

ADOPTED

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

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

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

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

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

2.2 Questions from public on Agenda Items

None

The agenda was approved as amended by consensus.

3. COMMUNITY INFORMATION MEETING

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

3.1 MA-TUP-2010.2 Active Pass Auto and Marine

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

Planner Richardson reviewed the TUP conditions.

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

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

Chair Luckham opened the discussion to the Public.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Luckham put this question to staff.

Planner Richardson does not consider this necessary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Trustee Dodds rejoined the meeting.

4. PUBLIC HEARING

None

5. PREVIOUS MEETINGS

5.1 Local Trust Committee Minutes

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

Amendments:

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

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

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

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

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

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

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

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

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

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

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

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

11.3.1 - correct spelling of Shalest to Shelest

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Resolution MA-LTC-08-12

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

CARRIED

5.2 Public Hearing Records and Community Information Meeting Notes

None

5.3 Section 26 Resolutions-without-meeting

None

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

Chair Luckham expressed appreciated for the information contained within the minutes

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

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

7. DELEGATIONS

7.1 Mayne Island Integrated Water System Society

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

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

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

The Integrated Water Society is an advocacy group.

Resolution MA-LTC-09-12

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

CARRIED

8. CORRESPONDENCE

8.1 J. Rowlandson re: support for rural cycling

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

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

Resolution MA-LTC-10-12

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

CARRIED (2/1)

8.2 D. Slinn re: naming of Mayne Island

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

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

9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

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

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

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

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

Resolution MA-LTC-11-12

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

CARRIED

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

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

9.2 MA-TUP-2011.1 (Burke)

Planner Richardson reviewed the process to date and stated that the conditions from Resolution MA-LTC-03-12, made February 1, 2012, had been added to the revised application. The current Draft TUP permit (Burke) terms for 2011, state the period from May to October with no advertising. It is felt that if all conditions are followed the property could retain a residential "atmosphere" however, there are concerns as to enforcement of conditions and Staff are recommending that the LTC not proceed with the application.

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

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

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

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

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

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

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

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

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

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

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

Resolution MA-LTC-12-12

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

CARRIED

Resolution MA-LTC-13-12

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

CARRIED

9.3 MA-DVP-2012.1 (Ashworth)

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

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

Resolution MA-LTC-14-12

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

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Secondary Suite Review

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

Resolution MA-LTC-15-12

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

CARRIED

11. REPORTS

11.1 **Work Program Reports**

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

This item was received for information.

11.2 **Applications Report**

11.2.1 **Mayne Island Applications Report** dated March 2012

This item was received for information.

11.3 **Expense/Budget Reports**

11.3.1 Trustee and Local Expenses

This item was received for information.

11.4 **Bylaw Enforcement**

None

11.5 **Adopted Policies and Standing Resolutions**

This item was Received for information.

11.6 **Mayne Island LTC Web Page**

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

11.7 **Chair's Report**

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

Trust Council has approved a 0% budget increase.

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

11.8 **Trustee Report**

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

12. **OTHER BUSINESS**

12.1 **Upcoming Meetings**

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

12.2 **A Strategic Approach to Islands Trust Communications**

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

12.3 **High Speed Internet**

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

Resolution MA-LTC-16-12

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

CARRIED

14. MOTION TO CLOSE MEETING

This item was moved to follow the Town Hall Meeting

13. TOWN HALL MEETING

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

Resolution MA-LTC-17-12

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

CARRIED

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

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

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

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

14. MOTION TO CLOSE MEETING

Resolution MA-LTC- 18 -12

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

CARRIED

15. RECALL TO ORDER

15.1 Rise and Report from Closed Meeting

16. ADJOURNMENT

Resolution MA-LTC-24-12

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

CARRIED

RECORDER

CHAIR