



Mayne Island Local Trust Committee

Regular Meeting Agenda

Date: March 26, 2018
Time: 1:00 pm
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

Pages

1. CALL TO ORDER 1:00 PM - 1:30 PM
2. APPROVAL OF AGENDA
3. TOWN HALL AND QUESTIONS
4. COMMUNITY INFORMATION MEETING
 - 4.1 Mayne Island Local Trust Committee Bylaw No. 171 re: Riparian Area Regulations
 - 4.2 Mayne Island Local Trust Committee Bylaw No. 172 re: MA-RZ-2017.1
5. PUBLIC HEARINGS 1:30 PM - 2:00 PM
 - 5.1 Recess for Public Hearings
 - 5.1.1 Mayne Island Local Trust Committee Bylaw No. 171
 - 5.1.2 Mayne Island Local Trust Committee Bylaw No. 172
 - 5.2 Recall to Order
6. MINUTES 2:00 PM - 2:15 PM
 - 6.1 Local Trust Committee Minutes Dated February 26, 2018 (for Adoption) 4 - 9
 - 6.2 Section 26 Resolutions-without-meeting Report
none
 - 6.3 Advisory Planning Commission Minutes
none
7. BUSINESS ARISING FROM THE MINUTES
 - 7.1 Follow-up Action List Dated March 2018 10 - 11

8. DELEGATIONS

none

9. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the LTC webpage

9.1 CRD Regional Parks - March 15, 2018 Letter re: Gulf Island Regional Trails Plan (attached) 12 - 12

10. APPLICATIONS AND REFERRALS 2:15 PM - 3:00 PM

10.1 MA-RZ-2017.1 (Reef Bay Holdings) - Staff Memo - Bylaw 172 (attached) 13 - 16
for further consideration

10.2 MA-TUP-2017.1 (Iredale) - Staff Report (attached) 17 - 32

10.3 MA-LCB-2018.1 (Shields) - Staff Report (attached) 33 - 42

10.4 MA-DVP-2018.1 (Lazar) - Staff Report (attached) 43 - 57

10.5 Galiano Island Local Trust Committee Bylaws No. 265 & 266 Referral (attached) 58 - 60
for response

----- BREAK ----- 3:00 PM - 3:15 PM

11. LOCAL TRUST COMMITTEE PROJECTS 3:15 PM - 4:00 PM

11.1 Riparian Area Regulations - Staff Memo - Bylaw No. 171 (attached) 61 - 70
for further consideration

12. REPORTS

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated March 2018 71 - 71

12.1.1.1 Contracts Work Yards for Inclusion to Top Priorities List - Discussion

12.1.2 Projects List Report Dated March 2018 72 - 72

12.2 Applications Report Dated March 2018(attached) 73 - 75

12.3 Trustee and Local Expense Report Dated January 2018 (attached) 76 - 76

12.4 Adopted Policies and Standing Resolutions (attached) 77 - 78

12.5 Local Trust Committee Webpage

12.6 Chair's Report

12.7 Trustee Report

12.8 Trust Fund Board Report

none

13. NEW BUSINESS

4:00 PM - 4:30 PM

13.1 Briefing - Land-use Planning Implications of Fisheries and Oceans Canada (attached)

79 - 101

Integrated Geoduck Management Framework March 2018

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for April 30, 2018, at the Agricultural Hall, Mayne Island

15. TOWN HALL

16. CLOSED MEETING

none

17. ADJOURNMENT

4:30 PM - 4:30 PM



DRAFT

Mayne Island Local Trust Committee Minutes of Regular Meeting

Date: February 26, 2018
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

Members Present: George Grams, Chair
Jeanine Dodds, Local Trustee
Brian Crumblehulme, Local Trustee

Staff Present: Rob Milne, Island Planner
Pat Todd, Recorder

Members of the Public Present: There were approximately seven (7) members of the public in attendance.

1. CALL TO ORDER

Chair Grams called the meeting to order at 1:00 p.m. Chair Grams acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

For consideration for addition to the agenda.

- 13.3 Fallow Deer Update
- 13.4 Improvement District Update

By general consent, the agenda as amended was Adopted.

3. TOWN HALL AND QUESTIONS

none

4. COMMUNITY INFORMATION MEETING

none

5. PUBLIC HEARING

none

6. MINUTES

- 6.1 Local Trust Committee Minutes Dated January 29, 2018 (for Adoption/Receipt/Information)

The following amendments to the minutes were presented for consideration:

Page 2 10.1 – second paragraph: ...having recently sold her mother's property.

Page 9 12.7 – just after Motion – sentence to read: Staff were asked to draft a letter.

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-without-meeting Report

none

6.3 Advisory Planning Commission Minutes

none

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated February 2018

Planner Milne reported that letter, regarding open hunting of fallow deer, was received. It would appear that LTC and Ministry letters passed in mail.

Trustee Dodds spoke of concerns that no community consultation prior to posting intent to change island hunting policy. Fallow Deer Committee has reviewed and discussed the letter and will wait to see Ministry's next step/what the plan is.

Trustee Crumblehulme agreed with concerns raised.

8. DELEGATIONS

none

9. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the LTC webpage

none

10. APPLICATIONS AND REFERRALS

10.1 MA-DVP-2018.1 (Lazar) - Staff Report

Planner Milne reviewed the application which is for a height variance from 5 m to 7.1 m and staff recommendation is to not approve application. Alternative options were presented in report.

The applicant questioned why the recommendation to not allow.

Trustee Crumblehulme spoke in support of staff recommendation: is a significant variance and as such creates a precedent for future requests.

Chris Roerig spoke to consideration of minimal restrictions and that a precedent could be both a positive and negative action.

Trustee Dodds stated that building is an accessory unit and request is for a significant variance.

MA-2018-012

It was Moved and Seconded;

That the Mayne Island Local Trust Committee refer MA-DVP-2018.1 (Lazar) to the Advisory Planning Commission for further recommendation.

CARRIED

10.2 MA-SUB-2017.1 (Percy) - Staff Memo

Planner Milne reviewed the application which addresses a frontage shortfall. Approval would bring properties into compliance with *Local Government Act*.

MA-2018-013

It was Moved and Seconded;

That the Mayne Island Local Trust Committee approve of proposed Lot A and proposed Lot B of subdivision MA-SUB-2017.1 being exempt from the requirements of Section 512 of the *Local Government Act*.

CARRIED

10.3 North Pender Island Local Trust Committee Bylaws No. 216 & 217 Referral

MA-2018-014

It was Moved and Seconded;

That the Mayne Island Local Trust Committee interests are unaffected by North Pender Local Trust Committee Bylaws No. 216 and 217.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

none

12. REPORTS

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated February 2018

No changes

12.1.2 Projects List Report Dated February 2018

Ongoing

12.2 Applications Report Dated February 2017

Staff reviewed the applications on file.

There was discussion regarding Liquor Licensing.

Community Information Meeting to be scheduled for March on rezoning application.

12.3 Trustee and Local Expense Report Dated December 2017

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

Planner will update at conclusion of meeting.

12.6 Chair's Report

Chair Grams reported that Executive Committee is finalizing the agenda for Trust Council meeting in March on Salt Spring Island. There is currently an Agricultural Land Commission (ALC) review to which Chair Grams authored a submission which should be available on line as part of the Trust Council agenda.

12.7 Trustee Report

Trustee Crumblehulme spoke to the Community Economic Sustainability Commission (CESC) recent meeting. There was an internal review of CRD services. One finding is that the Southern Gulf Islands (SGI) are being discriminated relative to services provided. There is Federal Funding coming forth for a major cable installation to provide internet services. The Trust Program Committee Working Group is examining service provision and how to better collaborate with agencies.

12.8 Trust Fund Board Report

none

13. NEW BUSINESS

13.1 Executive Committee re: Farm Industry Review Board and Aquaculture - Staff Memo & attachment

Planner Milne cited the Executive Committee Resolution regarding distribution of information about the BC Farm Industry Review Board. Enquiries are to be directed to the Regional Planning Manager. There will be additional protection to farmers in regards to Aquaculture.

13.2 Fuel Leak at Minors Bay Dock

Trustee Crumblehulme gave a brief history of this ongoing issue. There was a recent gas leak and concerns raised as to fire hazard.

Staff were requested to contact the Capital Regional District (CRD) Harbours Commission as to status of dock relative to leaking pipes.

13.3 Fallow Deer Update

Trustee Dodds raised a number of concerns regarding actions of the Ministry. There have been many meetings with Fallow Deer Committee, community and Ministry

representatives; however there was no consultation by Ministry as to proposal to change the hunting status for the island.

MA-2018-015

It was Moved and Seconded;

That Mayne Island LTC direct staff to write a letter to Sean Pendergast, Ministry of Forest Lands, Resource Operations and Rural Development, regarding status of changes to hunting policy on Mayne Island as to who makes decision, when will decision be made and is the notification to the Local Trust Committee.

CARRIED

13.4 Improvement District Update

Katherine Somerville, Mayne Island Improvement District (MIID) spoke to the issue of garbage services. There is a MIID committee to examine options and a request has gone out to community for participation on committee.

The LTC has received complaints regarding garbage being stored on a residential property. There is a Waste Transfer Station however the site is currently for sale.

Trustee Crumblehulme reported that the Commercial Land Use Review Committee recommended that garbage be held on industrial land. There is currently a six month moratorium on bylaw enforcement in an attempt to resolve issue.

Trustee Dodds noted that item is on Work Program to review construction vehicles, etc. on residential properties.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for March 26, 2018, at the, at the Agricultural Hall, Mayne Island

14.2 Special Local Trust Committee to be held on March 5, 2018, at Mary Winspear Centre in Sidney, BC

Notices have been posted on island.

15. TOWN HALL

Chris Roerig raised the question of incorporating the SGI into a Regional District – would this be of benefit.

Chair Grams informed those present that after a recent meeting with the Minister regarding changes to the *Islands Trust Act* it was unlikely there would be any radical revisions forthcoming. Under the existing Act, Islands Trust cannot convert to a Regional District and to form a municipality takes significant time, effort and funds. e.g. Salt Spring referendum.

Doug Hill, MIID, spoke of need to define garbage. Term Solid Waste captures recycle and refuse.

16. CLOSED MEETING (Distributed Under Separate Cover)

16.1 Motion to Close Meeting

By general consent the Mayne Island Local Trust Committee agreed;

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1) [a & d] for the purpose of considering:

- Adoption of In-Camera Meeting Minutes Dated January 29, 2018
- Appointment of APC Members

AND that the recorder and staff attend the meeting.

16.2 Recall to Order

The meeting was recalled to order at 2:08 p.m.

16.3 Rise and Report

none

17. ADJOURNMENT

By general consent the meeting was adjourned at 2:18 p.m.

George Grams, Chair

Certified Correct:

Pat Todd, Recorder

Follow Up Action Report

Mayne Island

29-Jan-2018

Activity	Responsibility	Target Date	Status
Riparian Area Regulations - Proposed Bylaw 171 - amend bylaw (GR) - Done - show bylaw as receiving 1st reading (SLD) - Done - refer to First Nations and Agencies (SLD) - show DP distances on Map (GR) Put updated bylaw and Jan 29 staff report on LTC webpage (LF) - arrange public hearing for March 26, 2018 (GR and SLD)	Gary Richardson Sharon Lloyd-deRosario Lori Foster		Done
Arrange a working session (Special LTC Mtg.) to review Commercial Land Use review options. Mary Winspear. March 5 12:45 PM	Lori Foster		Done
Letter to be sent from staff to Mayne Island Improvement District requesting their plans for addressing Garbage	Gary Richardson		Done
Staff to send letter to Shaun Pendergast, Senior Wildlife Biologist, FLNR, regarding the recent survey regarding hunting on Mayne Island.	Gary Richardson		On Going
Place Contractors Work Yards as new item on March 29, 2018 LTC agenda for discussion of adding it to the work program priorities	Sharon Lloyd-deRosario		Done
Contact MoTI reading the LTCs safety concerns regarding the new ditching along Montrose Road and Fernhill Road.	Gary Richardson		Done
Advise Fiona MacRaild that Trustee Crumblehume is the LTC contact regarding possible future initiative regarding a First Nations event on Mayne Island.	Gary Richardson		Done



Follow Up Action Report

Existing APC members to be contacted to determine if they want to be re-appointed for a 3 year term.

Sharon Lloyd-deRosario

Done

26-Feb-2018

Activity	Responsibility	Target Date	Status
Application MA-DVP-2018.1(Lazar) is to be referred to the APC for consideration. A copy of the letter of support is to be included in the referral package.	Gary Richardson Lori Foster		Done
Lots A and B of proposed subdivision MA-SUB-2017.1 are exempted from the 10% frontage requirements of Section 512 LGA.	Gary Richardson		Done
The Mayne Island LTC interests are unaffected by North Pender Island Bylaw Nos. 216 & 217.	Gary Richardson Sharon Lloyd-deRosario		Done
Staff to contact the Harbours Commission to determine the status of suspected Miner Bay Dock fuel line leak which had caused concerns and report back to the LTC.	Gary Richardson		Done
Staff to write a letter to Shaun Pendergast, Senior Wildlife Biologist, FNLROD, to determine the status of the changes to hunting season regulations and to inquire as to who makes the decision, when the decision will be made and whether the LTC will be notified.	Gary Richardson		On Going



Making a difference...together

Regional Parks

490 Atkins Avenue
Victoria, BC, Canada V9B 2Z8

T: 250.478.3344

F: 250.478.5416

www.crd.bc.ca/parks

March 15, 2018

File No: 6130.30
Gulf Islands Regional Trails Plan

To various government agencies:
(sent by email)

RE: CAPITAL REGIONAL DISTRICT – GULF ISLANDS REGIONAL TRAILS PLAN

Over the past year, the Capital Regional District (CRD) has been developing a plan for regional trails on the Gulf Islands (Galiano, Mayne, North Pender, South Pender, Salt Spring and Saturna Islands).

The planning process included engagement to gather initial input from the public, First Nations and government agencies in early 2017 before drafting the plan, a second round of engagement between August-September 2017 on the draft regional trails plan, and finalizing the plan over the fall-winter 2017-2018, following consideration of all comments received. On March 14, 2018, the CRD Board approved the Gulf Islands Regional Trails Plan.

The plan envisions the development of approximately 50 km of new trails on the six islands that will connect ferry terminals with key island destinations. Cooperation with partners will be key to the successful implementation of the plan, which is anticipated to occur over a number of years. The Gulf Islands Regional Trails Plan is available through the CRD website at:
<https://www.crd.bc.ca/project/gulf-islands-regional-trails-plan>

The CRD would like to thank all participants in the planning process and look forward to working with you on future regional park projects.

Sincerely,

Brett Hudson
Acting Senior Manager

cc: Karla Campbell, Salt Spring Island, CRD (email)
June Klassen, Southern Gulf Islands Electoral Area, CRD (email)
John Hicks, Planning & Protective Services, CRD (email)
Carolyn Stewart, Regional Parks, CRD (email)

CS:amm



File No.: MA-RZ-2017.1

DATE OF MEETING: March 26, 2018

TO: Mayne Island Local Trust Committee

FROM: Gary Richardson, Island Planner
Victoria Office

SUBJECT: Proposed Bylaw 172 – Rezoning of Commercial Property 492 Dalton Drive, Mayne Island

Applicant: Reef Bay Holdings Ltd.

Location: Lot 36, Section 6, Mayne Island, Cowichan District, Plan 22057

RECOMMENDATION

1. That the Mayne Island Local Trust Committee Draft Bylaw No. 172 cited as “Mayne Island Land Use Bylaw 146, 2008, Amendment No.1, 2017” be read a Second time.
2. That the Mayne Island Local Trust Committee Draft Bylaw No. 172 cited as “Mayne Island Land Use Bylaw 146, 2008, Amendment No.1, 2017” be read a Third time.
3. That the Mayne Island Local Trust Committee Draft Bylaw No. 172 cited as “Mayne Island Land Use Bylaw 146, 2008, Amendment No.1, 2017” be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.

REPORT SUMMARY

Proposed Bylaw (172) to amends the zoning on the subject lot from Settlement Commercial C1(a) to Settle Commercial C1. The present zoning that applies to the subject property (C1(a) limits the permitted uses on the property to professional and business offices, and accessory uses, buildings and structures. The C1(a) zoning also limits the number of buildings permitted on the property. Unrestricted C1 zoning allows a more comprehensive list of permitted commercial uses. The bylaw also proposes a more restrictive maximum lot coverage limit for buildings and structures of 20%. The lot is 0.23 ha in area; therefore 20% lot coverage allows for 2300 m² (24,756 ft²) of the lot to be covered with buildings and structures.

BACKGROUND

The Local Trust Committee is considering a bylaw to amend the commercial zoning on the subject lot to allow more commercial uses. This bylaw has been initiated as result of an application. A public hearing is scheduled for March 26, 2018. A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Second Reading (this may include amendments to alter a bylaw).
2. Consideration of Third Reading.

3. Forwarding of the bylaw to Executive Committee for approval.
4. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

If the Executive Committee and Minister approve the bylaw, the next step for the LTC would be to adopt the bylaw.

Rationale for Recommendation:

- The property is within the village point improvement district service area.
- It does not seem necessary to limit the number of buildings on the lot as it's a small lot and setback requirements, parking requirements, lot coverage restrictions and DPA guidelines will ensure that any building is not out of scale with the lot. Staff has proposed 20% maximum lot coverage limit.
- The location of the lot is well-suited to provide a complementary commercial service for people arriving at, departing from or waiting for the ferry.
- The proposal complies with OCP policy.
- Allowing a full range of commercial uses, as permitted in the C1 zone, will provide a wider range of potential commercial uses instead of being restricted to just professional businesses and offices. Continuing to limit the commercial uses permitted on this property will not allow the uses of this property to change over time as commercial needs of the island change.
- Apartment residential is beneficial as it could provide housing for the owner operator or much-needed rental housing. This is consistent with OCP policy.
- The OCP states service-based businesses should be dispersed in the Mayne Island Local Trust area and that the retail commercial needs of the community should be addressed by considering zoning to permit small developments within the immediate neighbourhood they serve, for example small neighbourhood corner stores. This proposal is consistent with this policy.
- There appears to be no compelling reasons why a small commercial building with or without residential use included could not be established on the lot to provide a service for Mayne Island in harmony with the surrounding area. The property is in a development permit area DPA for the form and character for

commercial development which should ensure any building on the lot is constructed in a manner that is consistent with and enhances rural character of the island and minimizes impact on adjacent properties.

- The property is already designated commercial in the OCP.
- There are no other commercially zoned lots servicing the Village Bay area of Mayne Island.
- Statutory notification has been carried out and as of the date of this report no comments had been received as a result of the notification.
- A Public Hearing has been held.

NEXT STEPS

- Forward the proposed bylaw to the Executive Committee of the Islands Trust for approval.
- Place on the April 30, 2018 LTC agenda for adoption.

Submitted By:	Gary Richardson, Island Planner	March 20, 2018

ATTACHMENTS

1. Proposed Bylaw 172

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 172

A BYLAW TO AMEND MAYNE ISLAND LAND USE BYLAW 146, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Mayne Island Land Use Bylaw 146, 2008, Amendment No. 1, 2017”.

2. Mayne Island Local Trust Committee Bylaw No. 146, cited as “Mayne Island Land Use Bylaw 146, 2008,” is amended as follows:

- 2.1 Section 5.8 – Settlement Commercial (C1) Zone, Subsection 5.8(11), site specific zoning pertaining to C1(a) is amended by removing site specific regulations (1), (2) and (3) in column 3 and replacing them with the following: “(1) Despite 5.8(1), the only uses permitted in this location are those permitted in 5.8 (1)(a)(b)(c)(d)(e)(f)(g)(j)(k)(l) and m.”; and “(2) Despite 5.8.2 and 5.8.4, the maximum lot coverage permitted is 20 %.”

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 29th DAY OF JANUARY 2018

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____

Chair

Secretary



File No.: MA-TUP-2017.1

DATE OF MEETING: March 26, 2018
TO: Mayne Island Local Trust Committee
FROM: Gary Richardson, Island Planner
COPY:
SUBJECT: Temporary Use Permit
Applicant: Kara Resources Ltd. c/o Meg Iredale-Grey
Location: 306 Campbell Bay Road

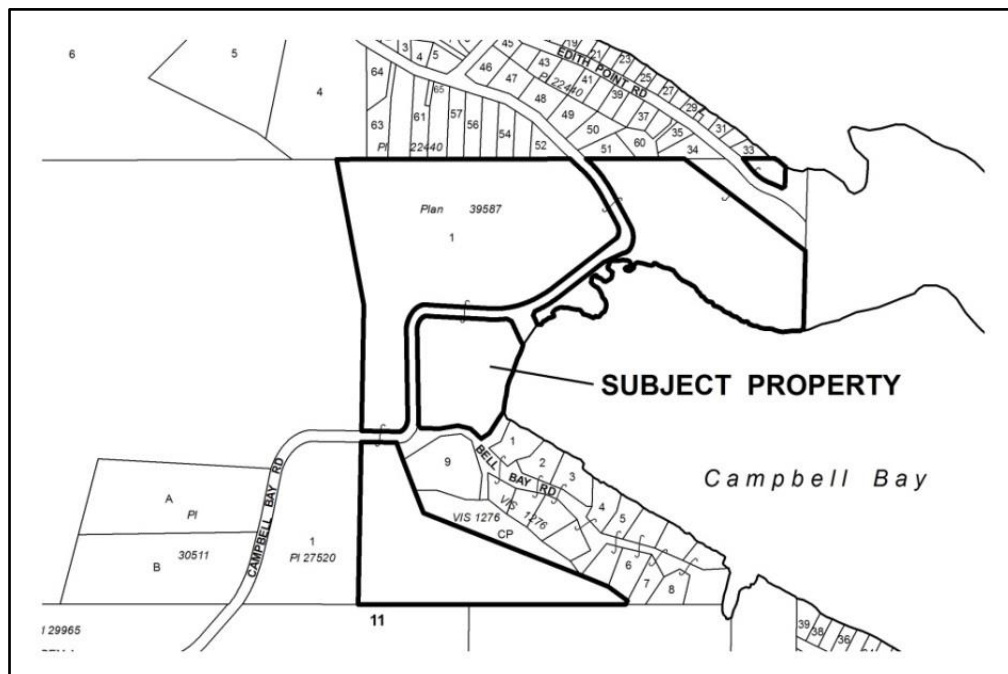
RECOMMENDATION

1. That the Mayne Island Local Trust Committee directs staff amend MA-TUP-2017.2 (Kera Resources c/o Iredale-Grey) changing the permitted attendees in 3(d) of the draft permit from 1500 persons to 1000 persons.
2. That the Mayne Island Local Trust Committee directs staff to issue MA-TUP-2017.2 (Kera Resources c/o Iredale-Grey) as amended.

REPORT SUMMARY

The purpose of this report is to provide background information, analysis, and a staff recommendation reading the issuance of a Temporary Use Permit (TUP) for the annual Campbell Bay Music Festival.

Figure 1 – Subject Property



BACKGROUND

The proposal is for a TUP at **306 Campbell Bay Road**. The TUP would permit an annual three (4) day music festival the '**Campbell Bay Music Fest**' on a portion of the subject property (See Figure 2 – Site Plan)

The purpose of this application is for a TUP for events beginning in June of 2018.

The specifics of the application as submitted are as follows:

- A 4 day volunteer-run event to be held around the last weekend in June annually.
- Limited to a maximum of one thousand (1500) people which includes attendees, musicians and volunteers.
- Camping is permitted in designated areas.
- Off-street parking for (approximate) 180 vehicles is to be provided.
- Provision of food and alcohol services.
- Provision of outhouse and washing facilities.
- Site preparation and clean-up one week prior and one week after event.

The festival takes place on a portion of the property and has two stages (a main stage and a 'forest' stage), food and alcohol service areas, parking, camping as well as washroom (pit privy outhouses) and washing facilities.

The Music Fest has been held each year for the past nine years and began as a small musical gathering promoted only by word of mouth and has expanded in size and number of attendees over the intervening years. The festival is acknowledged as contributing to the island community's culture and economy; however, in recent years concerns about public health and safety as well as noise and nuisance to neighbours have increased.

The LTC have been made aware of concerns from the public and subsequently directed the Island Planner to inform the festival organizers that a permit for future events would be required. Application was received in March of 2017. Bylaw enforcement has also been aware of issues related to the music festival, however, no formal complaint has been received nor enforcement action taken to date.

Existing (permanent) buildings on the property are residential dwellings and farm use (barns and other accessory) buildings (see Attachment 1 – Site Context)

There is no permanent construction, alteration of existing buildings or land alteration associated with this application. All structures specific to the event are temporary and removed after each annual event.

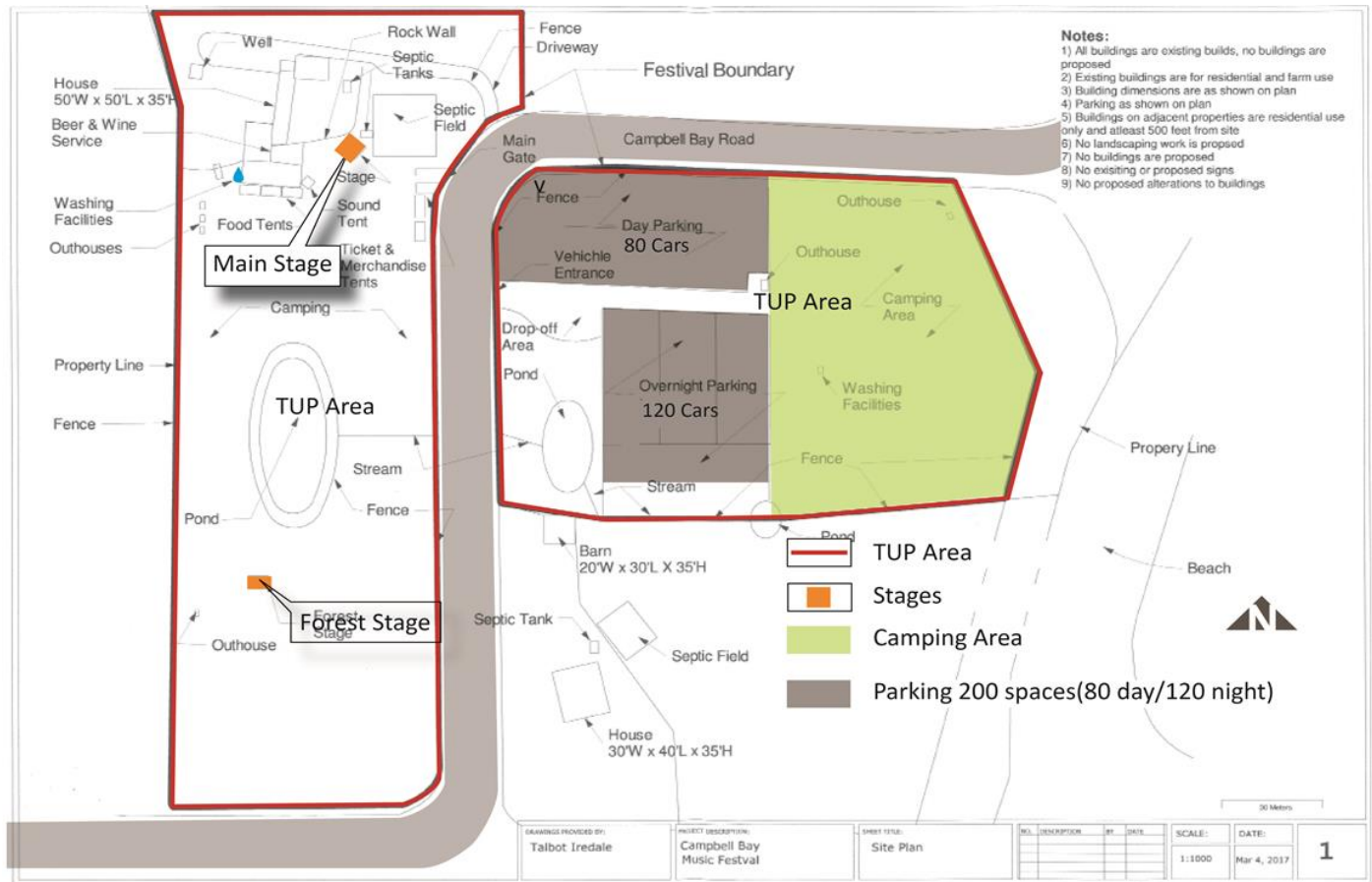
The proposed TUP is for a term of three (3) years which can be renewed for a further three (3) years by application.

A copy of draft permit MA-TUP-2017.1 is attached as Attachment 4.

Staff visited the site on May 29, 2017.

A Community Information Meeting was held June 2017 regarding a previous draft of a TUP. The comments were generally in favour of the music festival.

Figure 2 – Site Plan (Enhanced for Reporting)



ANALYSIS

Islands Trust Policy Statement:

- 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.
- 5.7.2 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.

The proposal for a Temporary Use Permit to allow for an annual music festival is consistent with the above policies.

Official Community Plan:

The property is designated as **R – Rural** in the Mayne Island Official Community Plan Bylaw No. 144, 2007 (OCP).

There are no Development Permit Areas designated on the subject property.

Temporary Use Permit Guidelines:

Section 2.9 of the OCP establishes the objectives and guidelines for the issuance of TUPs. Relevant guidelines are as follows

2.9.1.6 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.

2.9.1.7 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.

These guidelines are considered in 'Issues and Opportunities' (below) and incorporated into the draft TUP.

In summary, the proposal meets the applicable guidelines contained in the OCP.

Land Use Bylaw:

The subject property is zoned as **Rural (R)** in the Mayne Island Land Use Bylaw No. 146, 2008.

The proposed TUP specifies the allowable use, conditions for the use and the time periods the use can occur.

Issues and Opportunities

Sanitation

Staff has forwarded the proposed TUP to the Island Health (VIHA) Environmental Health Officer for consideration. If the proposed permit is issued staff will forward the permit to the Environmental Health Officer to ensure that Island Health is aware of the upcoming festival and ensures their regulations are complied with.

Previous festivals have used pit toilets outhouse/washrooms that are dug prior to and filled after each annual festival. The specific number of these outhouses was not provided, although the site map indicates four (4) locations. It is noted that the temporary outhouses are all located over 30 metres from wells and surface water sources (ponds/streams – see Figure 2).

Parking

The TUP guidelines indicate that the permit should ensure provision of off-street parking spaces consistent with regulatory bylaws. The applicants have submitted a plan that provides a total of 180 parking spaces in two designated areas (70 cars for day parking and 110 for overnight parking). That provides a ratio of 1 car for 7.5 people. There is likely to be car-pooling, and people arriving at the site through alternative transportation. In addition, the applicant would be basing their numbers on previous events.

There is no directly relevant LUB requirement for comparison purposes, although restaurants are required to provide 1 space per 3 seats. Staff is recommending that the condition be set at a minimum of 1 space per 7.5 people which would have the number increase to 200 spaces. This would allow a small buffer to offset any unforeseen rise in demand.

Noise

The CRD has a noise Bylaw (3378) that applies to Mayne Island, that states: “No person shall play amplified music outdoors between the hours of 11 pm and 7 am (8 am on Saturdays, Sundays and Holidays), that disturbs or tends to disturb other people...”

Previous drafts of the TUP had restrictions regarding noise; however the applicant asked that the noise restrictions be removed.

The proposed permit does have conditions for the permit holder or a designate to be on-site for the duration of the festival and be accountable for any violations and responsible for ensuring the conditions are met. In addition, there is a provision for the bylaw investigations officer to enter the site at any time during the festival without prior consultation to investigate any formal complaint.

Other Issues

Staff will be forwarding a copy of this report including the permit if issued to the provincial liquor control and licencing branch requesting the event organiser be compliance with their regulations. Staff will also be forwarding a copy of this report including the TUP if issued to the RCMP, Mayne Island Fire Department and CRD to ensure their regulations are complied with.

Economic benefit to community

The Campbell Bay Music Festival should be acknowledged overall as an event that has positive cultural and economic benefits to the island community and attracts people to the island with benefits to local businesses and the potential to generate future tourism from returning guests.

Security

As stated above, the OCP guidelines provide for an undertaking for restoration of the site and a security deposit to guarantee performance of the conditions. The LTC could direct staff to amend the draft permit to include such an undertaking and security. Given that the event occurs on private property and there has been no history of unrepaired damage on the subject property or elsewhere, staff is not recommending such an amendment.

Consultation

Statutory Requirement – Notification

TUP Notices were circulated to surrounding property owners and residents prior to March 12, 2018 and published in a recent edition of the Driftwood newspaper.

Several responses have been received to date as a result of the recent notification both verbal and written. Some of the concerns to date have been:

- in adequate sewage disposal , should be collected and taken off island for disposal
- insufficient number, type and location of washrooms facilities
- prefer chemical toilets that can be removed after the festival instead of pit toilets
- increased water usage
- fire
- inadequate medical resources
- scale of the event too big - 1500 people over 4 days
- security

Rationale for Recommendation

Based on the analysis of OCP guidelines and regulations, issues and opportunities, and input from other jurisdictions, and that the music festival is a long-standing event that has positive community benefits, staff is recommending the TUP be issued.

Due to concerns over the scale of the festival, increasing from a proposed 1000 people in the original application in 2017 to 1500 people it is recommended that the total number of people be restricted to 1000.

Staff has some concerns that conditions regarding quiet times, fire restrictions, and increased number of washing and washroom facilities have been removed from the 2017 draft permit; however to address this staff will ensure that all agencies that have regulations pertaining to a festival of this type will be contacted regarding the issuance of the permit so that their regulations can be implemented.

ALTERNATIVES

1. Issue as Drafted

The LTC may request that the permit be issued as drafted.

2. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should be advised to describe the specific information needed and the rationale for this request.

3. Deny the application

The LTC may deny the application.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee deny application MA-TUP-2017.1 (Kera Resources Ltd. c/o Iredale–Grey).

NEXT STEPS

- If the TUP is issued staff will forward a copy of this report including the TUP to: Island Health (VIHA), the provincial Liquor Control and Licensing Branch, Mayne Island Fire Department, CRD and the RCMP.

Submitted By:	Gary Richardson, Island Planner	March 20, 2018
Concurrence:	Robert Kojima, Regional Planning Manager	March 20, 2018

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Draft TUP Notice
4. Draft TUP Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 1, SECTION 11, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 39587
PID	000-985-341
Civic Address	306 Campbell Bay Road

LAND USE

Current Land Use	Residential and Farming
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
MA-BP-2012.4 and 2017.8 SUB-1990.7	Historical and current subdivision and building permits, none of which are relevant to the current application.

POLICY/REGULATORY

Official Community Plan Designations	R – Rural in the Mayne Island Official Community Plan Bylaw No. 144, 2007 (OCP). There are no DPAs designated on the property.
Land Use Bylaw	Rural (R) in the Mayne Island Land Use Bylaw No. 146, 2008.
Other Regulations	N/A
Covenants	M58080 applies to limits on further subdivision.
Bylaw Enforcement	Bylaw enforcement has been aware of issues related to the music festival from previous years. However, there has been no formal complaint or enforcement action taken to date. There was a previous enforcement file in 2013 with regard to the height of a fence. That file is closed.

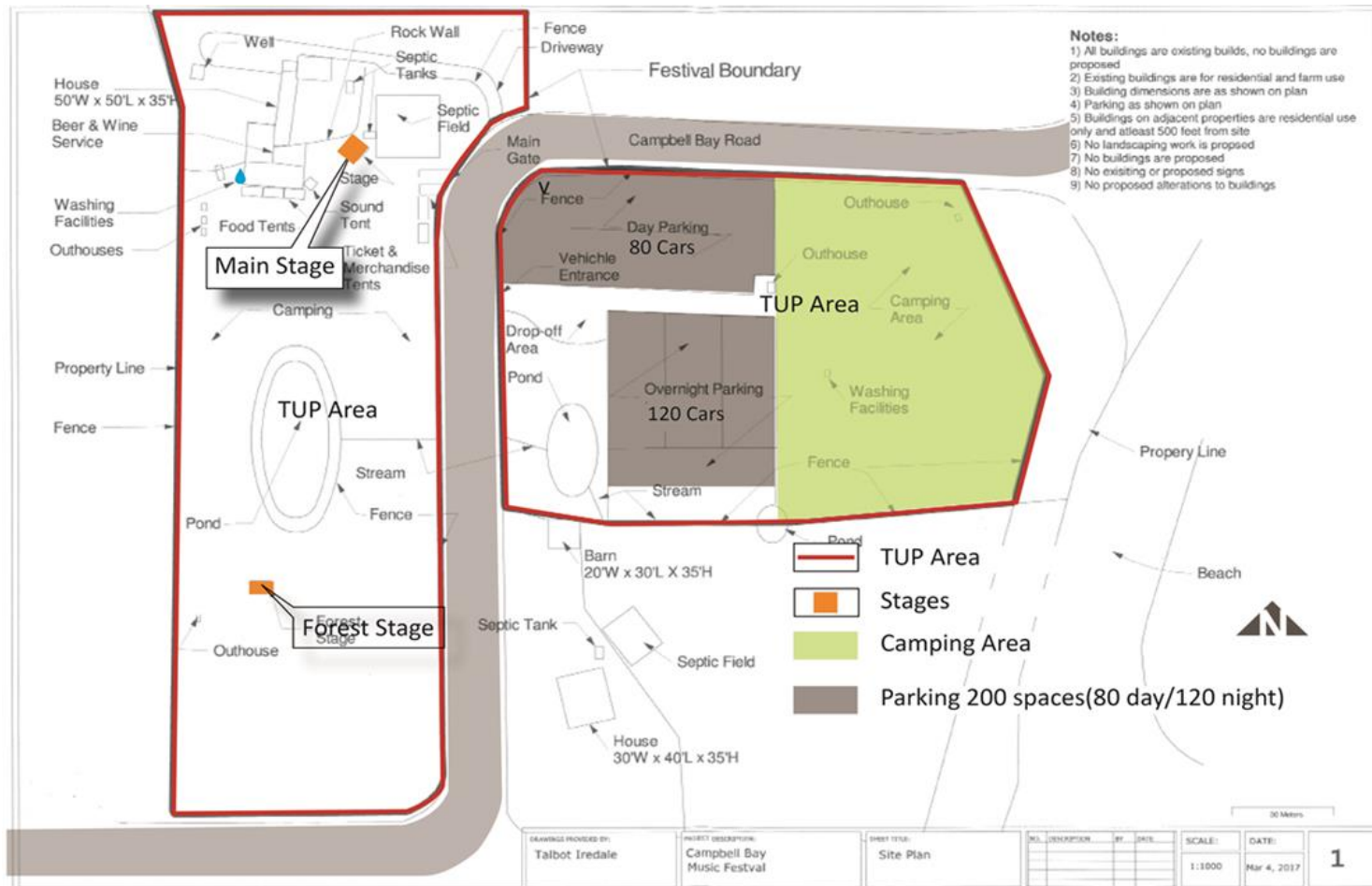
SITE INFLUENCES

Islands Trust Fund	This application has no considerations for the Islands Trust Fund.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None
Sensitive Ecosystems	The Islands Trust Ecosystem Mapping indicates cliff and agricultural ecosystems. Sensitive ecosystems identified are associated with shoreline and marine (forage fish and eelgrass (below)
Hazard Areas	There are areas of Low, Medium and High Risk Slope Stability areas identified on the property (Attachment 2.3) However, there are only very limited areas of Low and Medium in the TUP area and there is no new development

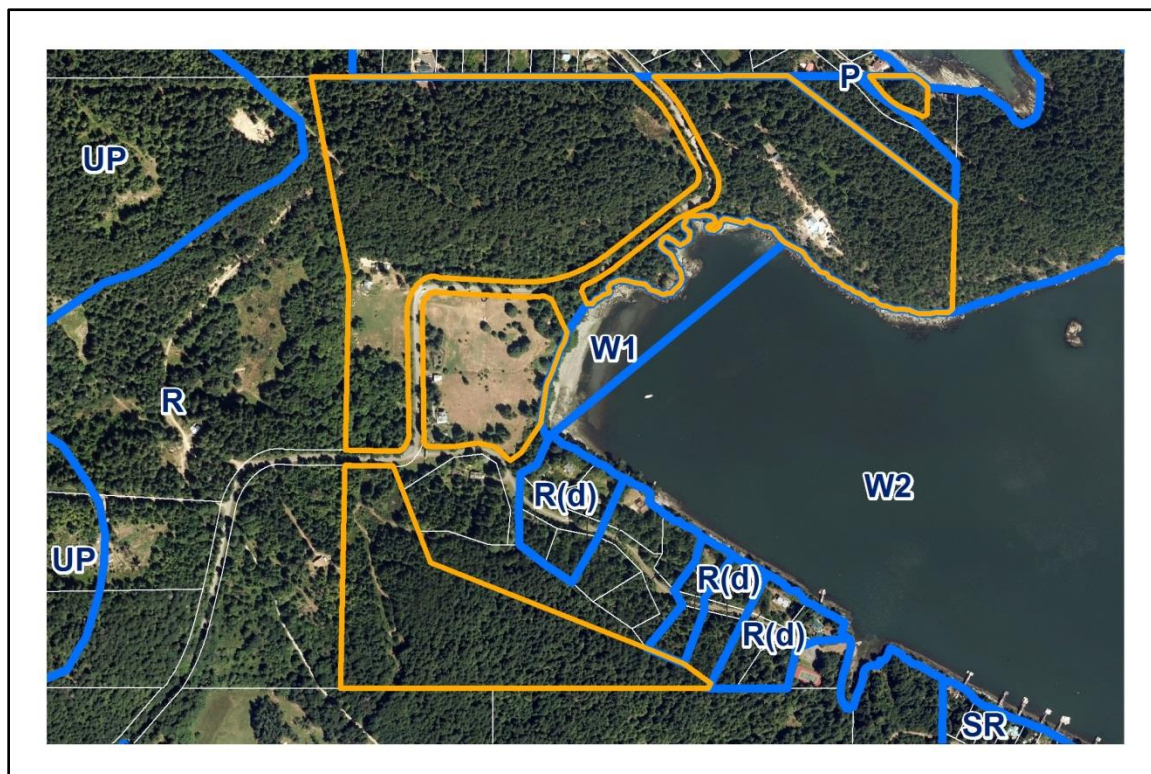
	proposed.
Archaeological Sites	There are no know archaeological sites identified with the provincial RAAD system on the property or in proximity to the proposed development.. Regardless of the information from RAAD, check the relevant protocols and indicate any referral/process requirements. If there are no resources on RAAD, include this statement in the report: Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	There is no new development that is proposed as part of the TUP. Overall, the scale and limited nature would have a limited impact on greenhouse gas emissions.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder & Sediment Shoreline – Pebble/Sand
Shoreline Data in TAPIS	There are eelgrass beds contiguous with the subject property shoreline and the most western beach of Campbell Bay has forage fish habitat identified (see Attachment 2.4)

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS

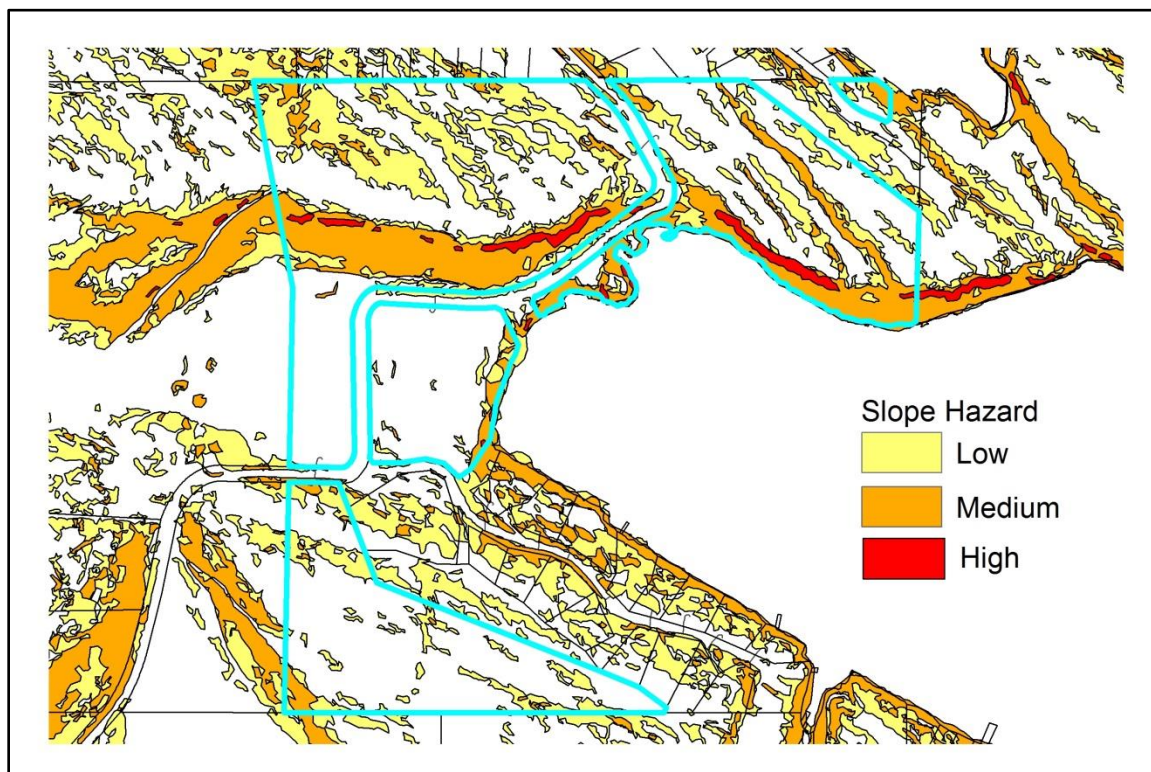
2.1 SITE PLAN



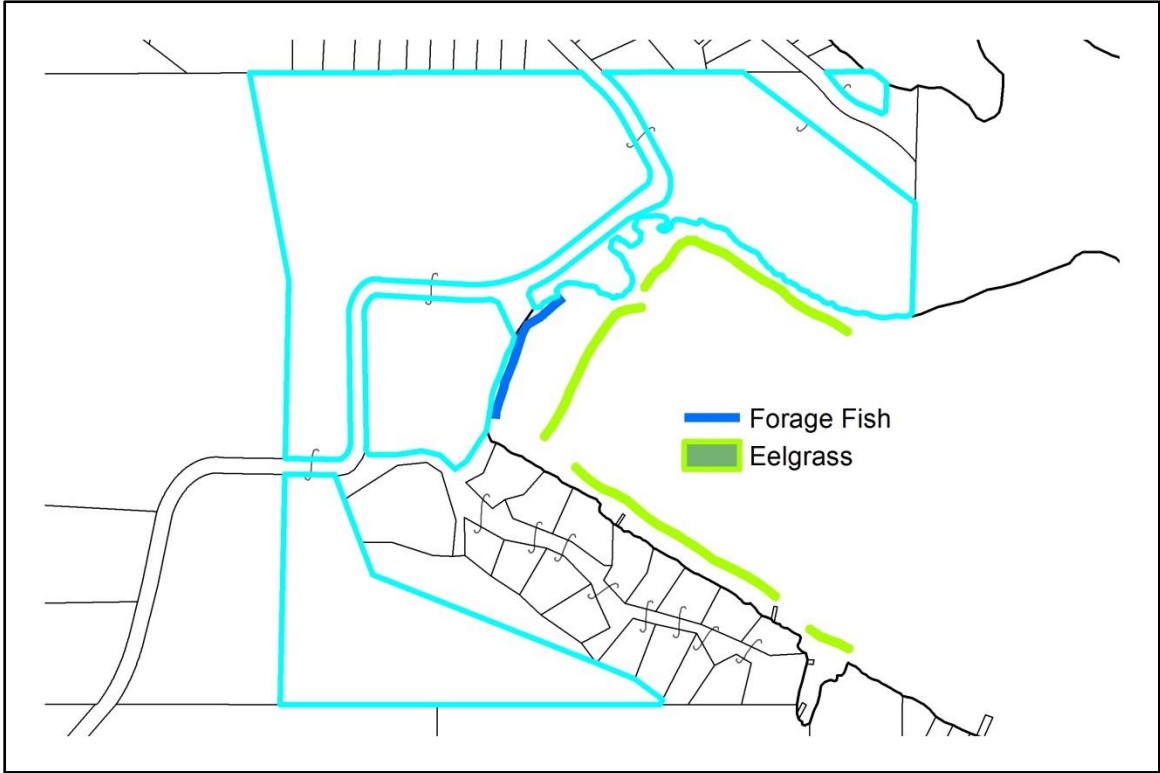
2.2 ORTHOPHOTO WITH ZONING



2.3 STEEP SLOPE HAZARD MAPPING



2.4 SENSITIVE ECOSYSTEMS MAPPING





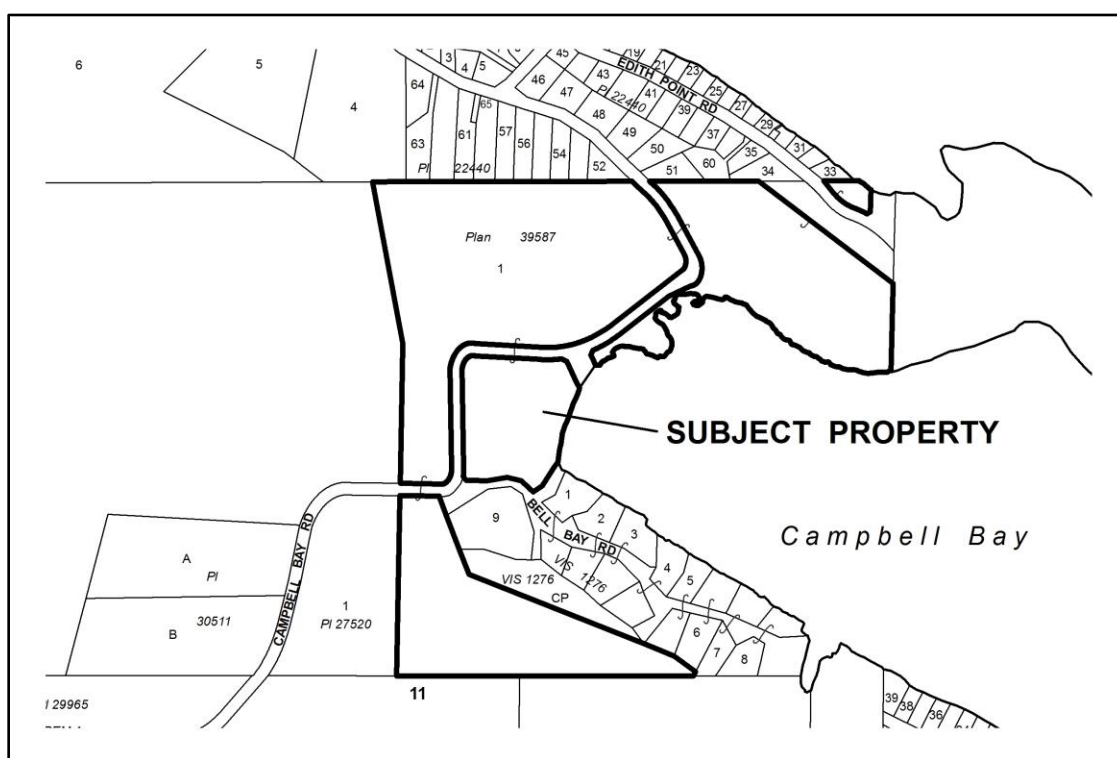
Islands Trust

**NOTICE
MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-TUP-2017.1**

NOTICE is hereby given that the Mayne Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply to Lot 1, Section 11, Mayne Island, Cowichan District, Plan 39587 (PID: 000-985-341) – **306 Campbell Bay Road**.

The purpose of this temporary use permit would be to permit a “Annual Music Festival” on a portion of the subject property. The establishment of the temporary use would be subject to conditions specified in the permit. The permit would be issued for up to three years and the owner may apply to the Mayne Island Local Trust Committee to have it renewed once for up to an additional three years.

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C., V8R 1H8, between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing **March 12, 2018** and up to and including **March 23, 2018**.

For the convenience of the public only, and not to satisfy Section 494(1) (a) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Mayne Island, B.C., commencing **March 12, 2018**.

Enquiries or comments should be directed to Gary Richardson, Island Planner at (250) 405-5157, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca, before **4:30 p.m., March 23, 2018**. The Mayne Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **1:00 p.m., March 26, 2018**, at the Mayne Island Agricultural Hall, 430 Fernhill Road, Mayne Island, BC.

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

Sharon Lloyd-deRosario
Deputy Secretary **29**

PROPOSED



**MAYNE ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
MA-TUP-2017.1**

306 Campbell Bay Road

To: Kara Resources
c/o Meg Iredale-Gray

1. This Permit applies to the land described below:

Lot 1, Section 11, Mayne Island, Cowichan District, Plan 39587
(PID: 000-985-341)

2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:

- a) A four (4) day annual outdoor music festival ('festival')

Within the area indicated as 'TUP Area' on Schedule 'A' attached to and forming part of this permit.

3. The uses permitted in paragraph 2. may be carried out in the 'Temporary Use Permit Area' subject to the following conditions:

- a) the permit holder or designated contact person must be available on Mayne Island by telephone 24 hours a day during the dates of the festival, and that person's name and contact number(s) must be clearly posted outside the entrance gate as shown on Schedule 'A' during each annual recurrence of the festival;
- b) the permit holder must provide neighbours within a 100 metre radius of the property with the contact person's phone number, and a copy of the temporary use permit for each annual recurrence of the festival;
- c) the permit holder must post emergency services contact information in visible locations throughout the festival area;
- d) the maximum number of attendees is limited to fifteen hundred (1500) persons including volunteers and staff;
- e) camping and occupancy of recreational vehicles is restricted to the area designated as 'Camping Area' on Schedule 'A';
- f) the owner must provide on-site parking for two hundred (200) vehicles on the property in the areas designated as 'Day Parking' and 'Overnight Parking' on Schedule 'A' ;
- g) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property at any time during the festival without prior consultation with the holder of the Permit for the purpose of investigating a complaint.

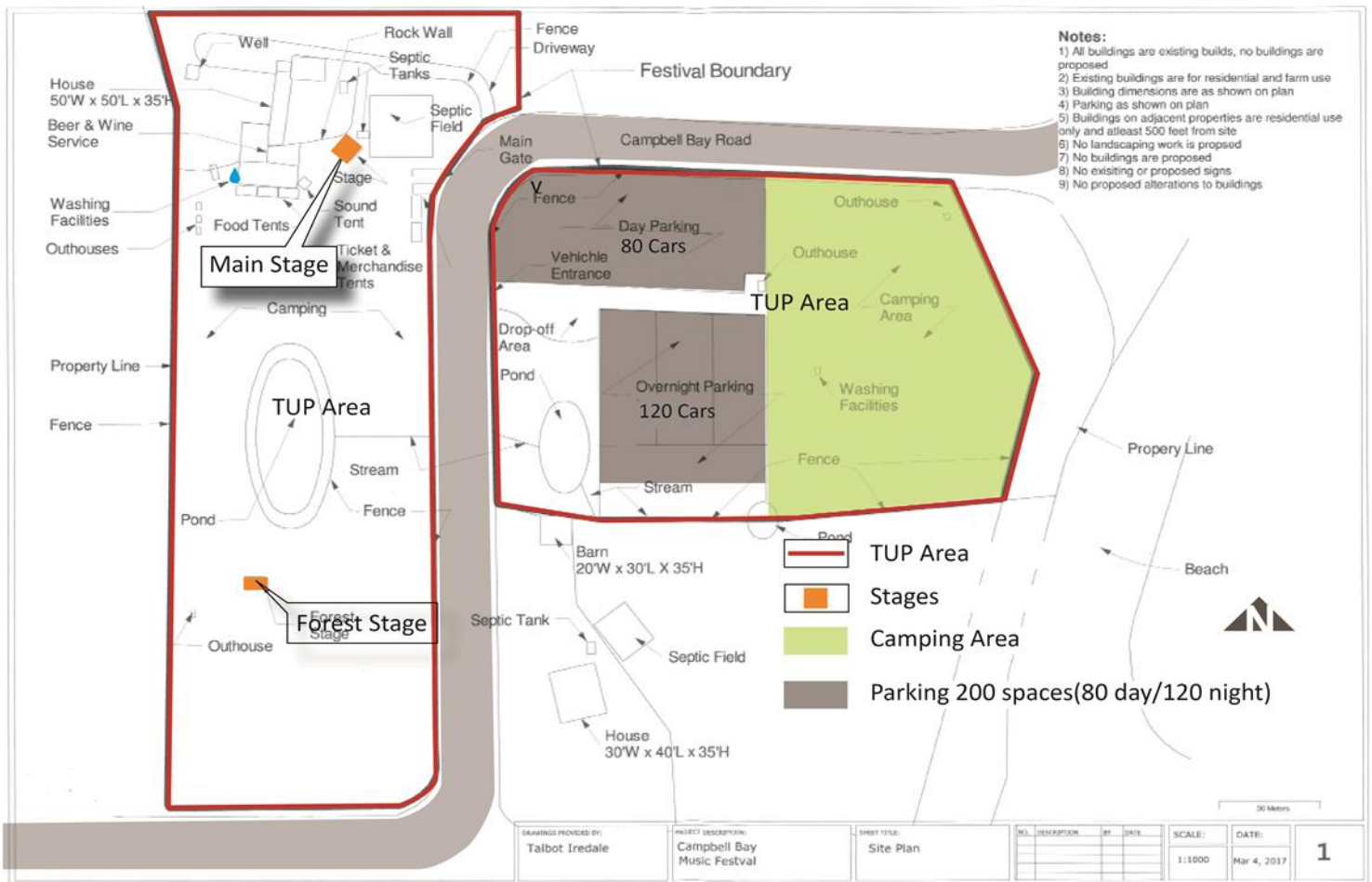
4. This permit is valid for a maximum of four (4) days per year within the month of June for a duration of three (3) years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust.
5. This permit 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, Liquor Control and Licensing Branch, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS Xth DAY OF MONTH, 201X.

Deputy Secretary, Islands Trust

Date Issued

MAYNE ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
MA-TUP-2017.1
Schedule 'A'





File No.: MA-LCB-2018.1 (Shields –
Springwater Lodge)

DATE OF MEETING: March 26, 2018

TO: Mayne Island Local Trust Committee

FROM: Phil Testemale, A/Planner 2
Southern Team

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

SUBJECT: **Liquor Control and Licensing Branch Referral – Port Browning Marina**
Applicant: Springwater Lodge c/o Leo Shields
Establishment: Springwater Lodge
Location: 400 Fernhill Road

RECOMMENDATION

1. That the Mayne Island Local Trust Committee directs staff to send a response to the Liquor Control and Licensing Branch Referral regarding the Springwater Lodge Ltd. application that states:
 - a. The potential impacts on nearby residents due to noise if the application is approved (*would be none, would be minimal, or would be significant due to....*),
 - b. The impacts on the community if the application is approved would be (*negligible or beneficial because.... or detrimental because....*),
 - c. The Local Trust Committee has solicited public input to gather the views of residents (*and ## residents provided written or verbal comments*),
 - d. The views of residents were generally (*in support or in opposition or neutral..... or of the ## comments received # were supportive, # were opposed or had concerns and # were neutral*) about the application,
 - e. A notice of the application was delivered to surrounding properties within 100 metres of the subject property, advertised in the newspaper, posted on local bulletin boards, and posted on the Mayne Island webpage and residents were invited to provide written submissions or attend a community information meeting,
 - f. A community information meeting was held on March 26, 2018 to gather input from residents about the application.

- g. The Local Trust Committee agrees with the views of residents that *(the application should be supported or the application should be denied or the application should include the following restrictions.....)*
 - h. The Local Trust Committee recommends the application *(be approved or not be approved)*, and
 - i. The Local Trust Committee recommendations are based on *(generally supportive community input or the concerns raised by the community)*
2. That the Mayne Island Local Trust Committee directs staff to include a record of the community information meeting with the response to the Liquor Control and Licensing Branch regarding the Springwater Lodge Ltd. application.

REPORT SUMMARY

The purpose of this report is for the Mayne Island Local Trust Committee (LTC) to review and provide resolutions and comments for an application for a change of occupant load for one (1) of the two (2) existing liquor licences at the Springwater Lodge.

An application has been made to Liquor Control and Licensing Branch (LCLB) by the Springwater Lodge Ltd. for an amendment to their liquor-primary licence for the Sweetwater Lodge on Mayne Island. As the local government, the LTC is required to provide resolutions and comments on the application through a referral process. In order to gather public input for the community within the immediate vicinity of the establishment, staff have done the following:

- Scheduled a Community Information Meeting (CIM) - March 26, 2018
- Notification of CIM:
 - Delivered, by hand and post, to properties within 100 metres of the subject property;
 - advertised notice in the *Driftwood* newspaper (published: March 14, 2018); and ,
 - posted notice on the bulletin boards in the community and the Mayne Island webpage.

The LCLB requires the local government consider these factors which must be taken into account when providing a resolution/comment:

- The location of the establishment.
- The person capacity and hours of service of the establishment.

The LCLB requires the local government provide a resolution with comments on:

- The impact of noise on nearby residents
- The impact on the community if the application is approved,
- The views of residents and a description of the method used to gather views,
- The Local Government recommendations (including whether or not the application be approved) and the reasons on which they are based.

In order to facilitate the above requirements, resolutions have been outlined above; however, the LTC will need to complete the details pending information and comments from the community. Response options are shown in italics for the LTC's convenience.

Once passed, the above recommendations will be forwarded to the general manager of the LCLB to consider when making an application decision.

BACKGROUND

Currently the marina has both a Food Primary License (#218740 and a Liquor Primary License (#86837). Both establishments are located at 400 Fernhill Road (see Figure 1). The liquor primary license (subject of notice) for Springwater Lodge, Mayne Island has a current capacity for 79 with 67 seated inside and 12 on a patio. The current application would:

- Change the **total capacity** from **79** to **107** patrons by increasing the **patio capacity** from **12** to **40** patrons (Figure 2).

For certainty, there is no expansion of the patio area as this application is only to bring an existing use of the patio (in terms of numbers) into conformity with Liquor Licencing.

There is no change affecting the Food Primary Licence.

The proposed changes to the licence are required by the owners to rectify the current capacity of the patio with the licence.

As required, an initial response to Section 3 of the application was provided to the LCLB.

Staff requested background information on the history of the licencing and construction of the applicable facility from the applicant. No information was provided in response.

Figure 1 – Subject Property

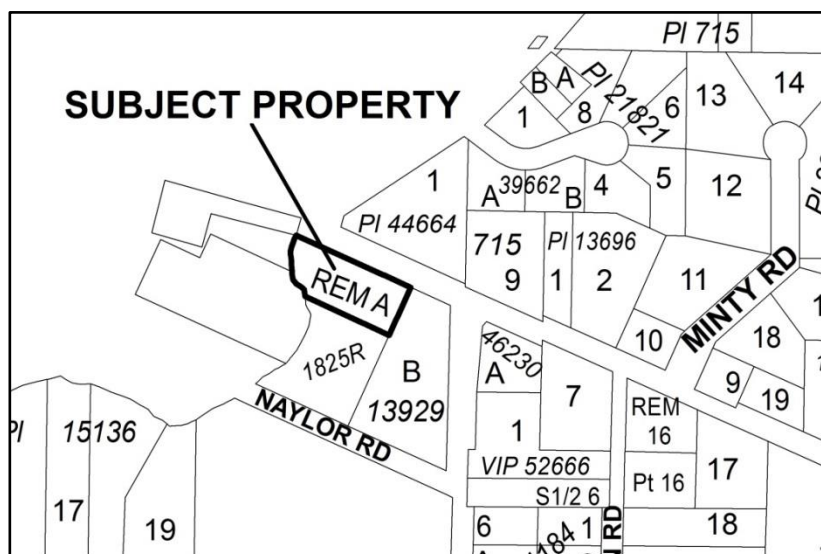
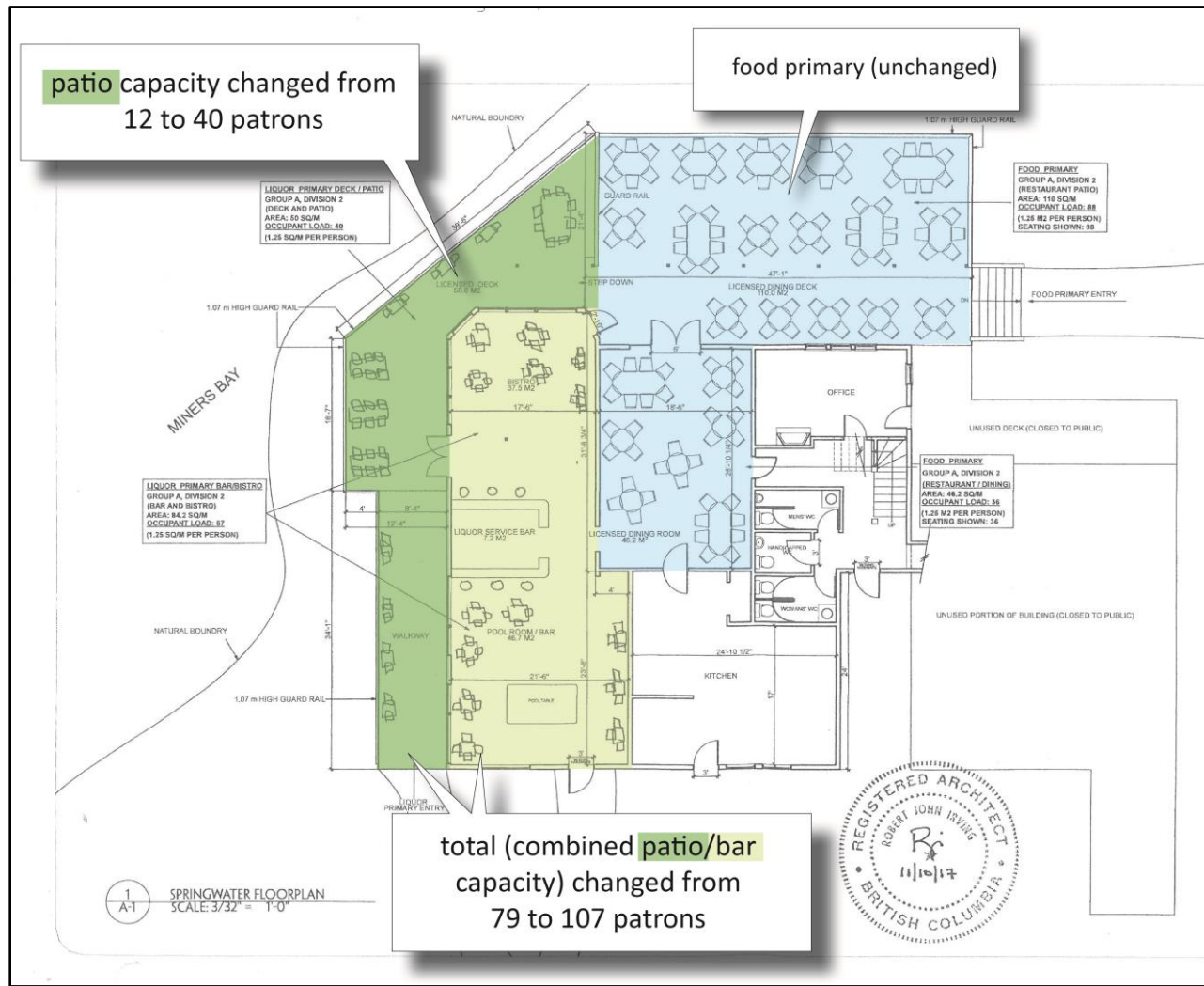


Figure 2 – Floor Plan



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

There are no directive policies relevant to this application.

Official Community Plan:

The Mayne Island Official Community Plan (OCP) designates the property as **VA – Visitor Accommodation**. In addition, the **Visitor Accommodation Development Permit Area** is designated on the property, but as there is no new development that is part of the proposal, a DP is not required.

Land Use Bylaw:

The property is zoned as **Commercial Tourist Accommodation (c) (C2[c])** in the Mayne Island Land Use Bylaw. The pub is a permitted accessory use to the principal tourist accommodation use.

Consultation

In order to gather input from the public, staff scheduled a CIM and advertised the notice in the *Driftwood* newspaper (March 14, 2018), posted the notice on the bulletin boards and on the Mayne Island webpage. A copy of the notice is attached to this report.

At the time of writing, no written comments have been received. If any comments are received they will be brought to the Local Trust Committee meeting.

As stated above the results of the consultation are required in the form of a resolution(s) from the LTC and will be forwarded to the general manager of the LCLB to consider when making an application decision.

Rationale for Recommendation

Staff has outlined the resolutions on page 1 of this report to facilitate the requirements of public consultation from the LCLB. The LTC will need to complete the details based on pending information and comments from the community.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee request that the applicant submit to the Islands Trust
_____.

NEXT STEPS

The resolution forwarded to the general manager of the LCLB to consider when making an application decision.

Submitted By:	Phil Testemale, A/Planner 2	Select Date.
Concurrence:	[Managing Staff Name, Credentials Title]	Select Date.

ATTACHMENTS

1. Site Context
2. Initial (Section 3) response to LCLB
3. Notice

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT A, SECTION 12, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 13929 EXCEPT THAT PART IN PLAN 1825R
PID	004-455-207
Civic Address	400 Fernhill Road

LAND USE

Current Land Use	Springwater Lodge (Visitor Accommodation , Restaurant and Pub)
Surrounding Land Use	Commercial (South); Community Service (S1 – East) ; Settlement Residential (SR – North); Water 2, 3 and 4 (a) to west.

HISTORICAL ACTIVITY

File No.	Purpose
MA-DVP-1989.1	Addition for pub expansion and deck
MA-DP-1996.1	Addition to building (kitchen area) and washrooms
MA-DVP-1996.3	Deck expansion and addition to rear of building
MA-RZ-2004.2	Did not proceed – no further information
MA-BP-2011.3	Repair to decks - no expansion or enclosure

POLICY/REGULATORY

Official Community Plan Designations	The Mayne Island Official Community Plan (OCP) designates the property as VA – Visitor Accommodation . In addition, the Visitor Accommodation Development Permit Area is designated on the property, but as there is no new development that is part of the proposal, a DP is not required.
Land Use Bylaw	The property is zoned as Commercial Tourist Accommodation (c) (C2[c]) in the Mayne Island Land Use Bylaw. The pub is a permitted accessory use to the principal tourist accommodation use.
Other Regulations	N/A
Covenants	None
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Fund	There are no implications for ITF.
Regional Conservation Strategy	There are no implications for the RCS
Species at Risk	None on property
Sensitive Ecosystems	None on property

Hazard Areas	None
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information indicates an archaeological site on the property. No development is proposed. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that the lot contains recorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . Any further development undertaken should proceed under consultation with the Heritage Branch may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	No new development
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	N/A

Part 2: Structural Changes

Fee: \$440 C3 - Cap Ch.
C4 - No Cap Ch.

(Excluding construction of new patios)

Provide the following information:

Describe in full detail the reason for this application and what the changes are that you want considered.

Change occupant load calculation for licensed patio from 12 patrons to 40 patrons

2. If you are applying to remove the interior area and create a stand-alone patio, describe the location of the patio in relation to the unlicensed permanent structure. A stand-alone patio must adjoin a permanent structure (affixed to a foundation) which is plumbed and wired, and which the applicant owns or leases.

3. Attach one 11" x 17" copy of the proposed floor plan or patio plan (if creating a stand-alone patio). See Appendix I on page 6 for floor plan instructions.

4. Current total of all service areas (as shown on the liquor licence): 12

5. By making these alterations, the total occupant load will:

- ☐ Decrease to: (patrons plus staff)
- ☐ Stay the same: (patrons plus staff)
- ☒ Increase to: 40 (patrons plus staff)

If there is an increase to occupant load, a resolution from your Local Government/First Nation (LG/FN) is required. Take your application and floor plan to LG/FN. Part 3 of this form must be completed by LG/FN.

Part 3: Local Government/First Nation Resolutions: Confirmation Receipt of Application

If you are applying for a new patio (Part 1) or a proposed change that increases the occupant load (Part 2) then public interest factors may be affected by the structural change(s). This section is to be filled out by the LG/FN prior to submitting this application to the Branch.

Local Government/First Nation (name): ISLANDS TRUST (MAYNE ISLAND LOCAL TRUST (MTE)

Name of Official: PHIL TESTEMALE Title/Position: PLANNER 2

Phone: 250.405.5170 E-mail: ptestemale@islandstrust.bc.ca

Signature of Official: [Signature] Date: 01/02/18 (Day/Month/Year)

Check here if the LG/FN will not be providing comment: ☐ Yes, opting out of comment.

Note: The LG/FN cannot provide comment for their own application.

Is this establishment located on Treaty First Nation land? ☒ No ☐ Yes

Instructions for Local Government/First Nation (LG/FN)

This serves as notice that an application for a structural change to a liquor primary (LP) licence is being made within your community. The Branch requests that you consider this application (application form and floor plan) and provide the Branch with resolution within 90 days of the above received date. Alternatively, LG/FN can delegate staff with the authority to provide comment.

- The applicant will bring their completed Structural Change application form and floor plan to LG/FN.
- If there are any major issues LG/FN may hold off signing the application until the issues are resolved or they have a plan to deal with the issues.
- When LG/FN is comfortable with the application proceeding, LG/FN staff will sign Part 3 of the application form and return it to the applicant. LG/FN will keep a copy of the signed application form and all supporting documents.
- The applicant will submit the signed application package (with all required documents) to the Branch.



NOTICE

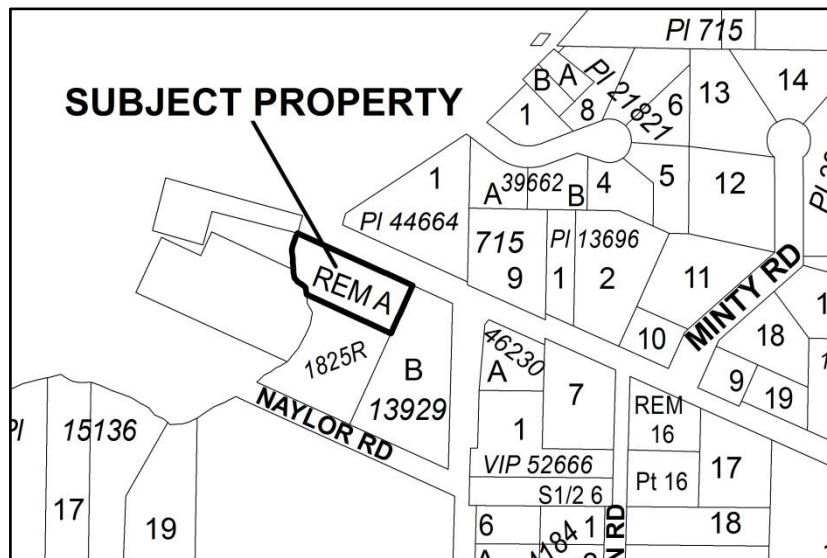
MAYNE ISLAND LOCAL TRUST COMMITTEE STRUCTURAL CHANGE APPLICATION FOR LIQUOR PRIMARY LICENCE SPINGWATER LODGE - MAYNE ISLAND

An application has been made to the Liquor Control and Licensing Branch (LCLB) by the Spingwater Lodge, Mayne Island for a Structural Change to their Liquor Primary License. As the local government, the Mayne Island Local Trust Committee (LTC) is required to provide a resolution and comments on the application. These will be forwarded to the general manager of the LCLB to consider when making an application decision.

In order to receive public comment, and to provide an opportunity for the public to ask questions of the applicant, a **Community Information Meeting** has been scheduled.

The Community Information Meeting will be held as part of the regular Local Trust Committee Meeting on Monday, March 26, 2018, starting at 1:00 p.m., at the Mayne Island Agricultural Hall, 430 Fernhill Road, Mayne Island.

The property subject to this application is located at 400 Fernhill Road and is legally described as PID 004-455-207, Lot A, Section 12, Mayne Island, Cowichan District, Plan 13929 Except that Part in 1825R. The subject property is zoned as **Commercial Tourist Accommodation (c) – C2 (c)**.



Currently the marina has both a Food Primary License #21874 and a Liquor Primary License #86837. The liquor primary license (subject of notice) for Springwater Lodge, Mayne Island has a current capacity for 79 with 67 seated inside and 12 on a patio. The current application would:

- Change the **total capacity** from **79** to **107** patrons by increasing the **patio capacity** from **12** to **40** patrons.

There is no change affecting the Food Primary Licence.

Copies of background documents may be inspected on the Islands Trust website: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/> and at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. and between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing **March 12, 2018** and continuing up to and including **March 23 , 2018**.

Written comments concerning the application may be delivered to:

1. the office of the Islands Trust by mail at #200 - 1627 Fort Street, Victoria, B.C. V8R 1H8, or by Fax (250) 405-5155, prior to **4:30 p.m. March 23, 2018**; or
2. by delivery to the Local Trust Committee at the Community Information Meeting starting at **1 p.m. March 26, 2018**.

Reasonable efforts will be made to provide email comments, if they are opened and received, to the Mayne Island Local Trust Committee for consideration, but the public should not rely on email as a means of providing a written comment. Email submissions should be sent to information@islandstrust.bc.ca.

Written submissions made in response to this notice will be available for public review.

Inquiries regarding the proposed application may be directed to Gary Richardson, Island Planner at (250) 405-5157 or g Richardson@islandstrust.bc.ca, or for Toll Free access, request a transfer via Enquiry BC (in Vancouver 660-2421 and elsewhere in BC 1-800-663-7867).

The Mayne Island Local Trust Committee may consider a resolution concerning this application during the regular business meeting immediately following the Community Information Meeting on March 26, 2018, at the Agricultural Hall, 430 Fernhill Road on Mayne Island.

Sharon Lloyd-deRosario
Deputy Secretary

File No.: MA-DVP-2018.1 (Lazar)

(Cross Ref: MA-BP-2017.26)

DATE OF MEETING: February 26, 2018

TO: Mayne Island Local Trust Committee

FROM: Gary Richardson, Island Planner
Southern Team

SUBJECT: Development Variance Permit

Applicant: Daniel Lazar

Location: 686 Wilkes Road, Mayne Island

RECOMMENDATION

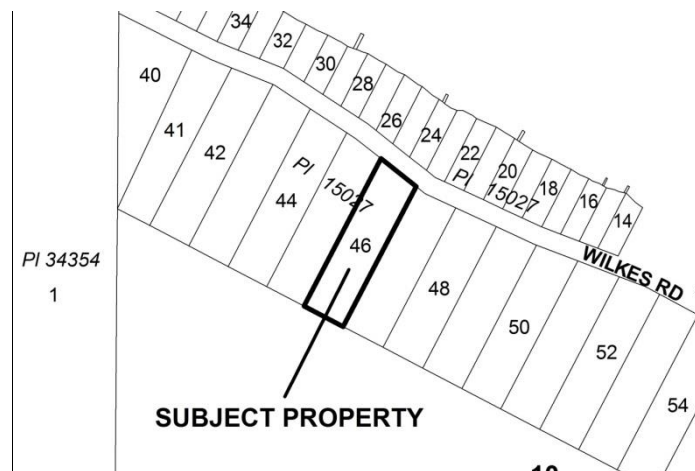
1. That the Mayne Island Local Trust Committee not approve issuance of Development Variance Permit MA-DVP-2018.1 (Lazar)

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit (DVP).

In summary, the above recommendation for the issuance of the DVP is not supported as: there are no compelling reasons given to support the variance request and there are reasonable alternatives to construct the building in compliance with the regulations contained in the Mayne Island Land Use Bylaw.

Figure 1: Subject Property

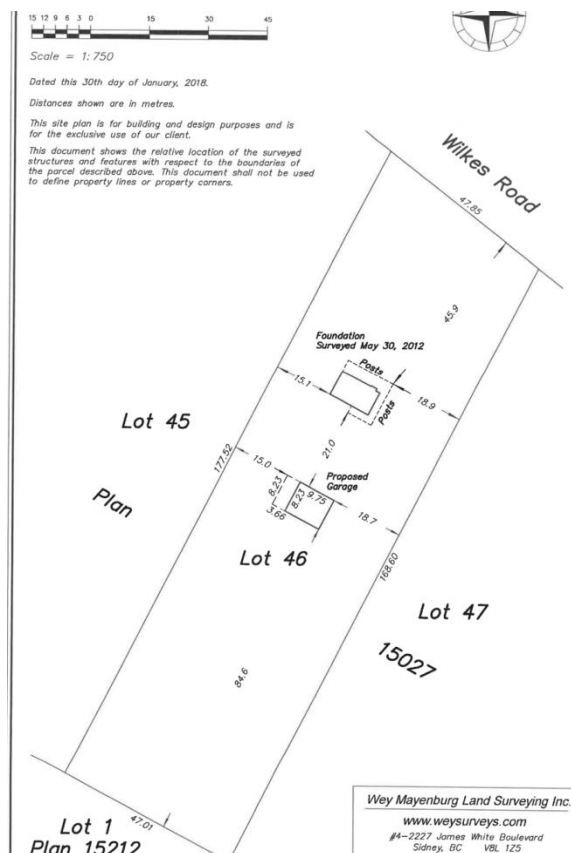


The proposal is to vary the maximum height of an accessory building (garage) **at 686 Wilkes Road**. The variance will permit construction that is the subject of a Building Permit referral received on November 23, 2017 (MA-BP-2017.26). The variance is to permit the construction of an accessory building having a maximum height of 7.1 metres (23 feet 2.5 inches) on the subject property.

Specifically, the proposed variance will allow for a variance for the following:

- There is currently a dwelling and two small accessory buildings on the subject property.

Figure 2 – Site Plan



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

There are no relevant policies for this application.

Official Community Plan:

The property is designated as **SR –Settlement Residential** in the Mayne Island Official Community Plan Bylaw No. 144, 2007

There are no Development Permit Areas designated on the subject property.

Land Use Bylaw:

The subject property is zoned as **Settlement Residential (SR)** in the Mayne Island Land Use Bylaw No. 146, 2008.

Islands Trust Fund:

This application has no considerations for the Islands Trust Fund and has no considerations for the Regional Conservation Plan.

Issues and Opportunities

Rationale for the Variance

The applicant's rationale for the proposed variance, in summary, is as follows:

- The intended use of the garage is to house vintage vehicles that are built as a hobby.
- The loft is required to store car parts for long periods of time until they are needed.
- To increase the main floor to store the car parts would require a significant increase in the size of the building and in its cost.
- There are no buildings overlooking the site.
- The proposed building will be sited behind the existing house and would not be visible from the road.
- The back of the property ends in a cliff.
- There is a buffer of trees between the subject property and neighbours on either side.

The Overall Intent of the Regulation (s) being Varied

The overall purpose of the height regulation is to minimize impacts on adjacent property related to:

- Limiting the visual impact of development on adjacent properties.
- Establishing a consistent development pattern within a local area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining a rural character.

Potential Impacts of Granting the Variance

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits.

Circulation/Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. on February 23, 2018. To date one response has been received from a neighbor at 682 Wilkes Road who supports the issuance of the variance.

Any submissions received prior to the LTC meeting will be forwarded to Trustees and reported on at the meeting.

Rationale for Recommendation

Staff is recommending that the variance not be supported for the following reasons:

- there are no compelling reasons given to support the variance request.
- there are reasonable alternatives to construct the building in compliance with the regulations contained in the Mayne Island Land Use Bylaw. There is sufficient room on the subject lot to increase the main floor area of the proposed accessory building to make up for the loss of a 2nd floor/loft while still complying with setbacks.
- Building the accessory building within the regulations contained in the Mayne Island Land Use Bylaw will limit the visual impact of the accessory building and help establish a consistent development pattern in the neighbourhood.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should be advised to describe the specific information needed and the rationale for this request.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee request that the applicant submit to the Islands Trust _____.

2. Approve the application

The LTC may issue the variance.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee approve issuance of development variance permit MA-DVP-2018.1 (Lazar).

Submitted By:	Gary Richardson, Island Planner	February 13, 2018
Concurrence:	Robert Kojima, Regional Planning Manager	February 14, 2018

ATTACHMENTS

1. Site Context
2. Notice
3. Draft Permit
4. Photographs

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 46, Section 10, Mayne Island, Cowichan District, Plan 15027
PID	004-169-191
Civic Address	686 Wilkes Road
Lot size	

LAND USE

Current Land Use	Settlement Residential
Surrounding Land Use	Rural and Settlement Residential

HISTORICAL ACTIVITY

File No.	Purpose
MA-BP-2017.26	To construct an accessory building (garage). Review deemed proposed building to be over height which resulted in this variance application.

POLICY/REGULATORY

Official Community Plan Designations	SR – Settlement Residential in the Mayne Island Official Community Plan Bylaw No. 144, 2007. There are no DPAs designated on the property.
Land Use Bylaw	The subject property is zoned as in the Mayne Island Land Use Bylaw No. 146, 2008.
Other Regulations	N/A
Covenants	None
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Fund	This application has no considerations for the Islands Trust Fund.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	No species at risk identified with mapping
Sensitive Ecosystems	No sensitive ecosystems and/or sensitive features shown on provincial or Islands Trust mapping.
Hazard Areas	None
Archaeological Sites	There are no know archaeological sites identified by the provincial RAAD system for the property; however there is archeological potential shown on a neighboring property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is

	encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	The application is for an accessory building of a modest in size. The elevation of the property and general location minimizes potential impacts of climate change.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	Not Applicable



Islands Trust

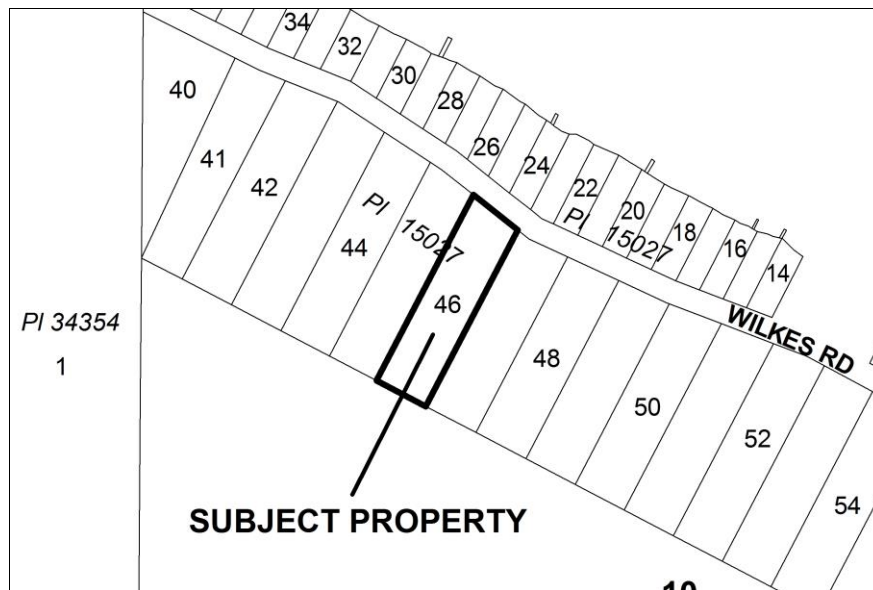
**NOTICE
MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2018.1**

NOTICE is hereby given that the Mayne Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit pursuant to Section 499 of the *Local Government Act*. The proposed permit would vary the Mayne Island Land Use Bylaw No.146, 2008, by varying:

- a) Subsection 5.1(10) which states that the maximum height for any accessory building is 5 metres (16.5 feet) is varied to permit the construction of an accessory building (garage) having a maximum height of 7.1 metres (23 feet 2.5 inches).

The property is located at 686 Wilkes Road and is legally described as Lot 46, Section 10, Mayne Island, Cowichan District, Plan 15027. PID: 004-169-191.

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C., V8R 1H8, between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing **February 9, 2018** and up to and including **February 23, 2018**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Mayne Island, B.C., commencing **February 9, 2018**.

Enquiries or comments should be directed to Gary Richardson, Island Planner at (250) 405-5157, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca, before **February 23, 2018**. The Mayne Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **1:00 pm., February 26, 2018**, at the Mayne Island Agricultural Hall, 430 Fernhill Road, Mayne Island, BC.

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

Sharon Lloyd-deRosario
Deputy Secretary



PROPOSED

**MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
MA-DVP-2018.1**

To: Daniel Lazar

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

Lot 46, Section 10, Mayne Island, Cowichan District, Plan 15027
(PID: 004-169-191)

2. Mayne Island Land Use Bylaw 146, 2008 is varied as follows:

- a) Subsection 5.1(10) which states that the maximum height for any accessory building is 5 metres (16.5 feet) is varied to permit the construction of an accessory building (garage) having a maximum height of 7.1 metres(23 feet 2.5 inches) .
- b) The development shall be consistent with Schedules 'A', 'B', 'C', 'D', and 'E' which are attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Mayne Island Land Use Bylaw No. 146, 2008" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS ##th DAY OF MONTH, YEAR.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF MONTH, YEAR , THIS PERMIT AUTOMATICALLY LAPSES.

NON SET OF
 VERIFY ALL
 ELECTRICAL
 OR

• CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS AND SPECIFICATIONS ON THIS SET OF PLANS.
 ALL BEAM, POST, MEMBER SIZES AND CONDITIONS TO BE CHECKED AND VERIFIED WITH STRUCTURAL
 DRAWINGS PRIOR TO COMMENCING ANY WORK. NOTIFY STREAMLINE DESIGN LTD. OF DISCREPANCIES.
 IF WORK IS STARTED PRIOR TO NOTIFICATION, CONTRACTOR'S PROCEED AT THEIR OWN RISK.

• CONTRACTOR-INITIATED CHANGES SHALL BE
 SUBMITTED IN WRITING TO STREAMLINE DESIGN
 LTD. AND STRUCTURAL ENGINEER FOR APPROVAL
 PRIOR TO FABRICATION OR CONSTRUCTION.

COMPLETE SET
 OF PLANS TO
 BE ENGINEERED

AMENDMENTS:

DATE	DESCRIPTION

#102-4668 PAULINE ST
 ARLINGTON, BC, V2S 3S1
 INFO@STREAMLINEDESIGN.CA
 WWW.STREAMLINEDESIGN.CA

COPYRIGHTS © 2004 OF
streamline
 DESIGN LTD.

EAST ELEVATION
 SCALE: 1/4" = 1'-0"

METAL CLADDING

12/12

23'-0"

PROPOSED FINAL GRADE

PROPOSED FINAL GRADE

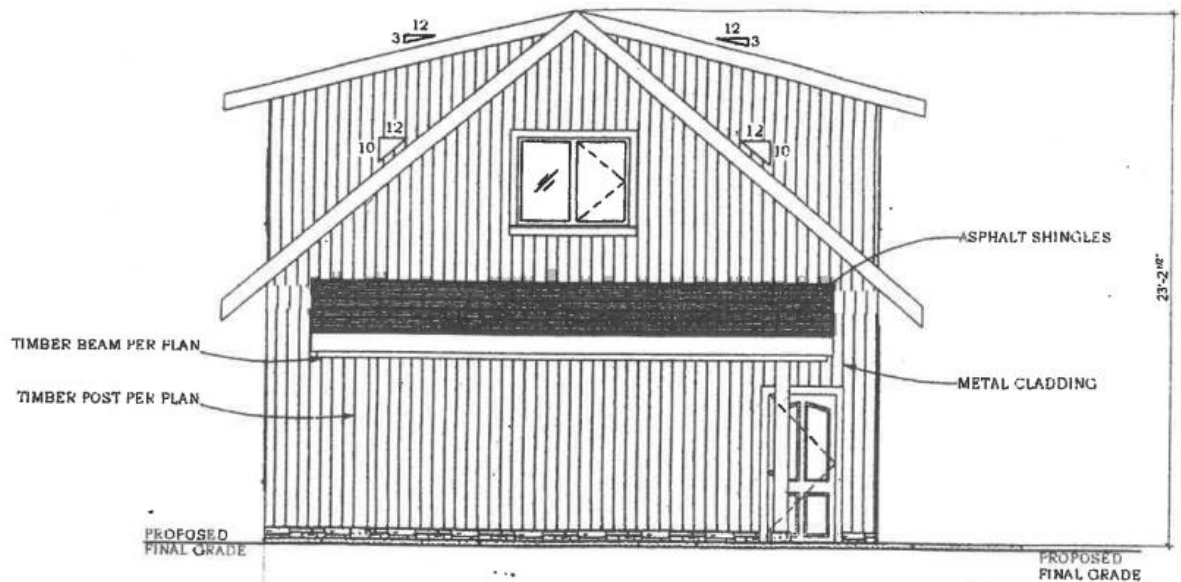
TIMBER BEAM PER PLAN

TIMBER POSTS PER PLAN

MAYNE ISLAND LOCAL TRUST COMMITTEE

MA-DVP-2018.1

SCHEDULE 'B'

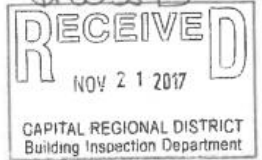


PROPOSED
FINAL GRADE

WEST ELEVATION

SCALE: 1/4" = 1'-0"

686 Wilks Rd
Mayne Island
38663843



PROJECT: RAY & HOLLY BUTTERFIELD
SILVERHILL AVENUE
MISSION, BC

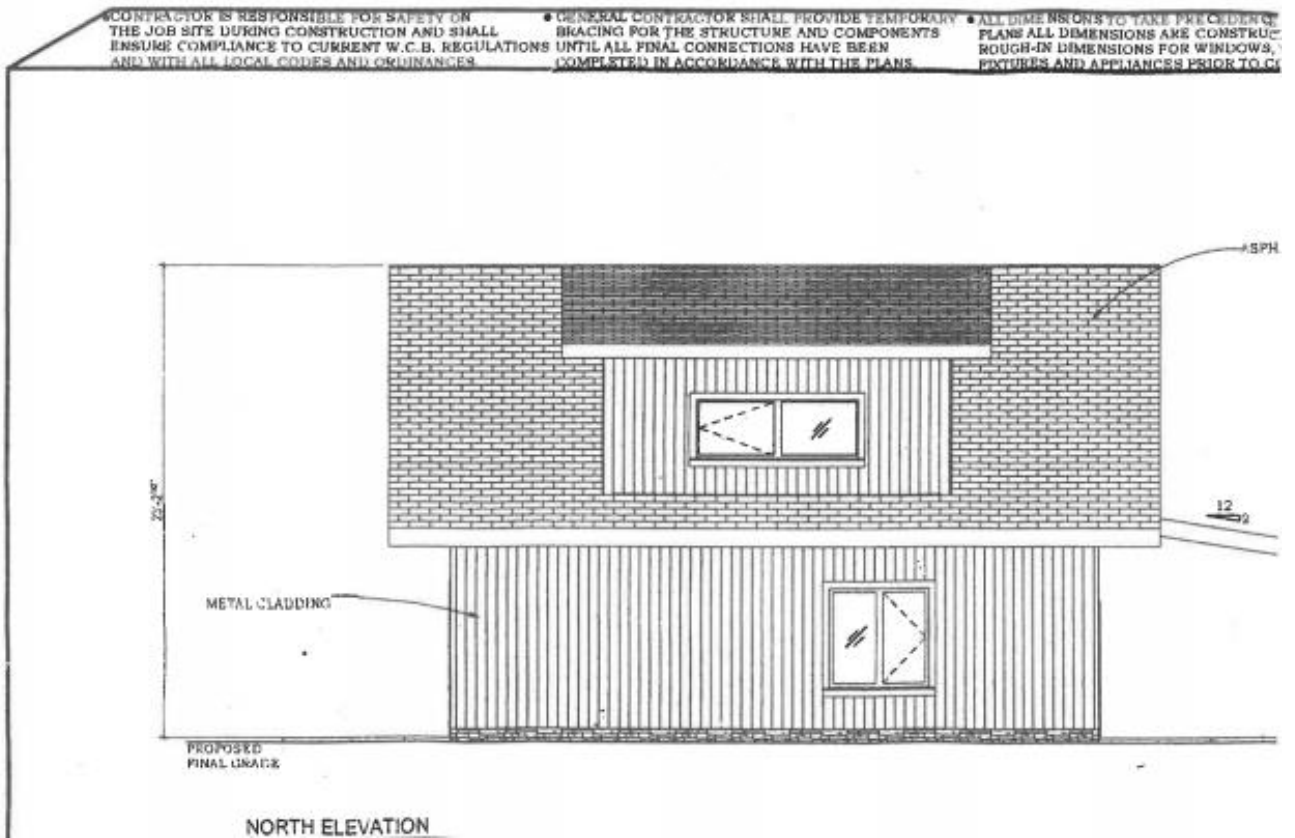
SCALE: 1/4" = 1' U.N.C.
DATE: 13/10/2017
TECHNICIAN: B. CAHUNA

PAGE: 02 OF 6

MAYNE ISLAND LOCAL TRUST COMMITTEE

MA-DVP-2018.1

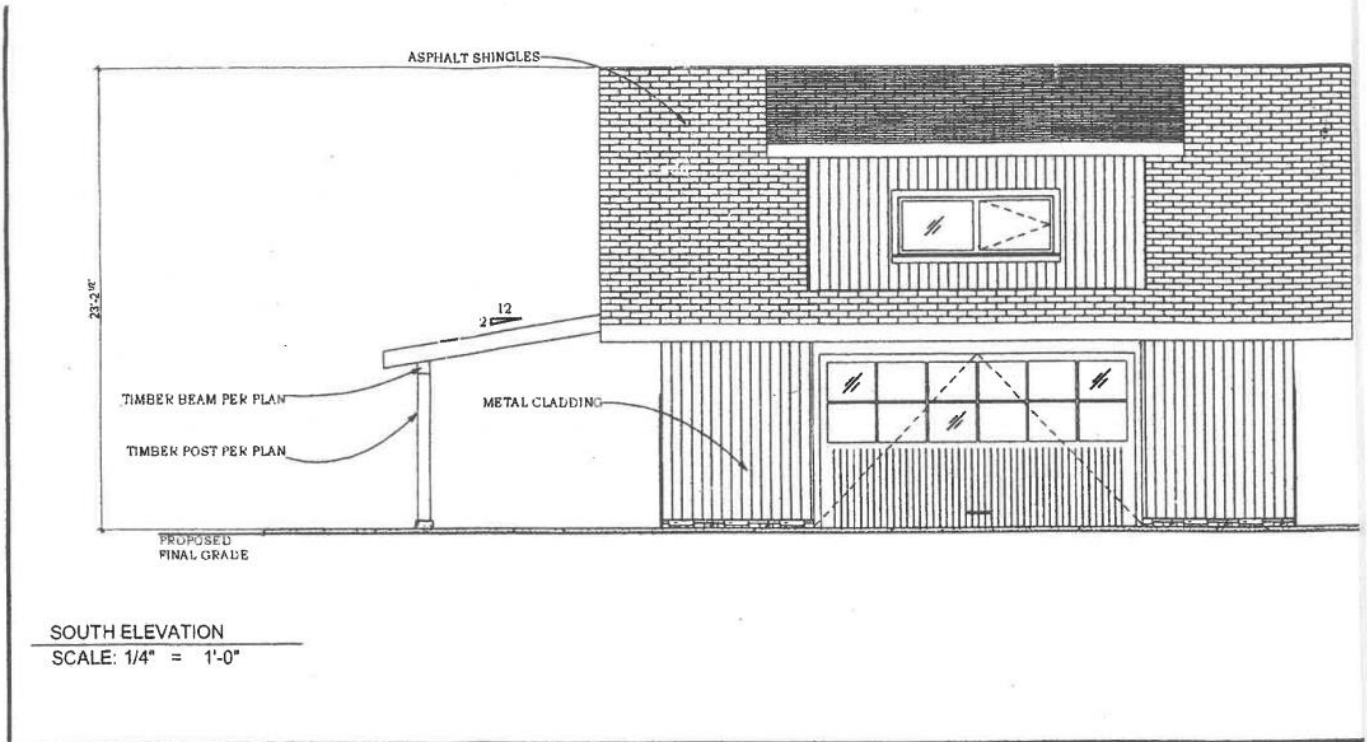
SCHEDULE 'C'



MAYNE ISLAND LOCAL TRUST COMMITTEE

MA-DVP-2018.1

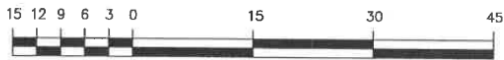
SCHEDULE 'D'



MAYNE ISLAND LOCAL TRUST COMMITTEE

MA-DVP-2018.1

SCHEDULE 'E'



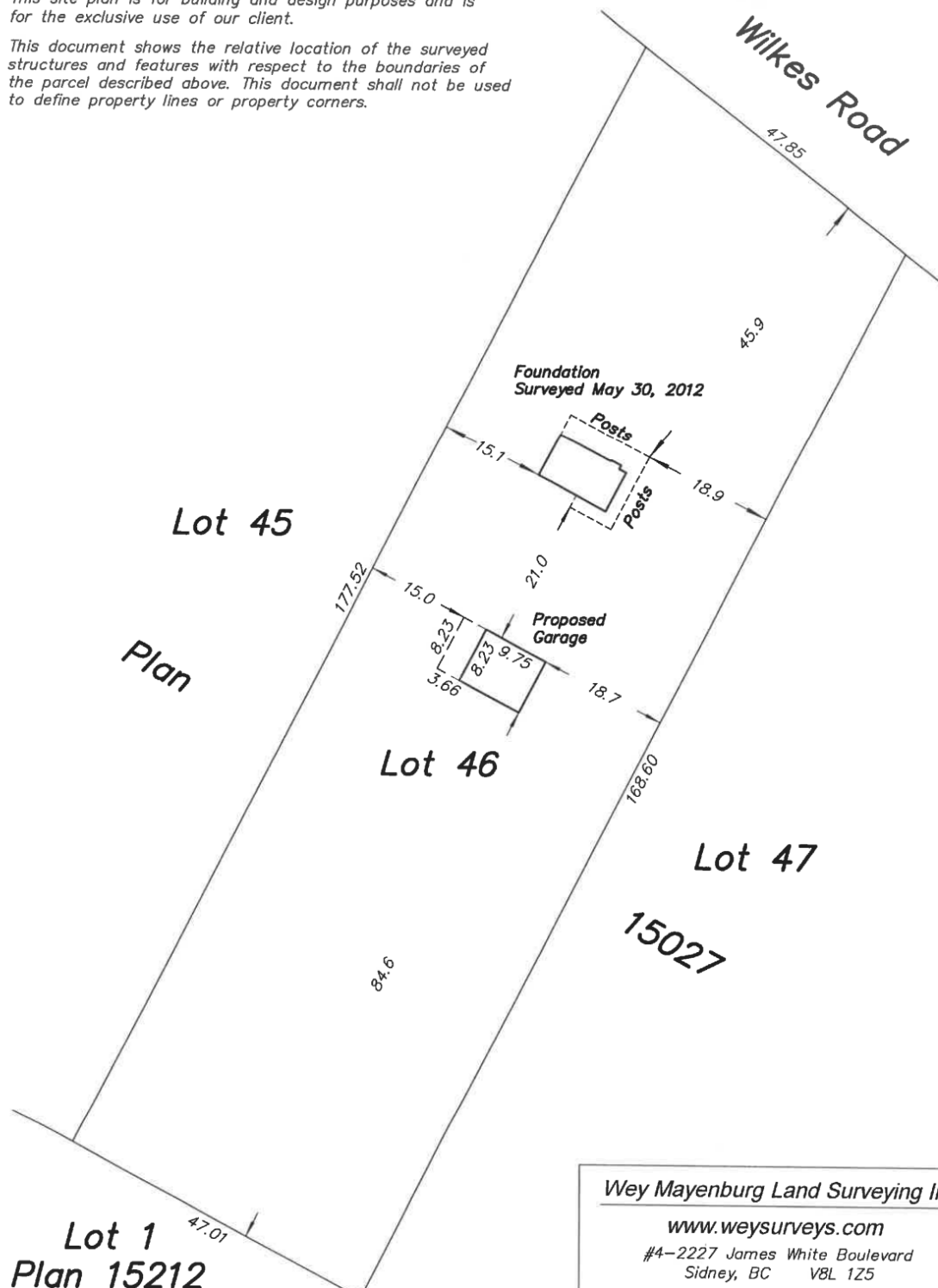
Scale = 1:750

Dated this 30th day of January, 2018.

Distances shown are in metres.

This site plan is for building and design purposes and is for the exclusive use of our client.

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.



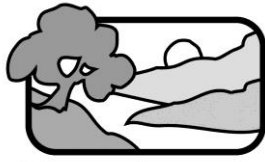
Wey Mayenburg Land Surveying Inc.

www.weysurveys.com

#4-2227 James White Boulevard
Sidney, BC V8L 1Z5

Attachment 4 - Photos





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 **Bylaws No.:** 265 & 266 **Date:** February 20, 2018

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:

Fred and Isobel Stevens, 303 Betty Ann Drive, Galiano Island, V0N 1P0

PURPOSE OF BYLAW:

The purpose and intent of Proposed Bylaw Nos. 265 and 266 is to make the changes necessary to the Galiano Island Official Community Plan and Land Use Bylaws to allow for the rezoning of a 2.24 ha. (5.5 ac.) portion of DL 37 to Forest Industrial 'A' (FI(A)) from its current Forestry 1 (F1) zoning, to bring the use of the land into compliance with the provisions of the Galiano Island land use bylaw (LUB).

It is the wish of the applicants to address the presence of the owner's residence and excavation business by rezoning a small, 2.24 ha. area of the 65 ha. (160 acre) parent parcel to the FI (A) zone. The area proposed to be zoned is shaped to include the area used for residential uses, a small portion of the quarry area which contains some structures related to the quarry and excavation business activities, and the connecting driveway

The purpose of Proposed Bylaw No. 265 is to re-designate the subject area from 'Forestry' to 'Forest Industry' in order for Proposed Bylaw No. 265 to proceed.

GENERAL LOCATION:

Galiano Island Local Trust Area

LEGAL DESCRIPTION:

District Lot 37, Galiano Island, Cowichan District

SIZE OF PROPERTY AFFECTED:

65 HA.

ALR STATUS:

n/a

OFFICIAL COMMUNITY PLAN DESIGNATION:

Forestry

OTHER INFORMATION:

Additional information, including the current bylaws, staff reports and background documents is available at:

www.GalianoIsland/current-applications/documents/.

See "Current Applications, GL-RZ-2017.1 (Stevens)"

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

(Signature)

Name: Rob Milne

Title: Island Planner

Contact Info: Tel: 250-405-5177

Email: rmilne@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Provincial Agencies

BC Assessment Authority
Ministry of Municipal Affairs and Housing
Ministry of Transportation & Infrastructure
Ministry of Forests, Lands, Natural Resource Operations
and Rural Development

First Nations

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

Regional Agencies

Capital Regional District – Electoral Area Director
Capital Regional District – Building Inspection
Island Health
North Galiano Island Fire Rescue

Adjacent Local Trust Committees and Municipalities

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

Non-Agency Referrals

Galiano Island Advisory Planning Commission
Galiano Island Parks and Recreation Commission

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)

265 & 266

(Bylaw Number(s))

(Signature)

(Name and Title)

(Date)

(Agency)



File No.: 6500-20 (Mayne RAR)

DATE OF MEETING: March 26, 2018

TO: Mayne Island Local Trust Committee

FROM: Gary Richardson, Island Planner
Victoria Office

SUBJECT: Proposed Bylaw 171 – Riparian Area DPA for the Mayne Island Local Trust Area

Applicant: MILTC Project

Location: Mayne Island Local Trust Area

RECOMMENDATION

1. That the Mayne Island Local Trust Committee Proposed Bylaw No. 171 cited as “Mayne Island Official Community Plan Bylaw 144, 2007, Amendment No.1, 2017” be read a Second time.
2. That the Mayne Island Local Trust Committee Proposed Bylaw No. 171 cited as “Mayne Island Official Community Plan Bylaw 144, 2007, Amendment No.1, 2017” be read a Third time.
3. That the Mayne Island Local Trust Committee Proposed Bylaw No. 171 cited as “Mayne Island Official Community Plan Bylaw 144, 2007, Amendment No.1, 2017” be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.
4. That the Mayne Island Local Trust Committee Proposed Bylaw No. 171 cited as “Mayne Island Official Community Plan Bylaw 144, 2007, Amendment No.1, 2017” be forwarded to the Minister of Municipal Affairs and Housing.

REPORT SUMMARY

Proposed Bylaw (171) amends the Mayne Island OCP by adding a Riparian Area Development Permit Area. This report recommends steps to be taken following public hearing.

BACKGROUND

The Local Trust Committee is considering a bylaw to amend the Mayne OCP .

The Riparian Areas Regulation, enacted under Section 12 of the Riparian Areas 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). There have been various staff reports prepared summarizing the RAR and the LTC’s options for implementation (available on the Mayne Island LTC webpage).

Statutory notification has been carried out and no comments have been received as a result of the notification.

A public hearing is scheduled for March 26, 2018.

A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Second Reading (this may include amendments to alter a bylaw).
2. Consideration of Third Reading.
3. Forwarding of the bylaw to Executive Committee for approval.
4. Forwarding to the Minister of Municipal Affairs and Housing for approval.
5. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

If the Executive Committee and Minister approve the bylaw, the next step for the LTC would be to adopt the bylaw.

Rationale for Recommendation:

- The community has had to opportunity to comment on this project and the proposed bylaw.
- The DP areas are based on reports prepared by Qualified Environmental Professionals.
- First Nations and Agencies have been consulted.
- Statutory notification has been carried out and as of the date of this report no comments had been received as a result of the notification.
- A Public Hearing has been held.

NEXT STEPS

- Forward the proposed bylaw to the Executive Committee of the Islands Trust for approval.
- Forward the Bylaw to the Minister of Municipal Affairs and Housing for approval.
- Place on future LTC agenda for adoption.

Submitted By:	Gary Richardson, Island Planner	March 20, 2018
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ATTACHMENTS

1. Proposed Bylaw 171

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 171

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

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, 2017”.

2. SCHEDULES

Mayne Island Official Community Plan No. 144, 2007 is amended as shown on Schedule 1, attached to and forming part of this 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	29 th	DAY OF	JANUARY	2018
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____
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

Chair

Secretary

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 171

SCHEDULE 1

The MAYNE Island Official Community Plan No. 144, 2007, is amended as follows:

1. Schedule A (Policy Document) of Mayne Island Official Community Plan No. 144, 2007 is amended by inserting the following as new Sections 2.8.7, 2.8.8 and Section 2.8.9 following Section 2.8.6:

“2.8.7 Riparian Area Development Permit Area

Designation

This development permit area includes all land that is designated as the Riparian Area Development Permit Area on Schedule I. The Development Areas shown on Schedule I have been designated as a result of: 1) a detailed assessment carried out by Madrone Environmental Services Ltd. (Madrone) which are detailed in a March 7, 2017 report prepared by Madrone; and 2) mapping carried out by Islands Trust staff December 15, 2017. In the report Madrone identified Streamside Protection and Enhancement Areas (SPEAS) for the Riparian Area designated watercourses on Mayne Island. The Development Permit Areas on Schedule I consist of the SPEAs. The actual location of the streams and water bodies may need to be determined on a site-specific basis by a qualified environmental professional or a surveyor.

Authority

This development permit area is established, pursuant to Section 488(1)(a) of the *Local Government Act*, for the purpose of establishing objectives for the protection of the natural environment, its ecosystems and biological diversity.

Objectives

The objective of this development permit area is to protect the biological diversity and habitat values of aquatic ecosystems.

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 a policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or water courses, wetlands or riparian zones and to protect aquatic wildlife.

Furthermore, the province of British Columbia’s Riparian Area Regulation (RAR), under the *Riparian Areas Protection Act*, requires that local governments establish

regulations to protect riparian areas. The reason for this designation is to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.

General Applicability

The following residential, commercial, and/or industrial activities shall require a development permit whenever they occur within the DPA, unless specifically exempted below:

- (a) construction of, addition to, or alteration of a building or other structure;
- (b) removal, alteration, or destruction of vegetation;
- (c) soil removal, soil deposit or soil disturbance;
- (d) development of drainage systems;
- (e) creation of non-structural impervious or semi-impervious surfaces;
- (f) subdivision, as defined in the *Local Government Act*; and
- (g) development, as that term is defined under the provincial *Riparian Areas Regulation*.

Work Not Requiring a Permit (Exemptions)

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

- a. The reconstruction, repair or maintenance of a pre-existing permanent structure on its existing foundation
- b. Interior or structural exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure on an existing foundation or footprint to an extent that does not alter, extend or increase the footprint. For clarity, this includes pre-existing septic and water systems.
- c. The removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.
- d. Emergency procedures to prevent, control or reduce immediate threats to life or property including: emergency actions for flood-protection and erosion protection, clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow, and repairs to bridges and safety fences carried out in accordance with the *Water Act*.
- e. Gardening and yard maintenance activities not involving the cosmetic application of pesticides, within an existing landscaped area, including mowing, pruning, planting and minor soil disturbance that does not alter the general contours of the land.
- f. Restoration and enhancement activities by persons undertaking to only restore and enhance the natural features, functions and conditions of riparian areas as approved in a signed and sealed letter from a Qualified Environmental Professional.
- g. Proposals for the subject property which have an existing development permit and demonstrate that the proposed development shall not in any way compromise the permit and continue to demonstrate meeting or beating all protective measures and recommendations in accordance with a Riparian Assessment Report from a Qualified Environmental Professional submitted to the *Riparian Areas Regulation* Notification System.

- h. Farm Operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation. For clarity, a farm operation or farm use means agricultural activities conducted by a farm business.
- i. 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*;
- j. forest management activities on land that is the subject of a woodlot license or tree farm license under the *Forest and Range Practices Act*;

2.8.8 Guidelines

Prior to undertaking any development activities within the Riparian Area DPA an owner of property shall apply to the LTC for a development permit, and the following guidelines apply:

1. The property owner shall be required, in addition to any other application requirements enacted or imposed by the Local Trust Committee, to provide at their expense an assessment report from a Qualified Environmental Professional which has been submitted per the *Riparian Areas Regulation*.
2. The Local Trust Committee should impose permit conditions based on the assessment report including:
 - a. Require specified natural features or areas to be preserved, protected, restored or enhanced in accordance with the permit.
 - b. Require natural water courses to be dedicated.
 - c. Require works to be constructed to preserve, protect, restore or enhance natural water courses or other specified natural features of the environment.
 - d. Require protection measures, including that vegetation or trees be planted or retained in order to:
 - i. preserve, protect, restore or enhance fish habitat or riparian areas;
 - ii. control drainage, or;
 - iii. control erosion or protect banks.
3. The Local Trust Committee may require a security for developments clearing greater than 280m² (3,012 ft²) of land within the Development Permit Area. Security shall be returned upon confirmation by a Qualified Environmental Professional that assessment report conditions have been satisfactorily addressed.
4. Security shall be provided to secure satisfactory completion of habitat protection works, restoration measures, or other works for the streams and streamside habitat (the "required works"). The security shall be 150% of the estimated value of the required works as determined by the Local Trust Committee.
5. The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area identified by the Qualified Environmental Professional and the property owner should be

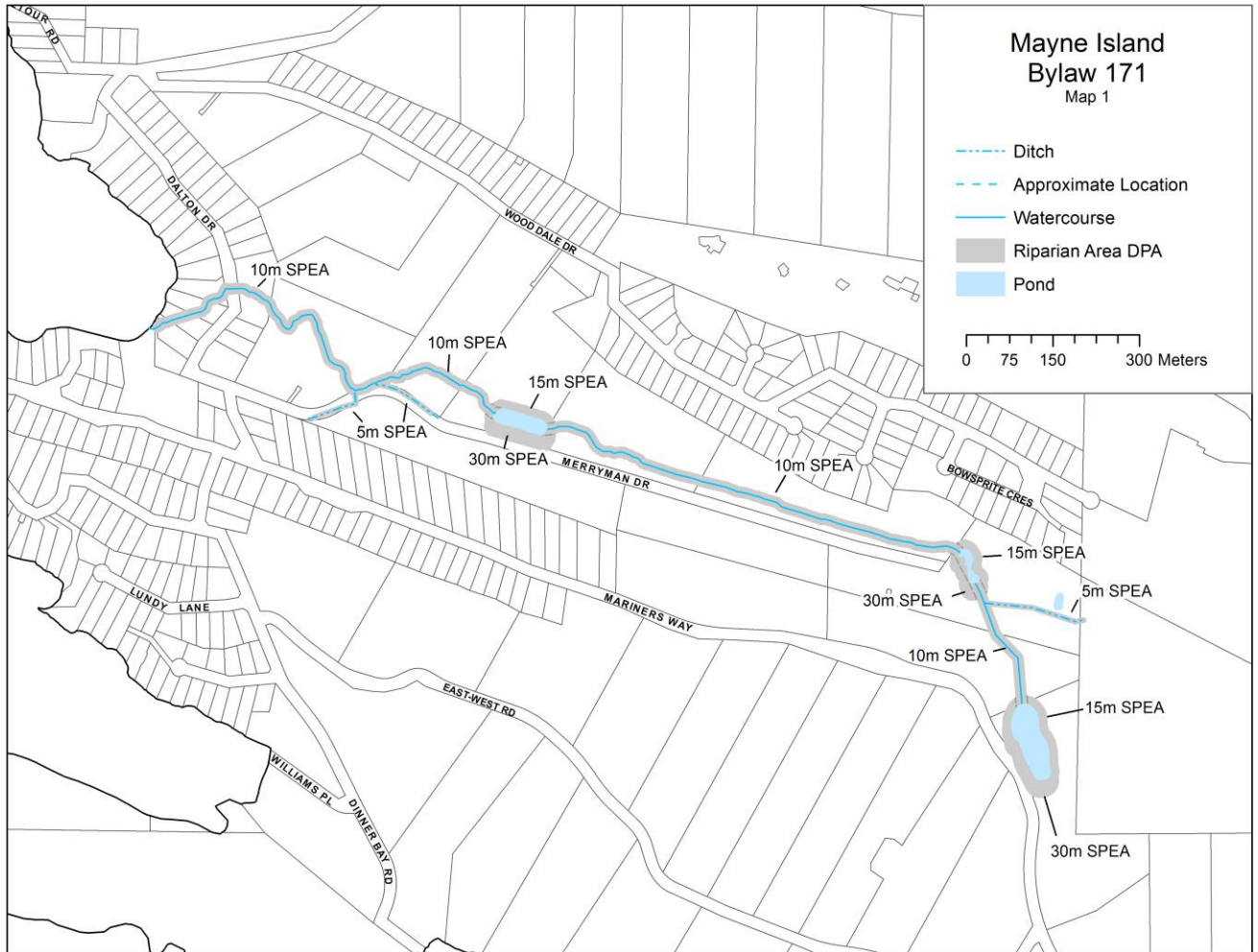
required to follow any measures identified by the Qualified Environmental Professional for protecting the Streamside Protection and Enhancement Area over the long term and these measures should be included as conditions of the development permit. The width of the Streamside Protection and Enhancement Area may be less than the width of the Development Permit Area.

6. Where a Qualified Environmental Professional or other professional's report describes an area within the Development Permit Area as suitable for development, that is, where the Streamside Protection and Enhancement Area is less than the width of the Development Permit Area, 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 Qualified Environmental Professional or other professional at the property owner's expense may be required during construction and development phases, as specified in a development permit.
 7. If the nature of the proposed project within the Development Permit Area changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the property owner to have the professional update the assessment at the property owner's expense and development permit conditions may be amended accordingly.
 8. The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a Streamside Protection Enhancement Area, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report.
 9. If a proposed land subdivision is to create additional new lots within this Development Permit Area, then any new lots, roads, building sites, septic fields and driveways should be located and constructed in a way that meets the objectives of this Area."
2. Mayne Island Official Community Plan No. 144, 2007 is amended by adding the following Maps as Schedule I - Riparian Area Development Permit Areas.

Bylaw No. 144

SCHEDULE I

RIPARIAN AREA DEVELOPMENT PERMIT AREAS

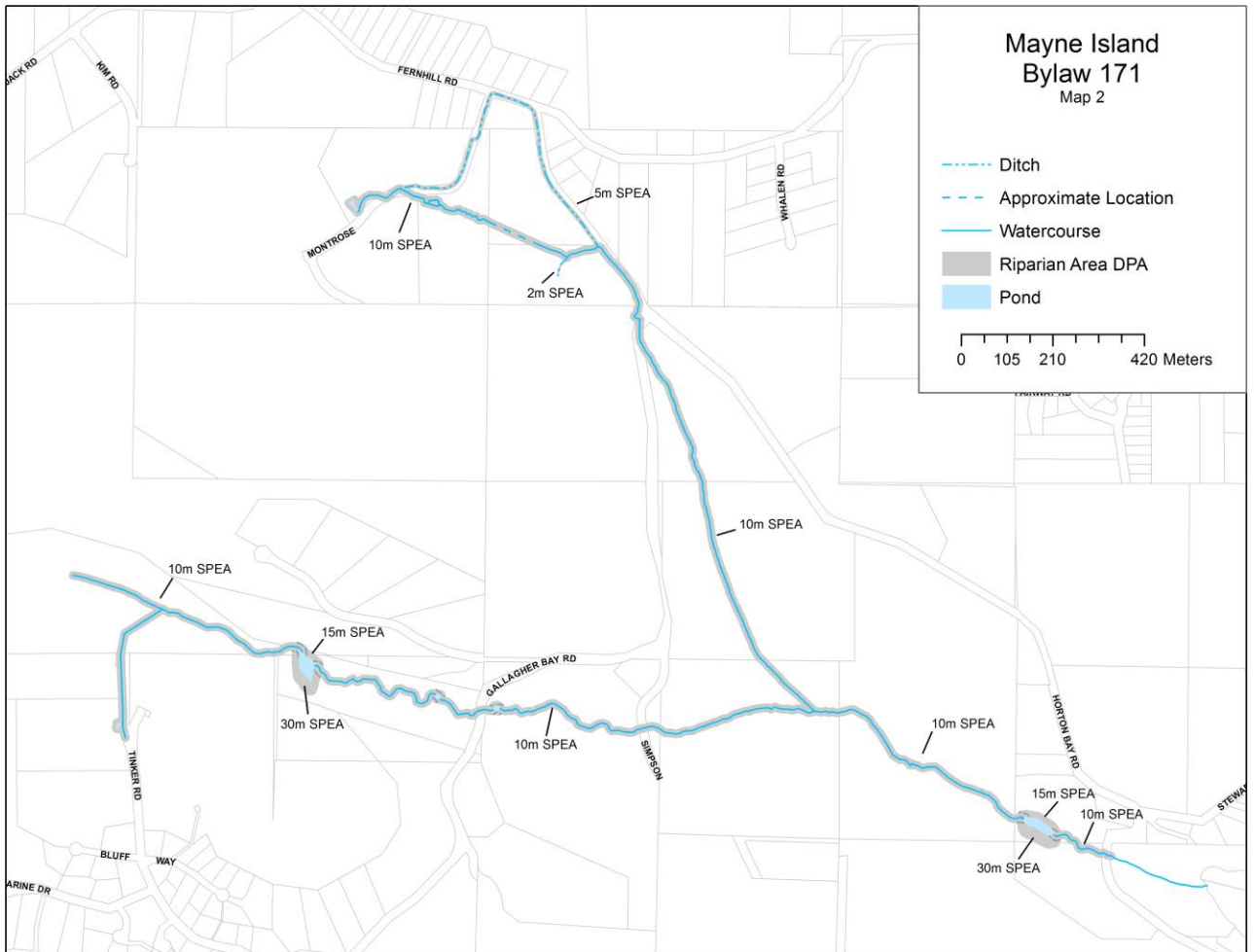


MAYNE ISLAND OFFICIAL COMMUNITY PLAN

Bylaw No. 144

SCHEDULE I

RIPARIAN AREA DEVELOPMENT PERMIT AREAS



**Mayne Island**

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Commercial Land Use Review	Staff to prepare report with recommendations for the LTC to consider. Working Session (LTC Special Mtg.) arranged for March 5, 2018 at Mary Windspear Center Staff to prepare report for April 30, LTC Mg.	27-Apr-2015	Gary Richardson Jason Youmans	31-Oct-2018
2	Fallow Deer Eradication		26-Jan-2015		
3	Riparian Area Regulation Implementation	Draft Bylaw Prepared. Will be presented to LTC at January 29, 2018 LTC meeting for consideration of 1st reading and direction to schedule public hearing. Bylaw 171 given 1st reading as amended. Will now be forwarded to First Nations and Agencies for comment. Public Hearing being scheduled for March 26, 2018.	25-Apr-2016	Gary Richardson	31-Mar-2018

Projects

Mayne Island

Description	Activity	R/Initiated
Climate Change Adaptation	Consider regulatory changes and implementation of new DPA authority	02-Mar-2009
Waste Management		31-Oct-2017
Road issues		27-Jun-2012
Density on large lot remainders	to review covenants on remainder lots and review zoning to density of dwellings and cottages	30-Sep-2015



Islands Trust

Print Date: March 20, 2018

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2018.1	DANIEL G LAZAR Planner: Gary Richardson	12-Jan-2018	To vary the allowable height of a garage.
Planning Status			
Status Date: 20-Mar-2018 Staff report, draft permit and APC comments on March 26 agenda for LTCs consideration.			
Status Date: 05-Mar-2018 referred to APC			
Status Date: 31-Jan-2018 Notice is being mailed and delivered. Staff report and draft permit will be on February 26, 2018 LTC agenda fro LTCs consideration.			

Liquor Control Branch

File Number	Applicant Name	Date Received	Purpose
MA-LCB-2018.1	Leo Shields Planner: Phil Testemale	25-Jan-2018	Liquor Primary - structural change application.
Planning Status			
Status Date: 20-Mar-2018 Staff report on March 26 LTC Mtg. agenda for LTCs consideration.			
Status Date: 05-Feb-2018 Preliminary response sent to LCLB via applicant (no issues). Community Information Meeting to be scheduled for Public Input.			
Status Date: 25-Jan-2018 opened file, processed fee, notified LTC.			

Rezoning

File Number	Applicant Name	Date Received	Purpose
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Applications

MA-RZ-2017.1 REEF BAY 12-Jun-2017 Rezone from C1(A) to C1.

HOLDINGS LTD

Planner: Gary Richardson

Planning Status

Status Date: 16-Feb-2018

Public Hearing being arranged for March 26, 2018

Status Date: 23-Jan-2018

Staff report and draft bylaw prepared for Jan 29, 2018 LTC meeting for consideration of first reading.

Status Date: 29-Nov-2017

Staff preparing draft bylaw for agency referral

Subdivision

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2017.1	DIANA PERCY QUENTIN CRONK	27-Sep-2017	Boundary Adjustment between two parcels

Planner: Gary Richardson

Planning Status

Status Date: 20-Mar-2018

Final letter from Islands Trust staff to MoTI stating that we have no further items to be addressed.

Status Date: 23-Jan-2018

10% road frontage waiver request to be placed on February 26, 2018 LTC agenda.

Status Date: 29-Nov-2017

Referral response forwarded to MoTI and applicant Nov 28, 2017

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
MA-TUP-2017.1	MEG IREDALE-GRAY c/o KARA RESOURCES LTD	15-Mar-2017	306 CAMPBELL BAY RD Temporary permit for commercial use (3 day music festival) on rural residential property.

Applications

Planner: Gary Richardson

Planning Status

Status Date: 23-Jan-2018

Staff report and draft permit to be prepared for March 26, 2018 LTC agenda.

Status Date: 29-Nov-2017

Staff to meet with applicant to discuss applicant proposed amendments to application.

Status Date: 26-Jul-2017

Amendments to proposed permit to be made and notification and consideration for Nov 27 LTC

Islands Trust
LTC EXP SUMMARY REPORT F2018
Invoices posted to Month ending January 2018

645 Mayne	Invoices posted to Month ending January 2018	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-645	LTC "Trustee Expenses"	750.00	4.56	745.44
LTC Local				
65200-645	LTC - Local Exp - LTC Meeting Expenses	1,500.00	1,170.05	329.95
65210-645	LTC - Local Exp - APC Meeting Expenses	500.00	55.16	444.84
65220-645	LTC - Local Exp - Communications	1,000.00	770.00	230.00
65230-645	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>3,500.00</u>	<u>1,995.21</u>	<u>1,504.79</u>
Projects				
73001-645-2005	Mayne OCP/LUB	5,000.00	0.00	5,000.00
73001-645-3005	Mayne RAR	5,000.00	0.00	5,000.00
73001-645-4059	Mayne Commercial Land Use Review	4,500.00	96.00	4,404.00
TOTAL Project Expenses		<u>14,500.00</u>	<u>96.00</u>	<u>14,404.00</u>

Mayne Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: July 13, 2017

No	Meeting Date	Resolution No.	Issue	Policy and Description
1.	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.
2.	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.
3.	June 27, 2016	MA-LTC-2016-055	Statutory Public Notice Advertising	That the Mayne Island Local Trust Committee advertise all statutory public notices in the Mayne Limer
4.	June 26, 2017	MA-2017-027	Unlawful Dwelling Enforcement Policy	That the Mayne Island Local Trust Committee directs staff to take enforcement action against unlawful dwellings only if one of the following conditions exists: 1.1. There is a complaint from an immediate neighbor; or, 1.2. There is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement. 2. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.
5.	June 26, 2017	MA-2017-028	Unlawful STVR Enforcement policy	That the Mayne Island Local Trust Committee adopts the following resolution in regards to Bylaw Enforcement of Unlawful Short Term Vacation Rentals (USTVR): a) Given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, Unlawful Short Term Vacation Rentals that have one or more of the following characteristics will be subject to proactive enforcement: i) they are advertised on the internet, newspapers or other media; ii) they are not managed by an owner of the USTVR property who lives on Mayne Island; iii) more than one dwelling on the lot is simultaneously made available for USTVR; iv) while the property is used as a USTVR, persons are permitted to stay in tents or trailers; v) there are issues related to health and safety on the property; vi) 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 USTVR; vii) the owner of the property uses more than one property on Mayne Island as a USTVR.

No	Meeting Date	Resolution No.	Issue	Policy and Description
				b) 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.

To:	Local Trust Committees	For the Meeting of:	Various
From:	David Marlor, LPS Karen Hurley, TAS	Date Prepared:	March 2, 2018
SUBJECT:	Land-use planning implications of Fisheries and Oceans Canada <i>Integrated Geoduck Management Framework 2017</i>		

PURPOSE: To inform local trust committees about the land-use implications of the of Fisheries and Oceans Canada *Integrated Geoduck Management Framework 2017*

BACKGROUND:

At the November 2, 2017 meeting the Executive Committee requested that:

Local Planning Services and Trust Area Services staff collaborate on the preparation of a briefing for local trust committees about the land-use planning implications of the DFO 2017 Integrated Geoduck Management Framework.

The Fisheries and Oceans Canada (DFO) *Integrated Geoduck Management Framework 2017* (IGMF) guides the management of geoduck clam aquaculture, including siting guidelines for new applications for inter-tidal and sub-tidal geoduck aquaculture, as well as for applications for size increases to existing shellfish aquaculture operations.

Currently in the Islands Trust Area, most shellfish aquaculture tenures are limited to Baynes Sound because this area has the best conditions for the raising of these types of shellfish. Wild geoduck clams are more widespread in the Islands Trust marine areas, and, under the IGMF, there is potential for geoduck clam aquaculture operations to be installed in wild geoduck habitats. As a result, staff expects that Geoduck clam aquaculture tenures could be applied for in many other locations throughout the Trust Area but would be influenced and/or limited by:

- appropriate ecological/substrate conditions;
- zoning; and
- the DFO IGMF 2017, which identifies areas available for geoduck clam aquaculture applications.

With release of the DFO Integrated Geoduck Management Framework 2017, applicants are now able to apply for aquaculture licenses throughout the B.C. coast, including the Trust Area. Shellfish aquaculture is now under the exclusive jurisdiction of DFO to manage the fishery and provide licenses to operators. The province issues tenures for the sites and manages the harmonized application process.

There are existing aquaculture licenses that include geoduck clams among many possible species that could be implemented at this time on many Gulf Islands, including: Lasqueti, Hornby, Salt Spring, and Denman. There are also many islands that have existing aquaculture licenses that do not currently include geoduck clams; however, operators could apply to have them added to the license, including: Thetis (5), Gabriola (1), Salt Spring (4 including one at Burgoyne Bay) and many near Denman.

Attached are maps of the Islands Trust Area, indicating areas that currently permit aquaculture and/or limited aquaculture.

Under IGMF 2017, there is also the potential for the opening up of wild geoduck areas to DFO applications for both intertidal and subtidal geoduck clam aquaculture licenses in various sites in the Trust Area by First Nations (red zones) and all operators (yellow and non-colour areas on attached maps).

DFO staff, however, is not expecting a large number of new or amendment applications for geoduck clam aquaculture and have advised that throughout BC there “are currently 57 facilities licensed for geoduck. Of this, 25 are licensed for intertidal, of which only 6 have approved harvest plans, and only 2 have ever reported production, the last being in 2015.” DFO staff has also confirmed that “the addition of geoduck to an existing licence requires an amendment with full DFO review. Any proposed addition of non-standard infrastructure (including geoduck tubes) would also trigger a review of the application by the BC government.

Implications of the IGMF

In British Columbia, the province has responsibility for issuing tenures for aquaculture and the federal government has responsibility for issuing licenses for the operation and management of aquaculture.

Under s.479 of the *Local Government Act*, local trust committees have the authority to zone the surface of the marine areas. However, aquaculture is a federally regulated industry and local zoning cannot infringe on the federal authority. Therefore, local trust committees are limited to determining the location that it deems suitable for aquaculture operations but cannot restrict the species grown in the tenure area. Local trust committees could regulate siting and size of buildings and structures as part of its s.479 authority, provided that such regulations do not restrict the aquaculture operations as licensed by the federal government.

Any areas suitable for geoduck clam aquaculture that are already zoned for aquaculture uses could be used to grow and harvest geoduck. Operator licenses may already include geoduck clams, or they could be added to the aquaculture license, likely without a referral process.

Areas that are not zoned for aquaculture would require a rezoning application before they could be used for aquaculture (including geoduck clams).

ATTACHMENT(S):

1. 2018 Island Trust water zoning maps (with index map)
2. Staff report on potential impacts associated with geoduck clam aquaculture in the Islands Trust Area, November 12, 2017
3. Fisheries and Oceans Canada *Integrated Geoduck Management Framework 2017* (IGMF)
4. IGMF Maps associated with Islands Trust Area -- Pacific Fisheries Management Areas: attached and at DFO website
 - a. 14 South - Denman, Hornby, Lasqueti, N. Thormanby Islands
 - b. 16 - Denman, Hornby, Lasqueti, N. Thormanby Islands
 - c. 17 - Gabriola, Galiano, Mudge and Thetis Islands
 - d. 18 - Saturna, Salt Spring Islands (all SSI Conditional Closure)
 - e. 19 - James, Sidney Islands

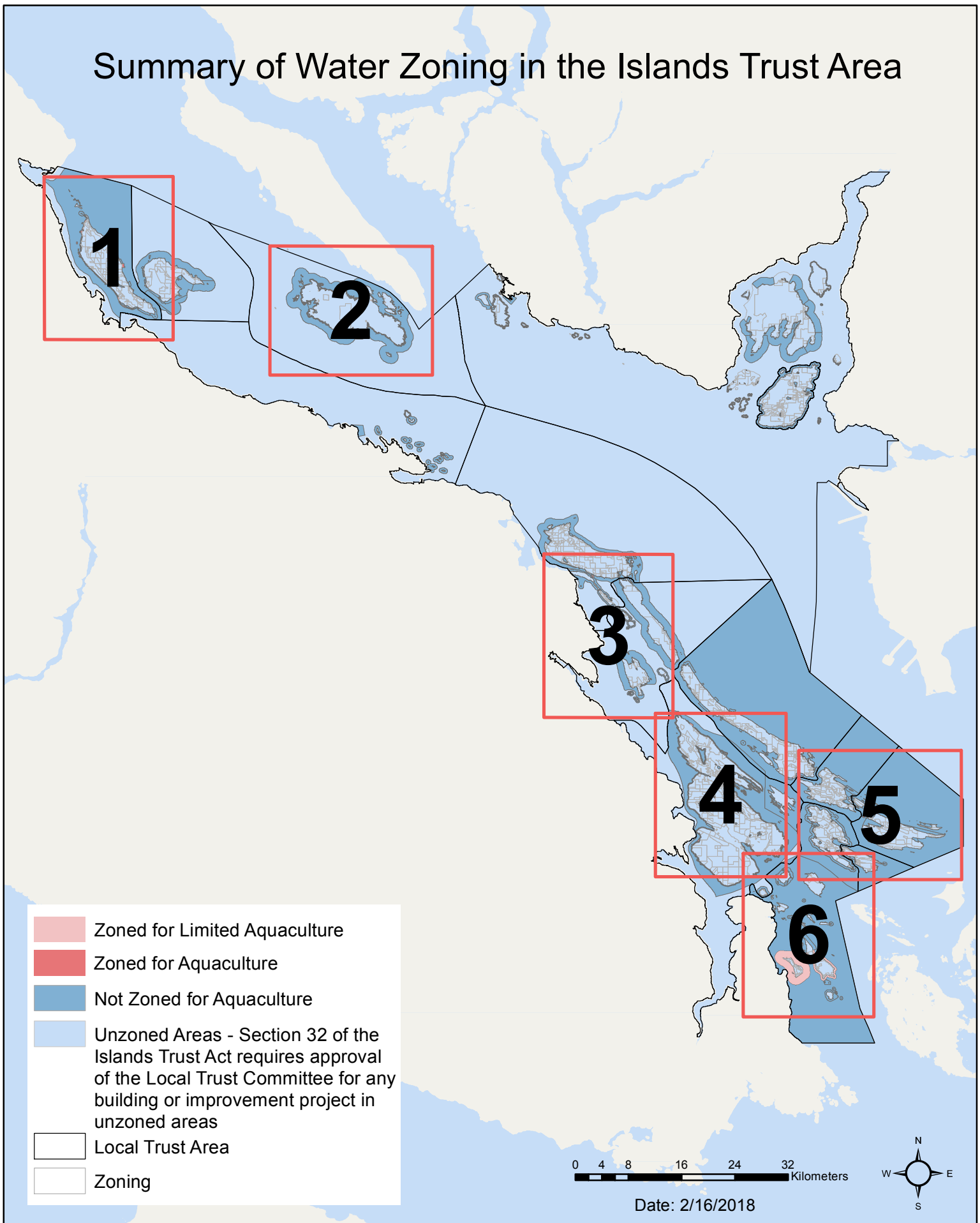
FOLLOW-UP:

TAS staff will continue to monitor any new information on geoduck clam aquaculture. Further follow-up at the direction of Local Trust Committees.

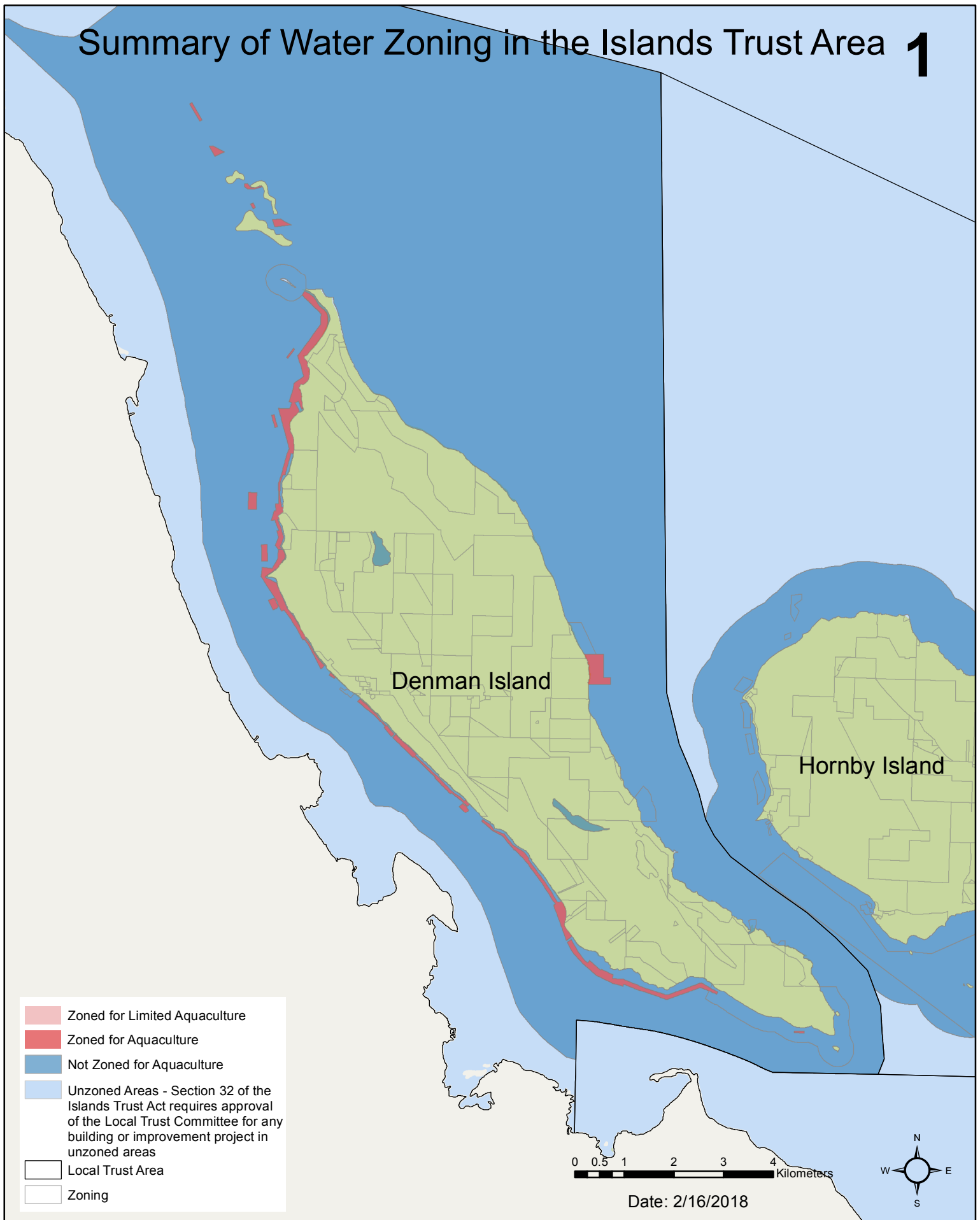
Prepared By: David Marlor, Local Planning Services
Karen Hurley, Trust Area Services

Reviewed By/Date: Clare Frater, Trust Area Services, March 5, 2018

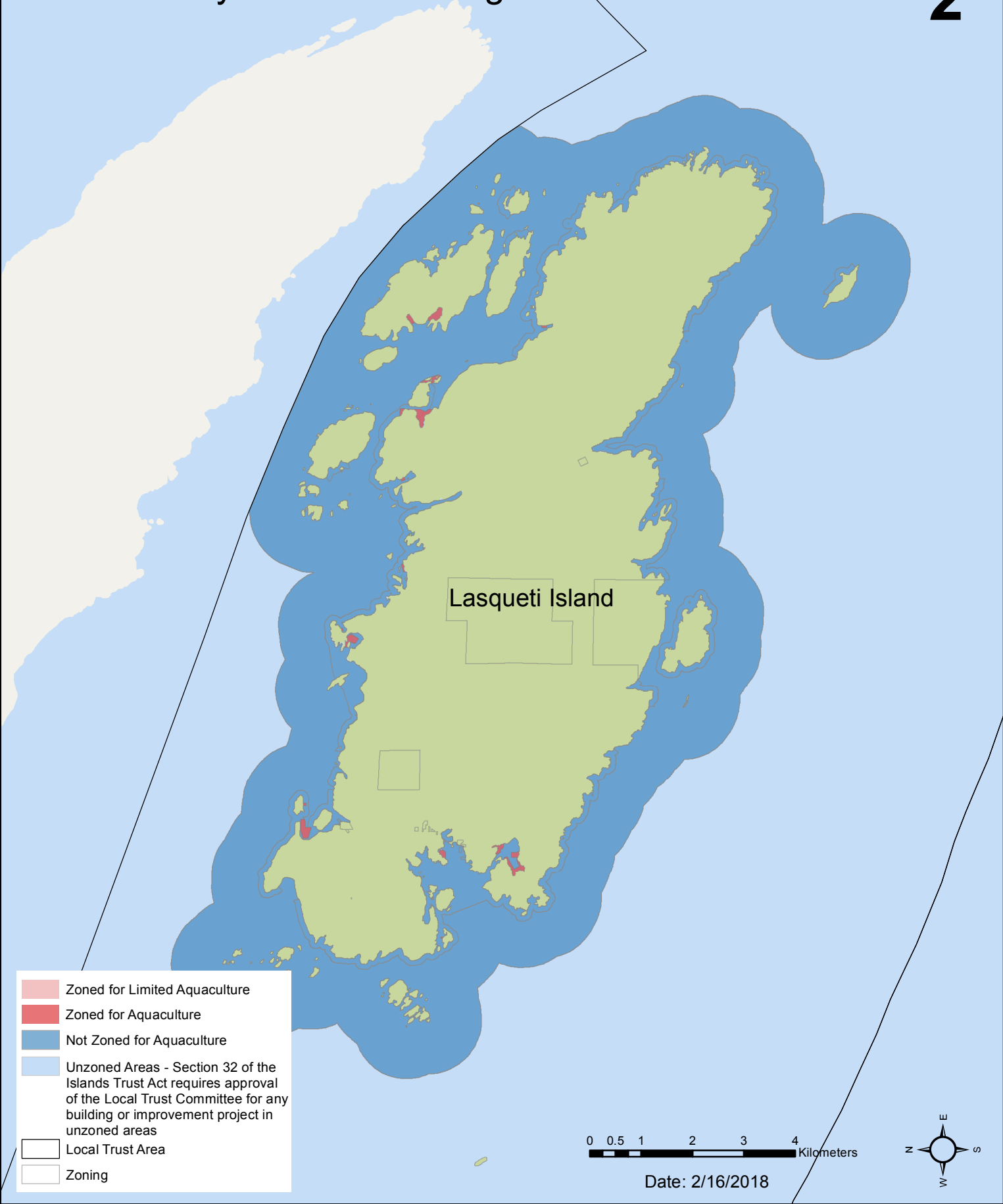
Summary of Water Zoning in the Islands Trust Area



Summary of Water Zoning in the Islands Trust Area 1



Summary of Water Zoning in the Islands Trust Area **2**



Summary of Water Zoning in the Islands Trust Area **3**

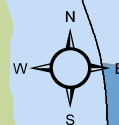
Gabriola Island

Thetis Island

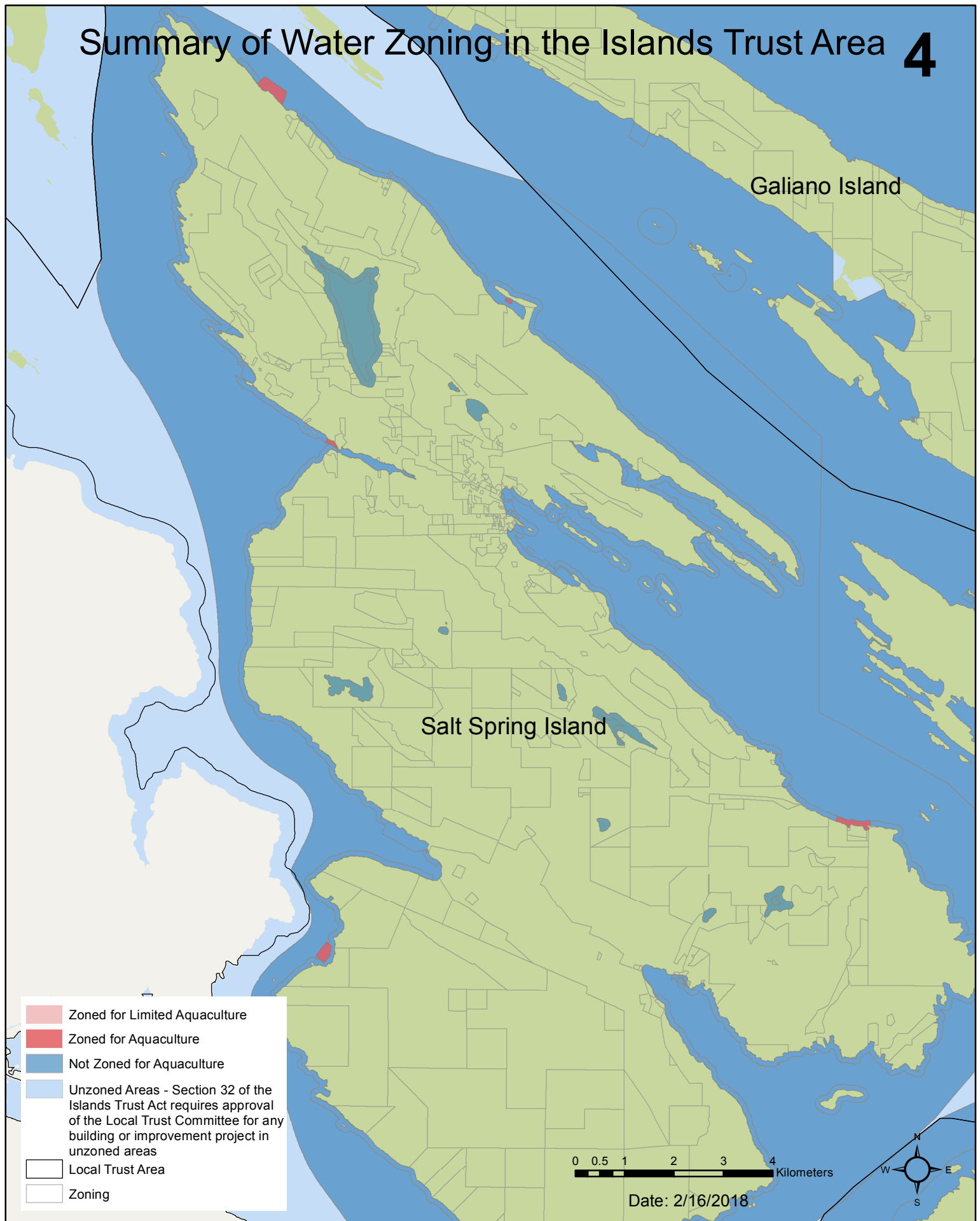
-  Zoned for Limited Aquaculture
-  Zoned for Aquaculture
-  Not Zoned for Aquaculture
-  Unzoned Areas - Section 32 of the Islands Trust Act requires approval of the Local Trust Committee for any building or improvement project in unzoned areas
-  Local Trust Area
-  Zoning

0 0.5 1 2 3 4 Kilometers

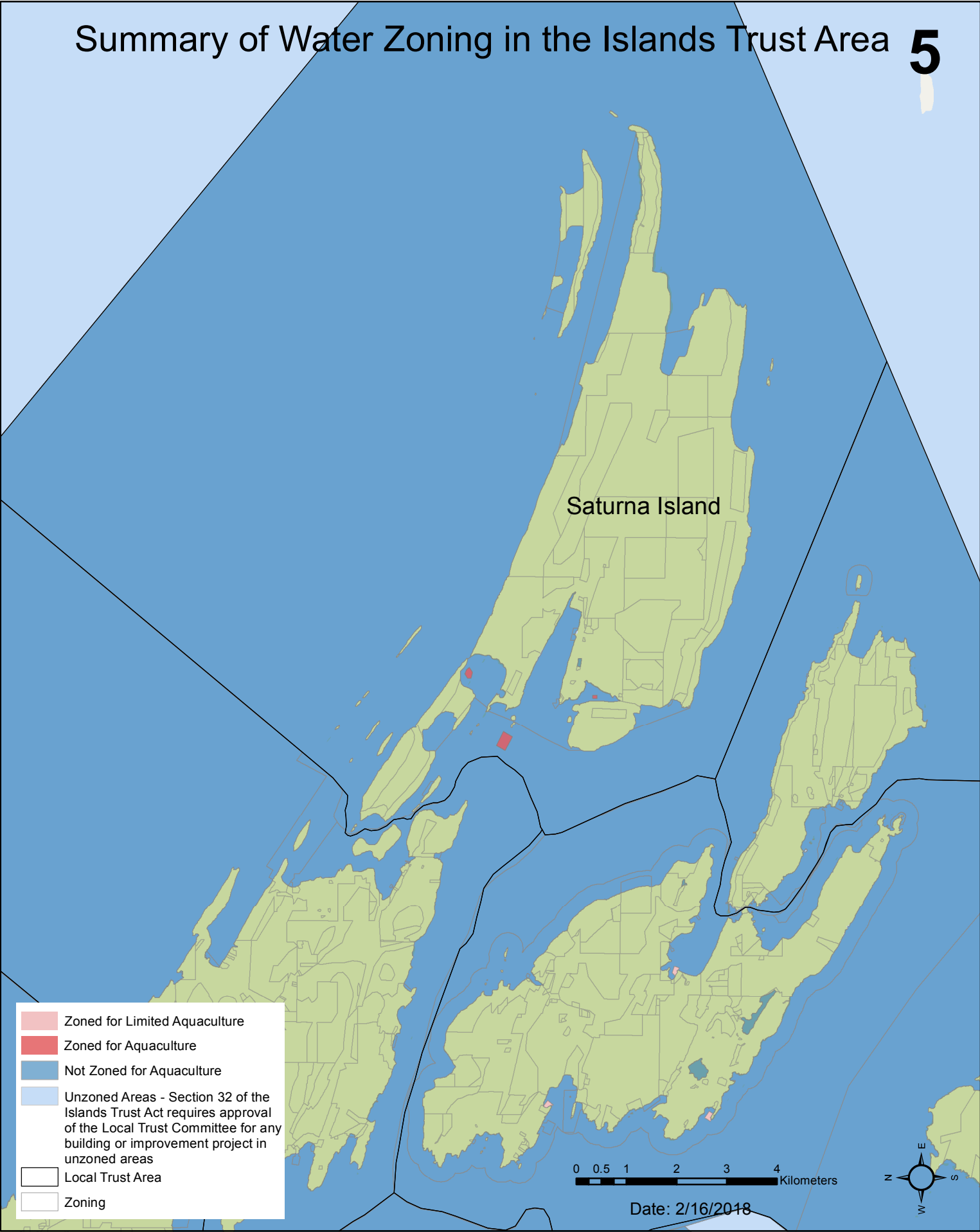
Date: 2/16/2018



Summary of Water Zoning in the Islands Trust Area 4



Summary of Water Zoning in the Islands Trust Area 5



Summary of Water Zoning in the Islands Trust Area 6

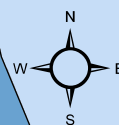
Salt Spring Island

Sidney Island

-  Zoned for Limited Aquaculture
-  Zoned for Aquaculture
-  Not Zoned for Aquaculture
-  Unzoned Areas - Section 32 of the Islands Trust Act requires approval of the Local Trust Committee for any building or improvement project in unzoned areas
-  Local Trust Area
-  Zoning

0 0.5 1 2 3 4 Kilometers

Date: 2/16/2018



Staff report on potential impacts associated with geoduck clam aquaculture in the Islands Trust Area

**By Karen Hurley, PhD, Senior Policy Advisor
November 12, 2017**

On June 21, 2017, the Islands Trust Council requested Executive Committee to investigate the potential impacts associated with geoduck aquaculture in the Islands Trust Area and, as appropriate, initiate advocacy.

This report has been produced using review of the latest scientific peer-reviewed research on impacts from geoduck clam aquaculture, as well as conversations and meetings with staff from the Department of Fisheries and Oceans (DFO), the BC Ministry of Agriculture, the BC Ministry of Forests, Lands and Natural Resources Operations and Rural Development (FLNRORD), Vancouver Aquarium and members of the Association of Denman Island Marine Stewards. *Given the limited staff time available for this project, and the lack of definitive science, this report offers only an overview of potential impacts and highlights area worthy of further study.*

During a review of the issue, two major themes emerged: there is uncertainty as to the expected scale of the industry now that DFO's 2017 Geoduck Integrated Management Framework is in force and therefore there is uncertainty about the, scale of the potential impacts. There is also uncertainty about the extent to which geoduck aquaculture might occur in the intertidal zone.

The potential impacts discussed in this report include damage to habitat vital to other species including herring, reduced bird foraging, microplastic contamination, human health, chemical contamination, garbage and ocean acidification.

It is worth noting at the outset that, to date, there are no studies that evaluate the potential impacts of geoduck aquaculture at the ecosystem level or the cumulative impacts of an expanded industry in the Salish Sea, though most researchers call for this level of study to be done.

A description of geoduck clam aquaculture practice is attached as Appendix 1.

Geoduck aquaculture has taken place in British Columbia since the early 1990s. In that time, interest in geoduck aquaculture has continued to grow as demand for the giant clam, especially in China, has sent prices soaring. Many, including Trust Area First Nations, see the emerging geoduck aquaculture industry as a significant opportunity for economic development and long-term employment for local residents. Compared to Washington State the industry in BC is at an early stage, but with the recent approval of a DFO Integrated Geoduck Management Framework 2017 (IGMF) is poised to expand.

There are concerns in island communities that DFO has insufficiently considered ecosystem and cumulative impacts. In creating the IGMF, DFO chose to limit their consideration and scientific analysis geoduck aquaculture at the policy level to the principle of 'conservation', which was narrowly defined: "conservation and long-term sustainability of wild geoduck stocks is the first priority." No mention is made in the IGMF of protection of the marine environment, fish habitat or human health. DFO staff advises that broader ecological impacts will be assessed at the licence application level. This raises concern that assessment at the individual licence will result in insufficient consideration of cumulative impacts regionally.

Concerns about geoduck aquaculture impacts are not new. In 2007, the BC Legislature’s Special Committee on Sustainable Aquaculture [recommended](#) that:

“No new species are to be approved for commercial aquaculture without a consensus of independent peer-reviewed science demonstrating that the potential impact on the marine environment is minimal”. (7.5)

Recently approved geoduck clam tenures must be rescinded until conditions in Recommendation 7.5 are met”. (7.6)

Staff’s review of the available science did not result in an impression that there is scientific consensus that the potential impacts of intensive aquaculture in the Trust Area, including geoduck aquaculture, are certain to be minimal. Staff noted that many articles conclude with calls for additional research. As far as staff knows at this time, the 2007 recommendation to rescind the approved geoduck clam tenures was not acted on.

There are also strong feelings in island communities about aquaculture impacts generally. Residents are concerned that, in the past, aquaculture operators have not taken responsibility for lost equipment/garbage and that DFO is insufficiently monitoring and enforcing conditions of the licenses. Residents also seem to have a lack of trust in the adequacy of the federal government’s oversight of aquaculture, due to changes to the *Fisheries Act* in 2012 that significantly [weakened](#) the federal government’s role in fish habitat protection. There also appears to be a lack of clarity with members of the public regarding the respective roles and authorities of DFO, FLNRORD and Islands Trust.

Potential impacts of geoduck clam aquaculture

A summary of potential impacts identified by staff is below:

1. Potential damage to habitat vital to other species, including herring

There is limited local data available about habitat impacts associated with the geoduck industry so staff reviewed articles about impacts in Puget Sound, a nearby region that has more experience with intensive geoduck clam aquaculture. A review of the scientific literature related to geoduck aquaculture in Puget Sound reveals that there is an active debate among scientists as to the severity of the impacts or potential impacts. That said, most of the scientific reports call for additional research on ecological impacts even as geoduck aquaculture intensifies. Key among these are:

- *MacDonald et al.* (2013) report negative impacts on fish and snail habitat by geoduck aquaculture gear and suggest further research to understand impacts to forage fish populations.
- *Dethier et al.* (2007), marine scientists, raised [concerns and questions](#) about geoduck aquaculture impacts to habitat, marine species and ecosystem functions. Staff understands these questions remain unanswered.

In 2013, DFO scientists conducted a one-year study on potential impacts of geoduck clam intertidal aquaculture in a small study area (not a large commercial operation) near Nanoose, BC. This study concluded that there are limited ecologically-significant effects of intertidal geoduck aquaculture. The exceptions found were that after liquefaction of the geoduck site during harvesting the sediment structure took 123 days to recover, and that there was a lack of seasonal increase in infaunal (beings that live in the sand such as forage fish) abundance and richness after harvesting. The study recommended more research on a larger scale.

Robinson et al. (2013) describe how Pacific sand lance do not have a swim bladder, so when they are not foraging they bury into the intertidal or subtidal sand and they also aestivate in the sand (like hibernation) when food is scarce. A reduced number of forage fish and invertebrates living in the sand and finer ocean floor sediments after liquefaction from the stingers (inserted to a one metre depth) is not surprising because their habitat has been significantly changed. As *Dethier et al. (2007)* write: organisms in the intertidal zone are adapted to small scale disturbances – this large scale disturbance with stingers is not part of their evolutionary history.

Staff notes that it remains unclear whether geoduck aquaculture will occur in the intertidal zone. Although not specific to the geoduck industry's activities, a 2002 review of BC shellfish aquaculture in Baynes Sound assigned the impacts of site clearing with a rake and other harvesting activity as High Severity on forage fish intertidal habitat.

Doug Hay, PhD, who spent most of his career as a research scientist with DFO, and who continues to serve as scientist emeritus addressing issues related to herring and other forage fish, cautions that pertinent environmental impact analysis of risks to forage fish species have never been done. He suggests that nobody knows if geoduck aquaculture could jeopardize the amount and quality of spawning habitat for herring or other forage fish species such as surf smelt or sand lance, but that, the loss of vital spawning habitat could lead to declines in abundance of forage fish species, including herring, which in turn could impact other species, especially seabirds. Within the Trust Area, forage fish provide up to 50% of the diet of Chinook salmon that are the primary food of the Southern Resident orcas. Using spawning records back to 1928, Dr. Hay explains that the most important herring spawning areas occur on only 10% of the total BC coastline. *Lambert Channel, between Denman and Hornby Islands, is the largest area of herring habitat in BC with 35% of BC's total herring spawning area.* In addition, Dr. Doug Hay cautions that, collectively, we are all taking herring for granted, especially in the Strait of Georgia, and taking big risks with geoduck aquaculture in herring spawning areas. He recommends additional research on this topic.

The IGMF permits geoduck aquaculture in many parts of the herring spawning area of Baynes Sound and Lambert Channel (Denman and Hornby Islands). This is herring habitat that is defined as Vital by DFO.

2. Potential impacts to species due to reduced foraging

There is also concern that intensive intertidal geoduck aquaculture may negatively impact birds through alienation of foraging habitat in the inter-tidal zone as well as birds being caught in the predator netting. Baynes Sound and other marine areas within the Trust Area are important bird habitats. .

Ferriss et al. (2016) undertook modelling for Puget Sound that found that the gear associated with geoduck aquaculture including PVC pipes and anti- predator nets may, if the already intensive industry more that doubles in that region, have an impact on the Puget Sound food web because of changing forage opportunities including a substantial decrease of most resident birds including great blue herons and reduction in wild salmon.

There is widespread use of netting in the aquaculture industry. Given this, staff was interested to read studies that that the anti-predator nets (APN), which were created to reduce bird and crab predation of aquaculture clams, have not been effective in reducing bird foraging behavior or crab predation. In fact, the nets have increased the number of small predatory crabs in Baynes Sound to the point that Dr. Leah Bendell (2014) suggests that “it is likely that maximum bivalve productivity within Baynes Sound has been reached in that any further gains hoped to be achieved through seeding will not be realized as a consequence of predation.”

Staff also learned that in a 2015 study, also focused on Baynes Sound, Dr. Bendell, documents how the anti-predator nets degrades the sediment geochemical characteristics, are hazards to wildlife and humans, and provides a place for sea lettuce to take hold, which contributes to poor water quality and a likely loss of ecological function on the sea bed. More research is recommended by the author.

3. Microplastic contamination

The plastic anti-predator netting and PVC pipes used in inter-tidal geoduck aquaculture may impact the marine environment as they break down in the saltwater and sun exposure. A recent research paper from Washington State explains that the “contribution from larger marine plastic debris to microplastic formation is greatest on beaches where UV light and wave action can enhance degradation.” According to Feldman (2002) PVC is a poorly photostable polymer especially the matt finish PVC, like the ones used in geoduck aquaculture, and can be severely weathered in outdoor uses where weathering is caused by heat, mechanical action (waves), algae and their enzymes (biodegradation). During a visit to Baynes Sound in early August, staff observed abandoned and in-place anti-predator netting and PVC pipe sections that were exposed to wave action and sunlight and, as a result, were in various states of weathering.

A 2014 paper by Jean-Pierre Desforges, Peter Ross, Vancouver Aquarium researcher, and others, documented extremely high levels of microplastics in the Strait of Georgia, of which 80% is fibrous plastics. In a 2015 paper by the same researchers found that zooplankton are eating these microplastic particles. Dr. Ross also explained to staff that researchers have found that the type of microplastic differs according to where you are looking. For example PVC microplastic is denser than water and therefore tends to be found in the sediments, while fibres are more buoyant and are found in the water column. Dr. Bendell argues that aquaculture plastic gear including ‘oyster blue’ rope, netting, and plastic net bags are contributing to the highly fibrous composition of microplastics in Baynes Sound. All of the researchers suggest that additional research is required, especially in terms of ecological consequences.

DFO and the BC Shellfish Growers Association also recognise that aquaculture gear may be a source of microplastics. In 2016 they initiated a collaboratively funded research project to investigate: *Microplastics and Shellfish Aquaculture: Presence, Extent, Potential Impacts and Mitigation Measures* including the type of microplastics and potential sources. The research is expected to be completed by December 31, 2017.

4. Human health

If undertaken, intertidal geoduck clam installations would involve anti-predator nets to protect the juvenile geoducks. There is a human health concern associated with the rebar used to hold the anti-predator nets (APN) in place because it tends to erode quickly at the bend and then break off, forming a point. These points are hazardous if stepped or fallen on – as happened on Denman Island twice in the summer of 2017 in clam tenures.

5. Chemical contamination

Lead line is a product used to attempt to hold the netting in place. This product is used throughout the fishing industry. It is made of a loosely braided nylon with lead balls inside. In the intertidal zone, if the nylon braid erodes there is a risk of [animals or birds ingesting](#) the lead balls. Future research is warranted.

6. Garbage

Garbage and gear abandonment is a long standing aquaculture issue, acknowledged by provincial staff and addressed in the BC Shellfish Growers *Environmental Code of Practice*. Staff observed an unsuccessful geoduck operation intertidal zone on the south end of Denman Island where the gear was obviously abandoned and causing potential danger to humans, marine species and birds.



Abandoned geoduck aquaculture gear in the intertidal zone of Denman Island.



Lead line with anti-predator netting (APN)



APN: a hazard to humans and other species

All images Denman Island. Photo credit: Karen Hurley

7. Ocean Acidification

Marine research by *Bendell et al.* (2014) in Baynes Sound suggests that increased number of clams, including geoduck clams, could further increase acidification of the ocean. Climate change is increasing the [acidification of the ocean](#). Lower pH levels in the ocean threaten sea life, including shellfish, and in turn, acidification of the ocean may speed up climate change.

Emerging activities that will increase understanding of impacts:

On August 10th, 2017 the US Center for Food Safety launched a [lawsuit](#) against the US Army Corp of Engineers for approving a massive expansion of aquaculture, predominantly geoduck aquaculture, in Puget Sound without fully considering cumulative impacts across the state, including the use of pesticides.

As an outcome of the Herring forum hosted in February 2017 by the Association for Denman Island Marine Stewards, various stakeholders are considering possible methods to investigate the cumulative impacts of aquaculture on Baynes Sound. In November 2017, the Trust Programs Committee approved a project charter for a Baynes Sound/Lambert Channel forum project charter. It is expected that geoduck aquaculture will be one of the topics discussed.

There are upcoming opportunities for those involved in geoduck and other aquaculture to work in partnership for the health of marine ecosystems. These include a DFO working group on use of plastics in aquaculture and a planned 2018 Islands Trust/World Wildlife Fund Baynes Sound/Lambert Channel Forum that will bring together First Nations and other governments as well as industry and community stakeholders to identify issues and recommend solutions that will contribute to improving the health of the marine ecosystem.(Project charter attached).

It is possible that new research on this topic may be presented at the 2017 Salish Sea Ecosystem Conference in Seattle in April 2017.

Conclusion:

Staff's initial review of this topic reveals that, although as in any scientific topic there is ongoing debate, there are potential impacts associated with an expanded geoduck industry worthy of further study, particularly if there is to be farming in the inter-tidal zone. These include: negative impacts to herring spawning habitat, bird forage opportunities, contributions to the microplastics load, human health, contamination and garbage. There are also many long-standing requests for research into the potential ecosystem level and cumulative effects of geoduck clam aquaculture.

Attachments:

1. Appendix 1: How does geoduck clam aquaculture work?
2. Appendix 2: What part of the Trust is, or could be, available for geoduck aquaculture?
3. Appendix 3: Baynes Sound/Lambert Channel 2018 forum project charter
4. Link: [Integrated Geoduck Management Framework 2017](#)
5. Link: [Maps: Integrated Geoduck Management Framework](#)
6. Link: [Herring Spawning Map Lambert Channel and Baynes Sound](#)
7. Link: [April 2014 letter from Islands Trust Chair to DFO re draft Integrated Geoduck Management Framework](#)

Appendix 1

How does geoduck clam aquaculture work?

The geoduck is the world's largest burrowing clam and one of the longest lived species: maximum age recorded is over 140 year. It is now a lucrative wild fishery in the luxury food market. It is generally not consumed locally, but predominantly flown to consumers in China, and therefore, is expected to have a very high carbon footprint.

Aquaculture trials have been underway in BC for 18 years and geoduck hatcheries exist in BC, including Baynes Sound. It is unknown at this time what type of geoduck aquaculture will be conducted within the Islands Trust Area. DFO and FLNRO staff have indicated that there will likely not be much intertidal geoduck aquaculture, especially on the large scale conducted in Puget Sound but that small intertidal areas are possible, and subtidal aquaculture could be conducted. Both are untried methods in the Islands Trust Area and staff observed a failed and abandoned geoduck intertidal installation on Denman Island.

Geoduck aquaculture in the intertidal zone involves placing hatchery-raised juvenile geoduck clams into PVC pipes (that have been inserted into the sand with an auger), sometimes each PVC pipe is covered with a fine net under a rubber band, and then the entire area is covered with anti-predator nets (APN). Attempts are made to hold the APN in place with bent rebar and sometimes with lead line. The intertidal PVC pipes and predator nets are kept in place for 18 months to two years. Subtidal geoduck aquaculture, involves divers placing the hatchery juvenile geoducks in the sand and then installing a mesh 'canopy net' over the area. Industry standards do not exist yet for subtidal geoduck aquaculture as it is a new method.

The geoducks are then left to grow for five to seven years. During this time the site should be maintained to ensure that the netting is intact and not covered with algae or seaweed. In both intertidal and subtidal geoduck aquaculture (and similar to wild geoduck), once they reach suitable maturity the geoducks are removed by liquefying the sand with high pressure water from a 'wand' or 'stinger' and then removing the geoducks alive by hand. Adult geoducks may be buried to a depth of 1m and sediment liquefaction may occur down to such depths.

In Puget Sound, Washington geoduck clam aquaculture has been financially successful resulting in large areas of the intertidal zone being used by aquaculture companies.



Puget Sound geoduck aquaculture. Photo from *Aquaculture North America* magazine. February 4, 2014

At this time, BC does not have a large geoduck aquaculture industry and according to staff at DFO and in the geoduck industry, most geoduck aquaculture trials in BC have not been successful. A 2012 report prepared for DFO includes a profitability ratio that indicates a -2.5% rate of return after 10 years and 1.7% rate of return after 15 years. A BC Ministry of Agriculture and Lands 2005 report assessed the economics of subtidal geoduck aquaculture and concluded that because of the high costs of the juvenile geoducks and the placement and removals by divers "the results could range from highly successful businesses to unfortunate business failures. Prospective geoduck farmers [operators] will need to carefully consider the opportunities and risks associated with developing a sub-tidal geoduck enterprise."

Appendix 2

What part of the Trust Area is, or could be, available for geoduck aquaculture?

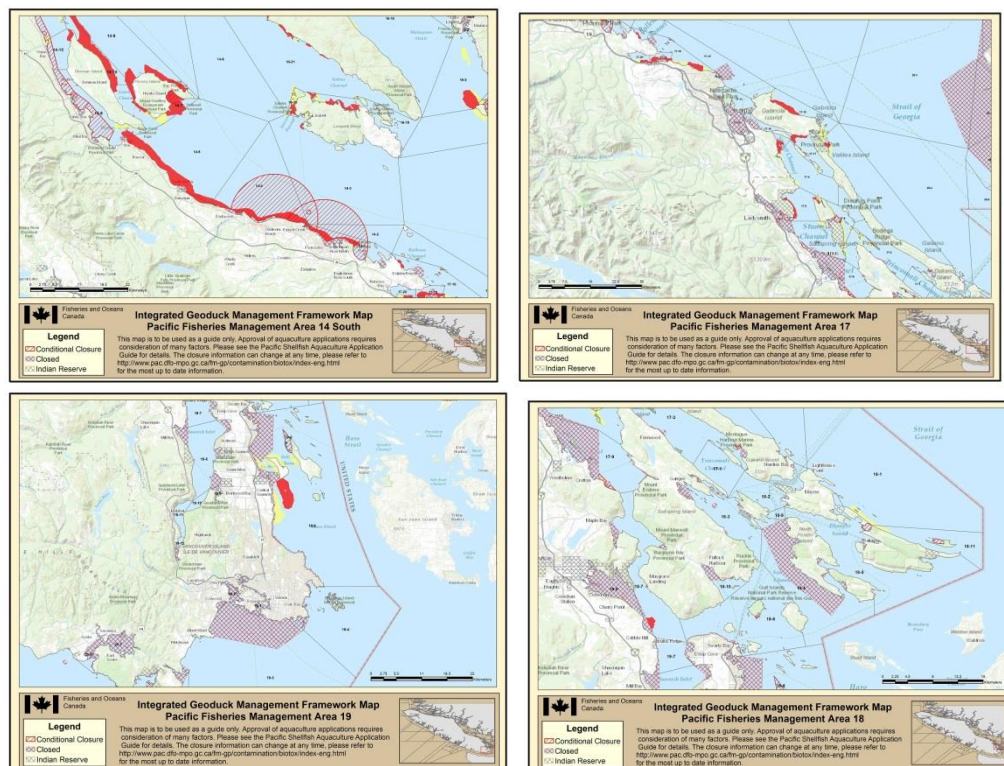
Although aquaculture impacts are now felt most strongly on Denman Island, geoduck aquaculture has the potential to be more prevalent Trust Area wide. Geoduck aquaculture could occur in various places throughout the Trust Area but would be influenced and/or limited by:

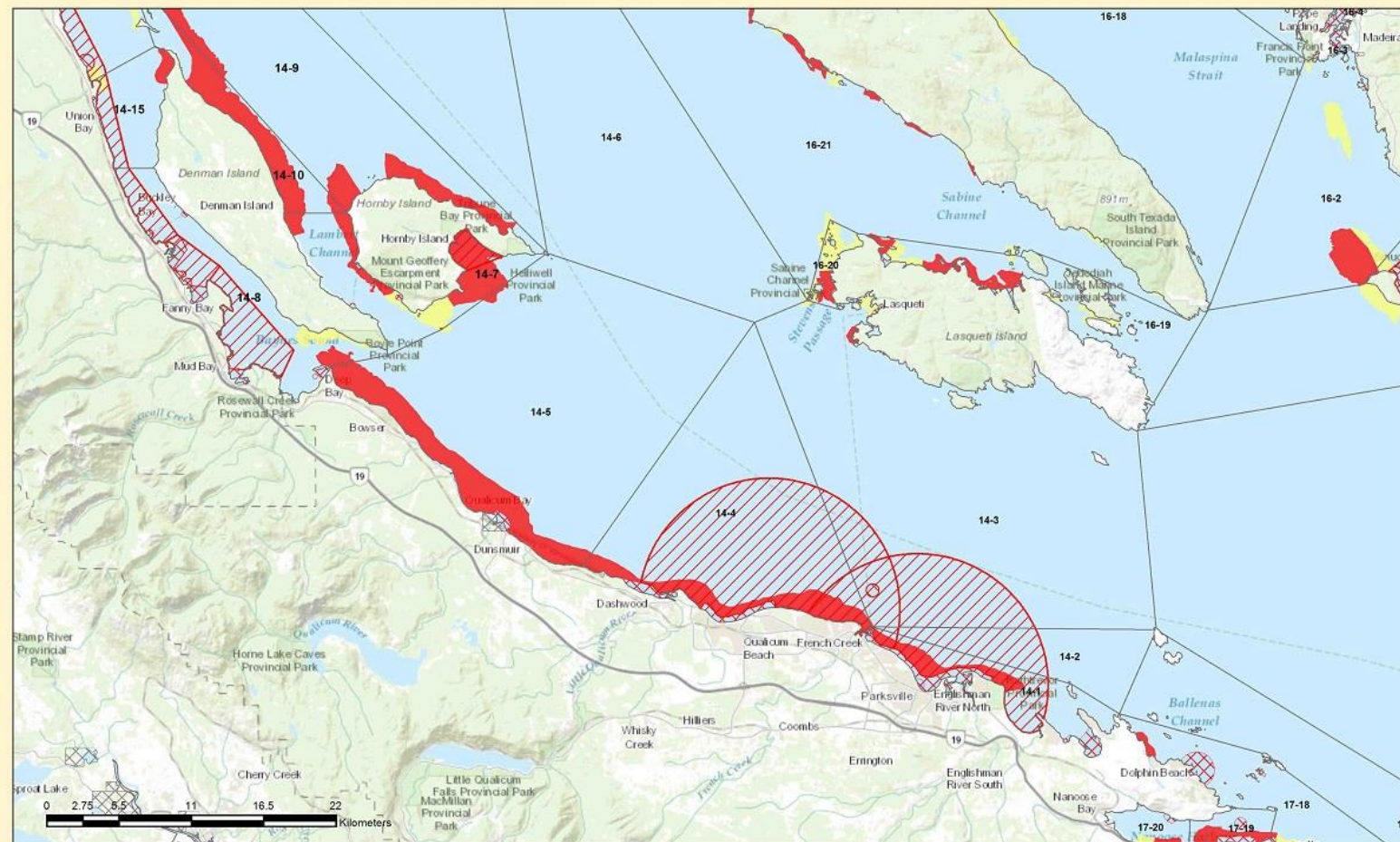
- appropriate ecological/substrate conditions;
- zoning; and
- the DFO IGMF 2017, which identifies areas available for geoduck aquaculture applications.

With release of the DFO Integrated Geoduck Management Framework (IGMF) 2017, applicants are now able to apply for aquaculture licenses throughout the BC coast, including the Trust Area. Shellfish aquaculture is now under the exclusive jurisdiction of DFO to manage the fishery and provide licenses to operators. The Province issues tenures for the sites and manages the harmonized application process.

There are existing aquaculture licenses that include geoduck among many possible species that could be implemented at this time on many Gulf Islands, including Lasqueti, Hornby, Salt Spring and Denman. There are also many islands that have existing aquaculture licenses that do not currently include geoduck; however, operators could apply to have them added to the license. These islands include Thetis (5), Gabriola, (1), Salt Spring (4 including one at Burgoyne Bay) and many near Denman. April 2014 letter from Islands Trust Chair to DFO re draft Integrated Geoduck Management Framework (attached) includes mapping Islands Trust Area that indicates current zoning in the permits aquaculture and/or limited aquaculture.

Under DFO's IGMF 2017 there is also the potential for the opening up of wild geoduck areas for both intertidal and subtidal geoduck aquaculture zones throughout the Trust Area by First Nations (red zones) and all operators (yellow and non-colour areas). [IGMF maps](#).





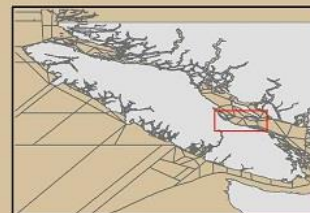
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Legend

- Conditional Closure
- Closed
- Indian Reserve

Integrated Geoduck Management Framework Map Pacific Fisheries Management Area 14 South

This map is to be used as a guide only. Approval of aquaculture applications requires consideration of many factors. Please see the Pacific Shellfish Aquaculture Application Guide for details. The closure information can change at any time, please refer to <http://www.pac.dfo-mpo.gc.ca/fm-gp/contamination/biotox/index-eng.html> for the most up to date information.





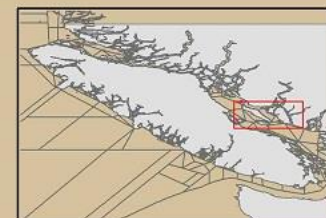
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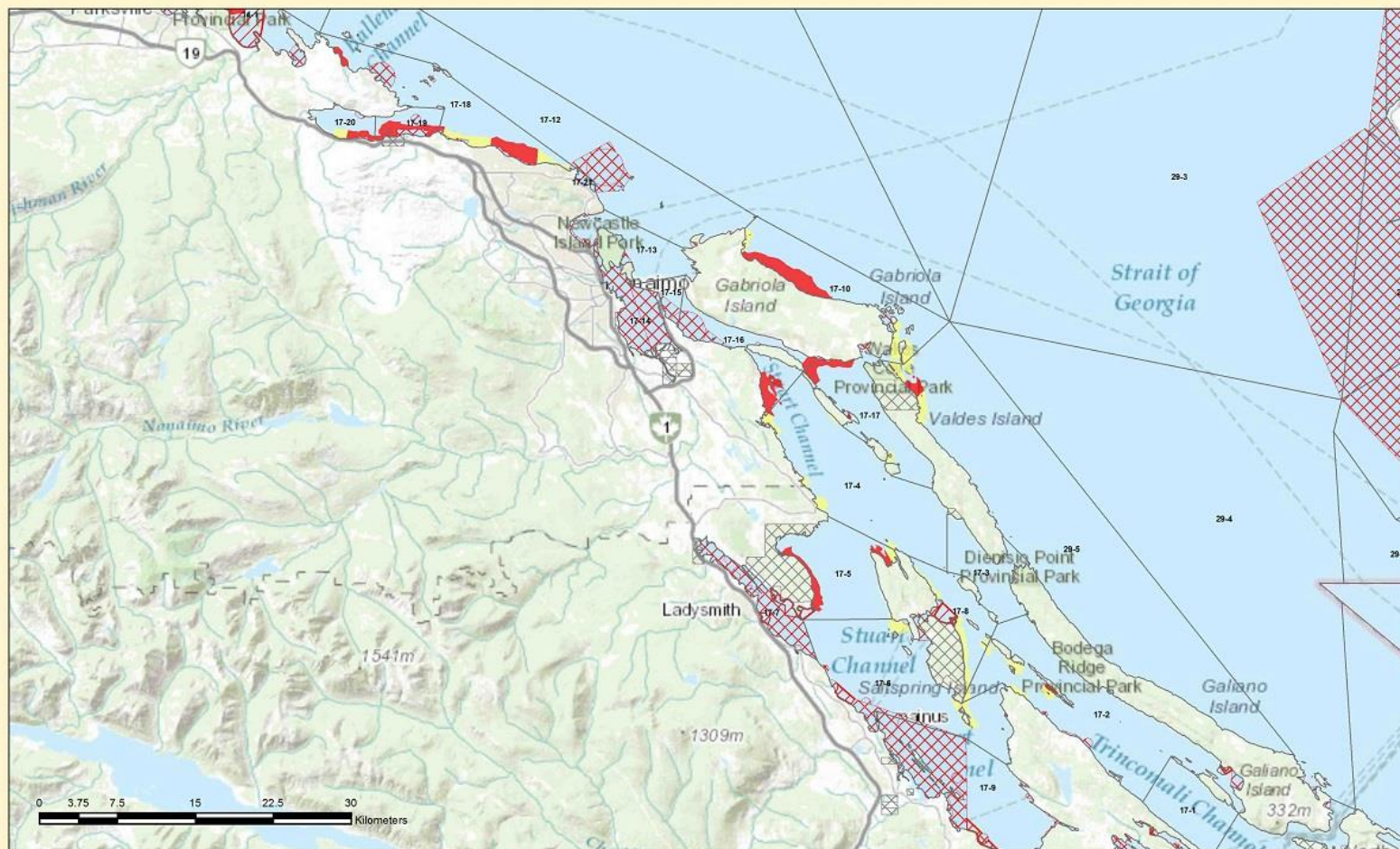
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- Conditional Closure
- Closed
- Indian Reserve

Integrated Geoduck Management Framework Map Pacific Fisheries Management Area 16

This map is to be used as a guide only. Approval of aquaculture applications requires consideration of many factors. Please see the Pacific Shellfish Aquaculture Application Guide for details. The closure information can change at any time, please refer to <http://www.pac.dfo-mpo.gc.ca/fm-gp/contamination/biotox/index-eng.html> for the most up to date information.





Fisheries and Oceans
Canada

Legend

-  Conditional Closure
-  Closed
-  Indian Reserve

Integrated Geoduck Management Framework Map Pacific Fisheries Management Area 17

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