



MAYNE ISLAND LOCAL TRUST COMMITTEE

**BUSINESS MEETING AGENDA
TO COMMENCE AT 1:00 P.M., WEDNESDAY, MAY 30, 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 MA-TUP-2012.2 (Bennett) (attached)	1	
4. PUBLIC HEARING -none		
5. PREVIOUS MEETINGS		1:40 pm
5.1 Local Trust Committee Minutes for Adoption		
5.1.1 Mayne Island Local Trust Committee Business Meeting Minutes of April 25, 2012 (attached)	14	
5.2 Public Hearing Records and Community Information Meeting Notes		
5.2.2 Mayne Island Community Information Meeting Notes of April 25, 2012 (attached)	23	
5.3 Section 26 Resolutions-without-meeting - none		
5.4 Advisory Planning Commission Minutes - none		
6. BUSINESS ARISING FROM THE MINUTES		
6.1 Follow-up Action Report (attached)	26	
7. DELEGATIONS – none		

8.	CORRESPONDENCE (attached) <i>[correspondence received concerning applications and/or projects is considered with the application]</i>	2:00 pm
8.1	M. Cooper, Chair MIIWSS letter dated April 17, 2012 re: Purchase of 2011 SFU Well Testing Report from MIIWSS	27
9.	APPLICATIONS, PERMITS, BYLAWS AND REFERRALS	
9.1	Referral of Proposed North Pender Bylaw No. 191, Land Use Bylaw Amendment No. 2, 2012 (Geothermal) (attached)	28
9.2	Referral of Proposed Salt Spring Bylaw No. 460 (attached)	53
9.3	MA-TUP-2012.2 (Bennett) – for further consideration	
10.	LOCAL TRUST COMMITTEE PROJECTS	2:30 pm
10.1	Mayne Island Commercial Land Use Report (attached)	81
11.	REPORTS	
11.1	Work Program Reports	
11.1.1	Mayne Island Local Trust Committee Work Program - Report dated May, 2012 (attached)	104
11.2	Applications Report	
11.2.1	Mayne Island Applications Report dated May, 2012 (attached)	106
11.3	Expense/Budget Reports – for information	
11.3.1	Trustee and Local Expenses (attached)	108
11.4	Bylaw Enforcement	
11.4.1	Notice Enforcement Bylaw No. 156 (attached) – for further consideration	109
11.4.2	Notice Enforcement Bylaw No. 156 Policy Package (attached) for consideration	127
11.5	Adopted Policies and Standing Resolutions – for information (attached)	135
11.6	Mayne Island LTC Web Page (attached)	139
11.7	Chair's Report	
11.8	Trustee Report	

- 12. OTHER BUSINESS** 3:45 pm
- 12.1 Upcoming Meetings**
- 12.1.1 Next Business Meeting – Wednesday, June 27, 2012 at 1:00 pm., at the Mayne Island Agricultural Hall
- 12.2 Water District Referrals – Update**
- 13. TOWN HALL MEETING**
- 14. ADJOURNMENT** 4:30 pm

May 9, 2012

File No.: MA-TUP-2012.2

To: Mayne Island Local Trust Committee

From: Kris Nichols
Planner 1
Local Planning Services

CC: Gary Richardson, Island Planner

Re: Temporary Industrial Use Permit Application for 513 Fernhill Road

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

THE PROPOSAL:

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

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

These uses are proposed to be located on a portion of the property located at 513 Fernhill Road, Mayne Island. This proposal is meant to serve as a precursor to a future rezoning of the property to allow for these uses on a permanent basis.

The stated purpose of the facility is to provide Mayne Island residents, businesses and contractors a site to discard, store and process solid waste materials (e.g. household garbage and rubbish, building waste, scrap metal and scrap vehicles) prior to being transferred off island. The site will also supply bin rental services for demolition, construction and household waste. The operators are unsure if they will be collecting wood waste separately at this point, but will decide prior to the drafting of a temporary use permit.

The TUP is to be located on a portion of an industrial zoned ((I1(a)) property which currently is used for an excavating company (i.e. storage of equipment, soils, ready mix concrete, gravel, etc.). The site also contains a residence for an employee and an area for raising chickens, donkeys and a mule. The area of the TUP will be approximately 0.4 acres in size (see Figure 3). The Islands Trust bylaw enforcement policy permits the applicant to carry on the business provided that a TUP application is under consideration. The TUP area is currently under construction (i.e. creating cement block bins and organizing the area) while conducting business receiving a variety of waste products as stated in the permit application. A site visit was conducted on May 14, 2012 and photos are included in this report.

SITE CONTEXT:

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

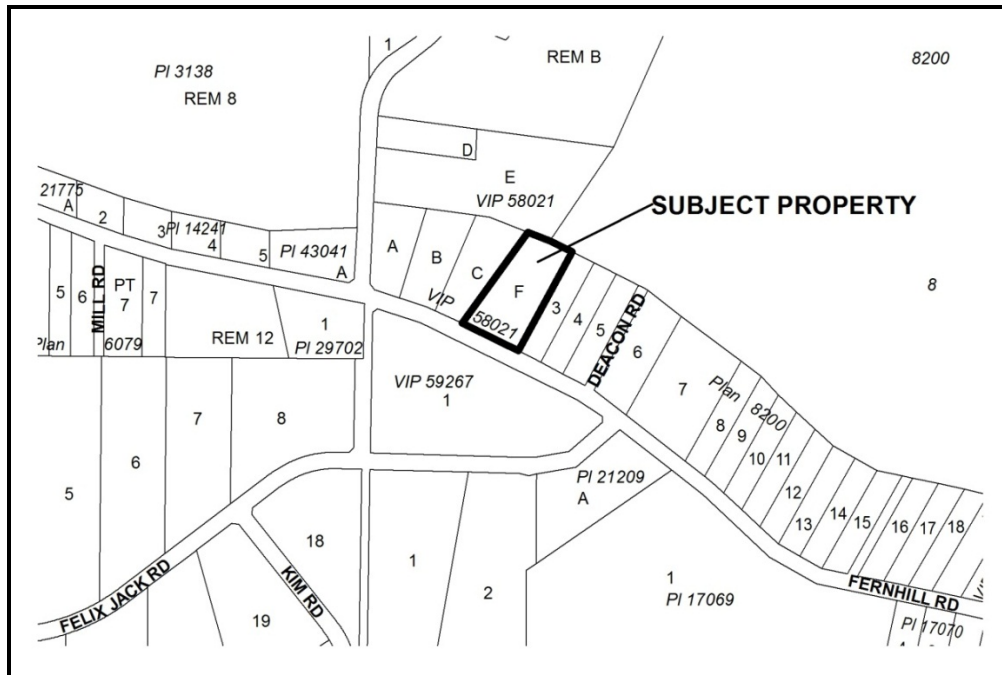


Figure 1 – Location Map



Figure 2 – Aerial Photograph of Site and Surrounding Area



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

The general public will access the lot through a marked entrance and will exit through the same driveway. The public will drop off their household garbage at the entrance to the TUP area into a compaction waste collection truck. The truck is located under a temporary roofed structure (see Figures 4 and 5). The truck will be taken off island to Hartland Landfill a minimum of once a week. The truck is water/liquid tight with any liquid being collected being dispensed of at Hartland Landfill as well. The garbage drop off is currently based on the honor payment system. The applicant states that it can hold about 500 bags of garbage.

Most other materials will be collected in the cement bins (see Figures 7 and 8) and then transferred to a rolloff container for removal off island when full. Some household rubbish that is not sorted will be done off-island by another company.



Figure 4: Household garbage collection site



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

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



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



Figure 7: Waste collection bins

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



Figure 8: Metal collection bin



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

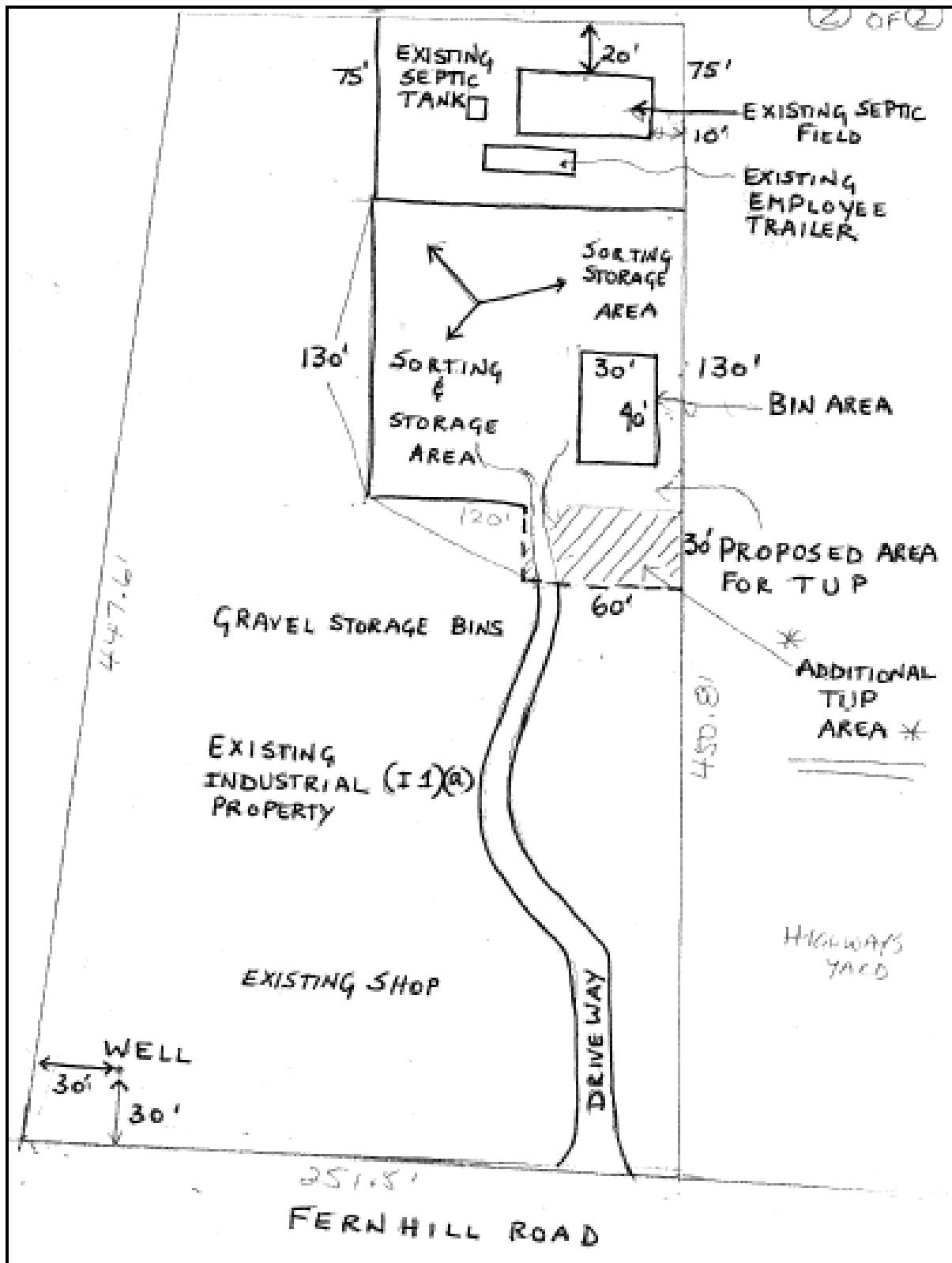


Figure 10: Proposed Site Plan with TUP Area

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

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

Commitments of Trust Council

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

Directive Policy

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

Official Community Plan

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

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

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

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

3.3.2 Disposal of Solid Waste

The objectives of this section are:

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

Advocacy Policies

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

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

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

The objectives for issuing Temporary Commercial and Industrial Use permits include testing the compatibility of a proposed land use, which may have not been anticipated, with existing uses. The policies under Section 2.9 Temporary Commercial and Industrial Use Permit will be evaluated in a subsequent staff report when additional community input has happened and the draft TUP drafted.

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

Land Use Bylaw

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

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

Islands Trust Fund:

There are no Trust Fund Board covenants on the property

Sensitive Ecosystems and Hazard Areas:

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

Archaeological Sites:

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

Covenants:

There are no registered covenants on title.

Bylaw Enforcement:

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

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

Climate Change Mitigation and Adaptation

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

COMMUNITY INFORMATION MEETING(S):

No community information meeting has been held to date. Community information meetings or public hearings are not required under the *Local Government Act* prior to the issuance of Temporary Use Permits.

The applicants are holding their own community information meeting on May 19th, 2012 in order to get feedback from the community on their proposal.

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

Should the application proceed, the permit will be advertised in the local newspaper and the surrounding property owners are notified prior to final consideration by the LTC at a subsequent regularly scheduled meeting.

RESULTS OF CIRCULATION:

A notice was sent to neighbours advertising the community information meeting being held on May 30. At the time of writing this report no submissions were received. Should staff receive any submissions prior to the May 30, 2012 LTC meeting, these will be presented at that time.

REFFERALS:

Given the nature of the application (i.e. transfer facility) and the diversity of issues that could be related to the operation of such a facility, staff will be referring the application to other agencies for comment such as Capital Regional District, Ministry of Transportation and Infrastructure, Vancouver Island Health Authority and possibly others.

STAFF COMMENTS:

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

A Temporary Use Permit (TUP) is a flexible planning tool used to permit and regulate a use on a property that would otherwise not be permitted due to the current zoning. A TUP can be issued for a period of up to 3 years, with a possibility of renewal for up to an additional 3 years. The granting of the permit, the conditions of the permit, the length of the permit, and whether or not it will be granted renewal are all at the discretion of the LTC. Generally, any construction, demolition or land alteration associated with a TUP may not commence until a temporary use permit is obtained for the project. However, the Islands Trust does permit uses, land alterations, etc. to occur if a TUP application is made. However, the applicants are aware that there is a risk in doing so.

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

There is no zone or designation on Mayne Island which would permit outright a waste transfer operation such as is being proposed. Therefore, a temporary use permit is considered to be an appropriate mechanism for testing out the use to determine its compatibility with other uses in this location. Issuing the permit could provide an opportunity to test whether or not the use is suitable in this zone and in this location.

Transfer station type facilities function such that municipal solid waste is dropped off by relatively small vehicles, loaded into larger containers or onto larger vehicles, and hauled to an off-site management facility for further processing or final disposal. Ideally, a transfer station should be sited and operate so as to create no environmental, health hazard, or nuisance.

The Capital Regional District is generally responsible for the management and disposal of solid waste in the region, but the Mayne Island Improvement District was granted in its Letters Patent the authority for the provision of garbage collection and disposal on the Island. Currently, curbside pick-up is operated by an independent contractor. Since 1985, Mayne Island has made an increasing commitment to recycling its waste.

A temporary use permit has not been drafted as staff are awaiting the input from the Community Information Meeting(s), referral agencies and additional information from the applicants. Staff have reviewed other similar TUPs and the Ministry of Environment's “*Guidelines for Establishing Transfer Stations for Municipal Solid Waste*” in order to list some considerations for the TUP.

Some considerations for the TUP conditions are as follows:

- 1) Hours of operation
- 2) Number and location (segregation) of bin, sorting and storage areas
- 3) Types of materials collected
- 4) Frequency of removal
- 5) Signage (types of materials collected, hours, where other materials could be taken (e.g. hazardous wastes, etc.), recyclables, etc.)
- 6) Safety (e.g. public, fire prevention and control, etc)
- 7) Access and egress (i.e. clear of obstructions, ease of use, flow through, etc.)
- 8) Stormwater runoff/environmental protection
- 9) Screening, fencing, setbacks and buffer areas
- 10) Staffing (intermittent basis)
- 11) Provision of concrete (non-porous) surfaces
- 12) Delineation between separate uses on the site (i.e. excavating, TUP, residence (employee))

While this is not an exhaustive list it is important that the conditions are able to be enforced by the Islands Trust. It is anticipated that referrals made to other agencies will result in additional conditions as part of the temporary use permit. The LTC may want to refer this application the Mayne Island APC for comment.

Ultimately, should the conditions of the TUP not be followed they will be enforced as would a zoning infraction through Bylaw Enforcement.

In reviewing the application, staff will be reviewing the use of the entire site to ensure that it meets the requirements (e.g. setbacks, screening, etc.) for the Mayne Island Land Use Bylaw.

Staff recommends that the report be received as information and that based on the community and agency input received that staff be requested to draft a TUP for review by the LTC at a subsequent meeting

OPTIONS:

The Local Trust Committee has a number of options regarding this report:

1. Receive as information and request staff to draft a temporary use permit
2. Decide not to proceed with the application for a TUP
3. Decide to withhold a decision until the applicant has addressed issues raised by staff, the Local Trust Committee, agencies and members of the public.

RECOMMENDATIONS:

It is recommended:

- a. **THAT** staff be directed to draft a temporary use permit and a report for consideration at a subsequent Mayne Island Local Trust Committee meeting.

Prepared and Submitted by:

Kris Nichols

May 15, 2012

Kris Nichols, Planner 1

Date

Concurred in by:

May 16, 2012

Robert Kojima, RPM

Date

MINUTES OF THE MAYNE ISLAND
LOCAL TRUST COMMITTEE MEETING
HELD ON WEDNESDAY APRIL 25, 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
	Miles Drew	Bylaw Enforcement Coordinator
	Sharon Lloyd-deRosario	Recording Secretary

There were approximately twenty-nine (29) members of the public in attendance.

1. **CALL TO ORDER**

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

2. **APPROVAL OF AGENDA**

2.1 Additions/Deletions

Add 8.1 - Mayne Island Commercial Land Use Review Task Force (CLURTF) Reports (2).

2.2 Questions from Public on Agenda Items

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

The agenda as amended was approved by consensus.

3. **COMMUNITY INFORMATION MEETING**

3.1 Mayne Island Bylaw Enforcement Notification Bylaw

3.2 McDougall Farm Gate Rezoning Application MA-RZ-2010.2

Note – see separate Community Information Notes of the same date.

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 March 21, 2012.

Chair Luckham asked the trustees for any comments and the following amendments were made:

- Page 1, item 3.1: third line - add the word “amended” after “been”.
- Page 3, second paragraph: change “Maine” to read “Marine”.
- Page 9 Item 9.2: first paragraph: Delete second sentence and replace with – The current Draft TUP permit (Burke) terms for 2011, state the period from May to October with no advertising.
- Page 12, item 12.3, third sentence - insert the words before “Shaw” - “advocate high speed internet service”
- Page 14, Item 16 - Add the number (24) into the Resolution title.

The Mayne Island Local Trust Committee meeting minutes of March 21, 2012, as amended were Adopted by consensus.

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

Planner Richardson reviewed the on-going items; he advised that item 11 was now done and asked if Trustee Crumblehulme would like to elaborate.

Trustee Crumblehulme reported that he met with Barry Wilks who had contacted Paul Robertson, a partner at an IT company in Calgary, who will contact Shaw. Trustee Crumblehulme added Shaw could support a package for TV/internet/telephone for \$50.00 - \$55.00 instead of \$45.00 for just internet; he asked for expression of interest from the public to proceed further. There was a brief discussion with the public.

7. **DELEGATIONS**

None

8. **CORRESPONDENCE**

8.1 Mayne Island Commercial Land Use Task Force Reports (2)

The two reports were received.

9. **APPLICATIONS, PERMITS, BYLAWS AND REFERRALS**

9.1 MA-TUP-2011.1 (Burke)

Chair Luckham acknowledged that the applicant, Rose White, was present and asked Planner Richardson to present his report.

Planner Richardson referring to his staff report of March 7, 2012, stated the proposal for a TUP is to permit the existing residence to be rented to the public on a short term basis as a vacation rental. He reviewed the background; site context; current planning status of the subject lands. He spoke to the process to date and the Staff recommendation to the LTC.

Chair Luckham asked the applicant if she had anything to add.

Rose White, Applicant stated that everything is now done.

Chair Luckham asked if the applicant agreed to the terms of the proposed permit of six (6) months with no advertising.

Rose White responded that she would like the right to do some advertising.

Trustee Crumblehulme commented that after thrashing over the last month for the proposal as written, he is not happy about making any changes.

Trustee Dodds added that after hearing the neighbor's concerns, she stands on the decision of no advertising.

Rose White read aloud her written concerns about the process; her request to have the application fee returned should the permit not be approved and she requested two months of advertising.

Chair Luckham addressed the issue of the fees and the refunding process, adding that it was discussed in October that there was no guarantee that a permit would be approved. He stated that issuing TUPs are on an individual basis; he explained the differences of commercial versus residential uses, adding that there are concerns with the community and the issue of Short Term Vacation Rentals (STVRs).

Trustee Crumblehulme said that this decision is very difficult as the community is split on this issue; the applicant is motivated by fear and he believes it is set up to fail; the owner doesn't live on the property therefore there is no policing and he sees a housing rental as a better option at this time.

Trustee Dodds stated that she has heard concerns from four of the applicant's neighbours who are opposed to this permit, adding that the TUP is with the property and not the owner. She stated she cannot support this permit.

Chair Luckham suggested the applicant revisit the long term rental and solicit friends to help find a renter. He spoke to his decision adding it was difficult to make.

Resolution MA-LTC-09-12

It was Moved and Seconded that Galiano Island Local Trust Committee Proposed Temporary Use Permit, MA-TUP-2010.1 (Burke) not be issued.

CARRIED

Planner Richardson informed the applicant of the refund process and that no refund can be given when the application goes through the entire process, whether or not the permit is approved.

9.2 Referral for Proposed North Pender Bylaw No. 190, Land Use Bylaw Amendment No. 1, 2012

Planner Richardson summarized Bylaw 190 and answered some questions from the LTC.

Resolution MA-LTC-10-12

It was Moved and Seconded that Mayne Island Local Trust Committee interests regarding North Pender Island Local Trust Committee Bylaw No. 109, are unaffected.

CARRIED

9.3 McDougall Application MA-RZ-2010.2

Note - Trustee Dodds excused herself from the meeting due to a perceived conflict of interest at 2:28 pm.

Planner Richardson stated that this topic was discussed in item 3.2 earlier and that he had nothing more to add at this point.

Trustee Crumblehulme stated he no further comments and would like to proceed.

Chair Luckham asked the Planner what was required to proceed.

Planner Richardson stated first reading and direction to schedule a public hearing and advised that it would be sent out as a referral to agencies that could have an interest.

Resolution MA-LTC-11-12.

It was Moved and Seconded that Mayne Island Local Trust Committee Bylaw No. 157 cited as “Mayne Island Land Use Bylaw 146, 2008, Amendment No. 1, 2012” be given First Reading.

CARRIED

Resolution MA-LTC-12-12.

It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to send Bylaw No. 157 cited as “Mayne Island Land Use Bylaw 146, 2008, Amendment No. 1, 2012”, out on referral and proceed to Public Hearing.

CARRIED

Note - Trustee Dodds rejoined the meeting at 2:34 pm.

Chair Luckham updated Trustee Dodds on the outcome of Bylaw 157.

10. **LOCAL TRUST COMMITTEE PROJECTS**

None

11. **REPORTS**

11.1 **Work Program Reports**

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

Page No. 18
Planner Richardson reviewed the Work Program report.

11.2 Applications Report

11.2.1 Mayne Island Applications report dated April 2012

Planner Richardson advised that the Burke TUP would now come off the list and the rest of the applications remain active. He added that MA-TUP-2012.2 (Bennett) will be a topic of a Community Information Meeting at the May LTC meeting.

11.3 Expense/Budget Reports

11.3.1 Trustee and Local Expenses

Received for information.

11.4 Bylaw Enforcement

11.4.1 Bylaw Enforcement Investigations Report

This report is to summarize the bylaw enforcement investigations activity up to April 16, 2012.

Resolution MA-LTC-13-12.

It was Moved and Seconded that Mayne Island Local Trust Committee add to their Work Program under Housing Options - Examination of short term rentals of secondary dwellings.

CARRIED

11.4.2 Bylaw Enforcement Notification Bylaw

BEC Miles Drew stated this was addressed in item 3.1 and is now ready for the LTC's consideration to give the bylaw First, Second and Third Readings. He explained the purpose of the bylaw.

After discussion on whether or not to send the bylaw to the Advisory Planning Commission prior to giving the readings, or if the bylaw is even something that is needed at this time, the LTC agreed on the following decisions.

Resolution MA-LTC-14-12.

It was Moved and Seconded that Mayne Island Local Trust Committee Bylaw No. 156, 2011, cited as "Mayne Island Local Trust Area Bylaw Enforcement Notification Bylaw, No. 156, 2011" be given First Reading.

Resolution MA-LTC-15-12.

It was Moved and Seconded that Mayne Island Local Trust Committee Bylaw No. 156, 2011, cited as “Mayne Island Local Trust Area Bylaw Enforcement Notification Bylaw, No. 156, 2011” be given Second Reading.

CARRIED

Resolution MA-LTC-16-12.

It was Moved and Seconded that Mayne Island Local Trust Committee Bylaw No. 156, 2011, cited as “Mayne Island Local Trust Area Bylaw Enforcement Notification Bylaw, No. 156, 2011” be given Third Reading.

CARRIED

Resolution MA-LTC-17-12.

It was Moved and Seconded that Mayne Island Local Trust Committee Bylaw No. 156, 2011, cited as “Mayne Island Local Trust Area Bylaw Enforcement Notification Bylaw, No. 156, 2011” be forwarded to the Islands Trust Executive Committee for Approval.

CARRIED

11.5 Adopted Policies and Standing Resolutions

Received for information.

Chair Luckham commented that a further resolution regarding STVRs could be added.

11.6 Mayne Island LTC Web Page

Chair Luckham asked the trustees if they had any suggestions regarding the web page; the following changes were made:

- Add First Reading to McDougal Bylaw 146.
- Add Bylaw Enforcement Report
- Remove Active Pass

11.7 Chair's Report

Chair Luckham reported that business at the Trust Council Meeting included coastal communities to share best practices and techniques on land planning; Islands Trust is taking the lead on oil spills and derelict vessels; First Nations Task Force is looking at how Islands Trust might better engage with First Nations.

Chair Luckham also reported that North Pender Island Trustee, Gary Steeves was elected to a seat on the Association of Vancouver Island Coastal Communities executive for a one year term.

11.8 Trustee **Report**

Trustee Dodds reported that the beach cleanup went very well, sponsored by the Conservancy and students from Miners Bay were out there helping; she added that forty (40) people participated in the cycle ride.

As a point of interest, Chair Luckham added that North Pender has a cycle map showing hazardous areas.

Trustee Crumblehulme reported he held an Open House and fifteen (15) people attended adding there was networking between officials and representatives. He reported that David Howe, CRD Electoral Area Director announced the budget had been approved. He commented that the LTC meetings are very long and was wondering if there could be a short break and maybe some refreshments.

It was decided that the community would work together to supply refreshments for future LTC meetings.

12. **OTHER BUSINESS**

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

Chair Luckham suggested looking at last year's reports on the website as an example when drafting an Annual Report. He asked that comments for inclusion into the report be emailed to Planner Richardson.

13. **TOWN HALL MEETING**

Chair Luckham invited comments from the public.

Ian Dow, asked as a Ratepayer Association member, they frequently get asked what the process was for opening a community driven review of the Official Community Plan (OCP). He added that the biggest concern was regarding Temporary Use Permits (TUPs).

Planner Richardson responded that you would bring comments to the LTC or the LTC could create a task force to collect information.

Chair Luckham added that information brought forward from an ad hoc taskforce could be forwarded to the APC for comment to be brought to the LTC to review.

Trustee Dodds commented that OCP changes are ongoing and a lot of issues may be getting addressed already.

Ian Dow stated that garbage has been a huge issue to bring forward; utilizing TUPs to deal with this seems to be the process.

Chair Luckham relayed that using a TUP to manage garbage on North Pender Island has proved a business model can work. He encourages the public to continue bringing topics to the LTC.

Barry Wilks has concerns with the difficulty the island is having getting Ministry of Transportation and Infrastructure (MoTI) to stand true to their promise of having extra blacktop resurfacing work done on the roads which was supposed to be done after Galiano Island was finished with their work. This was promised to the Mayne community over and above the annual program.

Chair Luckham asked if there was a liaison i.e. Rate Payers Association, with MoTI.

Trustee Crumblehulme commented that the LTC could advocate some letter writing.

Resolution MA-LTC-18-12.

It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to invite a representative from Ministry of Transportation and Infrastructure to update the Local Trust Committee on road maintenance.

CARRIED

14. **ADJOURNMENT**

Chair Luckham declared the meeting adjourned at 3:44 pm.

RECORDER

CHAIR

DRAFT

NOTES OF THE MAYNE ISLAND LOCAL TRUST COMMITTEE
COMMUNITY INFORMATION MEETING
REGARDING MAYNE BYLAW ENFORCEMENT NOTIFICATION BYLAW
AND MCDOUGALL FARM GATE REZONING (MA-RZ-2010.2)
HELD ON WEDNESDAY, APRIL 25, 2012, AT 1:00 PM
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
	Miles Drew	Bylaw Enforcement Coordinator
	Sharon Lloyd-deRosario	Recording Secretary

There were approximately twenty-nine (29) members of the public in attendance.

The Chair called the information meeting to order at 1:13 pm; welcomed the participants and he stated the purpose of the meeting.

3.1 Mayne Island Bylaw Enforcement Notification Bylaw

Miles Drew, Bylaw Enforcement Coordinator (BEC) referring to his staff report "Adoption of Bylaw Enforcement Notification Bylaw", dated September 8, 2011, stated the purpose(s) of the bylaw basically being a ticketing system, primarily to establish schedules listing penalties for various offences of the Land Use Bylaw; discounts for completion of compliance agreements negotiated with a screening officer and early payment discounts. He added the schedules were designed to penalize those who violate the bylaws and also allows for a reduction in the penalty if the violation is corrected through a Compliance Agreement; it also creates methods for payment, dispute and service of the bylaw violation notices. BEC Drew spoke about the methodology for setting fine(s) and fine discount amounts; establishment of a Registry and Screening Officer; the next steps to proceed and his recommendation(s) to give the bylaw readings and then forward on to the Islands Trust Executive for approval.

Chair Luckham thanked BEC Drew for the informative presentation and asked the public if they had any questions for Mr. Drew.

Ian Dow asked if there was potential to have an officer on each of the islands. He also asked if a person breaks the rules and is caught and then they apply for a Temporary Use Permit (TUP) – should action then cease.

BEC Drew responded that there isn't enough work to warrant a Bylaw Enforcement Officer on Mayne Island.

In response to Mr. Dow's second question, Mr. Drew stated that offences are policy decisions and compliance oriented; if tools such as TUP or Development Permits (DP) are applied for, that is considered to be a resolution to the offence. He added that judges are reluctant to interfere in public process so Islands Trust wouldn't take matters to court unless they were of a gross offensive nature.

Malcolm Hingle was curious on the process of enforcement or negotiation and how the decision is made for what type of action to take.

BEC Drew stated that Bylaw Enforcement officers try to convince (like in sales) the violator to comply first, rather than go to the expense of ticketing.

Malcolm Hingle asked how do you figure out if there is a valid complaint.

BEC Drew said that through discussion we try to come to a resolution with the complainant first.

Malcolm Hingle asked at what point you enforce.

BEC Drew stated that the Local Trust Committee (LTC) would decide to carry out enforcement or not.

Chair Luckham added that the bylaw states the contraventions and penalties, and compliance would be in keeping with the bylaw.

BEC Drew added that they would negotiate time to comply.

Don McDougall asked if the LTC were made aware of all offences.

BEC responded that the LTC are not made aware, unless it goes to further process.

BEC Drew took some time to explain the relationship between the LTC and the Bylaw Enforcement Notification Bylaw and then invited the public to read the brochure he handed out earlier.

Chair Luckham asked for further questions, hearing none he moved on to the next item.

3.2 McDougall Farm Gate Rezoning Application MA-RZ-2010.2

Note - Trustee Dodds excused herself from the meeting due to a perceived conflict of interest at 1:31 pm.

Planner Richardson referred to his staff report of January 19, 2012, regarding Don and Shanti McDougall's rezoning application (MA-RZ-2010.2) to change the current zoning C3(a) Service Commercial, to C1 Settlement Commercial, to permit a grocery store focused on local foods.

He gave some background on the history of the property; the site context; the current status of the subject property with regard to the zoning and relative bylaws. Planner Richardson spoke to the process taken for a rezoning application; issues to consider; staff comments regarding specific impacts and various themes brought forward from public submissions. He talked about site specific zoning and Section 219 covenants as planning tools and lastly, staff's recommendations to the LTC referring to a Draft Bylaw as part of the report, which adds site specific zoning.

Chair Luckham thanked Planner Richardson for his work and invited questions from the public.

Barry Wilks asked what activities could take place on the property under a C1(c) zoning.

Planner Richardson stated the zone allows for a retail outlet.

Barry Wilks asked if there could be a liquor store.

Planner Richardson replied that a liquor store is permitted with approval of a liquor license.

Chair Luckham asked if there were more questions or comments; there were none. He then invited Trustee Dodds to rejoin the meeting.

Note – Trustee Dodds rejoined the meeting at 1:42 pm.

Chair Luckham declared the Community Information Meeting adjourned at 1:43 pm.

RECORDER

DATE



Islands Trust

Follow Up Action Report w / Target Date

Mayne Island Mar-21-2012

No.	Activity	Responsibility	Target Date	Status
1	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

Apr-25-2012

No.	Activity	Responsibility	Target Date	Status
2	LTC minutes of March 21, 2012 adopted as amended.	Sharon Lloyd-deRosario		Done
3	MA-TUP-2011.1 (Burke) - proceed no further, file to be closed.	Sharon Lloyd-deRosario		Done
4	North Pender Bylaw No 190 - advise NPLTC that the MILTCs interests are un affected by the bylaw.	Gary Richardson		Done
5	MA-RZ-2010.2 (McDougall) update showing 1st reading, refer bylaw to agencies and schedule public hearing.	Kathy Jones Gary Richardson		Done
6	Bylaw Enforcement Notification Bylaw update showing readings and forward to executive committee for approval.	Miles Drew		Done
7	Staff to write to MoTI inviting a representative from MoTI to update the LTC on road maintenance	Gary Richardson	May-25-2012	On Going

MAYNE ISLAND INTEGRATED WATER SYSTEMS SOCIETY
567 Club Cres, Mayne Island, BC, V0N 2J2

Tuesday, April 17, 2012

Mayne Island Local Trust Committee,

Dear Trustees,

Re: Purchase of 2011 SFU Well Testing report from MIIWSS

In August of 2011, MIIWSS, in conjunction with SFU, tested 30 wells for metals and minerals across Mayne Island at no cost to the owners. Our goal was to detect any salinity intrusion problems, and to discover more about which areas metals or minerals were a systemic problem.

Dr Diana Allen, Dr D. Kirste and two students spent a week on Mayne gathering samples, which were then tested at the University lab.

We have recently received the final report from SFU for Phase 1 of our project, a 26 page document that gives the basics upon which we can build. It is our intention to retest these wells in September of 2012, noting changes, and add new wells within any area with negative indicators

The cost to MIIWSS for the work done by the SFU staff for testing, accommodations, their final report, etc, was \$2014.00. In order to get optimum value for money spent, we feel this report should be in the hands of the Islands Trust, enabling the Trust to build upon this information as we proceed with further testing and reports. To that end, we ask the Trustees to consider purchasing this report from MIIWSS in the amount of \$2000.00.

We feel this is a reasonably priced base upon which we can build for our island, and all reports will be useful to the Trust for future planning and/or zoning changes. An in depth hydrological study of Mayne Island is an expensive project and we feel we can gather sufficient information required for density/rezoning decisions from the method we have chosen. Earlier and current studies will enable us to note changes in our water supply quality fairly economically.

As we continue the testing, we may both re-assess the value when the next report is completed, and see where we wish to go from there.

We thank you for your support in the past, and while we realize this request is asking more than previous report purchases, this is an ambitious step in a different direction in Mayne Island water assessment for MIIWSS. We sense we have made a good deal of progress in public water awareness on Mayne over the past 8 years and a new direction will add to information to give cause to the previous projects.

We plan to present two public seminars in 2012 on rainwater collection and septic installations, and will continue with our articles and operator certification maintenance/public workshops, one of which has just successfully been completed, (known as our annual B&B workshop (Beer and Bull)).

Water is a complex issue. The more that we learn, the more that we can draw the consumer into a campaign towards awareness and conservation, the longer we will have a sufficient quantity of quality water for our island.

Regards, Mary Cooper,
 Chair, MIIWSS



Islands Trust

BYLAW REFERRAL FORM

9.1

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.:** 191 **Date:** May 1, 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:

Lockhart Industries c/o Doug Lockhart (applicant) 6640 Razor Point Road

PURPOSE OF BYLAW:

The purpose of proposed bylaw 191 is to amend the North Pender Island Land Use Bylaw to permit the placement of an ocean-based, closed loop, geothermal heat exchange system in the Water 1 zone. The objective is to provide domestic heating and cooling accessory to the upland residential property. The proposed bylaw would be a site-specific amendment for this location only, rather than a general amendment to the Water 1 zone.

Related reports are available on-line at: <http://www.islandstrust.bc.ca/lc/np/default.cfm> under the "Proposed Ocean-Based Geothermal System Application".

GENERAL LOCATION:

Port Browning on the east side of North Pender Island

LEGAL DESCRIPTION:

Lot B, Section 11, Pender Island, Cowichan District, Plan 32264 Except parts in Plan VIP68515, PID: 000-078-841

SIZE OF PROPERTY AFFECTED:

Approximately 0.41ha of the Water 1 zone

ALR STATUS:

n/a marine waters

OFFICIAL COMMUNITY PLAN DESIGNATION:

Marine, with the upland lot being Agriculture and in the ALR

OTHER INFORMATION:

Two staff reports dated March 14 and April 17. Related professional reports and copies of the staff reports are also on the web under the 'Proposed Ocean-Based Geothermal System' 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

Regional Agencies

Capital Regional District – Building Inspection

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

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

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)

191

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 191

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(b)	The land covered with water fronting Lot B, Section 11, Pender Island, Cowichan District, Plan 32264, Except part in Plan VIP68515.	(1) In addition to the uses permitted in 8.19.1 the following is permitted: (a) Placement of a closed-loop, ocean-based geothermal heat exchange system for the purpose of domestic heating and cooling accessory to the upland residential property

2. Schedule "D" (Zoning Map for North Pender Island) is amended in accordance with the map attached to and forming part of this bylaw as Plan No. 1.

B. This Bylaw may be cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2012".

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

READ A FIRST TIME this 26th day of April , 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__

Chair

Secretary

March 14, 2012

File No.: NP-RZ-2011.12
(Lockhart)

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

From: Andrea Pickard
Island Planner
Local Planning Services

Re: Bylaw Amendment Application

Owner: Sandra MacPherson and Noel Hall
Applicant: Lockhart Industries c/o Doug Lockhart
Location: 6640 Razor Point Road
Lot B, Section 11, Pender Island, Cowichan District, Plan 32264 Except
Part in Plan VIP68515

Preliminary Report

THE PROPOSAL:

The application is for a bylaw amendment to rezone a portion of the Water 1(W1) zone abutting the subject property to permit an ocean based geothermal system to be sited in the marine waters to provide domestic heating and cooling for the upland residential property. The application was initiated following Bylaw Enforcement since the system was installed during house construction. Installation of the system components within the foreshore, intertidal and ocean is completed, while some components at the residential end are still waiting to be finalized until house construction is completed. The ocean based portion of the geothermal system is located in the vicinity of an existing dock.

The adjacent marine waters are also designated as a sensitive intertidal development permit area, however the installation is not within the DPA so a development permit is not required.

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.

The industry association is GeoExchange BC. The preferred terminology for this type of system is geoechange system, with geothermal being preferred for higher temperature systems. The term geoechange will be used for this application.

This particular installation is a closed loop system using only freshwater as the heat transfer fluid. The system uses six, titanium heat transfer plates that are located in approximately 30

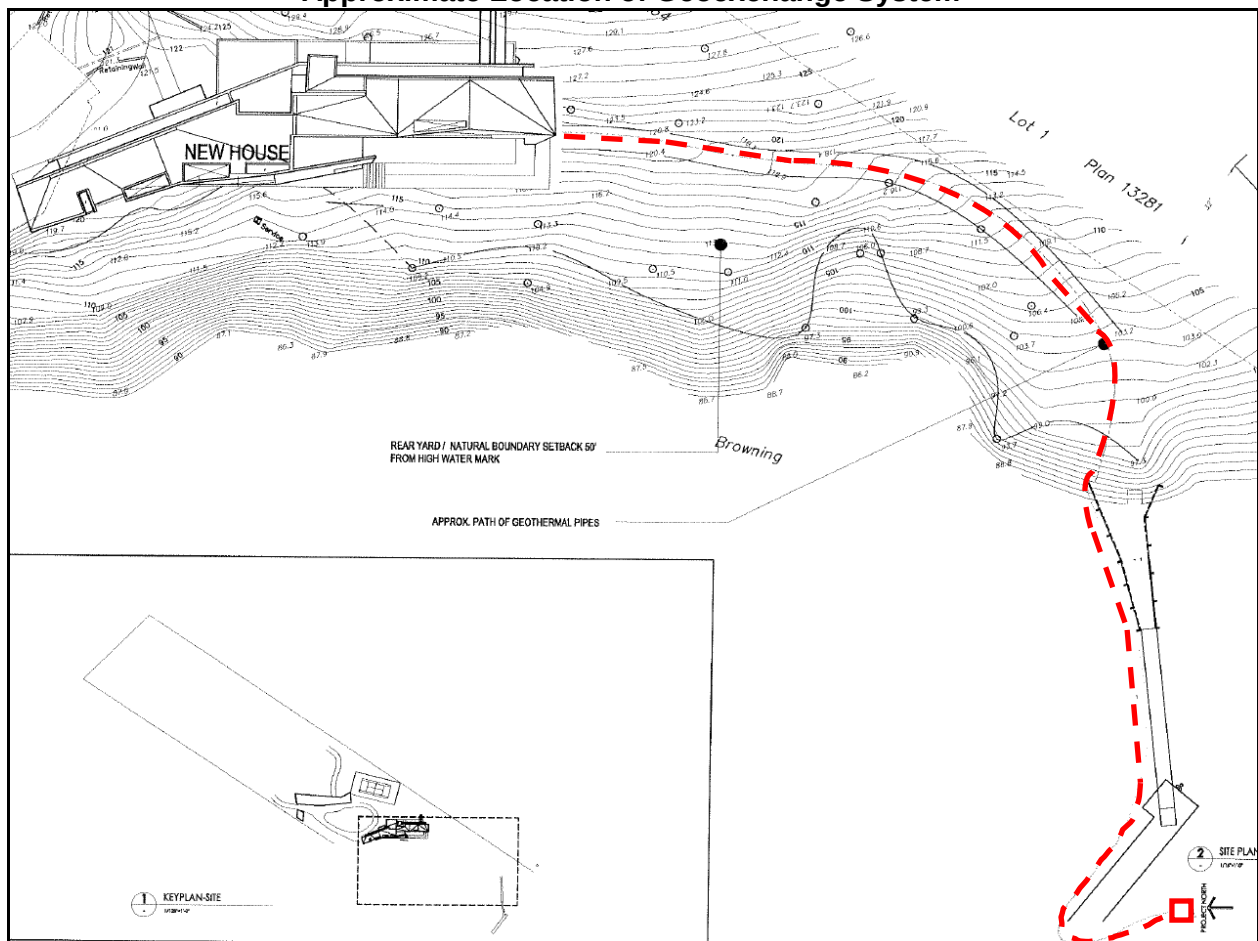
feet of water at low tide. The plates measure 1.2 m wide, 2.6 m long and 1.5 cm thick, and are supported horizontally slightly above the seabed.

The installation includes six, 2" high-density polyethylene pipes that connect to the heat transfer plates; these are weighted down to hold them in place using heavy chains. The intertidal portion is sealed with concrete for approximately 10 metres in length.

The upland portion of the lines are buried below ground and located under a wooden walkway that runs from the house to the dock. There are no visible above ground structures as all related equipment is located within a mechanical room in the house or otherwise buried.

The owners have scheduled maintenance on a quarterly basis with the installer. The control system includes a monitoring system that includes a pressure test to detect leaks. If there was a significant leak detected by the system it would shut down the system and an alarm would be relayed from the control system to the owners, the installer and the controls contractor.

Figure 1: Site Plan of Subject Property Shoreline with Approximate Location of Georexchange System



SITE CONTEXT:

The subject property is a residential waterfront lot on Razor Point Road fronting onto Pollard Cove. The property is 2.7 ha (6.68 ac) in size. Properties in the area are quite varied in size with some as small as 0.6 ha (1.5 ac) to over 5.7 ha (14 ac).

Based on GIS data the property rises moderately to 12m above sea level adjacent to the shoreline, then is gently sloping through the remainder of the property to a maximum of 38 m asl.

Figure 2: Subject Property Map

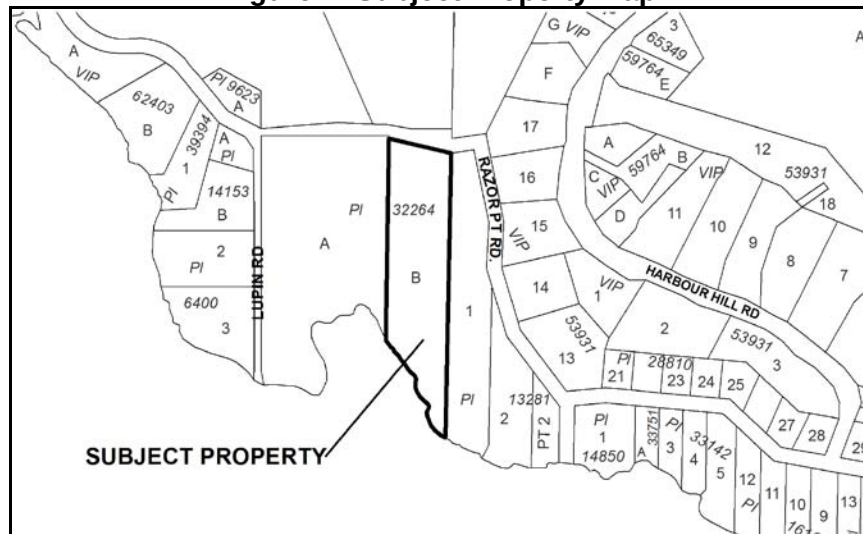


Figure 3: Orthophotos



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

Official Community Plan:

The subject property is designated Agriculture 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
- 4.7.8 – The Local Trust Committee should consider potential climate change impacts and GHG emissions in reviewing any application.
- 4.7.10 – The Local Trust Committee may consider amending zoning regulations to permit or facilitate small-scale renewable energy production, such as solar collectors, wind turbines and geothermal heating.

Land Use Bylaw:

The upland portion of the property is zoned Agriculture (AG) 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:

North – Agriculture and Rural

East – Agriculture and Rural Residential

West – Agriculture, Rural Residential and Rural

Surrounding marine waters are zoned W1. Further west in Port Browning there is a portion of water zoned Water 4 (W4) for the public dock and Water 2 (W2) for the Port Browning Marina.

Islands Trust Fund:

There are no Trust Fund Board properties or covenants in the vicinity of the subject property.

Sensitive Ecosystems and Hazard Areas:

The adjacent marine waters are designated as a sensitive intertidal development permit area (DPA). There are no upland DPA's on the subject property.

The shoreline is identified as having areas of low, moderate and high steep slope hazards; the area of installation is a combination of low and moderate slope hazard.

Figure 4: Development Permit Areas

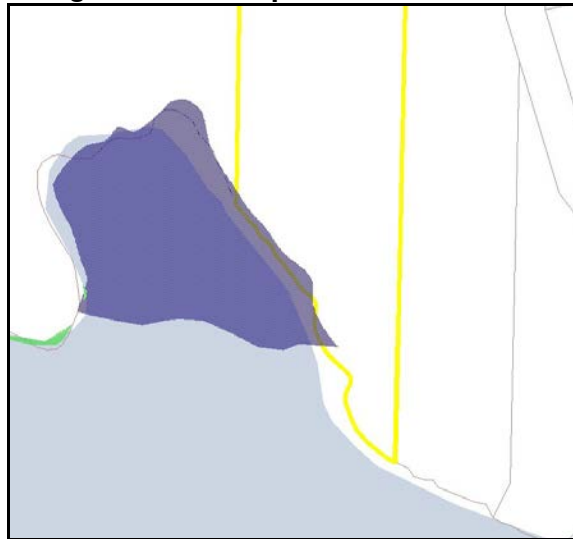
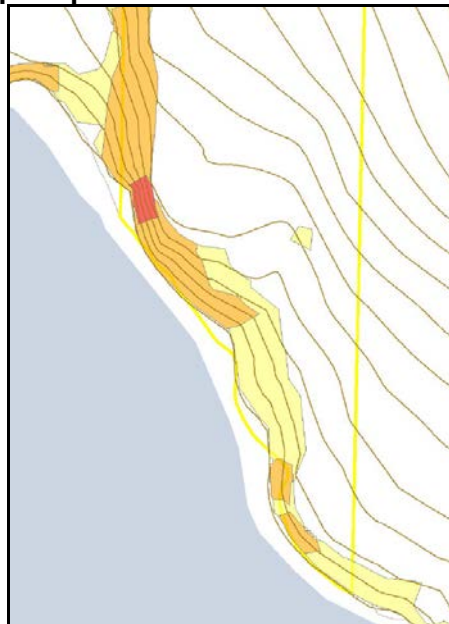


Figure 5: Steep Slope Hazard Areas and 2m Contour Intervals



Archaeological Sites:

There is a registered archaeological site in the area and owners had obtained the necessary archaeology reports and permits from the Archaeology Branch. The archaeological work consisted to two main components; upland there is a service trench measuring approximately 15 metre long and 0.5 wide that runs through a shell midden, and the geoexchange lines located in the intertidal zone. The service trench was excavated by the archaeologist and two First Nations monitors from the Pauquachin and Tsawout First Nations between April 19th and 30th, 2010. A monitor was also on-site during installation of the geoexchange lines on July 11 and 13, 2011.

Covenants:

There are no registered covenants on the subject property.

Climate Change Adaptation and Mitigation:

Consideration of alternative, renewable energy sources to fossil fuels is a recognized mitigation strategy. The applicants have provided a calculation of the estimated emissions reduction with the geoexchange system for this home.

The annual GHG emissions for this particular home, using an ocean loop geoexchange system are estimated to be 2.2 tons CO²e.

The same home using electric baseboards would be 9.8 tons, a high efficiency propane boiler would be 54 tons, or a ground based geoexchange loop would be 3.3 tons.

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 Inspection 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.

Other:

The applicants included various professional reports with the application that are summarized in the table below. If the application proceeds copies of the reports will be submitted with the next report.

Table 1: Summary of Professional Reports

Date	Professional	Key Comments
Dec 2011	Coast Interior Archaeology	Archaeological Impact Assessment completed and site alteration permit obtained, site includes shell midden and scattered lithic findings. Service trench on the upland for geoexchange lines dug by archaeologist and two First Nations monitors, installation of the intertidal line also overseen by monitor.
Oct 2010	Madrone Environmental	Bio-Assessment – no sensitive habitat identified and no adverse impacts to fish or fish habitat anticipated. Concrete work to be during very low tide and use skinning agent
Aug 2011	Madrone Environmental	On-site during intertidal work, complied with DFO timing windows. Concrete in intertidal/subtidal area had a skinning agent which prevented mixing with seawater. No noted impacts to marine biota, anticipated concrete will become quickly colonized
Apr 2011	Fisheries and Oceans Canada Letter	Recommended mitigation steps and concluded if the steps are taken then no likely impact to fish or fish habitat (concrete work when site is not wetted; minimize jetting; minimize foreshore excavation; maintain spill kit on site and machinery in good order; minimize release of sediment)
Nov 2011	Weir Design and Engineering	Calculation of GHG emissions. For the ocean geoexchange system – 2.2 tones CO ² e annually. Vertical ground geoexchange system – 3.3 tons This house with electric baseboards – 9.8 tons This house with high efficiency propane boiler – 54 tons Typical home(3000ft ²) on Pender with electric baseboard – 5 tons

STAFF COMMENTS:

Although a new boardwalk to access the foreshore has been constructed in the upland area, there remain numerous mature trees with many new plantings throughout. The walkway appears to have been constructed in a manner to minimize impacts and the geoexchange lines connecting the house to the ocean loop are located below the walkway.

The upland section of the dock/ramp does not comply with the Land Use Bylaw since it would exceed the 1.2 metre width that is exempt under subsection 3.7.2. This has been brought to the owners' attention and a separate variance application will be required.

The owners are also aware that an application to the Ministry of Forests, Lands and Natural Resource Operations for a Crown land license of occupation is required. The Ministry requires a separate license for geoexchange systems from a new or existing dock license, although the area of license may overlap. An accurate survey of the location of the lines will be required, a copy of which to be provided to the Islands Trust.

Except for the accurate location of the geoexchange system, staff has not identified any additional professional reports to be required from the applicant. The proposal is consistent with policies in the Policy Statement and OCP; therefore an amendment to the OCP is not required. Although this was installed in advance of a rezoning application, the owner's had undertaken efforts to ensure the installation had minimal impacts and did not adversely impact the marine and foreshore environments.

Options:

The LTC has identified a shoreline review on the top priority work program. That review could include amending the Land Use Bylaw generally to allow ocean based geoexchange systems, or alternatively may consider a broader Shoreline Development Permit Area that could include guidelines and criteria for geoexchange installations. If that shoreline work is to proceed in the next few months and specifically include geoexchange systems, then work on this application could be deferred. However, in order for the owners to have certainty with regard to approval of their system in a timely manner, then the LTC would be advised to direct staff to proceed with this application, particularly if it is anticipated that the shoreline review will be more extensive and take a number of months to conclude.

RECOMMENDATIONS:

THAT the North Pender Island Local Trust Committee directs staff to proceed with application NP-RZ-2011.2 (Lockhart) and to prepare a draft bylaw.

Prepared and Submitted by:



Andrea Pickard

March 12, 2012

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

March 14, 2012

Date

April 17, 2012

File No.: NP-RZ-2011.12
(Lockhart)

To: North Pender Island Local Trust Committee
For the meeting of April 26, 2012

From: Andrea Pickard
Island Planner
Local Planning Services

Re: Bylaw Amendment Application

Owner: Sandra MacPherson and Noel Hall
Applicant: Lockhart Industries c/o Doug Lockhart
Location: 6640 Razor Point Road
Lot B, Section 11, Pender Island, Cowichan District, Plan 32264 Except
Part in Plan VIP68515

THE PROPOSAL:

The application is for a bylaw amendment to rezone a portion of the Water 1(W1) zone abutting the subject property to permit an ocean-based geothermal system to be sited in the marine waters to provide domestic heating and cooling for the upland residential property. The application was initiated following Bylaw Enforcement since the system was installed during house construction. Installation of the system components within the foreshore, intertidal and ocean is completed, while some components at the residential end are still waiting to be finalized until house construction is completed. The ocean based portion of the geothermal system is located in the vicinity of an existing dock.

The adjacent marine waters are also designated as a sensitive intertidal development permit area, however the installation is not within the DPA so a development permit is not required.

The LTC received a preliminary staff report at the March meeting and directed staff to proceed with the application and prepare a draft bylaw. The purpose of this report is to review the draft bylaw, consider any revisions, and seek direction for the next steps for community consultation. There have been professional reports submitted for this application which are available on the North Pender page of the Islands Trust website under "proposed ocean-based geothermal system application", including an underwater video survey of the marine environment.

The industry association is GeoExchange BC. The preferred terminology for this type of system is geoexchange system, with geothermal being preferred for higher temperature systems. The term geoexchange will be used for this application.

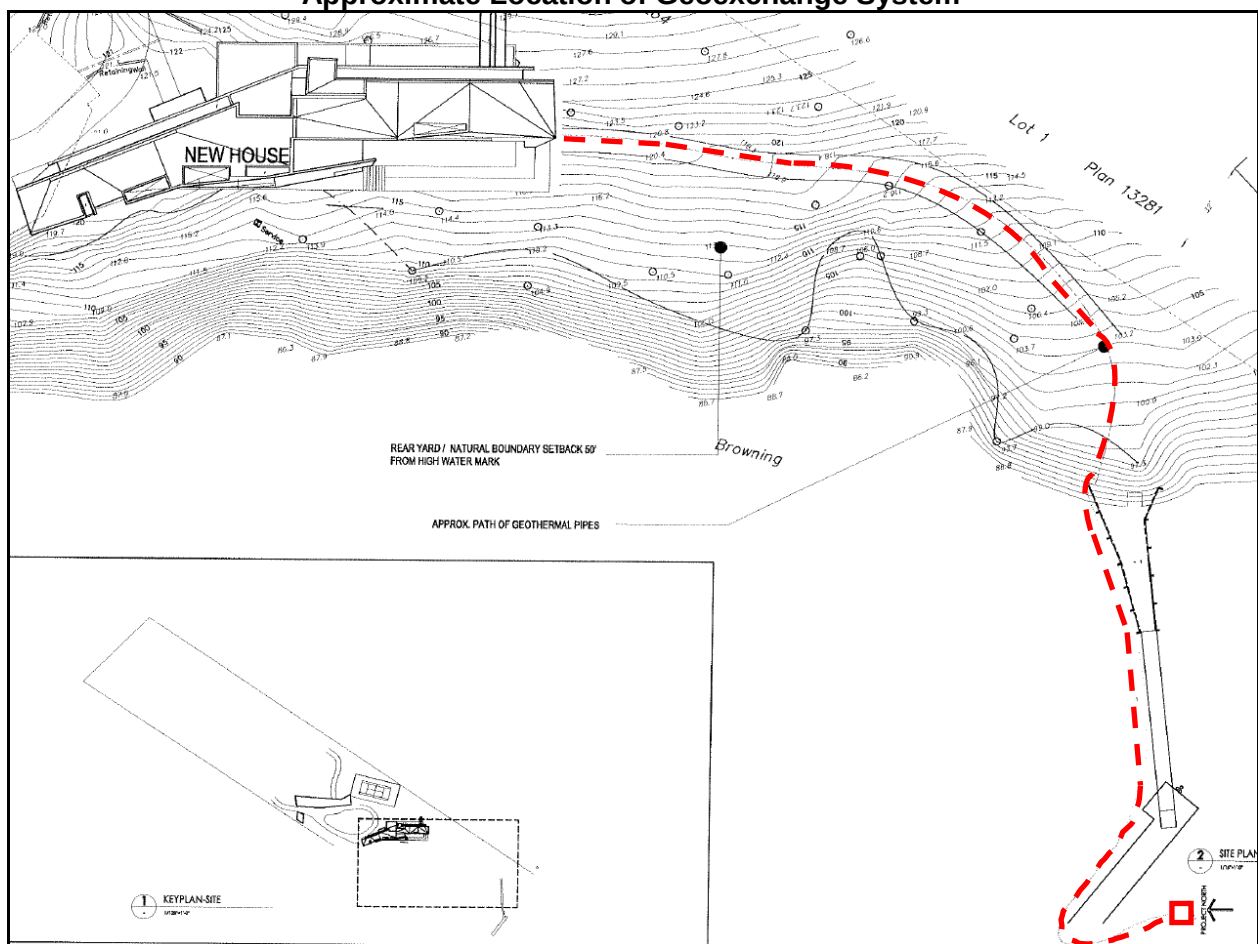
This particular installation is a closed loop system using only freshwater as the heat transfer fluid. The system uses six, titanium heat transfer plates that are located in approximately 30 feet of water at low tide. The plates measure 1.2 m wide, 2.6 m long and 1.5 cm thick, and are supported horizontally slightly above the seabed.

The installation includes six, 2" high-density polyethylene pipes that connect to the heat transfer plates; these are weighted down to hold them in place using heavy chains. The intertidal portion is sealed with concrete for approximately 10 metres in length.

The upland portion of the lines are buried below ground and located under a wooden walkway that runs from the house to the dock. There are no visible above ground structures as all related equipment is located within a mechanical room in the house or otherwise buried.

The owners have scheduled maintenance on a quarterly basis with the installer. The control system includes a monitoring system that includes a pressure test to detect leaks. If there was a significant leak detected by the system it would shut down the system and an alarm would be relayed from the control system to the owners, the installer and the controls contractor.

Figure 1: Site Plan of Subject Property Shoreline with Approximate Location of Georexchange System



SITE CONTEXT:

The subject property is a residential waterfront lot on Razor Point Road fronting onto Pollard Cove. The property is 2.7 ha (6.68 ac) in size. Properties in the area are quite varied in size with some as small as 0.6 ha (1.5 ac) to over 5.7 ha (14 ac).

Based on GIS data the property rises moderately to 12m above sea level adjacent to the shoreline, then is gently sloping through the remainder of the property to a maximum of 38 m asl.

Figure 2: Subject Property Map

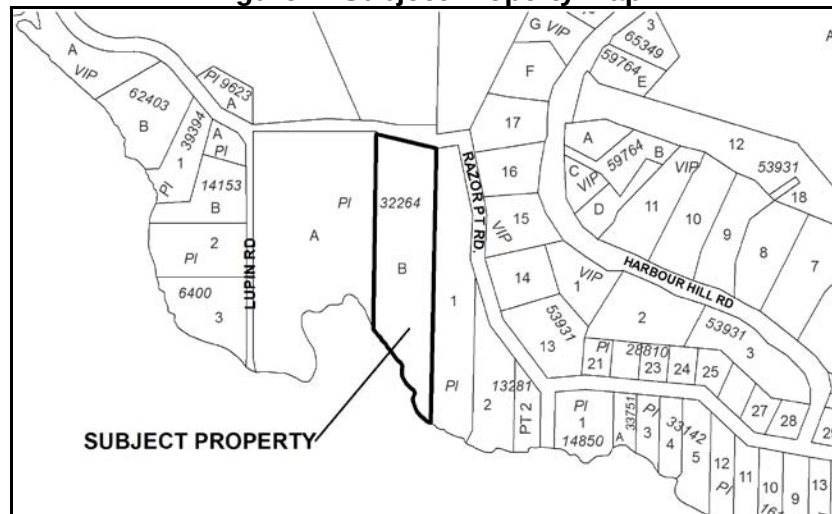


Figure 3: Orthophotos



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

Official Community Plan:

The subject property is designated Agriculture 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
- 4.7.8 – The Local Trust Committee should consider potential climate change impacts and GHG emissions in reviewing any application.
- 4.7.10 – The Local Trust Committee may consider amending zoning regulations to permit or facilitate small-scale renewable energy production, such as solar collectors, wind turbines and geothermal heating.

Land Use Bylaw:

The upland portion of the property is zoned Agriculture (AG) 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:

North – Agriculture and Rural

East – Agriculture and Rural Residential

West – Agriculture, Rural Residential and Rural

Surrounding marine waters are zoned W1. Further west in Port Browning there is a portion of water zoned Water 4 (W4) for the public dock and Water 2 (W2) for the Port Browning Marina.

Islands Trust Fund:

There are no Trust Fund Board properties or covenants in the vicinity of the subject property.

Sensitive Ecosystems and Hazard Areas:

The adjacent marine waters are designated as a sensitive intertidal development permit area (DPA). There are no upland DPA's on the subject property.

The shoreline is identified as having areas of low, moderate and high steep slope hazards; the area of installation is a combination of low and moderate slope hazard.

Figure 4: Development Permit Areas

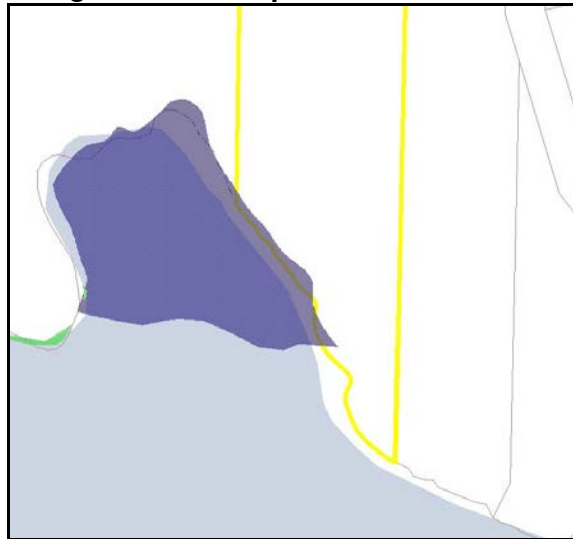
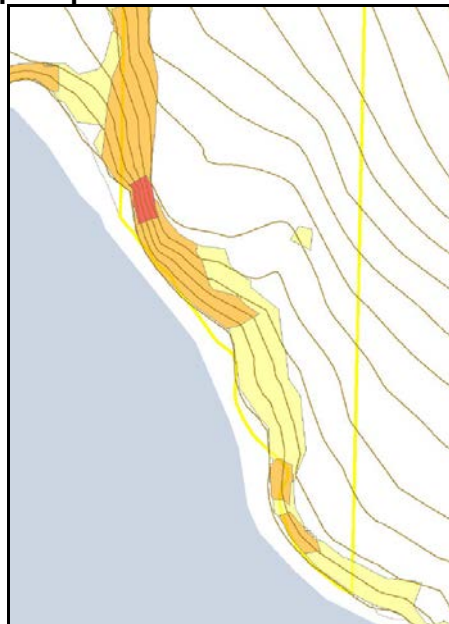


Figure 5: Steep Slope Hazard Areas and 2m Contour Intervals



Archaeological Sites:

There is a registered archaeological site in the area and owners had obtained the necessary archaeology reports and permits from the Archaeology Branch. The archaeological work consisted to two main components; upland there is a service trench measuring approximately 15 metre long and 0.5 wide that runs through a shell midden, and the geoexchange lines located in the intertidal zone. The service trench was excavated by the archaeologist and two First Nations monitors from the Pauquachin and Tsawout First Nations between April 19th and 30th, 2010. A monitor was also on-site during installation of the geoexchange lines on July 11 and 13, 2011.

Covenants:

There are no registered covenants on the subject property.

Climate Change Adaptation and Mitigation:

Consideration of alternative, renewable energy sources to fossil fuels is a recognized mitigation strategy. The applicants have provided a calculation of the estimated emissions reduction with the geoexchange system for this home.

The annual GHG emissions for this particular home, using an ocean loop geoexchange system are estimated to be 2.2 tons CO²e.

The same home using electric baseboards would be 9.8 tons, a high efficiency propane boiler would be 54 tons, or a ground based geoexchange loop would be 3.3 tons.

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 Inspection 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.

STAFF COMMENTS:

Although a new boardwalk to access the foreshore has been constructed in the upland area, there remain numerous mature trees with many new plantings throughout. The walkway appears to have been constructed in a manner to minimize impacts and the geoexchange lines connecting the house to the ocean loop are located below the walkway.

The upland section of the dock/ramp does not comply with the Land Use Bylaw since it would exceed the 1.2 metre width that is exempt under subsection 3.7.2. This has been brought to the owners' attention and a separate variance application will be submitted to address that.

The owners are also aware that an application to the Ministry of Forests, Lands and Natural Resource Operations for a Crown land license of occupation is required. The Ministry requires a separate license for geoexchange systems from a new or existing dock license, although the area of license may overlap. An accurate survey of the location of the lines will be required, a copy of which to be provided to the Islands Trust.

Except for the accurate location of the geoexchange system, staff has not identified any additional professional reports to be required from the applicant. The proposal is consistent with policies in the Policy Statement and OCP; therefore an amendment to the OCP is not required. Although this was installed in advance of a rezoning application, the owner's had undertaken efforts to ensure the installation had minimal impacts and did not adversely impact the marine and foreshore environments.

The next steps possibly are:

- April LTC: Make any revisions to the draft bylaw
- Refer the draft bylaw to referral agencies for comment
- Optional scheduling of a Community Information Meeting (CIM) as part of the May LTC agenda or in combination with the seawall application. Tentatively Saturday June 9th is scheduled for the CIM and Public Hearing of a seawall; the CIM for this application could be held the same day.
- June LTC: Consider any revisions and give the draft bylaw First Reading and direct staff to schedule a Public Hearing
- Hold Public Hearing as part of the August LTC agenda or a separate date in advance of the LTC meeting
- August LTC: Consideration of input and possible amendments to the proposed bylaw
- Given Second and Third Reading
- Refer the Proposed Bylaw to Executive Committee
- Fall: Adopt the Proposed Bylaw after receiving Executive approval

RECOMMENDATIONS:

Options:

1. THAT the North Pender Island Local Trust Committee directs staff to schedule a Community Information meeting for application NP-RZ-2011.2 (Lockhart), to be held in conjunction with the May meeting of the Local Trust Committee.
2. THAT the North Pender Island Local Trust Committee directs staff to schedule a Community Information meeting for application NP-RZ-2011.2 (Lockhart), to be held on a Saturday in advance of the June meeting of the Local Trust Committee.
3. THAT the North Pender Island Local Trust Committee directs staff to schedule a Community Information meeting for application NP-RZ-2011.2 (Lockhart), to be held in conjunction with the June Community Information Meeting being scheduled for a proposed seawall application.

Prepared and Submitted by:

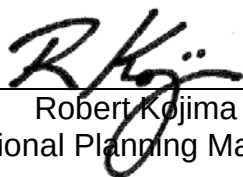


Andrea Pickard

April 18, 2012

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

April 18/12

Date

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 191

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(b)	The land covered with water fronting Lot B, Section 11, Pender Island, Cowichan District, Plan 32264, Except part in Plan VIP68515,	(1) In addition to the uses permitted in 8.19.1 the following is permitted: (a) Placement of a closed-loop, ocean-based geothermal heat exchange system for the purpose of domestic heating and cooling accessory to the upland residential property

2. Schedule "D" (Zoning Map for North Pender Island) is amended in accordance with the map attached to and forming part of this bylaw as Plan No. 1.

B. This Bylaw may be cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2012".

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

READ A FIRST TIME this _____ day of _____, 20__

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__

Chair

Secretary

PLAN No. 1

SEC. 12

SUBJECT AREA

From: WATER 1 - W1

To: WATER 1(b) - W1(b)



BYLAW REFERRAL FORM

1-500 Lower Ganges Road
Salt Spring Island, BC, V8K 2N8
Ph: (250) 537-9144
Fax: (250) 537-9116
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Bylaw No. 460 Date: May 3, 2012

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

APPLICANT:

Karen and Gerald Tottman.

PURPOSE OF APPLICATION:

Proposed Bylaw 460 would amend Land Use Bylaw No. 355 to rezone a property in Ganges Village from Residential 6 (R6) to Commercial 4 Zone Variation (a) – C4(a). A small business currently operates on the property under a Temporary Use Permit.

PROPERTY LOCATION:

127 Rainbow Road, SSI (Ganges Village).

LEGAL DESCRIPTION:

Lot 9, Block B, Section 1, Range 3 East, North Salt Spring Island, Cowichan District, Plan 1371.

SIZE OF PROPERTY AFFECTED:

0.08 hectares/ 0.2 acres

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

Ganges Village – Core

OTHER INFORMATION:

See Staff Report dated April 19, 2012. The subject property is located in Development Permit Area 1 - Island Villages and Development Permit Area 4 – Lakes, Streams and Wetlands. No development permit is required as no construction or site development is proposed. The adjacent property to the east was rezoned in January 2012 from R6 to C4(a).

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 application.

(Signature)

Name: Kristin Aasen

Title: Planner 1

Provincial Agencies

Agricultural Land Commission
Ministry of Agriculture
Ministry of Environment
Ministry of Transportation & Infrastructure

Adjacent Local Trust Committees and Municipalities

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

Regional Agencies

CRD Building Inspection
Vancouver Island Health Authority

Non-Agency Referrals

Islands Trust Bylaw Enforcement
BC Ambulance Service
Ganges Sewer Committee
North Salt Spring Waterworks District
School District 64
SSI Chamber of Commerce
SSI Fire-Rescue
SSI PARC
SSI Transportation Commission

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Local Trust Area
(Island)

(Name/ Signature)

(Date)

460
(Bylaw Number)

(Title)

(Agency)

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 460

A BYLAW TO AMEND “SALT SPRING ISLAND LAND USE BYLAW, 1999”,
BEING BYLAW NO. 355

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

1. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as “Salt Spring Island Land Use Bylaw, 1999,” is amended as follows:

1. By deleting Subsections 9.2.4 (9) through (14) – Exceptions in Particular Locations – and inserting in its place the following new Commercial 4 Zone Variation (a) – C4(a) after Commercial 2 Zone Variation (a) – C2(a):

“Zone Variation – C4(a)

- (9) The following additional *principal use* is permitted:
 - (a) *Indoor retail sales.*
 - (b) *Indoor production of food and drink items, clothing, crafts, artwork, jewellery and similar items for retail or wholesale sales, provided there is a retail outlet on the premises and provided water consumption does not exceed 1600 litres/day.*
 - (10) The following additional *accessory use* is permitted:
 - (a) *Dwelling units.*
 - (11) Despite Section 4.3, no *building* or *structure* except a fence, *pumphouse*, *public utility structure* or underground utility may be constructed within the following setbacks from *lot lines* or road access easements:
 - (a) Setback from *front lot line*: 4.5 m.
 - (b) Setback from *interior side lot line* abutting a *commercial* or *industrial zone*: 1.0 m.
 - (c) Setback from *interior side lot line* abutting non-*commercial* or non-industrial zone: 3.0m.
 - (12) Despite Section 4.3, a rain collection *structure* may be constructed within the setbacks from a *rear lot line* and an *interior side lot line*.
 - (13) Despite all other regulations of this bylaw, the number of *dwelling units* per hectare is 37.
 - (14) Despite Part 7, one off-street loading space is not required.
 - (15) Despite Part 7, one off-street *parking space* is required per *dwelling unit* not exceeding 70 square meters in *floor area*.”

And by making such consequential numbering alterations to effect this change.

2. By changing the zoning classification of Lot 9, Block B, Section 1, Range 3 East, North Salt Spring Island, Cowichan District, Plan 1371 from Residential 6 – (R6) to Commercial 4 Zone Variation (a) – C4(a), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “A” to Bylaw No. 355 as are required to effect this change.
2. This Bylaw may be cited as “Salt Spring Island Land Use Bylaw, 1999, Amendment No. 4, 2012”.

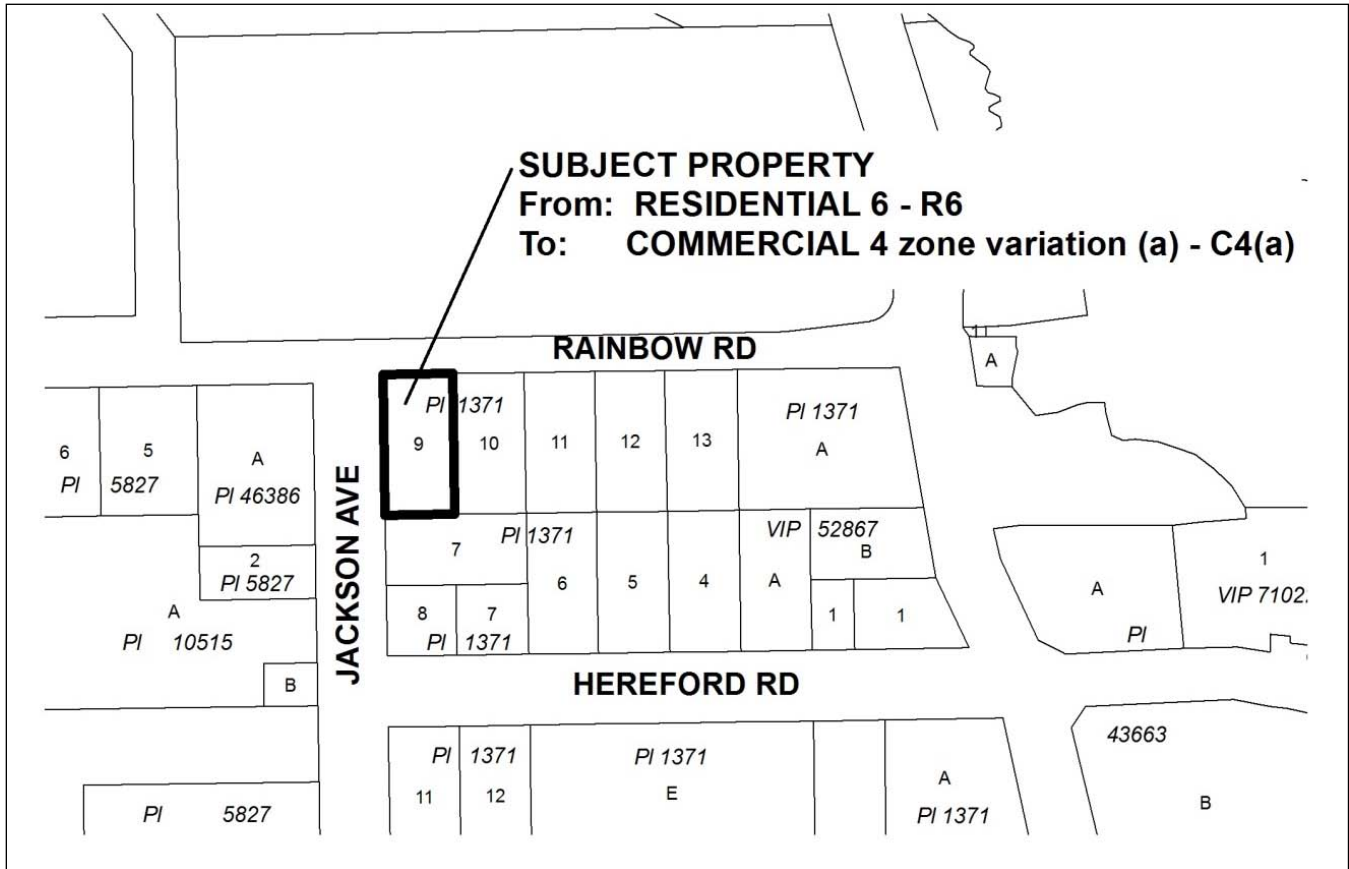
READ A FIRST TIME THIS	26 th	DAY OF	April	, 20__
PUBLIC HEARING HELD THIS		DAY OF		, 20__
READ A SECOND TIME THIS		DAY OF		, 20__
READ A THIRD TIME THIS		DAY OF		, 20__
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS		DAY OF		, 20__
ADOPTED THIS		DAY OF		, 20__

SECRETARY

CHAIRPERSON

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 460**

Plan No. 1



Date: April 19, 2012 **File No:** SS-RZ-2011.5 **X-ref:** SS-DVP-2010.7; SS-TUP-2008.8

To: Salt Spring Island Local Trust Committee, for the meeting of April 26, 2012
From: Kristin Aasen, Planner, Local Planning Services

Re: **Proposal to amend the Land Use Bylaw from R6 to C4(a)**

Owner/ Karen and Gerald Tottman
applicant:

Location: 127 Rainbow Road

Legal: Lot 9, Block B, Section 1, Range 3 East, North Salt Spring Island, Cowichan District, Plan 1371

THE PROPOSAL:

The property owners of 127 Rainbow Road have applied to amend the Land Use Bylaw to permit a small business. Stitches Quilt Shop currently operates under a Temporary Use Permit, which is valid until July 2013. The proposal does not include any new construction, but would enable commercial uses that are otherwise not permitted under the current zoning. The purpose of this staff report is to seek LTC direction to give first reading to an amendment to the Land Use Bylaw (a draft bylaw is attached as Appendix 1).

SITE CONTEXT:



Figure 1: Orthophoto of neighbourhood with zoning

Located at the corner of Rainbow Road and Jackson Avenue, the subject property is square shaped and roughly 0.2 acres (0.08 hectares) in area. Surrounding land uses are mixed residential, institutional and commercial in character. The neighbours are Salt Spring Elementary School across Rainbow Road, the Mid Island Co-op Gas Bar to the west, a residence and tributary to Ganges Creek to the south and a mixed commercial/residential lot to the east. Also located in the neighbourhood are Gulf Islands Secondary School and other small enterprises.

According to the Salt Spring Island Land Use Bylaw, the parcel is currently zoned R6 (Residential 6). Adjacent parcels to the south are also zoned R6; to the north is Community Facilities 1. To the east is a property which was rezoned in January of this year from R6 to a commercial variant C4a (SS-RZ-2011.2).

The site's improvements include a single family dwelling which was renovated for small business use in 2008. The property is level and landscaped with heritage apple, plum and cherry trees.



Figure 2: Subject parcel viewed from south west corner, featuring the existing building, heritage fruit trees, landscaping and pathway linking Jackson Avenue to Rainbow Road.



Figure 3: Looking south from north west corner of subject property, with parking space and drainage system viewed.

BACKGROUND:

The property owners purchased the subject parcel in 2008, under duress to find a new location to operate their quilt shop business. At time of purchase, the property and building had fallen to disrepair. Appreciating the historic features of the property, the owners sought to acknowledge the heritage by conducting only the renovations required to meet building code and operate a commercial space. The finish of the building remains intact, and the interior features the original décor, historic photos and a display of the sewing machines and room where the daughter of the original owners worked as a seamstress. Improvements also included landscaping, gardening, and the creation of a permeable pedestrian path linking Jackson Avenue with Rainbow Road.

SS-TUP-2008.1 – The applicants obtained a Temporary Use Permit to authorize the retail sales of basic sewing, knitting and quilting supplies; educational workshops and demonstration of fibre arts; and the administration of off-site tailor services. The TUP was extended in 2010 for another three years.

SS-DVP-2008.8 – The Local Trust Committee approved Development Variance Permit application to vary the number of parking spaces required for commercial uses from 5 parking spaces to 2 in accordance with a submitted site plan for a commercial space of 131m² (1410ft²). The rationale for this reduction cited in the associated staff report was as follows:

- Because the property is a corner lot, it is not expected to be difficult for customers to find street parking.
- Bicycle parking will be provided as a condition of the TUP.
- Pedestrian access will be encouraged through the creation of a pedestrian path.

- The protection of trees in the Heritage Conservation Area restricts the ability to construct more parking on site. Providing reduced parking on site is considered to be of less impact to the heritage values of the area than removing heritage trees (which would require a Heritage Alteration Permit).

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement

Staff consider the proposal advances several policy objectives of the Trust Policy Statement – the following are the key relevant policies.

- 5.2.4 Local Trust Committees shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
- 5.2.5 Local Trust Committees 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.
- 5.3.7.1 Local Trust Committees 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.
- 5.7.2 Local Trust Committees shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

In accordance with Section 1.9 “Policy Statement Implementation” of the Islands Trust Policy Manual, staff will provide the LTC with a staff report that includes the proposed bylaw and the Directives Only Checklist. As such, before seeking a resolution to submit a bylaw amendment to the Executive Committee, staff will present the LTC with a report to assess how the proposed bylaw complies with the Policy Statement.

OFFICIAL COMMUNITY PLAN (OCP) BYLAW 434

Volume 2 - Development Permit/Heritage Conservation Area Policies:

According to OCP Bylaw No. 434, the subject property is located in Development Permit Area 1 - Island Villages and Development Permit Area 4 - Lakes, Stream and Wetlands. The application is not proposing any works at this time, so a development permit is not required until further development occurs.

The property is also located in the Ganges Village Heritage Conservation Area, but because the applicant is not proposing to remove any heritage trees from the site at this time, is thus exempted from the requirements of Section F.1.1.2 (until further development is proposed).

Volume 1 - Land Use and Servicing Policies:

The subject property is designated “Ganges Village Core” by the OCP Bylaw No.434. The following policies pertain to the proposed bylaw amendment application.

General village land use policies:

B.5.1.2.2 Zoning in Village Designations will continue to allow the mix of commercial, institutional, cultural and multi-family land uses that are currently allowed. Commercial zoning should be simplified with fewer zones and a broader range of uses allowed in each. The maximum residential density allowed on any single property will remain at 37 units per ha.

With an area of 0.081 hectares, a residential density of 37 units/ ha would yield a maximum of 3 units, if permitted by the zoning. Please refer to discussion under “Land Use Bylaw.”

B.5.1.2.5 To retain the compact and pedestrian oriented nature and economic viability of island villages, the Local Trust Committee should only consider rezoning applications that would create more commercially-zoned land in Village Designations if the following guidelines are met:

a. the proposed use is compact and not land intensive.

The proposed use is compact and limited to 216m² (2329ft²) coverage in the building, covered outdoor area and carport. This comprises roughly 27% lot coverage. Any further development would be limited by the proposed lot coverage of 33%. (For reference, the Land Use Bylaw excludes paving from lot coverage – this property has no paving, but has used a permeable material for parking areas).

b. existing commercial zones are largely developed to their practical development potential and there is evidence of a community need for additional commercial land.

A cursory overview of available real estate in Ganges indicates that there is some commercial space available. However, this proposal would enable a successful business to continue to operate in its current location. Furthermore, there are no other businesses on Salt Spring offering the same types of services and products.

c. the proposed rezoning would tend to concentrate development near existing commercial, industrial, institutional or multi-family land uses.

The proposed rezoning would concentrate development in core of Ganges Village, in a neighbourhood which is mixed commercial/ residential and institutional in character.

d. designs and site plans are consistent with the guidelines in DPA1.

Please refer to Appendix 3 for an analysis of the consistency with the guidelines for Development Permit Area 1: Island Villages (form and character).

e. the LTC has undertaken a review and inventory of existing commercially zoned land and development, assessed existing and future projected demand, and on the basis of this assessment, may consider re-designating and rezoning land for additional commercial uses.

The LTC has not undertaken a review and inventory of existing commercially zoned land. According to the Trust Area Property Information System, all commercially zoned lands

on the island have been developed to some extent (see further discussion in staff comments).

f. the proposed development would be barrier free.

The existing building is barrier free and provides accessible parking.

g. sidewalks would be provided with any new commercial development.

Sidewalks are not currently developed along the parcel's road frontages. See staff comments related to pathways in OCP policy B.5.2.2.10.

B.5.1.2.7 The Local Trust Committee should consider amending local zoning within Village Designations to be more in keeping with traditional village forms and more appropriate to the small, pedestrian nature of villages.

The proposal is housed in an existing residential building. While the structure is not listed as official community heritage, the retention of the residential character preserves traditional village forms. The zoning proposal is limited to a residential density, also in keeping with traditional village forms.

B.5.1.2.8 The Local Trust Committee may consider making changes to zoning to allow the creation of live-work spaces.

This application was not accompanied with a proposal for a dwelling unit, but staff recommend folding this policy into a zone variation that would enable dwelling units at the recommended density, should the landowners wish to redevelop in the future (as was approved on adjacent lot to the east under application SS-RZ-2011.1).

B.5.1.2.10 When considering rezoning applications, the Local Trust Committee should ensure that zoning boundaries between residential and non-residential uses are primarily created along rear parcel lines, as opposed to public roads. Non-residential uses should be well screened from residential uses.

This proposal would create a zone boundary between the residential property along the rear parcel line (to the south). Although there are some trees and landscaping along this parcel line, the proposal has not accompanied screening from residential uses. Staff do not recommend extensive screening, as the non-residential use is housed in a heritage residential building.

B.5.1.2.13 Preservation of community heritage in villages will be guided through the Heritage Conservation Area guidelines in Part F.

The landowners have taken care to preserve the existing heritage trees, as well as to showcase the historic use of the parcel and pattern of development.

Specific policies for the Ganges Village designation:

B.5.2.2.6 When considering rezoning applications in the Ganges Village designation, the LTC will consider the impact that the proposed change would have on the Ganges sewer treatment plant. The Local Trust Committee should obtain confirmation from the Capital Regional District of sewage system capacity for any change to zoning within the boundaries of the sewered area that may result in a significant change in sewage volume or quality.

The servicing impacts will be determined through the standard bylaw referral process.

B.5.2.2.10 The Local Trust Committee will support continued development of the Ganges Public Pathway System as shown on Map 17 and proposed pathways and trails in the Urban Trails Task Force Report for Ganges Village.

OCP Map 17 and the “Ganges Urban Pathway Network” developed by Island Pathways are as follows. Furthermore, in accordance with OCP Policy B.7.2.2.1 “The Local Trust Committee will continue to cooperate and consult with the Salt Spring Island Parks and Recreation Commission about park land acquisition, pathways and trails as outlined in its agreements with the Commission” staff have cited relevant CRD policies for park planning. The CRD’s 2011 Salt Spring Island Parks Master Plan¹ provides direction for future trails planning. Recommendation 8 directs CRD staff to “Work with the Islands Trust to acquire linear parks where gaps have been identified in the trails network. Particular attention should be paid to pathway connectivity within the three village areas.” Staff will seek further CRD input through the standard bylaw referral process.



Figure 4: Excerpt from Map 17

¹ The Parks System Master Plan was developed by the CRD 2009 in order to consolidate information on existing parks, trails and water accesses for the Island to provide future direction in park planning. Available at: <http://www.crd.bc.ca/ssiparc/documents/SSIParksSystemMasterPlan-FINALwithMAP.pdf>.

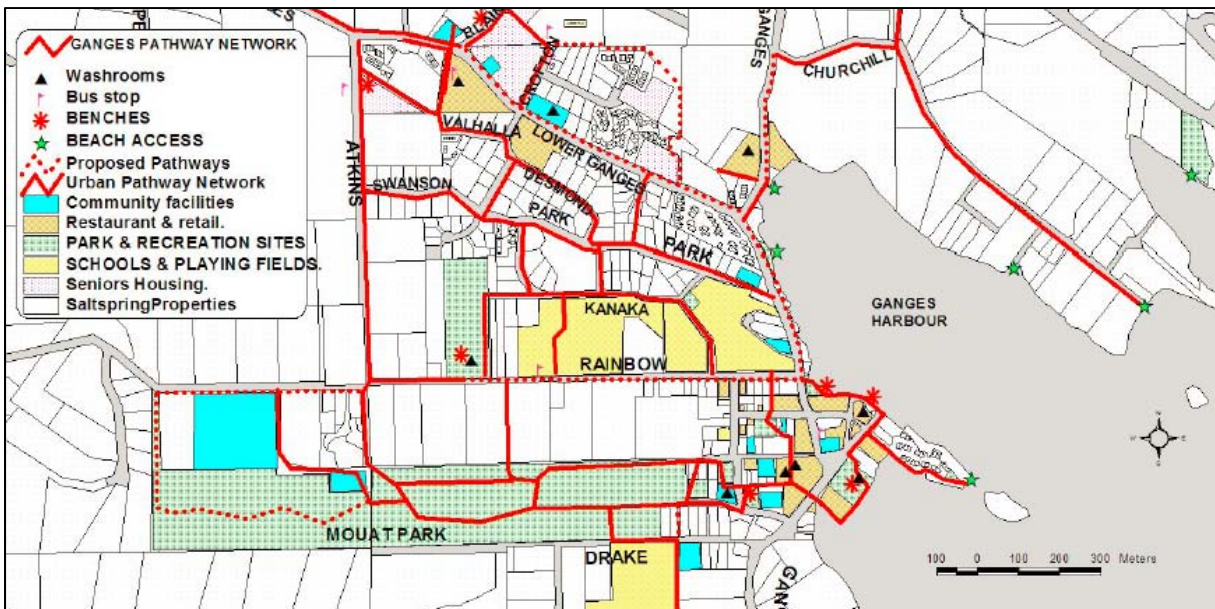


Figure 5: Excerpt from Urban Trails Task Force Report

Infrastructure and servicing policies:

C.2.2.2.9 *The Local Trust Committee should consider the North Ganges Transportation Management Plan and other transportation plans developed by the Salt Spring Island Transportation Commission as guiding documents for land use and transportation planning and implementation.*

The 'North Ganges Village Transportation Management Plan'² identified options for the construction of cyclist and pedestrian facilities west of 'downtown' Ganges. The report prioritized the construction of bike lanes along Rainbow Road and construction of a sidewalk on the south side of Rainbow Road when adjacent properties are rezoned for commercial uses.

Currently there are no bike lanes or formal pathways along the subject property's frontage on Rainbow Road or Jackson Avenue. There is an informal paved shoulder and gravel walkway area along both frontages (see Figures 6 and 7). Please note, any proposal to conduct works within the 4.5m right of way (RoW) along highways (any roadway on Salt Spring) may only be permitted by way of a "Provincial Highway Permit" from the Ministry of Transportation and Infrastructure. Further comments will be sought by the CRD Transportation Commission through the bylaw referral process.

² In 2007, the Capital Regional District Regional Planning office initiated a project to identify options and costs for the construction of cyclist and pedestrian facilities on Lower Ganges Road and Rainbow Road north and west of "downtown" Ganges on Salt Spring Island. Available at www.crd.bc.ca/saltspring/transportation/ganges_plan.htm.



Figure 6: Looking northward along Jackson Ave.



Figure 7: Looking westward along Rainbow Rd.

C.2.2.2.13 The Local Trust Committee will support the continued development of inter-connected pedestrian pathways and trail networks.

As above, advice from the Transportation Commission and Salt Spring Parks and Recreation Commission (PARC) of the Capital Regional District will be sought through the bylaw referral process.

C.2.2.2.15 When considering rezoning applications, the Local Trust Committee should ensure that the proposed zoning change supports the development of non-automotive transportation and public transit service.

The proposed rezoning is located within the Village Containment boundary. The settlement pattern policies in the Official Community Plan encourage infill in the villages in order to create patterns that reduce dependency on private automobiles and encourage other forms of transportation such as walking, cycling and public transit. The subject property is located approximately 250 metres from the nearest transit stop (best practices in transit planning cite a 400m maximum walking distance to encourage transit use)

C.2.3.2.2 When considering rezoning applications in village areas, the Local Trust Committee will consider the impact of the proposed change on parking demand and congestion.

The change in zoning is not considered to impact parking demand beyond that which has emerged since the 2008 issuance of the Temporary Use Permit authorizing a commercial use. The parcel is located on a corner lot, so on-street parking is available along the Jackson and Rainbow Road frontages. The current proposal has no new construction, but should another development be proposed in the future a development permit would likely be required, necessitating additional off-site parking, and possibly bicycle parking at that time.

- C.3.2.2.1 When the Local Trust Committee receives rezoning applications for land inside the boundaries of a community water system, it will refer the application to the operators of the affected system ... When it considers zoning changes within a community water system, the Local Trust Committee will also consider the amount and percentage of any remaining supply capacity that would be used by the proposed new use. The Committee will not make zoning changes within a community water system if the change would mean water could not be supplied (under the existing license) to existing customers. It should not normally make zoning changes if the change would mean water could not also be supplied to vacant or under-developed properties already zoned for further development.*

The interests of the North Salt Spring Waterworks District will be determined through the bylaw referral process.

- C.4.2.2.4 When the Local Trust Committee receives rezoning applications that apply to land within the Ganges Sewer Local Service Area it shall refer the application to the Capital Regional District. The CRD will advise of any requirements or conditions of servicing applicable at the time.*

The interests of the Ganges Sewer Committee of the Capital Regional District will be determined through the bylaw referral process.

- C.4.2.2.8 The Local Trust Committee should not make zoning changes that would result in a type of waste entering either an on-site disposal system or a community sewer system that could degrade downstream treatment processes... Rezoning applications for non-residential uses should be referred to the Capital Regional District for advice on this topic.*

Although this application is for a non-residential use, the proposal houses the commercial operation in a dwelling unit. Furthermore, the proposed land uses are not expected to impart any significant waste impacts, as the proposed uses do not include any of those listed in Section 4.5.3 of the Land Use Bylaw, which require additional setbacks from water courses for protection of water quality.

Climate change policies:

- A.6.2.2 The Local Trust Committee will consider the energy efficiency attributes and climate change adaptation and mitigation impacts in all rezoning applications that propose an increase in density or significant change of use.*

Intensification of use in the village core is considered a best practice for energy and resource efficiency.

LAND USE BYLAW NO. 355:

Current zoning - The property is currently zoned Residential 6 (R6). The maximum combined lot coverage of all buildings and structures is 33 percent. The general provisions for maximum height of a building and setback from lot lines – Section 4.3.1 apply:

- (1) front lot line: 7.5 m
- (2) rear lot line: 7.5 m
- (3) interior side lot line: 3.0 m
- (4) exterior side lot line: 4.5 m

The range of permitted uses in Residential zones is as follows:

<i>Principal Uses, Buildings and Structures</i>	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	R11	R12
<i>Single-family dwellings</i>	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	
<i>Two-family dwellings</i>	♦	♦				♦						
<i>Two family dwellings constructed before July 31, 1990</i>							♦	♦	♦			
<i>Multi-family dwellings</i>	♦	♦		♦							♦ ¹	
Dental and medical office <i>services</i> for a maximum of two medical practitioners						♦	♦	♦	♦	♦		
<i>Elementary schools, pre-schools and child day care centres</i>						♦	♦	♦	♦			
Hospitals and <i>public health care facilities</i>						♦	♦	♦	♦			
<i>Community halls</i>						♦	♦	♦	♦			
<i>Non-commercial outdoor active recreation</i>	♦					♦	♦	♦	♦			
<i>Churches</i>						♦	♦	♦	♦			
<i>Agriculture, excluding intensive agriculture</i>							♦	♦	♦			
<i>Public service uses</i>	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	
<i>Seniors' supportive housing complex</i>												♦ ²
Accessory Uses												
<i>Home-based businesses, subject to Section 3.13</i>	♦	♦	♦	♦	♦	♦	♦	♦	♦			
<i>Seasonal cottages subject to Section 3.14</i>							♦	♦	♦			

Proposed zoning – The range of permitted uses in the commercial zones are as follows:

	C1	C2	C3	C4	C5	C6
Principal Uses, Buildings and Structures						
<i>Indoor retail sales and rentals</i>	♦	♦	♦			
<i>Indoor retail services, excluding Laundromats</i>	♦	♦	♦	♦		
<i>Laundromats</i>	♦					
<i>Outdoor retail sales of nursery plants and home gardening supplies</i>	♦	♦				
<i>Indoor production of food and drink items, clothing, crafts, artwork, jewellery and similar items for retail or wholesale sales, provided there is a retail outlet on the premises and provided water consumption does not exceed 1600 L/day</i>	♦	♦	♦			
<i>Offices</i>	♦	♦		♦		
<i>Banks and credit unions</i>	♦	♦				
<i>Indoor commercial recreation and amusement facilities</i>	♦	♦			♦	
<i>Restaurants</i>	♦	♦	♦			
<i>Churches</i>	♦	♦				
<i>Libraries</i>	♦	♦				
<i>Offices for use by building construction professionals and trades</i>	♦	♦				♦
<i>Automobile service stations</i>			♦			
<i>Automobile rentals with a maximum of five vehicles stored on-site</i>	♦	♦	♦			♦
<i>Veterinarian clinics and animal hospitals</i>	♦	♦				
<i>Indoor commercial and vocational schools</i>	♦	♦				
<i>Daycare centres for children, seniors, or people with special needs</i>	♦	♦				
<i>Funeral homes</i>						♦
<i>Multifamily dwelling units</i>		♦				
<i>Commercial guest accommodation in hotels or guest houses.</i>		♦				
<i>Retail sales of building supplies, appliances and furniture</i>						♦
<i>Light industry, excluding uses that consume or use more than 1600 litres/day of water</i>						♦
<i>Wholesale sales</i>						♦
<i>Storage of goods and vehicles, with the exception of outdoor storage of derelict vehicles or equipment, or waste materials</i>						♦
<i>Boat building, servicing and repairs</i>						♦
<i>Service, repairs and sales of vehicles and equipment.</i>						♦
<i>Collection of recyclable materials, excluding outdoor sorting and storage</i>	♦		♦		♦	♦
<i>Public service uses</i>	♦	♦	♦	♦	♦	♦
Accessory Uses						
<i>Indoor retail sales accessory to another permitted use</i>						♦
<i>Dwelling units accessory to a commercial use</i>	♦	♦	♦	♦	♦	♦
<i>Restaurant accessory to another permitted use</i>					♦	
<i>Home-based businesses accessory to residential use</i>		♦				

Consideration of a commercial variation – C4(a):

Permitted uses:

Staff note that in accordance with OCP policy B.5.1.2.2 – “Commercial zoning should be simplified with fewer zones and a broader range of uses allowed in each,” the LTC may wish to consider the zone variant C4(a) that was created for the adjacent parcel to the east. The provisions of C4(a) vary the C4 zone as follows:

1. Additional principal uses:
 - a. *Indoor retail sales* and rentals
2. Additional accessory uses:
 - a. *dwelling units*

The applicants have requested indoor production of goods as a permitted use in the zone. In order to simplify the range of zoning in Ganges Village core, staff recommend the addition of this additional principal use, which may be considered appropriate for the neighbourhood (please refer to preliminary draft LUB amendment in Appendix 1).

- b. *Indoor* production of food and drink items, clothing, crafts, artwork, jewellery and similar items for *retail* or *wholesale sales*, provided there is a retail outlet on the premises and provided water consumption does not exceed 1600 litres/day

Parking:

In keeping with the OCP objective B.5.1.1.5 - *to avoid the development of commercial strips along roads leading into island villages*, the C4(a) zone variation reduced the number of parking spaces:

- a. parking requirement for a single-family dwelling unit from 2 per unit to 1 (for a floor area less than 70m² /720ft²)

The standards LUB parking requirements for the range of recommended uses are as follows (extracted from the Land Use Bylaw Table 3 – *Minimum number of parking spaces for automobiles, disabled parking and bicycles*):

LAND USE	Number of parking spaces required	Number of spaces designed for use by the disabled	Number of bicycle parking spaces required
Single-family <i>dwelling unit</i>	2 per unit	0	0
Other <i>commercial uses</i>	1 per 25m ² of <i>floor area</i> and <i>outdoor sales area</i>	5%	1per 250m ² <i>floor area</i>

The subject property was granted a reduction in the required parking spaces for a commercial space from 5 to 2 through a development variance permit (SS-DVP-2008.8). This variance was tied to a reference plan for the existing 131m² (1410ft²) of commercial space only. Any new development would require a new variance request or off-street parking via a development permit application.

Loading space:

The C4(a) zone also eliminated the LUB Section 7.6.1 requirement of a loading space for each parcel occupied by a commercial use. Staff recommend continuing with this exemption, given the small size of the building and parcel.

Density:

In keeping with traditional village form and current residential zoning, staff recommend maintaining the lot coverage permitted by both the Residential 6 and Commercial 4 zoning of 33 percent, in place of the higher density permitted in some commercial zones. The site layout has preserved heritage apple and pear trees, which are protected community heritage.

Setbacks:

Staff recommend maintaining the provisions of C4(a), which permitted a rain harvesting collection *structure* to be constructed within the setbacks from a *rear lot line* and an *interior side lot line*. (For reference, Section 4.3 restricts the siting of anything other than a “building or structure except a fence, pumphouse, public utility structure or underground utility may be constructed within the setbacks from lot lines or road access easements.”)

Although the proposal does not include a rainwater collection structure, staff recommend including this in the bylaw should one be proposed in the future.

ISLANDS TRUST FUND:

There are no known Island Trust Fund properties or interests in the vicinity of the subject property.

SENSITIVE ECOSYSTEMS:

The subject property is considered developed by the Islands Trust Ecosystem database, and does not contain any sensitive ecosystems or features according to the 2004 Sensitive Ecosystems Inventory. The rear portion of the property is considered to have moderately high intrinsic groundwater susceptibility. No industrial uses have been proposed, or would be permitted in the draft bylaw.

HAZARD AREAS:

The subject property contains no known hazard areas.

COVENANTS:

The subject property has no covenants registered on title.

ARCHAEOLOGICAL SITES:

Based on the data provided by the Provincial Remote Access to Archaeological Data, there are no known archaeological sites or areas of significant potential to contain unknown but protected archaeological sites on the subject property.

RIPARIAN AREA REGULATION:

The subject property is located in a Riparian Area Regulation designated watershed. The SPEA has been identified for the subject stream, and aligns with the Development Permit Area 4 designation. An updated RAR report would be required should the landowner propose any new construction triggering a development permit application.

COMMUNITY INFORMATION MEETING(S):

None held to date.

RESULTS OF CIRCULATION:

At time of application for a Temporary Use Permit, notice was circulated to neighbours and posted in the local newspaper (July 2008, on file). No correspondence received by the Islands Trust in response to the notice, but the office received 58 letters of support requesting the application process be expedited and the TUP issued. A petition containing 145 signatures in support of the application was received. Furthermore, many off-islanders responded that the main reason they visit Salt Spring Island is to shop at Stitches or participate in a Stitches event, creating business opportunities for the wider community.

ISSUES SUMMARY:

Staff have identified the following issues, which may be resolved pending notification, public hearing and referrals to public agencies, the subject neighbourhood and the broader community:

1. Public comment – no community information meeting and no circulation to surrounding property owners and residents have been conducted to date. A similar bylaw amendment application for the adjacent property solicited very little community feedback. Pending LTC consideration of first reading to a proposed bylaw amendment, staff would seek LTC direction to begin the notification and referral process.
2. Implications for servicing – because the draft bylaw has not yet been referred to public agencies, staff have not determined the implications the proposed intensification may have on infrastructure. However, the recent referral of the adjacent parcel's similar application resulted in no issue from a servicing perspective, but frontage works were required.
3. Implications for connectivity – feedback from public agencies will also be sought through the bylaw referral processes regarding sidewalks and connections to the Ganges Public Pathway System. As previously noted, staff have referenced the relevant recommendations from the North Salt Spring Island Transportation Plan, and would seek a referral from the Capital Regional District's Transportation Commission and Park and Recreation Commission (PARC). Any sidewalk works require the approval of the Ministry of Transportation and Infrastructure. The Ministry is hesitant to approve piecemeal construction of pathways, and as such, may not approve any pathway works in their 4.5m Right of Way. The LTC may consider a contribution to future frontage works as condition of zoning.

4. Impact on existing character – The surrounding area is mixed institutional, commercial and residential in character. The proposal is housed in a residential building which preserved the village’s heritage features.
5. Impact on adjacent parcels – The subject property is adjacent to two parcels: directly to the east (125 Rainbow Road) and directly to the south (123 Jackson Avenue).

125 Rainbow Road: The proposed changes to the C4(a) variant would affect one other parcel: the adjacent property to the east. In discussions with staff, the landowner of this adjacent parcel has expressed his approval for the proposed changes.

123 Jackson Avenue: In accordance with OCP policy B.5.1.2.10, “non-residential uses should be well screened from residential uses,” the LTC may require some type of screening along this shared parcel line as a condition of rezoning.

6. Impacts on parking – The subject property is a corner lot, and thus has significant off-street parking. However, the area available for parking (Ministry of Transportation and Infrastructure Right of Way) must also accommodate stormwater channels and potential pathway/sidewalk construction or bike lanes. The property owner would be required to provide onsite bicycle parking spaces to comply with the Land Use Bylaw.
7. Climate change impacts – infill development in the village centre may encourage the efficient use of existing infrastructure and reduce reliance on automobile transportation. The proposed site is located in the core of Ganges, which may encourage walking and cycling. The lot is approximately 250m from the nearest bus stop, which is less than the 400m maximum walking distance recommended by transportation best practices to encourage transit use.

STAFF COMMENTS:

Official Community Plan policy/ Trust Policy Statement compliance: At this preliminary stage of analysis, staff consider the proposed bylaw amendment to be generally in accordance with the Trust Policy Statement and the Salt Spring Island Official Community Plan land use and general policies for Ganges Village Core. The Ganges Village Core designation is intended to encourage a modest scale of village development compatible with the overall rural character of Salt Spring Island and within the ecological and infrastructure capacities of the community’s natural and public resources. Staff consider this proposed intensification to further the OCP policy which encourages commercial uses in Ganges.

Staff consider that the limited site coverage and preservation of protected heritage fruit trees to be compatible with the village context and neighbourhood in terms of scale, use and character. Because adjacent land uses (public schools, gas station, retail shop and parking lot are already impacted by relatively heavy traffic flows, an additional residential/ commercial parcel is unlikely to impart a significant impact on a decreasingly residential-only neighbourhood.

Pending the feedback from servicing agencies, the application may be vetted for compliance with other servicing policies.

SUMMARY OF OPTIONS:

Recommendation 1: When considering rezoning applications, the Local Trust Committee has an established practice to require a resolution directing staff to draft a bylaw amendment as the first step. As such, staff have recommended the LTC directs staff to draft a bylaw amendment.

Optional Recommendation 2: is provided in accordance with OCP policy B.5.1.2.5(e). The Local Trust Committee may wish to direct staff to undertake a formal review of existing commercially zoned land before rezoning more parcels to commercial in the village core. This would likely require resources sufficient to warrant an associated adjustment to the LTC Work Program or direction to staff to seek the assistance of a consultant. However, given that village planning is on the LTC's long list of project priorities, the initiative may be considered at a later time.

Alternate Recommendations 3 through 5: Because a similar rezoning application was recently approved by the Local Trust Committee for the adjacent parcel to the east, staff have presented alternate recommendations to proceed to first reading of the attached draft bylaw. The LTC should recall that the bylaw as presented is the same as the current C4(a) with the addition of one permitted principal use: "*Indoor* production of food and drink items, clothing, crafts, artwork, jewellery and similar items for *retail* or *wholesale sales*, provided there is a retail outlet on the premises and provided water consumption does not exceed 1600 litres/day." Because staff consider this a minor change in permitted use, the LTC may consider first reading at this time. The recommendations are standard practice for proceeding with first reading of a bylaw amendment, and seeking advice from advisory committees and referral agencies.

RECOMMENDATION:

1. **THAT** the Salt Spring Island Local Trust Committee **DIRECTS** staff to prepare a draft bylaw to amend the Land Use Bylaw No. 355 to rezone Lot 9, Block B, Section 1, Range 3 East, North Salt Spring Island, Cowichan District, Plan 1371 from R6 to a commercial variation (Tottman, 127 Rainbow Road, SS-RZ-2011.5).

OPTIONAL:

2. **THAT** the Salt Spring Island Local Trust Committee **DIRECTS** staff to undertake a review and inventory of existing commercially zoned land and development, and assess existing and future projected demand, as part of the Salt Spring Island Local Trust Committee Work Program.

ALTERNATE RECOMMENDATIONS:

3. **THAT** the Salt Spring Island Local Trust Committee **GIVES FIRST READING** to Draft Bylaw No. 460, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 3, 2012" (Tottman, 127 Rainbow Road, SS-RZ-2011.5).
4. **THAT** the Salt Spring Island Local Trust Committee **INSTRUCTS** staff to refer Proposed Bylaw No. 460, to public agencies for comment (Tottman, 127 Rainbow Road, SS-RZ-2011.5).
5. **THAT** the Salt Spring Island Local Trust Committee **REFER** Proposed Bylaw No. 460 to the Advisory Planning Commission (Tottman, 127 Rainbow Road, SS-RZ-2011.5).

Respectfully submitted by:

Kristin Aasen, Planner 1

Date

Concurred by:

Leah Hartley, Regional Planning Manager

Date

Appendix 1: Draft Bylaw No. 460

Appendix 2: Relevant OCP Development Permit Area 1 guidelines

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 460

A BYLAW TO AMEND “SALT SPRING ISLAND LAND USE BYLAW, 1999”,
BEING BYLAW NO. 355

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

1. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as “Salt Spring Island Land Use Bylaw, 1999,” is amended as follows:

1. By deleting Subsections 9.2.4 (9) through (14) – Exceptions in Particular Locations – and inserting in its place the following new Commercial 4 Zone Variation (a) – C4(a) after Commercial 2 Zone Variation (a) – C2(a):

“Zone Variation – C4(a)

- (9) The following additional *principal use* is permitted:

- (a) *Indoor retail sales*
 - (b) *Indoor production of food and drink items, clothing, crafts, artwork, jewellery and similar items for retail or wholesale sales, provided there is a retail outlet on the premises and provided water consumption does not exceed 1600 litres/day*

- (10) The following additional *accessory use* is permitted:

- (a) *Dwelling units.*

- (11) Despite Section 4.3, no *building* or *structure* except a fence, *pumphouse*, *public utility structure* or underground utility may be constructed within the following setbacks from *lot lines* or road access easements:

- (a) Setback from *front lot line*: 4.5 m.
 - (b) Setback from *interior side lot line* abutting a *commercial* or industrial zone: 1.0 m.
 - (c) Setback from *interior side lot line* abutting non-commercial or non-industrial zone: 3.0m.

- (12) Despite Section 4.3, a rain collection *structure* may be constructed within the setbacks from a *rear lot line* and an *interior side lot line*.

- (13) Despite all other regulations of this bylaw, the number of *dwelling units* per hectare is 37.

- (14) Despite Part 7, one off-street loading space is not required.

- (15) Despite Part 7, one off-street *parking space* is required per *dwelling unit* not exceeding 70 square meters in *floor area*.”

2. By changing the zoning classification of Lot 9, Block B, Section 1, Range 3 East, North Salt Spring Island, Cowichan District, Plan 1371 from Residential 6 – (R6) to Commercial 4 Zone Variation (a) – C4(a), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “A” to Bylaw No. 355 as are required to effect this change.

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__

CHAIRPERSON



Relevant OCP Development Permit Area 1 Guidelines

DPA 1 Guideline	Compliance
General guidelines	
E.1.4.1 All commercial sites should be designed to reduce impacts on neighbouring properties, on-site residential areas and public places. Particular attention should be paid to locating and screening loading docks, waste containers, propane tanks, air-conditioning units and other service areas to reduce noise and visual impacts. This guideline is particularly important for development next to schools and hospitals.	yes
E.1.4.2 All commercial developments should be designed so that the obstruction of views from neighbouring properties is minimized.	yes
E.1.4.5 Site access to commercial developments should encourage use by pedestrians and cyclists. Site access in Ganges Village should be arranged to coordinate with the Ganges Public Pathway System.	To be determined through bylaw referral process.
E.1.4.6 Commercial developments should provide structures for the convenient and secure parking and locking of bicycles, close to and visible from the adjacent streets. Such structures should not obstruct pedestrian movement on the site.	** bicycle parking should be provided
E.1.4.7 Where appropriate, buildings in the Ganges Village Core should be connected with arbours, courtyards and pathways to make them inviting to pedestrians. Along pedestrian routes, attractive public seating and resting areas should be incorporated into project designs.	yes
E.1.4.8 Where possible, buildings should be sited and designed in a way that maximizes solar gain and reduces energy loss. Obstruction of solar gain on surrounding properties should be minimized.	yes
Guidelines for specific village locations and situations	
E.1.4.9 To ensure a compact and pedestrian-oriented commercial area in village cores, new commercial developments in the Ganges Village Core should ideally be located with no or little setback from the front property line.	The building is already setback 7.5m and 3m from the front and side lot lines, respectively.
Guidelines for Offstreet Parking Lot Location and Design	
E.1.5.1 The preferred location for a parking lot is behind the building it serves, so that the lot cannot be seen from the main street on which the building is located. If parking behind a building is not possible, street front parking lots should be designed with a maximum street frontage of 10 m and an effective landscape screen.	yes
E.1.5.3 Parking lots should hold all vehicular manoeuvring requirements for entry and exit to and from individual parking spaces.	yes
E.1.5.4 Offstreet parking spaces should not be located so that cars must exit or manoeuvre by backing over a sidewalk or other pedestrian route.	No, but the building has been in place since the 1960s.
E.1.5.5 In Ganges, between Jackson Ave and Lower Ganges Road, new developments proposed along the north side of McPhillips, both sides of Hereford and the south side of Rainbow Road should allow for the development of a rear lane way (where topography permits) that provides access to parking lots in the rear and minimizes	No, staff consider a laneway impractical due to the close siting of buildings to the rear lot

access breaks along the streets. The lane way should be about 7.5 m in width and should be landscaped and paved to make it an attractive pedestrian route. Consideration could be given to using arcades, hidden courts or other architectural features that would encourage development of secondary retail frontage along the lane.	lines. Staff also consider the lot too small to accommodate secondary retail frontage.
E.1.5.6 Parking spaces for the disabled should be plentiful, prominently marked and carefully located for maximum convenience and proximity to accessible building entrances and weather protection features.	yes
E.1.5.9 Parking should only be at ground level or below.	yes
E.1.5.10 Areas should be provided for the loading and unloading of trucks. Sites should allow delivery trucks to manoeuvre without having to block or back onto an adjacent street, parking aisle or pedestrian route. Emergency vehicles should be able reach all parts of the development easily.	No – staff are recommending eliminating the loading space requirement in the bylaw amendment.
Guidelines for Building Form	
E.1.6.2 Horizontal building modulation and articulated facades should be used to reduce the apparent mass of buildings facing the street. They should create a pedestrian scale and interest along adjacent sidewalks and along the Ganges Public Pathway System. To enhance village vitality, consideration should also be given to creating secondary retail frontage along arcades and at the rear of buildings. These ideas should especially be considered where buildings are next to the Ganges Public Pathway System.	Yes, staff consider the lot too small to accommodate rear retail frontage.
E.1.6.11 All roof-top mechanical equipment (satellite dishes, air-conditioning) should be screened from view.	yes
E.1.6.13 The use of handcrafted doors made by local artisans is encouraged.	The renovations preserved as much of the original craftsmanship as possible, while complying with the updated building code.
E.1.6.14 The use of imaginative, handcrafted products of local craftspeople is encouraged. More conventional or formal materials should be avoided.	as above
E.1.6.15 A pleasant pedestrian environment in villages should be enhanced by pedestrian-oriented features.	yes
E.1.6.18 Blank walls visible from pedestrian routes or roadways should be treated with landscaping, architectural features or artwork. At least half of the surface should be covered.	Yes – the building and site include no blank walls and substantial landscaping
E.1.6.20 Facilities should be provided for convenient, barrier-free access for the disabled.	yes
Guidelines for Landscaping and Parking Surfaces	
E.1.7.3 Plant materials should be durable, low-maintenance types. Care should be taken not to obscure sight lines at intersections and parking lot entrances.	yes
E.1.7.4 Landscaping should be used to as an integral part of developments and should help in the function and organization of a site; to create the sense of entry into buildings and to define and enliven public spaces.	yes
E.1.7.5 Soft landscaping should cover a minimum of at least 20% of the parcel area in commercial and industrial developments. The area calculated as soft landscaping does	yes

not include parking areas, vehicle lanes and manoeuvring areas, private open space and adjacent boulevards on public lands.	
E.1.7.8 Plant materials should be chosen with a view to conserve water.	yes
E.1.7.9 Landscaping next to creeks within villages should be left natural and wild to retain fish habitat. Species with a high water demand or that may require the use of pesticides or fertilizers should not be located in this area. Bark mulches and impermeable landscape fabric should not be used. Landscaping should be consistent with guidelines in Development Permit Area 4.	At time of DVP application, landscaping was signed off by RPBio
E.1.7.13 Fencing should be natural in appearance and coordinated with the design of the main building. Appropriate materials are those that reflect a natural, locally crafted character, such as local stone, heavy timbers or local wood.	the proposal includes no fencing
E.1.7.16 Parking lots should be carefully landscaped to screen them from adjacent streets and land uses, to provide shade and to avoid large expanses of uninterrupted asphalt. The following landscape guidelines apply specifically to parking lots, including off-site parking lots:	yes
a. Parking lots with street frontage should be screened by a landscaped strip with a minimum width of 3 m. The perimeter of parking lots should also be screened with a minimum width of 2m.	no – the site is too small to accommodate a 3m landscape strip
d. The use of permeable parking materials such as "hard grass" is strongly encouraged to soften the visual effect of parking lots and minimize changes to site drainage.	yes
E.1.7.17 Parking lots should be surfaced and lined before issuance of an occupancy permit to ensure efficient use. Alternatives to paving such as interlocking or permeable pavers are encouraged. Unpaved parking lots may be considered in some locations provided lots have less than 10 spaces and other techniques are used to ensure efficient use.	yes – unpaved to maintain drainage recommended by staff
E.1.7.18 Sidewalks, patios and decks should be constructed of natural materials or interlocking pavers. Brushed concrete and asphalt should be avoided.	yes
E.1.7.19 Pathways that form part of the Ganges Public Pathway System should usually consist of natural materials. Pathway width should be a minimum of 1 m.	the existing pathway is not part of GPPS
Guidelines regarding Stormwater Drainage and Water Pollution	
E.1.10.2 Developments that would create less than 280 m ² of impervious surface area should not alter drainage in a way that would cause detrimental impacts on other properties, including agricultural land. The Local Trust Committee could request that a drainage plan be prepared by a Professional Engineer to assist it in establishing development permit conditions related to drainage.	the proposal is for an existing development
E.1.10.3 Development should not result in the pollution of surface or groundwater supplies. Particular care should be taken to ensure that there are no detrimental impacts on agricultural land or to fishbearing watercourses because of water pollution.	The proposal is for an existing development; the SPEA has been determined to correspond to the exiting DPA4 designation.



STAFF REPORT

File No.:

To: Mayne Island Local Trust Committee

From: Gary Richardson, Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: Mayne Island Commercial Land Use Review Task Force – Final Report

PURPOSE:

The purpose of this report is to briefly comment on the two reports received from the Commercial Land Use Review Task Force and to recommend next steps.

BACKGROUND:

At its May 2011 the Mayne Island Local Trust Committee (LTC) passed the following resolution:

It was moved and seconded that Mayne Island Local Trust Committee request that staff prepare background information on commercial land uses and zoning and prepare a draft terms of reference for a task force.

In particular, the task force was requested to address the following issues:

- Appropriate locations, density, and regulation of future retail commercial uses
- Appropriate locations, density, and regulation of future service commercial uses
- Appropriate locations and regulation of commercial waste transfer”

A nine member Task Force was appointed. The term of the Task Force was from August 2011 to March 2012.

A final report was submitted April 11, 2012, a minority report was also submitted by two members of the task force. Both reports are attached for reference.

The final reports contain several recommendations regarding commercial land use on Mayne Island. Issues addressed included: supply of future commercial land; commercial core delineation; wording in OCP and LUB bylaws; temporary use permits; home occupations; lot coverage; bylaw enforcement; commercial waste transfer; and advocacy.

The following Five Recommendations were made in the report regarding boundaries for a commercial core in the Miners Bay area:

1. It is recommended that the area highlighted on the attached map be designated as the Mayne Island Commercial Core.

2. The Retail Commercial uses shown on Appendix 1 should be contained in the core area.
3. It is recommended that future applications for commercial zoning in this commercial core be accepted, subject to the regulations set out in the Mayne Land Use Bylaws.
4. It is recommended that a reasonable mix of commercial, residential, tourist accommodation and community service (park) be retained in this core area.
5. It is recommended that the Mayne Island Local Trust Committee advocate for upgrading of sewage disposal systems, domestic water supply, parking and footpath easements and walkway construction.

The main task force report contained the following motions:

- 1) Task force recommends the identification of Miners Bay as the commercial core for Mayne Island with the designation of C1 zoning and a subcommittee be established to identify the geographical boundaries of the commercial core.
- 2) Task force recommended that if solid waste transfer station is required that it be situated on an industrial zoned site.

STAFF COMMENTS

The task force made several recommendations/comments on sections of the OCP and LUB that should be reviewed and potentially amended. Commercial Land Use review is presently one of the LTCs top work program priorities and it is recommended that it remain a priority. There is merit in reviewing the OCP and LUB sections regarding commercial land use in conjunction with the task forces recommendations. Commercial Land Use review can remain as a priority with the activity changing from task force review to staff review.

OPTIONS

- 1) Receive the report and use it as a reference document for future commercial land use reviews. No further staff involvement would be required. Remove Commercial land use review from the work program.
- 2) Keep review of OCP and LUB regarding commercial land use on the LTC work program priority list and change the activity to staff review.

RECOMMENDATIONS

THAT the Mayne Island Local Trust Committee maintain commercial land use review as a work program priority and add staff review as the current activity.

Respectfully submitted by:

Gary Richardson

May 15, 2012

Island Planner

Concurred in by:


Regional Planning Manager

May 16, 2012

Date

Attachment 1: Task Force Report

Attachment 2: Minority Report

Attachment 1

**MAYNE ISLAND
COMMERCIAL LAND USE REVIEW TASK FORCE
FINAL REPORT
APRIL 11, 2012**

MEMBERS

MAYNE ISLAND COMMERCIAL LAND USE REVIEW TASK FORCE

Rich Tamboline (Chair)

Barry Wilks

Bill Maund

Glenda Johnson

Shanti McDougall

Brian Steele

Geoff Siverns

David Maude

Lois Yip

Deb Foote

March 31, 2012

REVIEW OF COMMERCIAL LAND USES, COMMERCIAL ACTIVITY AND SUPPLY OF FUTURE COMMERCIAL LAND

The Task Force reviewed the inventory of existing commercial and industrial zoned properties.

All sites are in use with the exception of 506 Whalen Road which is currently being considered for some type of development by the owner.

In addition there is 535 sq. meters of "buildable" commercial space in the comprehensive Development 2 Zone on Naylor Road.

Of the 16 properties, 6 are zoned as site and use specific. There is no shortage of available land for commercial rezoning on Mayne Island.

The very small and limited market on Mayne Island has tended to limit investment in the Retail Commercial sector. It is expected that this will continue to be the case for the foreseeable future. Historically the influx of summer visitors and residents provided an increased level of activity which enabled businesses to accumulate a cushion to carry them over the "lean" months of October to April. With the major increases in ferry fares and the difficulties of getting to the islands at peak times visitors have tended to find other recreational destinations and the resulting loss of income has become an issue for many businesses on the island.

Overall there is land available for commercial use on Mayne Island, either by rezoning, in acceptable areas, or through development of areas such as the comprehensive Development Zone on Naylor Road.

The economic development required for any expansion of the commercial base was not part of the Terms of Reference for the Task Force.

COMMERCIAL CORE DELINEATION

The Task Force recommends the Official Community Plan (OCP) be amended to define the Miners Bay area as the Commercial Core for Mayne Island.

The clustering of commercial activity in the historical business centre of the island is desirable and reduces the amount of travel required by residents and visitors to obtain necessary services and supplies. By formalizing the boundaries for the core area it is expected to encourage business to locate in that area particularly if rezoning can be simplified and expedited.

Reference: OCP 2.4.1.2 Retail businesses shall be clustered at Miners Bay with the exception of Montrose/Fernhill area, the Building Centre and Auto Repair Yard.

The Task Force passed the following motion December 6, 2011:

It was Moved and Seconded that the Mayne Island Commercial Land Use Task Force recommends the identification of Miners Bay as the commercial core for Mayne Island with the designation of C1 Zoning and a subcommittee be established to identify the geographical boundaries of the commercial core.

The Subcommittee was formed and reported February 26, 2012. the recommendations and report of the Subcommittee are attached as Schedule 1. The report was received by motion of the Task Force on February 28, 2012.

WORDING AND TERMINOLOGY

Anomalies in the Commercial section of the O.C.P. :

1. Terminology in this section is confusing and misleading.
 - 2.4.1 Retail Commercial, Objectives – To supply services necessary...
 - 2.4.1.2 Policies – Retail businesses will be clustered...
 - 2.4.1.3 Policies – Service based businesses should be dispersed...

Terminology becomes further muddled under the Task Force Terms of Reference where the term "Service Commercial" is introduced. This term is not used in the O.C.P. It designates a C3 zone in the L.U.B. which was written for the Lumber Yard.

These variations are very confusing and could easily lead to misunderstandings.

Further confusion results from the use of the term "commercial centre". 2.4.1 Background refers to "...a secondary commercial centre at the junction of Fernhill and Montrose Road." 2.4.1.2 (dealing with the clustering of retail businesses:".../with the exception of the Montrose – Fernhill area." Then at 2.4.1.5 referring to Strip Development "...Strip development of businesses outside the commercial centres shall not be permitted."

- 2.4.1.6 Development Permits – the term "scale of use – should be defined.

2. Site Specific or Site Restricted - when used to identify a property that has a limited selection of permitted uses within the full list of permitted uses for a zone. Alternate terms: "Site Specific and Use Restricted" or "Site specific and Use Specific" or "Site and Use Specific".

All of these variations are very confusing and could easily lead to misunderstandings.

The language in Section 2.4 must be corrected.

QUESTIONABLE ITEMS IN THE LAND USE BYLAW COMMERCIAL ZONES

The two site specific C3 zoned lots on Fernhill were both primarily automotive repair and service facilities. It would have been more appropriate, and much clearer, to have classified them as C4 site specific and use specific for automotive and mechanical repairs. The shop which fronts on Horton Bay Road did an extensive amount of auto body repairs – identified as a permitted use in C4 but not in C3. The zoning on these parcels should be corrected to C4 site specific and use specific.

Strangely the C4 zone headed Automotive does not have a permitted use for automobile repair, mechanical repairs or even automobile servicing.

This oversight should be corrected.

TEMPORARY USE PERMITS

This option has provided an alternative to full scale rezoning. Concern was expressed about the problem of enforcement of terms specified in the permits. Because the permits allow the change of use for a property they should be treated as a bylaw and be subject to a proper public hearing and notification process.

HOME OCCUPATIONS

The sections in the OCP and LUB relating to this subject were reviewed and the consensus was that this type of activity is very valuable in the context of our small community. The enforcement of regulations was the only concern expressed in the discussion. (See more comments under Bylaw enforcement below)

LOT COVERAGE C COMMERCIAL PROPERTIES AND PERMITTED MAXIMUM LOT COVERAGE

One member of the Task Force spent a considerable amount of time and effort in analyzing this subject. This is a topic that obviously needs more study and discussion. Consideration should be given to the inclusion of additional factors, not just building footprint. For example: factors that have to be considered in this community would be areas for septic disposal fields (treatment plant or conventional); safe set off distances from water well location to reduce potential contamination; required parking area should be in the formula (should a paved parking area be part of lot coverage?), should lot coverage be adjusted in the case of site specific use for only one portion of a full C1 zone. In developing a formula for lot coverage, intensity of activity expected should be a consideration in determining how much of the commercial lot should be designated for peak parking demand.

Recommendation: Determine the existing floor area of structures in Commercial and Industrial zones and re-review potential build out.

A review of the criteria should be undertaken and procedures adopted to better represent the intent of the terms "Permitted Maximum Lot Coverage and Maximum Floor Area Allowable."

Summary report is attached as Schedule 2.

BYLAW ENFORCEMENT

During the discussions of the Task Force a subject which kept arising was the lack of enforcement of the regulations set out in the LUB and OCP. While the enforcement procedure is complaint driven and supposedly confidential it would appear to be otherwise. Complaints are not viewed as confidential. In a small community like ours no one wants to be identified as "ratting" on their neighbour. Unless there is assurance that the complaint is confidential most infractions will go unreported.

Another criticism aired during the discussions was: if Bylaw enforcement visits a property for a specific complaint other flagrant violations of the zoning bylaw will not be acted on. Obviously some attention must be given to this very important aspect of local government.

A third concern is the continuation of an unauthorized activity while an application is in process. (e.g. collection of garbage at the gas station for 2 years without an approved TUP) This type of application must be dealt with promptly and rulings provided.

COMMERCIAL WASTE TRANSFER

The Terms of Reference under Purpose Paragraph C – Appropriate locations and regulations of commercial waste transfer.

The Mayne Island Local Trust Committee has no jurisdiction over the regulation of commercial waste transfer.

The Task Force at the December 6, 2011 meeting passed the following motion:

IT WAS MOVED AND SECONDED THAT THE MAYNE ISLAND COMMERCIAL LAND USE TASK FORCE RECOMMEND THAT IF A SOLID WASTE TRANSFER STATION IS REQUIRED THAT IT BE SITUATED ON AN INDUSTRIAL ZONED SITE.

ADVOCACY

The Task Force recognizes that Islands Trust has no authority to provide community services such as roads, curbs, walkways, domestic water supply systems or sewage disposal, however land use; development and community sustainability are closely connected to these services. It is recommended that the Mayne Island Local Trust Committee devote as much effort as possible to advocating on behalf of the community for improvements to these amenities.

SUMMARY COMMENT

Overall the majority of the Task Force members are in agreement with the principles set out in the Mayne Island Official Community Plan and believe it conveys the community's aspirations for the future. However, the work of the Task Force has clearly indicated that a thorough review of the O.C.P. and L.U.B. should be undertaken to clarify terminology and provide clearer directives.

Respectfully submitted on behalf of the Mayne Island Commercial Land Use Review Task Force;

Rich Tamboline
Chair

**REPORT ON
BOUNDARIES FOR A COMMERCIAL CORE IN THE
MINERS BAY AREA OF MAYNE ISLAND**

RECOMMENDATIONS

1. It is recommended that the area highlighted on the attached map be designated as the Mayne Island Commercial Core.
2. The Retail Commercial uses shown on Appendix 1 should be contained in the core area.
3. It is recommended that future applications for commercial zoning in this commercial core be accepted, subject to the regulations set out in the Mayne Island Land Use Bylaws.
4. It is recommended that a reasonable mix of commercial, residential, tourist accommodation and community service (park) be retained in this core area.
5. It is recommended that the Mayne Island Local Trust Committee advocate for upgrading of sewage disposal systems, domestic water supply, parking and footpath easements and walkway construction.

Additional recommended advocacy policies are in the final report of the Commercial Land Use Task Force.

February 26, 2012

**REPORT ON COMMERCIAL CORE DELINIATION IN THE
MINERS BAY AREA OF MAYNE ISLAND
5 TO 10 YEARS PROJECTION**

The Mayne Island Official Community Plan under "Retail Commercial" states – 2.4.1.2 Retail Business shall be clustered at Miners Bay..." With the creation of the Comprehensive Development Two (CD2) Zone at Village Bay and Naylor Roads it is important to define the boundaries of "Miners Bay". The area has long been referred to as the "village" or "down town" but the preferred designation, in the context of the mandate for the Commercial Land Review Task Force, is the "commercial core" for Mayne Island.

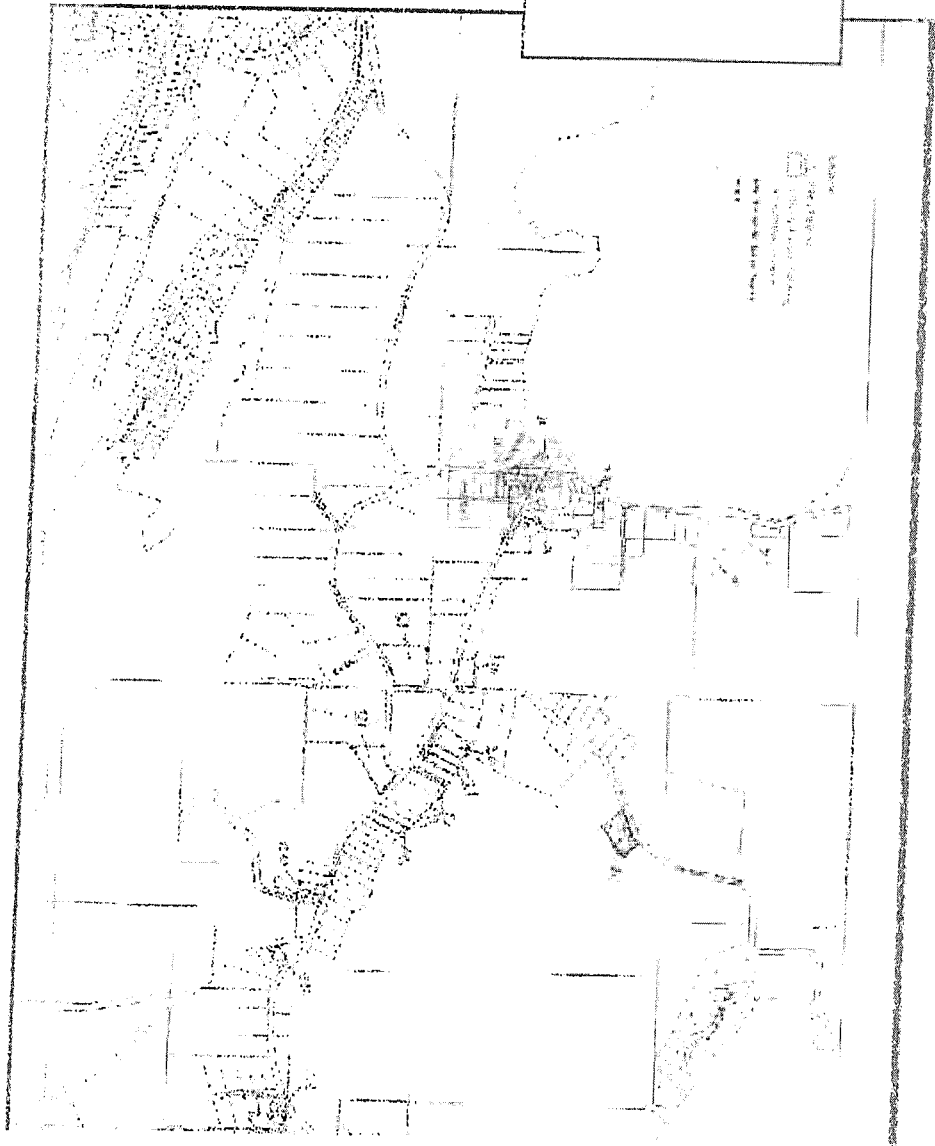
The intention of the subcommittee was to identify a core large enough to ensure a good mix of commercial and residential use,

Considering the fact that there has not been a commercial rezoning in 20 years within the core area it seems likely that the dominant land use will continue to be residential for some years to come.

The philosophy for clustering retail and some commercial services is to try and encourage development in a central location and reduce the amount of vehicle travel by residents requiring the retail goods and services offered by the community outlets.

Appendix 1 (attached) gives an outline of the retail services which should be located in the commercial core area.

February 26, 2012



ESTABLISHMENT OF A SUBCOMMITTEE
TO EXAMINE AND REPORT ON
BOUNDARIES FOR A COMMERCIAL CORE IN THE
MINERS BAY AREA OF MAYNE ISLAND

SUMMARY OF ACTIVITIES

This subcommittee was formed at a regular meeting of the Mayne Island Commercial Land Use Task Force on Dec. 6, 2011.

The members of the subcommittee were appointed at that time by the Chair of the Task Force.

We were tasked with defining and recommending a boundary around the Miners Bay village that would be suitable for the containment of our community's commercial business, with a residential mix which could be single family, low-rise apartments, seniors and various forms of affordable housing.

We met three times as a group and had discussions with the Task Force on two occasions.

We first met on Dec. 20, 2011. We all brought our maps and our own ideas of where we thought the boundaries should go. After much discussion, of things such as parking, water and densities, we decided to take all of the ideas home and do an overlay of them for a new look from a different perspective.

We met again on Dec. 31, 2011 and did a "drive-around" as it was too cold and windy to walk. We visited all boundaries and roads within that were drivable and discussed the geography as well as the current residential properties, future community needs and future land uses. It was decided to take the overlay of all ideas to the next Task Force meeting for suggestions and guidance

After reviewing our maps at the Jan. 3, 2012 Task Force meeting and much discussion we were asked to bring a final drawing to the next meeting.

At our meeting on Jan. 15, 2012 after discussion and concessions all the way around we arrived at a set of boundaries agreed to as suitable and crafted a final map. (highlighted blue)

* { On Jan. 17, 2012 we presented our final maps to the Task Force and after discussion were asked to complete a final report, to include how we arrived at our decisions, our recommendations and the final map showing the containment area. This report to be presented at the next Task Force meeting.

Submitted by: Miners Bay Commercial Core subcommittee

* THIS REPORT & MAP WAS PRESENTED TO THE TASK FORCE. THERE WAS NO SECONDER PAGE NO. 94 MOTION TO RESOLVE "SO THE REPORT DID NOT BECOME PART OF THE RECORD. SEE PAGE 10

ADDENDUM

On Feb. 10, 2012 the Chair and Deputy Chair met to discuss the lack of a report on the map intended for inclusion as part of this Task Force Final Report (5 to 10 years as set out in the Task Force Mandate)

The subcommittee only reported on the map which they indicated was their projection for 30 to 50 years from the present.

This is outside the mandate given to the Task Force. In addition, there were some significant contradictions to the Official Community Plan as well as some inaccurate statements. These items were deleted or corrected in the attached report covering the 5 to 10 years projection.

Recommendations prepared by the Chair

February 15, 2012

APPENDIX 1

**USES RECOMMENDED AS C1 IN THE MAYNE ISLAND COMMERCIAL
CORE (MINERS BAY)**

Real Estate Office
Insurance Office
Dentist Office
Local Government Office
Medical Office
Postal Outlet/Post Office
General Office Space
Pharmacy
Full Service Grocery Store
Personal Services, such as Hair Dressing Salon, Barber Shop

These core retail usages should be contained within the Miners Bay Commercial Core. The C1 zone additionally is considered to be appropriate for any other commercial use. Other commercial businesses that might be considered outside of Miners Bay would be subject to a "site specific and use specific" zoning.

Mayne Island Commercial Land Use Review Task Force

Existing Commercial and Industrial Inventory Evaluation Feb. 22, 2012

Accompanying the referral of the Mayne Island Commercial Land Review to the Task Force was the Staff Report MA/02-2 (Meeting of 19 September 2011). Compiled by planners, it included a spread sheet of the Inventory of Commercial and Industrial Zoned Properties on Mayne, their descriptions, addresses and the criteria that limit additions or expansions as they are presently zoned. One column of this spread sheet is titled "The Maximum Floor Area Allowable". This maximum is known and listed, but the present or existing floor area is not, thus an evaluation of any potential build-out by these criteria is not possible.

The Staff Report also includes "Permitted Maximum Lot Coverage" and "Approximate Current Lot Coverage", which can be considered as an indication of potential build-out of each property. Current Lot Coverage has been determined as the area of roofs to the drip line as measured from aerial photos. Using these two criteria, the potential build-out of structures on these commercial properties can be determined. The range of increase allowable under these criteria is between 1.7 and 11 times the existing "Lot Coverage". The average is 7 times. This number is somewhat skewed by the smaller site specific zoned properties. It should be noted that the Mayne Mall and the Fernhill Centre can become 1.7 times larger and the Trading Post and associated two buildings can become 2.2 times larger using these criteria. No property at present exceeds these criteria.

The assessment does not address the areas required for parking, as stated in the LUB, set backs from property lines, outside storage of materials, equipment, goods and work in progress. These should be allowed for and shown on drawings accompanying the Development Permit that is required for any significant alteration to these existing structures.

Recommendation

Determine the existing floor area of structures in these zones and re-review potential build-out.

In May 2011 the Mayne Island Local Trust Committee passed a resolution reading:

"It was moved and Seconded that the Mayne Island Local Trust Committee request that staff prepare background information on commercial land uses and zoning and prepare a draft terms of reference for a task force."

According to the "Mayne Island Commercial Land Use Review Task Force Terms of Reference" dated June 10, 2011, the purpose of the Commercial Land Use Review Task Force is to provide strategic advice to the Local Trust Committee on the need, requirement and preferred locations of commercial activity on Mayne Island. The task force objective is to identify land use requirements, impacts and issues related to commercial land use on Mayne Island.

There were a number of issues that became evident from the outset of the task force. The terms of reference for example state:

Under the heading Membership

"The Commercial Land Use Review Task Force is made up of not more than nine electors appointed by the LTC. The final number of members appointed to the task force was 10."

We do not recall there being any formal decision being made to increase the number from 9 to 10. Furthermore we noted the following:

There is a provision in the Terms of Reference where in the LTC by way of resolution can change appointments from time to time – to the best of our knowledge this mechanism was not employed to change the number of members

While some "expressions of interest" were accepted after the established deadline one community member who sent in a late response was ignored while several others were accepted for participation on the task force.

Under the heading "Roles" the Chair is responsible for a number of functions including:

"Ensure that there is provision for public input"

While at a February meeting the chair reported that he polled a number of local businesses informally. No methodology involved in this "research", the parties interviewed were selected by the chair with no input from anyone else. In our opinion this does not meet the objective of providing a provision for public input.

Under the heading Meetings:

"The Chair shall make provisions for a public participation period within each meeting"

While meeting have been open to the public the Chair made no provisions within the meeting for public participation or input.

Finally, at the meeting held on February 28th 2012 (the 3rd to last scheduled meeting) the chair announced that because we were appointed as an additional Advisory Planning Commission our scope was legally limited, therefore the Commercial Land Use Task Force could not contact other government bodies without going through the Local Trust Committee. This is in direct contravention with what was outlined in Appendix A of the Commercial Land Use Review Task Force Terms of Reference which states:

“The Commercial Land Use Task Force been appointed to consider land use issues related to the location, type and amount of commercial land and development on Mayne Island. In order to support its recommendations to the LTC the Commercial Land Use Review Task Force may undertake a number of research tasks including: “

“3) Undertake comparative research options available from other local governments, communities or best practices”

The Chair was asked if he had understood this “limitation” from the time he accepted the role of chair, we were given the impression that he was very aware of this “limitation”. It was interesting that there was no mention of the limits imposed on the CLUTF until that meeting on February 28th.

The way we have interpreted the Tasks list is that by way of approval the LTC has given the authority to the CLUTF members to undertake the research required in addressing the tasks as outlined including contacting other local governments and communities as required.

Our community completed a review of the Official Community Plan in 2007. A lot of time and energy was put into this process including a comprehensive review of the specific guidelines and policies for commercial development (section 2.4 of the OCP) in its various forms. We feel strongly that this document and the resulting updated Land Use Bylaw (amended in 2008) address the issues related to commercial land use more than adequately and that the process that we have undertaken over the last 6 or 8 months has been an exercise in futility.

We are not prepared to sign our names to the final report prepared by the chair, Rich Tamboline. It focuses the majority of future retail and services in Miners Bay and proposes that any new C1 be contained within the boundaries that are mapped out in the report. We disagree with this approach.

As committee members we have prepared another Commercial Land Use Review Task Force Report for your consideration.

Sincerely,

Deb Foote
Shanti McDougall

Appendix A of the document titled Commercial Land Use Review Task Force Terms of Reference charged the task force with a list of 6 tasks:

1) Review and inventory all existing commercially zoned land and facilities on Mayne Island.

Below you will find a list as compiled as of March 4, 2012:

C1 Settlement Commercial

Zoned and Occupied

413 Fernhill	The Trading Post
417 Fernhill	Gardenia
574 Fernhill	Fernhill Centre: Tree Frog, Happy Tides, Envisions Gallery, Wild Fennel, Arbutus Spa, ZeeSpot
472 Village Bay Road	Mayne Street Mall: Tru Value Foods, Sunny Mayne Bakery, Insurance, Gulfport Real Estate
478 Village Bay Road	Root Cellar: Miners Bay Books, Dragon Fly Gallery, Mayne Island Conservancy Society; Nomadic Routes

Zoned for a specific purpose and Occupied

454 Village Bay Road	Green House Restaurant (C1 (b) – restaurant, apartment residential, accessory dwelling for owner operator or employee, accessory uses)
Lot 36 Dalton Drive	Remax Real Estate (C1 (a) – professional business offices)

C3 Service Commercial

Zoned and Occupied

652 Fernhill	Home Hardware
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Zoned for a specific purpose and Occupied

594 Fernhill	Village Bay Repairs (C3 (a) – repair shop, machine shop, accessory retail sales, accessory dwelling unit)
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C4 Automotive Commercial

Zoned and Occupied

424 Fernhill	Active Pass Auto and Marine
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Other Commercial – Temporary Use Permit

Zoned as C3(a) but undertaking rezoning and operating under a 2 year TUP

568 Fernhill	Farm Gate Store
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I1 Industrial

Zoned and Occupied

Lot 3 Sections 8 & 11 Plan 8200 Fernhill Road	Highway Department Works Yard
400 Fernhill	Springwater Storage Shed

Zoned for a specific purpose and Occupied

513 Fernhill	Northwest PreCast - Fred Bennett Contracting (I1(a) Industrial, Warehousing and storage, accessory dwelling for owner operator or employee, accessory uses)
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	buildings and structures, and ready mix concrete plant, and the sales of soil, gravel, dry cement and ready mix concrete
	Now operating a Garbage Transfer Station – unsure if this has been approved
Lot A Section 12	BC Hydro Works Yard (I1(b) maintenance repair and storage of vehicles,
Plan 43041	equipment and materials used for the provision, maintenance and repair of
Campbell Bay Road	utilities and accessory uses, buildings and structures)

Undeveloped Commercial and or Comprehensive Development Zones

C1 Settlement Commercial

415 Fernhill	next to trading post (used as rental accommodations)
Lot 6 Section 12	part of this lot currently occupied as seasonal dwelling
Plan 715 Village Bay Road	

C3 Service Commercial

506 Whalen Road	behind Home Hardware
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CD2 Comprehensive Development Zone

Naylor Road	“Bennett Property” – Nan’s Hair Salon operating in one of the buildings
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2) Quantify to the extent possible commercial land requirements over the next 5 to 10 years.

We struggled with how to address this question given the state of the economy. In these times and in a community like Mayne Island we found that we could sum this up best in the following statement:

“It takes a true entrepreneur with a vision and some resources to establish a business during difficult times.”

Historically Mayne Island has experience sporadic growth over the last 40 years with periods where the population has contracted. It is true that Mayne Island merchants rely on seasonal residents and summer visitors for financial success. It is also true that the close proximity of Vancouver and Victoria markets draw a significant number of our consumer dollars away. It is unfortunate that many members of our community choose to do the majority of their purchasing off island. Clearly the benefits of shopping first in our own community need to be more clearly extolled.

We understand that the CRD is planning to engage the outer gulf islands in a process of looking at opportunities for Community Economic Development. We hope that the results will include some new ventures on Mayne Island. We need to look beyond retail and tourism to develop businesses that will bring economic stability while meeting addressing the ecological sensitivity of our unique island community.

It is difficult to gage what the future holds. Any future rezoning for commercial development should be dealt with on a case by case basis without prejudice.

3) Undertake comparative research of options available from other local governments, communities or best practices.

Given our limited resources along with chairs disposition with respect to this directive, we did not undertake the research suggested.

4) Identify the preferred locations of commercial uses and centres on Mayne Island.

The Mayne Island Local Trust Committee's Official Community Plan addresses locations and centres through policy "2.4.1.2: Retail businesses shall be clustered at Miners Bay with the exception of the Montrose/Fernhill area, the Building Centre at Whalen/Fernhill and the Auto repair yard at Horton/Fernhill. Furthermore policy 2.4.1.3 states that Service based businesses should be dispersed in the Mayne Island Trust Area. "

We fully support these policies along with the objectives:

- 3) "to provide employment opportunities within the community" and
- 6) "to support the clustering of commercial uses in areas that limit or reduce the need to travel to services."

We feel it is important to follow the direction as laid out in the OCP and that any application for rezoning should be considered on a case by case basis, without prejudice.

5) Identify impacts potentially associated with future commercial uses including but not limited to groundwater, traffic, neighbourhood impacts, rural character and climate change

Any future development on Mayne Island and especially in Miners Bay is going to need to address the lack of infrastructure to supply sufficient water as well as the necessity of dealing with sewage and a question of the carrying capacity of the land. We have identified the top 3 challenges associated with concentrating development in Miners Bay as water, sewage and traffic congestion. Traffic for cars, bicycles and pedestrians in Miners Bay as in many areas of Mayne Island is overstressed especially in peak season. There is already insufficient parking in Miners Bay, and parking is often maximized on weekends leaving pedestrians to walk on the road causing further slowdowns. Amenity zoning might be the best approach to addressing these specific issues in Miners Bay to ensure that the infrastructure is enhanced prior to further development in the area.

One of the main concerns we have with respect to concentrating future C1 development in Miners Bay is that we are at risk of losing charm that the current mix of residential and commercial adds to the community as it exists today.

6) Review and comment on other land uses that may be related to commercial uses but are not currently permitted in commercial zones.

Food Security is a primary concern in challenging financial times. Addressing this issue has been identified as a primary element of the Islands Trust's mandate, as well as Mayne Islands Official Community Plan. The more food we produce on Mayne Island the more secure our community will be going forward. Food Processing and small scale manufacturing would enhance the community on many levels. A cold storage facility would provide an element of the infrastructure required to meet the needs of food processors and farmers who do not have the resources to build their own. Other considerations might include a brewery or cidery, licensed daycare, bowling alley, public swimming pool.

In summary, the undersigned members of the Mayne Island Commercial Land Use Task Force feel that the Official Community Plan, a document that the community participated in crafting, adequately addresses issues related to commercial development.

Under Broad Community Objectives, as defined in the OCP include 1.2 6):

"To recognize the important role that varied livelihoods and a varied economy play in our Community's unique character through the encouragement of economic diversity and a vital local economy."

As outlined in the terms of reference dated June 10, 2011, for the Mayne Island Commercial Land Use Review Task Force the purpose for the CLURTF was to provide overall strategic advice to the Local Trust Committee on the need, requirements, and preferred locations of commercial activity on Mayne Island. The task force objective is to identify land use requirements, impacts and issues related to commercial activity on Mayne Island. In particular the task force is requested to address the following issues:

- a) Appropriate locations, density and regulation of future retail commercial uses
- b) Appropriate locations, density and regulation of future service commercial uses
- c) Appropriate locations and regulation of commercial waste transfer

We ascertain that the OCP adequately addresses points a) & b). Point c) is not within the purview of the Local Trust Committee and should be referred to the Mayne Island Improvement District.

Respectfully Submitted,

Deb Foote
Shanti McDougall



Islands Trust

Print Date: May-22-2012

Top Priorities

Mayne Island

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



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



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.

Page No. 106

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-2012.2	Fred C. Bennett Excavating Ltd	Jan-26-2012	Expansion of storage & sale of aggregate, trucking & excavation business
Planner: Kris Nichols			

Planning Status

Status Date: May-19-2012

Staff to attend applicant's CIM

Status Date: May-16-2012

Report written for May 30th agenda

Status Date: May-10-2012

CIM notice prepared and sent for May 30th meeting

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

Planning Status

Status Date: May-17-2012

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

Kathy Jones

From: Nancy Roggers
Sent: April-26-12 1:33 PM
To: Brian Crumblehulme; Gary Richardson; Jeanine Dodds; Kris Nichols; Peter Luckham; Robert Kojima; Kathy Jones; Sharon Lloyd-deRosario
Cc: Cindy Shelest
Subject: Mayne Expense report - final year end to March 31/12

Islands Trust
LTC EXP SUMMARY REPORT F2012
 Invoices posted to March 31, 2012

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	2,077.98	3,722.02
65210	LTC Local Exp APC Meeting Expenses	-	1,054.82	(1,054.82)
65220	LTC Local Exp Communications	-	400.00	(400.00)
65230	LTC Local Exp Special Projects	-	828.93	(828.93)
65240	LTC Local Exp Miscellaneous	-	-	-
TOTAL LTC Local Expense		5,800.00	4,361.73	1,438.27
72300	Project OCP update	-	-	-

Thanks!

Nancy Roggers
 Finance Officer

Islands Trust
 #200 1627 Fort Street
 Victoria, B.C. V8R 1H8
 Phone: (250) 405-5154
 Fax: (250) 405-5155
www.islandstrust.bc.ca

Preserving island communities, culture and environment

Please consider the environment before printing this email.

May 16, 2012

File No.: Bylaw No. 156

To: Mayne Island Local Trust Committee
For Meeting May 30, 2012

From: Miles Drew
Bylaw Enforcement Manager

Re: Final Adoption of Bylaw Notice System Bylaw

THE PROPOSAL:

This report will recommend to the Mayne Island Local Trust Committee that it adopt Bylaw No. 156.

STAFF COMMENTS:

Authority to Adopt

On April 25, 2012 the Mayne Island Local Trust Committee gave third reading to the attached Bylaw No. 156 and referred it to the Executive Committee for approval. The approval was given on May 8, 2012. As this is an administrative Bylaw it does not require the approval of the Minister. The Mayne Island Local Trust Committee may now adopt the Bylaw.

Next Steps

The last steps to be taken before Bylaw Violation Notices can finally be issued are:

- approve and print required bylaw notices;
- Appoint Screening Officers and develop necessary policies to direct the Screening Officers;
- Conduct necessary staff training.

RECOMMENDATION:

That the Mayne Island Local Trust Committee adopt Bylaw No. 156 the "Mayne Island Local Trust Area Bylaw Enforcement Notification Bylaw, No. 156, 2011".

Prepared and Submitted by:

Miles Drew,
Bylaw Enforcement Manager

May 22, 2012

Date

PROPOSED

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 25th DAY OF April ,2012

READ A SECOND TIME THIS 25th DAY OF April ,2012

READ A THIRD TIME THIS 25th DAY OF April ,2012

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
8th DAY OF May ,2012

ADOPTED THIS DAY OF ,20__

SECRETARY

CHAIR

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%

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%

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%

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%

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%

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%

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%

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%

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%

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%

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%

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%

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%

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%

Date: May 22, 2012 **File No.:** Bylaw No. 156, 2011

To: Mayne Island Local Trust Committee
For Meeting May 30, 2012

From: Miles Drew, Bylaw Enforcement Manager

CC:

Re: **Appointment of Screening Officers**
Designation of Screening Officer Powers and Duties
Bylaw Violation Notice Cancellation Policy
Stipulation of the Form of Violation Notice

THE PROPOSAL:

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

1. appoint screening officers;
2. designate the powers and duties of specific screening officers by adopting the attached policy;
3. authorize the reasons for cancellation of a bylaw violation notice by adopting the attached policy; and
4. approve the attached form of violation notice to be used (attached).

STAFF COMMENTS

Section 7 of the Bylaw Enforcement Notification Bylaw requires that the Local Trust Committee (LTC) appoint screening officers. The powers and duties of screening officers are described in section 7 of the bylaw which is listed below. These powers and duties include release of information about bylaw violation notices (BVN) to various persons, negotiation of compliance agreements in return for reduced fine amounts, and cancellation of tickets. The LTC will give guidance to this process through the attached policy and thus ensure consistency.

The Bylaw permits the bylaw enforcement assistant, bylaw enforcement officers, the bylaw enforcement coordinator and regional planning managers to be appointed as screening officers. As very low numbers of BVNs will be issued there is no need at this time to appoint bylaw enforcement officers as screening officers.

The policy designates the bylaw enforcement assistant as a screening officer but limits the powers and duties to dissemination of information only. Permitting the bylaw

enforcement assistant to relay information about BVNs and the process will ensure that the public has immediate access to information. The bylaw enforcement coordinator is designated as a screening officer with full powers and duties. To avoid any perceived conflict of interest when BVNs are issued by the bylaw enforcement coordinator, the duties of screening officer will fall to the regional planning manager.

Negotiation of compliance agreements and cancellation of notices are reserved to senior staff to ensure that whatever agreement is made fully complies with the requirements of bylaws.

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 Notice dispute adjudication system and the fee or fees payable in relation to the Bylaw 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 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 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" and Schedule "B" as attached to this bylaw; and

(5) To cancel Bylaw 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" and Schedule "B" as attached to this bylaw.

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

Section 9 of the bylaw required that the LTC stipulate the form of the Bylaw Violation Notice. Attached is the version of the notice that Staff recommends be used. This version is very similar to those used by other jurisdictions. The form has been developed so that it may be used in all the Local Trust Areas which have adopted a Bylaw Enforcement Notification Bylaw.

RECOMMENDATION:

Staff recommends that the Mayne Island LTC make the following resolutions:

1. The Mayne Island Local Trust Committee appoints the Bylaw Enforcement Assistant, the Bylaw Enforcement Coordinator and the Regional Planning Manager as Screening Officers pursuant to Mayne Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 156, 2011;
2. The Mayne Island Local Trust Committee adopt the Bylaw Enforcement Notice Bylaw Screening Officers' Powers and Duties Policy attached to staff report dated May 22, 2012; and

3. The Mayne Island Local Trust Committee stipulates that the attached Bylaw Violation Notice is the form of violation notice to be used pursuant to the Bylaw Enforcement Notice Bylaw No. 156, 2011.

ATTACHMENTS:

Attachment 1 – Screening Officers’ Powers and Duties Policy

Attachment 2 – Bylaw Violation Notice

Prepared and Submitted by:

Miles Drew
Bylaw Enforcement Manager

May 22, 2012



Mayne Island Local Trust Committee

Bylaw Enforcement Notice Bylaw Screening Officers' Powers and Duties Policy May 22, 2012

Appointment of Screening Officers

Pursuant to section 7.2 of the Mayne Local Trust Committee Bylaw Enforcement Notification Bylaw No. 156, 2011 the persons holding the following positions are appointed as screening officers:

- 1) Regional Planning Manager;
- 2) Bylaw Enforcement Coordinator; and
- 3) Bylaw Enforcement Assistant

Screening Officer Powers and Duties

The powers and duties of the screening officer are contained in section 7.3 of the bylaw. However, it is the direction of the Local Trust Committee that these powers and duties only are carried out in respect to each of the above positions as follows:

- 1) **Regional Planning Manager.** In respect to Bylaw Violation Notices issued by the Bylaw Enforcement Coordinator only the Regional Planning Manager, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of Bylaw No. 156, 2011;
- 2) **Bylaw Enforcement Coordinator.** In respect to Bylaw Violation Notices issued by Bylaw Enforcement Officers only the Bylaw Enforcement Coordinator, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of Bylaw No. 156, 2011;
- 3) **Bylaw Enforcement Assistant.** In respect to Bylaw Violation Notices issued by the Bylaw Enforcement Coordinator and Bylaw Enforcement Officers the Bylaw Enforcement Assistant, acting as Screening Officer, may exercise only those powers and duties in Section 7.3(1) and 7.3(2) of Bylaw No. 156, 2011.

Authorized Reasons to Cancel Bylaw Violation Notices

The Screening Officer may cancel a Bylaw Violation Notice if satisfied that one or more of the following reasons exist:

- 1) the Bylaw Violation Notice was issued to the wrong person;
- 2) an exception specified in the bylaw or related enactment exists;
- 3) a permit exists which authorises the alleged violation;
- 4) there is poor likelihood of success at adjudication for the Local Trust Committee. For example:
 - a) The evidence is inadequate to show a contravention;
 - b) The officer relied on incorrect information in issuing the Bylaw Violation Notice;
 - c) The Bylaw Violation Notice was not completed properly;
- 5) it is not in the public interest to proceed to adjudication for one of the following reasons:
 - a) The bylaw has changed since the Bylaw Violation Notice was issued, and now authorizes the contravention;
 - b) The offence occurred as a result of a circumstance that made it impossible for the person to reasonably comply with the bylaw.

DRAFT - FRONT



No.

BYLAW VIOLATION NOTICE

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 YYYY MM DD	TIME HH:MM AM/PM	LOCATION ISSUED
BYLAW NAME		
BYLAW NUMBER		SECTION
DESCRIPTION OF CONTRAVENTION		
ISSUING OFFICER NAME:		SIGNATURE

THE PENALTY FOR A CONTRAVENTION REFERRED TO ABOVE IS:

Discounted rate If paid within 14 days \$ _____

If paid within 15-28 days \$ _____

If paid after 28 days* \$ _____

*See reverse for additional information on late payments.

METHOD OF DELIVERY:

- ☐ In Person
☐ By Mail



ADJUDICATION REQUEST

To dispute this Bylaw Violation Notice please complete the form below and deliver, mail, or fax to any Islands Trust office within 14 days of receipt of this notice. The request can also be made online at www.islandstrust.bc.ca. See the reverse side of this ticket for addresses and additional information.

Bylaw Notice #:	Date of Issue:
Name:	
Postal Address:	
City/Island:	Province: Postal Code:
Daytime Phone #	Email Address:
Signature:	

ALLEGED OFFENDER'S COPY

COMPLIANCE

- ▶ Failure to comply with the bylaw may result in additional penalties.
- ▶ To arrange a compliance agreement and to receive a discount on the penalty indicated on this notice, contact us.

PAYMENT INFORMATION

PAY BY MAIL OR IN PERSON BY CASH OR CHEQUE
PRESENT THIS NOTICE AT THE TIME OF PAYMENT

- ▶ Please make your cheque or money order payable to Islands Trust.
- ▶ Do not send cash in the mail.
- ▶ Payment must be received within the noted time limits to receive the discounted amounts.
- ▶ A dishonoured cheque will not be considered payment of the penalty within the prescribed time. NSF fees will be applied.
- ▶ Failure to pay promptly will result in additional penalties being added.
- ▶ Overdue fines may be subject to collection process.

DISPUTE ADJUDICATION

- ▶ Adjudication requests must be filed within 14 days of violation notice receipt to be eligible for an adjudication hearing.
- ▶ Deliver, mail, or fax the request form on reverse to any Islands Trust office or complete a request form online at www.islandstrust.bc.ca.
- ▶ Unsuccessful adjudicated disputes will be charged an additional \$25 administration fee.

CONTACT US

Phone: 250-405-5175
Fax: 250-405-5155

Email: bylawenforcement@islandstrust.bc.ca
Web: www.islandstrust.bc.ca

ISLANDS TRUST OFFICES

Islands Trust
200-1627 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

Mayne Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: March 2012

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

No	Meeting Date	Resolution No.	Issue	Policy and Description
3.	May 2, 2011	MA-LTC-44-11	Options for adopting In Camera Minutes	It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to only include in-camera minutes on agendas where there are other reasons to close the meeting to the public .
4.	February 1, 2012		Special Occasion Liquor License referrals	That where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property where Mayne Island Land Use Bylaw 146, 2008 permits public assembly uses, such as halls, recreation facilities or restaurants, and where it can be determined that the organization or applicant have had no issues related to parking or past complaints for the preceding three years, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.

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

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

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

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

BACKGROUND:

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

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

CONSIDERATIONS:

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

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

GUIDELINES

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

These guidelines are:

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

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



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Population (2011):

Approximately 1,071

Size:

2,334 hectares (5,767 acres)

Location:

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

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Mayne Island Local Trust Committee

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May 2012

- [Community Information Meeting for application MA-TUP-2012.2 \(Bennett\) to be held May 30, 2012](#)
- [Southern Board of Variance - Request for Expressions of Interest](#)

April 2012

- [Community Information Meeting Notice](#)

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](#)

[^ top](#)

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](#)

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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](#)

^
[top](#)

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](#)

^
[top](#)

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](#)

^ [top](#)

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