



MAYNE ISLAND LOCAL TRUST COMMITTEE

BUSINESS MEETING AGENDA TO COMMENCE AT 1:00 P.M., WEDNESDAY, APRIL 25, 2012 AT THE MAYNE ISLAND AGRICULTURAL HALL 430 FERNHILL ROAD, MAYNE ISLAND, B.C.

***Approximate** time is provided for the convenience of the public only and is subject change without notice.

	Page #	*Time Approx
1. CALL TO ORDER		
2. APPROVAL OF AGENDA		1:00 pm
2.1 Additions/Deletions		
2.2 Questions from public on Agenda Items		
3. COMMUNITY INFORMATION MEETING		1:10 pm
3.1 Mayne Island Bylaw Enforcement Notification Bylaw (attached)	Pg 1	
3.2 McDougall Farm Gate Rezoning Application MA- RZ-2010.2 (attached)	Pg 25	
4. PUBLIC HEARING none		
5. PREVIOUS MEETINGS		
5.1 Local Trust Committee Minutes for Adoption	Pg 40	2:30 pm
5.1.1 Mayne Island Local Trust Committee Business Meeting Minutes of March 21, 2012 (attached)		
5.2 Public Hearing Records and Community Information Meeting Notes - none		
5.3 Section 26 Resolutions-without-meeting - none		
5.4 Advisory Planning Commission and/or Mayne Island Commercial Land Use Task Force Minutes - none		
6. BUSINESS ARISING FROM THE MINUTES		
6.1 Follow-up Action Report (attached)	Pg 54	2:45 pm
7. DELEGATIONS – none		

8. **CORRESPONDENCE** - none
[correspondence received concerning applications and/or projects is considered with the application]
9. **APPLICATIONS, PERMITS, BYLAWS AND REFERRALS**
- 9.1 **MA-TUP-2011.1 (Burke)** (attached) **Pg 56**
- 9.2 **Referral of Proposed North Pender Bylaw No. 190, Land Use Bylaw Amendment No. 1, 2012** (attached) **Pg 67**
- 9.3 **McDougall Application MA-RZ-2010.2** (item 3.2)
10. **LOCAL TRUST COMMITTEE PROJECTS** 3:20 pm
11. **REPORTS**
- 11.1 **Work Program Reports**
- 11.1.1 Mayne Island Local Trust Committee Work Program - Report dated April, 2012 (attached) **Pg 115**
- 11.2 **Applications Report**
- 11.2.1 Mayne Island Applications Report dated April, 2012 (attached) **Pg 117**
- 11.3 **Expense/Budget Reports** – for information
- 11.3.1 Trustee and Local Expenses (attached) **Pg 119**
- 11.4 **Bylaw Enforcement** – for further consideration
- 11.4.1 Bylaw Enforcement Investigations Report (attached) **Pg 120**
- 11.4.2 Bylaw Enforcement Notification Bylaw (item 3.1)
- 11.5 **Adopted Policies and Standing Resolutions** – for information (pending)
- 11.6 **Mayne Island LTC Web Page** (attached) **Pg 122**
- 11.7 **Chair's Report**
- 11.8 **Trustee Report**
12. **OTHER BUSINESS** 4:00 pm
- 12.1 **Upcoming Meetings**
- 12.1.1 Next Business Meeting – Wednesday, May 30, 2012 at 1:00 pm., at the Mayne Island Agricultural Hall
- 12.2 **Annual Report** (pending)
13. **TOWN HALL MEETING**
14. **ADJOURNMENT** 4:30 pm



STAFF REPORT

Date: September 8, 2011 **File No.:** Bylaw Enforcement Notification Bylaw

To: Mayne Island Local Trust Committee

Meeting of September 19, 2011

From: Miles Drew
Bylaw Enforcement Coordinator

Re: **Adoption of Bylaw Enforcement Notification Bylaw**

THE PROPOSAL:

This report will recommend to the Mayne Island Local Trust Committee that it:

1. give three readings to the attached Bylaw Enforcement Notification Bylaw and;
2. refer the bylaw to the Executive Committee for approval.

STAFF COMMENTS:

The Local Trust Committee previously requested that it be appointed by the Province as a local government for the purpose of adopting a Bylaw Enforcement Notification Bylaw. The Province has issued an Order In Council authorizing this step. Therefore, the Local Trust Committee can now adopt a bylaw and implement the system.

An Important Point

This bylaw does not create any new offences. It only lists those offences already present in the Land Use Bylaw.

Purpose of Bylaw

The attached bylaw has several purposes. Primarily it establishes schedules listing penalties for various offences of the Land Use Bylaw. It also establishes discounts for completion of compliance agreements negotiated with a screening officer and early payment discounts. These schedules have been designed to penalize persons who violate the bylaws but also allows for a reduction in the penalty if the violation is corrected through a Compliance Agreement. Additionally, it creates methods for payment, dispute, and service of the bylaw violation notices.

Methodology for setting fine and fine discount amounts.

The recommended fine amounts and associated discounts for early payment or compliance were established by considering several factors which recognized the severity of the offence and the ease of compliance. The factors considered in setting fine amounts were:

1. environmental damage--generally given the highest fines of \$500 to \$200;
2. cost of doing business or revenue associated activities--generally given fine amounts of \$300 to \$150;
3. work without the appropriate permit--generally given fines of \$300 to \$150;
4. nuisance or easily resolved violations--generally given fines of \$250 to \$75.

Discounts for early payments were set at 25% and compliance agreements discounted at either 75% or 50% depending on the costs and ease of complying. Greater discounts are not recommended as in most cases the violator will have had the opportunity to comply after receiving a warning from the bylaw enforcement officer.

Establishment of Registry and Screening Officer

The bylaw establishes the location in North Vancouver of the Registry where disputed bylaw violation notices are adjudicated. The Islands Trust has an agreement with North Shore Municipalities to provide adjudication services.

The bylaw also establishes the position of Screening Officer and its duties, and authorizes bylaw enforcement officers to issue bylaw violation notices. The bylaw provides the ability for the Local Trust Committee to appoint persons holding certain positions to the duty of Screening Officer. This means that it is not necessary to name a specific person to carry out the duty. Therefore, staff changes will not require new appointments. Although the bylaw provides for several positions to be appointed as screening officers, staff believes that only one person should operate as a screening officer at this time. The most appropriate position to carry out screening officer duties is the bylaw enforcement administrative assistant.

Attached is a copy of a pamphlet which is intended to explain the Bylaw Enforcement Notification Bylaw. This pamphlet will be issued with each notice and will be available to the general public at Islands Trust offices and on the web site.

Next Steps

The last steps to be taken before bylaw violation notices can be issued are:

- Executive Committee approval and final adoption by the Local Trust Committee by Spring 2012
- appointment of Screening Officer and adoption of associated policies

- Conduct necessary staff training. Other than occasionally filling out a receipt for payment of a fine or referring persons to the screening officer there will be no impact on regional office resources. A staff familiarization session will be held in each region.
- print required bylaw violation notices and the Q & A brochure for recipients of bylaw violation notices and other interested persons.

This bylaw does not require Ministerial approval from the Province. Bylaw enforcement staff training will be done by the City of North Vancouver.

Attached is a proposed sample of the bylaw violation notice.

RECOMMENDATION:

- 1) That the Mayne Island Local Trust Committee gives the First Reading to Draft Bylaw No. 156, cited as Mayne Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 156, 2011
- 2) That the Mayne Island Local Trust Committee gives the Second Reading to Proposed Bylaw No. 156 cited as Mayne Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 156, 2011.
- 3) That the Mayne Island Local Trust Committee gives the Third Reading to Proposed Bylaw No. 156 cited as Mayne Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 156, 2011.
- 4) That the Mayne Island Local Trust Committee refers the Proposed Bylaw No. 156, 2011 to Executive Committee for approval.

Prepared and Submitted by:

Date

Q:\Bylaw Enforcement Notification System\Mayne\Staff Report Mayne LTC September 19, 2011.doc

DRAFT

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 156, 2011

A BYLAW TO RESPECT THE ENFORCEMENT OF BYLAW NOTICES WITHIN THE MAYNE ISLAND LOCAL TRUST AREA

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

WHEREAS the Mayne Island Local Trust Committee wishes to regulate the Enforcement of Bylaw Notices in the Mayne Island Local Trust Area;

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

Citation

1. This Bylaw may be cited as "Mayne Island Local Trust Area Bylaw Enforcement Notification Bylaw, No. 156, 2011".

1.0 INTERPRETATION

In this Bylaw:

- 1.1 "Act" means the *Local Government Bylaw Notice Enforcement Act*, SBC 2003, c 60.
- 1.2 "Registry" means the North Shore Bylaw Notice Adjudication Registry established pursuant to section 6 of this bylaw.
- 1.3 "LTC" means the Mayne Island Local Trust Committee.

2.0 DEFINITIONS

The terms in this bylaw have the same meaning as the terms defined in the *Act*.

3.0 BYLAW CONTRAVENTIONS

The bylaws and bylaw contraventions designated in Schedule "A" attached to this bylaw may be dealt with by Bylaw Violation Notice.

4.0 PENALTY

The penalty for a contravention referred to in Section 3 is as follows:

- (1) subject to paragraphs (2) to (4), is the Penalty amount set out in column A1 of Schedule "A" as attached to this bylaw;
- (2) if received by the Islands Trust within 14 days of the person receiving or being presumed to have received the bylaw violation notice, is the Early Payment Penalty set out in column A2 of Schedule "A" as attached to this bylaw applies;
- (3) if more than 28 days after the person has received or is presumed to have received the bylaw violation notice, is subject to a late payment surcharge in addition to the penalty under paragraph (1), and is the Late Payment Surcharge set out in column A3 of Schedule "A" as attached to this bylaw or
- (4) if paid under a compliance agreement, may be reduced as provided under column A5 of Schedule "A" as attached to this bylaw.

5.0 PERIOD FOR PAYING OR DISPUTING NOTICE

- 5.1 A person who receives a bylaw violation notice must, within 14 days of the date on which the person received or is presumed to have received the bylaw violation notice,

- (1) pay the penalty, or
- (2) request dispute adjudication

by filling in the appropriate portion of the bylaw violation notice indicating either a payment or a dispute and delivering it, either in person during regular office hours, or by mail, to the Islands Trust as directed on the bylaw violation notice.

- 5.2 A person may pay the indicated penalty after 14 days of receiving the notice subject to the applicable surcharge for late payment in accordance with Section 4(3) of this bylaw, but no person may dispute the bylaw violation notice after 14 days of receiving it.
- 5.3 Where a person was not served personally with a bylaw violation notice and advises the Islands Trust that they did not receive a copy of the original notice, the time limits for responding to a bylaw violation notice under Sections 5, 6 and 7 of this bylaw do not begin to run until a copy of the bylaw violation notice is re-delivered to them in accordance with the *Act*.

6.0 BYLAW NOTICE DISPUTE ADJUDICATION SYSTEM

- 6.1 The Registry is established as a bylaw violation notice dispute adjudication system in accordance with the *Act* to resolve disputes in relation to bylaw violation notices.
- 6.2 The civic address of the Registry is 141 West 14th Street, North Vancouver, BC, V7M 1H9.
- 6.3 Every person who is unsuccessful in dispute adjudication in relation to a bylaw violation notice, or a compliance agreement under the dispute adjudication system established under this Section, must pay the Islands Trust an additional fee of \$25.00 for the purpose of the Islands Trust recovering the costs of the adjudication system.

7.0 SCREENING OFFICERS

- 7.1 The position of screening officer is established.
- 7.2 The following are designated classes of person that may be appointed as screening officers:

- (1) Regional Planning Manager;
- (2) Bylaw Enforcement Coordinator;
- (3) Bylaw Enforcement Officer;
- (4) Bylaw Enforcement Assistant;

and the LTC may appoint screening officers from these classes of persons by name of office or otherwise.

- 7.3 The powers, duties and functions of screening officers are as set out in the *Act*, and include the following powers:
 - (1) Where requested by the person against whom a contravention is alleged, to communicate information respecting the nature of the contravention, the provision of the bylaw contravened, the facts on which the contravention allegation is based, the penalty for a contravention, the opportunity to enter into a compliance agreement, the opportunity to proceed to the bylaw violation notice dispute adjudication system and the fee or fees payable in relation to the bylaw violation notice enforcement process;
 - (2) To communicate with any or all of the following for the purposes of performing their functions under this bylaw or the *Act*:
 - (a) the person against whom a contravention is alleged or their representative;
 - (b) the officer issuing the bylaw violation notice;
 - (c) the complainant or their representative;
 - (d) the Islands Trust staff and record regarding the disputant's history of bylaw compliance.

- (3) To prepare and enter into compliance agreements under the *Act* with persons who dispute bylaw violation notices, including to establish terms and conditions for compliance that the screening officer considers necessary or advisable, including time periods for payment of penalties and compliance with the bylaw;
- (4) To provide for payment of a reduced penalty if a compliance agreement is entered into as provided in column A5 of Schedule "A" as attached to this bylaw; and
- (5) To cancel bylaw violation notices in accordance with the *Act* or LTC policies and guidelines.

7.4 The bylaw contraventions in relation to which a screening officer may enter into a compliance agreement are indicated in column A4 of Schedule "A" as attached to this bylaw.

7.5 The maximum duration of a compliance agreement is one year.

8.0 **BYLAW ENFORCEMENT OFFICERS**

Persons acting as any of the following are designated as bylaw enforcement officers for the purposes of this bylaw and the *Act*:

- (a) Bylaw Enforcement Coordinator;
- (b) Bylaw Enforcement Officer.

9.0 **FORM OF BYLAW VIOLATION NOTICE**

The LTC may, from time to time, stipulate the form or forms of the bylaw violation notice provided the bylaw violation notice complies with Section 4 of the *Act*.

10.0 **SCHEDULES**

The following schedules are attached to and form part of this bylaw:

- (a) Schedule A – Mayne Island Land Use Bylaw No. 146, 2008 Contraventions and Penalties.

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

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.2.1	Keeping Of Non Permitted Animals	\$300.00	\$225.00	\$150.00	Yes	75%
3.2.2	Non Permitted Disposal/Storage Of Hazardous/Toxic Waste	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.3	Non Permitted Rental/Sale Of Personal Watercraft	\$300.00	\$225.00	\$150.00	Yes	75%
3.2.4	Non Permitted Fin Fish Aquaculture	\$300.00	\$225.00	\$150.00	Yes	75%
3.2.5	Non Permitted Bridges/Causeways/Tunnels	\$300.00	\$225.00	\$150.00	Yes	75%
3.2.6	Non Permitted Marina Restricted To Member Of Private Club	\$300.00	\$225.00	\$150.00	Yes	75%
3.2.7	Non Permitted Retail Sale/Wholesaling Of Groundwater Extracted On Mayne Island	\$300.00	\$225.00	\$150.00	Yes	75%
3.3.2	Building/Structure Exceed Height Restriction Or Within Setbacks	\$300.00	\$225.00	\$150.00	Yes	75%
3.3.3	Non Permitted Building/Structure Within Setback To Natural Boundary Of Sea	\$300.00	\$225.00	\$150.00	Yes	75%
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	\$150.00	Yes	75%
3.3.5	Non Permitted Building/Structure Within Setback To Natural Boundary Of Watercourse	\$300.00	\$225.00	\$150.00	Yes	75%
3.3.6	Non Permitted Feature Projecting Into Required Setback	\$300.00	\$225.00	\$150.00	Yes	75%
3.5.1	Building/Structure Accessory To Dwelling Used For Human Habitation	\$300.00	\$225.00	\$150.00	Yes	75%
3.5.2	Non Permitted Building/Structure On Lot Prior To Construction Of Principal Dwelling/Commencement Of Principal Residential Use	\$300.00	\$225.00	\$150.00	Yes	75%
3.6.2	Non Permitted Home Occupation	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.3	Home Occupation Not Entirely Conducted In Dwelling Unit/Permitted Accessory Building	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.4	Home Occupation Exceeds Maximum Combined Floor Area	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.5	Fail To Retain Residential Appearance On Home Occupation Premises	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.6	Home Occupation Not Operated By Person Permanently Residing In Dwelling Or Exceeds Non-Resident Employees	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.7	Inadequate Landscape Screen/Fence For Exterior Storage Of Home Occupation	\$100.00	\$75.00	\$50.00	Yes	75%

Schedule A
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CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
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	\$125.00	Yes	50%
3.6.9	Area Of Home Occupation Used To Prepare/Serve Food Exceeds Floor Area Restriction	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.10	Area Of Home Occupation Used For Sales And Storage Of Goods For Sale Exceed Floor Area Restriction	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.11	Noise From Home Occupation Heard At Lot Line/Natural Boundary Of Sea	\$250.00	\$187.50	\$125.00	Yes	50%
3.7.1	Fence Exceeds Height Restriction In Required Setback	\$300.00	\$225.00	\$150.00	Yes	75%
3.8.1	Non Permitted Landscape Screen	\$100.00	\$75.00	\$50.00	Yes	75%
3.9.1	Non Permitted Use Of Recreational Vehicles As Dwelling/Cottage	\$300.00	\$225.00	\$150.00	Yes	50%
3.12.1(a)	Exceed Floor Area For Retail Sales Ancillary To BC Licensed Winery/Cidery	\$300.00	\$225.00	\$150.00	Yes	75%
3.12.1(b)	Exceed Floor Area For Food And Beverage Service Lounge Ancillary To BC Licensed Winery/Cidery	\$300.00	\$225.00	\$150.00	Yes	75%
5.1.1	Non Permitted Use In Settlement Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.1.2	Exceed Maximum Number Of Dwelling Units In Settlement Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.1.3	Exceed Maximum Number Of Cottages In Settlement Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.1.4	Exceed Maximum Number Of Accessory Buildings In Settlement Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.1.5	Exceed Maximum Lot Coverage Restriction In Settlement Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.1.6	Exceed Maximum Floor Area Restriction For Cottages In Settlement Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.1.7	Encroachment Into Setbacks In Settlement Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.1.8	Exceed Height Restriction For Dwelling Unit/Cottage In Settlement Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.1.9	Exceed Height Restriction For Accessory Building/Structure In Settlement Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.2.1	Non Permitted Use In Rural Residential One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.2.2	Exceed Maximum Number Of Dwelling Units In Rural Residential One Zone	\$300.00	\$225.00	\$150.00	Yes	75%

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

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
5.2.3	Exceed Maximum Number Of Cottages In Rural Residential One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.2.4	Exceed Maximum Number Of Accessory Buildings In Rural Residential One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.2.5	Exceed Maximum Lot Coverage Restriction In Rural Residential One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.2.6	Exceed Maximum Floor Area Restriction For Cottages In Rural Residential One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.2.7	Encroachment Into Setbacks In Rural Residential One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.2.8	Exceed Height Restriction For Dwelling Unit/Cottage In Rural Residential One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.2.9	Exceed Height Restriction For Accessory Building/Structure In Rural Residential One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.3.1	Non Permitted Use In Rural Residential Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.3.2	Exceed Maximum Number Of Dwelling Units In Rural Residential Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.3.3	Exceed Maximum Number Of Accessory Buildings In Rural Residential Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.3.4	Exceed Maximum Lot Coverage Restriction In Rural Residential Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.3.6	Encroachment Into Setbacks In Rural Residential Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.3.7	Exceed Height Restriction For Dwelling Unit In Rural Residential Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.3.8	Exceed Height Restriction For Accessory Building/Structure In Rural Residential Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.3.9	Exceed Maximum Floor Area Restriction For Dwelling Unit In Rural Residential Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.3.10	Exceed Maximum Floor Area Restriction For Accessory Building In Rural Residential Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.4.1	Non Permitted Use In Miners Bay Rural Comprehensive Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.4.2	Exceed Maximum Number Of Dwelling Units In Miners Bay Rural Comprehensive Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.4.3	Exceed Maximum Number Of Cottages In Miners Bay	\$300.00	\$225.00	\$150.00	Yes	75%
5.4.4	Exceed Maximum Number Of Accessory	\$300.00	\$225.00	\$150.00	Yes	75%

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CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Buildings In Miners Bay					
5.4.5	Exceed Maximum Lot Coverage Restriction In Miners Bay	\$300.00	\$225.00	\$150.00	Yes	75%
5.4.6	Exceed Maximum Floor Area Restriction For Cottages In Miners Bay	\$300.00	\$225.00	\$150.00	Yes	75%
5.4.7	Encroachment Into Setbacks In Miners Bay	\$300.00	\$225.00	\$150.00	Yes	75%
5.4.8	Non Permitted Siting Of Feeding Troughs And Manure Piles	\$300.00	\$225.00	\$150.00	Yes	75%
5.4.9	Exceed Height Restriction For Dwelling Unit/Cottage In Miners Bay	\$300.00	\$225.00	\$150.00	Yes	75%
5.4.10	Exceed Height Restriction For Accessory Building/Structure In Miners Bay	\$300.00	\$225.00	\$150.00	Yes	75%
5.5.1	Non Permitted Use In Rural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.5.2	Exceed Maximum Number Of Dwelling Units In Rural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.5.3	Exceed Maximum Number Of Cottages In Rural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.5.4	Exceed Maximum Number Of Accessory Buildings In Rural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.5.5	Exceed Maximum Lot Coverage Restriction In Rural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.5.6	Exceed Maximum Floor Area Restriction For Cottages In Rural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.5.7	Encroachment Into Setbacks In Rural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.5.8	Non Permitted Siting Of Feeding Troughs And Manure Piles	\$300.00	\$225.00	\$150.00	Yes	75%
5.5.9	Exceed Height Restriction For Dwelling Unit/Cottage In Rural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.5.10	Exceed Height Restriction For Accessory Building/Structure In Rural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.5.13	Fail To Meet Site Specific Regulations In Rural Zone	\$250.00	\$187.50	\$125.00	Yes	50%
5.6.1	Non Permitted Use In Upland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.6.2	Exceed Maximum Number Of Dwelling Units In Upland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.6.3	Exceed Maximum Number Of Cottages In Upland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.6.4	Exceed Maximum Number Of Accessory Buildings In Upland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.6.5	Exceed Maximum Lot Coverage Restriction In Upland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.6.6	Exceed Maximum Floor Area Restriction For Cottages In Upland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.6.7	Encroachment Into Setbacks In Upland	\$300.00	\$225.00	\$150.00	Yes	75%

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CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Zone					
5.6.8	Non Permitted Siting Of Feeding Troughs And Manure Piles	\$300.00	\$225.00	\$150.00	Yes	75%
5.6.9	Exceed Height Restriction For Dwelling Unit/Cottage In Upland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.6.10	Exceed Height Restriction For Accessory Building/Structure In Upland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.7.1	Non Permitted Use In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.7.2	Exceed Maximum Number Of Dwelling Units In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.7.3	Exceed Maximum Number Of Cottages In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.7.4	Exceed Maximum Number Of Accessory Buildings In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.7.5	Exceed Maximum Lot Coverage Restriction In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.7.6	Exceed Maximum Floor Area Restriction For Cottages In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.7.7	Encroachment Into Setbacks In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.7.8	Exceed Height Restriction For Dwelling Unit/Cottage In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.7.9	Exceed Height Restriction For Accessory Building/Structure In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.8.1	Non Permitted Use In Settlement Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.8.2	Exceed Maximum Floor Area Ratio In Settlement Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.8.3	Exceed Maximum Number Of Accessory Buildings In Settlement Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.8.4	Exceed Maximum Lot Coverage Restriction In Settlement Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.8.5(a)	Apartment Residential Use Not Located Within Principal Building In Settlement Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.8.5(b)	Apartment Residential Use Exceeds Maximum Floor Area Restriction Of Building In Settlement Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.8.5(c)	Apartment Residential Use Not Located Above Ground Floor Of Building In Settlement Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.8.5(d)	Apartment Residential Use Not Provided With Separate Entrance From Ground Level In Settlement Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%

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

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
5.8.5(e)	Apartment Residential Use Does Not Meet Minimum Floor Area Requirements In Settlement Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.8.6	Encroachment Into Setbacks In Settlement Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.8.7	Exceed Height Restriction For Principal Building/Accessory Dwelling Unit In Settlement Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.8.8	Exceed Height Restriction For Accessory Building/Structure In Settlement Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.8.10	Inadequate Landscape Screen For Lots With Commercial Uses In Settlement Commercial Zone	\$100.00	\$75.00	\$50.00	Yes	75%
5.8.11	Fail To Meet Site Specific Regulations In Settlement Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.9.1	Non Permitted Use In Commercial Tourist Accommodation Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.9.2	Exceed Maximum Lot Coverage Restriction In Commercial Tourist Accommodation Zone	\$250.00	\$187.50	\$125.00	Yes	50%
5.9.3	Exceed Maximum Floor Area Ratio Restriction In Commercial Tourist Accommodation Zone	\$250.00	\$187.50	\$125.00	Yes	50%
5.9.4	Exceed Maximum Units And Maximum Total Floor Area In Commercial Tourist Accommodation Zone	\$250.00	\$187.50	\$125.00	Yes	50%
5.9.5	Exceed Maximum Floor Area Of Any Tourist Accommodation Unit In Commercial Tourist Accommodation Zone	\$250.00	\$187.50	\$125.00	Yes	50%
5.9.6	Exceed Maximum Floor Area Of Accessory Retail Sales Uses In Commercial Tourist Accommodation Zone	\$250.00	\$187.50	\$125.00	Yes	50%
5.9.7	Exceed Maximum Accessory Employee Housing Units In Commercial Tourist Accommodation Zone	\$250.00	\$187.50	\$125.00	Yes	50%
5.9.8	Exceed Maximum Floor Area Of Accessory Employee Housing In Commercial Tourist Accommodation Zone	\$250.00	\$187.50	\$125.00	Yes	50%
5.9.9	Exceed Maximum Accessory Dwelling Units In Commercial Tourist Accommodation Zone	\$250.00	\$187.50	\$125.00	Yes	50%
5.9.10	Exceed Maximum Buildings Accessory To Tourist Accommodation Uses In Commercial Tourist Accommodation	\$250.00	\$187.50	\$125.00	Yes	50%

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

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Zone					
5.9.11	Encroachment Of Building/Structure Into Setback In Commercial Tourist Accommodation Zone	\$250.00	\$187.50	\$125.00	Yes	50%
5.9.12	Exceed Maximum Height Restriction Of Building/Structure In Commercial Tourist Accommodation Zone	\$250.00	\$187.50	\$125.00	Yes	50%
5.9.14	Fail To Meet Site Specific Regulations In Commercial Tourist Accommodation Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.10.1	Non Permitted Use In Service Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.10.2	Exceed Maximum Number Of Principal Buildings/Accessory Dwelling Units In Service Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.10.3	Exceed Maximum Number Of Accessory Buildings In Service Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.10.4	Exceed Maximum Floor Area Ratio Restriction In Service Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.10.5	Exceed Maximum Lot Coverage Restriction In Service Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.10.6	Encroachment Into Setbacks In Service Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.10.7	Exceed Height Restriction For Principal Building/Accessory Dwelling Unit In Service Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.10.8	Exceed Height Restriction For Accessory Building/Structure In Service Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.10.10	Stored Materials Not Located Within Buildings/Enclosed Storage Areas In Service Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.10.11	Non Permitted Storage Of Hazardous Materials In Service Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.10.12	Inadequate Landscape Screen For Lots With Commercial Uses In Service Commercial Zone	\$100.00	\$75.00	\$50.00	Yes	75%
5.10.13	Fail To Meet Site Specific Regulations In Service Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.11.1	Non Permitted Use In Automotive Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.11.2	Exceed Maximum Number Of Principal Buildings/ Accessory Dwelling Units In Automotive Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.11.3	Exceed Maximum Number Of Accessory Buildings In Automotive Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.11.4	Exceed Maximum Floor Area Ratio	\$300.00	\$225.00	\$150.00	Yes	75%

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

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Restriction In Automotive Commercial Zone					
5.11.5	Exceed Maximum Lot Coverage Restriction In Automotive Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.11.6	Encroachment Into Setbacks In Automotive Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.11.7	Exceed Height Restriction For Principal Building/Accessory Dwelling Unit In Automotive Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.11.8	Exceed Height Restriction For Accessory Building/Structure In Automotive Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.11.11	Stored Materials Not Located Within Buildings/Enclosed Storage Areas In Automotive Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.11.12	Inadequate Landscape Screen For Lots With Commercial Uses In Automotive Commercial Zone	\$100.00	\$75.00	\$50.00	Yes	75%
5.12.1	Non Permitted Use In Country Guest House Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.12.2	Exceed Maximum Lot Coverage Restriction In Country Guest House Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.12.3	Exceed Maximum Number Of Guest Houses Permitted In Country Guest House Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.12.4	Exceed Maximum Number Of Accessory Dwelling Units Permitted In Country Guest House Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.12.5	Exceed Maximum Number Of Accessory Restaurants Located Within A Guest House In Country Guest House Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.12.6	Exceed Maximum Number Of Accessory Buildings In Country Guest House Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.12.5	Encroachment Into Setbacks In Country Guest House Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.12.6	Exceed Height Restriction For Guest House/Dwelling Unit In Country Guest House Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.12.7	Exceed Height Restriction For Accessory Building/Structure In Country Guest House Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.12.8	Exceed Height Restriction For Accessory Building/Structure Used For Agricultural Purposes In Country Guest	\$300.00	\$225.00	\$150.00	Yes	75%

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

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	House Commercial Zone					
5.12.13	Inadequate Landscape Screen For Outdoor Storage Areas And Tourist Accommodation Uses In Country Guest House Commercial Zone	\$100.00	\$75.00	\$50.00	Yes	75%
5.12.14	Fail To Meet Site Specific Regulations In Country Guest House Commercial Zone	\$250.00	\$187.50	\$125.00	Yes	50%
5.13.1	Non Permitted Use In Industrial One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.13.2	Exceed Maximum Number Of Principal Buildings Or Accessory Dwelling Units In Industrial One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.13.3	Exceed Maximum Number Of Accessory Buildings In Industrial One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.13.4	Exceed Maximum Floor Area Ratio Restriction In Industrial One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.13.5	Exceed Maximum Lot Coverage Restriction In Industrial One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.13.6	Encroachment Into Setbacks In Industrial One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.13.7	Exceed Height Restriction For Principal Building/Accessory Dwelling Unit In Industrial One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.13.8	Exceed Height Restriction For Accessory Building/Structure In Industrial One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.13.10	Stored Parts, Machinery And Equipment Not Located Within Buildings Or Enclosed Storage Areas In Industrial One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.13.11	Storage Of Hazardous Materials In Industrial One Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.13.12	Storage Of Goods, Materials And Equipment Within 7.5 Metres Of Watercourse/Wetland/Water Body	\$300.00	\$225.00	\$150.00	Yes	75%
5.13.13	Inadequate Landscape Screen For Lots Having Industrial/Warehousing/Storage/Highway Maintenance Uses In Industrial One Zone	\$100.00	\$75.00	\$50.00	Yes	75%
5.13.14	Fail To Meet Site Specific Regulations In Industrial One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.14.1	Non Permitted Use In Community Service Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.14.2	Exceed Maximum Lot Coverage Restriction In Community Service Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.14.3	Encroachment Into Setbacks In Community Service Zone	\$300.00	\$225.00	\$150.00	Yes	75%

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

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
5.14.4	Exceed Height Restriction For Any Principal Building/Structure In Community Service Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.14.6	Fail To Meet Site Specific Regulations In Community Service Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.15.1	Non Permitted Use In Local Community Service Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.15.2	Exceed Maximum Lot Coverage Restriction In Local Community Service Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.15.3	Encroachment Into Setbacks In Local Community Service Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.15.4	Exceed Height Restriction For Any Principal Building/Structure In Local Community Service Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.15.6	Fail To Meet Site Specific Regulations In Local Community Service Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.16.1	Non Permitted Use In Transportation Service Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.16.2	Exceed Maximum Lot Coverage Restriction In Transportation Service Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.16.3	Encroachment Into Setbacks In Transportation Service Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.16.4	Exceed Height Restriction For Any Principal Building/Structure In Transportation Service Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.16.5	Exceed Maximum Combined Floor Area Restriction For All Accessory Commercial Uses In Transportation Service Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.17.1	Non Permitted Use In Community And Regional Park Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.17.2	Exceed Maximum Lot Coverage Restriction In Community And Regional Park Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.17.3	Encroachment Into Setbacks In Community And Regional Park Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.17.4	Exceed Height Restriction For Any Principal Building/Structure In Community And Regional Park Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.17.6	Fail To Meet Site Specific Regulations In Community And Regional Park Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.19.1	Non Permitted Use In Resource Conservation Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.19.2	Exceed Maximum Lot Coverage Restriction In Resource Conservation Zone	\$300.00	\$225.00	\$150.00	Yes	75%

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

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
5.20.1	Non Permitted Use In Water Protection Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.21.1	Non Permitted Use In Water Moorage Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.21.2	Exceed Height Restriction For Any Structure In Water Moorage Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.22.1	Non Permitted Use In Water Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.22.2	More Than One Building/Building Exceeds Maximum Floor Area Restriction In Water Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.22.3	Exceed Height Restriction For Any Structure In Water Moorage Zone	\$300.00	\$225.00	\$150.00	Yes	75%
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	\$150.00	Yes	75%
5.23.1	Non Permitted Use In Community Wharf Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.23.2	Exceed Height Restriction For Any Building/Structure Constructed On Dock In Community Wharf Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.23.3	Building/Structure Exceeds Maximum Floor Area Restriction In Community Wharf Zone	\$300.00	\$225.00	\$150.00	Yes	75%
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	\$150.00	Yes	75%
5.25.1	Non Permitted Use In Senior Citizens Housing Comprehensive Development One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.25.2	Exceed Maximum Number Of Permitted Duplexes In Senior Citizens Housing Comprehensive Development One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.25.3	Exceed Maximum Floor Area Restriction Of Dwelling Unit In Senior Citizens Housing Comprehensive Development One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
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	\$150.00	Yes	75%
5.25.5	Exceed Maximum Combined Floor Area Of All Accessory Buildings In Senior Citizens Housing Comprehensive Development One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.25.6	Permitted Accessory Uses Sited In More Than One Building In Senior Citizens Housing Comprehensive Development	\$300.00	\$225.00	\$150.00	Yes	75%

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

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	One Zone					
5.25.7	Encroachment Of Building/Structure Into Setbacks In Senior Citizens Housing Comprehensive Development One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.25.8	Exceed Maximum Height Restriction Of Dwelling Unit In Senior Citizens Housing Comprehensive Development One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.25.9	Exceed Maximum Height Restriction Of Any Accessory Building/Structure In Senior Citizens Housing Comprehensive Development One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
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	\$50.00	Yes	75%
5.26.1	Non Permitted Use In Comprehensive Development Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.26.2	Exceed Maximum Lot Coverage Restriction In Comprehensive Development Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.26.3	Exceed Maximum Floor Area Restriction In Comprehensive Development Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.26.4(a)	Exceed Maximum Floor Area Restriction Of Tourist Accommodation Uses In Comprehensive Development Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.26.4(b)	Exceed Maximum Floor Area Restriction Of Residential Uses In Comprehensive Development Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.26.4(c)	Exceed Maximum Floor Area Restriction Of Retail Sales Uses In Comprehensive Development Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
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	\$150.00	Yes	75%
5.26.5	Exceed Maximum Floor Area Restriction Of Any Tourist Accommodation Unit In Comprehensive Development Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.26.6	Exceed Maximum Number Of Tourist Accommodation Units In Comprehensive Development Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.26.7	Exceed Maximum Number Of Residential Dwelling Units In Comprehensive Development Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.26.8	Exceed Maximum Floor Area Of Any	\$300.00	\$225.00	\$150.00	Yes	75%

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

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Residential Dwelling Unit In Comprehensive Development Two Zone					
5.26.9	Exceed Maximum Number Of Accessory Employee Housing Units In Comprehensive Development Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.26.10	Exceed Maximum Floor Area Of Any Accessory Employee Housing Unit In Comprehensive Development Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.26.11	Exceed Maximum Number Of Accessory Dwelling Units In Comprehensive Development Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.26.12	Exceed Maximum Floor Area Of Any Accessory Dwelling Unit In Comprehensive Development Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.26.13	Encroachment Of Building/Structure Into Setbacks In Comprehensive Development Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
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	\$150.00	Yes	75%
5.26.15	Exceed Maximum Height Restriction Of Residential Dwelling Unit In Comprehensive Development Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.26.16	Exceed Maximum Height Restriction Of Any Accessory Building/Structure In Comprehensive Development Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.26.17	Non Permitted Use In Area A On Schedule 5.26(a) In Comprehensive Development Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.26.18	Non Permitted Use In Area B On Schedule 5.26(a) In Comprehensive Development Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.26.20	Inadequate Parking For Residential Use In Comprehensive Development Two Zone	\$300.00	\$225.00	\$150.00	Yes	75%
6.2.1	Non Permitted Animated/Flashing/Noise-Making Sign	\$250.00	\$175.00	\$125.00	Yes	50%
6.2.2	Non Permitted Third Party Sign	\$250.00	\$175.00	\$125.00	Yes	50%
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	\$125.00	Yes	50%
6.3.3	Election Candidate Sign Not Removed Within 48 Hours Of Date Of Election	\$250.00	\$175.00	\$125.00	Yes	50%
6.5.1	Non Permitted Number/Area Of Signs	\$250.00	\$175.00	\$125.00	Yes	50%
6.5	Obsolete Sign Not Removed From Premises Within Thirty Days Of	\$250.00	\$175.00	\$125.00	Yes	50%

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

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Becoming Obsolete					
7.1.1	Fail To Provide Off-road Parking On Lot	\$250.00	\$187.50	\$125.00	Yes	75%
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	\$125.00	Yes	75%
7.2.1	Manoeuvring Aisle Does Not Meet Size Requirements	\$250.00	\$187.50	\$125.00	Yes	75%
7.2.2	Parking Space Does Not Meet Size Requirements	\$250.00	\$187.50	\$125.00	Yes	75%
7.4	Fail To Provide Minimum Parking Spaces	\$250.00	\$187.50	\$125.00	Yes	75%

Frequently Asked Questions

What triggers bylaw enforcement?

Normally, enforcement is only undertaken when a written complaint is received. However, if an environmental concern, permitting issue or advertising of an illegal land use is discovered, enforcement may be started without a complaint.

What is a Compliance Agreement?

A person who enters into a compliance agreement accepts liability for the alleged contravention detailed in the bylaw violation notice. The agreement sets out remedies or conditions for future behaviour to be performed within a designated period of time. If the agreement is kept and the bylaw violation is resolved within an agreed time, the amount of the penalty is reduced.

How much can a penalty be reduced with a Compliance Agreement?

With a few exceptions the discounts for entering into and completing a Compliance Agreement are 50% or 75%.

Can I pay the reduced penalty within 15 days and still proceed to adjudication?

No. Once a penalty is paid the bylaw violation notice is closed.

Why are disputes adjudicated in North Vancouver?

It is not practical or cost effective for the Islands Trust to set up its own registry. The Islands Trust has therefore joined the closest existing registry, North Shore Bylaw Dispute Registry, which offers partnerships to other governments.

Do I need to appear in person for the Adjudication Hearing?

No. You can submit your evidence and arguments in writing or arrange for a telephone conference call.

Can I pay the penalty before the hearing date if I change my mind?

Yes. However, payments received after 14 days from when the bylaw violation notice was issued must be paid in full.

Can I appeal the adjudicator's decision to a higher authority?

No. An adjudicator's decision is final.

What if I pay the penalty but still do not comply?

You will be subject to further enforcement and possible legal actions.

How can I contact the Bylaw Enforcement Team?

You can contact the Bylaw Enforcement Team by **Email** at: bylawenforcement@islandstrust.bc.ca.

Phone at 250.405.5175. If you are calling long distance, call toll free to **Enquiry BC**

In Victoria call **250.387.6121**

In Vancouver call **604.660.2421**

Elsewhere in BC call **1.800.663.7867**

Send **mail** or **visit** any of our offices.

Victoria—200-1627 Fort St, V8R 1H8

Salt Spring—1-500 Lower Ganges Rd, V8K 2N8

Gabriola—700 North Road, Gabriola V0R 1X3

Visit us online at: www.islandstrust.bc.ca

Bylaw Enforcement Notification System



Islands Trust

September 2011

Bylaw Enforcement Notification — Making the System Simpler

The Islands Trust manages Bylaw Violation Notices (BVNs) through its Bylaw Enforcement Notification (BEN) System, under the province's *Local Government Bylaw Notice Enforcement Act*.

The notification system provides a simple, fair and cost-effective method for dealing with straightforward bylaw violations. It is much less costly, complex and time-consuming than a system in which tickets can be disputed only by going to court.

The BEN system replaces provincial court with an adjudicator. People disputing a bylaw violation notice can present their objections to the notice by phone, by mail or in person. The BVN includes information on how to do this. Disputes for the Islands Trust are adjudicated by the North Shore Bylaw Dispute Registry.

Under the BEN system an Islands Trust screening officer hears initial objections to BVNs. If the objection is found to be valid, the screening officer can cancel the BVN. The screening officer can also authorize a reduction in the penalty amount in return for compliance with the bylaw. This step is carried out through a Compliance Agreement and may include remedial actions.

BVNs are only issued after an

investigation. Before penalties are imposed, offenders are usually offered an opportunity to comply. The main goal of bylaw enforcement in the Trust area is not to collect penalties; it is to encourage compliance with the community's bylaws.

For more information about bylaw enforcement in the Trust area, please see our Frequently Asked Questions bylaw enforcement pamphlet or go to www.islandstrust.bc.ca.

The Bylaw Enforcement Notification System provides a simple, fair and cost-effective method for dealing with straightforward bylaw violations.

How the system works once a bylaw violation notice is issued

Option 1: Pay the bylaw violation notice

- For penalties paid within 14 days of receiving notice, payment is reduced.
- Penalties paid after 14 days must be paid in full.
- For penalties paid more than 28 days after receiving notice a surcharge is added.

Option 2: Dispute the violation notice

Step One

Complete and submit the Adjudication Request Form which is on the back of the BVN. Forms can be delivered, mailed or faxed to the Islands Trust Office on Salt Spring or Gabriola or in Victoria.

Step Two

- An Islands Trust screening officer will review the adjudication request and will:
- cancel the bylaw violation notice; or
 - work out a Compliance Agreement and reduce the penalty when the agreement is completed; or
 - uphold the bylaw violation notice.

Step Three

If the screening officer upholds the BVN:

- A date and time is set for the Adjudication Hearing.
- At the hearing, evidence is presented and the adjudicator decides if an offence did or did not occur.

Step Four

- If an offence did occur, the BVN must be paid in full, plus an additional \$25 administrative fee.
- If an offence did not occur, the BVN is cancelled and no penalties are imposed.



Bowen Denman Executive Hornby Gabriola Galiano Gambier
Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

BYLAW VIOLATION NOTICE

BI xxxxx

THE ISSUING OFFICER SAYS YOU ARE IN BREACH OF A LOCAL TRUST AREA BYLAW AS FOLLOWS:

ISSUED TO

NAME OF PERSON OR COMPANY		
ADDRESS		
LEGAL DESCRIPTION		
DATE	TIME	LOCATION
YYYY MM DD	HH: MM AM/PM	
BYLAW NAME		BYLAW NUMBER SECTION
DESCRIPTION OF OFFENCE		

PENALTIES MAY ONLY BE ACCEPTED IN THE MANNER NOTED:

Discount if paid within 14 days \$ _____
Penalty after 14 days \$ _____
Penalty after 28 days \$ _____

DELIVERY:

☐ In person
☐ By Mail

ISSUING OFFICER _____

You have 14 days upon receipt of this Notice to dispute the Notice. If a dispute is not filed within 14 days you will not be able to dispute. Unsuccessful disputes will also be charged a \$25 administration fee. Disputes are adjudicated by the North Shore Bylaw Dispute Registry.

ALLEGED OFFENDER'S COPY



Islands Trust

www.islandstrust.bc.ca

PAYMENT: READ CAREFULLY

PRESENT THIS NOTICE AT THE TIME OF PAYMENT
FAILURE TO PAY PROMPTLY WILL RESULT
IN ADDITIONAL PENALTIES BEING ADDED

Please make your cheque or money order payable to Islands Trust.
Do not send cash in the mail. A dishonoured cheque will not be considered
payment of the penalty within the prescribed time. NSF fees will be applied.
Payment must be received within the noted time limits to receive the discounted amounts.

OVERDUE FINES MAY BE SUBJECT TO COLLECTION PROCESS

PAY BY MAIL OR IN PERSON BY CASH OR CHEQUE

Islands Trust
1627 Fort Street
Victoria, BC V8R 1H8

Islands Trust
1-500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8

Islands Trust
700 North Road
Gabriola Island, BC V0R 1X3

INQUIRIES

Phone: 250-405-5175

Fax: 250-405-5155

Email: bylawenforcement@islandstrust.bc.ca

ADJUDICATION REQUEST		Please deliver, mail, or fax to any of the above addresses within 14 days of receipt of this notice	
Bylaw Notice #:		Date of Issue:	
Name:			
Address:			
City:		Province:	Postal Code:
Daytime Phone #			
Signature:			
A \$25 fee is added to the total fine if the adjudicator finds that the contravention did occur.			



STAFF REPORT

Date: January 19, 2012

File No.: MA-RZ-2010.2

To: Mayne Island Local Trust Committee

From: Gary Richardson, Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: Application for Rezoning 568 Fernhill Road

Owner: Don and Shanti McDougall

Applicant: Same as above

Location: Lot 2, Section 8, Mayne Island, Cowichan District, Plan 17070,
PID: 001 864 653

Preliminary Report

THE PROPOSAL:

The owners are applying for a rezoning at 568 Fernhill Rd. to change the current zoning C3 (a): Service Commercial to C1: Settlement Commercial in order to permit a grocery store focused on local foods. The applicant has requested only retail sales, accessory dwelling, and accessory uses as permitted uses. The applicant has also suggested that a maximum size for the principle building could be set at 279 sq. metres (3000 sq.ft.) The proposal seeks to use and expand an existing 102.2 m² (1100 sq. ft) structure located on-site. The property is owned by the McDougalls and was previously used as a machine repair shop, but has not been used in this capacity for several years. The stated intention of the rezoning application is to allow the owners to expand their farm gate sales year-round, serve as a retail location for other local and sustainable food producers, create jobs for Mayne islanders, add to the viability of the Fernhill Centre by clustering amenities, and help address the issues of food security and sustainability on Mayne Island. A Temporary Use Permit was issued August 24, 2010 for the uses proposed in this rezoning application. The TUP expires February 24, 2012.

SITE CONTEXT:

The subject property is a 0.348 hectare (0.860 acre) site located next to the Fernhill Centre; a retail centre located roughly halfway between the Miners Bay and Bennett Bay neighbourhoods, just Northeast of Mount Parke in the centre of Mayne Island. The property is zoned C3(a) which permits the following uses: repair shops, machine shops, accessory buildings, accessory retail sales, and accessory dwelling unit.

A variety of zones exist adjacent to the subject property. The Fernhill Centre is zoned Settlement Commercial (C1) and is located to the east of the property; a large Rural (R) property is located to the south and properties zoned Settlement Residential (SR) exist to the west and north, across Fernhill Rd. The lot directly to the west of the subject property is undeveloped. In addition, the Mayne Island School, Health Centre and Fire hall are located approximately 800 metres west of the property, along Fernhill Rd, towards Miners Bay.

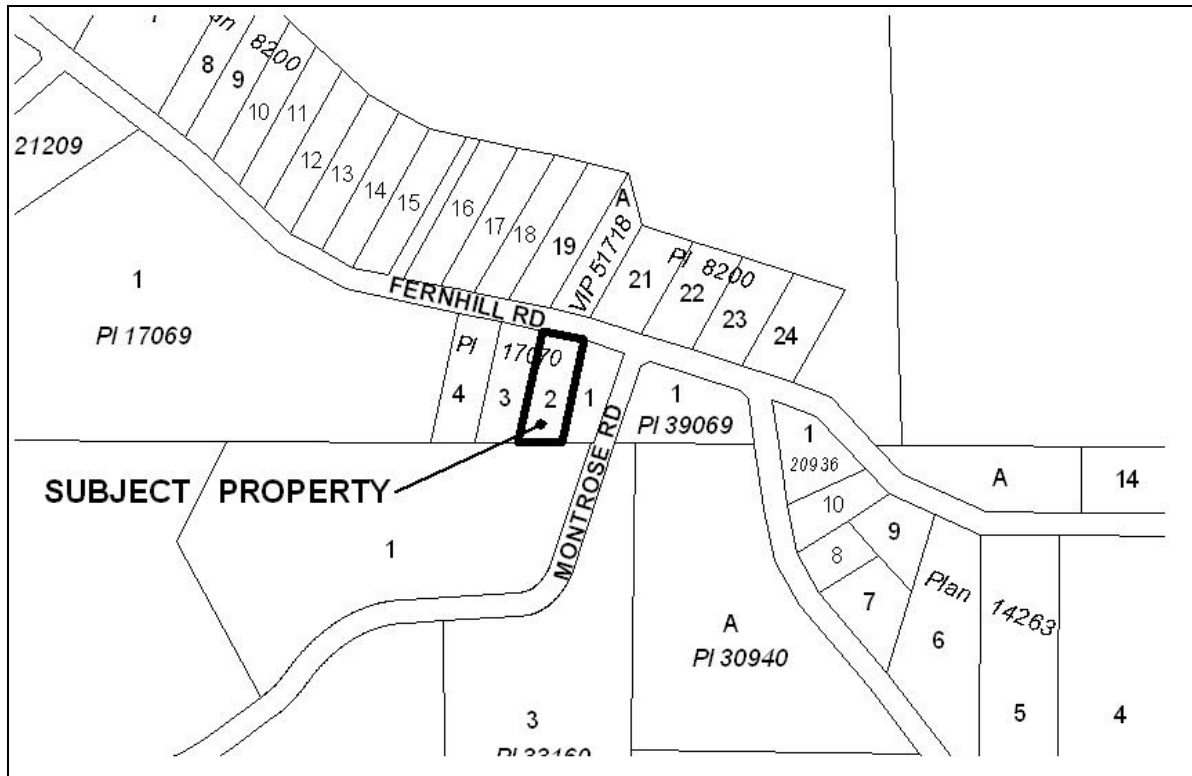


Figure 1: Location of the property

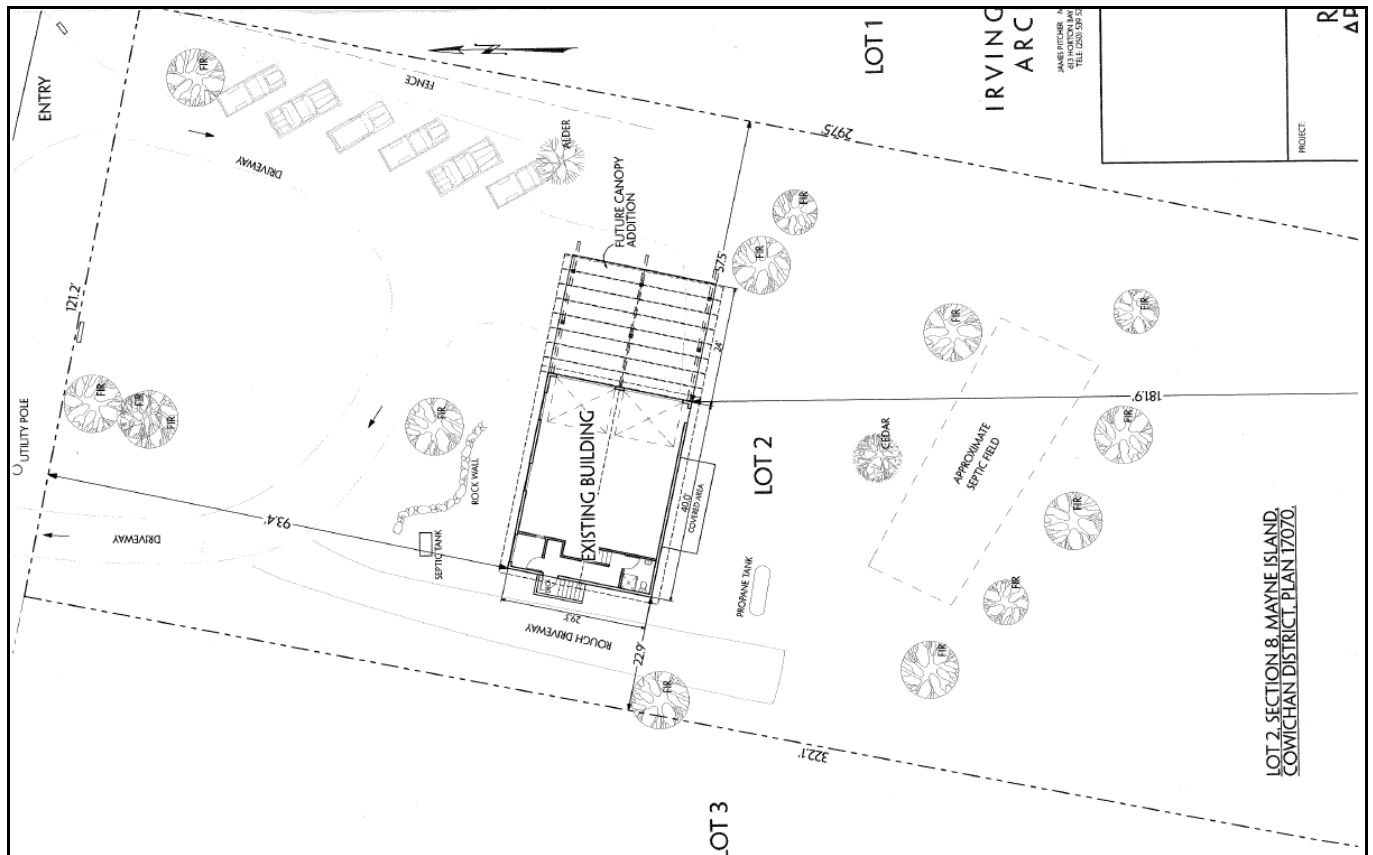


Figure 2: Proposed site plan for the rezoning application

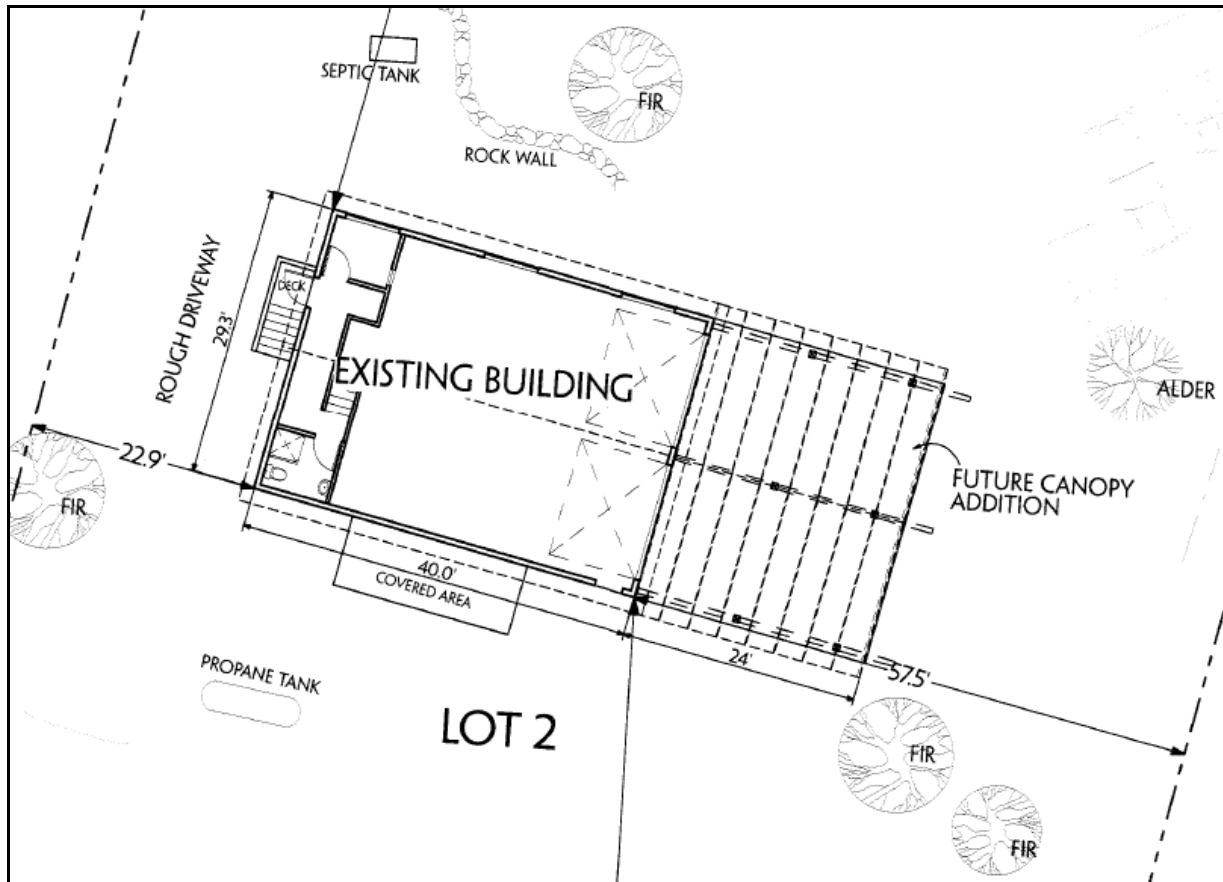


Figure 3: Detail of area to be used for proposed operations

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Official Community Plan

The subject property is designated General Commercial in the Mayne Island Official Community Plan (OCP) No. 144, 2007. Subsection 2.4.1 of the OCP titled "Retail Commercial Background" states, *"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."*

The retail commercial objectives of the OCP include:

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, and
5. to ensure the scale, form and character of all new commercial developments harmonize with the natural surroundings.

The relevant general retail commercial policies of the OCP include:

- 2.4.1.1 The principal land use shall be small scale commercial business.
- 2.4.1.2 Retail businesses shall be clustered at Miners Bay with the exception of; Montrose/ Fernhill area, the Building Centre at Whalen/ Fernhill, and the Auto repair at Horton/ Fernhill.
- 2.4.1.3 Service based businesses should be dispersed in the Mayne Islands Trust Area.
- 2.4.1.4 The retail commercial needs of the community should be addressed by small developments within the immediate neighbourhood they serve, for example, small neighbourhood corner stores.
- 2.4.1.5 Strip development of businesses outside the commercial centres shall not be permitted.

Land Use Bylaw

The property is regulated by the site-specific zoning Service Commercial C3(a). The following Articles define the site specific regulations:

- 5.10(13)(1): Despite 5.10(1) the only permitted uses at these locations are repair shops, machine shops, accessory retail sales, and accessory dwelling unit.
- 5.10(13)(2): The maximum floor area of buildings used for repair shops and machine shops is 140 m² (1507 ft²), of which a maximum of 5 m² (54 ft²) may be used for the retail sale of articles not used directly in the repair of vehicles and machines.

The rezoning application seeks to change the C3(a) zoning to a C1 Settlement Commercial zone. This rezoning could greatly increase the permitted uses on the property. A copy of Section 5.8 Settlement Commercial (C1) Zone from the Mayne Island Land Use Bylaw No. 146, 2008 is attached as Schedule 'A' for information. This application is for a limited number of uses that may best be achieved through a site specific C1 zone.

Islands Trust Fund:

There are no Islands Trust Fund considerations for this application.

Sensitive Ecosystems and Hazard Areas:

The Mayne Island Sensitive Ecosystems Mapping project did not identify any sensitive ecosystems on this property, nor were any hazard areas identified on this property.

Archaeological Sites:

Based on information from the provincial Remote Access to Archaeological Data (RAAD), there are no archaeological sites on this property.

Notwithstanding the foregoing, and by copy of this report, the owners are advised that the unearthing of any archaeological resource should be reported to the Archaeological Branch.

Covenants:

There are no covenants registered on the title of the subject property.

Other:

A TUP application to use the interior of the existing building for the retail sales of food items was made, and a permit was issued August 24, 2010. The TUP expires February 24, 2012. An application for renewal of the TUP has been made and will be considered by the LTC at its February 1, 2012 LTC meeting.

COMMUNITY INFORMATION MEETING(S):

A community information meeting is part of the rezoning process, and staff recommends such a meeting be held early in the process if the rezoning proceeds. A Saturday CIM in February or March should be arranged if this proposal proceeds.

RESULTS OF CIRCULATION:

Up to and including the writing of this report, staff has received 69 public submissions regarding the rezoning application. The majority of these (68) have been in support of the applicants' proposal. Submissions have been forwarded to the Trustees as they have been received.

ISSUES SUMMARY

THE REZONING PROCESS

As the Mayne Island Local Trust Committee has not considered a rezoning application for some time, the following section is provided to familiarize the Local Trust Committee with the steps and procedures in the rezoning process. Following the receipt of this report, any further work on the application is at the direction of the Local Trust Committee.

The Local Trust Committee has the authority to approve a rezoning through Section 903 of the *Local Government Act*. The purpose of a rezoning is to change or amend the Land Use Bylaw and occasionally the Official Community Plan to change an existing zoning or create a new zone. An amendment to either the OCP or LUB must be consistent with the Islands Trust Policy Statement which includes the procedural guidelines for a rezoning process.

The rezoning process consists of both legally required steps and procedures that are conventionally followed, as outlined below:

1: Pre-application

Prior to submitting an application, a potential applicant discusses the proposal with planning staff for information regarding process, policy, regulation, interpretation and potential impacts and constraints. At the time an alternate to a rezoning may be discussed, or other agencies may be contacted to identify shared interests in the application.

2: Application

A complete application form, fee and associated plans, maps, title and letters are submitted, the file is assigned to a planner and a copy of the application is forwarded to the LTC for information.

3: Preliminary Evaluation and Staff Report (Current step)

Staff analyzes the application and prepares a preliminary staff report for the LTC identifying issues and recommendations regarding whether or not the application should proceed. If a planner makes such a recommendation, the report will outline the recommended process that should be undertaken and any additional information required. There is no guarantee that the LTC will agree with staff recommendations. After reviewing the application and preliminary staff report, the LTC may, by resolution

- adopt some or all staff recommendations;
- direct staff to undertake work on an alternative to rezoning;
- direct staff to obtain more information from the applicant or other agencies;
- direct staff to undertake a Community Information Meeting to obtain community feedback;
- direct staff to send the application to the Advisory Planning Commission for comment
- direct staff to prepare a draft bylaw, revise a drafted bylaw, or give first reading to a drafted bylaw;
- table the application;
- direct staff to ask if the applicant is willing to consider an amendment to the application; or
- reject the application and proceed no further.

4: Public Consultation and Referrals to Agencies and Advisory Bodies

The LTC will typically hold a Community Information Meeting (CIM) or conduct other forms of consultation as part of the process. The application fee covers one CIM, the public hearing and all referrals to federal and provincial agencies as well as regional districts, municipalities, First Nations and other agencies.

5: Additional Information

If further information is required by the LTC, or the LTC wishes the applicant to consider any amendments to the application, the planner will contact the applicant and determine whether the applicant is interested in amending the application.

6: Reconsideration by the LTC

Once any additional information, recommendations or referrals have been received, the LTC can proceed with further decisions on the application. The LTC may consider the application as many times as needed until it is satisfied to move forward or reject the application. An application may be withdrawn at any time during this process.

7: First Reading

Once the LTC is satisfied with the draft bylaws, it may give first reading to the bylaw which formally introduces it as a proposed legal enactment. At this point staff refer bylaws to agencies and First Nations, although this may occur earlier in the process as a draft bylaw.

8: Public Hearing

A public hearing is scheduled to give affected individuals the opportunity to speak directly to the LTC and/ or provide written submissions. Trustees cannot accept information relating to the

bylaw after adjournment of the hearing. The public hearing requires public notification via a mail out to surrounding properties and a minimum of two newspaper advertisements. Public notification is a legislated requirement. The LTC may decide to hold a Community Information Meeting prior to a public hearing.

9: Subsequent Readings

After the public hearing, the LTC may give second and third reading; require certain conditions prior to final adoption; amend the bylaw(s), which may require another public hearing; or defeat the bylaw and deny the application. After third reading, the bylaw is submitted to the Executive Committee of the Islands Trust Council. The Executive Committee must ensure that the bylaw(s) is consistent with the Trust Policy Statement and the object of the Islands Trust.

The LTC must adopt the bylaw in order to complete the bylaw amendment process. Final adoption can be withheld until any development requirements are completed (e.g. registration of covenants or dedication of land and right-of-way).

ISSUES

There are a number of issues that the LTC should consider in regard to the rezoning application:

1. OCP Policies: Article 2.4.1.2 of the Mayne Island Official Community Plan recognizes that retail businesses have historically been and shall be primarily clustered in Miners Bay. Secondary commercial centres at the junction of Fernhill and Montrose as well as Fernhill and Whalen Roads are also recognized in the OCP.
2. LUB Regulations: The current C3(a) (Service Commercial) zoning on the property restricts land-use to repair and machine shops as well as associated accessory uses and an accessory dwelling. In addition, the current zoning restricts the maximum floor area of buildings used for repair shops and machine shops to 140 m² (1507 ft²), of which a maximum of 5 m² (54 ft²) may be used for the retail sale of articles not used directly in the repair of vehicles and machines.

The C1 (Settlement Commercial) zone permits a variety of land uses including retail sales, restaurants, offices, medical clinics, printers/ publishers, personal services, studios, appliance repair/ servicing, halls/ clubs, rental apartments, freight depots, accessory buildings and an accessory dwelling unit for the owner, operator or employee of a permitted use. In addition, the maximum Floor Area Ratio (the floor area of a building or buildings on a lot divided by the lot area) is 0.25, meaning that the maximum floor area of the primary use is 870m² (9364.6 ft²) within this zone. An identical Floor Area Ratio also exists for lots in the C3 zone. The applicant has requested a limited number of uses which may be best implemented in a site specific C1 zone.

3. Traffic & Parking: Section 7.4 of the Mayne Island Land Use Bylaw No. 146, 2008 states that properties zoned for retail sales require 1 off-street parking space per 30 m² (323 ft²) of floor area. The TUP that is in place required parking spaces that exceed the number required in the LUB, and the parking provided appears to be functioning well. The Mayne Island OCP designates Fernhill Road as a Main-Rural road from Miners Bay to just east of the Fernhill Centre. This indicates that it is a main arterial road and is intended to support higher volumes of traffic. The property owners have obtained a highway access permit. The Mayne Island School, Health Centre and Fire hall are also located along this road.

4. Similar Land Uses: Currently, Mayne Island supports 2 grocery stores (Miners Bay), a health food store (Fernhill Centre), a bakery (Miners Bay) and several restaurants (Miners Bay, Village Bay, Bennett Bay and the Fernhill Centre). The Island also hosts a farmers market in Miners Bay every week during the summer.
5. Climate Change Considerations and Food Security: In addition, in its 2008/2011 Strategic Plan, the Islands Trust Council recognizes food security as a specific goal in sustaining island character and healthy communities. The store does get some of its produce locally. The location of the store is centrally located and may reduce some car trips, particularly for those people within walking distance.

STAFF COMMENTS:

The following section will address the specific impacts outlined above, and discuss the various themes brought forward via public submissions.

1. OCP Policies: The Mayne Island OCP identifies Miners Bay as the current and historic commercial centre on the island. The OCP does not preclude other parts of the island from commercial activities and specifically mentions the Fernhill/ Montrose area as a secondary location for a commercial centre. It is in the centre of the island between the Miners Bay and Bennett Bay neighbourhoods. While the location may allow residents from those neighbourhoods to make fewer automobile trips, the location may not reduce the number of trips for residents in the Horton Bay, Gallagher Bay, Georgina Point and Village Bay neighbourhoods.

The OCP does support small retail commercial developments (e.g. corner stores) within the immediate neighbourhoods they serve. This location, however, is not in close proximity to a significant neighbourhood to serve as a walkable neighbourhood corner store for most.

A Commercial Task Force has been in place since August 2011. The purpose of the Task Force is to provide overall strategic advice to the LTC on the need, requirements and preferred location of commercial activity on Mayne Island. The Task Force term ends March 31, 2012 at which time a final report is required. The recommendations in the report could be considered by the LTC in the review of this proposal.

2. LUB Regulations: The subject property was rezoned in 1989 from Settlement Residential to C-4 L (Service Commercial Limited) to permit the use of repair and machine shop in an area not to exceed 112 m² (1200 ft²). While the name of the zoning designation has changed over time, its restrictive and specific nature has not. This indicates that the intent of the initial rezoning was for a very specific commercial use, rather than a more permissive commercial designation.

One of the main issues surrounding the rezoning of this property from C3(a) to C1 is the substantial increase in the range of permitted uses, and the intensity of use and impacts that such a change would afford. The applicant has addressed this by suggesting a limited number of permitted uses.

A site-specific zone could be created (much like the C3(a) zone), or the LTC could require that a section 219 covenant is placed on title regarding the size of buildings and

structures, hours of operation, parking and access. Finally, land use planning must account for the use of the property, not the current owners and their specific intentions. While current owners may have the best of intentions, and may be successful in their vision, this does not preclude someone with different intentions from purchasing the property in the future and using a permissive zoning designation to create undesirable land uses. There are some drawbacks to site specific zoning as commercial uses in buildings often change over time and allowing a range of uses will accommodate this change without requiring a rezoning each time.

3. Traffic & Parking: Concern was initially voiced regarding traffic congestion and the proposed use on the subject property. Fernhill Road is a main thoroughfare on Mayne Island and is thus designated and designed to support higher volumes of traffic than other roads on the island. If the store allows residents to make more stops during a regular trip, the impacts on traffic could be negligible as people may simply add an additional stop to a regular trip.

There have been no problems with respect to traffic and parking reported to the Islands Trust since the farm gate store started operation in August of 2010.

4. Similar Land Uses: Several food retail and service locations exist on Mayne Island. The applicants stated that due to high consumer demand, the seasonal nature of the farmers market and difficulty for the public to access their farm, the subject property was purchased in order to serve as a location to expand their farm sales and sell local and sustainably sourced food items. Public comment suggests that there is a strong desire for such products and there is great enthusiasm surrounding the notion of purchasing Mayne Island produced food on the island throughout the year. The main concerns surrounding the proposal are associated with increased competition and the fear that the new store may decrease the summer profits of existing establishments and thus lead to store closure during the winter months or indefinitely. While these may be valid business concerns, it is not the role of the LTC to make decisions based on business or the market. The possibility of a loss of services for Mayne Island residents would, however, be of LTC concern. The store has been in operation for 17 months and it is unclear to staff if any of these concerns still exist.
5. Climate Change Mitigation and Food Security: The store does get some of its produce locally. The location of the store is centrally located and may reduce some car trips, particularly for those people within walking distance.

REZONING CONDITIONS: SITE-SPECIFIC ZONING, SECTION 219 COVENANTS AND DEVELOPMENT PERMIT AREAS

The rezoning of the subject property from C3(a) to C1 will permit a variety of uses on a site previously limited by site-specific zoning. There are several planning tools available to the LTC to mitigate any concerns regarding traffic, access, siting and general cohesiveness with the neighbourhood.

Site specific zoning and Section 219 covenants are two such tools. Section 219 of the *Land Titles Act* provides the provision to control land use by means of restrictive covenants, while site specific zoning serves a similar purpose. However, unlike a covenant, zoning cannot be discharged when the land changes owners, and can only be altered through a rezoning

process. The creation of site specific zones must be done with careful consideration to future use for the land as well as the potential burden on future land owners.

The property owner obtained a Development Permit for form and character of the commercial development from the LTC December 14, 2010.

Some potential conditions which can be included in a site specific zone or a section 219 covenant include:

- Specific definition of permitted use on site – develop zoning regulations that limit the uses to those uses permitted under the existing zoning plus a specific use to accommodate the requested retail use.
- Restrictions to siting, size and use of buildings and structures – develop zoning regulations that limit the location, size and siting of building on the property and such limitations can be defined by the use.
- Specific locations of signage – development permit area guidelines or a s. 219 restrictive covenant to limit the location of signage on the property.
- Specific hours of operation – develop a s.219 restrictive covenant that sets specific hours of operation for the retail use
- Vegetation screening or retention – develop specific regulations that require vegetation screening or retention of the parking and buildings to reduce visual impacts from adjacent properties
- Additional improvements/ additions to the driveway and parking – develop site-specific parking regulations that deal with number of parking stalls, on-site maneuvering, parking surfacing and parking design.
- Additional parking for owner/ operator vehicles – develop site-specific parking regulations requiring additional parking for the owner/operators.

It is recommended that should the rezoning proceed, a site-specific zone be considered. In addition, the LTC may wish to place further restrictions on the property through a suitably worded bylaw amendments and a section 219 covenant as required.

Process

This report provides the LTC and the public with preliminary information regarding the property and potential impacts of a rezoning. .

Given that the proposed land use is located in an OCP-designated secondary commercial centre, that the property is located along a main thoroughfare, that the property is currently zoned under a commercial designation staff recommends that the LTC proceed with consideration of a draft bylaw. The other option is to decide to proceed no further with the application.

If the LTC wishes to proceed with the rezoning, the next steps would be to direct staff to draft an amending bylaw and to schedule a community information meeting (CIM). It is also recommended that the draft bylaw be referred to the Advisory Planning Committee (APC) and governmental agencies (e.g. Ministry of Transportation and Infrastructure) for review and comment. The relevant considerations in the report from the Commercial Land Use Review Task Force could also be considered. The LTC should also give consideration to the general timing of a CIM.

If Staff is directed to draft the bylaw as recommended, a draft bylaw would be returned to the Local Trust Committee at a future meeting along with a supplemental staff report that will detail the bylaw amendments and include details on the next steps in the process. These steps would likely include referral to provincial agencies, referral to the Advisory Planning Commission and holding of a Community Information Meeting.

A future supplemental staff report would also make further recommendations on edits to the draft bylaw based on community and agency feedback and further recommendations on tools to regulate hours of operation, location of signs or other issues that cannot be regulated by the land use bylaw (s.219 covenants and/or development permit).

RECOMMENDATIONS:

THAT the Mayne Island Local Trust Committee instructs Staff to draft a bylaw that adds site-specific zoning to the property to permit the following uses: retail sales; accessory dwelling; and accessory uses, buildings and structures.

Prepared and Submitted by:

Gary Richardson

January 19, 2012

Gary Richardson
Island Planner

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

January 19, 2012

Date

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

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

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

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

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

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

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

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

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

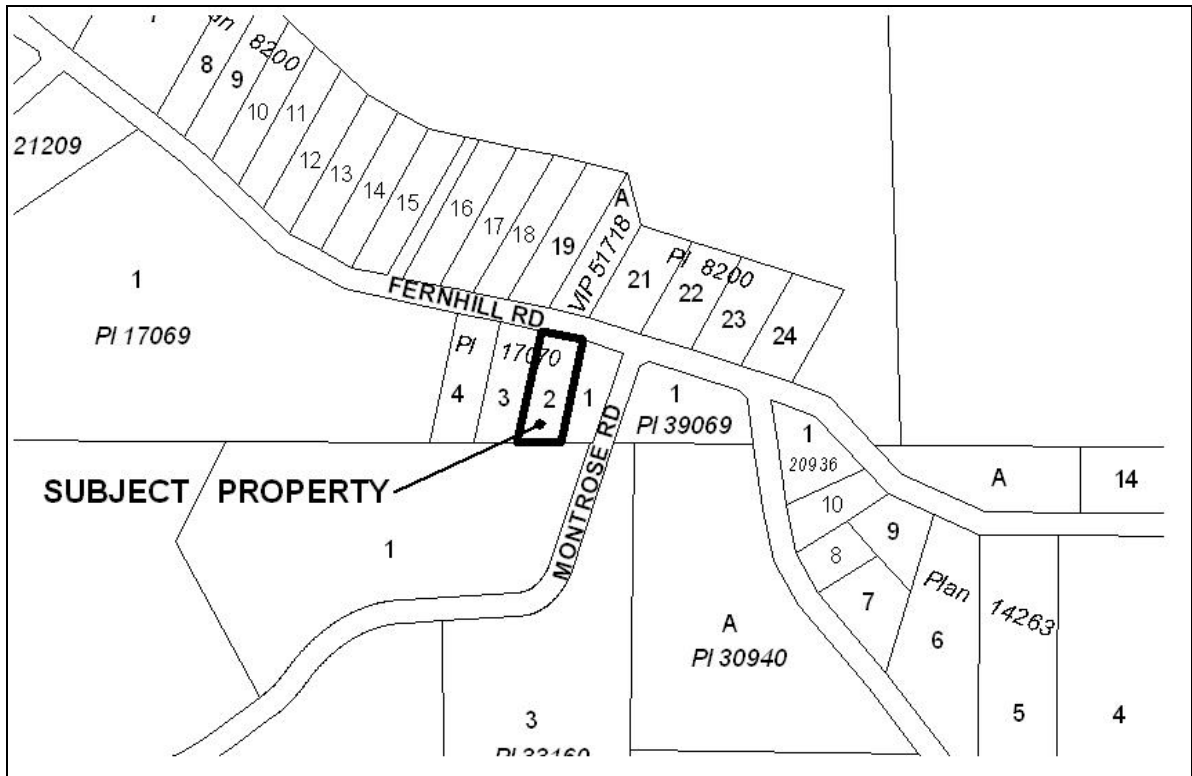
DEPUTY SECRETARY

CHAIRPERSON

MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 157

Plan No. 1



DRAFT

**MINUTES OF THE MAYNE ISLAND
LOCAL TRUST COMMITTEE MEETING
HELD ON WEDNESDAY MARCH 21, 2012 AT 1:00 P.M.
AT THE MAYNE ISLAND AGRICULTURAL HALL, MAYNE ISLAND, BC.**

<u>PRESENT:</u>	Peter Luckham	Chair
	Jeanine Dodds	Local Trustee
	Brian Crumblehulme	Local Trustee
	Gary Richardson	Island Planner
	Pat Todd	Recorder

Thirty (30) members of the public were in attendance.

1. CALL TO ORDER

The Chair called the meeting to order at 1:00 p.m.

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

12.3 New Business: to add - High speed internet (Trustee Crumblehulme).

2.2 Questions from public on Agenda Items

None

The agenda was approved as amended by consensus.

3. COMMUNITY INFORMATION MEETING

Trustee Dodds excused herself from the meeting citing a conflict of interest as she has an interest in an adjacent property.

3.1 MA-TUP-2010.2 Active Pass Auto and Marine

Planner Gary Richardson spoke to the application stating the Staff Reports have been circulated and comments received. The proposed permit has been which will hopefully mitigate some community concerns. Staff are recommending that the application be considered at the April 25, 2012, Local Trust Committee meeting. The Temporary Use Permit (TUP) could be granted for up to 3 years and could then be renewed for up to another 3 years.

Planner Richardson reviewed the TUP conditions.

Trustee Crumblehulme spoke to the application stating the collection of waste is a municipal responsibility which in the case of Mayne Island has been delegated to the Mayne Island Improvement District (MIID) by the Capital Regional District (CRD). The MIID has contracted this service for many years. Trustee Crumblehulme questioned the volume of waste as there are now a number of independent collectors.

Chair Luckham detailed that anyone can apply for a TUP. MIID currently contracts with a private business and any individual could seek a contract with MIID or run as a private enterprise. An important consideration is if the site is appropriate for the purpose.

Chair Luckham opened the discussion to the Public.

Ann Johnston – Director of the Recycling Society: The Recycling Society collected garbage in the past but discontinued as it was losing money. There is a concern regarding jurisdiction. MIID holds the Letters Patent to manage garbage collection and an additional collection site seems unnecessary. The suggestion is for LTC and MIID to work together.

Lois Yip – neighbour to Active Pass Auto and Marine: In a letter that was sent to the LTC (and read at this time) Lois detailed a number of issues such as: concern over the length of time the TUP has been under consideration (approximately 2 years) with no monitoring; location of collection truck relative to neighbouring properties; concern with having waste collection in the “core” of tourist and commercial district; concern as to current traffic volume and questioned increasing volume. It was stated that there are now two more collection services operating on the island.

Ian Dow: At this time he is neither for nor against the application. The issue at this point is that there is no zoning for a transfer waste station, and this needs to be addressed for the island. The TUP deals with property and land usage and therefore should be dealing with the property owner.

Planner Richardson stated that the owner can appoint someone to act on their behalf.

Lina Beaudet identified herself as a Director of the corporation that owns Active Pass Auto and Marine.

Chair Luckham stated that the process for a TUP has been followed that the issuance/denial of a TUP is the responsibility of the LTC. The LTC is attempting to involve the public through the Community Information Meeting.

Lina Beaudet requested to speak as the applicant. Information was given as to recent changes at Active Pass Auto and Marine. The business purchased a compactor truck which resolved many of the concerns.

Chair Luckham asked if Active Pass wishes to continue with the TUP.

Lina Beaudet stated that the compactor truck is an asset and the company would like to be able to recoup costs. It was questioned that if the TUP was abandoned would Active Pass Auto and Marine still be able to collect waste with the truck similar to what other businesses are currently doing.

Chair Luckham stated that if the TUP is withdrawn Active Pass Auto and Maine would have to stop collecting waste.

David Maude – Chair Mayne Island Improvement District: There is concern with the length of the process. MIID has the provincial mandate to contract for garbage collection through their Letters Patent. A concern was stated as to the LTC not recognizing MIID as the responsible local authority for collection/disposal of garbage.

Chair Luckham stated that MIID is recognized as the responsible agency however the TUP is for a separate business. Planner Richardson added that anyone can apply to take away waste and that MIID does not have a monopoly.

Chair Luckham further stated that the application is looking to change land use and it is expected that the business would apply to MIID to contract for garbage collection.

David Maude asked if this could be made a condition of the TUP.

Chair Luckham put this question to staff.

Planner Richardson does not consider this necessary.

Chair Luckham felt it was reasonable to identify the need for a contract with MIID.

David Maude restated the jurisdiction of MIID for the collection and disposal of waste.

Chair Luckham commented that if the TUP proceeds there will be clarification as to responsibilities and that the LTC can seek a legal opinion if necessary.

Mary Cooper: Is not supportive of TUP. The MIID needs to locate a site for the construction of a solid waste transfer station and then contract with whomever to pick-up and transfer garbage. Concern was raised as to traffic and ground water contamination.

Sue Everts: The initial application was recommended by Staff to be turned down so why is it now supported by Staff.

Planner Richardson outlined that there were more conditions now, the application seemed reasonable and that he is unaware of the reasons for the initial recommendation to deny application. Staff is currently recommending that the application proceed to the consideration stage.

Judith Solie-Engelhardt: Asked if the LTC is agreeable to seeking legal advice as to defining the authority for garbage collection.

Chair Luckham stated agreement that MIID has a role in the issue at hand however the question is whether another business has the right to operate a garbage collection service and stated that the LTC will work with the MIID to get answers.

Dennis Watts: Spoke to clarify that while LTC is responsible to approve/decline the TUP it is MIID's responsibility to grant a permit for garbage collection.

Ian Dow: Stated that MIID has the legal responsibility to deal with contractors for garbage collection. There is concern that if MIID's contractor is unable to make sufficient money to have a viable business then could drop contract and MIID cannot fulfill obligation for collection.

Chair Luckham stated that whoever is responsible for garbage that person/business has to meet Islands Trust LUB and part of the process is to measure accumulative effect. It was acknowledged that enforcement of the conditions contained in the TUP may be an issue.

Karen Ramlo – President Agricultural Society: Society asked her to speak against the application. Traffic is a significant concern and the Society does not want to see garbage collection next door to the Agricultural Hall.

Mary Cooper: Questioned who would be enforcing the TUP conditions. There is also a question as to knowing what is being disposed of.

Chair Luckham restated that bylaw enforcement is complaint driven and while enforcement is better than it was there is still room for improvement and if permit is granted would necessitate everyone working together.

Lina Beaudet: Stated that traffic is a reality of the village area however this is an operating business (Active Pass) and expansion of retail operation is important.

Dennis Watts: It is felt that traffic is not a major issue as there are many days to drop off waste that are less busy than Saturday.

Lois Yip: Bylaw enforcement being complaint driven is not very workable in a small community.

Chair Luckham emphasized that the LTC decision will be in the best interests of the island.

At this time Chair Luckham spoke to acknowledge that the LTC meeting is taking place on Coast Salish Native land.

Trustee Dodds rejoined the meeting.

4. PUBLIC HEARING

None

5. PREVIOUS MEETINGS

5.1 Local Trust Committee Minutes

5.1.1 Mayne Island Local Trust Committee Business Meeting Minutes of February 1, 2012

Amendments:

Page 1, Item 1. Call to Order – third sentence should read: The Chair explained...after information session to add “later in the agenda is not...”

Page 2: paragraph 3: in second sentence It is not...delete “a new” and insert” and to allow it would require an amendment to the bylaw”.

Page 4, item 5.1.1 - second to last bullet ...support open communication – to change with to “within”

Page 7, second paragraph after the motion: Trustee Dodds...should read “excused herself from the meeting while the LTC considered MA-TUP-2012.1 as there is a community perception that Trustee Dodds has a conflict of interest.

Page 7 - 9.3, first paragraph, second sentence should read: Trustee Crumblehulme advised that he had received a legal opinion from IT counsel that he was not in conflict, however concerns...

Item 9.3, second paragraph: There has been extensive...delete “and” after enterprise

Last sentence on page 7 - Chair Luckham... and Staff cited ... page 8 to be moved to above Resolution MA-LTC-04.12.

Page 8 - 9.4, 2nd paragraph, second sentence – Delete “There is also a question” insert “It was also questioned as to the appropriateness of C1 or C3 zoning for that site.”

Resolution MA-LTC-05-12: remove the second long sentence and insert after “Carried”

Item 11.1.1 Last paragraph, first sentence – Legal advice is being sought – to add “in regard to Riparian Area Regulations and that information will...”

Item 11.1.1 second sentence: Trustee Dodds is in receipt...should read: Trustee Dodds is in receipt of information, which has been copied to the LTC, from Landowners Coalition.

Page 9, 11.2.1- Resolution MA-LTC-06-12: to delete “draft an amending bylaw and to schedule.

11.3.1 - correct spelling of Shalest to Shelest

Page 10 - 11.5.1, first sentence, mid paragraph “for this purpose... change police to RCMP

11.5.1, second sentence: Other islands...respond to applications if – add “there is”...and it is – change “a” to “for”.

11.5.1, second paragraph: to read: There was a question as to how an application for a license with concerns...

11.5.1, second paragraph, third sentence: The Agricultural Society...add “deposit” after security.

11.5.1, second paragraph, forth sentence: Typically application... add “the” Pender...

11.5.1, second paragraph, fifth sentence: The suggestion...delete “does not have to go to LTC and could” add “can” be approved...

11.5.1, last sentence: The Hall, to add “Agricultural” Hall...

Page 10, 11.7 - Chair’s Report: second paragraph to read “Trust Council has started a First Nations Task Force of which Chair Luckham is a member along with Department Heads. The Task Force is looking at how IT might engage and work with First Nations better.

11.7, 3rd paragraph – to add “and” between North Pender, Denman and change Council to IT Fund Board.

Page 11, 11.8 - Trustee Report: to cut budget – cuts staff and IT not able to deliver programs.

Item 11.8, last paragraph/last sentence: add after “suggested” - “that this appointment also represent the LTC” once there is a formal...

12.2, first paragraph, third sentence: Recommendation is...and then “a” decision “can be” made.

Resolution MA-LTC-77-12 second sentence should read: It was also recommended the ad indicate...reappointment of “existing”...

Page 12, second paragraph - Barry Wilks: last sentence Also spoke...road conditions “with respect to intensity”...

Resolution MA-LTC-08-12

It was Moved and Seconded that the Mayne Island Local Trust Committee Business Meeting Minutes of February 1, 1012, as amended by Adopted.

CARRIED

5.2 Public Hearing Records and Community Information Meeting Notes

None

5.3 Section 26 Resolutions-without-meeting

None

5.4 Advisory Planning Commission and/or Mayne Island Commercial Land Use Task Force Minutes

Chair Luckham expressed appreciated for the information contained within the minutes

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Planner Richardson reported that all requests of Staff had been carried out except for the draft bylaw for McDougall property which is on the agenda for April 25, 2012

7. DELEGATIONS

7.1 Mayne Island Integrated Water System Society

Mary Cooper reviewed a letter that had been sent to IT Executive and the LTC regarding the TUP for a Short Term Vacation Rental. It is felt that the notification range for TUP applications should be expanded to include the relevant water board.

Chair Luckham read a portion of IT Chair Malcolmson's response.

Notification is currently 100 m. for a TUP and 300 m for an application to rezone.

The Integrated Water Society is an advocacy group.

Resolution MA-LTC-09-12

It was Moved and Seconded that a policy be added to the Mayne Island Local Trust Committee Policies and Standing Resolutions that directs Staff to refer all Temporary Use Permits and Rezoning applications to the appropriate water systems within the applicant's boundaries.

CARRIED

8. CORRESPONDENCE

8.1 J. Rowlandson re: support for rural cycling

Trustee Crumblehulme is supportive of the development, improvement and augmentation of cycling infrastructure for the island.

Trustee Dodds noted that the OCP supports cycling paths, etc however it is not within the jurisdiction of IT to construct cycle ways, trails, etc. A further concern is where funding would come from and consideration of other community needs.

Resolution MA-LTC-10-12

It was Moved and Seconded that Islands Trust urge the Province of British Columbia to invest in cycling infrastructure in rural communities, in order to accelerate the availability and broaden the range of cycling opportunities for commuter, recreational and competitive cyclists living in and visiting rural and urban areas.

CARRIED (2/1)

8.2 D. Slinn re: naming of Mayne Island

Trustee Dodds informed the committee that on Mar. 20, 2012 the MIID passed a motion to put "Island" back in the address for Mayne. This motion has been sent to MP Elizabeth May, who is very supportive of the issue. There is some uncertainty as to the necessity of a letter of support from Islands Trust at this time

Trustee Dodds excused herself from the meeting citing a conflict of interest as she has an interest in an adjacent property.

9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

9.1 MA-TUP-2010.2 – Active Pass Auto and Marine

Chair Luckham explained that as there are now only 2 LTC members a split vote on a motion meant the motion would not be carried. He also stated that there is a recommendation from the Commercial Land Use Task Force that waste collection should be on a site zoned Industrial.

He further stated that garbage collection is not appropriate for a TUP and the property should be going directly to rezoning. Chair Luckham suggested going no further with the application.

Trustee Crumblehulme spoke in support of the Chair's comments and suggestion.

Resolution MA-LTC-11-12

It was Moved and Seconded that the Mayne Island Local Trust Committee proceed no further with the Temporary Use Permit MA-TUP-2010.2.

CARRIED

Bylaw Enforcement will be informed and the applicant will be notified to cease waste collection.

Trustee Dodds rejoined the meeting and was apprised of the motion.

9.2 MA-TUP-2011.1 (Burke)

Planner Richardson reviewed the process to date and stated that the conditions from Resolution MA-LTC-03-12, made February 1, 2012, had been added to the revised application. The TUP was then distributed and advertised according to policy requirements. It is felt that if all conditions are followed the property could retain a residential "atmosphere" however, there are concerns as to enforcement of conditions and Staff are recommending that the LTC not proceed with the application.

Chair Luckham spoke to the owner, Rose White, as to 4 additional letters of support. The owner feels that operation of a STVR from May to October only is too restrictive, would like to operate for 1 year and requested being able to advertise on a web page. The owner confirmed her commitment to monitoring the situation and to be available should any concerns arise.

Trustee Crumblehulme voiced concerns with the application. The OCP is not supportive of STVRs. The initial application raised many concerns from individuals and businesses; however there are now a number of letters of support. Trustee Crumblehulme questioned how monitoring of a STVR differed from monitoring a long term rental. The owner stated that it is easier to remove a short term renter vs. evicting a long term tenant.

Trustee Dodds stated that the STVR issue began in 2004. It is felt that a TUP is a good tool to try this type of operation but there are concerns as to enforcement of conditions. Trustee Dodds is not in agreement with a full year of operation nor with advertising.

Chair Luckham restated that the TUP could be approved, with strict criteria, to try the STVR for 1 summer period of May to October. After this period the LTC could review the operation. The Chair questioned the owner as to willingness to go forward with the application as submitted ie: 6 months and no advertising.

Mary Cooper: Cited report of 2005 from STVR Committee that reported the pros and cons of this type of operation and she read a part of the report that addressed concerns.

Carmen Pearson (Blue Vista Resort): Questioned IT having data that details concerns of STVR and what happens with the next application. There is concern regarding lack of resources for bylaw enforcement. It is felt there are other options to a STVR and there are concerns as to the impact of STVR on commercial accommodations.

Ian Dow: Stated that the last meeting had demonstrated a lack of support for the application.

Erick Nordquist: Had participated on the STVR Committee and felt it was better to control an STVR than not and that this practice could be regulated through a TUP.

Chair Luckham: Concerns have been heard as to use of a TUP to over ride bylaws. There are three options:

1. Can defer decision with additions to TUP to reflect discussions
2. Can approve application
3. Can deny application

Trustee Dodds suggested application be deferred to next meeting. This is a restrictive permit that allows for control of operation. It was also stated that there are a number of STVRs happening without permits.

Resolution MA-LTC-12-12

It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to amend MA-TUP-2011.1 permit to state that operation would commence on May 1, 2012 and end October 31, 2012 and that applicant would need to apply for a renewal at that time.

CARRIED

Resolution MA-LTC-13-12

It was Moved and Seconded that Mayne Island Local Trust Committee is deferring consideration of MA-TUP-2011.1 and staff is advised to advertise accordingly to allow it to be considered at the April 25 LTC meeting.

CARRIED

9.3 MA-DVP-2012.1 (Ashworth)

Planner Richardson reviewed the application for a variance permit. Staff recommends approval.

Chair Luckham questioned whether it was LTC or CRD jurisdiction to require additional water storage to offset any perceived fire separation concerns. Staff reported this would be a CRD responsibility.

Resolution MA-LTC-14-12

It was Moved and Seconded that MA-DVP-2012.1 (Ashworthl) be approved.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Secondary Suite Review

Trustee Dodds suggested deferring timeline to the Fall, due to current work load.

Resolution MA-LTC-15-12

It was Moved and Seconded to defer the Staff report for Secondary Suite Review to the regular meeting of June 27, 2012.

CARRIED

11. REPORTS

11.1 Work Program Reports

11.1.1 Mayne Island Local Trust Committee Work Program – Report dated March 2012

This item was received for information.

11.2 Applications Report

11.2.1 Mayne Island Applications Report dated March 2012

This item was received for information.

11.3 Expense/Budget Reports

11.3.1 Trustee and Local Expenses

This item was received for information.

11.4 Bylaw Enforcement

None

11.5 Adopted Policies and Standing Resolutions

This item was Received for information.

11.6 Mayne Island LTC Web Page

Amendments to web page: remove Advisory Planning Commissions applications and Business Meeting Mar. 21, 2012

11.7 Chair's Report

Islands Trust Policy review has been turned down by Trust Council. Examination will be given as to how existing policies can be amended.

Trust Council has approved a 0% budget increase.

The first Nations Task Force: It is thought provoking as to how to include First Nations,

11.8 Trustee Report

Trustee Crumblehulme spoke to how meeting trustees from other islands is very educational and worthwhile.

12. OTHER BUSINESS

12.1 Upcoming Meetings

12.1.1 Next Business Meeting – Wednesday April 25, 2012 at 1:00 pm. at the Mayne Island Agricultural Hall.

12.2 A Strategic Approach to Islands Trust Communications

An initiative of the Executive Committee is to look at guidelines for communicating and getting information distributed when taking on a significant initiative on the islands.

12.3 High Speed Internet

Some islands have it/others it's a mish mash. This resource is recognized as a community amenity and is very important to businesses. Trustee Crumblehulme would like to draft a letter to Shaw and Telus regarding service provision on Mayne Island.

Resolution MA-LTC-16-12

It was Moved and Seconded that Trustee Crumblehulme be appointed to advocate on behalf of the Mayne Island Local Trust Committee to ensure that the entire island has access to high speed internet.

CARRIED

14. MOTION TO CLOSE MEETING

This item was moved to follow the Town Hall Meeting

13. TOWN HALL MEETING

David Maude: Presented information on the RCMP meeting April 1, 2012 at the Agricultural Hall. He requested a letter of support for maintaining an RCMP officer on the island. He also spoke to Bylaw enforcement and the lack thereof as there is no resident bylaw officer. The LTC was asked if the IT would consider hiring a part-time “deputy” who could do the initial investigative work and report to the Bylaw Officer. This will be addressed at the May meeting at which time the Bylaw officer will be in attendance.

Resolution MA-LTC-17-12

It was Moved and Seconded to request Staff to draft a letter to the RCMP quoting from OCP regarding local law enforcement to be provided on the island and letter to be signed by Chair

CARRIED

Ian Dow: Spoke to working with David Howe, CRD, on the Economic Commission. He has talked with D. Howe regarding making Miners Bay Dock an economic initiative/community asset. This would be a large project requiring community support and that of local businesses. Conversations to date have been very positive. He asked for the support of the LTC.

Chair Luckham stated that the LTC can advocate on such a project, however prior to endorsement he asked for a copy of the Terms of Reference for the Commission.

Trustee Crumblehulme suggested I. Dow send a letter to LTC requesting support and the importance of the dock which is recognized in the OCP.

Louis Vallee spoke in support of high speed internet access. In speaking to bylaw enforcement he stated that it is important to look at protection of the complainant.

14. MOTION TO CLOSE MEETING

That, pursuant to Section 90(1)(i) and © of the Community Charter, the Mayne Island Local Trust Committee resolves to close the meeting to the public for the purpose of considering legal advice, consideration of Advisory Planning Commission Appointments and adopting Minutes of December 19, 2011 Local Trust Committee in Camera Meeting; and further that Islands Trust Staff and Recording Secretary Pat Todd remain present.

15. RECALL TO ORDER

15.1 Rise and Report from Closed Meeting

16. ADJOURNMENT

Resolution MA-LTC- -12

It was Moved and Seconded that Mayne Island Local Trust Committee meeting be adjourned at 4:50 pm.

CARRIED

RECORDER

CHAIR



Islands Trust

Follow Up Action Report w/ Target Date

Mayne Island Mar-21-2012

No.	Activity	Responsibility	Target Date	Status
3	MA-TUP-2010.2 (Active Pass Auto Marine) - proceed no further, close file, advise applicant.	Gary Richardson	Mar-30-2012	Done
4	LTC Minutes of February 1, 2012. Adopted as amended, see minutes.	Sharon Lloyd-deRosario	Apr-10-2012	Done
5	MA-TUP-2011.1 (Burke/White) circulate notice and advertise for LTC to consider issuance at April 25 LTC Mtg. The proposed TUP period is to be from May 1, 2012 to Oct 31, 2012.	Kathy Jones	Mar-30-2012	Done
6	MA-DVP-2012.1 (Ashworth) Issue DVP and notify applicant.	Kathy Jones	Mar-26-2012	Done
7	Water District Notification Policy - that a policy be drafted and added to the LTC policies and standing resolutions that staff refer all TUP and RZ applications to the appropriate water systems (see website for map).	Gary Richardson	Apr-11-2012	On Going
8	Staff to prepare letter for chairs signature That: BC be urged to invest in cycling infrastructure in rural communities (see full resolution).	Gary Richardson	Apr-04-2012	Done
9	Staff report for secondary suites is to be brought back to the June 27 LTC Mtg.	Gary Richardson	Jun-01-2012	On Going
10	LTC web page to be amended as per minutes.	Kathy Jones Gary Richardson		Done
11	Trustee Crumblehulme to advocate for high speed internet on behalf of the LTC.	Brian Crumblehulme		On Going
12	Staff to draft a letter to the RCMP quoting from OCP regarding maintaining local law enforcement.	Gary Richardson	Apr-04-2012	Done

6.1

13	Request Executive to release legal opinion regarding RAR.	Gary Richardson	Apr-09-2012	Done
14	Staff to review RAR reports to determine how to proceed.	Gary Richardson	Apr-12-2012	On Going
15	Advise successful APC applicants that they have been appointed.	Sharon Lloyd-deRosario		Done



STAFF REPORT

Date: March 7, 2012

File No.: MA-TUP-2011.1

To: Mayne Island Local Trust Committee

From: Gary Richardson, Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: MA-TUP-2011.2 (774 Charter Rd)

Owner: Rose White
Applicant: Sharon Burke
Location: 774 Charter Road, Mayne Island
Legal: Lot 17, Section 9, Cowichan District, Mayne Island, Plan 15114
 PID: 004 183 819

Final report prepared for LTC Meeting March 21, 2012

THE PROPOSAL:

The property owner is requesting that a Temporary Use Permit be issued for a residential lot at 774 Charter road in order to permit the existing residence to be rented to the public on a short term basis as a vacation rental. The applicant has had unsatisfactory experiences with long term renters and believes that there will be more control with short term renters. The applicant has also suggested restrictions regarding: numbers of people; noise; tents; garbage; pets; and water consumption. There would be no change to the existing buildings or grounds.

BACKGROUND:

A preliminary report on this application was prepared for an LTC meeting held February 1, 2012. A Community Information Meeting (CIM) was held within the regular scheduled LTC regarding this application. The LTC and staff listened to comments from the applicant and the community.

Following the CIM the LTC the LTC passed the following resolution:

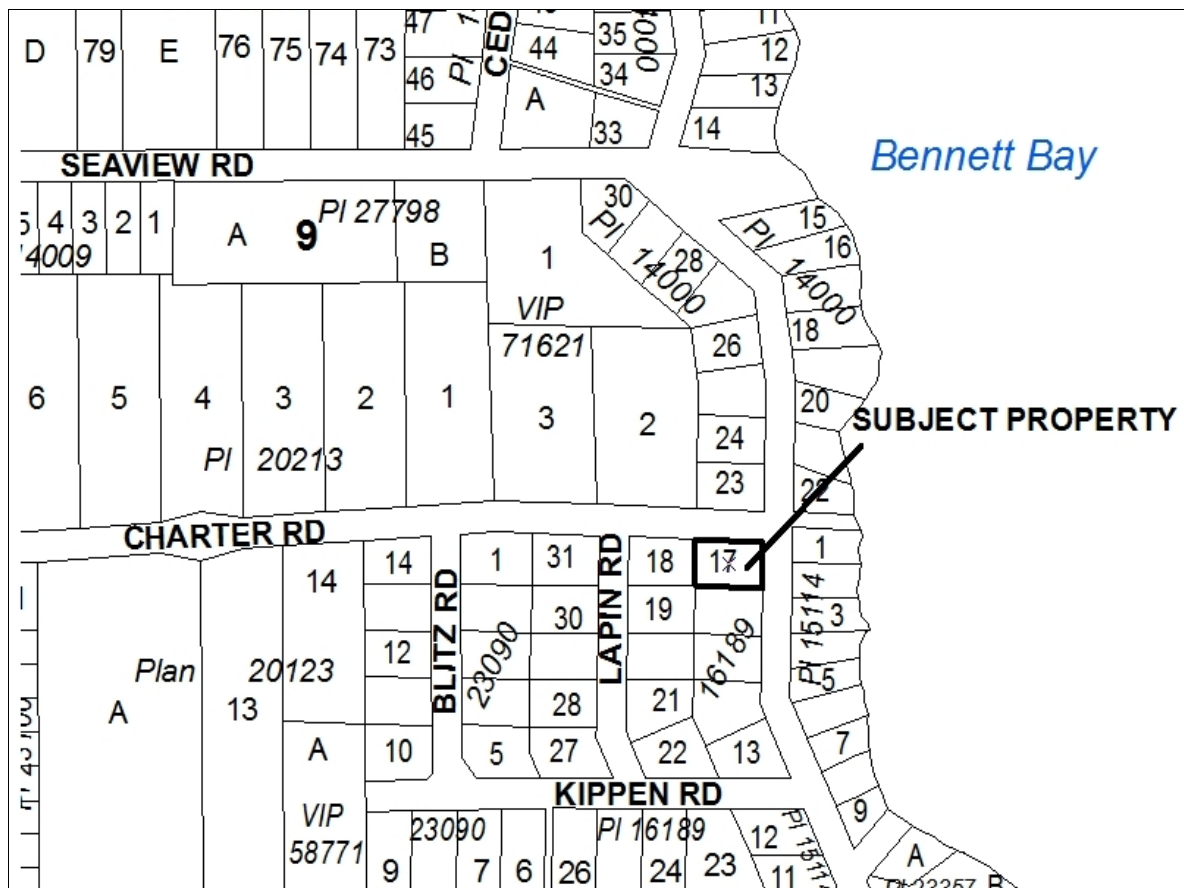
That Staff draft a Temporary Use Permit for the Local Trust Committee's consideration at the March 21, 2012 Local Trust Committee meeting. It is recommended that the draft TUP contain conditions regarding numbers of guests, numbers and control of pets, water consumption, length of stay, use of recreational vehicles and tents on the property, signage, parking, emergency

contact, garbage disposal, screening from surrounding properties, outdoor fires, outdoor lighting and noise. It is further recommended that the draft TUP limit operation to the months of May to October, that there be no advertising and that there be a management plan in place.

SITE CONTEXT:

Site is zoned SR (Settlement Residential) and is 0.14 hectares (0.35 acres) in size. Located at the SW corner of Arbutus and Charter Roads South on Bennett Bay on the East side of Mayne Island. It is an inland lot surrounded predominately by residential properties. One exception is the Blue Vista Resort that is located one lot to the South of this property (Lots 14 and 15).

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



Internet Mapping Framework

Legend

- LTA Boundaries
- Major Roads
- Contours 2m Interval
- TRIM Streams
- Rivers, Streams and Rapids
- Archaeological Sites
- Mayne Island
- RAR Unverified Watersheds
- RAR Designated Watersheds
- Watershed Conveyance Zones
- IT Watersheds
- TRIM Wetland
- TRIM Reservoir
- TRIM Lake
- Lot Boundaries (IT ICF)
- SCM (Mayne and North Pender)
- CSR
- Fresh Water
- Herbaceous
- Intertidal
- Mature Forest
- Old Forest
- Riparian
- Woodland
- Wetland
- Southern Islands 2009

Scale: 1:804

0 24 48 72 m.

Map center: 48° 50' 21.57" N, 123° 14' 59.88" W

This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Trust Policy Statement:

5.2.3 *LTCs shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.*

5.7.2 *LTCs shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.*

Official Community Plan

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

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

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

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

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

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

2.1.1 Settlement Residential

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

4.6 Tourism

The objectives of this section are:

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

Applicable Temporary Use Permit Guidelines

OCP Section	OCP Guidelines	Staff Comments
2.9.1.1	<i>Permits can be issued for any period up to two years and could be considered for renewal once for any further period up to two years.</i>	The Local Government Act now allows a permit to be issued for up to three years and considered once for up to a further three years.
2.9.1.2	<i>Permitted uses should be consistent with the policies of the designation and the provisions of 2.9.1.</i>	The draft permit has been prepared in order to be consistent with these guidelines.
2.9.1.3	<i>Permitted uses should not preclude or compromise future permitted uses on the affected lot.</i>	The proposal is consistent with this guideline as there will be

		no changes to the residence or grounds to accommodate the proposed STVR use.
2.9.1.4	<i>Uses should not be allowed if they conflict with any ongoing planning policies or programs.</i>	There are no apparent conflicts.
2.9.1.5	<i>Sand and gravel removal and processing, and asphalt plants shall be subject to a permit if they exceed 50 truck loads in any given year.</i>	Not applicable
2.9.1.6	<i>Permit conditions must make reference to measures dealing with the following points: a) general activity levels that will not create any disturbance apparent beyond the property's boundaries; b) adequate landscape buffering or distance separation to adjacent lots; c) provision of off-street parking spaces consistent with regulatory bylaws; d) reclamation measures that will restore the permit area to suitability for its designated primary use; and e) adequate supervision of the site.</i>	All of the conditions except for d) have been addressed in the draft permit. As the building and grounds will remain substantially unchanged if the STVR is permitted reclamation measures are not required in the permit.
2.9.1.7	<i>In addition, permit conditions should outline operational plans, including hours and days of operation and staffing to ensure compatibility with the neighbourhood and may include an undertaking for restoration of the site and a security deposit to guarantee performance of the conditions.</i>	The permit contains conditions that address the months which the STVR use can be carried out. Staff has written in several conditions to try and insure the STVR use is compatible with the predominately residential neighborhood. A security deposit can be required if deemed necessary.
2.9.1.8	<i>Review of applications should include consideration of smart growth principles.</i>	Not applicable for a proposed short term STVR use.

Land Use Bylaw

The property is zoned Settlement Residential (SR)

The permitted uses in the SR zone are as follows:

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

Sensitive Ecosystems and Hazard Areas:

Islands Trust Sensitive Ecosystems Mapping (SEM) indicates that there are no sensitive or important ecosystems on the subject property. In addition, the subject property is not located within any designated or unverified Riparian Areas Regulation watershed. It is a well-draining site with a high intrinsic ground water capability

Archaeological Sites:

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

Covenants:

There are no covenants on title.

Bylaw Enforcement:

There have been two bylaw enforcement files opened for this property in the past. Each is described below:

MA-BE-2006.8: siting of shed (closed).

MA-BE-2010.3: use of residence for STVR (open).

COMMUNITY INFORMATION MEETING(S):

A community information meeting was held for February 1, 2012. Comments from the community included the following:

- question as to whether a TUP should be used for a STVR. Could be addressed through the OCP.
- there is an issue with the owner not being on the property.
- use is commercial.
- would this set a precedent?
- most effective tool to control the operation would be to not allow advertising.
- historically there has been a lack of bylaw enforcement.
- proposal will impact other businesses.
- concern regarding control of activities by absentee owner.
- will there be inspections regarding safety and parking?

RESULTS OF CIRCULATION:

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

More recently a notice stating that the LTC will be considering issuing a TUP for an STVR at its March 21, 2012 LTC meeting has been placed in the March 14 edition of the Driftwood newspaper. Also notices will be distributed to surrounding property owners and posted on notice boards on or before March 8, 2012.

As of the date of the writing of this report several letters of support have been received. They are attached for review. Staff will distribute further correspondence to the LTC as received and bring copies to the March 21 LTC meeting for the LTC consideration.

STAFF COMMENTS:

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

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

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

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

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

3. Temporary Use Permit Conditions – The conditions require: a 24 hr. 7 day a week contact ; communication with surrounding property owners; information to be posted for guest regarding noise, information on use of water, fire, garbage, septic field, control of pets; outdoor lighting; minimal signage; restricted number of guests; no camping or recreation vehicles; STVR use be restricted and only be carried out between May 1 to Oct 31, that there be no advertising and no outdoor fires.

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

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

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

RECOMMENDATION:

That the Mayne Island Local Trust Committee not issue MA-TUP-2011.1 (White)

Prepared and Submitted by:

Gary Richardson

March 8, 2012

Concurred in by:

Date


Robert Kojima, RPM

March 8, 2012

Date



Islands Trust

PROPOSED

Revised April 1, 2012

**MAYNE ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
MA-TUP-2011.1 (White)**

774 Charter Road

To: Rose White

1. This Permit applies to the land described below:

Lot 17, Section 9, Mayne Island, Cowichan District, Plan 15114, shown on Schedule "A", which is attached to and forms part of this Permit.

2. This Permit is issued for the purpose of permitting the owner to operate a commercial short term vacation rental on their property and is subject to the following conditions:
- a) a contact person on Mayne Island associated with the property be available by telephone 24 hours/day, seven days per week;
 - b) the property owner must provide neighbours within a 100 metre radius of the vacation rental with the contact persons phone number, and a copy of the temporary use permit;
 - c) the landowner must post for guests information on noise bylaws, water conservation, fire safety, fire escape plan, storage of garbage, septic field location, and control of pets. In any case pets must be under control at all times. The guest information must also remind guests that they are in a residential area, not a commercial area;
 - d) the owner must not remove any existing vegetative screening;
 - e) the owner must provide accommodation for a minimum of two (2) vehicles on the property;
 - f) outdoor lighting must not be directed onto surrounding properties;
 - g) the owners are restricted to a maximum of one (1) sign advertising the commercial vacation rental, with a maximum area of 1 square metre, to be made of wood and not illuminated;
 - h) the maximum number of guests is limited to two (2) persons per bedroom;
 - i) the number of bedrooms is limited to a maximum of three (3);
 - j) recreational vehicles and camping are prohibited;
 - k) the residence can only be used for short term vacation rental between May 1 and October 31 of each year the permit is valid;

- l) the short term vacation rental cannot be advertised in any way, this includes but is not limited to notice board, newspaper and internet advertising;
 - m) all outdoor fires are prohibited; and
 - n) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or commercial vacation renter for the purpose of investigating a complaint.
3. This Permit expires on October 31, 2012.
4. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

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

Deputy Secretary, Islands Trust

Date Issued

SEAVIEW RD

CHARTER RD

LAPIN RD

KIPPEN RD

BLITZ RD

Bennett Bay

SUBJECT PROPERTY

Lot 17 is highlighted with a black border.



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.:** 190 **Date:** March 27, 2012

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 45 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Ralph Turner (applicant) 1215 Otter Bay Road, North Pender Island

PURPOSE OF BYLAW:

The purpose of proposed bylaw 190 is to amend the North Pender Island Land Use Bylaw to permit the construction of a seawall in the Water 1 zone, which is below the natural boundary of the sea. The objective of the seawall is, in part, to protect a registered archaeological site that is vulnerable to erosion. The proposed bylaw would be a site-specific amendment for this location only, rather than a general amendment to the Water 1 zone.

The proposed development also requires issuance of a development permit for work within a sensitive intertidal ecosystem. A copy of the draft development permit is included with the staff report dated March 12, 2012.

GENERAL LOCATION:

Grimmer Bay, south of Port Washington

LEGAL DESCRIPTION:

Lot 1, Section 17 and 23, Pender Island, Cowichan District, Plan EPP12506, PID: 028-656-725

SIZE OF PROPERTY AFFECTED:

Approximately 163m² of the Water 1 zone

ALR STATUS:

no

OFFICIAL COMMUNITY PLAN DESIGNATION:

Marine, with the upland lot being Rural Residential

OTHER INFORMATION:

Two staff reports dated Jan 25 and Mar 12. Related professional reports and copies of the staff reports are also on the web under the 'Proposed Seawall Application' at: <http://www.islandstrust.bc.ca/lc/np/default.cfm>

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

(Signature)

Name: Andrea Pickard

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

This referral has been sent to the following agencies:

Federal Agencies

Parks Canada

Provincial Agencies

Ministry of Forest, Lands & Natural Resource Operations –
Ecosystem Protection
Ministry of Forest, Lands & Natural Resource Operations –
Archaeology Branch
Ministry of Forest, Lands & Natural Resource Operations –
Aquaculture
Ministry of Forest, Lands & Natural Resource Operations – Crown
Lands

Regional Agencies

Capital Regional District – Building Inspection

Adjacent Local Trust Committees and Municipalities

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

PLEASE TURN OVER →

Non-Agency Referrals

Islands Trust Fund

Islands Trust Bylaw Enforcement

First Nations

Chemainus First Nation

Cowichan Tribes

Halalt First Nation

Lake Cowichan First Nation

Lyackson First Nation

Pauquachin First Nation

Penelakut Tribe

Tsartlip First Nation

Tsawout First Nation

Tsawwassen First Nation

Tseycum First Nation

BYLAW REFERRAL FORM

RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

North Pender Island Local Trust Area

(Island)

190

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 190

A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW 103, 1996

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

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend Land Use Bylaw 103, 1996;

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

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

A. Bylaw No. 103, cited as "North Pender Island Land Use Bylaw 103, 1996" is amended as follows:

1. The following is inserted as a new Section 8.19.7 in the Water 1 (W1) Zone

8.19.7 Site Specific Regulations

The regulations listed in Column 3 of the following table only apply to the land identified in Column 2 of the same row. These lands are identified on the zoning map by the site-specific zoning reference listed in Column 1.

Column 1 Site- Specific Zone Reference	Column 2 Legal Description	Column 3 Site Specific Regulations
W1(a)	The land covered with water fronting a portion of Lot 1, Sections 17 and 23, Pender Island, Cowichan District, Plan EPP12506 and Lot 1, Section 17 and 23, Pender Island, Cowichan District, Plan 10989	(1) In addition to the uses permitted in 8.19.1 the following are permitted: (a) Erosion protection in the form of seawalls (2) Despite 8.19.5, siting of a Seawall is permitted only within the identified "Construction Area" lying seaward of the present natural boundary of the sea, and projecting no further than 2.28 metres from said boundary, as shown on "W1(a) Seawall Plan" of Schedule F. (3) The maximum height of a seawall is 5.5 metres, measured from the base on the downslope side, and at no point can a seawall project more than 0.3 metre above the finished grade on the upslope side.

- READ A FIRST TIME this 22nd day of March, 2012
- READ A SECOND TIME this day of , 20__
- PUBLIC HEARING HELD this day of , 20__
- READ A THIRD TIME this day of , 20__
- APPROVED BY THE EXECUTIVE COMMITTEE this day of 20__
- ADOPTED this day of , 20__

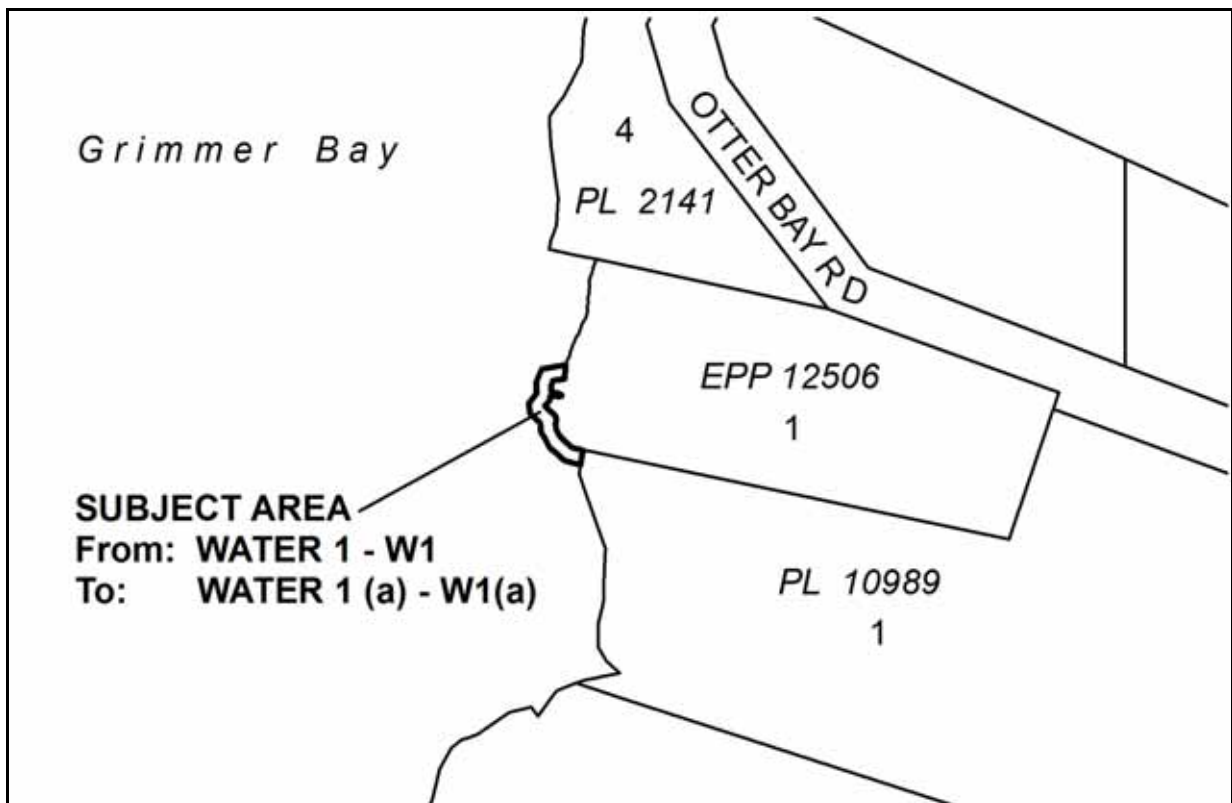
Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 190

PLAN No. 1

"North Pender Island Land Use Bylaw No. 103, 1996, Schedule "D" Zoning Map" is amended as follows:



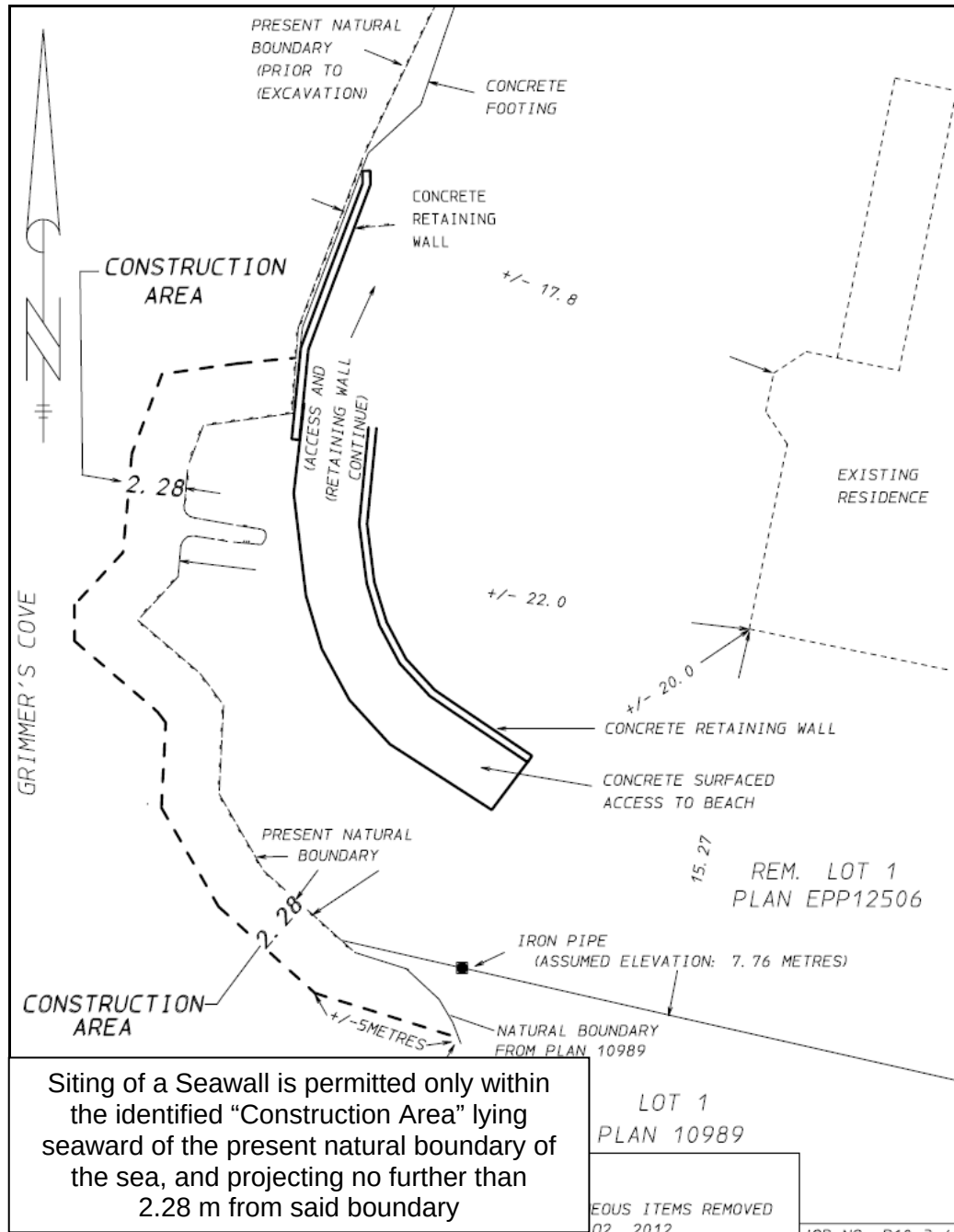
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 190

Plan No. 2

"North Pender Island Land Use Bylaw No. 103, 1996, Schedule "F" Detailed Plans" is amended by adding the following:

"W1(a) Seawall Plan"





STAFF REPORT

January 25, 2012

File No.: NP-RZ-2011.1
(Turner)

To: North Pender Island Local Trust Committee
For the meeting of February 23, 2012

From: Andrea Pickard
Island Planner
Local Planning Services

Re: Bylaw Amendment Application

Owner: Natrikan Holdings c/o Murray Vasilev
Applicant: Ralph Turner
Location: Lot 1, Sections 17 and 23, Pender Island, Cowichan District, Plan
EPP12506 PID: 028-656-725
1215 Otter Bay Road

Preliminary Report

THE PROPOSAL:

The application is for a bylaw amendment to rezone a portion of Water 1(W1) zone abutting the subject property and neighbouring adjacent property to the south. The objective of the application is to permit construction of a concrete poured seawall that would extend southward from the existing seawall to a shale bank outcrop. The proposed seawall would have a maximum height of 4.5 metres and be approximately 30 m in length.

The proposed seawall requires a bylaw amendment to the W1 zone as it would be located below the natural boundary of the sea. The marine waters are also designated as a sensitive intertidal development permit area. If the rezoning proceeds a development permit would also need to be considered and issued.

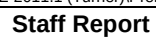
The purpose of this report is to provide the Local Trust Committee (LTC) with a preliminary overview of the proposal, identify key issues associated with the proposal, and to seek direction from the LTC to proceed with the application.

SITE CONTEXT:

The subject property is a residential waterfront lot on Grimmer Bay, lying to the west of the Pender Island Golf Course and south of the Port Washington public dock and sea plane terminal. The property is 0.75 ha (1.85 ac) in size. Properties in the area are quite varied in size with some as small as 0.17 ha (0.42 ac) to over 8 ha (20 ac).

U:\LOCAL TRUST COMMITTEES\North Pender\Applications\RZ\2011\NP-RZ-2011.1 (Turner)\PreliminaryStfRpt NP-RZ-2011.1.doc

Islands Trust



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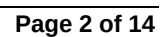
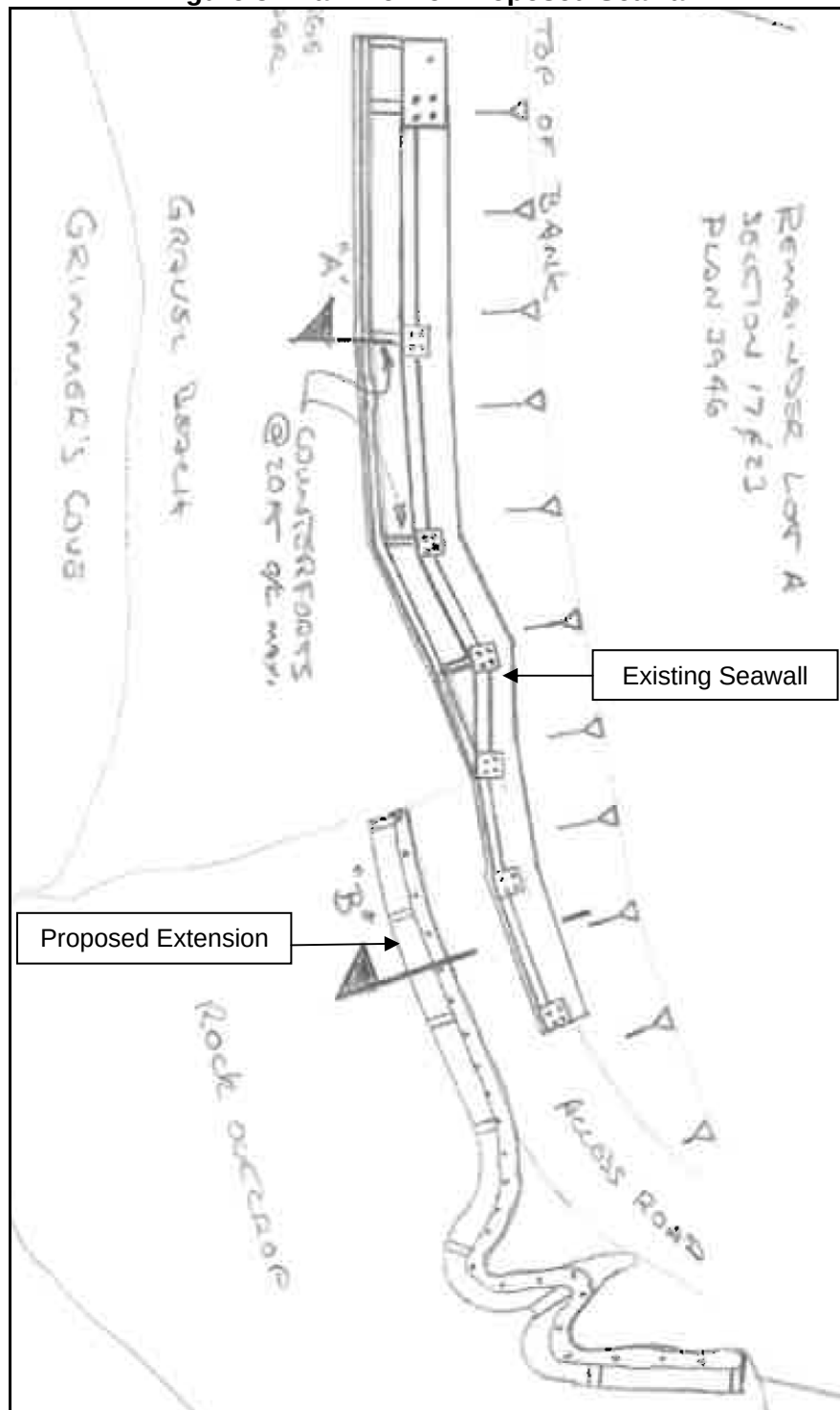


Figure 3: Plan View of Proposed Seawall



**Figure 4: Survey Indicating Natural Boundary and Seawall Location
(Existing and Proposed)**

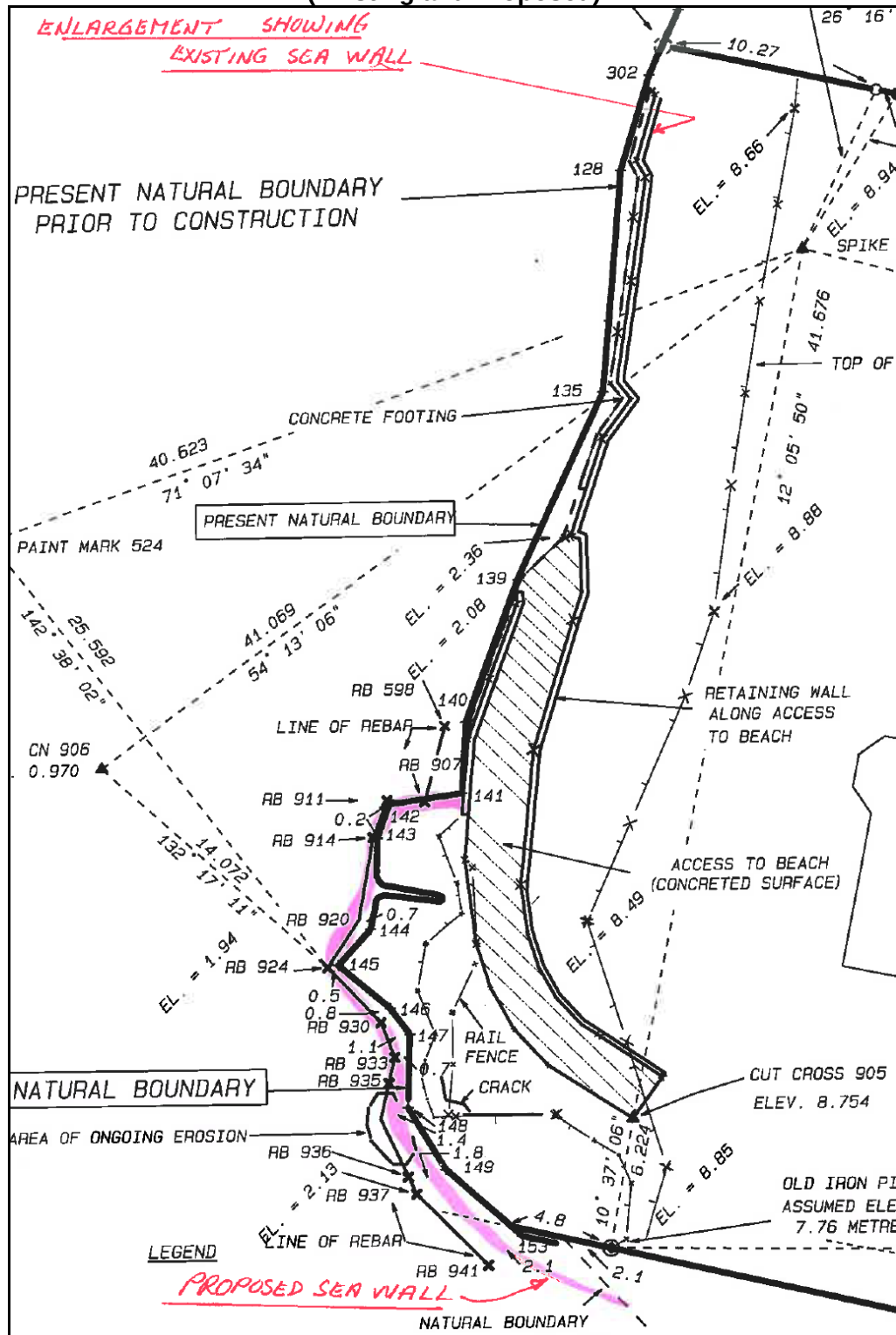
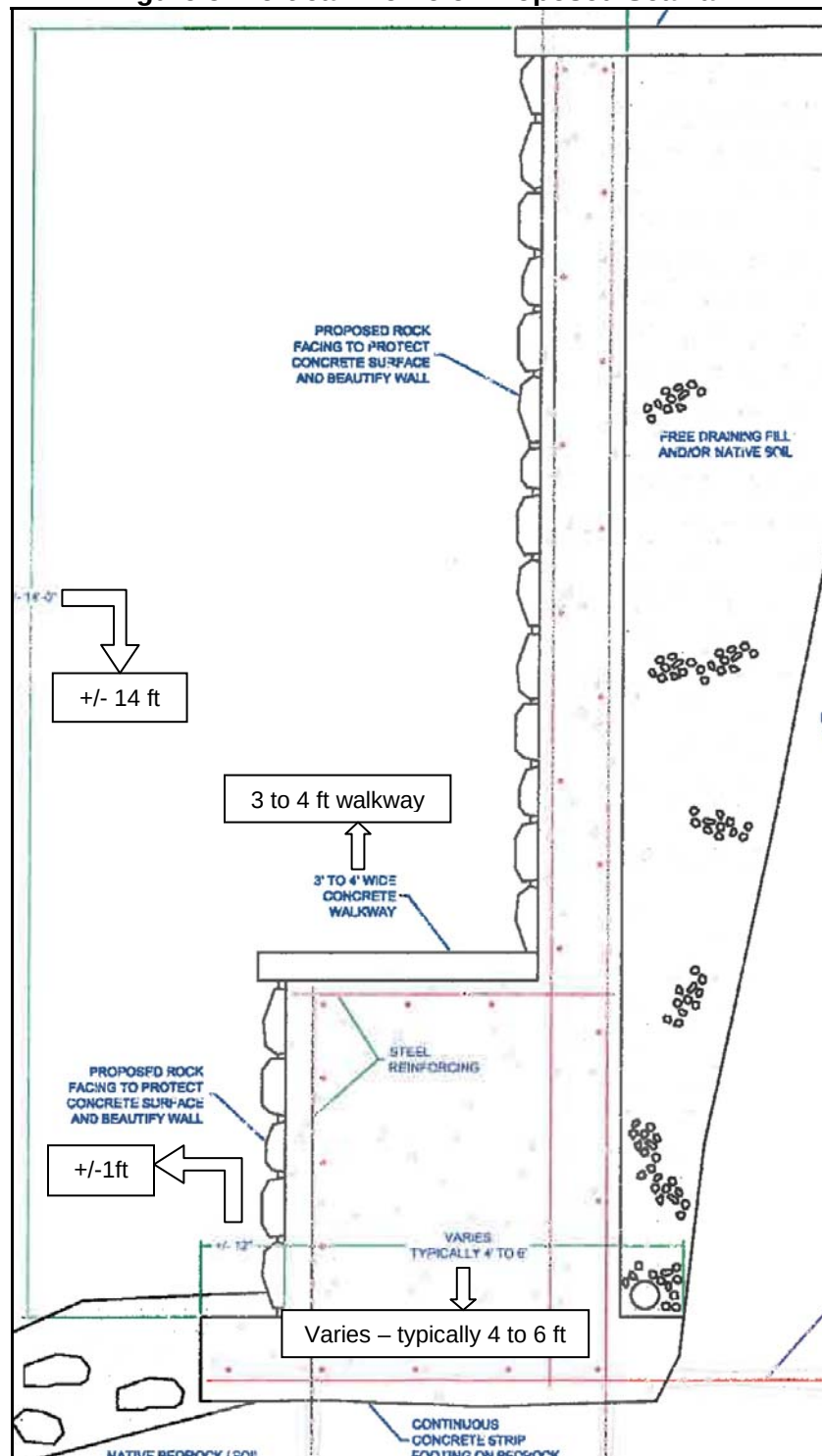
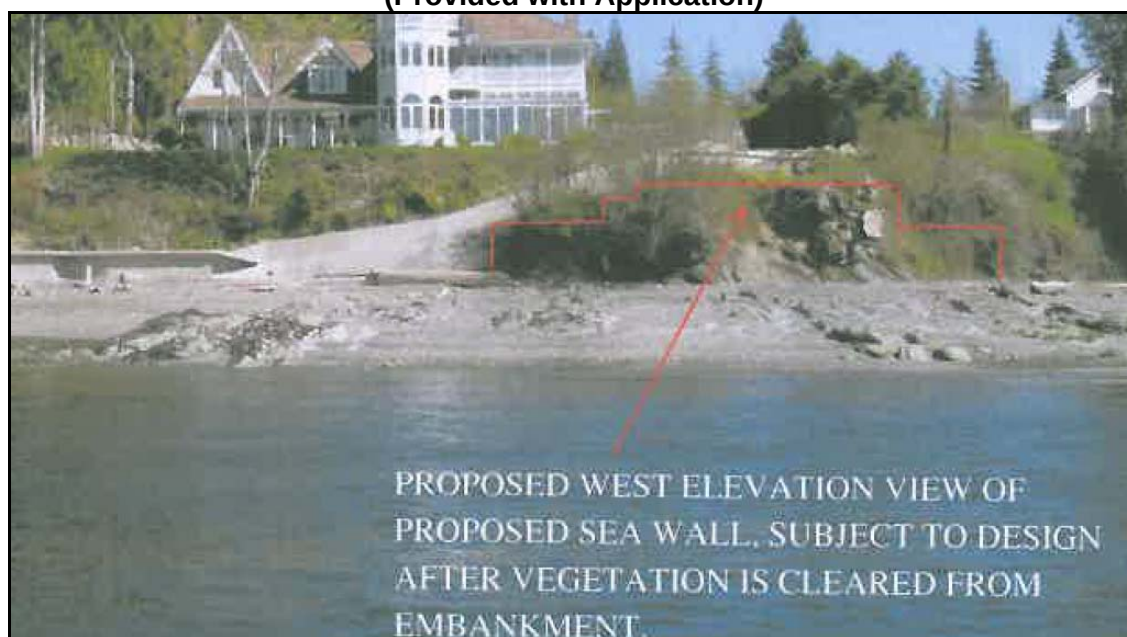


Figure 5: Vertical Profile of Proposed Seawall



**Photograph 1: Waterview with Seawall Noted
(Provided with Application)**



**Photograph 2: Shoreline in Area Proposed for Seawall
(Provided by Applicant)**



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

Directive policies relevant to this application include:

Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:

- 3.1.3 - the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area
- 3.4.4 - the protection of sensitive coastal areas
- 3.4.5 – the planning for and regulation of development in coastal regions to protect natural coastal processes
- 4.5.10 – 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
- 5.1.3 – the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic values of the Trust Area
- 5.6.3 – the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains

Official Community Plan:

The subject property is designated Rural Residential and the adjacent waters are designated Marine in the OCP. OCP Policies relevant to this application include:

- 4.2.1 – Regulations should protect natural coastal processes from the impacts of development
- 4.2.7 – Maintenance of public access and the right to recreational use of the foreshore shall be protected
- 4.2.8 – Filling, deposit, or excavation of materials on the foreshore shall be prohibited
- 4.2.10 – No structures, including boathouses and multiple-user docks, should be permitted in coastal and foreshore areas unless an environmental impact assessment indicates that there is no disruption to natural coastal processes.

Land Use Bylaw:

The upland portion of the property is zoned Rural Residential (RR) and the adjacent marine area is zoned Water 1 (W1) which allows:

- Private floats, wharves, ramps and walkways accessory to the residential use of an abutting upland lot or lots abutting the sea and providing access to that lots or those lots;
- Pilings necessary for the establishment or maintenance of the use above,
- Boat launching ramps; and
- Marine navigation, marine navigation aids and marker buoys.

Neighbouring parcels are zoned Rural Residential, Rural or Agriculture.

Surrounding marine waters are zoned W1 or Water 4 for the Port Washington Public Dock.

Islands Trust Fund:

There is a Trust Fund Board conservation covenants on a nearby property located approximately 300 metres distant. The application was referred to Trust Fund staff for comment.

Sensitive Ecosystems and Hazard Areas:

The marine waters are designated as a sensitive intertidal development permit area (DPA). There are no upland DPA's on the subject property although the surrounding areas contain Woodland, Riparian and Herbaceous sensitive ecosystem DPA's.

The shoreline is identified as a moderate hazard on the North Pender Steep Slope Hazard map.

Figure 6: Nearby Sensitive Ecosystem Development Permit Areas

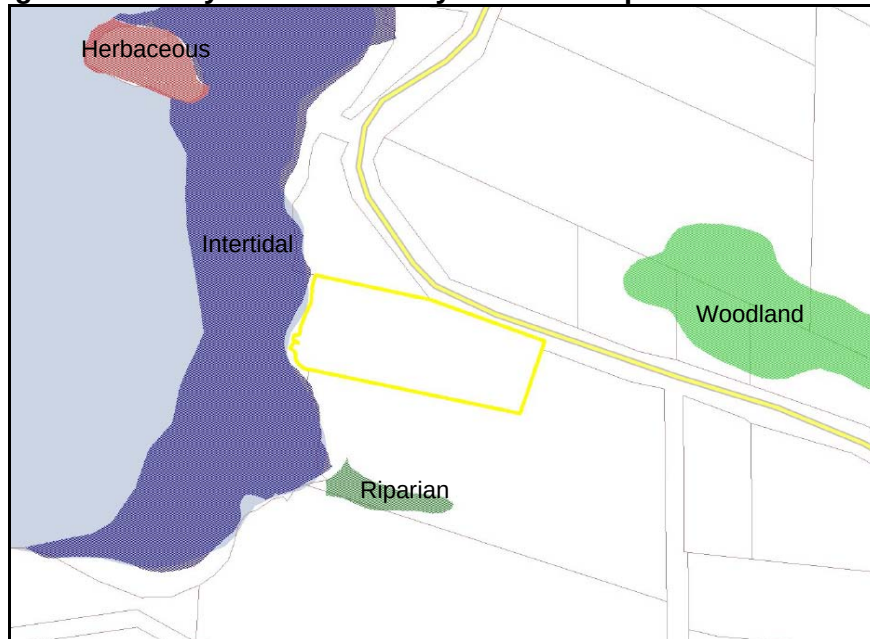
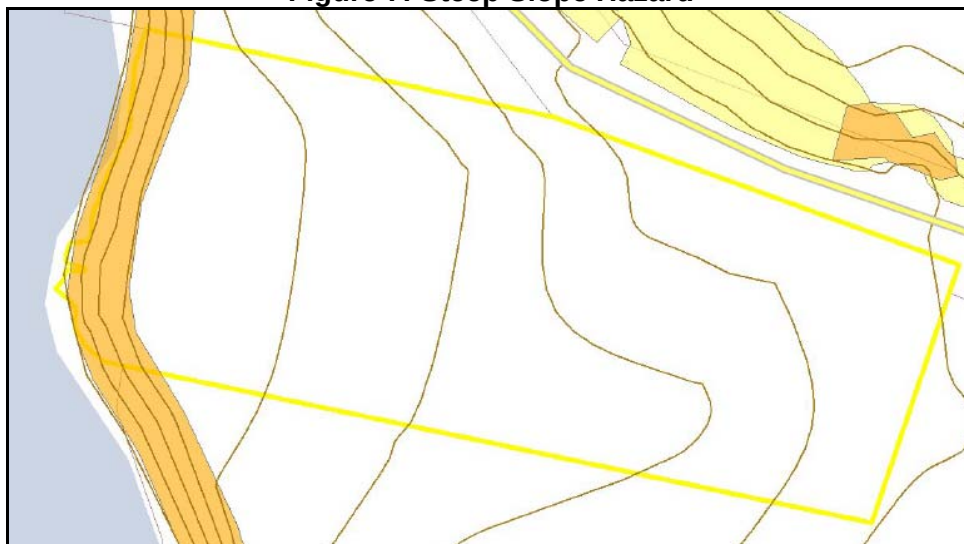


Figure 7: Steep Slope Hazard



Archaeological Sites:

There is a registered archaeological site in the area and Archaeologist Reports have been submitted with the application. The existing seawall on the northern portion of the property was constructed in part, to protect the site.

Covenants:

There are no registered covenants on the subject property.

Climate Change Adaptation and Mitigation:

Although the proposed seawall has a primary objective of protecting an archaeological site, it could also protect the shoreline bank from exposure during storm events and gradual changes in sea level. Hardening of the shoreline often has the inadvertent effect of transferring the erosional energies to beyond the end points of the structure, often to adjacent properties; as well as, stopping a natural source of sedimentation that often provide the source of beach sediments in the natural coastal process. The professional reports submitted with this application have indicated if the seawall is contiguous between two existing hard points that transfer of energy would be minimal, and that the existing banks are not a significant source for beach sediments.

Applying softer approaches to preventing erosional influences on a shoreline is strongly preferred; however, given the vulnerability of an archaeological site and the terrain (near vertical) the proposed seawall has been supported in the professional reports. Softer approaches include: tree and vegetation retention, replating of vegetation, addressing upland drainage, placement of large logs and boulders, and beach nourishment.

Communications:

The draft bylaws would be forwarded to the following referral agencies for comment; the LTC may also direct staff to include other agencies not listed. Additionally the LTC may choose to refer the proposal to the Advisory Planning Commission.

- First Nations:
 - o Chemainus
 - o Cowichan Tribes
 - o Halalt
 - o Lake Cowichan
 - o Lyackson
 - o Pauquachin
 - o Penelakut
 - o Tsartlip
 - o Tsawout
 - o Tsawwassen
 - o Tseycum
- Fisheries and Oceans Canada (DFO)
- Parks Canada
- Ministry of Forest, Lands and Natural Resource Operation (MFLNRO) – Aquaculture Branch
- MFLNRO – Ecosystems Protection Branch
- MFLNRO – Archaeology Branch
- MFLNRO – Crown Lands and Resource
- CRD, Building Inpsection Services
- Mayne Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- Saturna Island Local Trust Committee
- South Pender Island Local Trust Committee
- Islands Trust Fund
- Islands Trust, Bylaw Enforcement

Furthermore the public hearing notice would be circulated to all property owners and tenants within 100 m of the subject property in advance of the public hearing.

The applicants have previously discussed the proposed seawall with two adjacent neighbours to the south and those property owners have submitted letters of support in advance of the application being received.

Other:

The existing seawall was granted a Development Variance Permit in 2008. The existing seawall was located upland of the natural boundary of the sea and was therefore considered permitted as an accessory structure to the residential use of the property. The proposed extension southward would be below the natural boundary, located in the Water 1 zone, and therefore requires a zoning amendment.

The seawall constructed on the northern portion of the property has served to protect the archaeological site. The southern portion of the property has continued to be subject to erosional influences, including some land seaward of the existing pathway where archaeological deposits have been confirmed. Due to the potential impacts from winter weather events and continued erosion that may continue to negatively impact the archaeological deposits, the professional reports comment that the work should be undertaken as soon as possible.

Although the submitted reports have clearly supported the proposed seawall, none have specifically discussed any of the softer options except to compare lock-block or rip-rap to concrete.

The application included a number of professional reports prepared either for the original seawall or the proposed extension, these are summarized below.

Table 1: Summary of Professional Reports

Date	Professional	Key Comments
Nov 2007	Kathleen Reimer, Professional Biologist	Related to northern seawall – construction above the high tide line would not have a negative impact on the eel grasses and clam beds in the bay
Oct 2011	Kathleen Reimer, Professional Biologist	Review of Ryzuk and NHC reports and agrees with their comments Too much hard surfacing below high tide mark could result in erosion of beach materials Recommend extra care during construction
Dec 2007	Lewkowich Geotechnical Engineering Ltd	Ongoing erosion noted Exposed face approx. 3-4 m in height Seepage noted between glaciated till layer and overlying sand and gravel veneer No evidence seepage was related to effluent from septic field; considered minor relative to naturally occurring ground water seepage Notes using lock-block or rip-rap would be prohibitively expensive and cast in place concrete with freely draining materials for backfill is recommended. Rock boulders in front of seawall would dissipate wave energy

July 2011	Ryzuk Geotechnical	Southern portion ~30m is characterized by steep bank and near vertical cliff which are unprotected from wave action ranging in height from 3 to 6m Cliff is highly fractured shale bedrock with a layer of silty clay/sandy silt above with organic soil on top This type of shale is highly erodible, mainly by wave action at toe resulting in localized block failure.evidence of slope failure present Historical review indicates erosion rates have increased over last 25 years, possibly related to increase ferry size and frequency. Est. 5m in 73 yrs Minimal change to the energy regime since it is a hard concrete wall in front of a shale slope Shale bank is not a significant source of sediment for the surrounding beach, therefore no significant change to the foreshore conditions or hydraulic regime Recommendations: -conventional strip footing poured directly onto the shale bedrock and to be located as close to the top of slope as possible -Based on DFO – BMP's recommend timing of works between July 1 and Oct 1 or Dec 1 and Feb 15 -No disturbance beyond 1 m of the natural boundary -Silt abatement measures -All machinery to be leak free, spill kits on all machinery and no refueling near the foreshore -No 'in the wet' working during high tides
Feb 2008	Coast Interior Archaeology, Jim Stafford	Archaeological Impact Assessment of Initial Sea Wall, provided extensive historical context Findings suggest a site within the last 3000yrs Erosion and slumpage a main contributor to impacts with historic development and fill previously disturbing the site High potential for human remains to be encountered on the subject property either intact or scattered
Sept 2011	Coast Interior Archaeology, Jim Stafford	Testing revealed relatively intact deposits and features along the south half including stone tools and hearth feature. Fissures indicate that further bank collapse will continue Area of collapsing bank and deposits eventually to be covered in fill
Oct 2011	Coast Interior Archaeology, Jim Stafford	Update to previous rpt Fragmented human remains recovered, considered to be an individual burial that was impacted and mixed into other deposits

Oct 2011	Northwest Hydraulic Consultants (NHC)	No major sediment inputs to the beach in the area Bedrock is predominantly shale with sandstone outcropping along northern edge Low to moderate wave energy environment, however shale bedrock and overlying sediments are easily erodible Current erosional process are concentrated south of the existing seawall Estimate 5m horizontal bank loss over 73 years No increase in erosion expected as long as proposed wall extends without gaps from the existing seawall to the shale bank outcrop Stabilizing bank should not impact natural beach processes By extending new wall to existing hard points, no additional hard points would be created, providing little chance to enhance erosion on adjacent properties Footings should be extended to bedrock to minimize toe scour Protection structures should be monitored annually and following large events
Oct 2011	Islandscapes	Small Yew on upper cliff edge should not be impacted Replanting with Scouler's willow, Oceanspray, Red Flowering Currant, Nootka Rose, Tall Oregon Grape and Snowberry. Greater Periwinkle also recommended since it has colonized the area, is fast growing and would provide effective trailing groundcover
Aug 2011	Ministry Forest Land and Nature Resource Operations	Review of proposed 2.13m (7ft) encroachment Included 3-4 ft wide walkway to high tide access No objections subject to: • Max encroachment of 2.28m (7.5 ft) from present natural boundary • Approval of DFO and Islands Trust • As-built plan required • Professional Engineer's 2 year post construction monitoring report

STAFF COMMENTS:

The proposal would require an amendment to the North Pender Island Land Use Bylaw No. 103, 1996 (LUB) to amend the W1 zone to permit a seawall. Staff would propose a site specific zoning amendment specific to this proposal. An OCP amendment is not required due to the OCP policy 4.2.10 which would consider structures on the foreshore if an environmental impact assessment indicates there is no disruption to natural coastal processes.

The application included a number of professional reports prepared in advance of submitting their application. Under the Development Approval Information (DAI) Bylaw additional reports could be required. After a staff review we would require:

- A more detailed landscaping proposal with a site plan that identifies both existing vegetation to be retained and proposed areas for replanting, utilisation of native species that would be suitable to the area (wet soils and high seepage), and includes a more detailed cost estimate.
- A more precise survey plan showing the extent of the seawall, the proposed location relative to the property boundaries and the present natural boundary.
- A supplementary report commenting on the feasibility of any softer approaches.

The LTC may also request additional information be submitted for the application to proceed.

The following outlines a minimal timeline for the process that is very tight and does not factor in any contingency time for requiring additional reports, consideration of any registered covenants, an APC referral, a Community Information Meeting or Public Hearing held outside of the regular LTC schedule, or significant changes to the proposal.

February: Staff directed to proceed with application and to prepare draft bylaws, applicant requested to provide the additional information noted above.

March: Review draft bylaws, make any revisions, and direct staff to refer draft bylaw for agency comments.

April: Any preliminary responses received are considered, draft bylaws revised if necessary, draft bylaw given First Reading and staff directed to schedule a public hearing.
A draft Development Permit (DP) would also be prepared for consideration at this time or the next meeting. It would be recommended to at minimum have a draft DP available prior to the Public Hearing.

May: Public hearing (at LTC meeting or separately) for input, remaining agency comments received, further revisions considered then proposed bylaw given Second and Third Reading and forwarded to Islands Trust Executive Committee for approval.

June/Aug: Proposed bylaw returns for adoption.

RECOMMENDATIONS:

1. THAT the North Pender Island Local Trust Committee direct staff to proceed with the application NP-RZ-2011.1 (Turner) and to prepare draft bylaws.

OPTION:

2. THAT the North Pender Island Local Trust Committee refer bylaw amendment application NP-RZ-2011.1 (Turner) to the Advisory Planning Commission for comment.

Prepared and Submitted by:



Andrea Pickard

January 25, 2012

Date

Concurred in by:



Regional Planning Manager

January 25, 2012

Date



STAFF REPORT

March, 12, 2012

File No.: NP-DP-2011.9 and
NP-RZ-2011.1
(Turner)

To: North Pender Island Local Trust Committee
For the meeting of March 22, 2012

From: Andrea Pickard
Island Planner
Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: Development Permit NP-DP-2011.9 and NP-RZ-2011.1 (Turner)

Owner: Natrikan Holdings Limited (A Cyprus Corporation)
Applicant: Ralph Turner
Location: 1215 Otter Bay Road
Lot 1, Section 17 and 23, Pender Island, Cowichan District, Plan
EPP12506, PID: 028-656-725

THE PROPOSAL:

The application is for development within the Sensitive Intertidal Ecosystem Development Permit Area (DPA) for the purpose of constructing a seawall below the natural boundary of the sea. The subject property was issued a Development Variance Permit in 2008 to construct a seawall on the northern portion of the property, which was located upland to the natural boundary. Due to continued erosion along the southern portion of the property and the vulnerability of a registered archaeological site, the applicant proposes to construct an extension to the existing seawall. The proposed seawall would be a concrete poured seawall that would extend southward from the existing seawall to a shale bank outcrop located approximately 5 metres beyond the southern boundary of the subject property.

The proposed seawall extension requires a bylaw amendment to the W1 zone as it would be located below the natural boundary of the sea. At the February 23rd meeting the North Pender Island Local Trust Committee (LTC) received a preliminary report for the bylaw amendment and directed staff to prepare draft bylaws and to send an early referral letter to the First Nations with an interest in the area.

There have been a number of professional reports submitted related to this proposal. Rather than attach them all to this report and creating a very large agenda package, staff will provide hard copies to the Trustees and post them on the website to be available to the public.

A draft development permit is attached as Schedule A and draft amending bylaw is attached as Schedule B.

SITE CONTEXT:

The subject property is a residential waterfront lot on Grimmer Bay, lying to the west of the Pender Island Golf Course and south of the Port Washington public dock and sea plane terminal. The property is 0.75 ha (1.85 ac) in size. Properties in the area are quite varied in size with some as small as 0.17 ha (0.42 ac) to over 8 ha (20 ac).

Based on GIS data the property rises moderately to 8m above sea level adjacent to the shoreline, then is gently sloping through the remainder of the property to a maximum of 18 m asl.

Figure 1: Subject Property Map



Figure 2: Orthophoto with 2 metre Contour Intervals



PRESENT NATURAL BOUNDARY PRIOR TO CONSTRUCTION

Existing Seawall and Access Ramp

CONCRETE FOOTING

PRESENT NATURAL BOUNDARY

Proposed Extension of Seawall within "Construction Area"

CONSTRUCTION AREA

RETAINING WALL ALONG ACCESS TO BEACH

ACCESS TO BEACH (CONCRETED SURFACE)

EL. = 8.49

CUT CROSS 905
ELEV. 8.754

OLD IRON PIPE
ASSUMED ELEVATION
7.76 METRES

NATURAL BOUNDARY

CONSTRUCTION AREA

RESIDENCE

10.27

1.00

128

135

139

140

141

142

143

144

145

146

147

148

149

153

12.28

4.8

2.1

2.20

GRIMMER'S COVE

PRESENT NATURAL BOUNDARY (PRIOR TO EXCAVATION)

CONCRETE FOOTING

CONCRETE RETAINING WALL

CONSTRUCTION AREA

1/- 17.8

2.28

ACCESS AND RETAINING WALL (CONTINUE)

1/- 22.0

1/- 20.0

CONCRETE RETAINING WALL

CONCRETE SURFACED ACCESS TO BEACH

PRESENT NATURAL BOUNDARY

2.20

1/- 3 METRES

IRON PIPE (ASSUMED ELEVATION: 7.76 METRES)

15.27

REM. LOT PLAN EPP12

NATURAL BOUNDARY FROM PLAN 10289

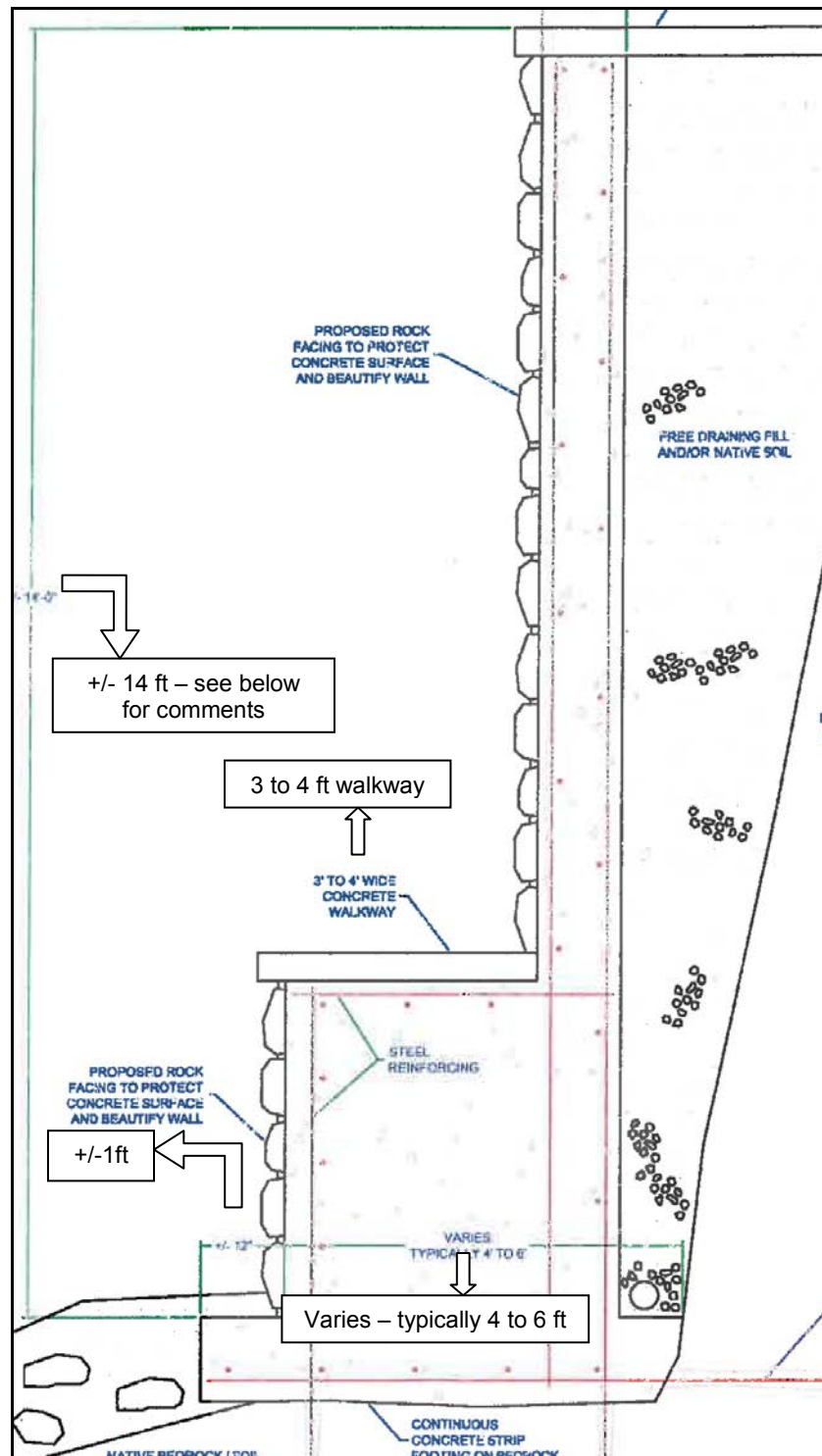
CONSTRUCTION AREA

ALPH B. TURNER, BC/LS
111 CHATHAM STREET
SYDNEY NSW 2000

APPROXIMATE POSITION OF
SHALE BANK OUTCROP
OR "HARD POINT"

LOT 1
PLAN 10080

Figure 5: Vertical Profile of Proposed Seawall



Although the profile above has indicated a height of +/- 14 ft (4.3m) the draft bylaws have used a maximum height of 5.5m (18ft). This is to accommodate for undulations in the shale bed the base is constructed on. The intent is to step the top of the seawall in such a manner to follow the natural contours, however some localized sections may exceed a limit of 4.3m. It should be noted the draft bylaw may specify a maximum of 5.5 m, however the actual seawall authorized

is also regulated by the development permit. The proposed development permit includes a photograph rendered to represent how the maximum height will be designed to match the existing elevation.

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

Directive policies relevant to this application include:

Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:

- 3.1.3 - the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area
- 3.4.4 - the protection of sensitive coastal areas
- 3.4.5 – the planning for and regulation of development in coastal regions to protect natural coastal processes
- 4.5.10 – 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
- 5.1.3 – the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic values of the Trust Area
- 5.6.3 – the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains

Local Trust Committee bylaws also have to be approved by the Executive Committee before being adopted. As part of their review a checklist is used to review the proposed bylaw against the Islands Trust Policy Statement. The checklist is attached as Schedule C.

Official Community Plan:

The subject property is designated Rural Residential and the adjacent waters are designated Marine in the OCP. OCP Policies relevant to this application include:

- 4.2.1 – Regulations should protect natural coastal processes from the impacts of development
- 4.2.7 – Maintenance of public access and the right to recreational use of the foreshore shall be protected
- 4.2.8 – Filling, deposit, or excavation of materials on the foreshore shall be prohibited
- 4.2.10 – No structures, including boathouses and multiple-user docks, should be permitted in coastal and foreshore areas unless an environmental impact assessment indicates that there is no disruption to natural coastal processes.

Land Use Bylaw:

The upland portion of the property is zoned Rural Residential (RR) and the adjacent marine area is zoned Water 1 (W1) which allows:

- Private floats, wharves, ramps and walkways accessory to the residential use of an abutting upland lot or lots abutting the sea and providing access to that lots or those lots;
- Pilings necessary for the establishment or maintenance of the use above,
- Boat launching ramps; and
- Marine navigation, marine navigation aids and marker buoys.

Neighbouring parcels are zoned Rural Residential, Rural or Agriculture.

Surrounding marine waters are zoned W1 or Water 4 for the Port Washington Public Dock.

Islands Trust Fund:

There is a Trust Fund Board conservation covenants on a nearby property located approximately 300 metres distant. The application was referred to Trust Fund staff for comment and they have no concerns.

Sensitive Ecosystems and Hazard Areas:

The marine waters are designated as a sensitive intertidal development permit area (DPA). There are no upland DPA's on the subject property although the surrounding areas contain Woodland, Riparian and Herbaceous sensitive ecosystem DPA's.

The shoreline is identified as a moderate hazard on the North Pender Steep Slope Hazard map.

Figure 6: Nearby Sensitive Ecosystem Development Permit Areas

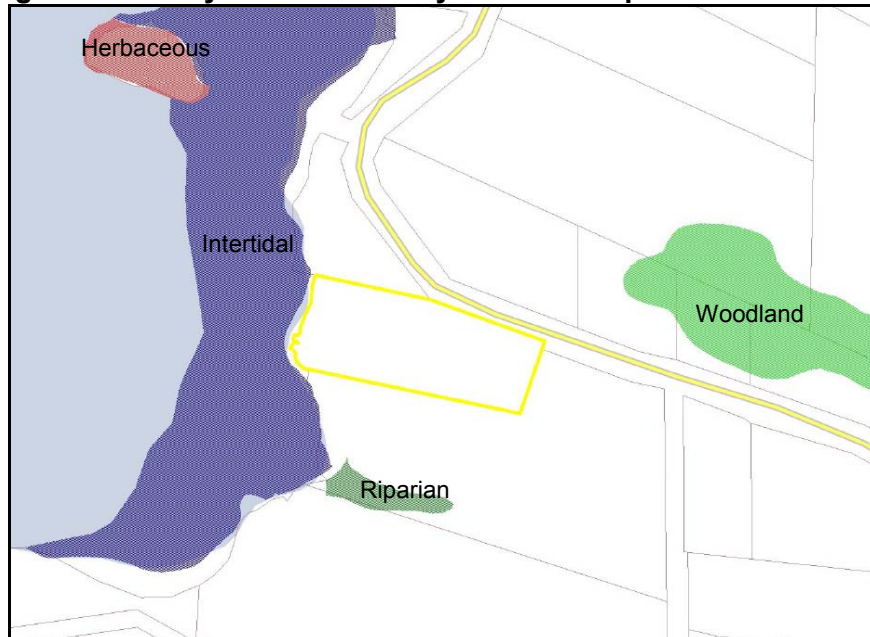
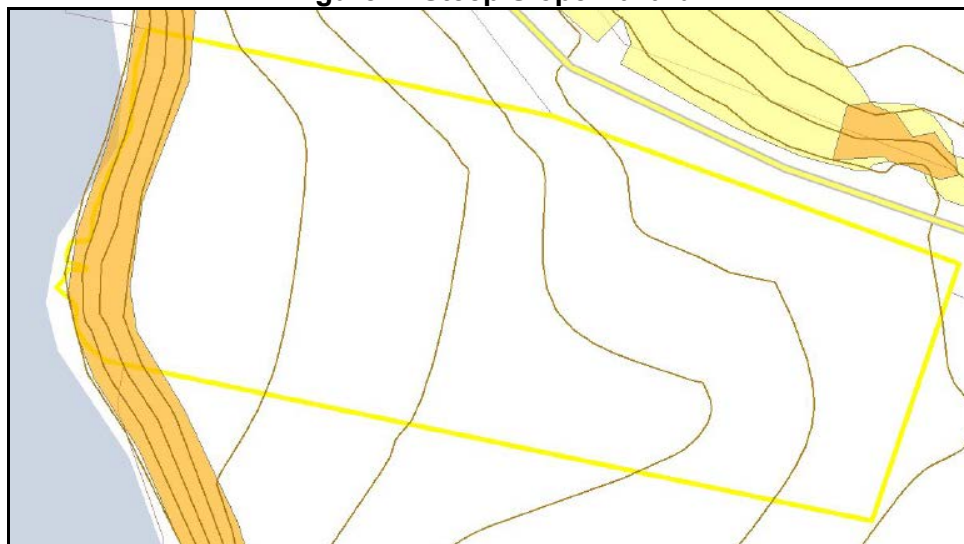


Figure 7: Steep Slope Hazard



Archaeological Sites:

There is a registered archaeological site in the area and Archaeologist Reports have been submitted with the application. The existing seawall on the northern portion of the property was constructed in part, to protect the site.

Covenants:

There are no registered covenants on the subject property.

Climate Change Adaptation and Mitigation:

Although the proposed seawall has a primary objective of protecting an archaeological site, it could also protect the shoreline bank from exposure during storm events and gradual changes in sea level. Hardening of the shoreline often has the inadvertent effect of transferring the erosional energies to beyond the end points of the structure, often to adjacent properties; as well as, stopping a natural source of sediments that often are the source of beach sediments deposited further along the shorelines in the natural coastal process. The professional reports submitted with this application have indicated if the seawall is contiguous between two existing hard points then that transfer of energy resulting in new erosion areas would be minimal. They also note that the existing banks are not a significant source for beach sediments.

Applying softer approaches to preventing erosional influences on a shoreline is strongly preferred; however, given the vulnerability of an archaeological site and the terrain (near vertical) the proposed seawall has been supported in the professional reports. Softer approaches include: tree and vegetation retention, replanting of vegetation, addressing upland drainage, placement of large logs and boulders, and beach nourishment.

Other:

Biologist's Report: A biologist's report was submitted for the original seawall in 2007 with a supplemental report for the proposed extension. The 2007 report concluded "that construction of a seawall above the high tide line, in order to stabilize the bank in front of the building would not have a negative impact on the eel grasses and the clam beds in the bay." In a supplemental report on the seawall extension the report notes that extension should be constructed in such a way that new erosional areas would not be created (anchoring to bedrock and the shale outcrop). The biologist also agrees with the recommendation in the Northwest Hydraulic Consultants report that monitoring of the site after the seawall is constructed should be undertaken, particularly after storm events.

Landscaping: A landscaping plan has been submitted for the upland portion that would be backfilled between the seawall and existing bank. The landscaping plan consists of only native species.

Security Bond: In order to ensure the planting is undertaken as proposed, staff recommend the owner provide security in the form of an irrevocable letter of credit for 125% of the value of the quoted landscaping cost. The security should be required before an amending bylaw is given final adoption. The cost estimate provided is \$7452.10, resulting in a security amount of \$9315.13.

Guidelines Checklist: The DP guideline checklist is attached as Schedule D.

STAFF COMMENTS:

Erosion protection has historically utilized hard armouring of the shoreline with concrete or rip rap walls. Although these methods are relatively inexpensive and have low maintenance requirements, they have proved to produce negative environmental impacts to shorelines by:

- transferring erosion to adjacent locations;
- interfering with natural coastal process, particularly cutting off the source of beach materials; and
- the loss of habitat and vegetation.

In high energy wave environments hard surfaces can also result in the energy forces being transferred upland, rather than being dissipated and this can impact upland structures.

There has been a shift in recent years to alternative approaches that have less environmental and visual impacts. Protection measures are often referred to as a spectrum from 'soft' to 'hard', where 'soft' measures utilize less rigid materials such as vegetation, while 'hard' measures refer to those with solid, hard surfaces such as concrete walls. In general, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. There is a range of measures that include:

- Vegetation enhancement
- Upland drainage control
- Biotechnical measures
- Beach enhancement
- Anchor trees
- Gravel placement
- Rock (rip rap) revetments
- Gabions
- Concrete or rock groins
- Retaining walls or bulkheads (concrete, lock blocks, etc.)
- Seawalls

SOFT



HARD

Professional reports have commented on the upland drainage. It was identified that the broader area generally consists of poorly draining, wet soils extending well beyond the subject property to beyond the Golf Course. The existing septic field is also identified as a possible source of seepage in the area, however it was considered to be to a minor contributor and well below the volume of naturally occurring ground water seepage.

Professional reports have also commented on the possibility of softer approaches. The site is restricted by the need to avoid further disturbance to the upland soils so as not to impact the archaeological site, and it is a high energy environment. Other design options may require a larger overall footprint, more excavation, or more heavy equipment access to the site. Softer approaches are not feasible at this location since they are not considered suitable for high energy coastal environments such as this.

The key consideration for supporting any form of erosion protection structure is the preservation of a significant archaeological site. The Archaeologist's report identifies it as a large prehistoric habitation site of high scientific significance. The site has been impacted by past development and erosion.

For the proposed seawall to proceed it also requires a development permit, which can include conditions under which the site is developed.

Conditions included in the draft permit include:

- Maximum height to follow natural terrain as much as possible
- Construction to occur during Fisheries and Oceans Canada Best Management Practices (for 2012 July 1 to Oct 1 and Dec 1 to Feb 15)
- All upland work to occur between Jun 1 and Oct 1 (DFO – Best Management Practices)
- No sediments to be released into the foreshore areas, mitigation measures to be undertaken – ie: landscaping and mulching
- No beach materials to be removed from, nor fill introduced into the foreshore
- A spill kit to be on site when motorized equipment is present
- A report to be submitted post construction to confirm recommendations have been followed
- A monitoring report to be submitted 5 year post construction to review effectiveness and structural integrity of the seawall

The next steps are:

- Make any revisions to the draft bylaw (March LTC)
- Refer the draft bylaw to referral agencies for comment
- Optional scheduling of a Community Information Meeting as part of the April LTC agenda or for a weekend
- Give the draft bylaw First Reading and direct staff to schedule a Public Hearing (April)
- Hold Public Hearing at part of the May LTC agenda or a separate date
- Consideration of input and possible amendments to the proposed bylaw
- Given Second and Third Reading (May)
- Refer the Proposed Bylaw to Executive
- Adopt the Proposed Bylaw and issue the Development Permit

Staff recognize the above timeline is fairly ambitious, and if there is a considerable amount of input the timeline would need to be extended. Ongoing workload may also be a factor, and if the Community Information Meeting and Public Hearing are held separately from the LTC meeting dates.

RECOMMENDATION:

THAT the North Pender Island Local Trust Committee direct staff to refer Draft Bylaw No. 190, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2012” to referral agencies for comment.

That the North Pender Island Local Trust Committee directs staff to schedule a Community Information Meeting for NP-RZ-2011.1(Turner) for the April Local Trust Committee meeting.

THAT Development Permit NP-DP-2011.9 (Turner) BE APPROVED but NOT ISSUED until the related bylaw amendment for NP-RZ-2011.1 is adopted.

Prepared and Submitted by:



Andrea Pickard

March 12, 2012

Date

concurrent in by:



Regional Planning Manager

March 12, 2012

Date



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT NP-DP-2011.9

To: Natrikan Holdings Limited (A Cyprus Corporation)

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

Lot 1, Sections 17 and 23, Pender Island, Cowichan District, Plan EPP12506
PID: 028-656-725

2. This Development Permit authorizes the construction of a seawall within a sensitive intertidal ecosystem development permit area subject to the following conditions:
 - (a) Siting of a seawall shall be consistent with Schedule "A" attached to and forming part of this permit.
 - (b) Construction of a seawall shall be substantially consistent with Schedule "B" attached to and forming part of this permit.
 - (c) Maximum height of the seawall shall be constructed in a manner that follows the natural terrain as reflected in Schedule "C" attached to and forming part of this permit.
 - (d) Construction of the seawall shall occur during the marine timing windows established by Fisheries and Oceans Canada Best Management Practices; those currently being July 1 to October 1 and December 1 to February 15.
 - (e) All related upland work above the present natural boundary shall occur between June 1 and February 15 in accordance with Fisheries and Oceans Canada Best Management Practices.
 - (f) Development must be conducted in a manner that prevents the release of sediment or sediment-laden water to the marine environment. Mitigation measures, such as landscaping and mulching, shall be undertaken after backfilling of the upland slope behind the seawall such that there is no migration of sediments into the foreshore area.
 - (g) No native beach materials shall be removed from, nor any fill introduced into the foreshore area.
 - (h) A spill kit must be kept on-site at all times motorized equipment is present.
 - (i) A post construction report, prepared by a qualified professional, shall be submitted by March 31, 2014 to confirm that recommendations in the professional reports have been followed.

PROPOSED

- (j) A monitoring report, prepared by a qualified professional, shall be submitted by December 31, 2017 to review the effectiveness and structural integrity of the seawall approximately 5 years post-construction.
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 North Pender Island Land Use Bylaw No. 103, 1996 and to obtain other approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ____ day of _____, 20__

Deputy Secretary, Islands Trust

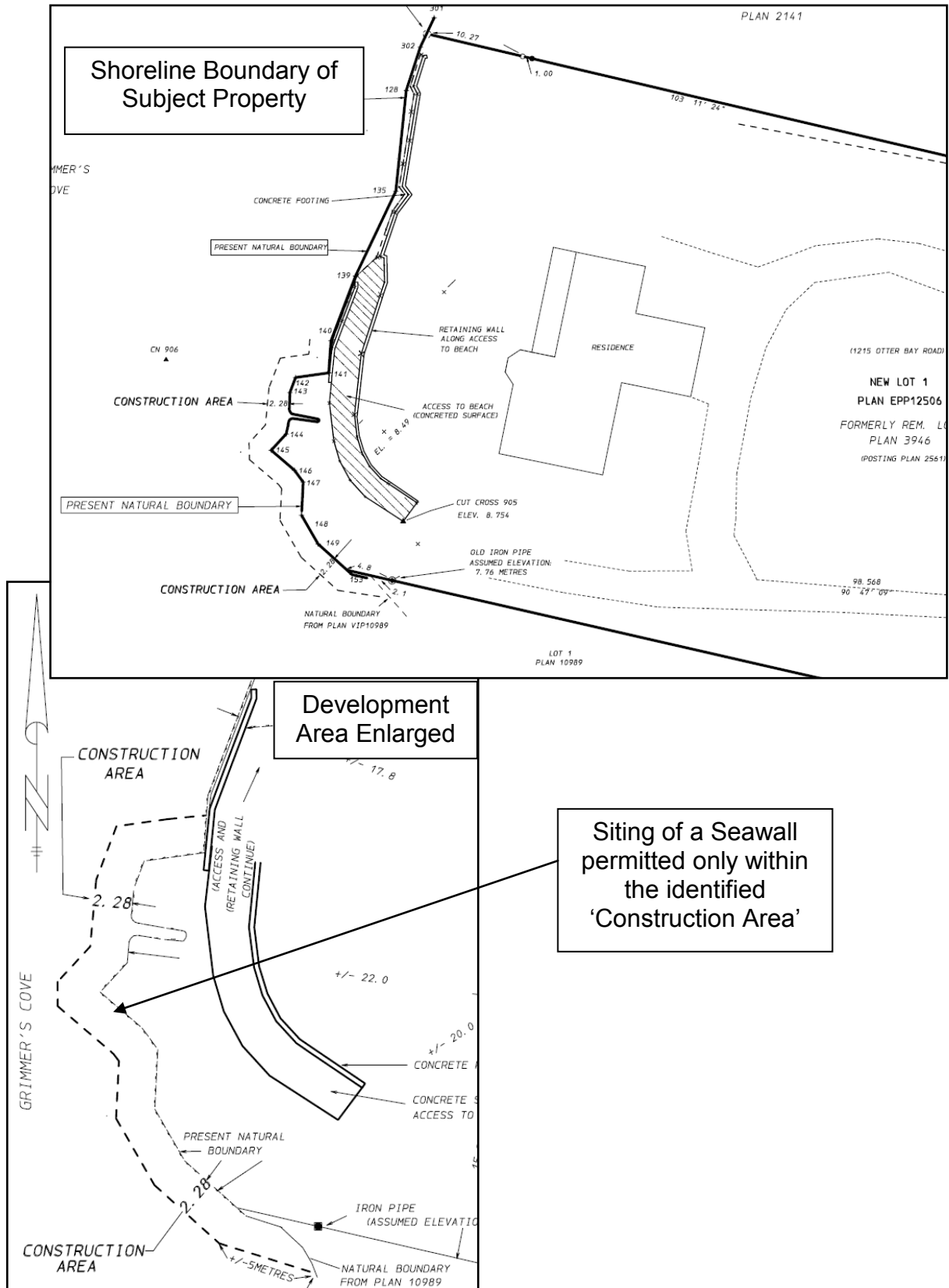
Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE ____ DAY OF _____, 20__ THIS PERMIT AUTOMATICALLY LAPSES.

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT NP-DP-2011.9 Schedule "A"

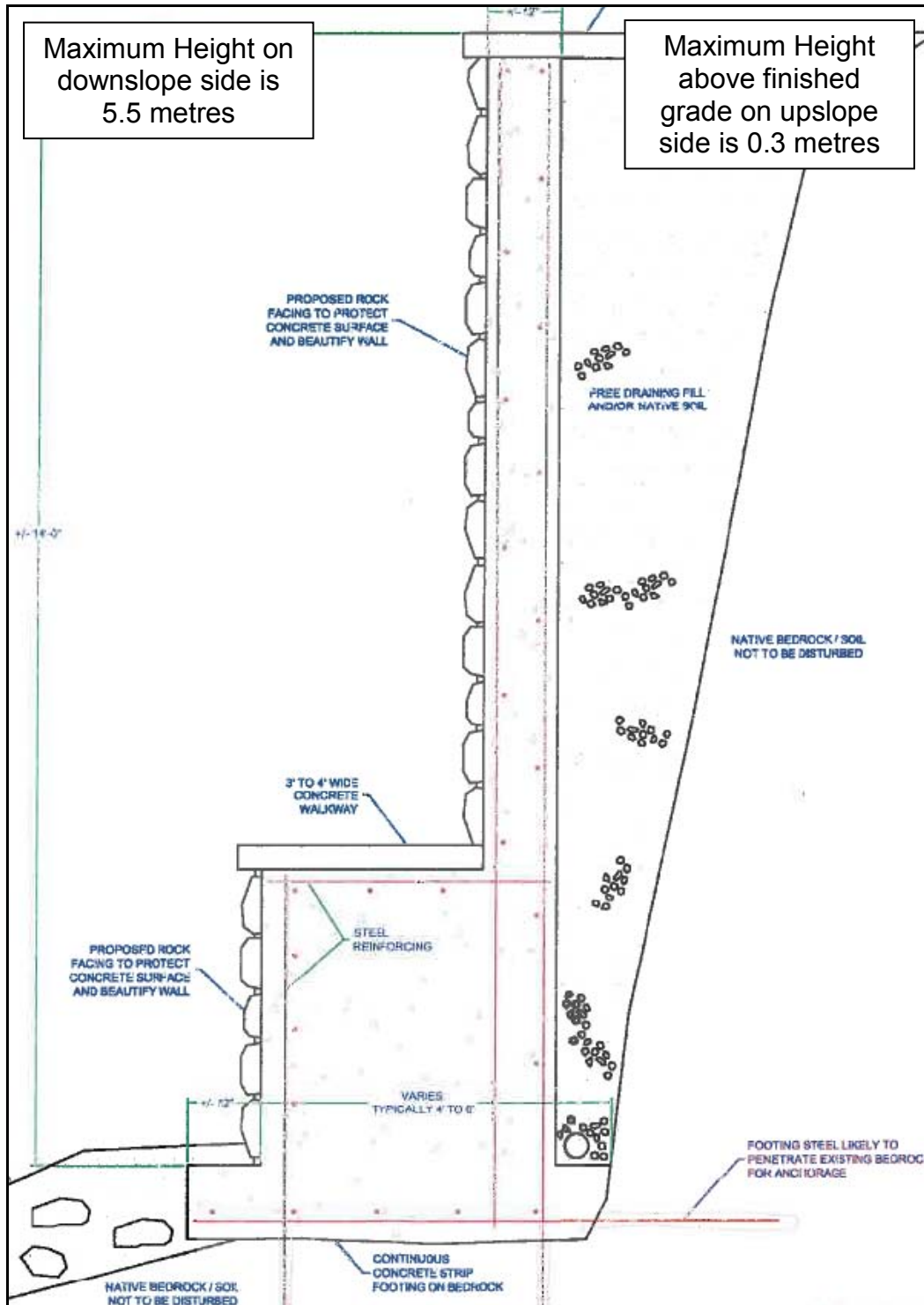
Site Plans



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT NP-DP-2011.9 Schedule "B"

Seawall Side Profile



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT NP-DP-2011.9 Schedule "C"

Finished Height of Seawall



Finished height of the seawall shall follow the natural terrain as closely as possible as represented by the line



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 190

A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW 103, 1996

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

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend Land Use Bylaw 103, 1996;

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

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

A. Bylaw No. 103, cited as "North Pender Island Land Use Bylaw 103, 1996" is amended as follows:

1. The following is inserted as a new Section 8.19.7 in the Water 1 (W1) Zone

8.19.7 Site Specific Regulations

The regulations listed in Column 3 of the following table only apply to the land identified in Column 2 of the same row. These lands are identified on the zoning map by the site-specific zoning reference listed in Column 1.

Column 1 Site- Specific Zone Reference	Column 2 Legal Description	Column 3 Site Specific Regulations
W1(a)	The land covered with water fronting a portion of Lot 1, Sections 17 and 23, Pender Island, Cowichan District, Plan EPP12506 and Lot 1, Section 17 and 23, Pender Island, Cowichan District, Plan 10989	(1) In addition to the used permitted in 8.19.1 the following are permitted: (a) Erosion protection in the form of seawalls (2) Despite 8.19.5, siting of a Seawall is permitted only within the identified "Construction Area" lying seaward of the present natural boundary of the sea, and projecting no further than 2.28 metres from said boundary, as shown on "W1(a) Seawall Plan" of Schedule F. (3) The maximum height of a seawall is 5.5 metres, measured from the base on the downslope side, and at no point can a seawall project more than 0.3 metre above the finished grade on the upslope side.

- READ A FIRST TIME this _____ day of _____, 20__
- READ A SECOND TIME this _____ day of _____, 20__
- PUBLIC HEARING HELD this _____ day of _____, 20__
- READ A THIRD TIME this _____ day of _____, 20__
- APPROVED BY THE EXECUTIVE COMMITTEE this _____ day of _____, 20__
- ADOPTED this _____ day of _____, 20__

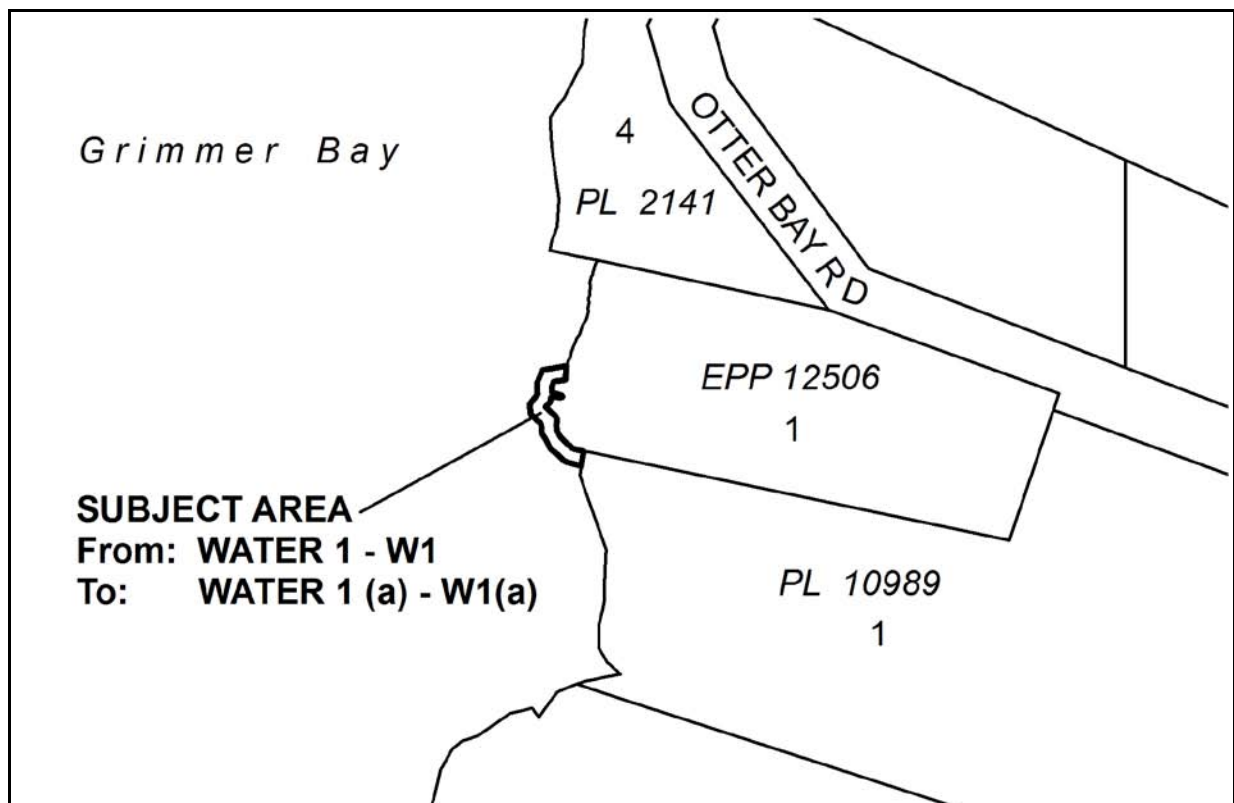
Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 190

PLAN No. 1

"North Pender Island Land Use Bylaw No. 103, 1996, Schedule "D" Zoning Map" is amended as follows:



DPA Checklist: NP-DP-2011.9 (Turner)
Seawall

Guidelines	Comments
Overall DPA Guidelines	
1. Where lots are not subject to further subdivision, applicable guidelines should be considered to the extent reasonable within the constraints of the site and the lot.	Lot is not subdividable
2. Avoid locating development in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.	Proposed location is determined by existing archaeological site and natural boundary of the sea
3. The area cleared and disturbed for development should be minimized.	Limited to identified construction area and within 2.28m permitted by Ministry of Forests, Lands and Natural Resource Operations
4. Fewer, but larger, undisturbed areas should be retained, rather than small or isolated undisturbed areas.	Disturbance will be adjacent to natural boundary only, with a maximum projection of 2.28 meter seaward
5. Buildings and associated infrastructure should be sited with sufficient undisturbed space around significant mature or established trees to protect root systems.	One identified Yew tree on the bank will be retained, no impact on root system expected. Surrounding area to have additional soil and plantings to help replenish previously eroded area
6. Undeveloped buffer areas should be retained around sensitive ecosystems, features or habitat where feasible. Buffer areas should be of sufficient width to limit access by invasive plants.	Surrounding areas already developed, backfilled areas to be replanted
7. Natural features should be retained through incorporation into the design of the development. In particular, unique or special natural features such as native grasses, rare plants, unique land forms, rock outcroppings, mature trees, pits and dunes should be protected.	Design of wall will follow topography as much as possible, and siting will parallel natural boundary of the sea
8. Connections and corridors should be maintained to provide continuity between sensitive ecosystems and important habitat.	n/a sensitive features have limited migration ie: eel grasses, clams, oyster bed
9. Use of drought resistant and native plants in landscaping should be encouraged. The planting or introduction of non-native plants should be avoided.	Landscaping plan includes range of native species

Guidelines	Comments
10. Soil removal and deposit within or adjacent to a sensitive ecosystems or habitat should be avoided.	No native materials to be removed from, nor fill introduced into the foreshore area as a condition of permit
11. Alteration of natural drainage systems in ways that increase or decrease the amount of water available to a sensitive ecosystem should be avoided.	Professional reports provide recommendations regarding appropriate drainage materials and design
12. Septic fields should be located in such a manner that the possibility of pollution of sensitive ecosystems or habitat is avoided.	n/a
13. Driveways and other accesses should be limited to the number required for safe access, with shared driveway access where feasible. Driveway lengths and widths should be limited to the minimum necessary. The use of impervious surfaces should be discouraged.	n/a
14. Shoreline structural modifications should be limited in number and extent and should be necessary to support or protect a permitted or existing use or structure.	To be permitted as site specific zoning to protect heritage/cultural feature
15. Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, gravel placement. Harder construction measures should be avoided where possible.	Softer approaches considered but not suitable to this location
16. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land, except for agriculture. Vegetation which helps stabilise banks, reduce erosion and provides habitat should be retained or enhanced.	Objective, in part, is to protect archaeological site
17. The permit conditions may include:	
a) the construction of permanent or temporary fencing around sensitive features;	Not recommended
b) fencing, flagging and posting of notices during construction;	Not recommended
c) limits on blasting in sensitive areas;	No blasting required
d) limits on construction timing;	DFO timing windows as condition of permit
e) provision of works to maintain or restore the quantity or quality of water reaching environmentally sensitive areas or habitat;	Not recommended

Guidelines	Comments
f) restoration or enhancement of disturbed sensitive ecosystems and habitat	Area behind seawall to be replanted post construction
18. The LTC may consider variances to siting or size regulations where the variance could result in enhanced protection of an environmentally sensitive area.	No required – addressed in site specific zoning
<i>Intertidal Ecosystem Guidelines</i>	
19. Stairs, walkways and other access within a sensitive intertidal ecosystem should be limited to that required for safe access, with shared access where feasible. Stairs should incorporate landings, follow the existing contours of the site, utilize small concrete pilings and have gaps between boards.	Access to foreshore exists on northern portion of seawall
20. Docks should be sited to avoid impacts on sensitive ecosystems such as eel grass beds, fish habitat and natural processes such as currents and littoral drift.	n/a
21. Docks should be constructed in a manner which allows free flow of water beneath the dock and supports should be located on a hard substrate.	n/a
22. Floating docks that do not rest on the bottom at any time and a minimal ramp should be utilized rather than fixed wharves.	n/a
23. Piers on pilings and floating docks are preferred over solid-core piers.	n/a
24. Docks should not incorporate unenclosed plastic foam or other non-biodegradable materials and should be constructed of stable materials that will not degrade water quality.	n/a
25. Boat launch ramps should only be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is required.	n/a



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No:

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 matters in their official community plans in a way that implements the policy of Trust Council.

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

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

Part III Policies for Ecosystem Preservation and Protection

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

PART IV: Policies for the Stewardship of Resources

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

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

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

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

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

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



Islands Trust

Print Date: Apr-17-2012

Top Priorities

Mayne Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Housing Options	Staff report on options and next steps to be prepared.	Jul-04-2011	Gary Richardson	Jun-27-2012	On Going
2	Commercial Land Use Review	Provide background report - COMPLETED draft terms of reference for a potential task force - COMPLETED forward staff report to Task Force - COMPLETED	May-02-2011	Gary Richardson	Mar-31-2012	On Going
3	OCP Follow-up: 1. Implementation of Riparian Areas Regulation	1. Determine applicability of RAR to Mayne watercourses - - status of two watercourses to be determined - potential changes to Campbell Bay/Horton Bay/Hunt Brook watersheds on Montrose Road	Jun-09-2010	Robert Kojima	Mar-31-2012	On Going



Projects

Mayne Island

No.	Description	Activity	Received/Initiated	Status
1	Climate Change Adaptation	Consider regulatory changes and implementation of new DPA authority	Mar-02-2009	On Going
2	Agricultural Building riparian setbacks	Review LUB to consider potential amendments to setbacks for agricultural buildings from watercourses, consistent with Ministry guidelines	Oct-03-2011	On Going
3	Review LUB requirements for proof of water for boundary adjustment subdivisions			On Going



Islands Trust

Applications w/ Status - Mayne Island Status: Open

Applications

Rezoning

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

Planning Status

Status Date: Mar-13-2012

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

Status Date: Jan-18-2012

Staff report to be prepared for February 1, 2012 LTC meeting for LTCs direction.

Status Date: Dec-06-2011

Applicants have requested that application be re-activated. Would like to pursue C1 zoning as per original application.

Subdivision

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

Planning Status

Status Date: Mar-13-2012

Staff reviewing report regarding potable water.

Status Date: Jan-19-2012

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

Status Date: Dec-05-2011

Applicant now has potable water approval. Will send to planner for review.

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
MA-TUP-2011.1	Sharon Burke Planner: Gary Richardson	Oct-27-2011	Short Term Vacation Rental

Planning Status

Status Date: Apr-17-2012

Staff report and amended permit prepared for April 25, 2012 LTC Mtg.

Status Date: Mar-13-2012

Staff report and draft permit prepared for LTCs consideration at March 21, 12 LTC Mtg.

Status Date: Jan-19-2012

Staff report prepared for LTCs consideration at Feb 1/12 LTC meeting. CIM also being held Feb 1/12.

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

Planning Status

Status Date: Apr-17-2012

Applicant request to have LTC hold CIM at May 30 LTC mtg.

Status Date: Mar-13-2012

Staff preparing report for April or May LTC Mtg.

Status Date: Jan-26-2012

LTC copied

Kathy Jones

From: Linda McClung
Sent: March-29-12 9:47 AM
To: Brian Crumblehulme; Gary Richardson; Jeanine Dodds; Kris Nichols; Peter Luckham; Robert Kojima; Sharon Lloyd-deRosario; Kathy Jones
Cc: Cindy Shelest; Nancy Roggers
Subject: Mayne March/12 Expense Report

Please direct all questions relating to the attached detailed expenditure reports to Nancy by email.

Thanks.

645 Mayne	Invoices posted to March 31, 2012	Budget	Spent	Balance
65000	LTC "Trustee Expenses"	1,000.00	-	1,000.00
65200	LTC Local Exp LTC Meeting Expenses	5,800.00	1,812.96	3,987.04
65210	LTC Local Exp APC Meeting Expenses	-	591.03	(591.03)
65220	LTC Local Exp Communications	-	400.00	(400.00)
65230	LTC Local Exp Special Projects	-	778.93	(778.93)
65240	LTC Local Exp Miscellaneous	-	-	-
TOTAL LTC Local Expense		5,800.00	3,582.92	2,217.08
72300	Project OCP update	-	-	-

ISLANDS TRUST BRIEFING

Date: April 16, 2012

TOPIC: BYLAW ENFORCEMENT INVESTIGATIONS REPORT MAYNE ISLAND

DIRECTED TO: Mayne Island Local Trust Committee
Meeting of April 25, 2012

CONFIDENTIAL: No

DESCRIPTION OF ISSUE: A report to summarize bylaw enforcement investigations activity up to April 16, 2012.

BACKGROUND: This briefing is prepared for the Mayne Island Local Trust Committee (MILTC) to highlight the current status of the bylaw enforcement program.

Resources: Bylaw enforcement staff consists of the Bylaw Enforcement Manager, one full time bylaw enforcement officer, one temporary part time bylaw enforcement officer and one part time clerical assistant serving the Islands Trust Area as a whole. Peter Phillips concentrates on the Northern Region, and Geoff Kinnear deals with the Southern Region and Salt Spring Island. Miles Drew is the Bylaw Enforcement Manager. The temporary bylaw enforcement officer position has been made regular and we are currently in the process of filling this position on a permanent basis.

Reporting:

Table of New and Closed Files by Officer

Assigned To	Region	New Files 2012	Closed Files 2012
Miles Drew	Mayne	1	13
Geoff Kinnear	Mayne	2	3
Total New and Closed		3	16

Table of Active Files by Quarter

Assigned To	Region	May 9 2011	Sept 7 2011	Nov 9 2011	Feb 7 2012	April 16, 2012
Miles Drew	Mayne			21	10	10
Geoff Kinnear	Mayne			3	6	5
Peter Phillips	Mayne			0	0	0
Total	Mayne			24	16	15

Table of Active Files by Local Trust Area and Violation Type

Local Trust Area	Density	Dev. Permit	Home Occupation	Land Use	Siting	Soil	STVR	Unenclosed Vehicle	Unlawful Dwelling	Totals
Mayne				4	2		7		2	15

The above table gives a general indication of the type of issues bylaw enforcement officers are attempting to resolve. One half of the files are STVR files. Staff believes that many of these STVRs are no longer active. STVR files are scheduled for review in early May so that STVRs that continue to operate in an overtly commercial manner can be subject to enforcement and prosecution this summer. The STVR review will likely result in the closure of some of the seven currently open files

Projects:

Bylaw Adjudication

The Mayne Island LTC is holding a community information meeting before considering the first three readings of the Bylaw Enforcement Notification Bylaw.

STVR

Enforcement continues on the few remaining overtly commercial STVRs on Mayne.

ATTACHMENT: No

PREPARED BY: Miles Drew

Bylaw Enforcement Coordinator

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Islands Trust

Preserving **island** communities, culture and environment.

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Population (2011):

Approximately 1,071

Size:

2,334 hectares (5,767 acres)

Location:

19.7 kilometres east of the Swartz Bay ferry terminal on Vancouver Island.

[Land Use Planning](#)
[Related Planning Services](#)
[Related Resources](#)
[Trust Area Mapping](#)
[Related Links](#)

Mayne Island Local Trust Committee

Latest News

In this section you will find current news items that are relevant to your Local Trust Area and your community. [Subscribe](#) to the Mayne Island Latest News updates and receive the latest information on official community plan reviews, staff reports, notifications and other documents published in the latest news section.

March 2012

- [Expression of Interest for the Southern Local Trust Areas Board of Variance](#)

July 2011

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

October 2010

- [2007 Community Energy and Emission Inventory Reports \(CEEIs\) now available](#)
- [New Islands Trust GHG Emission Inventories webpage posted](#)

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Planner Office Hours on Mayne Island

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

Mayne Island Local Trust Committee Projects

General

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

Commercial Land Use Review

- [Task Force Terms of Reference](#)
- [Expression of Interest for Task Force Members](#)
- [Mayne Island Commercial Inventory Staff Report - September 19, 2011](#)

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Committee Links

[Committee Home](#)
[Trustee Membership](#)
[Contact Trustees](#)
[Contact Planning Staff](#)
[Planning Bylaws](#)
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[Meetings Schedule](#)
[Meeting Agendas](#)
[Meeting Minutes](#)
[Resolutions-Without-Meeting](#)
[Associated Islands](#)
[Land Use Application Forms](#)

Sensitive Ecosystem Mapping

Maps and Fact Sheets

- Sensitive Ecosystem: [Map](#) | [Project Background](#) | [Methods](#)
- [How to Read a Sensitive Ecosystems Map](#)
- Cliff Ecosystems: [Map](#) | [Fact Sheet](#)
- Freshwater Ecosystems: [Map](#) | [Fact Sheet](#)
- Herbaceous Ecosystems: [Map](#) | [Fact Sheet](#)
- Riparian Ecosystems: [Map](#) | [Fact Sheet](#)
- Woodland Ecosystems: [Map](#) | [Fact Sheet](#)
- Wetland Ecosystems: [Map](#) | [Fact Sheet](#)
- Intertidal Ecosystems: [Map](#) | [Fact Sheet](#)
- [Sensitive Ecosystem Development Permit Areas](#)
- [Development Permit Areas Workshop Presentation](#)

Other Important Ecosystems

- [Mature Forest Ecosystem Fact Sheet](#)
- [Young Forest Ecosystem Fact Sheet](#)

Background Information

- [Sensitive Ecosystem Mapping Webpage](#)
- [Sensitive Ecosystem Mapping Standard](#)
- [Terrestrial Ecosystem Mapping of the Southern Gulf Islands - Final Report](#)

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Riparian Area Regulations

- [Ministry of Forest, Lands & Natural Resource Operations - Resource Stewardship Division - June 3, 2011](#)
- [Swell Environmental Consulting Report \(February 16, 2010\) \(Complete Report 12 MB\)](#)
- For convenience this report has been divided into the following parts:
 - [Part 1](#)
 - [Part 2](#)
 - [Part 3](#)
 - [Part 4](#)
- [D.R.Clough Report - January 2012](#)
- [D.R. Clough Report - July 2010](#)
- [Staff Report - March 20, 2009](#)
- [Staff Report - May 15, 2009](#)
- [Staff Report - September 17, 2009](#)
- [Provincial Riparian Area Regulations](#)
- [Map of Ministry of Environment Designated Watersheds](#)
- [2007 - Stream Survey Report](#)

Mayne Island Temporary Use Permit Application: MA-TUP-2010.2 (Active Pass)

- [Staff Report - March 23, 2011](#)

Mayne Island Housing Options Task Force

Report

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

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