Designations) of Mayne Island Official Community Plan No. 144, 2007 is amended for the lands as depicted in the map below.



BYLAW NO. 162

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. Part 1, Interpretation, Section 1.1, is amended by deleting “use” from the definition “Agriculture use” such that it reads: “Agriculture” means the use of land for the growing, rearing, harvesting, or production of plants, crops, livestock and other farm animals.’
 2. Part 1, Interpretation, Section 1.1, is amended by deleting “Bare Land Strata Regulations” from the definition of ‘Lot’ and inserting “Strata Property Act” such that it reads: “Lot” means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the *Strata Property Act*.”
 3. Part 1, Interpretation, Section 1.1, is amended by adding the definition ‘Horticulture’ in alphabetical order such that it reads: “Horticulture” means the use of land for the rearing of plants.’
 4. Part 1, Interpretation, Section 1.1, is amended by adding the definition ‘Mobile Home’ in alphabetical order such that it reads: “Mobile Home” means a dwelling designed, constructed, or manufactured to be moved from one place to another by being towed or carried and meets a minimum CSA-Z240 standard.’
 5. Part 1, Interpretation, Section 1.1, is amended by adding the definition ‘Moorage’ in alphabetical order such that it reads: “Moorage” means the tying or securing of a vessel to a fixed structure or mooring buoy.’
 6. Part 1, Interpretation, Section 1.1, is amended by deleting “and in the case of a lot having a surveyed high water mark means the high water mark” from the definition of ‘Natural boundary’ and inserting “in vegetation, as well as in the nature of the soil itself” such that it reads: ‘ “natural boundary” means the visible high water mark of the sea, a lake, a stream or other body of water, where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the body of water a character distinct from that of the bank, in vegetation, as well as in the nature of the soil itself.’
 7. Part 2, Administration, Subsection 2.3(1), is amended by deleting the subsection in its entirety and replaced with the following: “The Islands Trust Bylaw Enforcement Officer or any other person designated by the Islands Trust to administer this Bylaw is authorized to enter, at any reasonable time, upon any property that is subject to regulation under this Bylaw, for the purpose of inspecting and determining whether the regulations, prohibitions and requirements are being met.”
 8. Part 2, Administration, Subsection 2.5(1), is amended by deleting “, not exceeding \$2,000” such that it reads: ‘Any person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty, pursuant to the *Offence Act* and the costs of prosecution. Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.’
 9. Part 2, Administration, is amended by adding a new Section 2.9 (Repeal and Replacement) such that it reads:

“2.9 Repeal and Replacement

- (1) Where this Bylaw refers to other acts or regulations which have been repealed, amended, revised or consolidated, the reference in this Bylaw must be construed as being a reference to the substituted enactments relating to the same subject matter, the former act or regulations are construed as remaining in effect.
- (2) Where this Bylaw refers to other government departments, ministries or agencies which have had a change in title or name, the reference in this Bylaw must be construed as being a reference to the substituted title(s) or name(s) of the government departments, ministries or agencies relating to the same subject matter.”
10. Part 3, General Regulations, Subsection 3.2(1), is amended by deleting “AG” and inserting “A” such that it reads: ‘In all zones except the R and A zones, the keeping on a lot having an area of less than 2000 m² (0.5 acres) of cattle, sheep, goats, pigs, donkeys, llamas, ostriches, emus and more than one horse;’
11. Part 3, General Regulations, Article 3.9(1)(a), is amended by inserting “Public” in front of ‘Health Act’ and to italicize ‘Public Health Act’ such that it reads: ‘The connection of the recreational vehicle to sewage disposal facilities consistent with the provisions of the *Public Health Act*.’
12. Part 5, Zone Regulations, Subsection 5.2(4), is amended by deleting the subsection in its entirety and replaced with the following: “The maximum number of accessory buildings, other than utility sheds or woodsheds, is four per permitted dwelling unit.”
13. Part 5, Zone Regulations, R(d) Zone Site Specific Regulations, is amended by deleting “5.5(4)” in Column 3 and inserting “5.5(3)” such that it reads: ‘(1) Despite 5.5(3) above, one cottage is permitted in respect of each permitted dwelling unit in these locations.’
14. Part 5, Zone Regulations, Subsection 5.8(5), is amended by deleting “5.8(1)(j)” and inserting “5.8(1)(k)” such that it reads: ‘The apartment residential use permitted by 5.8(1)(k) shall.’
15. Part 5, Zone Regulations, C1(c) Zone Site Specific Regulations, is amended by deleting “5.8(1)(b), l and m” and inserting “5.8(1)(b), (l), and (m)” such that it reads: ‘(1) Despite 5.8(1), the only uses permitted in this location are those permitted in 5.8(1)(b), (l), and (m).’
16. Part 5, Zone Regulations, I1(a) Zone Site Specific Regulations, is amended by deleting “locations” and inserting “location” such that it reads: ‘Despite 5.13(1) the only permitted uses at this location are those permitted by 5.13(1)(a), (b), (d), and (e) and ready-mix concrete plant, and the sale of soil, gravel, dry cement and ready-mix concrete.
17. Part 5, Zone Regulations, I1(b) Zone Site Specific Regulations, is amended by deleting “5.13(1)” and inserting “5.13(1)” such that it reads: ‘Despite 5.13(1) the only permitted uses in this location are the maintenance, repair and storage of vehicles, equipment and materials used for the provision, maintenance or repair of utilities and accessory uses, buildings and structures.’
18. Subsection 5.14(6) is renumbered to 5.14(7).
19. Subsection 5.14(5) is renumbered to 5.14(6).
20. Part 5, Zone Regulations, Section 5.14, is amended by adding the following new Subsection 5.14(5) under ‘Siting and Size’:

“(5) The maximum height for any accessory building or structure is 5 metres (16.5 feet).”
21. Subsection 5.15(6) is renumbered to 5.15(7).
22. Subsection 5.15(5) is renumbered to 5.15(6).

23. Part 5, Zone Regulations, Section 5.15, is amended by adding the following new Subsection 5.15(5) under 'Siting and Size':

 "(5) The maximum height for any accessory building or structure is 5 metres (16.5 feet)."
24. Subsection 5.16(6) is renumbered to 5.16(7).
25. Part 5, Zone Regulations,, Section 5.16, is amended by adding the following new Subsection 5.16(6) under 'Siting and Size':

 "(6) The maximum height for any accessory building or structure is 5 metres (16.5 feet)."
26. Part 5, Zone Regulations, Subsection 5.17(4), is amended by deleting "principal" such that it reads: 'The maximum height for any building or structure is 9 metres (29.5 feet).'
27. Part 5, Zone Regulations, Section 5.19, is amended by inserting "Conservation" such that it reads: 'The purpose of the Resource Conservation Zone is to provide for and regulate lands reserved and protected for conservation purposes.'
28. Part 5, Zone Regulations, Section 5.20, is amended by deleting "protection" and inserting "Protection" such that it reads: 'The purpose of the Water Protection Zone is to regulate uses of and impacts on the marine environment and foreshore.'
29. Part 5, Zone Regulations, Article 5.20(1)(a), is amended by deleting "aides" and inserting "aids" such that it reads: 'Marine navigational aids;'
30. Part 5, Zone Regulations, Article 5.21(1)(a), is amended by deleting "aides" and inserting "aids" such that it reads: 'Marine navigational aids;'
31. Part 5, Zone Regulations, Article 5.22(1)(a), is amended by deleting "aides" and inserting "aids" such that it reads: 'Marine navigational aids;'
32. Part 5, Zone Regulations, Subsection 5.22(3), is amended by adding "." at the end of the sentence such that it reads: 'The maximum height of any building or structure constructed on a dock is 4 metres (13 feet), as measured from surface of the dock.'
33. Part 5, Zone Regulations, Article 5.23(1)(a), is amended by deleting "aides" and inserting "aids" such that it reads: 'Marine navigational aids;'
34. Part 7, Parking Regulations, Subsection 7.1(2), is amended by deleting "7.1(2)" and inserting "7.1(1)" such that it reads: 'Despite, 7.1(1), off-street parking spaces may be located on a lot within 100 metres (328) feet of the use, building, or structure being served, provided that access to the parking spaces is secured by means of registered easement and a s. 219 covenant in favour of the Local Trust Committee.'
35. Part 7, Parking Regulations, Subsection 7.3(2), is amended by deleting "Table 2" and inserting "Table 7.1" such as it reads: 'Where a particular use is not listed in Table 7.1, the number required for the most similar listed use applies.'

B. This bylaw may be cited for all purposes as the "Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2014".

READ A FIRST TIME THIS	DAY OF	20
PUBLIC HEARING HELD THIS	DAY OF	20
READ A SECOND TIME THIS	DAY OF	20
READ A THIRD TIME THIS	DAY OF	20
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	DAY OF	20

ADOPTED THIS

DAY OF

20

DEPUTY SECRETARY

CHAIRPERSON



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: **Bylaw Nos. 161 & 162**

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECK LIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✗ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.

	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	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.

CONSISTENT	NO.	DIRECTIVE POLICY
	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:

Date June 17, 2014 File Number 6500-20 (Mayne RAR)

To Mayne Island Local Trust Committee

From Gary Richardson, Island Planner

Re Riparian Areas Regulation Implementation Project

At the May meeting the LTC amended its Work Program to make implementation of RAR a Top Priority again. As this was a Priority previously, there were various staff reports prepared summarizing the RAR and the LTC's options for implementation (available on the [webpage](#)). The purpose of this memo is to outline the proposed next steps in the project.

Background

The LTC previously contracted two QEPs to provide reports on RAR applicable streams, both of which identified three streams as subject to the RAR. The Mayne Island Landowners Coalition also contracted two reports from a QEP to determine fish absence in two streams.

A legal opinion was obtained in January of 2012 which clarified several questions regarding the RAR and confirmed that the three streams are RAR applicable.

Ministry staff attended the May LTC meeting and confirmed that the streams on Mayne are subject to the RAR.

In summary, the Riparian Areas Regulation, enacted under Section 12 of the Fish Protection Act in July 2004, requires local governments to protect riparian areas during residential, commercial and industrial development by ensuring that proposed activities are subject to a science based assessment conducted by a Qualified Environmental Professional (QEP).

Proposed Next Steps

The LTC had previously supported pursuing compliance with the RAR through using a simple assessment method. In this approach a Development Permit Area (DPA) is established that may be less than the 30 metre Riparian Assessment Area (RAA) otherwise required. Undeveloped areas would likely retain a 30m SPEA and areas with a stream along the roadside or that are already heavily developed would likely have a smaller SPEA. Ministry staff confirmed at the May meeting that this approach would be possible.

Staff have also calculated the upper influence of tides on the three streams subject the RAR during a high tide in January of 2013. This calculation further reduced land at the mouth of the streams that is subject to RAR.

Staff is currently proposing that the existing QEP reports be used to determine the distances and measures required on various stream sections using a simple assessment method and incorporate them into a DP area.

This could be done by staff (possibly with review by a QEP) or a QEP could be retained under contract to do the analysis using the existing reports. Staff are recommending the second approach (using a contractor reporting to the planner) in order to protect limited planner time for the other LTC projects and current applications. The specific costs are not yet available, but the Regional Planning Manager has confirmed with the Director of Local Planning Services that funding would be made available to support the hiring of a contractor.

Staff will also work with the Mapping Coordinator to address the issue of the diversion on Montrose, the result may be that this portion of the stream is not included in a DPA until the final watercourse is determined by MFLNRO and MoTI.

The agricultural building setbacks recommended by the province could also be incorporated into this project.

In terms of timing, if a contract QEP is hired the proposal is that the work be conducted this summer, with final mapping available for the September meeting. Draft bylaw provisions for a DPA were also prepared previously and would be available for the September meeting. If staff were to undertake the simple assessment, it is unlikely that the work could be completed before the October meeting, given vacations and other on-going priorities.

Alternatively, the LTC could proceed with designating DPAs based on a 30 metre Riparian Assessment Area. In this option, no contract work would be required and bylaws could be available for consideration at the next meeting.

If the LTC supports proceeding as outlined in this memo (using a contract QEP to determine SPEA widths using the Simple Assessment Method), the LTC should consider a resolution requesting staff to report back with a draft project charter at the next meeting. Staff would proceed with retaining a contract QEP and undertaking a simple assessment.

Resolution Wording:

1. THAT the Mayne Island Local Trust Committee request staff to report back with a draft Project Charter for the RAR Implementation project based on the approach outlined in the staff memo dated June 17, 2014.

Pc Robert Kojima, RPM



Top Priorities

Mayne Island

No.	Description	Activity	Received / Initiated	Responsibility	Target Date	Status
1	Housing Options - Secondary suites	proposed bylaws 159 forwarded to Minister for approval. Proposed bylaws 159 and 160 to be placed on LTC agenda for final adoption once ministerial approval is received.	Jul-31-2013	Gary Richardson	Jul-30-2014	On Going
2	OCP and LUB amendments	LTC directed staff (March 26) to prepare draft bylaws for technical amendments recommended in staff report dated March 18, 2014. Draft bylaws prepared for LTC review at June 25 LTC Mtg..	Jul-31-2013	Kim Farris	May-28-2014	On Going
3	Riparian Area Regulation Implementation	Staff to prepare a report and recommendations on how to proceed with this initiative	May-21-2014	Gary Richardson		On Going



Projects

Mayne Island

No.	Description	Activity	Received/Initiated	Status
1	Climate Change Adaptation	Consider regulatory changes and implementation of new DPA authority	Mar-02-2009	On Going
2	Commercial Land Use Review	review task force reports and provide options/recomendations to the LTC	Oct-24-2012	On Going
3	First Nations Communication - deer		Jun-27-2012	On Going
4	Density provisions on large remainder lots		Jul-27-2012	On Going
5	Road issues		Jun-27-2012	On Going
6	Review TUP policies		Sep-19-2012	On Going
7	STVR Review		Sep-19-2012	On Going
8	Geo-exchange review		Nov-28-2012	On Going
9	Fallow Deer Eradication		May-21-2014	On Going

Date: May 26, 2014

File No.: 6500 -20

To: Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee

From: Robert Kojima, Regional Planning Manager
Marnie Eggen, Planner 1

CC: Regional Planning Managers
Southern Team Island Planners
David Marlor, Director of Local Planning Services

Re: New Federal *Marihuana for Medical Purposes Regulation*

THE PROPOSAL:

The purpose of this report is to provide Local Trust Committees with the following:

- an overview of the new *Marihuana for Medical Purposes Regulation*;
- an overview of its implications for the Islands Trust Southern Region;
- a summary of the zones in Southern Region local trust areas that could currently permit medical marihuana production; and
- options on how to proceed

A version of this report has been provided to Northern Region Local Trust Committees.

BACKGROUND:

Implementation of the new Federal *Marihuana for Medical Purposes Regulations* (MMPR) is underway. The new regulations (June 2013) came into force on April 1, 2014. However, as a result of a Federal Court Order, brought down March 21, 2014, those operating under the old regulations, *Medical Marihuana Access Program* (MMAR), are allowed to continue to produce medical marihuana past the original expiry date of March 31, 2014. The Order, however, does not affect the right of commercial medical marihuana producers to proceed with applications to Health Canada for licenses under the MMPR.

The new system relies on a more secure supply and distribution system that is based on federally licensed production facilities.

The key elements of the federal MMPR program are the following:

1. Production in residential dwellings will no longer be permitted.
2. All aspects of medical marihuana growth, cultivation, processing, storage, research and development, shipping/distribution and administrative office functions are to be centralized and contained within an enclosed, indoor, secure facility, which must contain a restricted-access area and 24/7 video surveillance monitoring.
3. A commercial licensed producer will have the ability to conduct research and development, test and produce a variety of strains.
4. Only dried marihuana may be produced and sold.
5. Storefronts and retail outlets will not be permitted.
6. All medical marihuana distribution will be by a secured courier to a registered client.
7. Key facility personnel must hold valid security clearance, issued by Health Canada.
8. Applicants for a commercial medical marihuana production license must provide notice (including location details) to the local government, and police and fire.
9. Health Canada will ensure that a Facility meets security, safety, quality control, record keeping, inventory and monitoring requirements to avoid theft. Health Canada is not bound to ensure compliance with local government zoning when issuing licenses.

Generally, the proposed changes will move the industry from many small producers to fewer larger commercial producers. *Marihuana for Medical Purposes Regulation* may be found at: <http://gazette.gc.ca/rp-pr/p2/2013/2013-06-19/html/sor-dors119-eng.php>

Health Canada

Health Canada indicates, as of November, 2013, that it has received over 250 applications from individuals or companies seeking to become certified producers. Under the new regulation, applicants for a production licence are required to notify the local government, local police force and local fire officials of intention to apply to Health Canada.

As defined within the Regulation,

“local government” includes the government of

- o *(a) an incorporated or unincorporated city, metropolitan area, town, village or municipality;”*

Health Canada has indicated that it will not publically release the location of production sites. In the licencing process, it is looking to assure that producers are familiar with and able to comply with local government land use, development and servicing provisions. Health Canada does enable producers to publicize the location, and recognizes that an application to amend zoning or for a variance permit requires notification of the location.

Agricultural Land Commission

The British Columbia Agricultural Land Commission (ALC) has released an information bulletin stating that “if a land owner is lawfully sanctioned to produce marihuana for medical purposes, the farming of said plant in the Agricultural Land Reserve (ALR) is permitted and would be interpreted by the Agricultural Land Commission as being consistent with the definition of “farm

use” under the ALC Act.” Production of the plant indoors is considered farming, similar to a vegetable greenhouse operation. A small business office, testing lab, processing and drying, packaging/shipping areas, cloning room and anything else directly related to the growing and processing of the plant are considered to be accessory uses associated with farm use. Determining an accessory use is contingent on the use being necessary and commensurate with the primary function of the property/building to produce an agricultural product. If a land use activity is proposed that is not specifically related to the growing of an agricultural product including a stand-alone research and development facility, an application to the Land Commission for non-farm use would be required.

Anecdotally, the Land Commission advises that a standard production and distribution facility may range from 10,000 to 50,000 square feet in size. Similarly to other indoor plant production, common nuisances for surrounding property owners may include odors, noise associated with air ventilation and generators, and night time lighting.

The Information Bulletin may be found at:

http://www.alc.gov.bc.ca/publications/ALC_Info_Bulletin_Marijuana_Amended_Jan_2014.pdf

Union of BC Municipalities

The Union of BC Municipalities (UBCM) wrote to the federal Health Minister in June 2013 to draw attention to gaps in the federal licensing process that could allow an application to be approved which does not meet local government regulations. Responding to this concern, Health Canada is initiating phone confirmation directly to local governments to ensure that it has received notice of the application. Staff are not aware of any licenses issued under the new regulations to date within the Islands Trust Area. Islands Trust has received a handful of notices of intent; none have been received for locations within the Southern Region.

Notice of intent to Local Governments

Health Canada has designed a program that provides improved security of production and responds to the medical needs of Canadians. Implementing the program across Canada has not enabled federal authorities to tailor its process to each unique level of local government.

Health Canada requires that applicants, prior to submitting an application, must “provide written notice to local authorities to inform them of their intention to submit an application”. It also states that notice must be delivered to a senior official of the local government, of the RCMP, and of the local fire authority. To date, two notices of intent have been received for the Northern Region and the letter of response, copied to Health Canada, has included the following information:

- provisions of the applicable Land Use Bylaw, any applicable Development Permit Area provisions;
- reference to other agencies that work in cooperation with Islands Trust to manage development and servicing within the Trust Area; and
- a request that Health Canada refer the completed application with site plan for confirmation of compliance with the applicable Local Trust Committee bylaws.

Further information from Health Canada indicates that Health Canada won't be referring the completed application to local governments. As a result, staff will be requesting a full set of site

plans from the applicant. As further information is provided from Health Canada, these processes may change. Local trust committees are not being copied or otherwise notified of these responses to notices of intent.

Health Canada is working with the Federation of Canadian Municipalities to develop a Fact Sheet. It has not confirmed if local elected officials are to be advised of the application, nor has it reconciled how the perspectives of the locally elected officials would be gathered if the location and address is protected by federal privacy and security provisions. At best, the comments of a local trust committee may be considered in-camera under section 90(1)(m) of the *Community Charter*.

Local Government Development and Servicing Regulations

Land use bylaws in each individual local trust area provide regulations concerning land use. Servicing of new development may be governed by bylaws of an applicable regional district, water purveyor, fire service area, or improvement district.

Islands Trust Policy Statement

The Policy Statement provides a general strategy for land use planning in partnership with provincial and federal agencies to achieve Object of the Islands Trust (Reference BC *Islands Trust Act* and *Islands Trust Policy Statement*, 1993). Specific strategies addressed include ecosystem protection, stewardship of resources, and sustainable communities. Within the policy statement, there is commitment that some uses are not suited to the Trust Area.

The production of marihuana for medicinal purposes is not addressed explicitly in the Policy Statement. Several policies address all forms of development and essential servicing such as transportation or water supply, and environmental quality such as the following:

3.1.9 Trust Council encourages actions and programs of other government agencies which... prevent pollution of the air, land and fresh and marine waters of the Trust Area.

4.1.2 Trust Council shall consult with the Ministry of Agriculture and the British Columbia Land Reserve Commission to request that agricultural policies applied to the Trust Area are appropriate to the nature of agriculture within the Trust Area, including, but not limited to, the smaller island scale of agricultural activities.

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

5.1.2 It is Trust Council's policy that the intensity of noise and lighting in and through the Trust Area should be compatible with community character.

STAFF COMMENTS:

Medical marihuana production under the MMPR could include the following activities:

- Growing and harvesting
- Testing
- Research
- Processing

- Packing and storage
- Shipping and distribution
- Administration

Due to the nature of the above activities and the requirements for secure facilities, the impacts of the activity could be considered more akin to an industrial land use due to the scale and characteristics of the buildings. Depending on the bylaw, medical marihuana could be an outright permitted use in some industrial zones; however, in order to be permitted, the definition would have to address all aspects of the use, including growing and harvesting. As it is considered an agricultural land use by the Agricultural Land Commission (ALC), by the same principle it would also be permitted outright in zones where agriculture is a permitted use. As the ALC has recognized the licensed production of medical marihuana as a “farm use” under the *ALC Act*, medical marihuana production facilities are permitted on all lands that are located in the Agricultural Land Reserve. Local governments can, however, regulate the use within the ALR; for example, significant setbacks could be established. Local trust committees consider whether amending their bylaws to regulate the use within the ALR and to address the production of medical marihuana use in zones outside the ALR. Additionally, as outlined in the Islands Trust Policy Statement above, the production of medical marihuana may not be an appropriate use for some areas; for example, small lots, smaller islands that are solely residential in character, or islands that have no ALR or industrial zoned lands. Also, consideration should be given to the likelihood of such operations on islands where services are limited, such as no connection to power, no ferry service, limited water supply.

It is difficult to anticipate if any producers will ever be licensed in the Southern local trust areas. Although Health Canada has received at least 250 applications, it is also very hard to predict how many producers will fill the market in Canada. Health Canada has not imposed any limits, but is taking the approach of letting the market decide.

Many BC local governments have adopted or are currently adopting bylaw amendments addressing the new MMPR. The zones where this use is generally being permitted are industrial and agricultural. Setbacks and minimum parcel size are key components of bylaw amendments. Setbacks are generally being set at 30 m and larger, and minimum parcel size ranges from approximately 2 ha to 260 ha.

Zones that Currently Permit the Production of Medical Marihuana in the Southern Region

The following outlines the various land use bylaws and zones where the production of medical marihuana, licensed under the MMPR, would be permitted currently in the land use bylaws in the Southern Region. Generally the use would be permitted in zones where agriculture is a permitted use, along with accessory uses.

Galiano Island Local Trust Area

Galiano Island Land Use Bylaw No. 127 would permit the production of medical marihuana under the new MMPR in the Rural 2 (R2), Rural 3 (R3) and Agriculture (AG) zones as a “Farm Use”, in combination with provisions for accessory uses. The Light Industrial (L1) and Forest Industrial (FI) zones would not permit the use.

Mayne Island Local Trust Area

The current Mayne Island LUB No. 146 would permit the production of medical marihuana licensed under the MMPR in the following zones based on the definition of “agriculture” along with the accessory use provisions:

- Miners Bay Rural Comprehensive (MRBC)
- Rural (R)
- Upland (UP)
- Agriculture (A)
- Country Guest House Commercial (C5)

The Mayne Island industrial zone (I1) would not permit medical marihuana production.

North Pender Island Local Trust Area

The current North Pender Island LUB No. 103, 1996 would permit the production of medical marihuana licensed under the MMPR in the following zones based on the definition of “agriculture,” and its link to the ALCA:

- Rural (R)
- Rural Comprehensive One (RC1)
- Rural Comprehensive Two (RC2)
- Agriculture (AG)

The industrial zones would not permit the use.

The North Pender Associated Islands LUB No. 148 would permit the production of medical marihuana licensed under the MMPR in the following zones based on the definition of “agriculture” and extensive ALR lands:

- Rural Residential (RR)
- Agriculture (A)
- Agriculture Two (A2)
- Industrial One (I1)
- Forestry One (F1)
- Community Service One, Two and Three (S1, S2, S3)
- Forrest Island Comprehensive Development Zone (CD 1)
- James Island Comprehensive Development Zone (CD 3)

Saturna Island Local Trust Area

The current Saturna Island LUB No. 78 would permit the production of medical marihuana licensed under the MMPR as a “farm use” in the following zones:

- Rural Residential (RR) – on parcels 1.0 hectare or larger
- Rural General (RG) – on parcels 1.0 hectare or larger
- Rural Agricultural Sales (RAS)
- Rural Comprehensive Development (RCD)
- Farmland (F)
- Farm Resort (F1)
- Farm Retreat (F2)
- Forest Reserve (FR) on lands also within the ALR
- Forest General (FG) on lands also within the ALR

South Pender Island Local Trust Area

The current South Pender Island LUB No. 92 would permit the production of medical marihuana licensed under the MMPR in the following zones where “agriculture” is a permitted use, in combination with the accessory use provisions:

- Rural Residential One, Two and Three (RR1, RR2 & RR3)
- Agriculture (A)

SUMMARY OF OPTIONS:

Staff recommends that local trust committees consider and direct staff on their preferred approach in respect of the new MMPR. Local Trust Committees have the following options:

- a) **Status Quo:** This could be an appropriate response where no notifications have been received and it is unlikely that a medical marihuana production facility under the new MMPR would be approved.
- b) **Add to the projects list:** This would allow an LTC to consider future amendments, balancing the likelihood of a medical marihuana production facility being applied for under the MMPR in future with the other projects on an LTC’s work program.
- c) **Add to the top priorities list and direct staff to provide more information:** If the LTC chooses this option based on concerns about potential impacts, staff should be directed to report back with options.

RECOMMENDATIONS:

1. **THAT**, with regard to the production of medical marihuana under the new *Marihuana for Medical Purposes Regulation*, the (*insert Island*) Local Trust Committee not consider amendments to the (*insert Island name*) Island Bylaw No. (*insert no.*) at this time.

OR

2. **THAT** the *(insert Island)* Local Trust Committee direct staff to add to the projects list the production of medical marihuana under the *Marihuana for Medical Purposes Regulation*.

OR

3. **THAT** the *(insert Island)* Local Trust Committee direct staff to add to their top priorities list an amendment to the *(insert Island name)* Island Bylaw No. *(insert no.)* regarding the production of medical marihuana under the *Marihuana for Medical Purposes Regulation* and direct staff to provide further information on options for limiting and regulating the use.

Prepared and Submitted by:

Marnie Eggen

Marnie Eggen, Planner 1

April 28, 2014

Date

RKj

Robert Kojima
Regional Planning Manager

May 26, 2014

Date



Applications w/ Status - Mayne Island Status: Open

Applications

Rezoning

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

Planning Status

Status Date: Jun-17-2014

Draft Bylaws 163 (OCP) and 164 (LUB) prepared for LTCs review at June 25, 2014 LTC Mtg.

Status Date: May-13-2014

Staff report and draft DPA guidelines prepared for May 21, 2014 LTC Mtg.

Status Date: Apr-15-2014

Staff report on amended proposal prepared for April 23, 2014 LTC Mtg.

Subdivision

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2014.1	Richard & Debra Milne, Wayne & Janice Peace Planner: Gary Richardson	Jan-22-2014	000-200-212 380 GEORGINA POINT RD MA 023-910-330 370 GEORGINA POINT RD MA 023-910-348 GEORGINA POINT RD MA

Planning Status

Status Date: Jun-17-2014

Waiting for applicant to fulfill PLA conditions

Status Date: Apr-09-2014

PLA issued April 7, 2014

Status Date: Apr-01-2014

Referral response sent to MoTI, LTC and applicants April 1, 2014

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
MA-TUP-2013.1	Mayne Island Resort Strata Planner: Gary Richardson	Jul-09-2013	Address 494 ARBUTUS DR PID 027-713-253 Changing the use to allow strata owners docking priviledges.

Planning Status

Status Date: Jun-17-2014

Permit prepared for LTC to consider at its June 25, 14 LTC Mtg.

Status Date: May-13-2014

Staff report and amended draft permit prepared for May 21, 2014 LTC Mtg.

Status Date: Apr-15-2014

Staff report and draft permit prepared for April 23, 2014 LTC meeting

Islands Trust
LTC EXP SUMMARY REPORT F2015
Invoices posted to Month ending May 2014

645 Mayne	Invoices posted to Month ending May 2014	Budget	Spent	Balance
65000-645	LTC "Trustee Expenses"	700.00	0.00	700.00
LTC Local				
65200-645	LTC - Local Exp - LTC Meeting Expenses	1,500.00	176.02	1,323.98
65210-645	LTC - Local Exp - APC Meeting Expenses	750.00	58.47	691.53
65220-645	LTC - Local Exp - Communications	300.00	70.00	230.00
65230-645	LTC - Local Exp - Special Projects	750.00	70.00	680.00
TOTAL LTC Local Expense		<u>3,300.00</u>	<u>374.49</u>	<u>2,925.51</u>
Projects				
73001-645-2005	Mayne OCP/LUB	<u>3,000.00</u>	<u>0.00</u>	<u>3,000.00</u>
TOTAL Project Expenses		<u>3,000.00</u>	<u>0.00</u>	<u>3,000.00</u>

Mayne Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: July 25, 2012

No	Meeting Date	Resolution No.	Issue	Policy and Description
1.	October 1, 2007	MA-LTC-70-07	Guidelines for Use When Considering Funding for Reports	The MILTC has adopted a policy establishing the set of guidelines the LTC should employ when purchasing a report for LTC and public use.
2.	February 7, 2011	MA-LTC-13-11 This resolution repeals MA-LTC-90-09	STVRS Bylaw Enforcement	1. Given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities STVRs that have one or more of the following characteristics will be subject to enforcement: 1. They are advertised on the internet, newspapers or other media; 2. They are not managed by the property owner; 3. More than one dwelling on the lot is simultaneously made available for STVR; 4. While the property is rented persons are permitted to stay in tents or trailers; 5. There are issues related to health and safety; 6. There is a written complaint by owners or residents of two properties about bona fide serious nuisance issues such as noise or parking congestion related to the STVR; 7. The owner of the property uses more than one property on Mayne Island as a STVR. 2. No enforcement actions under section 1.1 will be taken against any STVR operation that takes place in a lawful cottage or dwelling while the operator lives in a lawful dwelling or cottage on the same property. 3. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time. This means that persons who have two lawful dwelling places on one lot and who live in one dwelling while the other is used as an STVR will be exempt from enforcement if they advertise. Staff recommends that the other factors continue to apply because STVR operations that have third party management, have more than one location on Mayne Island, or use more than one dwelling or cottage or permit camping are essentially operating as a resort or motel. The safety and nuisance triggers for enforcement protect the renters, the operators, and the neighbourhoods. It also reduces the Islands Trusts' liability.

No	Meeting Date	Resolution No.	Issue	Policy and Description
3.	May 2, 2011	MA-LTC-44-11	Options for adopting In Camera Minutes	It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to only include in-camera minutes on agendas where there are other reasons to close the meeting to the public .
4.	February 1, 2012		Special Occasion Liquor License referrals	That where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property where Mayne Island Land Use Bylaw 146, 2008 permits public assembly uses, such as halls, recreation facilities or restaurants, and where it can be determined that the organization or applicant have had no issues related to parking or past complaints for the preceding three years, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.
5.	July 25, 2012	MA-LTC-34-12 x-ref #2 above	STVR Bylaw enforcement policy	That Mayne Island Local Trust Committee resolves to extend the current Short Term Vacation Rental bylaw enforcement policy, as written in Staff Report dated June 26, 2012 until the project to review use of second dwellings for Short Term Vacation Rentals is complete.

GUIDELINES FOR MAYNE ISLAND LTC TO USE WHEN CONSIDERING FUNDING FOR REPORTS

**Adopted by Resolution MA-LTC-70-07 at the regular meeting of
October 1, 2007.**

ISSUE: What guidelines should an LTC employ when purchasing a report for LTC and public use?

BACKGROUND:

Islands Trust financial policy provides that an LTC cannot sponsor an event, even a community non-profit venture. LTC's can, however, purchase goods and services which are of benefit to the LTC and, by extension, the community it serves. Therefore, LTC's have supported worthwhile conferences, workshops and the like by purchasing a report on conference issues, proceedings, findings and recommendations.

In order that LTC's receive value for their purchases, the Mayne Island LTC has raised the issue outlined above. It has asked that guidelines be considered for use in evaluating future opportunities to purchase reports on a wide variety of subjects related to LTC mandates.

CONSIDERATIONS:

There are a number of factors or considerations an LTC might need to entertain. These considerations are cited below in an order which range from "fundamental" to "consequential".

1. Does the LTC have the budgetary capacity to consider the opportunity to purchase a conference report or proceeding?
2. Is the subject matter germane to the work and/or mandate of the LTC?
3. If the answers to 1 and 2 above are in the affirmative, the LTC may wish to consider requirements for the report they agree to purchase.

GUIDELINES

If the LTC decides to purchase a conference report or proceedings, it may require that reporting guidelines below be met as a condition of purchase.

These guidelines are:

1. The full proceedings of the conference or workshop are preferred.
2. If full proceedings are not produced or available the report to the LTC should include:
 - (a) The agenda of the conference or workshop
 - (b) A list of presenters and the topics they represented
 - (c) A summary of each topic discussed
 - (d) A copy of all papers presented at the conference
 - (e) A list of all recommendations made by the conference (if not cited in the papers or summary of each topic)
 - (f) A summary of any follow-up actions identified by the conference
 - (g) A copy of any contact list or referral resources generated by the conference,.
3. If only a narrative report is produced, the narrative should include or address the information sought in (a) to (g) above.

It is hoped that the guidelines above will ensure that the LTC will receive all relevant information generated by the conference or workshop.

The Southern Gulf Islands Economic Development Commission (SGIEDC) wishes to develop a Food and Agriculture Strategy that includes an Agricultural Land Use Inventory (ALUI) and Agriculture Water Demand Model (AWDM). The CRD will provide project oversight to this initiative. The SGIEDC will, through the SGI Area Agricultural Plan Steering Committee (currently being set up), guide development of the strategy, inventory and model and ensure that the project is responsive to community needs. Other key stakeholders will be engaged including but not limited to: farmers/growers, value added providers, retailers, funders, chefs, agricultural societies, Local Trust Committee, Chambers of Commerce, backhaulers, Ministry of Agriculture, CRD, and the SGI Economic Development Commission.

On July 17, 2013 the CRD Board supported a Gas Tax allocation that was leveraged to acquire Investment Agriculture Foundation funding to support the development of a SGI Food and Agriculture Strategy in addition to the development of an Agricultural Land Use Inventory and Water Demand Model. The SGIEA Director appointed Michael Dunn, member of the SGI EDC as the main point of contact for the consultant with project management support from CRD Regional Planning. Regional Planning will communicate regularly with the consultant regarding project progress, budget, timing and communications/engagement.

An agricultural land use inventory (ALUI) and agricultural water demand model (AWDM) will be the first two components of the food and agriculture strategy. The two projects will trigger important community engagement about food and agriculture that will carry on throughout the Food and Agriculture Strategy process. These conversations will ideally cross over and inform the Food and Agriculture Strategy. The ALUI, AWDM, and Food and Agriculture Strategy processes will connect to and compliment agriculture inventories and related planning work being undertaken elsewhere in the region such as Salt Spring Island, North Saanich and Central Saanich.

The Food and Agriculture Strategy, AWDM and ALUI contract is expected to begin in the Summer of 2014. The ALUI and AWDM model must be completed by December 31, 2014 and the Food and Agriculture Strategy must be completed by April 30, 2015.

The planning process will consist of five phases: Phase 1 Pre ALUI, Phase 2 Communications (Ongoing), Phase 3 ALUI and AWDM Field Work, Phase 4 Post Survey Data Analysis and Report Preparation, and Phase 5 Food and Agriculture Strategy Preparation. The SGIEA ALUI, AWDM, and Food and Agriculture Strategy is intended to help re-establish local food and agriculture as a vital part of the Southern Gulf Islands' economy and support long term community resiliency. A clear road map and implementation plan are expected to be a key component of the strategy and intended to provide long term direction to the community. If you have any questions please contact the CRD's project manager, Jeff Weightman at 250-360-3162 or jweightman@crd.bc.ca.