



## Mayne Island Local Trust Committee Regular Meeting Agenda

Date: January 28, 2019  
Time: 1:00 pm  
Location: Mayne Island Agricultural Hall  
430 Fernhill Road, Mayne Island, BC

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|     |                                                                                                         |                   | Pages   |
|-----|---------------------------------------------------------------------------------------------------------|-------------------|---------|
| 1.  | CALL TO ORDER                                                                                           | 1:00 PM - 1:30 PM |         |
| 2.  | APPROVAL OF AGENDA                                                                                      |                   |         |
| 3.  | TOWN HALL AND QUESTIONS                                                                                 |                   |         |
| 4.  | COMMUNITY INFORMATION MEETING                                                                           |                   |         |
|     | none                                                                                                    |                   |         |
| 5.  | PUBLIC HEARING                                                                                          |                   |         |
|     | none                                                                                                    |                   |         |
| 6.  | MINUTES                                                                                                 | 1:30 PM - 1:45 PM |         |
| 6.1 | Local Trust Committee Minutes Dated November 26, 2019 (for Adoption)                                    |                   | 4 - 15  |
| 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 January 2019 (attached)                                                     |                   | 16 - 18 |
| 8.  | DELEGATIONS                                                                                             |                   |         |
|     | none                                                                                                    |                   |         |
| 9.  | CORRESPONDENCE                                                                                          |                   |         |
|     | <i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i> |                   |         |

|        |                                                                                                                        |                   |
|--------|------------------------------------------------------------------------------------------------------------------------|-------------------|
| 9.1    | Invitation to Community Service Event (attached)                                                                       | 19 - 20           |
| 9.2    | Pender Island Trust Protection Society Letter Re: Watersheds, Groundwater & Ramifications of Climate Change (attached) | 21 - 21           |
| 10.    | APPLICATIONS AND REFERRALS                                                                                             | 1:45 PM - 2:15 PM |
| 10.1   | MA-DVP-2018.4 (Mayenburg) - Staff Report (attached)                                                                    | 22 - 40           |
| 10.2   | MA-RZ-2018.1 (CRD) - Staff Report (attached)                                                                           | 41 - 56           |
| 10.3   | North Pender Island Local Trust Committee Bylaw No. 220 Referral (attached)<br>for response                            | 57 - 59           |
| 11.    | LOCAL TRUST COMMITTEE PROJECTS                                                                                         | 2:15 PM - 3:00 PM |
| 11.1   | Commercial Land Use Review - Staff Report (attached)                                                                   | 60 - 85           |
| 12.    | REPORTS                                                                                                                |                   |
| 12.1   | Work Program Reports (attached)                                                                                        |                   |
| 12.1.1 | <u>Top Priorities Report Dated January 2019</u>                                                                        | 86 - 86           |
| 12.1.2 | <u>Projects List Report Dated January 2019</u>                                                                         | 87 - 87           |
| 12.2   | Applications Report Dated January 2019 (attached)                                                                      | 88 - 89           |
| 12.3   | Trustee and Local Expense Report Dated November 2018                                                                   | 90 - 90           |
| 12.4   | Adopted Policies and Standing Resolutions (attached)                                                                   | 91 - 92           |
| 12.5   | Local Trust Committee Webpage                                                                                          |                   |
| 12.6   | Chair's Report                                                                                                         |                   |
| 12.7   | Trustee Report                                                                                                         |                   |
| 12.8   | Islands Trust Conservation Report Dated September & November 2018                                                      | 93 - 97           |
| 13.    | NEW BUSINESS                                                                                                           | 3:00 PM - 3:30 PM |
| 13.1   | Protection of Coastal Douglas Fir - Staff Report & Tool Kit (attached)                                                 | 98 - 136          |
| 13.2   | Mayne Island BEN Bylaw No. 173 - Staff Report (attached)                                                               | 137 - 155         |
| 13.3   | Trust Area Services Briefing re Updated Islands Trust Climate Change Web-pages (attached)                              | 156 - 157         |
| 13.4   | Mayne Island Local Trust Committee Fees Amendment Bylaw No. 176 (attached)<br>to consider Adoption                     | 158 - 159         |

**14. UPCOMING MEETINGS**

**14.1** Next Regular Meeting Scheduled for February 25, 2019, at the Agricultural Hall,  
Mayne Island

**15. TOWN HALL**

**16. CLOSED MEETING**

none

**17. ADJOURNMENT**

3:30 PM - 3:30 PM



## Mayne Island Local Trust Committee

### Minutes of Regular Meeting

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

**Members Present:** Dan Rogers, Chair  
Jeanine Dodds, Local Trustee  
David Maude, Local Trustee

**Staff Present:** Robert Kojima, Regional Planning Manager  
Miles Drew, Bylaw Enforcement Manager  
Patricia Todd, Recorder

**Public Present:** There were approximately seventeen (17) members of the public in attendance.

#### 1. CALL TO ORDER

Chair Rogers called the meeting to order at 1:00 p.m. Chair Rogers acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. As this was the first meeting since the election, Chair Rogers introduced: himself, the Trustees and staff present.

#### 2. APPROVAL OF AGENDA

**By general consent** the agenda was adopted as presented.

#### 3. TOWN HALL AND QUESTIONS

**Ian Dow** raised concerns regarding roads, safety issues citing the corner of Horton Bay Road and Stewart Drive.

Trustee Dodds spoke to having Ministry of Transportation attend an LTC meeting as there are a number of road issues.

##### **MA-2018-053**

##### **It was Moved and Seconded,**

That the Mayne Island Local Trust Committee direct staff to invite Ministry of Transportation staff to attend a Local Trust Committee meeting.

**CARRIED**

**4. COMMUNITY INFORMATION MEETING**

none

**5. PUBLIC HEARING**

none

**6. MINUTES**

**6.1 Local Trust Committee Minutes Dated September 24, 2018 (for information)**

Received for information.

**6.2 Section 26 Resolutions-without-meeting Report Dated November 2018**

Received for information.

**6.3 Advisory Planning Commission Minutes**

None

**7. BUSINESS ARISING FROM THE MINUTES**

**7.1 Follow-up Action List Dated November 2018**

RPM (Regional Planning Manager) Kojima spoke to the report. Bylaw Enforcement Notification bylaw is on agenda; Commercial Land Use review is on-going and remaining items have been completed. Board of Variance appointment terms have been completed. There will be an ad for interested persons to apply.

**8. DELEGATIONS**

none

**9. CORRESPONDENCE**

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

**10. APPLICATIONS AND REFERRALS**

**10.1 MA-RZ-2018.1 CRD (Cotton Park) - Staff Report**

Trustee Maude recused himself and left the meeting room at 1:20 p.m. for the next two agenda items due to conflict of interest.

RPM Kojima reviewed staff report on the the CRD (Capital Regional District) application to amend the OCP (Official Community Plan) designation and zoning on a waterfront property that has been donated for park purposes, from a residential designation/zone to a community park designation/zone.

The question was raised as to the possibility of including rezoning of St. John Point in the application.

Trustee Dodds spoke in favour of linking applications and the need to clarify different parks in the OCP/LUB.

RPM Kojima stated there is only one park zone with a number of uses. This could be amended to have Active Park Zone and Passable Park Zones.

RPM Kojima will contact the CRD as to appropriateness of combining the applications.

**Deb Foote** reported that the Conservancy holds a Covenant for St. John Park which limits uses.

Discussion was held on various park classifications.

**Peter Askin** raised concern regarding the combining of the applications delaying the process for Cotton Park.

**MA-2018-054**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee request staff to prepare a draft bylaw to amend Mayne Island Official Plan Bylaw No. 144, 2007 to amend the Official Community Plan designation of South West ¼ of the North East ¼ of Section 14, Mayne Island, except Parcel G (DD89729) from Rural to Community Park.

**CARRIED**

**MA-2018-055**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee request staff to prepare a draft bylaw to amend Mayne Island Land Use Bylaw No. 146, 2008 to amend the zoning of South West ¼ of the North East ¼ of Section 14, Mayne Island, except Parcel G (DD89729) from Rural to Community Park.

**CARRIED**

**MA-2018-056**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee request staff to contact Capital Regional District staff regarding St. John Point rezoning clarifying time line impacts.

**CARRIED**

## 10.2 MA-DVP-2018.4 (Maude) - Staff Report

RPM Kojima reviewed the application for a variance that would allow two lots to be created that do not comply with the depth to width requirements of the LUB (Land Use Bylaw).

Staff noted that the posted/distributed notification had an error: 2 a) should read “depth greater than” not “less than”. This can be amended.

There were comments received from neighbours.

RPM Kojima reviewed the process and regulations for a subdivision.

Chair Rogers asked about Park Dedication as required by Local Government Act, staff explained this only applies if more than 3 lots being created.

Chair Rogers spoke to the requirement of Ministry of Transportation to approve.

RPM Kojima noted that the subdivision application is referred to the Capital Regional District, Ministry of Health, Ministry of Transportation and other agencies as required.

Chair Rogers asked about the notice. He questioned if it would meet notification requirements.

Islands Trust Staff clarified that it's the application that is being amended – not the notice.

Debra Bell raised the following concerns:

- Cited inaccuracy.
- Address stated as Cherry Tree Lane.
- Staff report recommendation to exempt from frontage.
- Personal information in correspondence was not redacted.
- People may not have made comments as they were given insufficient/inaccurate information.
- Future subdivision potential should be considered as should amenity allotment.

RPM Kojima responded:

- Cherry Tree Bay Road is the civic address (staff report).
- 1/10 perimeter frontage: no requirement to notify.
- Names are not part of personal information, which would be an email and address.

Islands Trust Staff reported that the Ministry of Transportation determines if an Archeological Assessment is required.

Deb Foote spoke about: access, environmental impact, setting a precedent, parcels could be divided differently, doesn't need to be waterfront.

RPM Kojima stated that a Subdivision Referral Report has been prepared and forwarded to the Ministry.

Jo Fox raised concern as to eagles nest and 2 skinny waterfront lots likely to disturb nesting site.

Chris Roehrig questioned applicant speaking to subdivision and in lieu of applicant would have been beneficial to have surveyor speak to proposal.

It was stated that building permits could address many of the issues or concerns.

The following motion was moved:

**It was Moved,**

that the Mayne Island Local Trust Committee approve issuance of Development Variance Permit MA-DVP-2018.4(Maude) and amend 2a) to read greater than.

Chair Rogers spoke to the motion regarding concern and error in documents.  
Trustee Dodds withdrew the motion.

**MA-2018-057**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee defer consideration of MA-DVP-2018.4(Maude) and request staff to report the notices with word changes as cited in discussion.

**CARRIED**

Trustee Maude returned to the meeting room at 2:30 p.m.

### **10.3 Salt Spring Island Local Trust Committee Bylaws No. 510 & 511 Referral**

**MA-2018-058**

**It was Moved and Seconded,**

that Mayne Island Local Trust Committee interests are not affected by Salt Spring Island Local Trust Committee Bylaw 510 and 511.

**CARRIED**

### **10.4 Salt Spring Island Local Trust Committee Bylaws No. 512 Referral**

**MA-2018-059**

**It was Moved and Seconded,**

that Mayne Island Local Trust Committee interests are not affected by Salt Spring Island Local Trust Committee Bylaw 512.

**CARRIED**

**10.5 Salt Spring Island Local Trust Committee Bylaws No. 515 Referral**

**MA-2018-060**

**It was Moved and Seconded,**

that Mayne Island Local Trust Committee interests are not affected by Salt Spring Island Local Trust Committee Bylaw 515.

**CARRIED**

**11. LOCAL TRUST COMMITTEE PROJECTS**

**11.1 Commercial Land Use Review Correspondence - Staff Report**

RPM Kojima reviewed the history of the Commercial Land Use Review project, proposed boundary of Miners Bay and policies as to rezoning and increased mixed uses.

The draft bylaw addresses inconsistencies in OCP and LUB wording.

Correspondence has been received regarding proposal.

1. MI (Mayne Island) Brewery: currently operates as a Home Occupation which doesn't allow serving of beverages and food. The amendment would allow for a sampling area. MI Brewery is requesting a larger space as a tasting room.
2. Neighbour has concerns regarding auto repair on Horton Road. Amendments would allow for increased uses.

Trustee Dodds responded and in support of Staff Report: as to the MI Brewery's request, the business is likely to outgrow a Home Occupation. Operators could apply for a Temporary Use Permit.

**MA-2018-061**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee direct staff not to prepare policy amendments in response to the request by the MI Brewery made September 24, 2018 and that staff notify the Brewery.

**CARRIED**

Glenda Johnson spoke to her concerns regarding auto repair. As a 45-year resident she has seen the business develop from a Home Occupation to Commercial. She was not aware that lot had been changed from Site Specific and is opposed to addition of other uses on this site.

Staff reported that the Land Use Bylaw, adopted in 2008, already allows for expanded uses.

There will be other opportunities for community input.

**MA-2018-062**

**It was Moved and Seconded,**

That Mayne Island Local Trust Committee direct staff to not proceed with proposed changes to Bylaw 174 regarding the Auto Repair Shop (Horton Bay/Fernhill Road).

**CARRIED**

A break was taken at 2:36 p.m. - 2:46 p.m.

**11.2 Fee Bylaw Amendment - Retail Cannabis Referrals - Staff Report**

Staff reviewed the report presented for information.

**MA-2018-063**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee Bylaw No. 176, cited as "Mayne Island Local Trust Committee Fees Bylaw No. 145, 2007, Amendment No. 1, 2018", be read a first time.

**CARRIED**

**MA-2018-064**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee Bylaw No. 176, cited as "Mayne Island Local Trust Committee Fees Bylaw No. 145, 2007, Amendment No. 1, 2018", be read a second time.

**CARRIED**

**MA-2018-065**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee Bylaw No. 176, cited as "Mayne Island Local Trust Committee Fees Bylaw No. 145, 2007, Amendment No. 1, 2018", be read a third time.

**CARRIED**

**MA-2018-066**

**It was Moved and Seconded,**

That the Mayne Island Local Trust Committee Bylaw No. 176, cited as "Mayne Island Local Trust Committee Fees Bylaw No. 145, 2007, Amendment No. 1, 2018", forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

**CARRIED**

**11.3 Bylaw No. 171 - Riparian Area Development Permit Area for consideration of adoption - Staff Report**

Staff reviewed the proposed Bylaw which would amend the Mayne Island OCP by adding a Riparian Area Development Permit Area.

**MA-2018-067**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee Bylaw No. 171 cited as, "Mayne Island Official community Plan Bylaw 144, 2007, Amendment No. 1, 2017" 2018 be adopted.

**CARRIED**  
**1 OPPOSED**

Trustee Maude spoke in opposition to the Motion which protects a species that doesn't exist on the island, however he does appreciate that it is a Provincial requirement.

Trustee Dodds reviewed the extensive history of Riparian Areas Regulation process over the past 11 years. While in agreement with Trustee Maude, she supported the Motion just to complete the project.

**12. REPORTS**

**12.1 Work Program Reports**

**12.1.1 Top Priorities Report Dated November 2018**

Staff stated #3 is now completed and off the priorities list.

Trustee Dodds proposed adding the Tiny Homes Initiative to priorities: defining density, what constitutes a "home", enabling more dwellings on a site.

Trustee Maude spoke in favour of this item.

RPM Kojima added that housing is an important item for a number of island communities and is consistent with the Islands Trust strategic plan.

Bylaw Manager Drew reported that this is the second most common issue for bylaw enforcement.

**MA-2018-068**

**It was Moved and Seconded,**

that Mayne Island Local Trust Committee direct staff to remove Priority #3 (completed), move Priority #2 to #1 and add the Tiny Homes Initiative to Priorities List as #2.

**CARRIED**

12.1.2 Projects List Report Dated November 2018

**MA-2018-069**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee direct staff to remove Density on large lot remainders from Projects List.

**CARRIED**

**12.2 Applications Report Dated November 2018**

Received for information.

**12.3 Trustee and Local Expense Report September 2018**

Received for information.

**12.4 Adopted Policies and Standing Resolutions**

Received for information.

Chair Rogers expressed appreciation to Bylaw Manager Miles for his efforts on bylaw items.

**12.5 Local Trust Committee Webpage**

Will be updated according to meeting discussions.

**12.6 Chair's Report**

Chair Rogers reported that Executive will be meeting Wednesday where he will report on Mayne Island LTC and top priorities. Trust Council will be meeting in January. The Annual Report was presented to the legislature and there were a number of positive comments.

**12.7 Trustee Report**

Trustee Dodds reported that the Fallow Deer Committee met with CRD Planner regarding a draft deer management plan.

Trustee Maude stated that it has been an interesting month and that he is pleased the LTC is looking at a number of election issues such as: housing, RAR and Bylaw enforcement.

**12.8 Electoral Area Director's Report**

None

**12.9 Islands Trust Conservancy Report**

None

**13. NEW BUSINESS**

### **13.1 Development of Management Plan for St. John Point & Mount Park, Regional Parks on Mayne Island**

Discussion points included:

- Asking staff to write a letter urging CRD to include a fallow deer management plan.
- Consideration be given to a terminal to Saturna which has been discussed for a number of years

#### **MA-2018-070**

##### **It was Moved and Seconded,**

that Mayne Island Local Trust Committee direct staff to send a letter, under the signature of the Chair, urging the Capital Regional District to include a fallow deer management plan and that consideration given for a British Columbia Ferries short link ferries proposal as part of the St. John Point Regional Park Management Plan.

**CARRIED**

### **13.2 Mayne Island BEN Bylaw No. 173 - Staff Report**

Staff spoke to the staff report and reviewed the bylaw enforcement notification process. The use of North Shore Registry for adjudication has not been working well due to limited spaces. Islands Trust bylaw can now use own facilities and under Provincial mandate, use an adjudicator from Mediate BC. An individual can attend by phone, by letter or in person.

An overview of BEN (Bylaw Enforcement Notification) use on Mayne Island was presented. There have been 16 tickets issued on 10 properties. 7 for STVR (Short Term Vacation Rental) and 9 for other issues. 10 of these have been closed.

BEN appears to be effective for the island.

Some issues have been identified related to bylaw processes/procedures versus BEN.

#### **MA-2018-071**

##### **It was Moved and Seconded,**

that Mayne Island Local Trust Committee defer Bylaw Enforcement Notification amendments to the January 2019 meeting.

**CARRIED**

## **14. UPCOMING MEETINGS**

### **14.1 2019 LTC Annual Meeting Schedule For Adoption**

#### **MA-2018-072**

##### **It was Moved and Seconded,**

that the Mayne Island Local Trust Committee 2019 meeting schedule, as presented, be adopted noting location is Agricultural Hall.

**CARRIED**

**15. TOWN HALL**

**Ian Dow** questioned BEN and what happens if a person pays fines and continues to violate the bylaw. Staff reported that they would continue with enforcement.

Staff also stated that STVR is now covered by a standing resolution as opposed to complaint driven.

**Paula Buchholz** questioned the St. John Point short link by ferry to Saturna. Access to St. John Point would necessitate access across her property and is concerned as to land value.

Trustee Dodds related that this proposal had been put forward many years ago and is just an idea.

**16. CLOSED MEETING - (Distributed Under Second Cover)**

**16.1 Motion To Close the Meeting**

**MA-2018-073**

**It was Moved and Seconded,**

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

- *Adoption of In-Camera Meeting Minutes Dated July 30, 2018*
- *Legal Advice*

*AND that the recorder and staff attend the meeting.*

**CARRIED**

**16.2 Recall To Order**

Regular meeting was recalled to order at 3:58 p.m.

**16.3 Rise and Report**

**17. ADJOURNMENT**

**By general consent** the meeting was adjourned at 4:00 p.m.

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Dan Rogers, Chair

Certified Correct:

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Pat Todd, Recorder

## Follow Up Action Report

### Mayne Island

#### 30-Jul-2018

| Activity                                           | Responsibility         | Target Date | Status |
|----------------------------------------------------|------------------------|-------------|--------|
| Board of Variance - proceed as recommended in memo | Sharon Lloyd-deRosario |             | Done   |

#### 24-Sep-2018

| Activity                                                                         | Responsibility  | Target Date | Status |
|----------------------------------------------------------------------------------|-----------------|-------------|--------|
| Commercial Land Use Bylaw Review                                                 | Gary Richardson |             | Done   |
| 1) amend boundary to include Lot 16 by Community Hall - DONE                     |                 |             |        |
| 2) add Industrial zone removal to LUB amendment -DONE                            |                 |             |        |
| 3) mail notice to owners affected by the bylaws -                                |                 |             |        |
| 4) place an add in the Mayneliner requesting comment on Draft Bylaws 171 and 172 |                 |             |        |
| 5) Forward draft bylaws to First Nations and agencies for comment                |                 |             |        |

#### 26-Nov-2018

| Activity                                                                                                                                                        | Responsibility  | Target Date | Status |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------|--------|
| 10.1 MA-RZ-2018.1 (CRD- Cotton Park):                                                                                                                           | Gary Richardson | 17-Dec-2018 | Done   |
| 1. Staff to draft bylaws as recommended                                                                                                                         |                 |             |        |
| 2. Staff to contact CRD staff and report back on feasibility of including St. John Point in rezoning and if timeline for cotton park rezoning would be affected |                 |             |        |



## Follow Up Action Report

|                                                                                                                                                                                                                                                                       |                                           |             |      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-------------|------|
| MA-DVP-2018.4 (Maude) - application tabled, staff to re-post and re-notify and bring back at January meeting.                                                                                                                                                         | Gary Richardson<br>Sharon Lloyd-deRosario | 17-Dec-2018 | Done |
| Salt Spring bylaws 510, 511, 512,515 - interests unaffected                                                                                                                                                                                                           | Sharon Lloyd-deRosario                    | 17-Dec-2018 | Done |
| 11.1 Commercial Land Use Review -<br>1. Mayne Island Brewery - no change to draft bylaws (as recommended) and notify owner<br>2. Horton and Fernhill - change draft OCP amendment to designate auto repair only in OCP in this location only, no changes to draft LUB | Gary Richardson                           | 21-Dec-2018 | Done |
| 11.2 Fees Bylaw Amendment - as recommended, first 3 readings and referral to EC                                                                                                                                                                                       | Sharon Lloyd-deRosario<br>Robert Kojima   | 17-Dec-2018 | Done |
| 11.3 Bylaw 171 - Adopted                                                                                                                                                                                                                                              | Sharon Lloyd-deRosario                    | 17-Dec-2018 | Done |
| 13.1 St John's Point: draft letter to CRD under signature of Chair requesting that park management plan should include deer management plan and that consideration be given for short link ferry proposal.                                                            | Gary Richardson                           | 21-Dec-2018 | Done |
| 13.2 BEN - tabled and to be brought back to January meeting                                                                                                                                                                                                           | Sharon Lloyd-deRosario                    | 17-Dec-2018 | Done |
| 14.1 Annual Meeting Schedule adopted as presented                                                                                                                                                                                                                     | Maple Hung                                | 29-Nov-2018 | Done |
| 12.1 Work Program: amended to remove RAR, move contractors' yards to #3, and add as #2 "tiny homes initiative"<br>Update projects list to remove large lot remainder density                                                                                          | Robert Kojima                             | 29-Nov-2018 | Done |

## Follow Up Action Report

|                                                    |                 |             |      |
|----------------------------------------------------|-----------------|-------------|------|
| Invite MoTI staff to LTC meeting early in new year | Gary Richardson | 21-Dec-2018 | Done |
| In-camera minutes adopted as presented             | Maple Hung      | 07-Dec-2018 | Done |

# The Pender Islands Trust Protection Society

6604 Harbour Hill Road, Pender Island, B.C. V0N 2M1

To: Mayne Island Local Trust Committee

November 5, 2018

Dear Trustees Jeanine Dodds & David Maude

Please accept our Invitation to attend or send representation to the following Community Service Event put forth for the Pender Islands and the Southern Gulf Islands generally.

The Pender Islands Trust Protection Society and the Pender Islands Conservancy Association have joined forces to bring forth an urgently needed conversation by all residents & property owners on the serious on-going issue of Watersheds, Groundwater, & the Ramifications of Climate Change - the whole picture – What does the Future Hold for the Pender Islands, and the Southern Gulf Islands generally (April, 2019).

Yes, I am sure you have had this conversation, in part, before in the area of ‘fresh water supplies’. Often when putting on groundwater educational seminars or even providing informational literature the whole picture is not shown of the need of watershed, the quality & quantity of groundwater & source, plus what are the ramifications we are experiencing from climate change affecting this diminishing resource, and the big question of what we as individuals and community as a whole can do to help alleviate these ramifications.

For this community service event, we are bringing in the scientists and experts to assist us in this serious dilemma of what does the future hold for the Southern Gulf Islands, the Pender Islands in particular. (informational pamphlet attached)

So, we are bringing forth a ‘panel of scientists & experts’ to show the “Whole Picture” as watersheds, fresh water supplies and ramifications of climate change are linked. We’ve done the studies & monitoring and it is now past the time for action. This is an opportunity to take steps to learn what we, as individuals & communities of the Southern Gulf Islands, can do to protect the remaining resources of watersheds, which includes groundwater and fresh water bodies, for both have the same basic recharge mechanism – **Putting it all Together - You, Me & the Ecology** for we too are linked, and make sure ‘appropriate action’ is taken.

With the Islands Trust mandate (in part) of *"The object of the Trust is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area -----"* the need has become urgent to take action for that very statement, and the ultimate well being of us all.

We Invite you to join us for the seminar – final details of the agenda are a work in process with the Pender Islands Community Hall reserved. You will be provided with a final agenda as soon as available.

Looking forward to your reply -

Please feel free to contact the unsigned if further information is required. Thank you for your support.

Yours truly

Sara J. Steil – Director & Coordinator  
The Pender Islands Trust Protection Society

c.c. Robert Kojima - Regional Planning Manager

Contact – [steils@shaw.ca](mailto:steils@shaw.ca) ph: 250-629-6885 and/or Rhondda Porter - [RhonddaPorter@shaw.ca](mailto:RhonddaPorter@shaw.ca) ph: 250-629-6806

**Sponsored by: -**

**The Pender Islands Trust Protection Society & the Pender Islands Conservancy Association**

## **Community Service Event**

### **What does the Future hold for the Pender Islands?**

**The Southern Gulf Islands and the Islands Trust Area generally?**

What resources do we need to protect?

What actions should our local government do to facilitate these urgent 'needs for protection' of these resources?

#### **What Makes Sense?**

Watersheds - Do trees as a living resource matter?

How do forests provide for our well-being?

**Let's make a list!**

AND THEN THERE IS -

Groundwater - aquifers - How do they recharge? When do they recharge? What happens if they get too low? How much water is in your well? Do you keep a log to show holding or declining water levels?

### **Watersheds, Groundwater, and Climate Change Seminar**

Featuring: Ecologist/Forester Andy MacKinnon, and Canadian Forest Service – Pacific Region Werner Kurz; William Shulba Geoscientist (P.Geo) - Freshwater Specialist with the Islands Trust; Climate Change & Conservation Nina Morrell

2019: - Saturday, April 13<sup>th</sup> 9:30 to 1:00 and Sunday, April 14<sup>th</sup> 1:00 to 4:00

At the Pender Island Community Hall

Subject to change re times and addition content

### **Putting it all Together - You, Me & the Ecology**

**Looking forward to more community groups joining us in support or willing to co-sponsor – as a community we have to participate and work together**

Co-sponsored by the Pender Islands Farmer's Institute – 'Awareness in the Farming Community & beyond'; Co-sponsor The Pender Islands Health Care Society – 'Community Awareness'

**Supported by The Magic Lake Property Owners Association; the Magic Lake Water & Sewer Commission; Buck Lake Property Owners Association; Pender Islands Field Naturalists**

We are working towards bring more organizations on board including both North & South Local Trust Committees, invitations to other Southern Gulf Islands of Galiano, Mayne, Saturna & Salt Spring; and the Capital Regional District.

Sara J. Steil – event Co-ordinator

Pender Islands Trust Protection Society – Director / Email: [steils@shaw.ca](mailto:steils@shaw.ca) / Ph: 250-629-6885

**Sponsored by: -**

**The Pender Islands Trust Protection Society & the Pender Islands Conservancy Association**

## **Community Service Event**

### **What does the Future hold for the Pender Islands?**

**The Southern Gulf Islands and the Islands Trust Area generally?**

What resources do we need to protect?

What actions should our local government do to facilitate these urgent 'needs for protection' of these resources?

#### **What Makes Sense?**

Watersheds - Do trees as a living resource matter?

How do forests provide for our well-being?

**Let's make a list!**

AND THEN THERE IS -

Groundwater - aquifers - How do they recharge? When do they recharge? What happens if they get too low? How much water is in your well? Do you keep a log to show holding or declining water levels?

### **Watersheds, Groundwater, and Climate Change Seminar**

Featuring: Ecologist/Forester Andy MacKinnon, and Canadian Forest Service – Pacific Region Werner Kurz; William Shulba Geoscientist (P.Geo) - Freshwater Specialist with the Islands Trust; Climate Change & Conservation Nina Morrell

2019: - Saturday, April 13<sup>th</sup> 9:30 to 1:00 and Sunday, April 14<sup>th</sup> 1:00 to 4:00

At the Pender Island Community Hall

Subject to change re times and addition content

### **Putting it all Together - You, Me & the Ecology**

**Looking forward to more community groups joining us in support or willing to co-sponsor – as a community we have to participate and work together**

Co-sponsored by the Pender Islands Farmer's Institute – 'Awareness in the Farming Community & beyond'; Co-sponsor The Pender Islands Health Care Society – 'Community Awareness'

**Supported by The Magic Lake Property Owners Association; the Magic Lake Water & Sewer Commission; Buck Lake Property Owners Association; Pender Islands Field Naturalists**

We are working towards bring more organizations on board including both North & South Local Trust Committees, invitations to other Southern Gulf Islands of Galiano, Mayne, Saturna & Salt Spring; and the Capital Regional District.

Sara J. Steil – event Co-ordinator

Pender Islands Trust Protection Society – Director / Email: [steils@shaw.ca](mailto:steils@shaw.ca) / Ph: 250-629-6885

DATE OF MEETING: January 28, 2019

TO: Mayne Island Local Trust Committee

FROM: Gary Richardson, Island Planner  
Southern Team

SUBJECT: Development Variance Permit

Applicant: Wey Mayenburg Land Surveying

Location: 484 Cherry Tree Bay Road, Mayne Island

## RECOMMENDATION

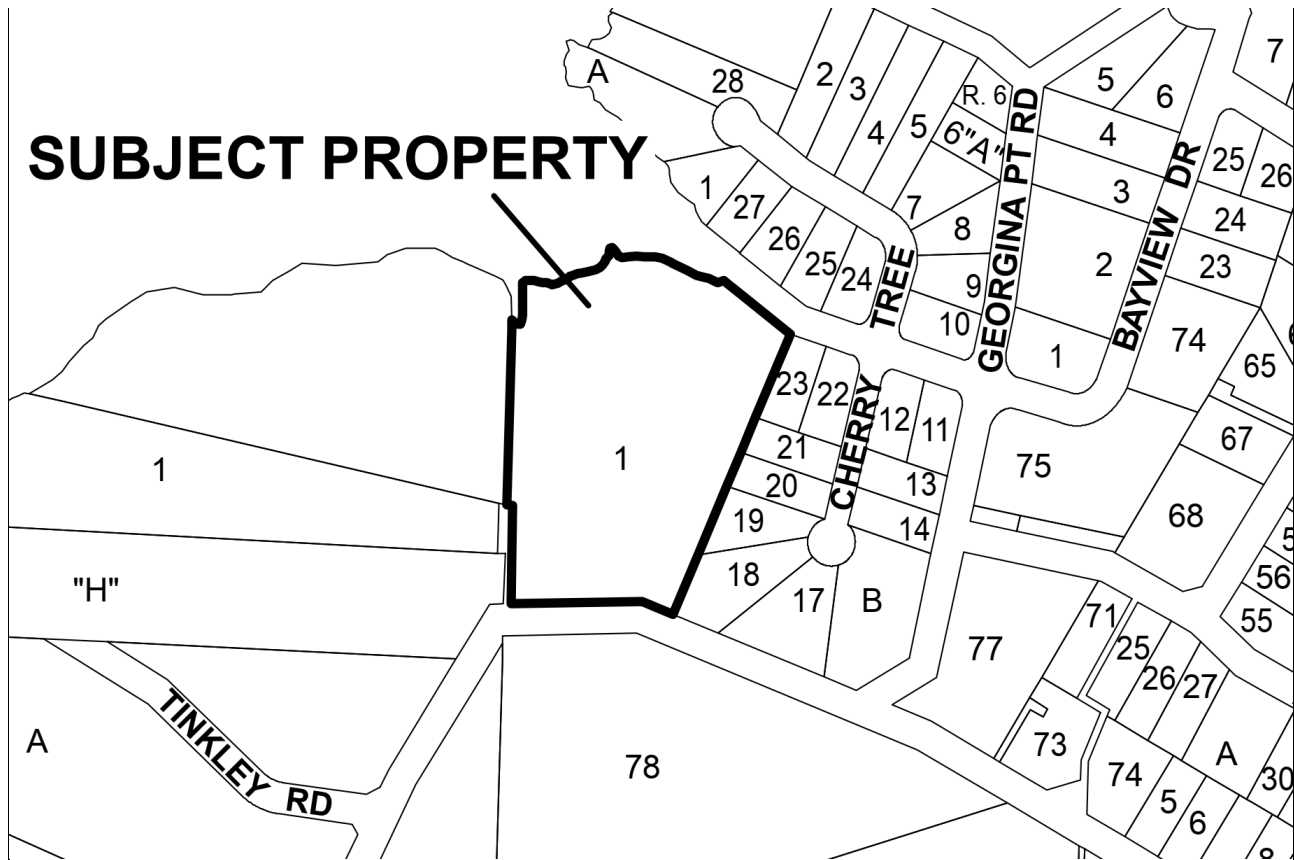
1. That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit MA-DVP-2018.4 (Maude)
2. That the Mayne Island Local Trust Committee exempt proposed Lots A and B of subdivision MA-SUB-2018.4 (*Mayenburg*) from the 1/10 perimeter provision of Section 512 of the *Local Government Act*.

## 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 supported as the placement of existing buildings and future subdivision potential allows for limited lot configurations. Access off Cotton Road appears to be safer than having driveway access off Georgina Point Road. Concerns regarding location of the eagles nest and archaeological sites has been forwarded to the subdivision approving authority (Ministry of Transportation and Infrastructure) for their consideration.

Figure 1: Subject Property



## BACKGROUND

The proposal is to allow two new lots to be created that do not comply with the depth to width requirements of the LUB.

The Ministry of Transportation and Infrastructure (MoTI) is the approving authority for subdivisions within the Islands Trust area. Applications are received by MoTI and then referred to various agencies for comment, the Islands Trust being one of those agencies.

This variance application is a result of a subdivision review carried out on a subdivision application referred to the Islands Trust from MoTI. During the review it was determined that the proposed lot did not comply with the depth to width requirements contained in the Mayne Island Land Use Bylaw.

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

Subsection 8.5 (2) which states that no lot in a proposed subdivision may have an average depth greater than five times its average width is varied to permit the subdivision of two lots (proposed lots A and B) that have an average depth greater than five times their average width.

Proposed Lot A has an average depth of approx. 6.3 times its average width.

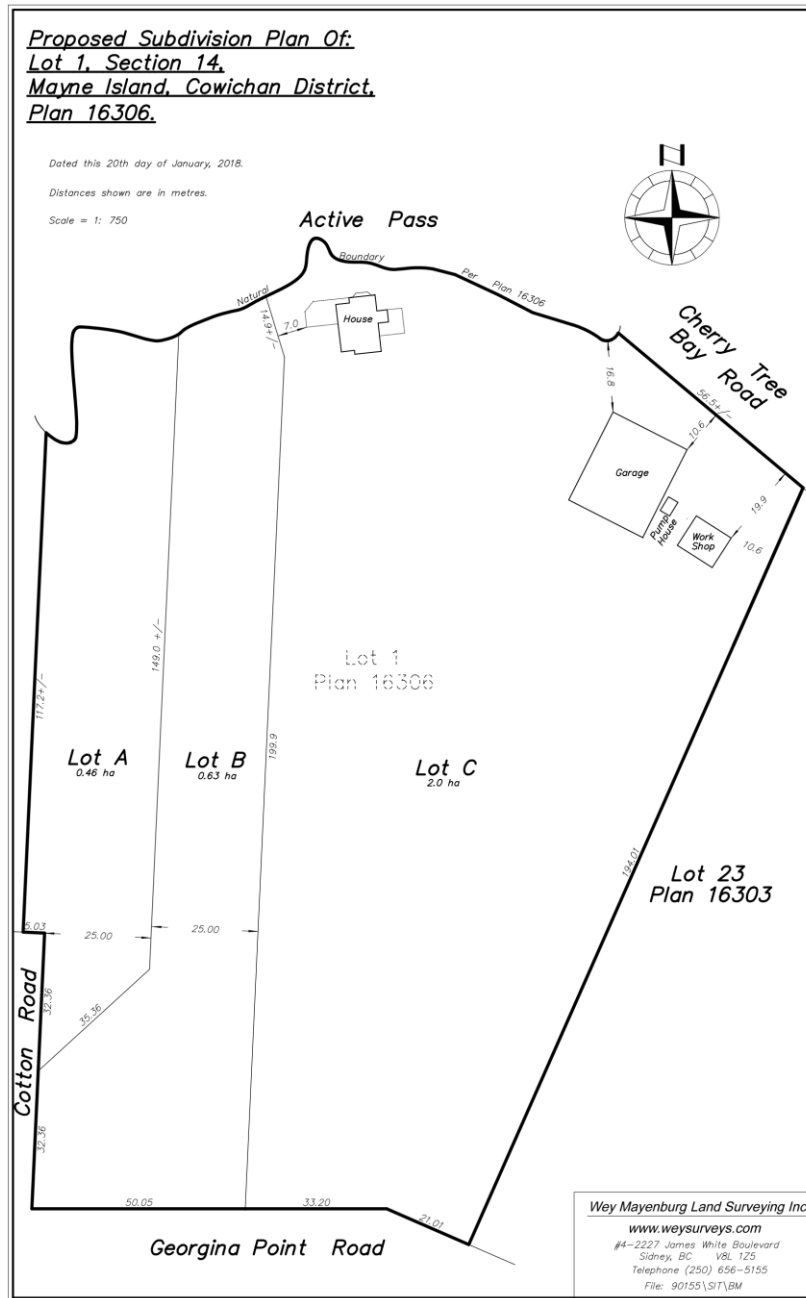
Proposed Lot B has an average depth of 6.5 times its average width.

The application would also require a resolution of the LTC to waive the 10% frontage requirement of S. 512 of the Local Government Act.

The variance notification was carried out previously and a permit was considered at the November 26, 2018 LTC meeting. Due to errors in the notice and permit the decision was deferred until wording errors could be corrected and the notice and draft permit re-circulated.

A copy of the Notice is **Attachment 1** and the Proposed MA-DVP-2018.4 Permit is **Attachment 2**. Staff visited the property on October 18, 2018.

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 Conservancy:***

This application has no considerations for the Islands Trust Conservancy 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:

- Lot configuration with road access is limited to the rear of the property.

#### ***Archeological Sites***

The approval of this variance and the layout of the lots should not impact on the archeological sites.

#### ***The Overall Intent of the Regulation (s) being Varied***

The overall purpose of the depth to width regulation is to:

- Limit the visual impact of development on adjacent properties.
- Establish a consistent development pattern within a local area.
- When appropriate avoid the development of long thin lots.
- Maintain 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 January 18, 2019. To date the following concerns have been received:

- Concern about increased traffic on Cotton Road.
- Lots should be accessed from Georgina Point Road.
- Eagles nest has been observed at cotton Park, development of lots and homes in vicinity will ensure disappearance of Eagles in Cotton Park.
- BC Wildlife Act suggests setbacks from an eagles nest.
- Why allow long skinny lots? Abide by the current rules.
- Concerned about enough space to site wells and septic.
- Proposed lot area could be added to Cotton Park.
- Development on subject property would be detrimental to the inhabitants (wildlife) of Cotton Park.
- Concerns about the effect of development on archaeological sites.
- Concern about the size of the variance being requested.
- Concern about double frontage lot.
- Suggest covenant regarding future development be registered on parcel.
- Should create 5 lots with an amended the layout.

As a result of the previous notification (November 2018) and the recent notification 4 pieces of correspondence have been received and are attached. (attachment 3). Some were sent in by more than one individual.

Complete copies of correspondence has been provided to the Mayne LTC.

Any submissions received prior to the LTC meeting will be forwarded to Trustees and reported on at the January 28, 2019 LTC meeting.

## **Rationale for Recommendation**

Staff is recommending that the variance be supported for the following reasons:

- Archaeological sites are located along the shoreline and protected by existing setbacks from the sea; however archaeological potential is shown in various locations on the property. MoTI has been made aware that there are archaeological sites on this property.
- The BC Wildlife Act contains provisions making it an offense to destroy an eagle nest. Best practises suggest setbacks from eagles nests be maintained. Staff will advise MoTI of the location of the nest so that it can be considered in their approval process.
- MoTI requires tests be done prior to subdivision approval to determine if the lots being created have septic capability. Section 8.11 of the Mayne Island Land Use Bylaw requires proof of potable water for each lot being created.
- Allowing the lots to have access to Cotton Road may be beneficial given the level of traffic that uses Georgina Point Road. It could also result in shorter driveways and thus less disturbance on the lots. This being said the Ministry of Transportation and Infrastructure has the expertise and final approval authority regarding road access.

- Creating lots that comply with the depth to width ratio would be difficult given that: the SR zoning allows 5 lots to be created from this 3.06 ha parcel; the configuration of the parent lot; and road access. The location of the existing house makes it difficult to subdivide the property evenly and meet the width to depth requirement.
- There is a reasonable expectation that the lots can be developed in this configuration as the lots are large enough to allow buildings to comply with setback requirements, be developed for residential use and have good road access.
- The configuration of the proposed lots would result in frontage of less than 10% of the perimeter, necessitating a resolution of the LTC waiving the requirement. Despite this, the lots would still comply with the minimum frontage in the bylaw.
- The concerns regarding the eagles nest and archaeological sites will be forwarded to the Ministry of Transportation and Infrastructure for their consideration as they are the approving authority for subdivisions within the Islands Trust Area.

## 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. Deny the application

The LTC may deny the variance.

Recommended wording for the resolution is as follows:

*That the Mayne Island Local Trust Committee deny issuance of development variance permit MA-DVP-2018.4 (Maude).*

|               |                                        |                  |
|---------------|----------------------------------------|------------------|
| Submitted By: | Gary Richardson, Island Planner        | January 21, 2019 |
| Concurrence:  | Robert Kojma/Regional Planning Manager | January 22, 2019 |

## ATTACHMENTS

1. Notice
2. Draft Permit
3. Correspondence



Islands Trust

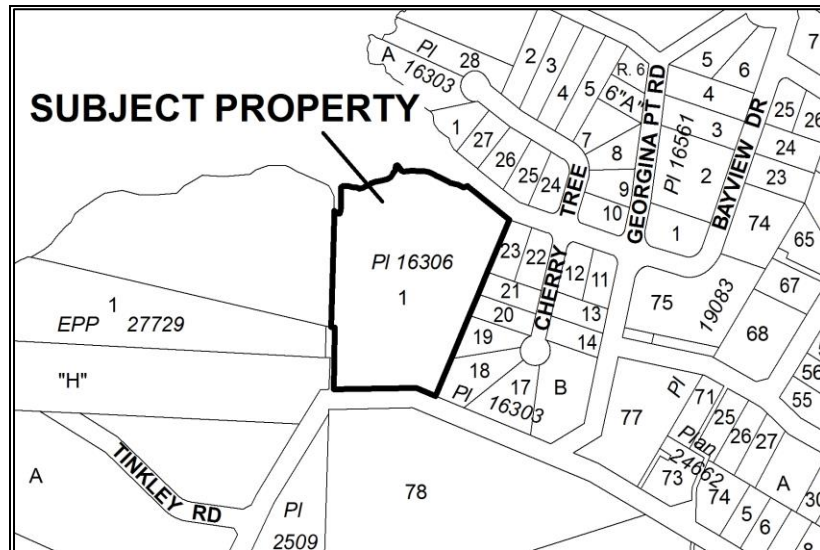
**NOTICE  
MAYNE ISLAND LOCAL TRUST COMMITTEE  
MA-DVP-2018.4**

**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 8.5 (2) which states that no lot in a proposed subdivision may have an average depth greater than five times its average width is varied to permit the subdivision of two lots that have an average depth greater than five times their average width.

The property is located at 484 Cherry Tree Bay Road and is legally described as Lot 1, Section 14, Mayne Island, Cowichan District, Plan 16306. PID: 004-486-200.

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, **January 7, 2019** and up to and including, **January 18, 2019**.

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, **January 7, 2019**.

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](mailto:information@islandstrust.bc.ca), before 4:30 p.m., **January 18, 2019**. 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., January 28, 2019**, 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-2018.4**

To: David Maude

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

Lot 1, Section 14, Mayne Island, Cowichan District, Plan 16306  
(PID: 004-486-200)

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

- a) Subsection 8.5 (2) which states that no lot in a proposed subdivision may have an average depth greater than five times its average width is varied to permit the subdivision of two lots (proposed lots A and B) that have an average depth greater than five times their average width.
- b) The development shall be consistent with Schedule 'A' which is 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

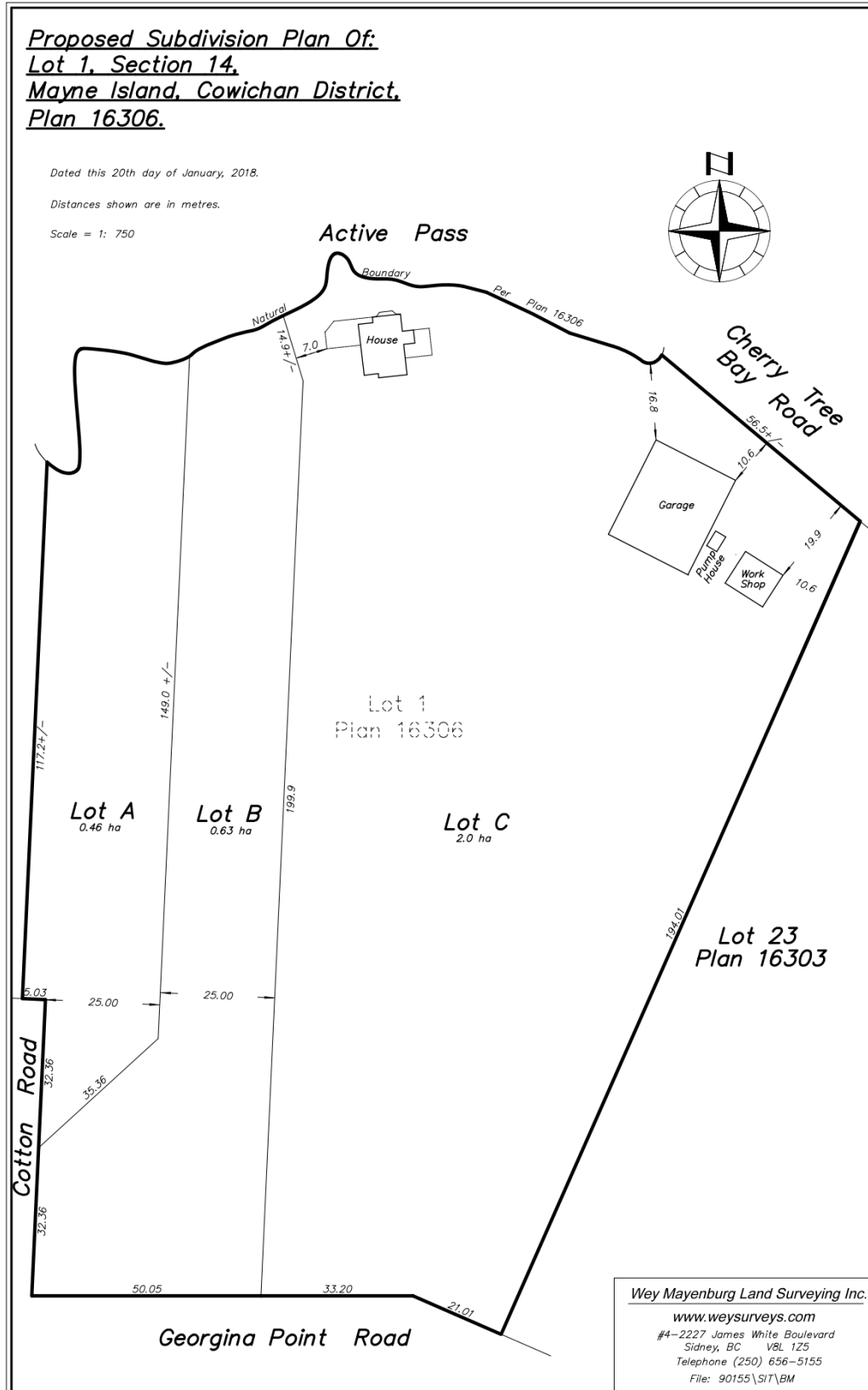
\_\_\_\_\_  
Date of Issuance

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

MAYNE ISLAND LOCAL TRUST COMMITTEE

MA-DVP-2018.4

SCHEDULE 'A'



**From:** Martin Glynn [REDACTED]  
**Sent:** Tuesday, October 16, 2018 4:00 PM  
**To:** Gary Richardson <grichardson@islandstrust.bc.ca>  
**Subject:** Fwd: Application at 484 Cherry Tree Lane for a variance

Further to my email I meant Georgina Point Road not Cherry Tree Lane for suggested road access as road access is from Georgina Point Road now. Also I might add two long skinny lots are not in keeping with the spirit of the zoning in the area and I would likely not be in favour if I had a vote.

Martin Glynn

Sent from my iPad

Begin forwarded message:

**From:** [REDACTED]  
**Date:** October 16, 2018 at 11:57:26 AM PDT  
**To:** grichardson@islandstrust.bc.ca  
**Subject:** Application at 484 Cherry Tree Lane for a variance

It was nice speaking to you today. Thanks for clarifying the zoning of the property and that it is permissible to subdivide. My one concern relates to the increased traffic on Cotton Road as I share the road with the park. As there may be a chance for greater activity at the park anyway it seems sensible for these new lots to be accessed from Cherry Tree Lane and not from Cotton Road. I get intruders and people taking the wrong turn occasionally on my road and it is already a big change to have a park next to me instead of a private home. The park won't benefit either from more traffic on Cotton Road.

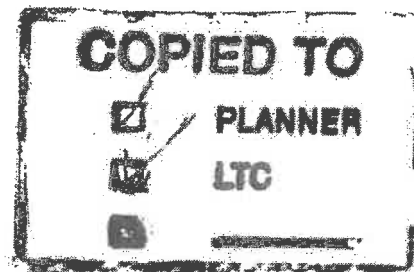
Thanks for considering my comments.

Martin Glynn, 213 Cotton Road [REDACTED]

Sent from my iPad

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

From: Jo Fox [REDACTED]  
Sent: Friday, October 26, 2018 4:43 PM  
To: information <information@islandstrust.bc.ca>  
Cc: DEBRA BELL [REDACTED]  
Subject: Proposed Maude Property subdivision



Forgive the lateness of this submission. Please provide this information to Gary Richardson for Monday's Islands Trust meeting on Mayne Island.

Please consider this submission to be from myself and Debra Bell. We are both volunteers at Cotton Park and property owners in the vicinity, and we have concerns about the proposed subdivision of the Maude property:

1. An eagle nest has been observed in trees in Cotton Park adjacent to the borders of the proposed subdivision - Islands Trust's mandate is to preserve natural habitat. Active Pass is an Official Bird Watch area and Cotton Park is promoted as a wildlife refuge area. Having the elimination of the forest and construction of homes, and possible docks, in the vicinity of the park will ensure the disappearance of eagles in Cotton Park.
2. Why allow these long, skinny lots at all? Why not have the proposed subdivision abide by the current rules?
3. The rules say that, to abide by environmental standards, a well must not be within 100 feet of a septic system. If wells need to be accommodated on these two lots (it may be that the Georgina Point Lighthouse District cannot accommodate any additional users on its system), will there be enough space to separate the wells and the septic systems?
4. Perhaps the Islands Trust can coordinate with CRD in the manner that happened on Galiano Island, whereby Matthews Point Regional Park was created through the purchase/acquisition of this Active Pass property and it became a unique park destined to preserve the natural environment. This would be an opportunity to add to the existing Cotton community park on Mayne, through purchase or the requirement that this portion of the Maude property be donated as an amenity to the variance - a common practice required of developers - if granted by the Islands Trust.

All of which is respectfully submitted,

Yours truly,

Joanne Fox  
Debra Bell

**COMMENTS REGARDING  
NOTICE  
MAYNE ISLAND LOCAL TRUST COMMITTEE  
MA-DVP 2018.4**

**1. ECOLOGICAL and ENVIRONMENTAL SENSITIVITY**

The property that is the subject of the DVP and proposed subdivision is located directly adjacent to the Fred and Bette Cotton Community Park ("Cotton Park"). This park was created and intended to be a wildlife refuge and safe haven for an extremely fragile ecosystem located on Active Pass. It is home to many species including a nesting pair of bald eagles and black-tailed deer. Development on an adjacent property would be detrimental to the well-being of the inhabitants of this park. The unique circumstances whereby the subject property is neighbour to this park must weigh heavily in assessing the application. Specifically, the following matters need to be addressed:

**a. EAGLES, MARINE LIFE and OTHER SPECIES**

*The legendary eagles of Cotton Park are survivors of the first order. Their strength and tenacity and parental devotion to their offspring, in even the most challenging situations, demands our utmost respect and admiration...(see Appendix 1: Observations of the Eagles of Cotton Park)*

The BC Wildlife Act, s. 34 states:

A person commits an offence if the person...possesses, takes, injures, molests or destroys

- (a) a bird or its egg,
- (b) the nest of an eagle...

This section provides protection for eagle nests year-round, whether or not the nest is in use. Current guidelines include buffer zones of 100 metres of undisturbed natural vegetation around the nest tree with a further 100 metres during nesting season. This ensures the viability of this active breeding pair and their offspring which is especially critical during the early spring and summer breeding season.

The Wildlife Tree Stewardship (WiTS) program and the Bald Eagle and Osprey Nest registry are designed to support the protection of nest trees covered under this Act.

Shoreline protection all along Active Pass is essential to maintain the survival of many species, including resident otters and mink, seals and sea lions, eagles, sea birds and ducks and the rich intertidal and marine life that supports them all. It

is no accident that the resident orcas frequent these inshore waters. The federal Migratory Birds Regulations, s. 6 contains general prohibitions against the disturbance and destruction of nests and s. 5.1(1) and (2) of the federal Migratory Birds Convention Act prohibits the deposit of harmful substances into areas frequented by migratory birds.

Eagles nest in the largest trees in the forest, especially old Douglas Firs. Removal of nearby trees can affect the stability of the nest tree. These eagles need to be protected from pending development proposals adjacent to their nest tree. They are already exposed to the operation of a waste transfer station and the recent felling of many mature firs on the subject property.

If the variance is allowed, there could be a greater loss of trees; two additional residences, driveways and outbuildings well-within 100 metres of the eagles' nest. Two narrow lots with access to the foreshore will have a more negative impact on the eagles, marine life and other species than one properly configured lot.

#### **b. ARCHAEOLOGICAL CONCERNS – RED ZONE**

Archaeological evidence of extensive First Nations habitation exists along Active Pass from the Georgina Point Lighthouse to Maude Bay to Cotton Park. Archaeology sites are protected by the Heritage Conservation Act.

These archaeological sites are identified by the provincial RAAD system for the subject property. (Staff report re: File No. MA-DVP-2018.4 (Maude) submitted November 5, 2018 ("Staff Report")).

There are also archaeological sites identified on Cotton Park. In recommending approval of the application to change the zoning of the park from rural to park that particular staff report stated:

Park use with no further construction of any substantial buildings requiring site alteration **will allow the archaeological sites to remain undisturbed.**

And yet the Staff Report regarding this application states that the layout of the lots **should not impact on the archaeological sites.** Would two narrow lots with access to the foreshore not have more impact on the sites than one properly configured lot? More houses, more outbuildings with greater impact on the land. There should be consistency with respect to the protection of archaeological sites when dealing with adjacent properties.

It is requested that an Archaeological Assessment be completed before considering the application for a variance.

**c. CONSERVANCY BIOLOGISTS**

It is requested that Conservancy biologists assess the land before considering the application for a variance.

**d. WELLS AND WASTE DISPOSAL**

Environmental standards regulations stipulate that a well must not be located within 100 feet of a septic system. If wells need to be accommodated on proposed Lots A and B will there be enough space to separate the wells and the septic systems?

**2. MAYNE ISLAND LAND USE BYLAW NO. 146, 2008 ("LUB"); SUBSECTION 8.5(2)**

**Subsection 8.5(2): No lot in a proposed subdivision may have an average depth greater than five times its average width.**

The purpose of this subsection is to ensure that lots are developed with a shape that specifically takes into consideration the depth of the lot compared to its width. "This limits the visual impact of development on adjacent properties; maintains rural character and... avoids the development of long thin lots." (Staff Report)

A depth any greater results in long, narrow lots which is problematic. Driveways become inappropriate due to their length; more trees are cut down; it is more difficult to place wells and septic systems and the property is more difficult to landscape. The visual impact of development on the adjacent property – Cotton Park – would be extremely negative.

**a. How many lots require the variance?**

The DVP is proposing not one, but two lots which exceed the allowable shape. If the permit is approved and development allowed there could be two long driveways in close proximity to each other and potentially two houses and several outbuildings meaning more trees are cut down, negatively affecting the ecological integrity of the land.

**b. A variance could be small or large; how much of a variance are we talking about?**

Let's consider an allowable depth to width ratio of 1 to 1. If a variance were applied for to increase the depth to width ratio to 2 to 1, an increase of 1 doesn't sound like much but that is deceiving. A ratio of 2 to 1 would result in a 100% increase in depth over what is currently allowable. Thus, the ratio is important to assess in percentage terms and not just in terms of numbers.

What are the actual proposed ratios? As a layperson one cannot calculate precisely; however, Lot A appears to have a proposed ratio of over 6.5 depth to width ((150 + 15)/25). An increase from 5 (currently allowed) to 6.5 would be a **20%** increase in depth. Lot B appears to have a proposed ratio somewhere between 6.5 and 7.5 depth to width. In percentage terms it would be a **33%** increase in depth. These are not immaterial amounts.

It is possible to create two lots which meet the current bylaw and no variance is required, although one may not be waterfront. We respectfully request the Local Trust Committee pursue that option.

**c. Placement of current buildings**

The siting of the current dwelling and accessory buildings should not be a concern of the community or the Local Trust Committee in determining whether to approve the variance requested here.

**d. Road access**

Several driveways accessing Cotton Road may be a hazard. Cotton Road is expected to be busy in the summer with visitor traffic, and adding driveways will only increase the traffic. Also, the parking lot at Cotton Park is relatively small and during busy periods cars park on the side of Cotton Road. Several driveways on Cotton Road will either result in them parking too close to the driveway blocking vision or force them to park on Georgina Point Road which has narrow shoulders and this is a safety issue.

**3. LUB: SUBSECTION 8.8(1) - DOUBLE FRONTAGE LOTS**

**Subsection 8.8(1) No lot having frontage on more than one highway, other than a corner lot, may be created by subdivision.**

The proposed Lot C would have frontage on Georgina Point Road and Cherry Tree Bay Road and it is not a corner lot. This subsection appears to forbid creation of this lot in this subdivision.

**4. FUTURE SUBDIVISION POTENTIAL**

The Staff Report states that one of the reasons for recommending the issuance of this DVP is that **future subdivision potential** allows for limited lot configurations. The zoning apparently allows for a total of five lots to be created from the subject property.

Future subdivision potential should not be used as a rationale for allowing the DVP without also giving consideration to section 510 of the Local Government Act which states if there were a future subdivision within 5 years of the initial subdivision the owner must provide parkland (preferably) of 5% of the land being subdivided.

Should the community not benefit in some way in consideration for granting a variance? The Local Trust Committee should consider requesting a reasonable donation of land adjacent to Cotton Park a condition of approval of this DVP.

#### 5. LUB: SUBSECTION 8.3(2) - COVENANTS PROHIBITING FURTHER SUBDIVISION AND DEVELOPMENTS

Subsection 8.3 (2) requires an applicant to grant a covenant complying with s. 2.6 of the bylaw where the **proposed** subdivision yields fewer than the maximum number of lots which might otherwise be allowed and the lots meet certain size requirements, as in this case. Technically five lots could be created and the proposed subdivision at this point in time is for three lots. Subsection 2.6(1) **Covenants** appears to require the covenant be granted to the Local Trust Committee and delivered in registerable form satisfactory to the Local Trust Committee **prior to the granting of the approval...in respect of which the covenant is required**. If these sections are applicable, has there been compliance?

#### 6. COMMUNITY ASSETS AND SOLUTIONS

The following are two options which are beneficial to all:

1. An agreement is reached between the applicant and interested community groups and parties to acquire proposed Lot A and possibly Lot B, to be kept in their natural state and added to Cotton Park or a new park created. In this case there would be no objection to the DVP as the size and shape of the lots would be irrelevant if they were not going to be developed and become parkland. Preserving the beauty and pristine shoreline of Active Pass is the right thing to do. On Galiano Island, Matthews Point Regional Park was created through the purchase/acquisition of this Active Pass property and it became a unique park destined to preserve the natural environment. Mayne Island should do their part to protect Active Pass waterfront.
2. Another option to consider is the creation of five lots. Lot A could be donated or partially donated/sold to Cotton Park; and two small lots could be created on Georgina Point Road with no waterfront. This would create a range of properties; some with lower and more accessible prices for people seeking a modest dwelling; thereby creating two community assets: the park addition and affordable housing. This should still allow for a similar profit on the sales resulting in two remaining valuable waterfront acreages but with less disturbance to critical ecosystems and the red zone waterfront.

Can the Local Trust Committee facilitate an opportunity for interested parties to reach an agreement in this matter?

## **Appendix 1**

### **Observations of the Eagles of Cotton Park by T. Glatthaar**

The legendary eagles of Cotton Park are survivors of the first order. Their strength and tenacity and parental devotion to their offspring, in even the most challenging situations, demands our utmost respect and admiration. Yet they may be impacted by pending development proposals adjacent to their nest tree.

Generally, eagles in this region drift North in August, in the hot dry weather, which was heavily augmented this year by smoke. Then generally you begin to see them returning to their nesting grounds around January. But this year, to our surprise, on November 29, 2018 the proud pair were back at Cotton Park. They had already rebuilt their nest for the season, and one of the eagles was serenely sitting in it. An eagle was in the nest on December 15, the day of the International Audubon Christmas Bird Count. And again on December 24, Christmas Eve. That was just 4 days after the unprecedented and vicious storm that disabled almost all of the rest of us for days on end. And the eagles had just weathered an entire series of severe storms that led up to the big one. On this New Year's Day, January 1, 2019, the adult pair, and one of last year's big juveniles! - the three of them together were at the nest site. The juvenile went on to situate himself low in a tree on the Maude property shoreline.

We have minute, detailed records of the movements of these eagles for the entire 2018 calendar year. The eagles routinely use the trees adjacent to and surrounding their lone nest tree, including some along the shoreline of Maude Bay, and around the edges of the deeply indented cove there.

It is critical for the survival of the eagles to ensure a buffer zone in the immediate proximity of their nest, and to preserve especially the large trees. And to prevent disturbance during the breeding season, which might be March to August at Cotton Park.

We urge planners to use great care in any proposed development for this area.

622 Gallagher Bay Road  
Mayne Island BC V0N 2J2



Gary Richardson, Planner  
Islands Trust  
200 – 1627 Fort Street  
Victoria BC V8R 1H8

January 14, 2019

Dear Gary,

As you are the planner for Mayne Island, I am writing to voice my concerns about a pending variance application (MA-DVP-2018.4) to the Islands Trust bylaw that governs the length and width of subdivision lots, put in place as I understand, to prevent subdivisions of long narrow lots for the purpose of providing ocean access.

The applicant, who also happens to be a newly elected trustee, wishes to create two long narrow lots with ocean frontage. One of these lots would be adjacent to Cotton Park where there is a very active eagle nest. The Provincial Wildlife Act recommends a 100 meter buffer zone around eagle nest trees. With the eagle nest being approximately 25 meters from the proposed subdivision the health and reproduction of the eagles would in all likelihood be compromised.

I sincerely hope that you will recommend not granting this variance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Helen O'Brian".

Helen O'Brian

A block of text that has been completely redacted with black ink, likely containing contact information such as a phone number or email address.

DATE OF MEETING: January 28, 2019

TO: Mayne Island Local Trust Committee

FROM: Gary Richardson, Island Planner  
Southern Team

CC: Robert Kojima, Regional Planning Manager

SUBJECT: Proposed OCP/LUB amendments of the South West ¼ of the North East ¼ of Section 14,  
Mayne Island, Except Parcel G (DD89729I) from Rural to Park

Applicant: Capital Regional District (CRD)

Location: 207 Cotton Road, Mayne Island

## RECOMMENDATION

1. That Mayne Island Local Trust Committee Draft Bylaw 177 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No.1, 2019” be read a first time.
2. That Mayne Island Local Trust Committee Draft Bylaw 178 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2019” be read a first time.
3. That a public hearing be scheduled for Mayne Island Local Trust Committee Bylaw 177 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No.1, 2019” and Mayne Island Local Trust Committee Bylaw 178 cited as “Mayne Island Local Trust Committee Land Use Bylaw No. 146, 2008, Amendment No.1, 2019”.
4. That the Mayne Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 177 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No.1, 2019” and Bylaw No. 178 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2019” are not contrary or at variance with the Islands Trust Policy Statement.

## REPORT SUMMARY

Draft bylaws 177 (OCP) and 178 (LUB) have been drafted in response an application made by the CRD to amend the OCP designation and zoning on a waterfront property that has been donated for park purposes, from a residential designation/zone to a community park designation/zone.

## BACKGROUND

An application to rezone a residential property was received from the CRD May 2018.

The application made is to amend the OCP designation and zoning on a property that had previously been used as a residential property to a community park designation/zone. The property was transferred to the CRD in 2015 from the previous land owners (Cotton).

There is a covenant on the property that restricts the use to park.

At its November 27, 2018 LTC meeting the LTC passed the following resolutions:

### **MA-2018-054**

#### **It was Moved and Seconded,**

that the Mayne Island Local Trust Committee request staff to prepare a draft bylaw to amend Mayne Island Official Plan Bylaw No. 144, 2007 to amend the Official Community Plan designation of South West ¼ of the North East ¼ of Section 14, Mayne Island, except Parcel G (DD89729) from Rural to Community Park.

### **MA-2018-055**

#### **It was Moved and Seconded,**

that the Mayne Island Local Trust Committee request staff to prepare a draft bylaw to amend Mayne Island Land Use Bylaw No. 146, 2008 to amend the zoning of South West ¼ of the North East ¼ of Section 14, Mayne Island, except Parcel G (DD89729) from Rural to Community Park.

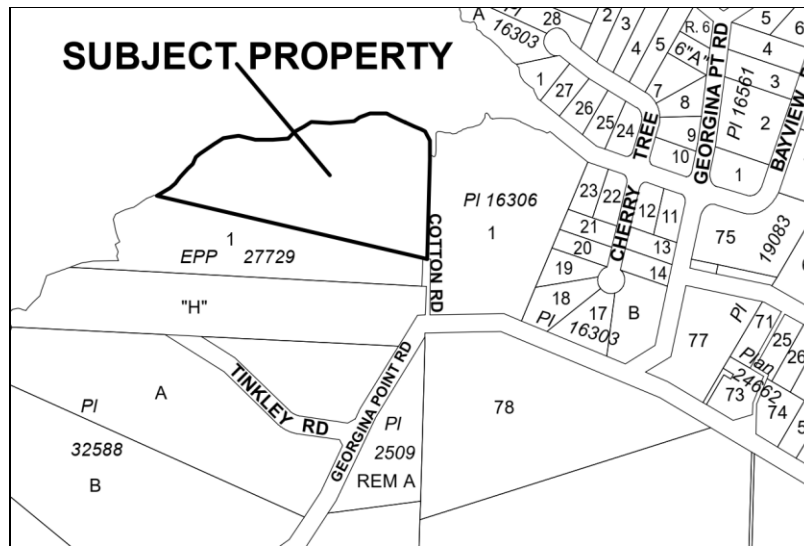
### **MA-2018-056**

#### **It was Moved and Seconded,**

that the Mayne Island Local Trust Committee request staff to contact Capital Regional District staff regarding St. John Point rezoning clarifying time line impacts.

The property is vacant except for a garden, parking, stairs to the beach, walking trails, garden area, signage and an accessory building. The house used by the previous owners was removed by the CRD.

### PLAN 1 – SUBJECT PROPERTY



### PLAN 2 – ORTHOPHOTO OF SUBJECT PROPERTY



## ISSUES AND OPPORTUNITIES

1. Saint Johns Point – at the last meeting the LTC requested staff to contact the CRD to determine if they want to include the rezoning of Saint John Point to parkland at this time as its currently zoned for residential use. The CRD has advised staff that they do not want to pursue the rezoning of Saint John Point to park at this time.
2. Once the bylaws receive first reading it is recommended that they proceed to a CIM and then a public hearing. The bylaws will also be referred to First Nations and agencies once they have received first reading. Staff will also forward the proposed bylaws to the appropriate agencies regarding the eagles nest and archaeological site(s) on the property.
3. If the LTC determines it wants to amend the bylaws it is recommended that they be amended prior to first reading.

## Rational for Recommendation

- The lot is now a parkland held by the CRD.
- The lot is currently designated as Rural in the OCP and zoned Rural in the LUB. These bylaws will place the lot in the appropriate park designation/zoning.

## ALTERNATIVES

### 1. Amend the draft bylaws prior to giving them first reading

The LTC may request the bylaws be amended prior to giving them first reading.

### 2. Deny the application

The LTC may deny the application.

## NEXT STEPS

- 1) Schedule a CIM
- 2) Refer Draft Bylaws to First Nations and Agencies
- 3) Schedule a public hearing

|               |                                 |                  |
|---------------|---------------------------------|------------------|
| Submitted By: | Gary Richardson, Island Planner | January 21, 2019 |
| Concurrence:  | Robert Kojima, RPM              | January 21, 2019 |

## ATTACHMENTS

Draft Bylaw 177  
Draft Bylaw 178  
Policy Statement Checklist

**MAYNE ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 177**

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**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, 2019".

**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 \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

PUBLIC HEARING HELD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

READ A SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

READ A THIRD TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
**Chair**

\_\_\_\_\_  
**Secretary**

**MAYNE ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 177**

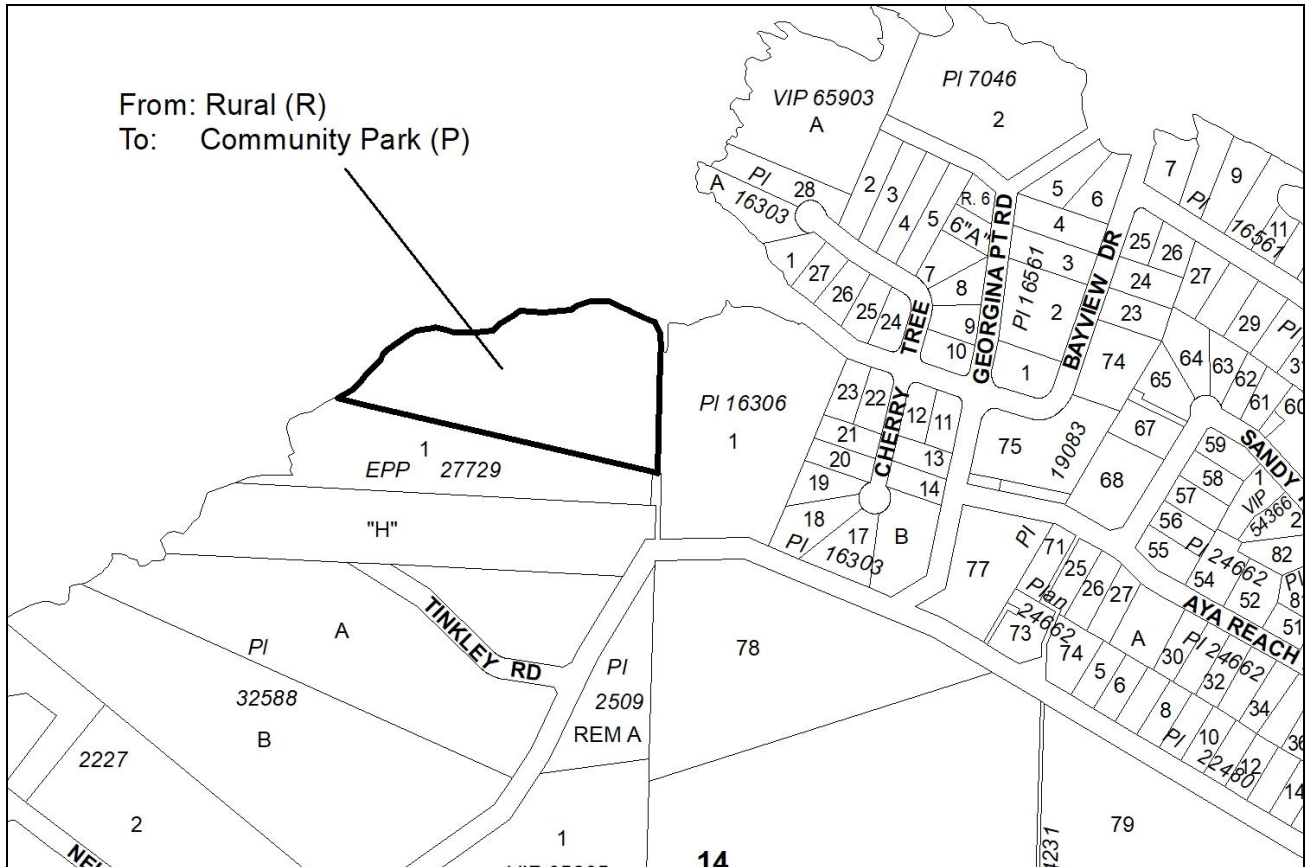
**SCHEDULE 1**

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

1. By amending Schedule B by changing the land use designation on the South West  $\frac{1}{4}$  of the North east  $\frac{1}{4}$  of Section 14, Mayne Island, Cowichan District, except Parcel G (DD89729I) from the Rural (R) land use designation to the Community Park (P) land use designation as shown on Plan No. 1, which is attached to and forms part of this bylaw.

MAYNE ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 177

Plan No.1



**MAYNE ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 178**

---

**A BYLAW TO AMEND MAYNE ISLAND LAND USE BYLAW NO. 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 No. 146, 2008, Amendment No. 1, 2019”.

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

2.1 Schedule “B” – Zoning Map, is amended by changing the zoning classification of the South West  $\frac{1}{4}$  of the North east  $\frac{1}{4}$  of Section 14, Mayne Island, Cowichan District, except Parcel G (DD89729I) from Rural (R) to Community and Regional Park (P) as shown on Plan No. 1, which is attached to and forms part of this bylaw, and by making such alterations to Schedule “B” to Bylaw No. 146 as are required to effect this change.

3. SEVERABILITY

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

READ A FIRST TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

PUBLIC HEARING HELD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

READ A SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

READ A THIRD TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary





Islands Trust

## **POLICY STATEMENT DIRECTIVES ONLY CHECK LIST**

**Bylaw and File No: MA Bylaws 177 & 178  
Cotton Park (MA-RZ-2018.1)  
LTC Endorsement:**

### **PURPOSE**

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

### **POLICY STATEMENT**

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

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

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

### **DIRECTIVES ONLY CHECK LIST**

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

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

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

**Part III Policies for Ecosystem Preservation and Protection**

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

**PART IV: Policies for the Stewardship of Resources**

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

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

|  |  |                                 |
|--|--|---------------------------------|
|  |  | protection of productive soils. |
|--|--|---------------------------------|

### **PART V: Policies for Sustainable Communities**

| CONSISTENT | NO.          | DIRECTIVE POLICY                                                                                                                                                                                                                                                                                                                           |
|------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>5.1</b>   | <b>Aesthetic Qualities</b>                                                                                                                                                                                                                                                                                                                 |
| ✓          | <b>5.1.3</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.                                                                     |
|            | <b>5.2</b>   | <b>Growth and Development</b>                                                                                                                                                                                                                                                                                                              |
| n/a        | <b>5.2.3</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.                                                                                                                               |
| n/a        | <b>5.2.4</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character. |
| n/a        | <b>5.2.5</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.                                                                                |
| n/a        | <b>5.2.6</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.                             |
|            | <b>5.3</b>   | <b>Transportation and Utilities</b>                                                                                                                                                                                                                                                                                                        |
| n/a        | <b>5.3.4</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.                                                  |
| n/a        | <b>5.3.5</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.                                                                                                                                                   |
| n/a        | <b>5.3.6</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.                                                                                                                                                |
| n/a        | <b>5.3.7</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.                   |
|            | <b>5.4</b>   | <b>Disposal of Waste</b>                                                                                                                                                                                                                                                                                                                   |
| n/a        | <b>5.4.4</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.                                                                                                                                       |

| CONSISTENT | NO. | DIRECTIVE POLICY |
|------------|-----|------------------|
|------------|-----|------------------|

|     |              |                                                                                                                                                                                                                                                                                                                                                                           |
|-----|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | <b>5.5</b>   | <b>Recreation</b>                                                                                                                                                                                                                                                                                                                                                         |
| n/a | <b>5.5.3</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.                                                                                                                                                     |
| ✓   | <b>5.5.4</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas. |
| ✓   | <b>5.5.5</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.    |
| ✓   | <b>5.5.6</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.                                                                          |
| n/a | <b>5.5.7</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.                                                                                                                                                                               |
|     | <b>5.6</b>   | <b>Cultural and Natural Heritage</b>                                                                                                                                                                                                                                                                                                                                      |
| ✓   | <b>5.6.2</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.                                                                                                                                                                  |
| ✓   | <b>5.6.3</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.                                                                                                                         |
|     | <b>5.7</b>   | <b>Economic Opportunities</b>                                                                                                                                                                                                                                                                                                                                             |
| n/a | <b>5.7.2</b> | 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.                                                                                                                                 |
|     | <b>5.8</b>   | <b>Health and Well-being</b>                                                                                                                                                                                                                                                                                                                                              |
| n/a | <b>5.8.6</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.     |

| POLICY STATEMENT COMPLIANCE |                              |
|-----------------------------|------------------------------|
| ✓                           | COMPLIANCE WITH TRUST POLICY |
|                             |                              |



Islands Trust

# BYLAW REFERRAL FORM

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

**Island:** North Pender Island Local Trust Area **Bylaw No.:** 220 **Date:** December 19, 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:**

Shaw Communications Inc. c/o Westbrook Consulting Ltd.

**PURPOSE OF BYLAW:**

The purpose of **Bylaw 220** is to amend the North Pender Island Land Use Bylaw to rezone portion of THAT PART of Lot 6, Section 7, Pender Island, Cowichan District, Plan 1695, Lying of the East of a Boundary Parallel to and Perpendicularly Distant 260 feet from the Easterly Boundary from **Commercial 1 (e) – C1 (e)** to a site specific **Community Service (p) - CS (p)** zone to permit the Shaw Communications service facility and yard. The only use permitted in the zone is the housing of equipment for the supply and distribution of telecommunications and cable service as a regulated service utility, not to include retail or office uses.

Professional reports and staff reports are available on the North Pender island webpage:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/current-application-documents/>

**GENERAL LOCATION:**

North Pender Island Local Trust Area

**LEGAL DESCRIPTION:**

Portion of THAT PART of Lot 6, Section 7, Pender Island, Cowichan District, Plan 1695, Lying of the East of a Boundary Parallel to and Perpendicularly Distant 260 feet from the Easterly Boundary

**SIZE OF PROPERTY AFFECTED:**

0.074 ha (0.18 acres)

**ALR STATUS:**

N/A

**OFFICIAL COMMUNITY PLAN DESIGNATION:**

C- Commercial

**OTHER INFORMATION:**

Additional information, including the current bylaws, is available at: [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

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

Name: Phil Testemale

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

PLEASE TURN OVER →

This referral has been sent to the following agencies:

**Federal Agencies**

N/A

**Provincial Agencies**

BC Assessment Authority  
Ministry of Transportation & Infrastructure

**Non-Agency Referrals**

Islands Trust Conservancy  
Islands Trust – Bylaw Enforcement

**Regional Agencies**

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

**Adjacent Local Trust Committees and Municipalities**

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

**First Nations**

N/A

# BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

North Pender Island Local Trust Area

(Island)

220

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

File No.: 6500-20 – Commercial Land  
Use Review

DATE OF MEETING: January 28, 2019  
TO: Mayne Island Local Trust Committee  
FROM: Gary Richardson, Island Planner  
Southern Team  
SUBJECT: Commercial Land Use Review

## RECOMMENDATIONS

1. That Mayne Island Local Trust Committee Draft Bylaw 175 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2018” be amended to allow office use on Lot 7, Plan 715, Section 12, Mayne Island and Lots in Strata Plan VIS6703, Mayne Island.
2. That Mayne Island Local Trust Committee Draft Bylaw 174 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No.1, 2018” be read a first time.
3. That Mayne Island Local Trust Committee Draft Bylaw 175 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2018” be read a first time.
4. That a public hearing and community information meeting be scheduled for Mayne Island Local Trust Committee Bylaw 174 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No.1, 2018” and Mayne Island Local Trust Committee Bylaw 175 cited as “Mayne Island Local Trust Committee Land Use Bylaw No. 146, 2008, Amendment No.1, 2018”.
5. That the Mayne Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 174 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No.1, 2018” and Bylaw No. 175 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2018” are not contrary or at variance with the Islands Trust Policy Statement.

## REPORT SUMMARY

The purpose of this report is provide comment on the next steps required to implement the policies and regulations contained in draft bylaws 174 and 175 that the LTC and staff have advanced as a result of the Commercial Land Use Review project. This report also recommends that LTC draft bylaw 175 be amended to allow office use as a permitted use on two specific properties. Once the LTC considers the final amendment regarding office use the draft bylaws can be considered for 1<sup>st</sup> reading and a public hearing can be scheduled.

## Background

These amendments define a commercial core for Miners Bay, give property owners in the Miners Bay core that are to be zoned C1(a) the ability to use their property for commercial use, residential use, or both, and gives some direction to what types of commercial activity may be carried on outside of the Miners Bay commercial core. The properties that are zoned Settlement Residential (SR) in the commercial core will have to apply for a rezoning to carry out commercial uses.

There are several earlier staff reports relating to this project they can be found on the Mayne Island web page.

November 26, 2018 – The LTC passed the following resolution:

### **MA-2018-062**

#### **It was Moved and Seconded,**

That Mayne Island Local Trust Committee direct staff to not proceed with proposed changes to Bylaw 174 regarding the Auto Repair Shop (Horton Bay/Fernhill Road).

December 12, 2018 -Current draft bylaws amended as a result of direction given at the November 26, 2018 LTC meeting.

December 19, 2018 – Draft bylaws referred to agencies and First Nation.

December 2018 - Notice mailed to all land owners affected by draft bylaws 174 and 175.

January 2019 - Notice placed in Mayneliner.

## Office Use

It has been brought to staff's attention that two properties could benefit from having office use included as a permitted use.

1. Lot 7, Plan 715, Section 12, Mayne Island, commonly referred to as "Active Pass Auto Marine" presently does not permit office use as an outright permitted use. The property is zoned Automotive Commercial (C4). A Remax Real-estate office is being operated in one of the buildings under a temporary use permit which expires January 2020. The property could benefit from office use being permitted due to its proximity to the commercial core and due to a perceived shortage of office space on the island. It would also allow the use currently operating under TUP as an outright use; there have been no issues with the TUP. Adding office use would give the property a broader range of permitted uses allowing more flexibility as needs change.

To allow office use draft bylaw 175 would need to be amended to allow office use as a permitted use. There is only one property in the C4 zoning therefore this amendment will only apply to Lot 7 (Active Pass Auto Marine).

2. Lots in Strata Plan VIS6703 commonly referred to as the Mayne Island Resort presently does not permit office use as an outright permitted use. The property is zoned Tourist Commercial and Accommodation C2(b). The property could also be considered for office use being permitted as a principal use (it is currently accessory only). Office space is available on the property currently, there is no other office space in the area, and there is a perceived shortage of office space on the island. Adding office use would give the property a broader range of permitted uses allowing more flexibility as needs change.

To allow office use draft bylaw 175 would need to be amended to allow office use as a permitted use. There is only one plan (lots in strata plan VIS6703) in the C2(b) zoning therefore this amendment will only apply to the Mayne Island Resort (VIS6703).

### **Consultation**

The LTC requested that the property owners subject to the bylaw amendments be advised of the draft bylaws. This was done with a direct mailing to all commercial properties affected by the proposed changes. This was carried out December 2018.

Draft bylaws 174 and 175 were forwarded to relevant agencies for review and comment. This was carried out December 2018.

As this project will involve OCP amendments, referral to First Nations with a stated territorial interest in the Mayne Island Local Trust Area were referred the proposed bylaw amendments for review and comment in December 2018.

### **Statutory Requirements**

Statutory notification of any proposed OCP or LUB amendments will be made in accordance with Section 466 of the *Local Government Act* and Mayne Island Development Procedures Bylaw No. 83. This will involve newspaper advertising and will be undertaken once the LTC directs staff to schedule a public hearing. Correspondence related to this project may be sent to the Mayne Island Planner.

As this project involves OCP amendments, the LTC is required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. The LTC considered the list of referral agencies, First Nations, and stakeholders it wished to consult at the previous meeting.

### **Reason for Recommendations**

- The Commercial Land Use Review Project has been in process for several years and there has been continuous community consultation throughout the process.
- The bylaws have been prepared as a result of several years of review and community consultation.
- The bylaws are now in a form that they should proceed to a final community information meeting and a public hearing.
- Amending the two lots to allow for office use will satisfy some of the need for office space on the island and give the land owners more flexibility on how their land is used.

### **Next steps**

1. Give Draft Bylaws 174 and 175 first reading.
2. Direct staff to schedule a Community Information Meeting for February 25, 2019.
3. Direct staff to arrange a public hearing for March 25, 2019.

|               |                                 |                  |
|---------------|---------------------------------|------------------|
| Submitted By: | Gary Richardson, Island Planner | January 21, 2019 |
| Concurrence:  | Robert Kojima, RPM              | January 22, 2019 |

#### **Attachments**

1. Draft Bylaw 174
2. Draft Bylaw 175
3. Policy Statement Checklist

**MAYNE ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 174**

---

**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, 2018".

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 \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

PUBLIC HEARING HELD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

READ A SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

READ A THIRD TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

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. 174**

**SCHEDULE 1**

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

1. Section 3 under the title ORGANIZATION is amended by removing “and H” and replacing it with “, H and I”.
2. Section 4 under the title ORGANIZATION is amended by adding “Schedule I – Miners Bay Commercial Core” immediately following “Schedule H – Excerpt from Parks and Recreation Master Plan”.
3. Table of Contents is amended by removing “2.4.1 Retail Commercial” and replacing it with “2.4.1 General Commercial”.
4. Section 2.4 Commercial is removed in its entirety and replaced with the following:

**“2.4. COMMERCIAL**

There are two classifications of commercial use policies in this section: general commercial and visitor accommodation. The policies that determine the criteria for locating these uses differ.

**2.4.1 General Commercial**

Background

Historically, the major focus of centralized commercial activity was concentrated at Miners Bay with a secondary commercial centre at the junction of Fernhill and Montrose Roads and Fernhill and Whalen Roads.

Objectives

The objectives of this section are:

- 1) to supply services necessary to residents and visitors of the Mayne Island Trust Area,
- 2) to protect the integrity of quiet residential and rural neighbourhoods,

- 3) to provide employment opportunities within the community,
- 4) to protect the rural and marine character of the Mayne Island Trust Area,
- 5) to ensure the scale, form and character of all new commercial developments harmonize with the natural surroundings, and
- 6) to support the clustering of commercial uses in areas that limit or reduce the need to travel for services.

#### Policies

- 2.4.1.1 The principal land use shall be small scale commercial businesses, and in the Miners Bay Commercial Core, one residential dwelling per lot.
- 2.4.1.2 Retail, restaurants, licensed premises, office, personal service, medical and dental clinics, and other similar uses should be clustered in the Miners Bay Commercial Core shown on Schedule I. Increased residential density within the Miners Bay Commercial Core may be appropriate.
- 2.4.1.3 Existing commercial zones outside of Miners Bay Commercial Core at Montrose/Fernhill, Whalen/Fernhill, Horton/Fernhill, and Dalton/Village Bay should remain.
- 2.4.1.4 Where rezoning applications are received for existing commercial designated properties outside of the Miners Bay Commercial Core, the following types of uses are considered appropriate for the specified areas:
  - 2.4.1.4.1 Montrose/Fernhill – Uses similar to those permitted in the Miners Bay Commercial Core.
  - 2.4.1.4.2 Whalen/Fernhill – Building supply sales, and other similar uses.
  - 2.4.1.4.3 Horton/Fernhill – Vehicle repair provided it is carried out indoors.
  - 2.4.1.4.4 Village Bay /Dalton – Uses similar to those permitted by zoning in the Miners Bay Commercial Core. Buildings and structures should be limited in floor area.
- 2.4.1.5 Rezoning applications to change or add uses in existing commercial zones outside of the Miners Bay Commercial Core should demonstrate:

- 2.4.1.5.1 That there is adequate parking to service the proposed use.
- 2.4.1.5.2 That the proposed use will not have adverse impacts on neighbouring properties.
- 2.4.1.5.3 That there is adequate water and septic capacity to support the proposed use.
- 2.4.1.6 Applications proposing to rezone non-commercial land to commercial land should only be considered if the application demonstrates:
  - 2.4.1.6.1 That there is no other suitable appropriately-zoned land.
  - 2.4.1.6.2 That there is community need for the proposed use.
  - 2.4.1.6.3 That there is adequate parking to service the proposed use.
  - 2.4.1.6.4 That the proposed use will not have adverse impacts on the neighbouring properties.
  - 2.4.1.6.5 That there is adequate water and septic capacity to support the proposed use.
  - 2.4.1.6.6 That the proposed use, buildings and structures be small in scale.
- 2.4.1.7 Recreation commercial businesses shall be subject to rezoning on a site specific application only.
- 2.4.1.8 The density of use on a parcel or within a building in this designation may be increased subject to compliance with Section 2.10 (Amenity Zoning Guidelines) of this Plan.
- 2.4.1.9 In addition to principal commercial uses, in appropriate locations second-storey residential dwelling units may be permitted in order to provide a mix of housing types and to encourage residences closer to services and amenities.
- 2.4.1.10 The LTC may consider amending the parking requirements for commercial uses, to require alternatives to parking spaces, including but not limited to: bicycle racks, electric vehicle plug-ins, or cash-in-lieu for use for trails and paths.
- 2.4.1.11 All properties within the Miners Bay Commercial Core should be permitted one residence.
- 2.4.1.12 Lots within the Miners Bay Commercial Core should not be consolidated into large commercial lots.
- 2.4.1.13 Strip development will be restricted through the rezoning process and through the application of development permit guidelines.”

5. Subsection 2.8.1 is amended by removing the word “Retail” which follows the words “all land that is designated” and replacing it with the word “General”.
6. Subsection 2.8.1 is amended by removing “g) construction of unpaved driveways and walkways.” and adding:

“g) construction of unpaved driveways and walkways; and  
h) residential buildings within the Miners Bay Commercial Core as shown on Schedule I.”

7. Subsection 3.3.2 is amended by adding the following:

“Policies

3.3.2.1 Solid waste transfer stations should be located on industrial zoned land.”

Immediately after “3) to extend the life of the Hartland Landfill.”

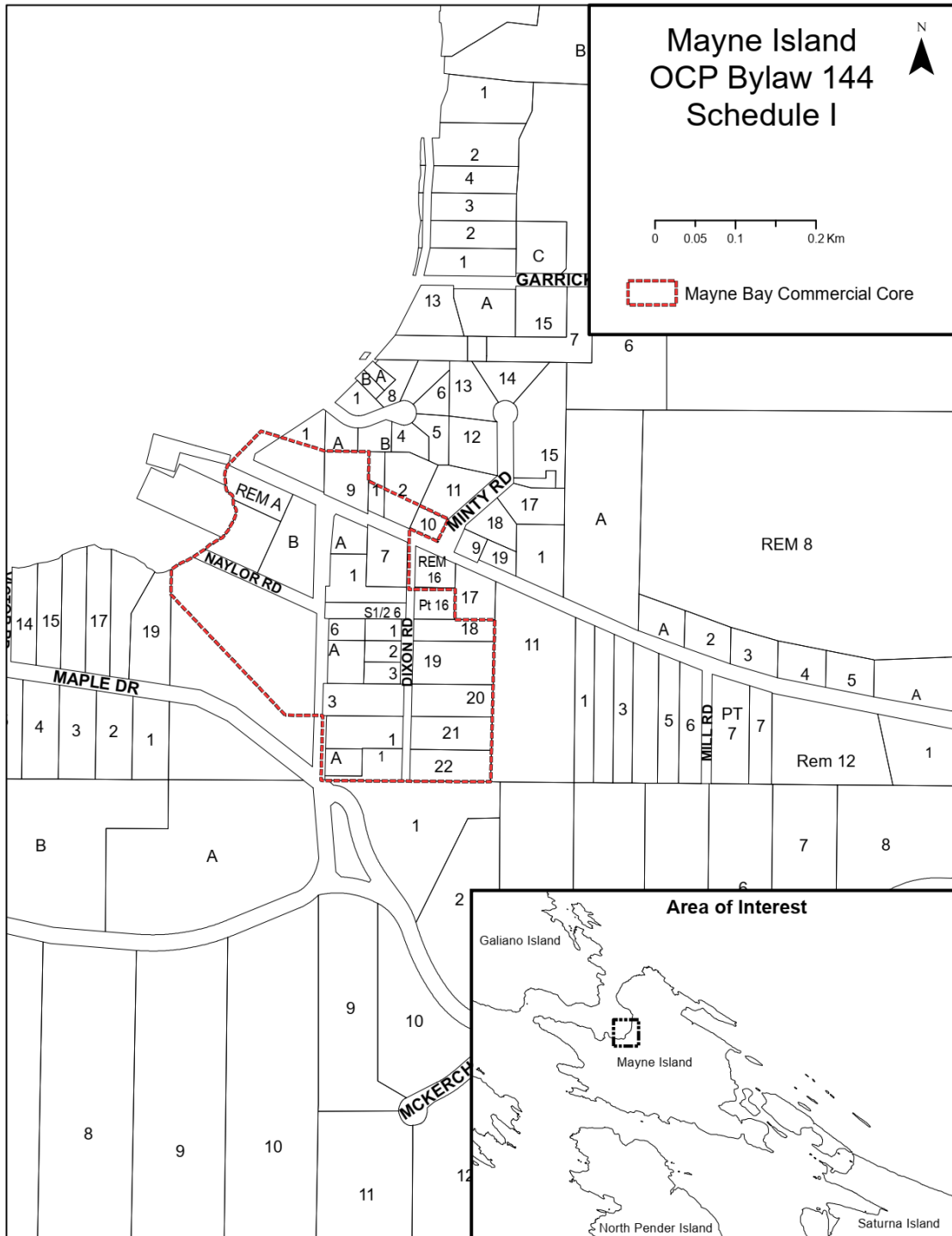
The Advocacy Policies following article 3.3.2.1 are to be renumbered accordingly.

8. Adding a new schedule titled “Schedule I Miners Bay Commercial Core” immediately following “Schedule H” as shown on Plan No. 1, which is attached to and forms part of this bylaw.
9. By amending Schedule B by changing the land use designation on a portion of Lot A, Section 12, Mayne Island, Cowichan District, Plan 13929, except part in Plan 1825R from the Industry (I) land use designation to the Visitor Accommodation (VA) land use designation as shown on Plan No. 2, which is attached to and forms part of this bylaw.
10. By amending Schedule B by changing several properties from the Settlement Residential (SR) land use designation to the General Commercial (C) land use designation as shown on Plan No. 2, which is attached to and forms part of this bylaw.
11. By amending Schedule C by changing development permit area designation of a portion of Lot A, Section 12, Mayne Island, Cowichan District, Plan 13929, except part in Plan 1825R from Industrial (I) to Visitor Accommodation as shown on Plan No. 3, which is attached to and forms part of this bylaw.
12. By amending Schedule C by placing several properties in the Commercial (C) Development Permit area as shown on Plan No. 3, which is attached to and forms part of this bylaw.

Mayne Island Local Trust Committee

Bylaw No. 174

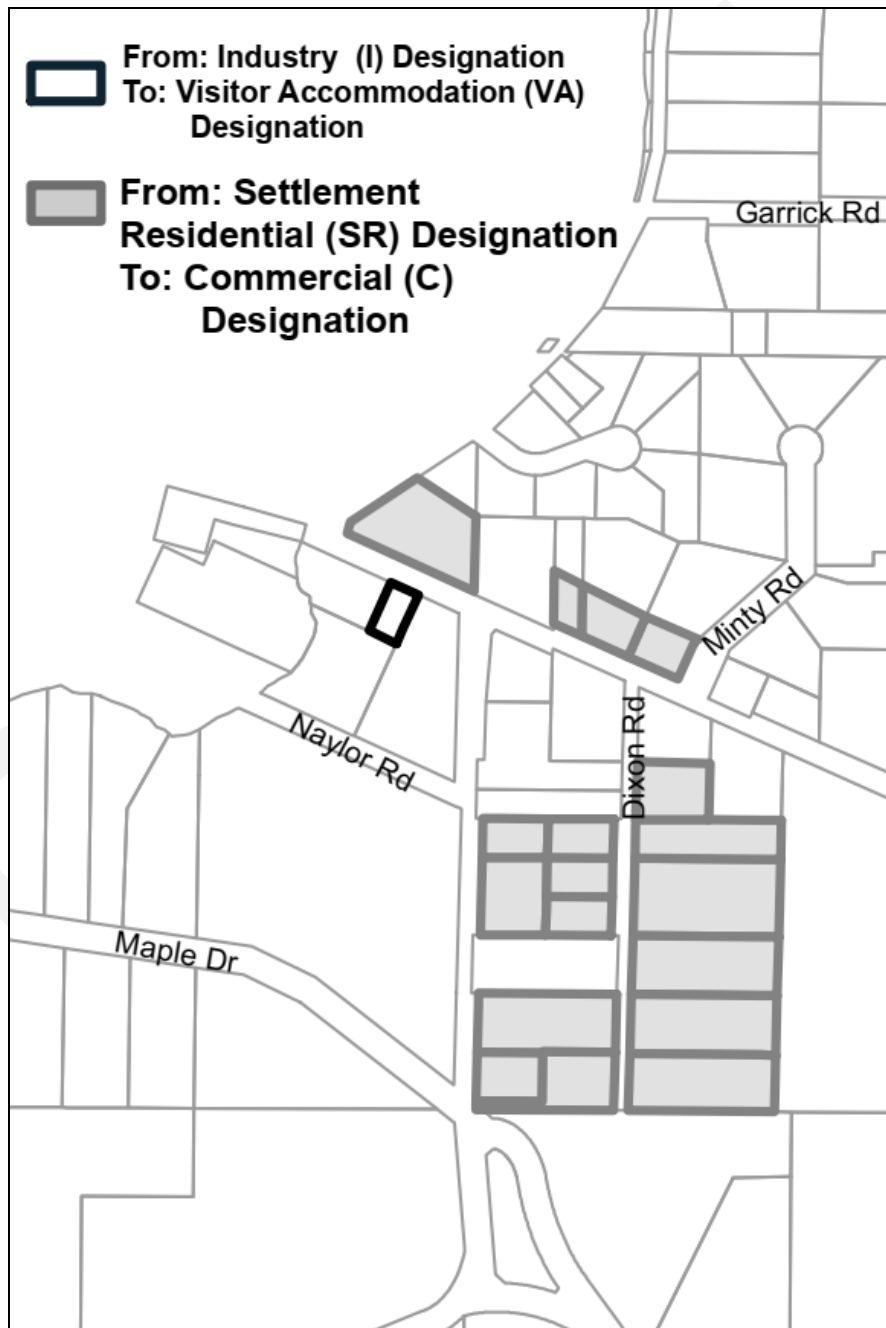
Plan No. 1



Mayne Island Local Trust Committee

Bylaw No. 174

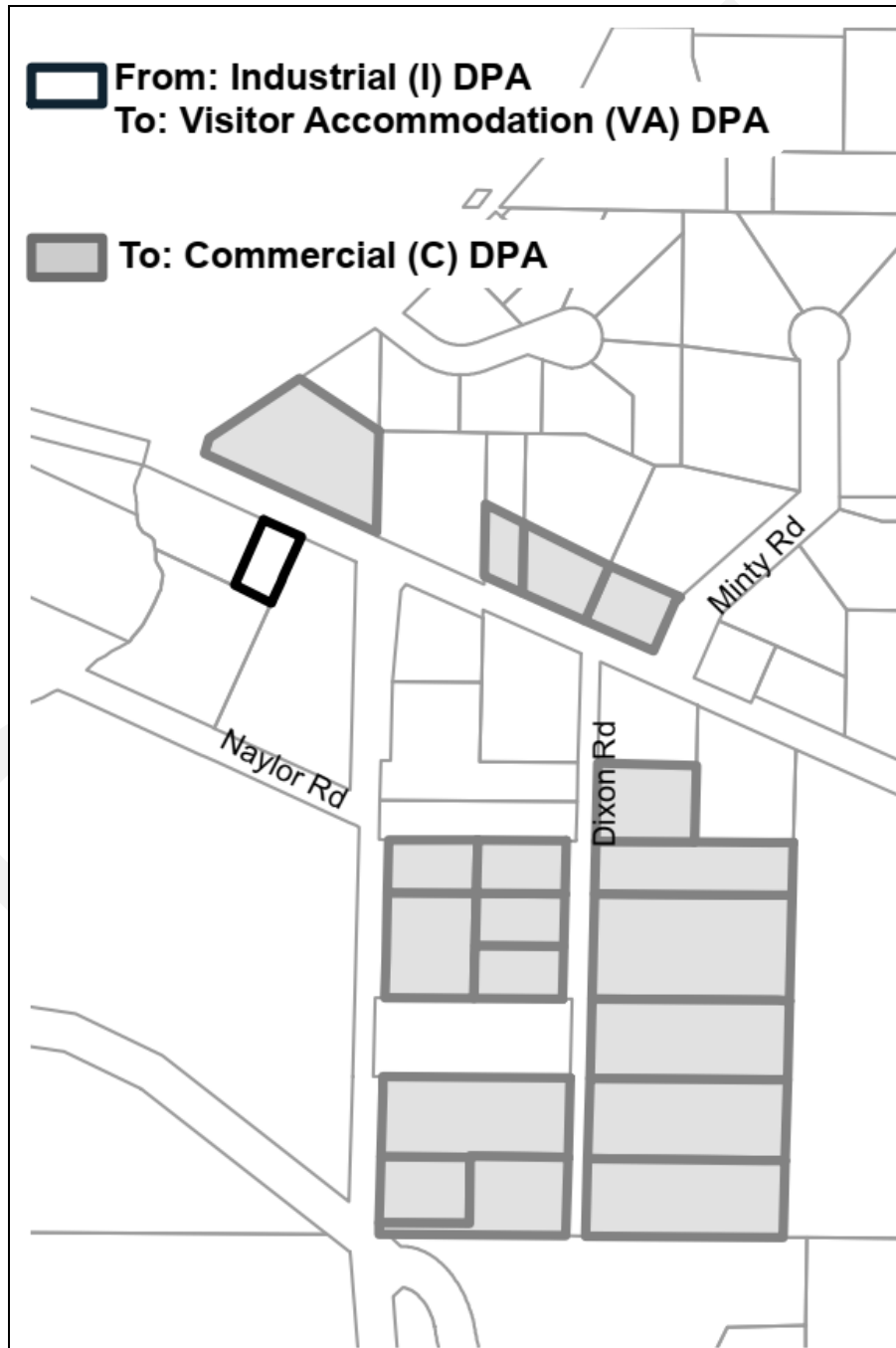
Plan No. 2



Mayne Island Local Trust Committee

Bylaw No. 174

Plan No. 3



**MAYNE ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 175**

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

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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 No. 146, 2008, Amendment No. 1, 2018”.

2. Mayne Island Local Trust Committee Bylaw No. 175, cited as “Mayne Island Land Use Bylaw No.146, 2008,” is amended as follows:

2.1 Subsection 3.6(1) is amended by inserting the following in alphabetical order:

“(h) A sampling area, having a floor area not exceeding 15m<sup>2</sup>, is permitted inside of a building to allow for sampling of products produced as part of the home occupation;” The remaining subsections are to be renumbered accordingly.

2.2 Section 4.1 – **Division into Zones** is amended by:

- a) Deleting the words: “Settlement Commercial” and replacing it with “Commercial 1”.
- b) Deleting the words: “Commercial Tourist Accommodation” and replacing it with “Commercial 2”.
- c) Deleting the words: “Service Commercial” and replacing it with “Commercial 3”.
- d) Deleting the words “Automotive Commercial” and replacing it with “Commercial 4”.

2.2 Section 5.8 is amended by deleting the Title: “Settlement Commercial (C1) Zone” and replacing it with “Commercial 1 (C1) Zone”.

2.3 Section 5.8 is amended by deleting the words: “Settlement Commercial Zone” following the words “The purpose of the” and replacing it with “Commercial 1 Zone”.

2.4 Article 5.8(1)(c) is amended by deleting the words: “, including financial services and travel agencies”.

2.5 Subsection 5.8(2) is amended by deleting the words: “The maximum Floor Area Ratio is 0.25.” The remaining subsections are to be renumbered accordingly.

2.6 Subsection 5.8(4) is amended by deleting: “35%” and replacing it with “25%”.

- 2.7 Section 5.8 is amended by adding in the following immediately after subsection 10:

**“Consolidation of Lots**

(11) No lot should be consolidated with another lot if the resulting lot has an area larger than 0.25 ha.” The remaining subsections are to be renumbered accordingly.

- 2.8 The Table listing “Site Specific Regulations” in subsection 5.8 (11) is deleted in its entirety and replaced with the following table:

| Column 1           | Column 2                                                                                                                                                                                                                                                                                                                                                                                                                                        | Column 3                                                                                                                 |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| Site-Specific Zone | Location Description                                                                                                                                                                                                                                                                                                                                                                                                                            | Site Specific Regulations                                                                                                |
| C1(a)              | <p>Lot 9, Section 12, Mayne Island, Cowichan District, Plan 715</p> <p>Lot A, Section 12, Mayne Island, Cowichan District, Plan 46230</p> <p>Lot 1, Section 12, Mayne Island, Cowichan District, Plan VIP52666</p> <p>That Part of Lot 6, Section 12, Mayne Island, Cowichan District, Plan 715, Lying to the South of the Easterly and Westerly Boundaries of Said Lot</p> <p>Lot 3, Section 12, Mayne Island, Cowichan District, Plan 715</p> | In addition to the uses permitted in 5.8(1) principal residential use is permitted at a density of one dwelling per lot. |

- 2.9 Section 5.9 is amended by deleting the Title: “Commercial Tourist Accommodation (C2) Zone” and replacing it with “Commercial 2 (C2) Zone”.
- 2.10 Section 5.9 is amended by deleting the words: “Commercial Tourist Accommodation (C2) Zone” following the words “The purpose of the” and replacing it with “Commercial 2 Zone”.
- 2.11 Subsection 5.9(3) is amended by deleting the words: “The maximum Floor Area Ratio is 0.25.” The remaining subsections are to be renumbered accordingly.

- 2.12 Section 5.10 is amended by deleting the Title “Service Commercial (C3) Zone” and replacing it with “Commercial 3 (C3) Zone”.
- 2.13 Section 5.10 is amended by deleting the words: “Service Commercial Zone” following the words “The purpose of the” and replacing it with “Commercial 3 Zone”.
- 2.14 Subsection 5.10(4) is amended by deleting the words: “The maximum Floor Area Ratio is 0.25.”. The remaining subsections are to be renumbered accordingly.
- 2.15 Section 5.11 is amended by deleting the Title: “Automotive Commercial (C4) Zone” and replacing it with “Commercial 4 (C4) Zone”.
- 2.16 Section 5.11 is amended by deleting the words: “Automotive Commercial Zone” following the words “The purpose of the” and replacing it with “Commercial 4 Zone”.
- 2.17 Subsection 5.11(4) is amended by deleting the words: “The maximum Floor Area Ratio is 0.25.”. The remaining subsections are to be renumbered accordingly.
- 2.18 Schedule B, Mayne Island Zoning Map is amended by:
- a) Deleting the zone title in the legend “C1 Settlement Commercial” and replacing it with “C1 Commercial 1”.
  - b) Deleting the zone title in the legend “C2 Commercial Tourist Accommodation” and replacing it with “C2 Commercial 2”.
  - c) Deleting the zone title in the legend “C3 Service Commercial” and replacing it with “C3 Commercial 3”.
  - d) Deleting the zone title in the legend “C4 Automotive Commercial” and replacing it with “C4 Commercial 4”.
  - e) Changing the zone on Lot 2, Section 8, Plan 17070, Mayne Island, Cowichan District from C1(c) to C1 as shown on Plan No. 1.
  - f) Changing the zone on Lot 36, Section 6, Plan 22057, Mayne Island, Cowichan District from C1(a) to C1 as shown on Plan No. 2.
  - g) Changing the zone on Lot 3, Section 12, Plan 715, Mayne Island, Cowichan District from C1(b) to C1 (a) as shown on Plan No. 3.
  - h) Changing the zone on Lot 9, Section 12, Plan 715, Mayne Island, Cowichan District from C1 to C1(a) as shown on Plan No. 3.
  - i) Changing the zone on Lot A, Section 12, Plan 46230, Mayne Island, Cowichan District from C1 to C1(a) as shown on Plan No. 3.
  - j) Changing the zone on Lot 1, Section 12, Plan VIP52666, Mayne Island, Cowichan District from C1 to C1(a) as shown on Plan No. 3.

- k) Changing the zone of that Part of Lot, Section 12, Plan 715, Mayne Island, Cowichan District, Lying to the South of a Straight Boundary Joining Points of Bisection of the Easterly and Westerly Boundaries of Said Lot from C1 to C1(a) as shown on Plan No. 3.
- l) Changing the zone on a portion of Lot A, Section 12, Mayne Island, Cowichan District, Plan 13929, except part in Plan 1825R from Industry 1 (I1) to Commercial 2 (C2) as shown on Plan No.4.

### 3. SEVERABILITY

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

READ A FIRST TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

PUBLIC HEARING HELD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

READ A SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

READ A THIRD TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

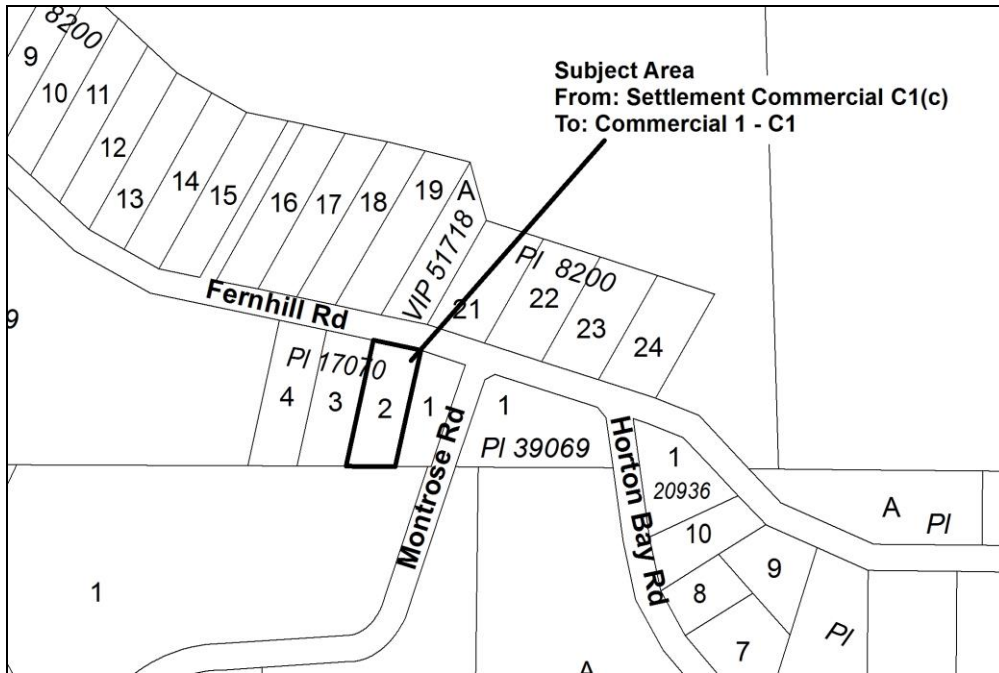
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\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary

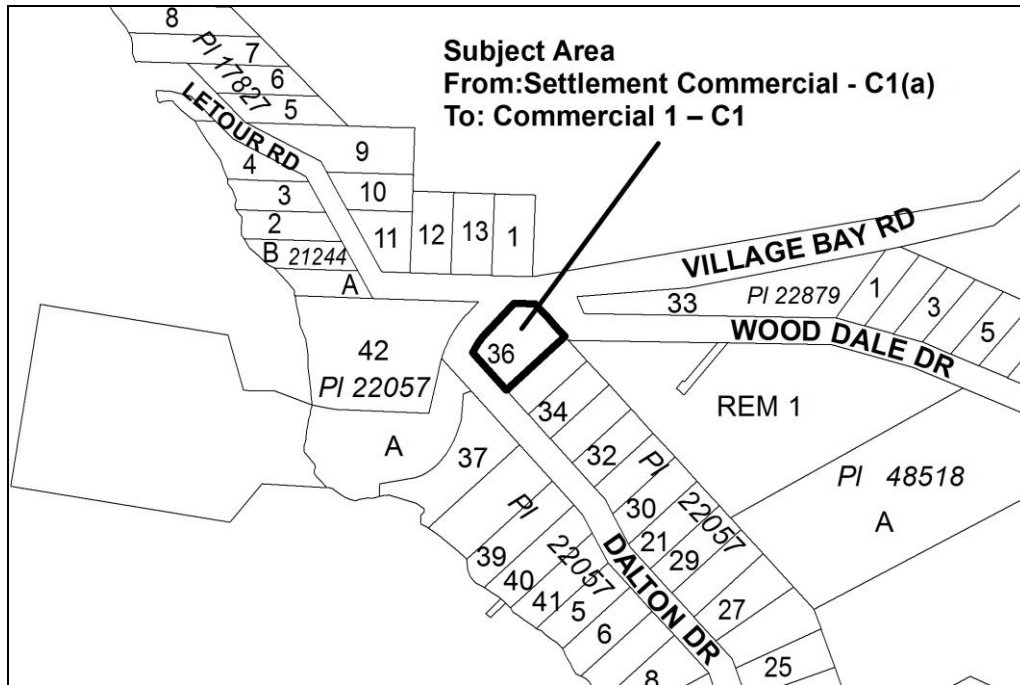
MAYNE ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 175

Plan No. 1



MAYNE ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 175

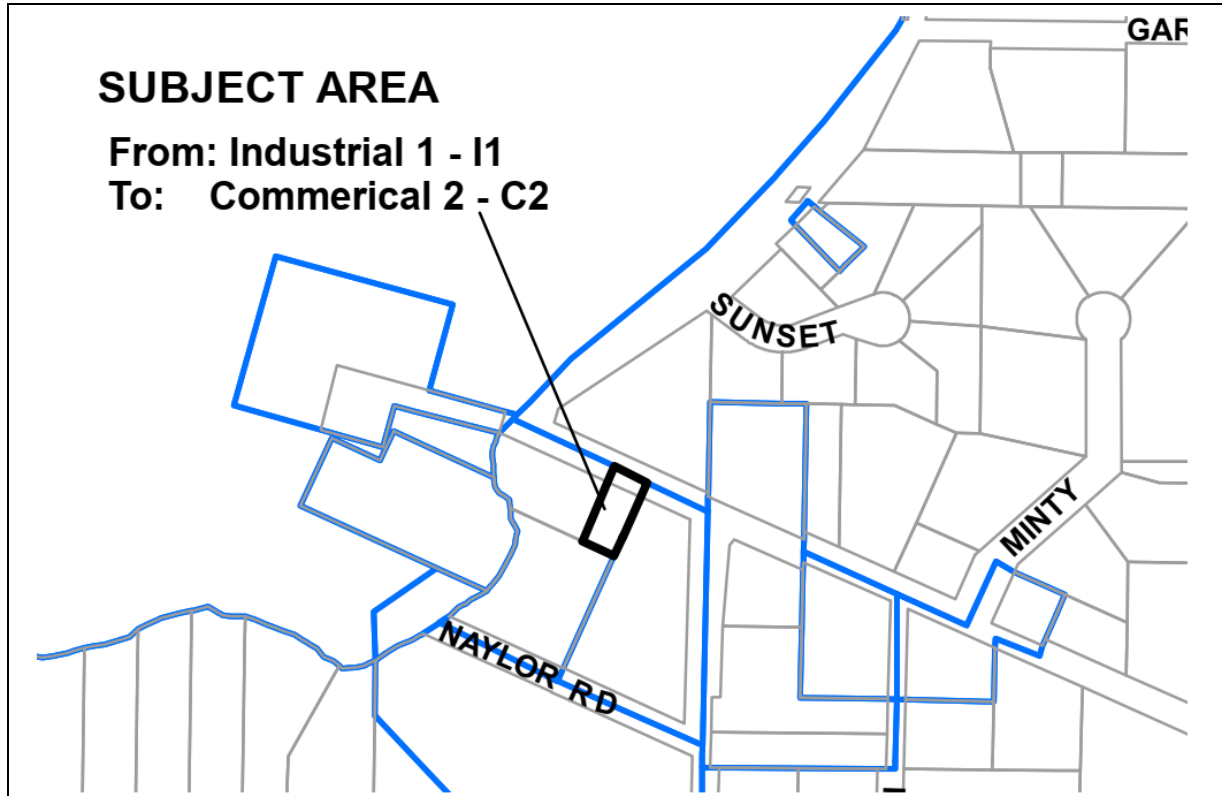
Plan No. 2





MAYNE ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 175

Plan No. 4





Islands Trust

## **POLICY STATEMENT DIRECTIVES ONLY CHECK LIST**

**Bylaw and File No: MA Bylaws 174 & 175  
Commercial Zoning  
LTC Endorsement:**

### **PURPOSE**

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

### **POLICY STATEMENT**

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

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

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

### DIRECTIVES ONLY CHECK LIST

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

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

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

**Part III Policies for Ecosystem Preservation and Protection**

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

**PART IV: Policies for the Stewardship of Resources**

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

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

|  |  |                                 |
|--|--|---------------------------------|
|  |  | protection of productive soils. |
|--|--|---------------------------------|

## **PART V: Policies for Sustainable Communities**

| CONSISTENT | NO.          | DIRECTIVE POLICY                                                                                                                                                                                                                                                                                                                           |
|------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>5.1</b>   | <b>Aesthetic Qualities</b>                                                                                                                                                                                                                                                                                                                 |
| n/a        | <b>5.1.3</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.                                                                     |
|            | <b>5.2</b>   | <b>Growth and Development</b>                                                                                                                                                                                                                                                                                                              |
| n/a        | <b>5.2.3</b> | 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.                                                                                                                               |
| ✓          | <b>5.2.4</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character. |
| ✓          | <b>5.2.5</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.                                                                                |
| n/a        | <b>5.2.6</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.                             |
|            | <b>5.3</b>   | <b>Transportation and Utilities</b>                                                                                                                                                                                                                                                                                                        |
| n/a        | <b>5.3.4</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.                                                  |
| n/a        | <b>5.3.5</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.                                                                                                                                                   |
| n/a        | <b>5.3.6</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.                                                                                                                                                |
| n/a        | <b>5.3.7</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.                   |
|            | <b>5.4</b>   | <b>Disposal of Waste</b>                                                                                                                                                                                                                                                                                                                   |
| n/a        | <b>5.4.4</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.                                                                                                                                       |

| CONSISTENT | NO. | DIRECTIVE POLICY |
|------------|-----|------------------|
|------------|-----|------------------|

|     |              |                                                                                                                                                                                                                                                                                                                                                                           |
|-----|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | <b>5.5</b>   | <b>Recreation</b>                                                                                                                                                                                                                                                                                                                                                         |
| n/a | <b>5.5.3</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.                                                                                                                                                     |
| n/a | <b>5.5.4</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas. |
| n/a | <b>5.5.5</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.    |
| n/a | <b>5.5.6</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.                                                                          |
| n/a | <b>5.5.7</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.                                                                                                                                                                               |
|     | <b>5.6</b>   | <b>Cultural and Natural Heritage</b>                                                                                                                                                                                                                                                                                                                                      |
| n/a | <b>5.6.2</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.                                                                                                                                                                  |
| n/a | <b>5.6.3</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.                                                                                                                         |
|     | <b>5.7</b>   | <b>Economic Opportunities</b>                                                                                                                                                                                                                                                                                                                                             |
| ✓   | <b>5.7.2</b> | 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.                                                                                                                                 |
|     | <b>5.8</b>   | <b>Health and Well-being</b>                                                                                                                                                                                                                                                                                                                                              |
| n/a | <b>5.8.6</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.     |

| POLICY STATEMENT COMPLIANCE |                              |
|-----------------------------|------------------------------|
| ✓                           | COMPLIANCE WITH TRUST POLICY |
|                             |                              |

## Top Priorities

### Mayne Island

| No. | Description                            | Activity                                                        | R/Initiated | Responsibility  | Target Date |
|-----|----------------------------------------|-----------------------------------------------------------------|-------------|-----------------|-------------|
| 1   | Commercial Land Use Review             | Staff report and bylaws prepared for Jan 28, 2019 LTC meeting.. | 27-Apr-2015 | Gary Richardson | 31-Oct-2018 |
| 2   | Tiny Home Initiative                   |                                                                 | 26-Nov-2018 |                 |             |
| 3   | Review of Zoning for Contractors Yards | Initial staff report and project charter to be prepared.        | 26-Mar-2018 | Gary Richardson |             |

## 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 |
| Fallow Deer                                 |                                                                     | 26-Mar-2018 |
| Review permitted accessory building height  |                                                                     | 30-Jul-2018 |
| Cannabis Production - Regulating structures |                                                                     | 24-Sep-2018 |



### Development Variance Permit

| File Number                                                                                                                    | Applicant Name                                                                | Date Received | Purpose                                                   |
|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|---------------|-----------------------------------------------------------|
| MA-DVP-2018.4                                                                                                                  | WEY MAYENBURG<br>LAND SURVEYING<br>(MAUDE)<br><b>Planner:</b> Gary Richardson | 25-Jul-2018   | 484 Cherry Tree Bay Road - Lot A & B depth to width ratio |
| <b>Planning Status</b>                                                                                                         |                                                                               |               |                                                           |
| <b>Status Date:</b> 20-Jan-2019<br>Staff report and variance permit on Jan 28, 2019 LTC agenda for consideration.              |                                                                               |               |                                                           |
| <b>Status Date:</b> 26-Nov-2018<br>Application tabled to January meeting, notice to be re-circulated                           |                                                                               |               |                                                           |
| <b>Status Date:</b> 06-Nov-2018<br>Staff report and draft permit prepared for Nov 26, 2018 LTC meeting for LTCs consideration. |                                                                               |               |                                                           |

### Rezoning

| File Number                                                                                                                                                      | Applicant Name                                                          | Date Received | Purpose                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|---------------|---------------------------|
| MA-RZ-2018.1                                                                                                                                                     | Capital Regional<br>District (MIPRC)<br><b>Planner:</b> Gary Richardson | 01-Nov-2018   | Rezone from Rural to Park |
| <b>Planning Status</b>                                                                                                                                           |                                                                         |               |                           |
| <b>Status Date:</b> 20-Jan-2019<br>Staff report and draft bylaws on January 28, 2019 LTC agenda for consideration.                                               |                                                                         |               |                           |
| <b>Status Date:</b> 26-Nov-2018<br>LTC Direction to prepare draft bylaws and to contact CRD staff to discuss feasibility of including St. John Point in rezoning |                                                                         |               |                           |
| <b>Status Date:</b> 06-Nov-2018<br>Staff report prepared for for LTCs consideration at Nov 26, 2018 LTC meeting.                                                 |                                                                         |               |                           |

### Subdivision



## Applications

| File Number                                                                                                                                                                       | Applicant Name                                                         | Date Received | Purpose                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|---------------|--------------------------------------------------------------|
| MA-SUB-2018.1                                                                                                                                                                     | Brent Mayenburg<br>(Maude)<br><b>Planner:</b> Gary Richardson          | 09-Apr-2018   | Proposed 3 lot conventional subdivision                      |
| <b>Planning Status</b>                                                                                                                                                            |                                                                        |               |                                                              |
| <b>Status Date:</b> 19-Jun-2018<br>Referral response sent to MOTI, applicant, owner and LTC cc'd                                                                                  |                                                                        |               |                                                              |
| <b>Status Date:</b> 07-Jun-2018<br>Ian contact applicant to discuss potential issues (arch. site, covenant against further sub., proof of water, frontage, etc). Waiting on reply |                                                                        |               |                                                              |
| <b>Status Date:</b> 18-May-2018<br>A response to MoTI is being prepared.                                                                                                          |                                                                        |               |                                                              |
| File Number                                                                                                                                                                       | Applicant Name                                                         | Date Received | Purpose                                                      |
| MA-SUB-2018.3                                                                                                                                                                     | Wey Mayenburg Land<br>Surveying Inc<br><b>Planner:</b> Gary Richardson | 16-Oct-2018   | proposed subdivision to create 2 parcels for residential use |
| <b>Planning Status</b>                                                                                                                                                            |                                                                        |               |                                                              |
| <b>Status Date:</b> 20-Jan-2019<br>Staff reponse to MoTI to be prepared by Jan 25, 2019.                                                                                          |                                                                        |               |                                                              |
| <b>Status Date:</b> 18-Oct-2018<br>created file, fees processed, passed on to planner                                                                                             |                                                                        |               |                                                              |

***Islands Trust***  
 LTC EXP SUMMARY REPORT F2019  
 Invoices posted to Month ending November 2018

| 645 Mayne                      | Invoices posted to Month ending November 2018 | <u>Budget</u>   | <u>Spent</u>    | <u>Balance</u>  |
|--------------------------------|-----------------------------------------------|-----------------|-----------------|-----------------|
| 65000-645                      | LTC "Trustee Expenses"                        | 750.00          | 0.00            | 750.00          |
| <b>LTC Local</b>               |                                               |                 |                 |                 |
| 65200-645                      | LTC - Local Exp - LTC Meeting Expenses        | 1,500.00        | 905.34          | 594.66          |
| 65210-645                      | LTC - Local Exp - APC Meeting Expenses        | 500.00          | 146.99          | 353.01          |
| 65220-645                      | LTC - Local Exp - Communications              | 250.00          | 630.00          | -380.00         |
| 65230-645                      | LTC - Local Exp - Special Projects            | 500.00          | 0.00            | 500.00          |
| <b>TOTAL LTC Local Expense</b> |                                               | <u>2,750.00</u> | <u>1,682.33</u> | <u>1,067.67</u> |
| <b>Projects</b>                |                                               |                 |                 |                 |
| 73001-645-4059                 | Mayne Commercial Land Use Review              | 2,000.00        | 0.00            | 2,000.00        |
| <b>TOTAL Project Expenses</b>  |                                               | <u>2,000.00</u> | <u>0.00</u>     | <u>2,000.00</u> |

# Mayne Island Local Trust Committee

## POLICIES AND STANDING RESOLUTIONS

Updated: September 24, 2018

| 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:<br>1.1. There is a complaint from an immediate neighbor; or,<br>1.2. There is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement.<br>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):<br><br>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:<br><br>i) they are advertised on the internet, newspapers or other media;<br>ii) they are not managed by an owner of the USTVR property who lives on Mayne Island;<br>iii) more than one dwelling on the lot is simultaneously made available for USTVR;<br>iv) while the property is used as a USTVR, persons are permitted to stay in tents or trailers;<br>v) there are issues related to health and safety on the property;<br>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;<br>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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 6. | September 24, 2018 |                | Cannabis Retail Referrals | <ul style="list-style-type: none"> <li>Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee.</li> <li>The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.</li> <li>The public consultation process shall be determined by the local trust committee after initial review of the proposal.</li> <li>However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: <ul style="list-style-type: none"> <li>Name of the applicant and a description of the proposal in general terms</li> <li>The location of the proposed establishment and the subject site</li> <li>The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered.</li> <li>The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application</li> <li>How public comments may be submitted to the local trust committee</li> </ul> </li> </ul> |



## **Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality September 2018**

### **Islands Trust Conservancy Staff Changes**

Kate Emmings stepped into the role of acting Manager for the Islands Trust Conservancy, filling in for Jennifer Eliason, who is on a temporary assignment with BC Parks until the end of March 2019. Nuala Murphy stepped into the role of acting Ecosystem Protection Specialist, backfilling for Kate Emmings until the end of February 2019. The role of Property Management Specialist is currently vacant and will hopefully be filled by the end of the year. ITC administrative assistant Corlynn Strachan took a temporary assignment with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development; filling in for her until April 2019 is Alexandra Trifonidis.

### **New Islands Trust Conservancy Board Member**

The Islands Trust Conservancy (ITC) board is thrilled to welcome Linda Adams, former Islands Trust Chief Administrative Officer, as a newly appointed board member. Appointed members are selected by the Crown Agency and Board Resourcing Office.

### **2018-2019 Budget Request**

The ITC board considered a business case for ITC staffing and recommended to the Islands Trust Council that the 2019-2020 budget include funding for one new auxiliary Covenant Monitoring and Outreach Specialist position and that financial planning for the 2020-2021 budget include a vision for a new fundraising position.

### **Approval of Lasqueti Islands Nature Conservancy (LINC) Opportunity Fund Grant**

The ITC board awarded a \$4,500 Opportunity Fund grant to LINC for a matching fundraising campaign for the purchase of Salish View on Lasqueti Island. The campaign is set to close in December and approximately \$90,000 is required to complete the protection of 11.61 ha of Coastal Douglas-fir forest.

### **Regional Conservation Plan Reporting**

The ITC board discussed ways to communicate the Regional Conservation Plan to local trust committees, Executive Committee and the Trust Council after the October 2018 election.

### **New Name: Islands Trust Conservancy**

ITC staff provided a verbal update about the Islands Trust Conservancy name change. The new website is active at [www.islandstrustconservancy.ca](http://www.islandstrustconservancy.ca) and staff are updating print publications.

## **Summary of Current Island-by-Island Activities**

The ITC board reviewed information and approved the annual covenant and nature reserve monitoring reports.

### **Denman**

Staff finalized the revised management plan for Morrison Marsh Nature Reserve. Invasive species removal and trail clearing, sign installation, and tree caging for forest restoration continue at three ITC nature reserves on Denman.

### **Lasqueti**

The Salish View campaign continues, in partnership with the Lasqueti Island Nature Conservancy (LINC). The ITC board granted LINC a \$4,500 Opportunity Fund grant for a matching fundraising campaign.

### **Link Island (Gabriola Island Local Trust Area)**

The ITC board authorized the Chair to sign a NAPTEP covenant with the landowner and the Nanaimo & Area Land Trust Society for the creation of a new NAPTEP covenant. The 19.3 ha covenant has significant ecological value and is a good model of land conservation under the NAPTEP program.

### **North Pender Island**

The ITC board approved a request from the landholder of the Wallace Point NAPTEP Covenant to widen the driveway to allow for the safe passage of large vehicles.

### **South Pender Island**

The ITC board approved a request from Pender Islands Parks and Recreation Commission to grant a covenant waiver to create new trail sections and close other trail sections to reduce overall trail length. The waiver also permits maintenance of a waterfall viewing platform.

### **Thetis**

Staff are negotiating a conservation covenant for Fairyslipper Forest Nature Reserve with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust. Ecological information is in the process of being collected to inform the covenant baseline report and the management plan for the protected area and a public open house will be held on Thetis Island October 13, 2018.

*Please feel free to contact members of the Islands Trust Conservancy or Islands Trust Conservancy staff for more details.*

Tony Law, Chair [tlaw@islandstrust.bc.ca](mailto:tlaw@islandstrust.bc.ca)  
Islands Trust Conservancy [itcmail@islandstrust.bc.ca](mailto:itcmail@islandstrust.bc.ca)



## **Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality November 2018**

### **New Islands Trust Conservancy Board Members and Chair**

The Islands Trust Conservancy board has two new members from the new 2019-2023 Islands Trust Council. Doug Fenton, a first-time trustee from Thetis, was elected to sit on ITC and the Board also welcomes Trustee Sue Ellen Fast as the appointed representative of the Islands Trust's Executive Committee. The Conservancy also re-welcomes returning trustee Kate-Louise Stamford, who was elected to the Board for a second term by the Islands Trust Council.

The Islands Trust Conservancy Board is comprised of two islands trustees elected to their positions by the Trust Council; one appointed Islands Trustee from the Trust Council executive and three provincially appointed board members from the islands at large.

The Islands Trust Conservancy Board

Richard “Hoops” Harrison – Saturna Island  
Robin Williams – Salt Spring Island  
Linda Adams – Salt Spring Island  
Doug Fenton – Thetis Island  
Sue Ellen Fast – Bowen Island  
Kate-Louise Stamford – Gambier Island

At the November 27<sup>th</sup> meeting, Trustee Stamford was elected by acclamation by the ITC Board as their chair. This position is reviewed on an annual basis.

### **Islands Trust Conservancy Budget Submission**

The Islands Trust Conservancy board received the Islands Trust Conservancy budget for information.

### **2019 Islands Trust Conservancy Board Meeting Dates**

The Islands Trust Conservancy board approved the 2019 meeting schedule.

### **Regional Conservation Plan Reporting**

The Islands Trust Conservancy board discussed ways to communicate the Regional Conservation Plan to local trust committees, the Bowen Island Municipality, Executive Committee and Trust Council.

### **Incorporation of Regional Conservation Plan into Land Use Planning**

The Islands Trust Conservancy board discussed ways to communicate incorporating the Islands Trust Conservancy's 2018-2027 Regional Conservation Plan and associated mapping and data into Official Community Plans, Land Use Bylaws and local planning initiatives and projects and agreed to discuss further strategies for work with local trust committees and the Bowen Island Municipality at its January meeting.

### **Bylaw Amendment**

The Islands Trust Conservancy board directed staff to provide recommendations for revision of Islands Trust Conservancy Bylaw 1 to add options for an alternate chair as there can be extra travel challenges when crossing from the mainland to the Victoria office.

### **New Name: Islands Trust Conservancy**

ITC staff provided a briefing note about the status of the Islands Trust Conservancy name change and budget.

### **Summary of Current Island-by-Island Activities**

#### **Bowen**

Trustee Fast reported that New Zealand MP Eugenie Sage came to Bowen Island and requested Islands Trust Conservancy covenant program information.

#### **Denman**

The Islands Trust Conservancy board received correspondence from the Cowichan Valley Regional District regarding the Denman Cross Island Trail. Invasive species removal and trail clearing, sign installation, and tree protection for forest restoration continue at three ITC nature reserves on Denman.

#### **Gambier**

Public consultation for the updated management plans of three Gambier Island Nature Reserves (Brigade Bluffs, Long Bay Wetland, Mount Artaban) is underway with a public survey and a public, open-house webinar on December 12, 2018.

#### **Lasqueti**

The Salish View campaign continues, in partnership with the Lasqueti Island Nature Conservancy (LINC).

*Please feel free to contact members of the Islands Trust Conservancy or Islands Trust Conservancy staff for more details.*

Kate-Louise Stamford, Chair [kstamford@islandstrust.bc.ca](mailto:kstamford@islandstrust.bc.ca)  
Islands Trust Conservancy [itcmail@islandstrust.bc.ca](mailto:itcmail@islandstrust.bc.ca)

**Link Island (Gabriola Island Local Trust Area)**

The Islands Trust Conservancy and the Nanaimo Area Land Trust registered a NAPTEP covenant over 19.3 ha of Link Island. The Natural Area Exemption Certificate providing the property tax exemption was registered in October. The covenant has significant ecological value and is a good model of land conservation under the NAPTEP program.

**North Pender Island**

The Islands Trust Conservancy board received correspondence sent to North Pender LTC from Islands Trust Conservancy staff regarding Medicine Beach Nature Reserve.

**Thetis**

The Islands Trust Conservancy is negotiating a conservation covenant for Fairyslipper Forest Nature Reserve with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust. Ecological information is being collected for the covenant baseline report and the management plan and a public open house was held on Thetis Island on October 13, 2018. Islands Trust Conservancy staff and Trustee Fenton met with representatives from the Penelakut Tribe, the Thetis Island Nature Conservancy and the Cowichan Community Land Trust to discuss property management on Thetis Island.

*Please feel free to contact members of the Islands Trust Conservancy or Islands Trust Conservancy staff for more details.*

*Kate-Louise Stamford, Chair [kstamford@islandstrust.bc.ca](mailto:kstamford@islandstrust.bc.ca)  
Islands Trust Conservancy [itcmail@islandstrust.bc.ca](mailto:itcmail@islandstrust.bc.ca)*



DATE OF MEETING: January 28, 2019  
 TO: Mayne Island Local Trust Committee  
 FROM: Justine Starke, Island Planner  
 COPY: Robert Kojima, Regional Planning Manager

## RECOMMENDATION

THAT the Mayne Island Local Trust Committee consider implementation of the report *Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)* as a top priority work program item.

## REPORT SUMMARY

This report presents, *Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)* for consideration of implementation by the Local Trust Committee. Local Planning Committee (LPC) has developed the attached tool kit for protection of the Coastal Douglas Fir zone and associated ecosystems. There are a number of recommendations for implementation of the tool kit throughout the Islands Trust Area. LPC has requested distribution of the Coastal Douglas Fir Tool Kit to local trust committees with a recommendation to add it as a top priority long range planning project.

## BACKGROUND

[Local Planning Committee](#) is a subcommittee of Islands Trust Council with the responsibility for addressing planning needs applicable throughout the Islands Trust Area.

On November 9, 2017, Local Planning Committee moved Coastal Douglas-fir and associated ecosystems as a top priority in accordance with the Trust Council Strategic Plan (2015-18):

- L.1.6.1 Amend land use bylaws to improve protection of high biodiversity areas (LTCs)
- T.1.7.1 Develop a planning tool kit to illustrate how to protect Coastal Douglas-fir and associated ecosystems (LPC).
- L.1.7.1 Use land use planning tools to protect Coastal Douglas-fir and associated ecosystems through land use planning (LTCs).

Staff developed the tool kit and the final report was received by Local Planning Committee on October 11, 2018 when the following resolutions were passed:

**LPC-2018-015 It was MOVED and SECONDED**, that Local Planning Committee accepts the final Coastal Douglas-fir Toolkit and directs staff to bring the report to Trust Council for consideration of implementation by the 2019-2023 Islands Trust Council. **CARRIED**

**LPC-2018-016 It was MOVED and SECONDED**, that Local Planning Committee requests the Islands Trust

Council elected for the 2019-2023 term implement the Coastal Douglas-fir Toolkit by undertaking the following:

- a) distribute the Coastal Douglas-fir Toolkit to local trust committees with a recommendation to add it as a top priority long-range planning project;
- b) prioritize protection of the Coastal Douglas-fir and Associated Ecosystems and implementation of the Islands Trust Conservancy Regional Conservation Plan in the Islands Trust Council strategic plan for 2019-2023. **CARRIED**

**LPC-2018-017 It was MOVED and SECONDED**, that Local Planning Committee requests the Islands Trust Council elected for the 2019-2023 term implement the Coastal Douglas-fir Toolkit by undertaking the following:

- c) direct Local Planning Committee to commission mapping of contiguous tracks of the Coastal Douglas-fir zone and associated ecosystems across the Islands Trust Area. **CARRIED**

**LPC-2018-018 It was MOVED and SECONDED**, that Local Planning Committee requests the Islands Trust Council elected for the 2019-2023 term implement the Coastal Douglas-fir Toolkit by undertaking the following:

- d) request staff to create a strong communications program that will support Islands Trust Conservancy conservation initiatives for Coastal Douglas-fir protection as well as support the land use planning process, with a special focus on communicating the role of Development Permit Areas as a tool for Coastal Douglas-fir protection that permits development.

**LPC-2018-019 It was MOVED and SECONDED**, that Local Planning Committee requests the Islands Trust Council elected for the 2019-2023 term implement the Coastal Douglas-fir Toolkit by undertaking the following:

- e) request staff to bring recommendations as to how the Natural Areas Property Tax Exemption Program (NAPTEP) can be strengthened to prioritise contiguous tracks of the Coastal Douglas-fir zone and options for increasing communications about NAPTEP. **CARRIED**

**LPC-2018-020 It was MOVED and SECONDED**, that Local Planning Committee requests the Islands Trust Council elected for the 2019-2023 term implement the Coastal Douglas-fir Toolkit by undertaking the following:

- f) request Trust Area Services staff to continue participating in the Coastal Douglas-fir Conservation Partnership. **CARRIED**

**LPC-2018-021 It was MOVED and SECONDED**, that Local Planning Committee requests the Islands Trust Council elected for the 2019-2023 term implement the Coastal Douglas-fir Toolkit by undertaking the following:

- g) advocate to the Province for additional land use orders protecting Coastal Douglas-fir in the Islands Trust Areas. **CARRIED**

**LPC-2018-022 It was MOVED and SECONDED**, that Local Planning Committee requests staff undertake mapping of the Coastal Douglas-fir zone and associated ecosystems within the existing budget this term. **CARRIED**

## ANALYSIS

The tools available to the Islands Trust can advance protection of the Coastal Douglas-fir zone and associated ecosystems across the Trust Area. Islands Trust and the Islands Trust Conservancy together have the authority

to regulate land use, act as a land conservancy, and coordinate with other levels of government. Islands Trust can also work collaboratively with community groups, conservation groups, and individuals to advance a broader set of tools for protection of the CDF Zone. The land use planning powers of local trust committees can be much more effectively used to protect this vulnerable ecosystem.

### Objectives for CDF Protection

The policy, regulatory, and legal powers of Islands Trust are nested and can be designed to achieve the following recommended objectives:

- Maintain Contiguous Forest Cover
- Protect and Restore Functioning Ecosystems
- Protect Watershed Ecology
- Honour the Cultural Heritage of Coast Salish Stewardship

The biggest threat to the CDF zone in the Islands Trust is the incremental fragmentation of the forest through rural and residential development. The report suggests a path for Trust Council, the Islands Trust Conservancy, and local trust committees to protect the CDF zone (see the “Ten Essential Steps for Islands Trust to Protect the CDF Zone.” These recommendations are suggested from the position that the best tools are the ones that are easiest to use and are most squarely within the jurisdiction of Islands Trust.

### ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Add implementation of the report *Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)* to the LTC long project list for consideration at a later time.

### NEXT STEPS

Request staff to bring forward a project charter that proposes scope, timelines, and budget for this work.

|               |                                                               |                   |
|---------------|---------------------------------------------------------------|-------------------|
| Submitted By: | Justine Starke, RPP, MCIP<br>Island Planner                   | November 27, 2018 |
| Concurrence:  | David Marlbor, RPP, MCIP<br>Director, Local Planning Services | November 27, 2018 |

### ATTACHMENTS

1. Coastal Douglas Fir Zone Tool Kit



Islands Trust

# Protecting the Coastal Douglas-fir Zone & Associated Ecosystems

An Islands Trust Toolkit

# Contents

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## Acknowledgements

The development of this tool kit by Justine Starke was assisted with feedback and contributions from a number of Islands Trust staff and by drawing on the work of the Coastal Douglas-fir Conservation Partnership. Of particular note are the following people who provided data and resources to support this project:

Lisa Wilcox

Kate Emmings

William Shulba

Shelley Miller

Madeleine Koch

Kim Stockdill

Nuala Murphy

Sonja Zupanec

David Marlor

Robert Kojima

Local Planning Committee

Unless otherwise noted, all photos were taken by Justine Starke.  
Cover photo by Kristine Mayes.

# Executive Summary

Across the Islands Trust Area, the Coastal Douglas-fir (CDF) zone and associated ecosystems make up much of the forested landscape; these lush and magnificent forests are the most visual indicator of the Islands Trust's success in achieving its mandate to protect the Islands Trust Area.

The CDF Zone encompasses the entire Islands Trust Area and is found nowhere else in Canada. Coastal Douglas-fir ecosystems are biologically, culturally, and physically important. These forested landscapes maintain our local climates, the sustainability of our freshwater systems, and the biodiversity of our islands. They are home to many endangered plant communities and are ranked as a high priority for preservation, globally and provincially. With the majority (68%) of CDF land across the Trust Area privately held, it is the residents and landowners who have the most responsibility and ability to carefully steward the CDF zone. Many special places on the islands are still special because of the care with which islanders take to preserving the land.

This toolkit proposes that Islands Trust can better use its legislative scope to improve protection for the CDF zone. In doing so, Islands Trust policy development should be guided by the following objectives when advancing Coastal Douglas-fir protection throughout the Islands Trust Area:

- maintain contiguous forest cover;
- protect and Restore Functioning Ecosystems;
- protect watershed ecology;
- honour Coast Salish cultural heritage.

These objectives will offer foundational direction for Islands Trust to consider in protecting its Coastal Douglas-fir forests. From the regional Trust Council (TC) and Islands Trust Conservancy (ITC), to local trust committees (LTCs) and community level actions, the Islands Trust has many tools to use in preserving and protecting the Coastal Douglas-fir zone across the Trust Area.



*Many special places on the islands are still special because of the care with which islanders take to preserving the land.*

## Essential Steps for Islands Trust to Protect the CDF Zone:

### 1. Trust Council Strategic Plan

Prioritise CDF protection in the Trust Council strategic plan to ensure resources support work plans that advance CDF protection.

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### 2. Implement the Regional Conservation Plan (RCP)

Adopt the RCP into OCPs with special emphasis on protecting contiguous forest and old growth within the Coastal Douglas-fir zone and associated ecosystems.

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### 3. Mapping

Map contiguous tracks of the Coastal Douglas-fir zone and associated ecosystems.

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### 4. LTC Top Priority

Local trust committees should make protection of Coastal Douglas-fir zone and associated ecosystems a top priority in their work plans. This will ensure staff and other resources are put to the task.

### 5. Education and Communications

Educate the public about the importance of CDF protection by incorporating a strong communications program into ITC conservation initiatives and into the land use planning process, especially when considering DPAs for CDF protection.

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### 6. Official Community Plan Updates

Review OCPs for strong language that prioritises protection of the CDF zone in land use planning.

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### 7. Development Permit Areas

Create DPAs to protect the Coastal Douglas-fir zone and associated ecosystems.

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### 8. Land Use Bylaws/Zoning

Create density bonus zones in exchange for CDF protection by way of a conservation covenant; identify protection of the CDF zone as an amenity to be voluntarily offered at time of rezoning; designate zones for CDF protection.

### 9. Park dedication

Amend OCPs to include language directing the provision of land rather than cash in lieu at time of park dedication in the subdivision process. Include language guiding LTCs to request land where there are priority areas in the CDF zone. Advocate for other levels of government to protect more of the CDF zone as park land.

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### 10. Tax Incentives

Tailor the NAPTEP program to highlight and prioritise the CDF zone in ITC conservation goals.

---

### 11. Partnerships

Continue to participate and be an active member of the Coastal Douglas-fir Conservation Partnership.

## Summary of the Islands Trust toolkit:

| TOOL                              | LEVEL OF PROTECTION | JURISDICTION     | TYPE OF TOOL     | IMPLEMENTED BY                                                        |
|-----------------------------------|---------------------|------------------|------------------|-----------------------------------------------------------------------|
| 1. Islands Trust Policy Statement | Indirect            | TC               | Policy           | OCPs and zoning                                                       |
| 2. Regional Conservation Plan     | Indirect            | ITC              | Policy           | OCPs, zoning, conservation tools                                      |
| 3. Land Acquisition               | High                | TC, ITC, Others* | Legal            | Islands Trust Conservancy policies                                    |
| 4. Conservation Covenant          | High                | ITC; LTC; Others | Legal            | Registration on land title                                            |
| 5. Amenity Zoning/Density Bonus   | High                | ITC; LTC; Others | Policy           | Zoning combined with conservation tool (covenants or park dedication) |
| 6. Park Dedication                | High                | LTC; Others      | Legal/Regulatory | Land acquisition                                                      |
| 7. OCPs                           | Indirect            | LTCs             | Policy           | Zoning                                                                |
| 8. DPA                            | Medium–High         | LTCs             | Regulatory       | Permit approvals                                                      |
| 9. Zoning/Land Use Bylaws         | Medium              | LTCs             | Regulatory       | Land use and density                                                  |
| 10. Tree Cutting Bylaw            | Medium              | BIM              | Regulatory       | Permit approvals                                                      |
| 11. Tax Incentives                | High                | ITC/Others       | Economic         | Conservation tools                                                    |
| 12. Voluntary Stewardship         | High                | Private          | Voluntary        | Conservation tools                                                    |
| 13. Ministerial Order             | High                | Province         | Legislative      | Crown Land Management                                                 |
| 14. Water Sustainability Act      | Indirect            | Province         | Regulatory       | Area Based Regulations or Water Sustainability Plan                   |

\* Others in this instance refers to First Nations, community groups, land conservancies, other levels of government, or private property owners.

# Coast Salish Stewardship of the Coastal Douglas-fir Zone

Douglas-fir is translated as ts'sey' in the Hul'q'umi'num' language, as JSÁ,łĆ in the Saanich (SENĆOTEN) language, and as ch'shay in the Squamish (Skwxwú7mesh) language.

The Islands Trust Area overlaps with the traditional territory of the Coast Salish people. Islands Trust acknowledges the 10,000 years of knowing and stewardship practices of the Coast Salish people — evident in the lushness of the forests and the biodiversity of the CDF zone. The Coast Salish have celebrated the life cycles of these forests since time immemorial. The languages and ceremonies of the Coast Salish people reflect the natural rhythms of the forests and shores of the Salish Sea. An ancient Douglas-fir tree is honoured as witness to the cycle of transformation and self nourishment of the forest's ecology. There exists a wealth of traditional ecological knowledge (TEK) in Coast Salish traditions. Douglas-fir and associated ecosystems provide food and medicine for health and well being. The wood of the Douglas-fir is used in the fire ceremonies of the long house. Western red cedars are also very important to the Coast Salish people. All parts of the cedar are used — the logs for longhouses, canoes, and masks, and the bark for clothing, mats, and baskets. The active management of the Garry Oak meadows favoured the annual cultivation of Camas, known as a staple food source for the Coast Salish people.<sup>1</sup>

This report is not inclusive of the gathering, harvesting, or stewardship knowledge of First Nations within the Trust Area. This toolkit should be considered a living document that can be improved over time through meaningful consultation and engagement with First Nations.



*Cedar bark harvests represent the ongoing cultural use of Coastal Douglas-fir forests.  
Photo: Tsawout Reserve (IR5), Salt Spring Island.*

# Coastal Douglas-fir and Associated Ecosystems

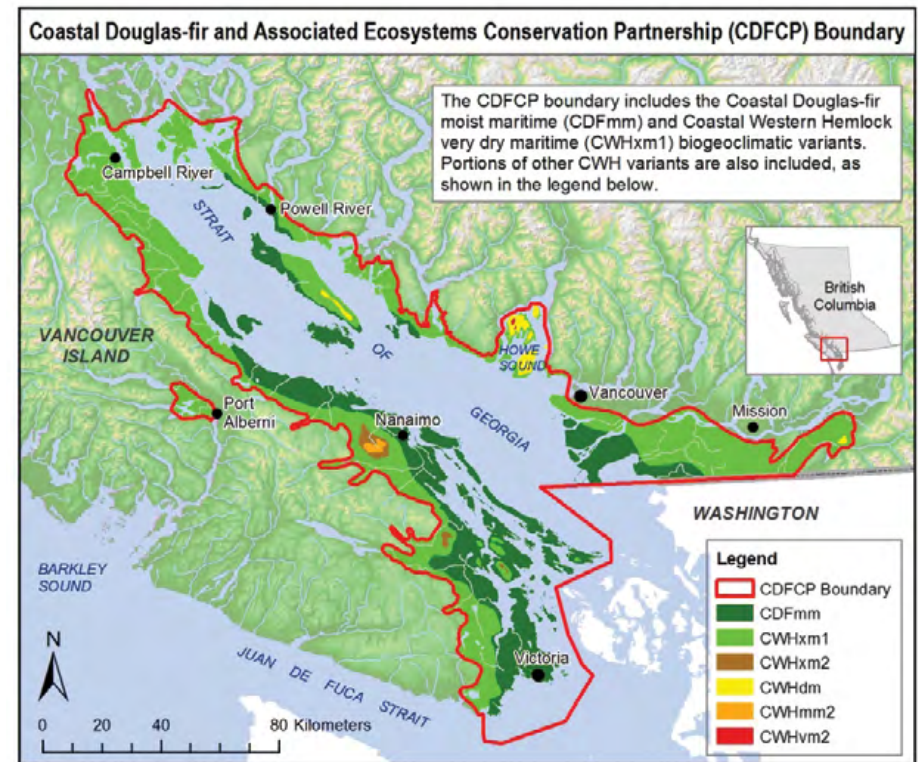
The Coastal Douglas-fir (CDF) Biogeoclimatic Zone<sup>ii</sup> is found nowhere else in Canada. It includes a unique set of ecosystems that occur along the edge of south-east Vancouver Island, across the Gulf Islands, and the along the southwest coast of Vancouver Island. The Islands Trust Area is entirely within the CDF zone. There are 16 biogeoclimatic zones in British Columbia – of these, the CDF is the smallest and most at risk. The CDF zone has many rare ecosystems and includes more than just Douglas-fir forests. Associated ecosystems include Garry Oak ecosystems, rocky outcrops, wetlands, and shorelines. The Coastal Western Hemlock (CWH) zone is considered an important associated ecosystem that exists within the area of interest of the CDF zone.

The CDF zone needs active stewardship by land owners: 80% of land in the whole CDF is privately owned but only 11% is protected in some way, making it the least-protected biogeoclimatic zone in BC.<sup>2</sup>

## Importance of Coastal Douglas-fir Ecosystems

There is significant concern for the conservation of the CDF zone. The [Coastal Douglas-fir Conservation Partnership](#) has emphasized the importance of the CDF zone as being biologically rich and containing globally imperiled and provincially identified species at risk, as well as containing ecosystems at risk. CDF ecosystems clean our air and water, absorb carbon from the atmosphere, provide climate change mitigation and adaptation, and contribute to food resilience by providing habitat for pollinators and

<sup>ii</sup> A "biogeoclimatic zone" is an area with a relatively uniform climate, and with a mix of vegetation and soils that reflect that climate. A more detailed description of the Coastal Douglas-fir Biogeoclimatic Zone can be found in the [Ecosystems of British Columbia: Chapter 5 Coastal Douglas-fir Zone](#).



insectivores. CDF forests are important for people's mental health and wellbeing, and provide recreational and educational opportunities for people to learn about the significance, ecology, and cultural importance of these special coastal rainforests. The CDF zone can also add to property values. Individual properties that are in the vicinity of natural areas and parkland can increase property values by 3–6% (or more).<sup>3</sup>

## Coast Douglas-fir Zone in the Islands Trust Area

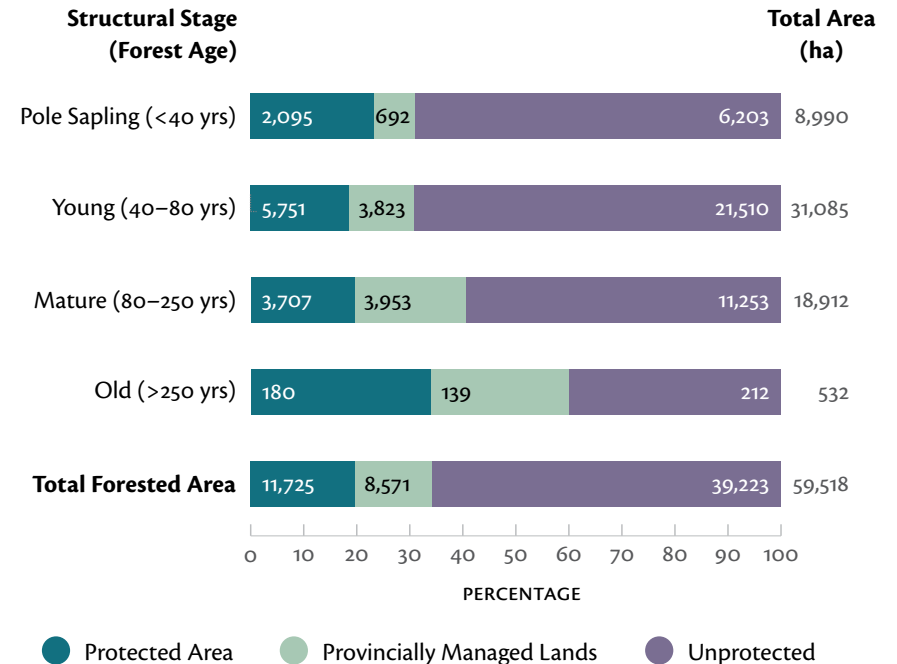
The Islands Trust Conservancy has identified healthy forests as a biodiversity priority in its Regional Conservation Plan for 2018–2027. Healthy forests are multi-aged forests with a diverse canopy cover and a variety of tree and understory species. The understory is also characterized as having large woody debris, including fallen trees and nurse logs, and lots of snags<sup>4</sup>.

Most of the Trust Area was logged at one time. Across the region, much of the forests are classified as young forest ranging from 40–80 years old. Mature forests (80–250 years old) cover approximately 24% of the Islands Trust Area, while less than one percent remains in old growth (forest that is more than 250 years old). Remaining old and mature forests are very important, providing high quality habitat and many more species than younger forests.<sup>5</sup>

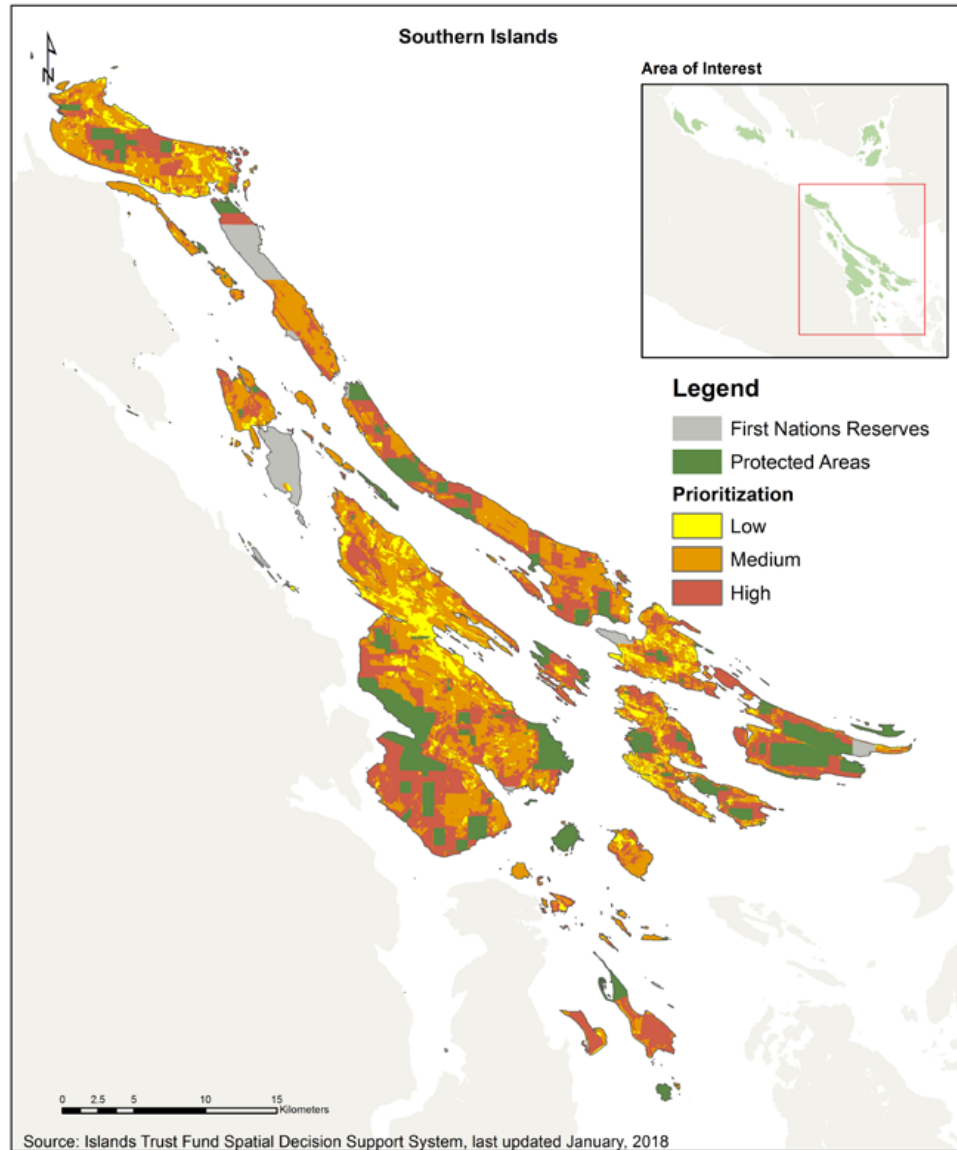
Across the Islands Trust Area, 19.7% of forests are in protected areas, including all parks, ecological reserves, watershed lands, heritage forest lands, nature reserves, and Old Growth Management Areas.<sup>6</sup> Protection varies significantly by islands trust area/island municipality with Thetis having less than 5% and Saturna and South Pender having over 35% of forested ecosystems in protected areas.<sup>7</sup> Private land in the Islands Trust Area represents about 68.6% of the landscape.<sup>8</sup>

Using a decision matrix, the Islands Trust Conservancy has identified priority lands for conservation across the Islands Trust Area. While there are lands with high conservation values on all the islands, the Islands Trust Conservancy will focus upcoming outreach programs primarily on Lasqueti Island, and in the Salt Spring Island and Thetis Island local trust areas, with a secondary focus on the Gabriola Island, Galiano Island, and Gambier Island local trust areas.

**Structural stage (age) of forests in the Islands Trust Area by area and percent.**

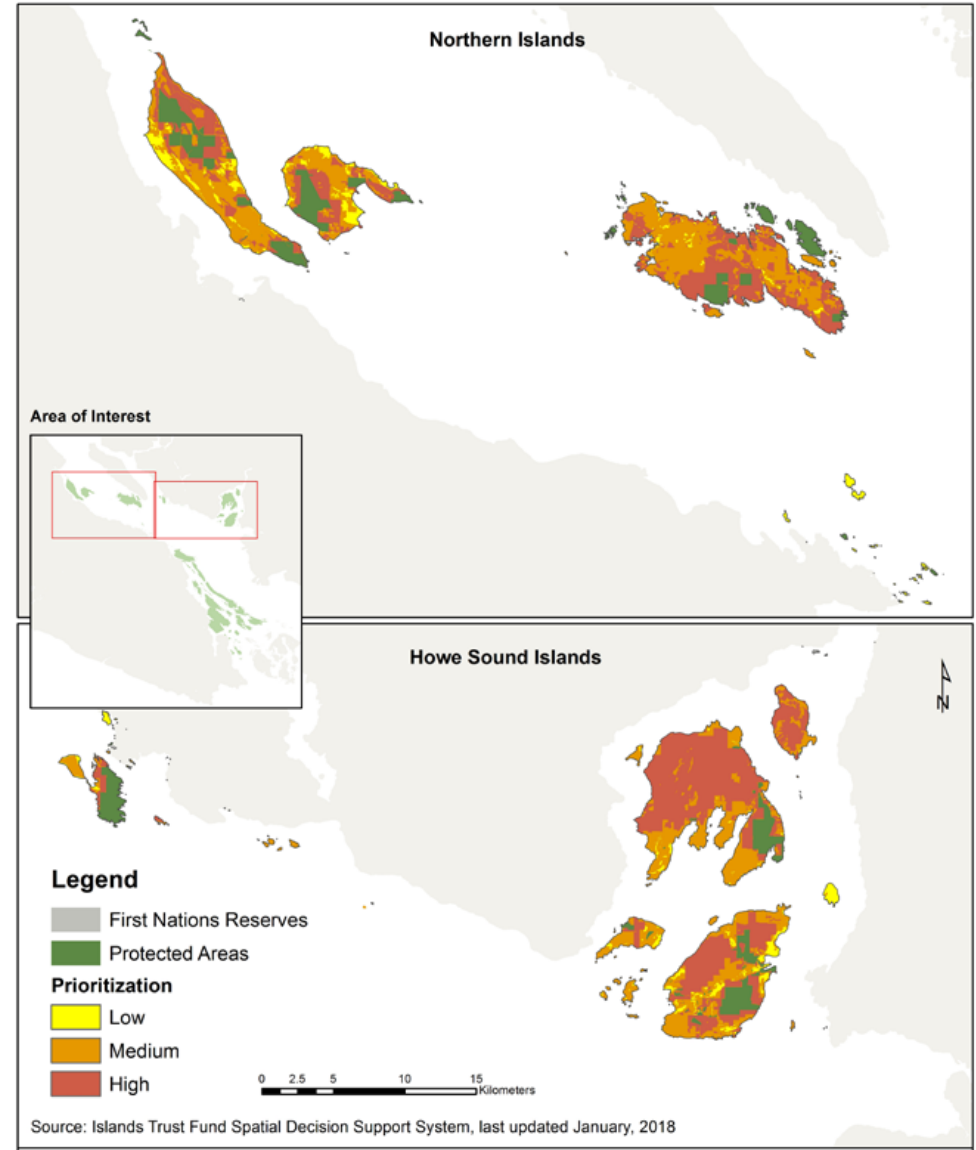


## Priority Lands for Conservation in the Islands Trust Area



### Priority Lands for Conservation in the Islands Trust Area

Biodiversity on small islands and islets may be of higher value than indicated due to challenges with connectivity and contiguity analyses where no protected areas exist. When considering conservation value of smaller islands and islets, please refer to Islands Trust Fund Biodiversity Composition analysis from the Islands Trust Fund Spatial Decision Support System.



### Priority Lands for Conservation in the Islands Trust Area

Biodiversity on small islands and islets may be of higher value than indicated due to challenges with connectivity and contiguity analyses where no protected areas exist. When considering conservation value of smaller islands and islets, please refer to Islands Trust Fund Biodiversity Composition analysis from the Islands Trust Fund Spatial Decision Support System.



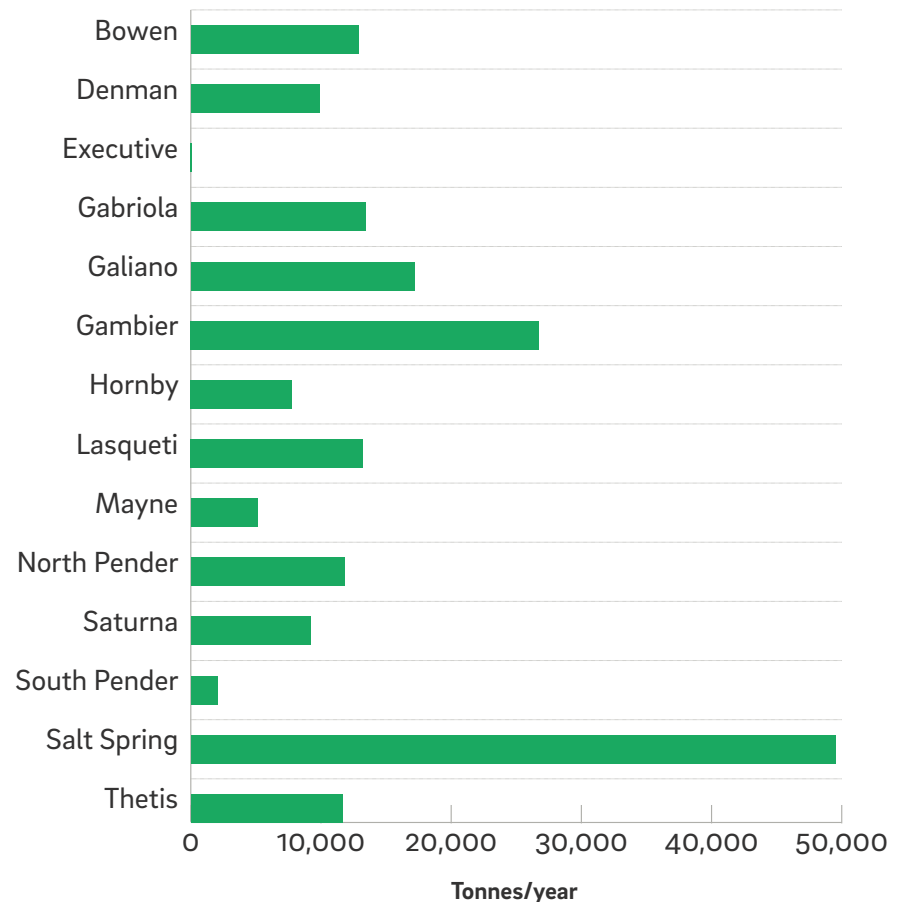
# The Islands Trust Area Mitigates Impacts of Climate Change

The Islands Trust Area's forests are unique and globally important. The significant role these forests play in mitigating the impacts of climate change is not always recognized. Forests provide biomass and soils as "living carbon," using natural processes to remove and store carbon dioxide from the atmosphere in a dynamic process of growth, decay, disturbance and renewal. At a global scale, forests help maintain Earth's carbon balance.<sup>9</sup> The carbon cycling of forests provide essential life support services that protect us from the impacts of climate change.

British Columbia ecosystems have some of the highest carbon stores in Canada and play an important global role in carbon cycling and storage. As of 2008, the total carbon stored by BC's forests was 88 times Canada's annual greenhouse gas emissions.<sup>10</sup> However, Coastal Douglas-fir forests within the Islands Trust Area store and sequester more carbon per hectare than the rest of British Columbia. This carbon sequestration is likely due to a higher density of maturing forests, which store and take in more carbon to support their growth.<sup>11</sup> Islands Trust has an important role and responsibility for "carbon stewardship"<sup>12</sup> by protecting its intact Coastal Douglas-fir forests.

- As a whole, the Trust Area sequesters 190,506 tonnes of carbon per year, which equates to about 40,241 passenger vehicles per year.
- On average, forests in the Islands Trust Area store 82% more carbon per hectare than forests in the rest of the Coastal Douglas-fir zone.
- On average, forests in the Islands Trust Area have the potential to absorb 43% more carbon per hectare over the next 20 years than forests in the rest of the Coastal Douglas-fir zone.<sup>13</sup>

Carbon sequestration per Local Trust Area



- When ranked for sensitivity to climate change, carbon storage capability, biodiversity habitat, and the degree of human impacts, the Coastal Douglas-fir zone is the most important BC ecosystem.<sup>14</sup>

# Threats to the CDF Zone

The Coastal Douglas-fir Conservation Partnership's 2018 *Quick Guide for Local Governments* has an expanded section on threats to the CDF zone. The following has been summarized for the purpose of this toolkit.

## Human Pressures and Deforestation

Coastal Douglas-fir ecosystems are under threat from human pressures. Of all the zones in the province, the CDF has been most altered by human activities:

- Almost half of the CDF lands have been converted for human use (urban, roads, agriculture, mining, industrial, etc.).
- 75% of the human population of BC lives in the CDF, including the major centres of Vancouver, Victoria, and Nanaimo where population growth is expected to continue.
- The CDF has the highest road density of any biogeoclimatic zone in BC.<sup>15</sup>

The trend of deforestation and residential sprawl continues. Even in the Islands Trust Area, many local trust committees have not reduced the subdivision potential inherited by the zoning that was already in place when the Islands Trust was created in 1974. The continued pareclization and subdivision of land causes fragmentation and perpetuates the incremental loss of contiguous forest cover, threatening the remaining natural systems.

The Islands Trust Conservancy estimates that between 2004–2014, approximately 1,070 ha of land was disturbed or lost through deforestation, vegetation clearing, creation of rural development and roads, wetland loss and disturbance to soils.<sup>16</sup> See Appendix II of the Islands Trust Conservancy [2018–2027 Regional Conservation Plan](#) for a breakdown of disturbance type by local trust area or island municipality.

“ The extent of disturbance, combined with the low level of protection, places the ecological integrity of the CDF zone at high risk... Deforestation in a land base that was once predominantly forested has consequences for the small patch ecosystems, specialized habitats and at-risk species that were previously buffered and supported by the ecological processes of the surrounding forests... These changes affect hydrological patterns and the ability to filter and store water; destabilizes forest soils and reduces capacity to regenerate soils; alters the resistance to the invasion of alien species; alters prey-predator relationships; alters carbon and nutrient cycles, including the release of carbon to the atmosphere; and removes specialized habitat features for wildlife foraging, shelter and breeding (Coastal Douglas-fir Conservation Partnership (CDFCP), 2015).

## Climate Change

The impacts and costs of climate change vary regionally; the northern hemisphere is projected to have higher rates of warming than other regions. Canada and British Columbia have many of the high-risk landscapes such as mountainous regions, sub-boreal and alpine regions, coastal and other low-lying areas, and forests with high fire and insect risk.<sup>17</sup> The changing climate impacts the Coastal Douglas-fir forests as well by reducing water availability, stressing native ecosystems and species, and introducing new pests and diseases.<sup>18</sup>

Forests can act as both carbon sources and carbon sinks. Forests are *carbon sources* when they release more carbon than they absorb, for example when trees burn or when they decay after dying. A forest is considered to be a *carbon sink* if it absorbs more carbon from the atmosphere than it releases. Carbon is absorbed (sequestered) from the atmosphere through photosynthesis. As noted, the forests of Islands Trust Area are carbon sinks for the region.

As the climate changes, there will be more and more fires, in combination with longer, more frequent droughts and a greater incidence of insect outbreaks. The Government of Canada notes that, "the outcome of all these interconnected events is likely to be further acceleration of the feedback loop: more emissions will lead to accelerated climate change, which in turn will enhance the conditions that create more carbon-releasing disturbances in Canada's forests."<sup>19</sup>

## Water Availability

The relationship between trees and water is inherent in healthy forests. Water availability directly influences watershed ecological function and sustains healthy forests as a whole. Forests are a mosaic landscape of ecology and geology that maintains water storage and contributes to water quality by filtering through forest soils and biomass. Through capillary processes, nutrient rich water moves from the soil, through roots of trees, and is carried up the tree's trunk to the leaves to contribute to the process of photosynthesis.<sup>20</sup> Tree canopies collect rainfall, releasing it slowly into forest floor that contributes to the health of the forest ecosystems and contribute significantly to sustained groundwater recharge.<sup>21</sup>

Unfortunately, these processes are also threatened by climate change.<sup>22</sup> Longer summer droughts may be causing decline in the health of the Coastal Douglas-fir ecosystems, particularly on drier sites.<sup>23</sup> Islanders have observed this anecdotally by noting the visual decline of individual trees and seeing the overall stress on the forests — especially evident in the thirsty western red cedars and broad leaf maples.

## Wildfire

Fire is an important part of the natural CDF ecological cycle. Natural fire cycles create diversity in the types, ages, and densities of trees, which in turn help limit soil damage and maintain watershed functioning.<sup>24</sup> Historically, wild fires and deliberate burning by First Nations played an



important role in shaping CDF ecosystems by clearing the understory of less fire-resistant species, creating openings in the canopy, and favouring the dominance of large, thick-barked Douglas-fir, Maple, and Garry Oaks.

Since colonization, forest fires have been suppressed and wild fires have been increasing in frequency and intensity across British Columbia, especially in recent years. Severe fires can disrupt the ecological balance of forests; they alter watershed functioning and create erosion and sediment damage in streams.<sup>25</sup> The accumulation of deadfall and the absence of controlled burns in the forests has increased the risk of fire across the Trust Area. In 2006, a fire burned 61 hectares of forests on Galiano Island and 120 residents were evacuated.<sup>26</sup> While the Islands Trust Area has been fortunate to not have had a more catastrophic wild fire burn on one of our islands in recent times, the risk of fire threatens Coastal Douglas-fir forests as well as the communities of the Islands Trust Area.



*These objectives should be foundational and guide policy development at all levels.*

## Objectives for Coastal Douglas-fir Protection in the Islands Trust Area

Trust Council, the Islands Trust Conservancy, and local trust committees need to work together to harmonize policies and regulations and coordinate work programs to achieve greater protection of the Coastal Douglas-fir zone and associated ecosystems throughout the Islands Trust Area. In order to best support the strategic coordination of Islands Trust towards the protection of the Coastal Douglas-fir zone and associated ecosystems, the following overall objectives should be foundational and guide new policy development at all levels:

- **Maintain Contiguous Forest Cover**

The most obvious way to retain the ecological integrity of the Coastal Douglas-fir zone and associated ecosystems is to retain contiguous tracks of forest. Forest ecosystems function best when buffered from impacts of disturbance and fragmentation, which causes edge effects and makes forests vulnerable to invasive species, altered hydrological regimes, and disrupted ecological services. The land use and conservation tools available to Islands Trust can greatly benefit the maintenance of contiguous forest cover throughout the Islands Trust Area.

- **Protect and Restore Functioning Ecosystems**

Human impacts on the Coastal Douglas-fir zone throughout the Trust Area have caused a loss of ecosystem functioning. Much of our forests need individual assessments and restoration to ensure the integrity of the ecosystems is maintained. This objective highlights the need for active forest maintenance and would be best achieved through tools of coordination and collaboration with other levels of government, environmental stewardship groups, and programs for landowner outreach, education, and voluntary stewardship.

- **Protect Watershed Ecology**

Longer drought periods and altered hydrological processes are threatening CDF forest ecosystems. Islands Trust can use land use and conservation tools to protect the watersheds in the CDF zone. This would not only protect the forest, but also serve to protect the freshwater resources of our islands.

- **Honour the Cultural Heritage and Stewardship of the Coast Salish People**

The legacy of stewardship of the CDF zone can be acknowledged and extended with the protection of culturally important places, archaeological sites, knowledge sharing, cooperation, and First Nations relationship building.

# The Islands Trust Tool Box

The different tools available to the bodies of Islands Trust include policy tools, regulatory tools, and legal tools — often used in combination — which carry with them varying degrees of strength in the level of protection they can offer for protection of the CDF zone. Policy tools enable regulations that in turn manage and limit development of the landscape. Legal tools

such as covenants are often voluntary or the results of negotiations related to development approvals, but offer a high level of environmental protection once they are registered. The following table summarizes the tools available and illustrates this point:

| TOOL                              | LEVEL OF PROTECTION | JURISDICTION*    | TYPE OF TOOL     | IMPLEMENTED BY                                                        |
|-----------------------------------|---------------------|------------------|------------------|-----------------------------------------------------------------------|
| 1. Islands Trust Policy Statement | Indirect            | TC               | Policy           | OCPS and zoning                                                       |
| 2. Regional Conservation Plan     | Indirect            | ITC              | Policy           | OCPS, zoning, conservation tools                                      |
| 3. Land Acquisition               | High                | TC, ITC, Others  | Legal            | Islands Trust Conservancy policies                                    |
| 4. Conservation Covenant          | High                | ITC; LTC; Others | Legal            | Registration on land title                                            |
| 5. Amenity Zoning/Density Bonus   | High                | ITC; LTC; Others | Policy           | Zoning combined with conservation tool (covenants or park dedication) |
| 6. Park Dedication                | High                | LTC; Others      | Legal/Regulatory | Land acquisition                                                      |
| 7. OCPs                           | Indirect            | LTCs             | Policy           | Zoning                                                                |
| 8. DPA                            | Medium–High         | LTCs             | Regulatory       | Permit applications                                                   |
| 9. Zoning/Land Use Bylaws         | Medium              | LTCs             | Regulatory       | Land use and density                                                  |
| 10. Tree Cutting Bylaw            | Medium              | BIM              | Regulatory       | Permit approvals                                                      |
| 11. Tax Incentives                | High                | ITC/Others       | Economic         | Conservation tools                                                    |
| 12. Voluntary Stewardship         | High                | Private          | Voluntary        | Conservation tools                                                    |
| 13. Ministerial Order             | High                | Province         | Legislative      | Crown Land Management                                                 |
| 14. Water Sustainability Act      | Indirect            | Province         | Regulatory       | Area Based Regulations or Water Sustainability Plan                   |

\* Others in this instance refers to community groups, land conservancies, First Nations, other levels of government, or private property owners.

## The Islands Trust Mandate:

*The object of the Islands Trust is to Preserve and protect the Trust Area and its unique amenities and environment 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.*<sup>27</sup>

The Islands Trust has a legislated mandate to protect the environment. However, the Islands Trust “Object” does not carry with it any special land use authority to do so. It is implemented through the same powers shared by regional districts and municipalities across BC, conferred on the corporate bodies<sup>iii</sup> of Islands Trust by the Islands Trust Act, which in turn references the Local Government Act. Incorporated as a municipality, Bowen Island has additional tools available under the Local Government Act. Please see [Appendix 1](#) to review the legislative context and governance structure of Islands Trust.

## Trust Council and Executive Committee Tools

### Islands Trust Policy Statement

Trust Council is required under the Islands Trust Act to adopt a policy statement that applies to the entire Trust Area. The [Islands Trust Policy Statement](#) could be considered a regulatory tool. It is intended as a general statement of the policies of Trust Council for the purpose of carrying out the object of the Islands Trust, and is the legal mechanism by which Trust Council ensures that LTC bylaws are consistent with those policies. It provides a framework for land use planning in the Trust Area, and is a mechanism for compatibility between plans for the various local areas. All local trust committee bylaws and all official community plans and amendments must comply with the Policy Statement. Prior to adopting a bylaw,

an LTC must forward the bylaw and checklist to the Executive Committee (EC) for approval and EC may only approve the bylaw if it is not contrary to or at variance with the Policy Statement.

### Trust Council Strategic Plan

Trust Council uses its [strategic plan](#) to guide its work. The strategic plan is a policy tool developed as the work program for Trust Council, and by extension, local trust committees, over the course of each political term. The strategic plan represents the political direction to undertake work; it is the organizational tool that can direct staff to develop policy and make recommendations for the protection of the coastal Douglas-fir zone and its associated ecosystems. If protection of the CDF zone is not identified as a work program item in the Strategic Plan, it will not be resourced and advanced throughout the organization.

### Coordination

The Islands Trust Act Section 8.2(b) gives Trust Council the authority to coordinate and assist in the determination, implementation, and carrying out of regional, improvement district and government of British Columbia policies. This authority could be used in partnerships for the protection of the CDF zone. See the section on “Partnering for CDF Protection,” below.

### Mapping of the Coastal Douglas-fir zone and associated ecosystems

Accurate mapping and data analysis is essential and provides the evidence that underpins policy, regulatory, and legal conservation tools. Mapping should identify both core areas for conservation and connectivity corridors that allow for wildlife movement.

The Coastal Douglas-fir Conservation Partnership (CDFCP) has developed a user-friendly mapping tool that incorporates CDF ecosystem values and identifies priority areas for conservation in the CDF zone. The Islands Trust uses a proprietary application referred to as TAPIS (Trust Area Property

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<sup>iii</sup> The corporate bodies of the Islands Trust include Trust Council, Executive Committee, Local Trust Committees, and the Islands Trust Conservancy.

Information System) which delivers both spatial (i.e. property boundaries and zoning features) and tabular (i.e. BC Assessment and LTO records) data to staff for reference, analysis and information management. The data are used to help make decisions such as where to apply development restrictions through the application of development permit areas, or who to notify in cases of rezoning applications. It is possible that Islands Trust could include the CDFCP mapping layer in its TAPIS mapping application.

## Local Trust Committee Tools

Local trust committees (LTCs) are responsible for land use planning and regulation in each local trust area. LTC responsibilities include preparation and adoption of official community plans, land use bylaws, which include zoning and subdivision regulations, soil removal and deposit bylaws, and authorization of other permits, such as siting and use permits or development permits in development permit areas. The land use planning powers of local trust committees are underutilized; LTCs can be much more effective in using these tools to protect sensitive ecosystems such as the CDF Zone.

### **Our Work is Cut Out for Us: CDF Protection needs LTC Prioritization**

As with other islands, on Salt Spring Island the Official Community Plan does not advance protection of contiguous forest cover or sensitive forest ecosystems. Salt Spring Island does not have Sensitive Ecosystem Development Permit Areas. The Salt Spring Island Official Community Plan would need to be amended to be effective in protecting the Coastal Douglas-fir ecosystem and/or contiguous forests. The forests would need to be considered "Environmentally Sensitive Ecosystems/ Areas" and/or "Areas of High Biodiversity" in order to get the protection afforded throughout the SSI OCP. Updated OCP mapping would help with this approach. Otherwise, the forests would need to be designated as either Park and Recreation lands, Conservation Lands (i.e. watersheds), or Ecological Reserves in order to have more protective policies.<sup>28</sup>

## Official Community Plans

The Official Community Plan (OCP) is a legal policy document intended to manage growth and guide future development. It represents the community's vision for how the island should change. The authority to adopt OCPs is found in the Local Government Act, which defines an OCP as "a statement of objectives and policies to guide decisions on planning and land use management." Islands Trust has a duty to consult First Nations on Official Community Plan amendments, which also require approval by the Minister (currently the Minister of Municipal Affairs and Housing).

An OCP typically contains broad goals, objectives for particular land uses, specific policies for each land use, general advocacy policies, maps and development permit areas.

- Goals are general statements of purpose.
- Objectives are strategies to achieve the goals
- Policies are specific statements, programs or restrictions that provide direction.

OCP policies guide LTC decision-making and are implemented by other tools, principally land use bylaws that prescribe zoning.

Policies are legally binding on the LTC, but the LTC is not required to implement particular policies in an OCP. Within Islands Trust, an OCP must be consistent with the Islands Trust Policy Statement.

An OCP is not a regulatory bylaw. With the exception of Development Permit Areas, OCPs have no direct effect or authority on private landowners or other governments or agencies (Land Use Bylaws regulate the use of land).

To advance protection of the Coastal Douglas-fir zone, official community plans should specifically set goals, objectives, and policies that support CDF retention and protection. Each OCP should also be amended to:

- Include strong language directing protection of the CDF zone.
- Implement the Islands Trust Conservancy Regional Conservation Plan.
- Include specific policies supporting park dedication that protects CDF forests (see the section on park dedication below).
- Include Development Permit Areas for the protection of the environment, specifically the Coastal Douglas-fir zone and associated ecosystems.
- Include “urban” containment boundaries achieved through Land designations and land use policies that preserve large lot areas outside of the villages, and that direct density to specific areas of the islands zoned for mixed use commercial/residential, smaller lots, and areas that can be serviced by adequate water supplies.
- Identify protection of the CDF zone as an amenity that can be provided at the time of rezoning. Establish the nexus between development impacts and ecological services.
- Include enabling policies for conservation subdivisions, amenity zoning, density transfers, and density bonusing.
- Include language and policies that reference and honour the cultural heritage of Coast Salish stewardship, including the protection of culturally important places, and archaeological sites.

“ This Plan supports the preservation and protection of Galiano’s ecosystems. Galiano is part of the vulnerable Coastal Douglas-fir biogeoclimatic zone. This is the smallest and rarest biogeoclimatic zone in British Columbia and it has the highest density of species that are of both provincial and global conservation concern of any B.C. biogeoclimatic zone. These ecosystems provide key services that sustain human health and wellbeing, including timber and nontimber resources, clean air and water, nutrient cycling, carbon dioxide absorption and carbon storage. The forested landscape is integral to Galiano’s character. Maintaining and restoring Galiano’s forest ecosystem is critical for ecosystem-based sustainable forest management (Galiano Island Official Community Plan (P.2)).

### Parkland Dedication

For subdivisions that create more than three lots that are under 5 acres (2ha) in area, Section 510 of the Local Government Act requires the developer provide a 5% park land dedication, or cash in lieu, at the discretion of the local government. While the Ministry of Transportation and Infrastructure is the approving authority for subdivisions within Islands Trust, local trust committees are the local government authority for deciding park dedication. Local trust committees have the discretion to determine whether land or cash is requested, and what the amount should be (up to 5% of the total area or land value)<sup>iv</sup>. Each official community plan can include policies guiding local trust committees to prioritize a land request where the land in question contains some part of the Coastal Douglas-fir zone and associated ecosystems, either wholly on the property or as part of a larger forest system.

<sup>iv</sup> In practice, local trust committees do not have a park function and some local trust committees partner with Regional Districts as the agency to receive the park dedication as cash or land.

## Development Permit Areas

Authorized by the Local Government Act, Development Permit Areas (DPAs) are the best regulatory tool available to local trust committees for managing development on private land and mitigating impacts to the Coastal Douglas-fir zone. Development permit areas may be designated for a number of purposes; the following are most relevant to protection of the CDF Zone<sup>29</sup>:

- Protection of the natural environment, its ecosystems and biological diversity.
- protection of development from hazardous conditions;
- establishment of objectives to promote energy conservation;
- establishment of objectives to promote water conservation;
- establishment of objectives to promote the reduction of greenhouse gas emissions.

DPAs established for protection of the natural environment are often referred to as Environmental Development Permit Areas (EDPAs). Development Permit Areas regulate development in pre-designated areas, according to specific guidelines that are usually found in official community plans. The LTC can require impact assessment information to inform whether the proposal meets the guidelines in the OCP. The OCP guidelines are the conditions under which the development can take place; these become permit conditions once the permit has been issued.

“The Resort Municipality of Whistler has established sensitive ecosystem EDPAs across its entire landbase (except for the non-riparian aspects of the Village core). Whistler used terrestrial ecosystem mapping as the basis for EDPA maps. In the new OCP, if a feature on a property looks like part of a sensitive ecosystem, staff require the applicant to hire a QEP to determine if it is, and where the boundary of it is (Green Bylaws Toolkit, 2016).

Within the Islands Trust Area, 68% of the land base is privately owned. In this context, Development Permit Areas are ideal regulatory tools because they do not prohibit development, but rather “permit” it, while controlling how the development occurs. DPAs give certainty to the community and to developers; the LTC does not have discretion to refuse the permit if it considers the proposal to be substantially consistent with the specific OCP guidelines in the DPA. If the intent of the DPA is to protect old and contiguous CDF forests, the DPA guidelines would prescribe how the development can be compatible with the ecosystem values of the forest. DPAs also include exemptions to allow acceptable activity to be exempt from the requirement to apply for a development permit.

### Galiano Island DPA 3: Tree Cutting and Removal

*The entire Galiano Island local trust area is designated as a development permit area for the protection of the natural environment, its ecosystem and biological diversity, for the purpose of requiring development permits for the cutting and removal of trees.*

— Galiano Island Official Community Plan (DPA 3)

While Development Permits Areas are the most flexible instrument for managing development on private land, their limitations weaken the extent of environmental protection they can achieve:

- DPAs are only applicable to residential, industrial, and commercial development.
- Commercial forestry, institutional development, and agriculture are exempt from DPAs.
- Bylaw infractions of DPAs can be hard to enforce.
- DPAs are not well understood and public acceptance of new DPAs can be difficult. Any new program to introduce DPAs should be resourced with a healthy communications plan.

## Land Use Bylaws

For a Local Trust Committee, the land use bylaw (LUB) is the main tool for implementing OCP policies through land use regulations, particularly zoning. Land use bylaws designate the zoning and regulate land use within the area of covered by the bylaw. A LUB typically divides the local trust area into zones and regulates the use and density within the zones. Land use bylaws contain regulations on the size and siting of buildings and structures and define setbacks from lot lines and water courses. The LUB prescribes the number of new lots, and the shape, dimensions and area of new lots created by subdivision. In addition, the LUB incorporates into a single bylaw other planning powers delegated to LTCs: parking regulations, subdivision servicing requirements, sign regulations, screening and landscaping requirements, flood plain regulations, and run-off control regulations.

Local trust committees could consider amending their land use bylaw in the following ways to advance protection of the CDF zone:

- **Site Coverage:** Reduce site coverage density in land use bylaws. Across the Islands Trust, site coverage is usually the default 25%, inherited with the zoning when Islands Trust was created. This means that 25% of the land can be covered with impervious surfaces. Site coverage is often overlooked by local trust committees when updating land use bylaws but high site coverage allowances are likely inconsistent with the preservation of the CDF zone and also the Islands Trust mandate, especially on large properties.
- **Conservation subdivision:** Incorporate conservation subdivision principles into land use bylaw requirements for subdivision.
- **Downzone:** Increase the minimum average area of lots that can be created by subdivision to a minimum of 10 acres. This can be standardized across the Trust Area. Further remove subdivision potential from some large lots in areas targeted as important for CDF protection and hydrological connectivity.

- **Amenity zoning:** Negotiate land conservation at the time of rezoning. Make consideration of zoning approvals conditional on the voluntary provision of a covenant or land donation to protect the CDF forest as a public amenity.
- **Density Bonus:** Bylaws can pre-zone land to allow an increase in density in exchange for natural area protection. Unlike amenity zoning, density bonus bylaws offer developers and the community certainty; a rezoning process is not required, and the maximum potential density is known ahead of time.
- **Lot Averaging or Clustering:** During rezoning or at time of subdivision, residential lots or dwelling units can be clustered. LUB density requirements for subdivision should have minimum average lot area provisions that allow smaller individual lot areas while limiting the overall number of lots that can be created.
  - *When homes or lots are grouped in one part of the property, the rest can be left as natural area. Clustering reduces development costs as there are fewer trees to clear, less land to grade, and less road, water, hydro, and sewer infrastructure needed to service the development. Smaller lots with significant amounts (more than 50%) of protected open space targets the growing consumer market that is seeking homes in natural settings with less property to maintain.<sup>30</sup>*

### Conservation Subdivisions

Conservation subdivisions combine different tools (including amenity zoning or density bonuses at time of rezoning) to achieve multiple environmental and social benefits. Lot clustering is combined or traded off with protection of large natural areas (often by way of a covenant). The LUB provisions would allow lot averaging (this achieves the clustering), ecological design lot layout requirements instead of traditional lot depths:width ratios, landscape buffers, and would remove the potential for further subdivision.

- **Density transfer:** Use the rezoning process to transfer permitted density from one parcel with high CDF ecosystem values to another (less sensitive) property. The Islands Trust has used density transfer on several islands, and has prepared a discussion paper looking at the pros and cons of this tool for [Saturna Island](#).
- **Nature Protection Zones** Land Use Bylaws can designate zones to protect the ecosystem values of the Coastal Douglas-fir zone. For example, Galiano Island has Nature Protection Zones where the only permitted uses include ecological reserves and nature conservancies, research and educational activities, groundwater retention and recharge, ecological restoration, and passive recreation.



Photo: Kristine Mayes

### Galiano Island Amenity Zoning

A 2016 Galiano amenity rezoning application protected forest and shoreline by providing a 10.7-hectare waterfront community park, adding 10 ha to a BC Park, and also donated land for affordable housing. The rezoning resulted in five residential lots totalling 11 hectares and a 20-hectare lot for sustainable forest management practices. As a condition of rezoning, a covenant requiring sustainable forest management practices was granted to the Galiano Conservancy Association, the Land Conservancy, and the Galiano Island Local Trust Committee.

### Tree Cutting Areas

Pursuant to Section 500 of the Local Government Act, a local trust committee could “designate areas of land that it considers may be subject to flooding, erosion, land slip or avalanche as tree cutting permit areas.”<sup>31</sup> Within these areas, the local trust committee may require a permit before land owners remove trees. The focus of the bylaw must be to protect the land from danger due to flooding or erosion, and the LTC may require applicants to provide a report certified by a qualified professional confirming the proposed cutting will not create such a hazard. Although this authority is limited in scope, it nevertheless gives LTCs ability to regulate tree cutting in some areas of the CDF zone, particularly in steep-sloped terrain.<sup>32</sup> This authority has yet to be utilized within the Islands Trust Area – consideration should be given to how a Tree Cutting Area would differ from a DPA established to protect environment from hazardous conditions.

### Amenity Zoning on Gabriola Island

A recent application on Gabriola Island proposes to transfer and donate 155.3 hectares (383.74 acres) of land for parks in exchange for the creation of 25 residential lots at a different location on the island with those lots having an average lot area of 1.9 hectares (4.69 acres). The subsequent subdivision process required to create the lots will add park and trail connections on the ‘receiver lands’ between Cox Community Park and the village *core area*.

## Islands Trust Conservancy Tools

### Islands Trust Conservancy

Governed by the Islands Trust Conservancy Board, the Islands Trust Conservancy (formerly the Islands Trust Fund) is a regional land trust and is legally independent from the Islands Trust. Its vision is to “create a network of protected areas in the islands so that Canada’s Salish Sea is a vibrant tapestry of culture and ecology, and where viable ecosystems flourish alongside healthy island communities.”

### Regional Conservation Plan

The Islands Trust Conservancy’s work is guided by the Regional Conservation Plan (RCP), a science-based and community informed plan that identifies, prioritizes and plans for the protection of the best of the islands’ natural spaces. The conservation plan guides and focuses efforts and resources on what is most urgently in need of protection. The [2018–2027 Regional Conservation Plan](#) identifies healthy forests as a biodiversity priority and highlights the vulnerability of the Coastal Douglas-fir Biogeoclimatic Zone.<sup>33</sup> As a guiding document, the RCP needs to be implemented using land use planning and conservation tools and prioritized for implementation by local trust committees and other levels of government.

### Conservation Covenants

Conservation covenants are one of the strongest tools to protect sensitive environmental features like the CDF zone because they permanently protect the natural features of the land. Conservation covenants are written legal agreements between a local government authority or conservation agency and a landowner, in which a landowner promises to protect all or part of the land in specified ways. The covenant runs with the land; it is registered on the land title under section 219 of the Land Title Act. This ensures the promise to protect the land binds future owners of the land and the conservation organization(s) who hold the covenant.

A photograph of a forest with tall trees and a body of water in the background. The trees are mostly evergreens, and the water is visible through the branches. The sky is blue with some clouds.

*Conservation covenants are one of the strongest tools to protect sensitive environmental features like the CDF zone because they permanently protect the natural features of the land.*

Only under special circumstances and with the agreement of all parties can the covenant be modified. For more information:

[islandstrustconservancy.ca/media/9407/covenantbrochure.pdf](https://islandstrustconservancy.ca/media/9407/covenantbrochure.pdf).

Conservation covenants are voluntary and can be negotiated with developers or land owners as part of rezoning applications or through other development approvals through the land use planning process. Conservation covenants are also registered by land owners on their own accord, to ensure future protection of valued ecological features or in order to achieve a tax benefit.

### Land Acquisition for Conservation

As a regional land trust, the Islands Trust Conservancy is able to accept gifts of land, including land within the CDF zone. The ITC permanently protects land as nature reserves or sanctuaries. As a qualified donee under the Income Tax Act, the ITC can issue tax receipts for land donations. The ITC acquires land through partnerships, through land or financial donations, and through fundraising campaigns. See [islandstrustconservancy.ca](https://islandstrustconservancy.ca) for more information.

### Tax Exemptions

The Islands Trust Natural Areas Property Tax Exemption Program (NAPTEP) provides landowners with an annual 65% exemption on the property taxes for the portion of their property protected with a NAPTEP covenant. To qualify for NAPTEP, the property needs to have one (or more) of the following eligible features:

- Relatively undisturbed sensitive ecosystems
- Habitat for rare native plant species or plant communities
- Habitat critical to native animal species' breeding, rearing, feeding or staging
- Special geological features



The Islands Trust Conservancy could consider regulatory/policy change to create a special NAPTEP for the Coastal Douglas-fir zone and associated ecosystems. The program could be tailored using a targeted communications program and mapping that identifies contiguous forest cover, highlighting those properties that are adjacent to lands already protected.

The federal [Ecological Gifts Program](#) provides donors of eligible conservation covenants with a tax credit for land donations that can be applied to income and used for reduction in capital gains as part of estate planning.<sup>34</sup>

# Outside of the Box — Partnering for CDF Protection

Many of the success stories of ecosystem protection within Islands Trust are the result of partnerships and collaboration with other levels of government, community groups, the Islands Trust Conservancy and other land conservancies. The Islands Trust Act Section 8.2(b) gives Trust Council the authority to coordinate and assist in the determination, implementation, and carrying out of regional, improvement district and government of British Columbia policies. Not all tools that are outside of the Islands Trust tool box can be accessed through coordination, but in many cases coordinated collaboration could lead to better protection of the CDF zone.

## Municipal and Regional District Tools

Within Islands Trust, only Bowen Island has incorporated as a municipality. Some of the following tools could be used by the Bowen Island Municipality or could be requested by Islands Trust as legislative amendments for Provincial consideration.

### Parkland

One of the best ways to protect land is through the creation of parks and protected areas. While local trust committees can decide on parkland dedication during the subdivision process, the Islands Trust Act does not give the Islands Trust the ability to manage parkland. Across the Islands Trust Area there are National, Provincial, and Regional parks that area managed by these three levels of government. Some of these parks are contiguous with land owned by the Islands Trust Conservancy and/or land protected by conservation covenants.

The Bowen Island Municipality can manage parks and has a recently approved Parks Plan that includes a number of classifications, including Nature Parks and Environmental Areas for environmental protection, although it does not specifically address protection of the Coastal Douglas-fir and Associated Ecosystems.

### Asset Management Plans

Natural assets such as aquifers, forests, streams, riparian areas and fore-shores can provide municipalities with vital services equivalent to those from many engineered assets.

Asset management frameworks are an important tool for local governments to account for the ecological services provided by the natural areas of their region. Such programs can account for and raise the awareness of Ecosystem services provide by CDF ecosystems. [Municipal Natural Assets Initiative](#) is a not-for-profit enterprise that supports and guides local governments to identify, value, and account for natural assets in their financial planning and asset management programs.<sup>35</sup> The Islands Trust could team up with its Regional District partners to develop Natural Asset Management Plans for the Trust Area that focuses on the relationship between CDF zone forests and freshwater sustainability. The Bowen Island Municipality could do this on its own.

“ *The **Town of Gibsons** was the first municipality in North America to pass a municipal asset management policy. The policy explicitly defines and recognizes natural assets as an asset class and creates specific obligations to operate, maintain and replace natural assets alongside traditional capital assets. These obligations include having well-defined natural asset management strategies in place, as well as the financial resources to maintain them (Town of Gibsons).* ”

## Valuing Ecological Services

- The City of Nanaimo estimates it would cost \$4.7 million to \$8.3 million to engineer a system to replicate the water storage and flood control services provided by Buttertubs Marsh, a 40-hectare wetland in Nanaimo.
- Two mature trees provide enough oxygen for one person to breathe over the course of a year.
- One large tree can capture and filter nearly 140,000 litres of water per year, protecting watersheds and filtering drinking water, avoiding or reducing the need for costly water treatment.
- In one year, a hectare of forest can absorb four times the carbon dioxide produced by an average car's annual mileage.

Sources: [waterbucket.ca/gi/2018/04/29](http://waterbucket.ca/gi/2018/04/29)  
[americanforests.org/explore-forests/forest-facts/](http://americanforests.org/explore-forests/forest-facts/)

## Tree Protection Bylaws

While local governments cannot regulate forestry under the Forest Range and Practices Act (FRPA) and Private Managed Forest Land Act (PMFL), municipalities can adopt tree protection bylaws and can regulate, prohibit, and impose requirements by bylaw in relation to trees.

Tree protection bylaws usually apply to individual trees according to their species and diameter and can be bounded in defined areas. They can also include<sup>36</sup>:

- Prohibitions on cutting trees in riparian corridors, environmentally sensitive areas, on floodplains, or in steep-slope areas;
- Prohibitions on cutting down significant trees or wildlife trees, or undertaking tree-damaging activities;
- Establishing a maximum cleared or non-treed area during development;
- Tree replacement standards that may be based on a ratio of trees

removed to replanted (i.e. 1:5) depending on the size of the tree removed, the species of tree, and the percentage canopy cover (i.e. 25 percent) that is retained on site;

A tree protection bylaw does not apply in every circumstance. If a permitted use or density under the zoning bylaw would be prohibited as a result of the tree protection bylaw, the property can be exempted.<sup>37</sup>

“ This tree legislation addresses the concerns of municipalities and the public, who have been pressing for action as growth pressure in urban areas heightens the impact of tree removal on heritage, aesthetics, views and the environment. It was also developed in consultation with the Union of BC Municipalities, which has actively sought protection for trees in urban areas.

*This amendment is an urban tree-cutting measure. The rural tree-cutting issue involves a greater complexity of interests including commercial, forestry, private land, local government, environmental and aboriginal interests. Although I support the desire for more control over tree-cutting in rural areas, this must be addressed in a broader process and in a coordinated and comprehensive way which is beyond the scope of this legislation.*

*My colleague the Minister of Forests is currently looking into the broader issues and will be seeking input from the various stakeholders, including regional districts and the Islands Trust, on the complex issue of logging on private land.*

*— Robin Blencoe, Minister of Municipal Affairs, 1992 at second reading of the bill introducing tree cutting powers to municipalities.*

At this point in time, Local trust committees and Regional Districts do not have the authority to adopt tree protection bylaws, although it was considered at the time of the bill's introduction. In the *Denman Island Local*

*Trust Committee v 4064 Ltd.* Supreme Court decision, the judge found that the legislature had specifically authorized the regulation of tree cutting on private land in urban areas, but deliberately limited the power of regional districts and local trust committees to regulate tree cutting on private land in rural areas. Consideration of granting this authority to rural areas was put off for another day by the legislature in 1992. Reasons stated were due to the complexities involved in granting local governments the right to regulate tree removal in rural areas.<sup>38</sup>

### Municipal Forests

Division 5 of the Local Government Act gives municipalities the power to set aside land for a municipal forest reserve; this land can be managed or leased for forestry purposes. This authority gives municipalities the ability to self-manage forest operations within their boundaries.<sup>39</sup>

## Partnerships with Local Organizations and First Nations

There are many examples of local community groups working on the islands to protect land in the Coastal Douglas-fir zone. Indeed, the Islands Trust Conservancy almost always relies on community partnerships to help fundraise and raise awareness of the importance of land conservation. The best success stories usually involve leadership from community groups as well as local and provincial government partnerships.

There is opportunity for expanded collaboration with First Nations, regional districts and other government agencies. For example, Islands Trust could:

- Encourage regional district to consider the Regional Conservation Plan and protection of the CDF zone in their services and planning for expansion of the regional park systems.
- Build relationships with First Nations to support initiatives that have mutually beneficial objectives for CDF protection. For example, within

Squamish territory, Gambier Island is a candidate site under the Land Resource Management Plan and the Strategic Land Use Agreement (2007).

- Work with local fire departments to advance CDF restoration through fire protection planning and community forest maintenance programs that reduce the threat of wildfires. Islands Trust could use its coordination authority to coordinate youth group employment programs for fire suppression and restoration, while at the same time providing advocacy and land owner education on the value of the CDF zone.
- Strengthen engagement with the Provincial and Federal Governments to find opportunities for protection of the CDF zone. An example is the role Islands Trust staff had in supporting the recent Ministerial Order that has protected the CDF zone on Crown Land across the Trust Area (see next page).

“ [On Salt Spring Island,] an incredible community effort led by The Land Conservancy of BC and other local conservation groups involved over 1,000 donors and volunteers, and helped raise over \$20 million (about half from the NDP government of the day) to acquire all of Burgoyne Bay, and lands around Mt. Bruce and in the Maxwell Lake primary and secondary watersheds. CRD Parks was a major funding partner, acquiring hundreds of acres of green space (Holman, 2018).

### Land owner stewardship

Landowner stewardship is the most important way to achieve protection of the Coastal Douglas-fir zone. With the majority of CDF land across the Trust Area privately held (68%), it is the residents and land owners who have the most responsibility and ability to carefully steward the CDF zone. Many special places on the islands are still special because of the care with which islanders take to preserving the land. The best examples are

those who voluntarily register covenants to ensure that their ecological stewardship is continued after they are gone. This culture of stewardship is cultivated by the local community groups and land conservancies, and by the Islands Trust Conservancy. As a tool for protection, voluntary land stewardship is already encouraged and needs to be supported by continued funding of outreach, education, and proactive communications. Contact programs for voluntary stewardship have been particularly effective, especially where there are partnerships with conservation groups.

## Provincial Role

### Crown Land

Across the Islands Trust Area, 14.19% of the land is considered Crown land. Some of this Crown land is leased under Tree Farm Licences to private companies for timber harvesting. Other crown land is held in reserve, or given protective status with land use orders. Recently, a number of Crown parcels in the CDF zone were protected by a Ministerial Order. The Islands Trust compiles [Crown Land Profiles](#) to record current knowledge regarding vacant Crown land parcels in the Islands Trust Area.

### Forest Management

Relative to other regions in British Columbia, the Islands Trust Area has less crown lands subject to tree farm licences for commercial forestry, regulated by the [Forest & Range Practices Act \(FRPA\)](#). Crown Land represents only 14% of the Islands Trust Area, while private land extends over 68.6% of the landscape. Private land is not subject to FRPA; the Province does not have legislation that directly regulates forestry on private land. Forestry is exempt from local government regulation and there are few tools to use to protect the integrity of the forest from timber extraction.

Forestry cannot be regulated by local governments. A longstanding common law principle known as *profit à prendre* entrenches the rights of

people to extract profit from the natural resources of the land. Common law land ownership is typically characterized as a bundle of rights. These rights include the rights to use and occupy the land free from interference of non-owners, as well as the right to take or sever minerals, soil, trees and other resources from the land.

### 2018 Ministerial Order Protects CDF Zone on Crown Land

An additional 980.5 hectares of the Coastal Douglas-fir ecosystem has been protected in 19 land parcels near the communities of Bowser, Qualicum Beach, Nanoose Bay and Cedar on Vancouver Island, and on Galiano and Salt Spring islands. The final set of approved parcels was based on the results of public review and First Nations consultation. Some of the parcels are of interest to First Nations. The area of Coastal Douglas-fir ecosystem protected from logging now totals over 11,000 hectares. The protection has legal authority by way of amendment to the Coastal Douglas-fir Order under the Land Act. Under the Coastal Douglas-fir land-use order, the protected lands are managed for enhanced stewardship and conservation. ([Province of British Columbia](#), 2018).

This principle was referenced in the reasons for decisions in concluding the Denman Island Local Trust Committee reached beyond its authority in its attempt to regulate forest practices on private land using a development permit area. Both the BC Supreme Court and the Court of Appeal decided the development permit authority was not broad enough to allow the LTC to regulate forestry, in part because the enabling legislation did not indicate a clear intention to curtail or interfere with the common law right to extract timber.<sup>40</sup>

As common law, the *profit à prendre* principle is not found in statute. It represents deeply held social constructs that favour the rights of individuals to exploit natural resources on private property. Even if societal attitudes towards the best use of land were to shift, it would likely take an act of the legislature rather than a court decision to overturn this principle.

## Water Sustainability Act

The BC [Water Sustainability Act \(WSA\)](#) is provincial legislation that was brought into force in 2016. The WSA is the principal law for managing the diversion and use of water resources; its stated objective is “to ensure a sustainable supply of fresh, clean water that meets the needs of B.C. residents today and in the future.” The WSA includes a range of regulatory tools that are implemented by the Province, but also some that local governments can access to manage water resources within their jurisdictions. While this legislation does not provide specific tools and was not intended as a way to protect the forest ecosystems of the CDF zone, it does give Islands Trust tools to protect watersheds which in turn may result in greater CDF protection.

## Coastal Douglas-fir Conservation Partnership

The Coastal Douglas-fir Conservation Partnership (CDFCP) provides a forum for collaboration, communication and action to effectively protect and steward Coastal Douglas-fir and associated ecosystems. The mission of the CDFCP is:

*To promote the conservation and stewardship of the Coastal Douglas-fir and associated ecosystems in south-western British Columbia through sound science, shared information, supportive policies, and community education.*

The CDFCP is comprised of a collaboration of agencies, organizations and land managers who are interested in promoting and protecting healthy Coastal Douglas-fir forests into the future. Land trusts, governments (federal, provincial, regional, municipal, and First Nations), environmental stewardship groups, resource industry professionals, private landowners and academic institutions are encouraged to become CDFCP participants or supporters. The CDFCP is led by a steering committee and supported by a series of working groups focused on different aspects of the CDFCP goals. The Islands Trust has been an active partner in the CDFCP and should continue to be engaged as part of its contribution towards CDF protection.





*The tools available to the Islands Trust can achieve much greater protection of the Coastal Douglas-fir zone and associated ecosystems across the Trust Area.*

## Conclusion

The biggest threat to the CDF zone in the Islands Trust is the incremental fragmentation of the forest through rural and residential development. Islands Trust bodies can mitigate this by working together to and ensuring policy development achieves the following overall objectives:

- Maintain Contiguous Forest Cover
- Protect and Restore Functioning Ecosystems
- Protect Watershed Ecology
- Honour the Cultural Heritage of Coast Salish Stewardship

The tools available to the Islands Trust can achieve much greater protection of the Coastal Douglas-fir zone and associated ecosystems across the Trust Area. The recommended tools are suggested from the position that the best tools are the ones that are easiest to use and are most squarely within the jurisdiction of Islands Trust. Islands Trust and the Islands Trust Conservancy together have the authority to regulate land use, act as a land conservancy, and coordinate with other levels of government. The land use planning powers of local trust committees can be much more effectively used to protect this vulnerable ecosystem from rural sprawl and over-development. Islands Trust can also work collaboratively with community groups, conservation groups, and individuals to advance a broader set of tools for protection of the CDF Zone.

The report suggests a path for Trust Council, the Islands Trust Conservancy, and local trust committees to protect the CDF zone:

## Essential Steps for Islands Trust to Protect the CDF Zone:

### 1. Trust Council Strategic Plan

Prioritise CDF protection in the Trust Council strategic plan to ensure resources support work plans that advance CDF protection

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### 2. Implement the Regional Conservation Plan (RCP)

Adopt the RCP into OCPs with special emphasis on protecting contiguous forest and old growth within the Coastal Douglas-fir zone and associated ecosystems.

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### 3. Mapping

Map contiguous tracks of the Coastal Douglas-fir zone and associated ecosystems.

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### 4. LTC Top Priority

Local trust committees to make protection of Coastal Douglas-fir zone and associated ecosystems a top priority in their work plans. This will ensure staff and other resources are put to the task.

### 5. Education and Communications

Educate the public about the importance of CDF protection by incorporating a strong communications program into ITC conservation initiatives and into the land use planning process, especially when considering DPAs for CDF protection.

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### 6. Official Community Plan Updates

Review OCPs for strong language that prioritises protection of the CDF zone in land use planning and honours the cultural heritage of Coast Salish stewardship.

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### 7. Development Permit Areas

Create DPAs to protect the Coastal Douglas-fir zone and associated ecosystems.

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### 8. Density bonus and amenity zoning

Create density bonus zones in exchange for CDF protection by way of a conservation covenant; identify protection of the CDF zone as an amenity to be voluntarily offered at time of rezoning.

### 9. Park dedication

Amend OCPs to include language directing the provision of land rather than cash in lieu at time of park dedication in the subdivision process. Include language guiding LTCs to request land where there are priority areas in the CDF zone. Advocate for other levels of government to protect more of the CDF zone as park land.

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### 10. Tax Incentives

Tailor the NAPTEP program to highlight and prioritise the CDF zone in ITC conservation goals.

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### 11. Partnerships

Continue to participate and be an active member of the Coastal Douglas-fir Conservation Partnership.

# Resources

There are a number of resources and other tool kits available designed to assist local governments in planning for conservation:

- The [Green Bylaws Toolkit](#) was updated in 2016. It provides a comprehensive resource and local government planning guide.
- The BC Ministry of Environment's [Develop with Care](#) and Best Management Practices (BMPs).
- The [Coastal Douglas-fir Conservation Partnership](#) has a number of resources including a more general tool kit on protection of the Coastal Douglas-fir Zone.
- The [South Coast Conservation Program \(SCCP\)](#) works towards the protection and restoration of species and ecosystems at risk and has developed many resources for local governments.



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# Endnotes

- 1 Turner, 2017
- 2 Coastal Douglas-fir Conservation Partnership (CDFCP), 2018
- 3 Ibid
- 4 Islands Trust Conservancy, 2018
- 5 Ibid
- 6 Islands Trust Information Services, 2018
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- 9 Hebda, 2008
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- 15 Coastal Douglas-fir Conservation Partnership (CDFCP), 2015
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- 18 Coastal Douglas-fir Conservation Partnership (CDFCP), 2018
- 19 Government of Canada
- 20 Shulba, 2018
- 21 Service, United States Department of Agriculture Forest
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- 23 Coastal Douglas-fir Conservation Partnership (CDFCP), 2015
- 24 Service, United States Department of Agriculture Forest
- 25 Ibid
- 26 Attorp, 2016
- 27 *Islands Trust Act*
- 28 Shelley Miller, Island Planner, email, July 30, 2018
- 29 Government of British Columbia
- 30 Coastal Douglas-fir Conservation Partnership (CDFCP), 2015
- 31 Government of British Columbia
- 32 Green Bylaws Tool Kit for Conserving Sensitive Ecosystems and Green Infrastructure, 2016
- 33 Islands Trust Conservancy, 2018
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- 35 Municipal Natural Assets Initiative
- 36 Green Bylaws Tool Kit for Conserving Sensitive Ecosystems and Green Infrastructure, 2016
- 37 Ibid
- 38 Denman Island LTC v. 4064 Investments Ltd., 2000
- 39 Government of British Columbia
- 40 Denman Island LTC v. 4064 Investments Ltd., 2000
- 41 *Islands Trust Act*, 2018
- 42 Ibid

# Appendix 1: Legislative and Governance Context

The Islands Trust is governed by the [Islands Trust Act](#) (ITA) which:

- Establishes and confers responsibilities and powers on the corporate bodies of the Islands Trust:
  - *trust council*
  - *the executive committee*
  - *a local trust committee and the*
  - *Islands Trust Conservancy.*
- Identifies the Islands Trust Area and the "[object](#)" (mandate) of the Islands Trust
- Transfers land use planning powers from Regional Districts to Local Trust Committees
- Prohibits a Regional District from adopting bylaws, issuing permits or undertaking work contrary to a Local Trust Committee bylaw
- Establishes the relationship with Island Municipalities
- Guides some governance procedures
- Provides for budget and requisition of taxes

## The Islands Trust 'Object'

The object is spelled out in the [Islands Trust Act](#) and provides the 'purpose' for all Islands Trust corporate bodies.

*The object of the Trust is to preserve and protect the Trust Area and its unique amenities and environment 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.*

## Trust Council

The electors of each Local Trust Area elect two local trustees to form each local trust committee and to sit on Trust Council. Two municipal trustees are elected to represent Bowen Island Municipality. The 26 elected trustees of the Islands Trust Council are charged with conducting the financial management of Islands Trust (with the exception of the Islands Trust Conservancy) and with carrying out the provincial mandate to preserve and protect the Islands Trust Area. Section 8(2) of the ITA confers Trust Council with the powers to:

- a) acquire and dispose of land,
- b) coordinate and assist in the determination, implementation and carrying out of municipal, regional and improvement district and government of British Columbia policies for the preservation and protection of the trust area and its unique amenities and environment,
- c) make recommendations to the Islands Trust Conservancy respecting priorities for the acquisition, use and disposition of property by the Islands Trust Conservancy,
- d) make recommendations to the Lieutenant Governor in Council respecting the acquisition, use and disposition by the government of land located in the trust area,
- e) make recommendations to the Lieutenant Governor in Council respecting the determination, implementation and carrying out of policies for the preservation and protection of the trust area and its

unique amenities and environment,

- f) engage in activities to gain knowledge about the history and heritage of the trust area and to increase public awareness, understanding and appreciation of that history and heritage,
- g) conserve heritage property,
- h) support and give financial assistance to activities referred to in paragraphs (f) and (g) that are undertaken by others,
- i) recommend to a regional district board that it exercise its tax exemption authority under section 392 of the [Local Government Act](#) in relation to heritage property in the trust area, and
- j) assign duties to the executive committee and to the local trust committees.<sup>41</sup>

### Executive Committee

The Executive Committee (EC) is comprised of the Trust Council chair and the vice chairs (who chair each local trust committee) and are elected by Trust Council at the beginning of each term. The duties of EC are to:

- a) consider land use bylaw amendments and official community plan amendments submitted to it for approval. Bylaw approval by EC involves consideration of whether the bylaws are consistent with the Islands Trust Policy Statement, as required under the ITA.
- b) act as a local trust committee for that part of the trust area that is not in a local trust area or a municipality (The [Ballenas-Winchelsea Islands Local Trust Area](#) is the only area of Islands Trust that falls into this category).
- c) carry out other duties that the trust council directs.<sup>42</sup>

### Local Trust Committees

Local trust committees (LTCs) are responsible for land use planning and regulation in each local trust area. The local trust committees' authority to enforce bylaws and regulate development and the use land comes from the *Islands Trust Act* and the [Local Government Act \(LGA\)](#). Part 14 of the LGA, "Planning and Land Use Management," establishes the land use planning tools and procedures available to local governments in BC. LTC responsibilities include preparation and adoption of official community plans, land use bylaws, which include zoning and subdivision regulations, soil removal and deposit bylaws, and authorization of other permits, such as siting and use permits or development permits in development permit areas.

### Islands Trust Conservancy

Governed by the Islands Trust Conservancy Board, the Islands Trust Conservancy (formerly the Islands Trust Fund) is a regional land trust and is legally independent from the Islands Trust. Its vision is to create a network of protected areas in the islands so that Canada's Salish Sea is a vibrant tapestry of culture and ecology, and where viable ecosystems flourish alongside healthy island communities. The Islands Trust Conservancy is a qualified donee as defined by the Income Tax Act and can issue tax receipts for income tax purposes to individuals who donate land or cash to be used for conservation. The Islands Trust Conservancy achieves its mission by:

- Working with landowners to protect ecosystems on private property
- Building a strong conservation alliance in the islands by supporting local island conservancies, and
- Demonstrating the highest standards of land stewardship in its nature reserves.

# Appendix 2: First Nations with Asserted Interests in the Trust Area

First Nations with Asserted Interests in the Trust Area: Listed Saanich Peninsula, south Vancouver Island, then northward on Vancouver Island. Then Mainland BC, north to south, then eastward.

## WSÁNEĆ (Saanich) Peoples

- [Tsartlip First Nation](#)
- [Tsawout First Nation](#)
- [Tseycum First Nation](#)
- [Pauquachin First Nation](#)
- [Malahat Nation](#)

## Lekwungen People

- [Songhees First Nation](#)
- [Esquimalt First Nation](#)
- [Beecher Bay \(Sc'ianew\) First Nation](#)
- [Sooke \(T'sou-ke\) First Nation](#)

## [Squamish Nation](#)

## [Musqueam Nation](#)

## [Tsleil-waututh Nation](#)

## [Hul'quimi'num Treaty Group](#)

- [Cowichan Tribes](#)
- [Halalt First Nation](#)
- [Penelakut Tribe](#)
- [Lyackson First Nation](#)
- [Lake Cowichan First Nation](#)
- [Chemainus \(Stz'uminus\) First Nation](#)

## [Nanaimo \(Snuneymuxw\) First Nation](#)

## [Nanoose \(Snaw-Naw-As\) First Nation](#)

## [Qualicum First Nation](#)

## [K'omoks First Nation](#)

## [Campbell River \(Wei Wai Kum\) First Nation](#)

## [Cape Mudge \(We Wai Kai\) Nation](#)



DATE OF MEETING: January 28, 2019  
TO: Mayne Island Local Trust Committee  
FROM: Miles Drew Bylaw Enforcement Manager, Local Planning Services  
SUBJECT: Bylaw Enforcement Notification Bylaw Amendments

## RECOMMENDATION

That the Mayne Island Local Trust Committee update the “Mayne Island Local Trust Area Bylaw Enforcement Notification Bylaw No.156, 2011”, by giving the attached bylaw three readings and referring the Bylaw to the Executive Committee for approval by making the following resolutions:

1. That Mayne Island Local Trust Committee Bylaw No. 173, cited as “Mayne Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 156, 2011, Amendment No. 1, 2018”, be read a first time.
2. That Mayne Island Local Trust Committee Bylaw No. 173, cited as “Mayne Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 156, 2011, Amendment No. 1, 2018”, be read a second time.
3. That Mayne Island Local Trust Committee Bylaw No. 173, cited as “Mayne Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 156, 2011, Amendment No. 1, 2018”, be read a third time.
4. That Mayne Island Local Trust Committee Bylaw No. 173, cited as “Mayne Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 156, 2011, Amendment No. 1, 2018”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

## REPORT SUMMARY

This report recommends that the Mayne Island Local Trust Committee amend Mayne Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 156, 2011 (BEN) so that recent changes to the Mayne Island Land Use Bylaw (LUB) are included and so that various housekeeping amendments can be made.

### Background:

The BEN Bylaw has not been updated since March of 2017. Since that time various amendments have been made to the LUB causing the BEN Bylaw to be out of sync with the LUB. This amendment bylaw updates the Schedule A to reflect changes in the LUB.

Also, the amending bylaw makes several housekeeping amendments and changes the name and address of the Adjudication Registry from the North Shore to the Islands Trust to reflect Trust Council’s recent decision that the Islands Trust should run its own Bylaw Notice Adjudication Registry.

**Next Steps:**

As this is an administrative bylaw no approval from the Province is necessary. The LTC can give three readings to the bylaw at a single meeting and refer the bylaw to the Executive Committee for approval and then returned to the Mayne Island LTC for final adoption.

|               |                                             |                   |
|---------------|---------------------------------------------|-------------------|
| Submitted By: | Miles Drew<br>Bylaw Enforcement Manager     | November 15, 2018 |
| Concurrence:  | Robert Kojima,<br>Regional Planning Manager | Select Date.      |

**ATTACHMENT**

1. MALTC-BEN-Amendment-Bylaw-173

**MAYNE ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 173**

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**A BYLAW TO AMEND THE MAYNE ISLAND LOCAL TRUST AREA BYLAW ENFORCEMENT  
NOTIFICATION BYLAW, NO. 156, 2011**

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

1. Mayne Island Local Trust Committee Bylaw cited as “Mayne Island Local Trust Area Bylaw Enforcement Notification Bylaw, No. 156, 2011” is hereby amended as follows:
  - i. By deleting the words “A BYLAW TO RESPECT THE ENFORCEMENT OF BYLAW NOTICES WITHIN THE MAYNE ISLAND LOCAL TRUST AREA” and substituting the words “A BYLAW WITH RESPECT TO THE ENFORCEMENT OF BYLAW NOTICES WITHIN THE MAYNE ISLAND LOCAL TRUST AREA”
  - ii. By deleting the word “Area” within section 1 and substituting the word “Committee”;
  - iii. By deleting the words “North Shore Bylaw Notice Adjudication Registry” within section 1.2 and substituting the words “Islands Trust”;
  - iv. By deleting the words within section 6.2 and substituting the following: “The civic address of the Registry is Suite 200 – 1627 Fort Street, Victoria, BC V8R 1H8”;
  - v. By deleting the words “Bylaw Enforcement Coordinator” within subsection 7.2(2) and from within section 8.0(a) and substituting the following: “Bylaw Enforcement Manager”;
  - vi. By removing Schedule A – Mayne Island Land Use Bylaw No. 146, 2008 Contraventions and Penalties and substituting the attached: Schedule A – Mayne Island Land Use Bylaw No. 146, 2008 Contraventions and Penalties.
2. This Bylaw may be cited as “Mayne Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 156, 2011, Amendment No. 1, 2018.”

READ A FIRST TIME 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\_\_

---

SECRETARY

---

CHAIR

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 146, 2008**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                                                           | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| 3.2.1                | Keeping Of Non Permitted Animals                                                                                                        | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.2.2                | Non Permitted Disposal/Storage Of Hazardous/Toxic Waste                                                                                 | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.2.3                | Non Permitted Rental/Sale Of Personal Watercraft                                                                                        | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.2.4                | Non Permitted Fin Fish Aquaculture                                                                                                      | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.2.5                | Non Permitted Bridges/Causeways/Tunnels                                                                                                 | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.2.6                | Non Permitted Marina Restricted To Member Of Private Club                                                                               | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.2.7                | Non Permitted Retail Sale/Wholesaling Of Groundwater Extracted On Mayne Island                                                          | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.3.2                | Building/Structure Exceed Height Restriction Or Within Setbacks                                                                         | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.3.3                | Non Permitted Building/Structure Within Setback To Natural Boundary Of Sea                                                              | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.3.4                | Non Permitted Building/Structure With Underside Of Floor System Lower Than 1.5 Metres Above Natural Boundary Of Sea/Natural Watercourse | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.3.5                | Non Permitted Building/Structure Within Setback To Natural Boundary Of Watercourse                                                      | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.3.6                | Non Permitted Feature Projecting Into Required Setback                                                                                  | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.5.1                | Building/Structure Accessory To Dwelling Used For Human Habitation                                                                      | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.5.2                | Non Permitted Building/Structure On Lot Prior To Construction Of Principal Dwelling/Commencement Of Principal Residential Use           | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.6.1                | Non Permitted Home Occupation                                                                                                           | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 3.6.3                | Home Occupation Not Entirely Conducted In Dwelling Unit/Permitted Accessory Building                                                    | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 3.6.4                | Home Occupation Exceeds Maximum Combined Floor Area                                                                                     | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 3.6.5                | Fail To Retain Residential Appearance On Home Occupation Premises                                                                       | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 3.6.6                | Home Occupation Not Operated By Person Permanently Residing In Dwelling Or Exceeds Non-Resident Employees                               | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 3.6.7                | Inadequate Landscape Screen/Fence                                                                                                       | \$100.00                         | \$75.00                                                                  | \$150.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 146, 2008**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                                                     | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | For Exterior Storage Of Home Occupation                                                                                           |                                  |                                                                          |                                                                               |                                                      |                                                     |
| 3.6.8                | Home-Based Guest Accommodation Exceeds Maximum Bedrooms/Guests Or Breakfast Served Or Recreational Equipment Rented To Non Guests | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 3.6.9                | Area Of Home Occupation Used To Prepare/Serve Food Exceeds Floor Area Restriction                                                 | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 3.6.10               | Area Of Home Occupation Used For Sales And Storage Of Goods For Sale Exceed Floor Area Restriction                                | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 3.6.11               | Noise From Home Occupation Heard At Lot Line/Natural Boundary Of Sea                                                              | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 3.6.12               | Non Permitted Short Term Vacation Rental                                                                                          | \$300.00                         | \$187.50                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.7.1                | Fence Exceeds Height Restriction In Required Setback                                                                              | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.8.1                | Non Permitted Landscape Screen                                                                                                    | \$100.00                         | \$75.00                                                                  | \$150.00                                                                      | Yes                                                  | 100%                                                |
| 3.9.1                | Non Permitted Use Of Recreational Vehicles As Dwelling/Cottage                                                                    | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.12.1(a)            | Exceed Floor Area For Retails Sales Ancillary To BC Licensed Winery/Cidery                                                        | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.12.1(b)            | Exceed Floor Area For Food And Beverage Service Lounge Ancillary To BC Licensed Winery/Cidery                                     | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.13(1)              | Non Permitted Secondary Suite                                                                                                     | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.13(2)              | Non Permitted Additional Suite                                                                                                    | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.13(3)              | Non Permitted Secondary Suite with Cottage                                                                                        | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.13(4)              | Secondary Suite Outside Principal Dwelling                                                                                        | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.13.5               | Home Occupation in Suite                                                                                                          | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.13.6               | No Separate Suite Entrance                                                                                                        | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.13.7               | No Water Catchment System                                                                                                         | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 3.13.8               | Suite too Large                                                                                                                   | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.1.1                | Non Permitted Use In Settlement Residential Zone                                                                                  | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.1.2                | Exceed Maximum Number Of Dwelling Units In Settlement Residential Zone                                                            | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.1.3                | Exceed Maximum Number Of Cottages In Settlement Residential Zone                                                                  | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.1.4                | Exceed Maximum Number Of Accessory Buildings In Settlement Residential Zone                                                       | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.1.5                | Exceed Maximum Lot Coverage                                                                                                       | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 146, 2008**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>             | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|-------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Restriction In Settlement Residential Zone                                                |                                  |                                                                          |                                                                               |                                                      |                                                     |
| 5.1.6                | Exceed Maximum Floor Area Restriction For Cottages In Settlement Residential Zone         | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.1.7                | Encroachment Into Setbacks In Settlement Residential Zone                                 | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.1.8                | Exceed Height Restriction For Dwelling Unit/Cottage In Settlement Residential Zone        | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.1.9                | Exceed Height Restriction For Accessory Building/Structure In Settlement Residential Zone | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.2.1                | Non Permitted Use In Rural Residential One Zone                                           | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.2.2                | Exceed Maximum Number Of Dwelling Units In Rural Residential One Zone                     | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.2.3                | Exceed Maximum Number Of Cottages In Rural Residential One Zone                           | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.2.4                | Exceed Maximum Number Of Accessory Buildings In Rural Residential One Zone                | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.2.5                | Exceed Maximum Lot Coverage Restriction In Rural Residential One Zone                     | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.2.6                | Exceed Maximum Floor Area Restriction For Cottages In Rural Residential One Zone          | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.2.7                | Encroachment Into Setbacks In Rural Residential One Zone                                  | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.2.8                | Exceed Height Restriction For Dwelling Unit/Cottage In Rural Residential One Zone         | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.2.9                | Exceed Height Restriction For Accessory Building/Structure In Rural Residential One Zone  | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.3.1                | Non Permitted Use In Rural Residential Two Zone                                           | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.3.2                | Exceed Maximum Number Of Dwelling Units In Rural Residential Two Zone                     | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.3.3                | Exceed Maximum Number Of Accessory Buildings In Rural Residential Two Zone                | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.3.4                | Exceed Maximum Lot Coverage Restriction In Rural Residential Two Zone                     | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 146, 2008**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>              | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|--------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| 5.3.6                | Encroachment Into Setbacks In Rural Residential Two Zone                                   | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.3.7                | Exceed Height Restriction For Dwelling Unit In Rural Residential Two Zone                  | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.3.8                | Exceed Height Restriction For Accessory Building/Structure In Rural Residential Two Zone   | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.3.9                | Exceed Maximum Floor Area Restriction For Dwelling Unit In Rural Residential Two Zone      | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.3.10               | Exceed Maximum Floor Area Restriction For Accessory Building In Rural Residential Two Zone | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.4.1                | Non Permitted Use In Miners Bay Rural Comprehensive Zone                                   | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.4.2                | Exceed Maximum Number Of Dwelling Units In Miners Bay Rural Comprehensive Zone             | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.4.3                | Exceed Maximum Number Of Cottages In Miners Bay                                            | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.4.4                | Exceed Maximum Number Of Accessory Buildings In Miners Bay                                 | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.4.5                | Exceed Maximum Lot Coverage Restriction In Miners Bay                                      | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.4.6                | Exceed Maximum Floor Area Restriction For Cottages In Miners Bay                           | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.4.7                | Encroachment Into Setbacks In Miners Bay                                                   | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.4.8                | Non Permitted Siting Of Feeding Troughs And Manure Piles                                   | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.4.9                | Exceed Height Restriction For Dwelling Unit/Cottage In Miners Bay                          | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.4.10               | Exceed Height Restriction For Accessory Building/Structure In Miners Bay                   | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.5.1                | Non Permitted Use In Rural Zone                                                            | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.5.2                | Exceed Maximum Number Of Dwelling Units In Rural Zone                                      | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.5.3                | Exceed Maximum Number Of Cottages In Rural Zone                                            | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.5.4                | Exceed Maximum Number Of Accessory Buildings In Rural Zone                                 | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.5.5                | Exceed Maximum Lot Coverage Restriction In Rural Zone                                      | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.5.6                | Exceed Permitted Number of Secondary Suites                                                | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 146, 2008**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b> | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|-------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| 5.5.7                | Exceed Maximum Floor Area Restriction For Cottages In Rural Zone              | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.5.8                | Encroachment Into Setbacks In Rural Zone                                      | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.5.9                | Non Permitted Siting Of Feeding Troughs And Manure Piles                      | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.5.10               | Exceed Height Restriction For Dwelling Unit/Cottage In Rural Zone             | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.5.11               | Exceed Height Restriction For Accessory Building/Structure In Rural Zone      | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.5.14               | Fail To Meet Site Specific Regulations In Rural Zone                          | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 5.6.1                | Non Permitted Use In Upland Zone                                              | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.6.2                | Exceed Maximum Number Of Dwelling Units In Upland Zone                        | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.6.3                | Exceed Maximum Number Of Cottages In Upland Zone                              | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.6.4                | Exceed Maximum Number Of Accessory Buildings In Upland Zone                   | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.6.5                | Exceed Maximum Lot Coverage Restriction In Upland Zone                        | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.6.6                | Exceed Maximum Floor Area Restriction For Cottages In Upland Zone             | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.6.7                | Encroachment Into Setbacks In Upland Zone                                     | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.6.8                | Non Permitted Siting Of Feeding Troughs And Manure Piles                      | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.6.9                | Exceed Height Restriction For Dwelling Unit/Cottage In Upland Zone            | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.6.10               | Exceed Height Restriction For Accessory Building/Structure In Upland Zone     | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.7.1                | Non Permitted Use In Agricultural Zone                                        | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.7.2                | Exceed Maximum Number Of Dwelling Units In Agricultural Zone                  | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.7.3                | Exceed Maximum Number Of Cottages In Agricultural Zone                        | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.7.4                | Exceed Maximum Number Of Accessory Buildings In Agricultural Zone             | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.7.5                | Exceed Maximum Lot Coverage Restriction In Agricultural Zone                  | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.7.6                | Exceed Maximum Floor Area Restriction For Cottages In Agricultural            | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 146, 2008**  
**CONTRAVENTIONS AND PENALTIES**

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|----------------------|---------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Zone                                                                                                          |                                  |                                                                          |                                                                               |                                                      |                                                     |
| 5.7.7                | Encroachment Into Setbacks In Agricultural Zone                                                               | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.7.8                | Exceed Height Restriction For Dwelling Unit/Cottage In Agricultural Zone                                      | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.7.9                | Exceed Height Restriction For Accessory Building/Structure In Agricultural Zone                               | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.8.1                | Non Permitted Use In Settlement Commercial Zone                                                               | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.8.2                | Exceed Maximum Floor Area Ratio In Settlement Commercial Zone                                                 | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.8.3                | Exceed Maximum Number Of Accessory Buildings In Settlement Commercial Zone                                    | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.8.4                | Exceed Maximum Lot Coverage Restriction In Settlement Commercial Zone                                         | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.8.5(a)             | Apartment Residential Use Not Located Within Principal Building In Settlement Commercial Zone                 | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.8.5(b)             | Apartment Residential Use Exceeds Maximum Floor Area Restriction Of Building In Settlement Commercial Zone    | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.8.5(c)             | Apartment Residential Use Not Located Above Ground Floor Of Building In Settlement Commercial Zone            | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.8.5(d)             | Apartment Residential Use Not Provided With Separate Entrance From Ground Level In Settlement Commercial Zone | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.8.5(e)             | Apartment Residential Use Does Not Meet Minimum Floor Area Requirements In Settlement Commercial Zone         | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.8.6                | Encroachment Into Setbacks In Settlement Commercial Zone                                                      | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.8.7                | Exceed Height Restriction For Principal Building/Accessory Dwelling Unit In Settlement Commercial Zone        | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.8.8                | Exceed Height Restriction For Accessory Building/Structure In Settlement Commercial Zone                      | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.8.10               | Inadequate Landscape Screen For Lots With Commercial Uses In Settlement                                       | \$100.00                         | \$75.00                                                                  | \$150.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 146, 2008**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                             | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|-----------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Commercial Zone                                                                                           |                                  |                                                                          |                                                                               |                                                      |                                                     |
| 5.8.11               | Fail To Meet Site Specific Regulations In Settlement Commercial Zone                                      | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.9.1                | Non Permitted Use In Commercial Tourist Accommodation Zone                                                | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.9.2                | Exceed Maximum Lot Coverage Restriction In Commercial Tourist Accommodation Zone                          | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 5.9.3                | Exceed Maximum Floor Area Ratio Restriction In Commercial Tourist Accommodation Zone                      | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 5.9.4                | Exceed Maximum Units And Maximum Total Floor Area In Commercial Tourist Accommodation Zone                | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 5.9.5                | Exceed Maximum Floor Area Of Any Tourist Accommodation Unit In Commercial Tourist Accommodation Zone      | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 5.9.6                | Exceed Maximum Floor Area Of Accessory Retail Sales Uses In Commercial Tourist Accommodation Zone         | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 5.9.7                | Exceed Maximum Accessory Employee Housing Units In Commercial Tourist Accommodation Zone                  | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 5.9.8                | Exceed Maximum Floor Area Of Accessory Employee Housing In Commercial Tourist Accommodation Zone          | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 5.9.9                | Exceed Maximum Accessory Dwelling Units In Commercial Tourist Accommodation Zone                          | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 5.9.10               | Exceed Maximum Buildings Accessory To Tourist Accommodation Uses In Commercial Tourist Accommodation Zone | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 5.9.11               | Encroachment Of Building/Structure Into Setback In Commercial Tourist Accommodation Zone                  | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 5.9.12               | Exceed Maximum Height Restriction Of Building/Structure In Commercial Tourist Accommodation Zone          | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 5.9.14               | Fail To Meet Site Specific Regulations In Commercial Tourist Accommodation Zone                           | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.10.1               | Non Permitted Use In Service                                                                              | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 146, 2008**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                        | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Commercial Zone                                                                                      |                                  |                                                                          |                                                                               |                                                      |                                                     |
| 5.10.2               | Exceed Maximum Number Of Principal Buildings/Accessory Dwelling Units In Service Commercial Zone     | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.10.3               | Exceed Maximum Number Of Accessory Buildings In Service Commercial Zone                              | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.10.4               | Exceed Maximum Floor Area Ratio Restriction In Service Commercial Zone                               | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.10.5               | Exceed Maximum Lot Coverage Restriction In Service Commercial Zone                                   | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.10.6               | Encroachment Into Setbacks In Service Commercial Zone                                                | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.10.7               | Exceed Height Restriction For Principal Building/Accessory Dwelling Unit In Service Commercial Zone  | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.10.8               | Exceed Height Restriction For Accessory Building/Structure In Service Commercial Zone                | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.10.10              | Stored Materials Not Located Within Buildings/Enclosed Storage Areas In Service Commercial Zone      | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.10.11              | Non Permitted Storage Of Hazardous Materials In Service Commercial Zone                              | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.10.12              | Inadequate Landscape Screen For Lots With Commercial Uses In Service Commercial Zone                 | \$100.00                         | \$75.00                                                                  | \$150.00                                                                      | Yes                                                  | 100%                                                |
| 5.10.13              | Fail To Meet Site Specific Regulations In Service Commercial Zone                                    | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.11.1               | Non Permitted Use In Automotive Commercial Zone                                                      | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.11.2               | Exceed Maximum Number Of Principal Buildings/ Accessory Dwelling Units In Automotive Commercial Zone | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.11.3               | Exceed Maximum Number Of Accessory Buildings In Automotive Commercial Zone                           | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.11.4               | Exceed Maximum Floor Area Ratio Restriction In Automotive Commercial Zone                            | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.11.5               | Exceed Maximum Lot Coverage Restriction In Automotive Commercial Zone                                | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.11.6               | Encroachment Into Setbacks In Automotive Commercial Zone                                             | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.11.7               | Exceed Height Restriction For Principal                                                              | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 146, 2008**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                                                    | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Building/Accessory Dwelling Unit In Automotive Commercial Zone                                                                   |                                  |                                                                          |                                                                               |                                                      |                                                     |
| 5.11.8               | Exceed Height Restriction For Accessory Building/Structure In Automotive Commercial Zone                                         | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.11.11              | Stored Materials Not Located Within Buildings/Enclosed Storage Areas In Automotive Commercial Zone                               | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.11.12              | Inadequate Landscape Screen For Lots With Commercial Uses In Automotive Commercial Zone                                          | \$100.00                         | \$75.00                                                                  | \$150.00                                                                      | Yes                                                  | 100%                                                |
| 5.12.1               | Non Permitted Use In Country Guest House Commercial Zone                                                                         | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.12.2               | Exceed Maximum Lot Coverage Restriction In Country Guest House Commercial Zone                                                   | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.12.3               | Exceed Maximum Number Of Guest Houses Permitted In Country Guest House Commercial Zone                                           | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.12.4               | Exceed Maximum Number Of Accessory Dwelling Units Permitted In Country Guest House Commercial Zone                               | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.12.5               | Exceed Maximum Number Of Accessory Restaurants Located Within A Guest House In Country Guest House Commercial Zone               | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.12.6               | Exceed Maximum Number Of Accessory Buildings In Country Guest House Commercial Zone                                              | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.12.5               | Encroachment Into Setbacks In Country Guest House Commercial Zone                                                                | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.12.6               | Exceed Height Restriction For Guest House/Dwelling Unit In Country Guest House Commercial Zone                                   | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.12.7               | Exceed Height Restriction For Accessory Building/Structure In Country Guest House Commercial Zone                                | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.12.8               | Exceed Height Restriction For Accessory Building/Structure Used For Agricultural Purposes In Country Guest House Commercial Zone | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.12.13              | Inadequate Landscape Screen For Outdoor Storage Areas And Tourist Accommodation Uses In Country Guest House Commercial Zone      | \$100.00                         | \$75.00                                                                  | \$150.00                                                                      | Yes                                                  | 100%                                                |
| 5.12.14              | Fail To Meet Site Specific Regulations                                                                                           | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 146, 2008**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                                       | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|---------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | In Country Guest House Commercial Zone                                                                              |                                  |                                                                          |                                                                               |                                                      |                                                     |
| 5.13.1               | Non Permitted Use In Industrial One Zone                                                                            | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.13.2               | Exceed Maximum Number Of Principal Buildings Or Accessory Dwelling Units In Industrial One Zone                     | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.13.3               | Exceed Maximum Number Of Accessory Buildings In Industrial One Zone                                                 | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.13.4               | Exceed Maximum Floor Area Ratio Restriction In Industrial One Zone                                                  | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.13.5               | Exceed Maximum Lot Coverage Restriction In Industrial One Zone                                                      | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.13.6               | Encroachment Into Setbacks In Industrial One Zone                                                                   | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.13.7               | Waste Transfer Station Uses Closer than 15 metres                                                                   | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.13.8               | Exceed Height Restriction For Principal Building/Accessory Dwelling Unit In Industrial One Zone                     | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.13.9               | Exceed Height Restriction For Accessory Building/Structure In Industrial One Zone                                   | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.13.11              | Stored Parts, Machinery And Equipment Not Located Within Buildings Or Enclosed Storage Areas In Industrial One Zone | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.13.12              | Storage Of Toxic\ Noxious\ Explosive\ Odorous\ Radioactive Materials In Industrial One Zone                         | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.13.13              | Storage Of Goods, Materials And Equipment Within 7.5 Metres Of Watercourse/Wetland/Water Body                       | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.13.14              | Waste Transfer on Lot less than 0.4 Hectare                                                                         | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.13.15              | Fail to Screen Industrial\Warehouse\Storage\Highways Maintenance Use                                                | \$100.00                         | \$75.00                                                                  | \$150.00                                                                      | Yes                                                  | 100%                                                |
| 5.13.16              | Fail To Meet Site Specific Regulations In Industrial One Zone                                                       | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.14.1               | Non Permitted Use In Community Service Zone                                                                         | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.14.2               | Exceed Maximum Lot Coverage Restriction In Community Service Zone                                                   | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.14.3               | Encroachment Into Setbacks In                                                                                       | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 146, 2008**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                                   | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|-----------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Community Service Zone                                                                                          |                                  |                                                                          |                                                                               |                                                      |                                                     |
| 5.14.4               | Exceed Height Restriction For Any Principal Building/Structure In Community Service Zone                        | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.14.5               | Exceed Height Restriction for Accessory Building                                                                | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.14.7               | Fail To Meet Site Specific Regulations In Community Service Zone                                                | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.15.1               | Non Permitted Use In Local Community Service Zone                                                               | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.15.2               | Exceed Maximum Lot Coverage Restriction In Local Community Service Zone                                         | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.15.3               | Encroachment Into Setbacks In Local Community Service Zone                                                      | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.15.4               | Exceed Height Restriction For Any Principal Building/Structure In Local Community Service Zone                  | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.15.6               | Exceed Height Restriction for Accessory Building                                                                | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.15.7               | Fail To Meet Site Specific Regulations In Local Community Service Zone                                          | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.16.1               | Non Permitted Use In Transportation Service Zone                                                                | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.16.2               | Exceed Maximum Lot Coverage Restriction In Transportation Service Zone                                          | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.16.3               | Encroachment Into Setbacks In Transportation Service Zone                                                       | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.16.4               | Exceed Height Restriction For Any Principal Building/Structure In Transportation Service Zone                   | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.16.5               | Exceed Maximum Combined Floor Area Restriction For All Accessory Commercial Uses In Transportation Service Zone | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.16.6               | Exceed Height Restriction for Accessory Building                                                                | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.17.1               | Non Permitted Use In Community And Regional Park Zone                                                           | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.17.2               | Exceed Maximum Lot Coverage Restriction In Community And Regional Park Zone                                     | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.17.3               | Encroachment Into Setbacks In Community And Regional Park Zone                                                  | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.17.4               | Exceed Height Restriction For Any                                                                               | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 146, 2008**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                            | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|----------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Building/Structure In Community And Regional Park Zone                                                   |                                  |                                                                          |                                                                               |                                                      |                                                     |
| 5.17.6               | Fail To Meet Site Specific Regulations In Community And Regional Park Zone                               | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.19.1               | Non Permitted Use In Resource Conservation Zone                                                          | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.19.2               | Exceed Maximum Lot Coverage Restriction In Resource Conservation Zone                                    | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.20.1               | Non Permitted Use In Water Protection Zone                                                               | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.21.1               | Non Permitted Use In Water Moorage Zone                                                                  | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.21.2               | Exceed Height Restriction For Any Structure In Water Moorage Zone                                        | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.21.3               | Fail To Meet Site Specific Regulations in Water Moorage Zone                                             | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.22.1               | Non Permitted Use In Water Commercial Zone                                                               | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.22.2               | More Than One Building/Building Exceeds Maximum Floor Area Restriction In Water Commercial Zone          | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.22.3               | Exceed Height Restriction For Any Structure In Water Moorage Zone                                        | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.22.4               | Fail To Provide Off-street Parking Or Parking Not Located On Adjacent Upland Lot In Water Moorage Zone   | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.23.1               | Non Permitted Use In Community Wharf Zone                                                                | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.23.2               | Exceed Height Restriction For Any Building/Structure Constructed On Dock In Community Wharf Zone         | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.23.3               | Building/Structure Exceeds Maximum Floor Area Restriction In Community Wharf Zone                        | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.23.4               | Fail To Provide Off-street Parking Or Parking Not Located On Adjacent Upland Lot In Community Wharf Zone | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.23.5               | Fail to Meet Site Specific Regulations in the Community Wharf Zone                                       | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.25.1               | Non Permitted Use In Senior Citizens Housing Comprehensive Development One Zone                          | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.25.2               | Exceed Maximum Number Of Permitted Duplexes In Senior Citizens Housing Comprehensive Development One     | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
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**CONTRAVENTIONS AND PENALTIES**

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|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Zone                                                                                                                                               |                                  |                                                                          |                                                                               |                                                      |                                                     |
| 5.25.3               | Exceed Maximum Floor Area Restriction Of Dwelling Unit In Senior Citizens Housing Comprehensive Development One Zone                               | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.25.4               | Exceed Maximum Number/Floor Area Of Attached Carports Per Dwelling Unit In Senior Citizens Housing Comprehensive Development One Zone              | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.25.5               | Exceed Maximum Combined Floor Area Of All Accessory Buildings In Senior Citizens Housing Comprehensive Development One Zone                        | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.25.6               | Permitted Accessory Uses Sited In More Than One Building In Senior Citizens Housing Comprehensive Development One Zone                             | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.25.7               | Encroachment Of Building/Structure Into Setbacks In Senior Citizens Housing Comprehensive Development One Zone                                     | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.25.8               | Exceed Maximum Height Restriction Of Dwelling Unit In Senior Citizens Housing Comprehensive Development One Zone                                   | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.25.9               | Exceed Maximum Height Restriction Of Any Accessory Building/Structure In Senior Citizens Housing Comprehensive Development One Zone                | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.25.11              | Inadequate Landscape Screen For Accessory Buildings And Structures And Parking Areas In Senior Citizens Housing Comprehensive Development One Zone | \$100.00                         | \$75.00                                                                  | \$150.00                                                                      | Yes                                                  | 100%                                                |
| 5.26.1               | Non Permitted Use In Comprehensive Development Two Zone                                                                                            | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.26.2               | Exceed Maximum Lot Coverage Restriction In Comprehensive Development Two Zone                                                                      | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.26.3               | Exceed Maximum Floor Area Restriction In Comprehensive Development Two Zone                                                                        | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.26.4(a)            | Exceed Maximum Floor Area Restriction Of Tourist Accommodation Uses In Comprehensive Development                                                   | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 146, 2008**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                                                                                | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Two Zone                                                                                                                                                     |                                  |                                                                          |                                                                               |                                                      |                                                     |
| 5.26.4(b)            | Exceed Maximum Floor Area Restriction Of Residential Uses In Comprehensive Development Two Zone                                                              | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.26.4(c)            | Exceed Maximum Floor Area Restriction Of Retail Sales Uses In Comprehensive Development Two Zone                                                             | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.26.4(d)            | Exceed Maximum Floor Area Restriction Of Combined Restaurant, Office, Personal Service, Medical And Dental Clinic Uses In Comprehensive Development Two Zone | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.26.5               | Exceed Maximum Floor Area Restriction Of Any Tourist Accommodation Unit In Comprehensive Development Two Zone                                                | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.26.6               | Exceed Maximum Number Of Tourist Accommodation Units In Comprehensive Development Two Zone                                                                   | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.26.7               | Exceed Maximum Number Of Residential Dwelling Units In Comprehensive Development Two Zone                                                                    | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.26.8               | Exceed Maximum Floor Area Of Any Residential Dwelling Unit In Comprehensive Development Two Zone                                                             | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.26.9               | Exceed Maximum Number Of Accessory Employee Housing Units In Comprehensive Development Two Zone                                                              | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.26.10              | Exceed Maximum Floor Area Of Any Accessory Employee Housing Unit In Comprehensive Development Two Zone                                                       | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.26.11              | Exceed Maximum Number Of Accessory Dwelling Units In Comprehensive Development Two Zone                                                                      | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.26.12              | Exceed Maximum Floor Area Of Any Accessory Dwelling Unit In Comprehensive Development Two Zone                                                               | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.26.13              | Encroachment Of Building/Structure                                                                                                                           | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 146, 2008**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                                                                                 | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>Amount<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>Penalty<br/>Amount<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Into Setbacks In Comprehensive Development Two Zone                                                                                                           |                                  |                                                                          |                                                                               |                                                      |                                                     |
| 5.26.14              | Exceed Maximum Height Restriction Of Building Containing Tourist Accommodation Units/Accessory Dwelling Unit/Restaurant In Comprehensive Development Two Zone | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.26.15              | Exceed Maximum Height Restriction Of Residential Dwelling Unit In Comprehensive Development Two Zone                                                          | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.26.16              | Exceed Maximum Height Restriction Of Any Accessory Building/Structure In Comprehensive Development Two Zone                                                   | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.26.17              | Non Permitted Use In Area A On Schedule 5.26(a) In Comprehensive Development Two Zone                                                                         | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.26.18              | Non Permitted Use In Area B On Schedule 5.26(a) In Comprehensive Development Two Zone                                                                         | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.26.20              | Inadequate Parking For Residential Use In Comprehensive Development Two Zone                                                                                  | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.27.1               | Non Permitted Use in Community Wharf Upland Zone                                                                                                              | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.27.2               | Exceed Maximum Lot Coverage Restriction in Community Wharf Upland Zone                                                                                        | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.27.3               | Encroach into Setbacks in Community Wharf Upland Zone                                                                                                         | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.27.4               | Exceed Maximum Height Restriction for Any Building/Structure in Community Wharf Upland Zone                                                                   | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 5.26.6               | Fail to Provide Minimum Parking Spaces Within Area Restrictions in Community Wharf Upland Zone                                                                | \$300.00                         | \$225.00                                                                 | \$450.00                                                                      | Yes                                                  | 100%                                                |
| 6.2.1                | Non Permitted Animated/Flashing/Noise-Making Sign                                                                                                             | \$250.00                         | \$175.00                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 6.2.2                | Non Permitted Third Party Sign                                                                                                                                | \$250.00                         | \$175.00                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 6.3.2                | Sign Pertaining To Lease/Sale/Status Of Lot/Building/Name Of Owner/Address Exceeds One Square Metre In Area                                                   | \$250.00                         | \$175.00                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 6.3.3                | Election Candidate Sign Not Removed                                                                                                                           | \$250.00                         | \$175.00                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 146, 2008**  
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|----------------------|---------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Within 48 Hours Of Date Of Election                                                                                       |                                  |                                                                          |                                                                               |                                                      |                                                     |
| 6.5.1                | Non Permitted Number/Area Of Signs                                                                                        | \$250.00                         | \$175.00                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 6.5                  | Obsolete Sign Not Removed From Premises Within Thirty Days Of Becoming Obsolete                                           | \$250.00                         | \$175.00                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 7.1.1                | Fail To Provide Off-road Parking On Lot                                                                                   | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 7.1.2                | Restrictive Covenant Not Registered For Off-road Parking Near Lot On Which Use/Building/Structure Being Served Is Located | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 7.2.1                | Manoeuvring Aisle Does Not Meet Size Requirements                                                                         | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 7.2.2                | Parking Space Does Not Meet Size Requirements                                                                             | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |
| 7.4                  | Fail To Provide Minimum Parking Spaces                                                                                    | \$250.00                         | \$187.50                                                                 | \$375.00                                                                      | Yes                                                  | 100%                                                |

# BRIEFING

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**To:** Local Trust Committees/Bowen Island Municipality      **For the Meeting of:** Various

**From:** Clare Frater, Director, Trust Area Services      **Date Prepared:** December 20, 2018

**SUBJECT:** Updated Islands Trust climate change webpages

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**PURPOSE:** To advise local trust committees and Bowen Island Municipality that the Islands Trust climate change webpages have been updated and to encourage dissemination of the climate change resources contained on the page.

**BACKGROUND:**

On June 20, 2018, the Islands Trust Council passed the following resolution:

*That Trust Council request staff to update and improve climate change information on the Islands Trust website and that Local Trust Committees and Bowen Island Municipality be encouraged to disseminate this information to their communities.*

Trust Area Services staff have reviewed and updated the information on the Islands Trust climate change webpages:

- <http://www.islandstrust.bc.ca/trust-council/projects/climate-change/> and
- <http://www.islandstrust.bc.ca/trust-council/projects/climate-change/carbon-neutral-operations/>

The Climate Change webpage provides information about the effects of climate change, the role of Islands Trust Area forests in sequestering carbon (equivalent to emissions from 40,000+ cars annually), local and global carbon projections, adaptation information and fact sheets.

Each official community plan in the Islands Trust Area, with the exception of the Piers Island OCP, contains Greenhouse Gas (GHG) reduction targets and associated policies. Local trust committees and Bowen Island Municipality may wish to review these targets as this new term of office gets underway.

The Carbon Neutral Operations webpage provides information about the Islands Trust climate actions since 2012 (via links to the Climate Action Revenue Incentive Program reports).

**ATTACHMENT(S):**

1. [Islands Trust Fact Sheet: Planning Tools to Reduce Green House Gases](#)

**FOLLOW-UP:** If local trust committees or Bowen Island Municipality wish to suggest resources or improvements to the climate change webpages, please send them to Andrew Templeton, Communications Specialist at [atempleton@islandstrust.bc.ca](mailto:atempleton@islandstrust.bc.ca)

Staff will continue to maintain climate change information on the website, and update resources as needed/suggested.

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**Prepared By:** Lisa Wilcox, Acting Senior Policy Advisor

**Reviewed By/Date:** Clare Frater, Director, Trust Area Services, December 11, 2018

# PROPOSED

## MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 176

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### A BYLAW TO AMEND THE MAYNE ISLAND LOCAL TRUST COMMITTEE FEES BYLAW NO 145, 2007

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WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections;

NOW THEREFORE the Mayne Island Local Trust Committee, being the local trust committee having jurisdiction in respect of the Mayne Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

1. Citation:

This bylaw may be cited for all purposes as “Mayne Island Local Trust Committee Fees Bylaw No. 145, 2007, Amendment No. 1, 2018”.

2. Mayne Island Local Trust Committee Fees Bylaw No. 145, 2007 is amended as shown on Schedule 1 attached to and forming part of this bylaw.

READ A FIRST TIME THIS                      26<sup>TH</sup>                      DAY OF                      NOVEMBER                      , 2018

READ A SECOND TIME THIS                      26<sup>TH</sup>                      DAY OF                      NOVEMBER                      , 2018

READ A THIRD TIME THIS                      26<sup>TH</sup>                      DAY OF                      NOVEMBER                      , 2018

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST

THIS                                              15<sup>TH</sup>                      DAY OF                      JANUARY                      , 2019

ADOPTED THIS                                              DAY OF                      , 201X

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Chair

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Secretary

**Mayne Island Local Trust Committee**

**Bylaw No. 176**

**Schedule 1**

1. Part 3, **Application Fees**, Section 3.1, **TABLE 4 – Other Applications**, is amended by deleting row 3 and replacing it with the following new rows:

|    |                                                                                        |         |
|----|----------------------------------------------------------------------------------------|---------|
| 3. | Liquor & Cannabis Regulation Branch – Liquor Licensing Applications                    | \$825   |
| 4. | Liquor & Cannabis Regulation Branch – Non-Medical Cannabis Retail License Applications | \$2,000 |

2. Part 3, **Application Fees**, Sections 3.3 through 3.6 are renumbered as Sections 3.2 through 3.5.