



Mayne Island Local Trust Committee

Regular Meeting Agenda

Date: October 7, 2024
Time: 1:30 pm
Location: Electronic Meeting

			Pages
1.	CALL TO ORDER	1:30 PM - 1:30 PM	
2.	APPROVAL OF AGENDA	1:30 PM - 1:35 PM	
3.	TOWN HALL AND QUESTIONS	1:35 PM - 1:50 PM	
4.	COMMUNITY INFORMATION MEETING - None		
5.	PUBLIC HEARING - None		
6.	MINUTES	1:50 PM - 2:00 PM	
6.1	Local Trust Committee Minutes Dated July 29, 2024 (for Adoption)		4 - 9
6.2	Section 26 Resolutions-without-meeting Report Dated Sept 2024		10 - 10
6.3	Advisory Planning Commission Minutes - None		
7.	BUSINESS ARISING FROM THE MINUTES		
7.1	Follow-up Action List Dated Sept 2024		11 - 12
8.	DELEGATIONS		
9.	CORRESPONDENCE		
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
10.	APPLICATIONS AND REFERRALS	2:00 PM - 2:45 PM	
10.1	MA-DVP-2023.7 (Seymour) - Staff Report (attached)		13 - 34
10.2	MA-DVP-2024.3 (Bacchus) - Staff Report (attached)		35 - 64
11.	LOCAL TRUST COMMITTEE PROJECTS	2:45 PM - 3:00 PM	

11.1	Housing Project - Verbal Update	
12.	REPORTS	3:00 PM - 3:10 PM
12.1	Work Program Reports (attached)	
12.1.1	<u>Active Projects Report Dated Sept 2024</u>	65 - 65
12.1.2	<u>Future Project List Report Dated Sept 2024</u>	66 - 66
12.2	Applications Report - Verbal Update	
12.3	Trustee and Local Expense Report Dated July 2024 (attached)	67 - 67
12.4	Adopted Policies and Standing Resolutions (attached)	68 - 72
12.5	Local Trust Committee Webpage	
12.6	Chair's Report	
12.7	Trustee Report	
12.8	Electoral Area Director's Report	
12.9	Islands Trust Conservancy Report Date July 2024	73 - 74
13.	NEW BUSINESS	3:10 PM - 3:25 PM
13.1	Dark Sky Principles Adoption Advocacy Briefing (Attached)	75 - 78
14.	UPCOMING MEETINGS	
14.1	Next Regular Meeting Scheduled for October 28, 2024 at the Agricultural Hall, Mayne Island	
15.	TOWN HALL	3:25 PM - 3:40 PM
16.	CLOSED MEETING (Distributed Under Separate Cover)	
16.1	Motion to Close Meeting	
	<i>That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1)(f) for the purpose of considering:</i>	
	<i>(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;</i>	
	<i>AND that the recorder and staff attend the meeting.</i>	
16.2	Recall to Order	
16.3	Rise and Report	

17. ADJOURNMENT

3:40 PM - 3:40 PM

Mayne Island Local Trust Committee Minutes of Regular Meeting

Date: July 29, 2024

Location: Electronic Meeting

Members Present: Tobi Elliott, Chair
David Maude, Local Trustee
Jeanine Dodds, Local Trustee

Staff Present: Narissa Chadwick, Island Planner
Phil Testemale, Planner 2
Lisa Millard, Recorder

Others Present: There were three (3) members of the public present.

1. CALL TO ORDER

Chair Elliott called the meeting to order at 1:30 p.m. and acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS - None

4. COMMUNITY INFORMATION MEETING - None

5. PUBLIC HEARING - None

6. MINUTES

6.1 Local Trust Committee Minutes Dated June 24, 2024 (for Adoption)

By general consent the Mayne Island Local Trust Committee meeting minutes of June 24, 2024 were adopted.

6.2 Section 26 Resolutions-without-meeting - None

6.3 Advisory Planning Commission Minutes - None

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated July 2024

May 27, 2024 Activity 3 - Letter to the Department of Fisheries and Oceans regarding safety and navigation related to mooring buoys and derelict boats in Horton Bay.

Chair Elliott stated she was informed Local Trust Committees can write advocacy letters about topics concerning land use only and was advised Trust Council is the body to advocate on this matter.

May 27, 2024 Activity 2 - Letter to Ministry of Transportation and Infrastructure (MoTI) and property owner of 340 Georgina Point Road expressing concern about safety and slope stability.

Island Planner Chadwick noted neither MoTI or the Capital Regional District require an engineer's report, MoTI plans to have geo-techs explore the high bank portion of the site therefore a letter might not be necessary, item can be removed from the follow up action list and Staff will provide updates to Trustees when received from MoTI.

8. DELEGATIONS

8.1 Mike Seymour (344 Georgina Point Road DVP Application)

Mike Seymour made the following comments:

- Have not yet met final requirements on moving application forward as it is not being discussed until the October Local Trust Committee meeting
- Ministry of Transportation and Infrastructure approval process was lengthy and they are still working through the final requirements
- Capital Regional District (CRD) indicated they can not receive the submitted building permit application until Development Variance Permit approval is received from Islands Trust
- Talked to CRD to allow construction to start on a retaining wall as there are stress cracks on Georgina Point Road and some excavation is required to realign a portion of the property
- Slope does not meet current engineering standards and believed the road is unsafe without the retaining wall
- Purchased building materials to allow construction which will take place under guidance of geo-tech and civil engineers
- Geo-tech suggested it was necessary to have road preservation work done prior to winter rains
- They understand they don't have permit approval yet as application is not being heard until October

9. CORRESPONDENCE

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

10. APPLICATIONS AND REFERRALS

10.1 PLDVP20240067 (Tremblay) - Staff Report

Planner Testemale summarized the Staff Report and highlighted the following:

- Application to consider retroactive Development Variance Permit for siting of accessory building within the rear lot line setback from required 8 metres to 3.75 metres

- Application result of a Capital Regional District action which revealed that existing 15.5 square metre building with attached deck was sited in error when moved last year

Chair Elliott asked about the error in building placement; Planner Testemale noted it appeared none of the parties identified that there is a small road frontage in north east corner of the lot which resulted in confusion about setbacks.

The Applicant was in attendance and confirmed there was some confusion to which was the front and the back lot line.

MA-2024-046

It was Moved and Seconded,

that Mayne Island Local Trust Committee approve issuance of PLDVP20240067 (Tremblay).

CARRIED

Planner Testemale left the meeting at 2:00 p.m.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Land Use Bylaw Project - Staff Report - Consideration of Adoption

Island Planner Chadwick explained the purpose of the report is to present Bylaw 193 for consideration of Final Adoption.

An error was noted in Section 2.16 (f) the words “after” and “before” are reversed and should read as follows: “Contractor vehicles and equipment may only be operated after the hours of 7:00 a.m. (8:00 a.m. on Saturdays, Sundays or Holidays) or before 7:00 p.m.”

Island Planner Chadwick identified an error in the staff report.

MA-2024-047

It was Moved and Seconded,

that Mayne Island Local Trust Committee Bylaw no.193 cited as “Mayne Island Land Use Bylaw No.146, 2008, Amendment No.1, 2023”, section 2.16 be amended to state Contractor vehicles and equipment may only be operated after the hours of 7:00 a.m. (8 a.m. on Saturdays, Sundays or Holidays) or before 7:00 p.m.

CARRIED

MA-2024-048

It was Moved and Seconded,

that Mayne Island Local Trust Committee Bylaw No. 193 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2023”, be adopted as amended.

CARRIED

11.2 Housing Project – 2025-26 Business Case - Staff Report

Island Planner Chadwick requested the Local Trust Committee endorse the business case for the 2025/26 fiscal year in order to secure project budget.

Discussion ensued and the Local Trust Committee identified the following additional issues and opportunities associated with the project:

- Allows for the expansion of secondary suite opportunities
- Expands flexible housing options
- Potential to expand rental housing and apply for funding opportunities that would not be available if zoning is not in place
- Identification of properties that are currently privately owned that could offer options for the First Nations reserve land to have access to water and power

MA-2024-049

It was Moved and Seconded,

that Mayne Island Local Trust Committee endorse the attached business case for the Mayne Island Housing Options Project (Phase 2) for fiscal year 2026 and that staff forward the business case to the relevant committees and to Trust Council.

CARRIED

MA-2024-050

It was Moved and Seconded,

that Mayne Island Local Trust Committee add to the housing action plan implementation table explore opportunities to enhance infrastructure access that would benefit First Nations reserve lands on Mayne Island.

CARRIED

11.3 Mayne Island Housing Project - Next Steps - Staff Report

Island Planner Chadwick summarized the Staff Report and highlighted the following:

- Added implementation table summarizing action plan and planning sequencing
- Recommended revising previous application and applying for the second round of Canada Mortgage and Housing Corporation Housing Accelerator Fund
- Opportunity to get letters of support from Habitat for Humanity and Capital Regional District to attach to funding application
- Plan Community Information Meeting building on what has already been done, look at how others can donate land for housing, educate community about Islands Trust role in rezoning, talk about land sharing arrangements, and invite Habitat for Humanity and other targeted groups to attend

Discussion ensued and following comments were noted:

- A Community Information Meeting can be planned for late October
- Engage water service providers at a later date and expand that conversation
- Engage with the Parent Advisory Committee
- Suitable Land Analysis can be looked at when completed
- Look at properties that are suitable for modular, mobile, or tiny homes

MA-2024-051

It was Moved and Seconded,

that Mayne Island Local Trust Committee request staff apply to the second round of CMHC's Housing Accelerator Fund using the previous application material.

CARRIED

12. REPORTS

12.1 Work Program Reports

12.1.1 Active Projects Report Dated July 2024

Received for information.

12.1.2 Future Project List Report Dated July 2024

Received for information.

Remove connecting with water service providers from list.

12.2 Applications Report - Verbal Update

Received for information.

12.3 Trustee and Local Expense Report Dated May 2024

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

No updates.

12.6 Chair's Report

Chair Elliott reported the following:

- Attended Southern Gulf Island Forum hosted by MLA Adam Olsen
 - focussed on a First Nations led Port Authority and considered how waters might be better stewarded
- Was asked to help support Snuneymuxw Manu Canoe Tribal Journey fundraiser on Gabriola Island
- Attended Islands Trust Conservancy meeting focussed on First Nations engagement and Conservancy's next five year plan
- Ongoing participation in Reconciliation Learning Group led by Indigenous mentors
- Ongoing discussions on the draft Trust Policy Statement through Committee of the Whole meetings and preparation for community engagement later in the fall

12.7 Trustee Report

Trustee Maude reported the following:

- Noted 30th anniversary of Mayne Island Reading Centre
- Island is very busy and active

Trustee Dodds reported the following:

- Press release and planned legal action against Mayne Island Towing has had positive community feedback
- Attended electronic meeting on species at risk led by Erica Wheeler

12.8 Electoral Area Director's Report - None

12.9 Islands Trust Conservancy Report - None

13. NEW BUSINESS

13.1 Next Meeting Date – Discussion

MA-2024-052

It was Moved and Seconded,

that Mayne Island Local Trust Committee re-schedule its next regular business meeting for October 7, 2024 at the Agricultural Hall, Mayne Island.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for October 7, 2024 at the Agricultural Hall, Mayne Island

15. TOWN HALL - None

16. CLOSED MEETING - None

17. ADJOURNMENT

By general consent the meeting was adjourned at 3:10 p.m.

Tobi Elliott, Chair

Certified Correct:

Lisa Millard, Recorder



Resolutions Without Meetings Log

Mayne Island

Resolution Number	Action	Date
2024-001	Carried	23-Sep-2024
October 7 Meeting		
THAT Mayne Island Local Trust Committee regular meeting scheduled on October 7, 2024 be changed from in-person to electronic.		

Follow Up Action Report

Mayne Island

26-Feb-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 9.1 Trustee Dodds to draft letter to BC Ferries regarding community use of their property (possible dog park)	Emily Bryant Narissa Chadwick	Target: 15-Mar-2024	In Progress

29-Jul-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 6.1 Minutes Approved	Emily Bryant	Target: 02-Aug-2024	Completed
0%	2 10.1 PLDVP20240067 (Tremblay) - DVP approved. Issue DVP.	Jas Chonk Phil Testemale	Target: 07-Aug-2024	Completed
0%	3 11.1 Land Use Bylaw Adopted	Jas Chonk	Target: 09-Aug-2024	Completed
0%	4 11.2 Housing Business Case - endorsed	Robert Kojima	Target: 29-Jul-2024	Completed
0%	5 11.3 Housing - Add "explore opportunities to provide infrastructure access to First Nations" to the Housing Action Implementation Plan	Narissa Chadwick	Target: 22-Aug-2024	Completed
0%	6 11.3 Housing - Staff to organize meeting with PAC to explore opportunity for rezoning properties to accommodate housing	Narissa Chadwick	Target: 05-Sep-2024	In Progress
0%	7 11.3 Housing - Schedule CIM for October 28th (in the place of the October 28th LTC meeting)	Emily Bryant Narissa Chadwick	Target: 22-Aug-2024	Completed

Follow Up Action Report

Mayne Island

29-Jul-2024

Progress	Activity		Responsibility	Dates	Status
0%	8	11.3 Staff to connect with the Mayne Land Conservancy to talk about potential Land Trust for housing	Narissa Chadwick	Target: 29-Jul-2024	In Progress
0%	9	11.3 Staff to re-apply to the CMHC HAF	Narissa Chadwick	Target: 04-Sep-2024	Completed

File No.: MA-DVP-2023.7
MA-BP-2022.13
MA-BE-2023.16

DATE OF MEETING: October 7, 2024
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
SUBJECT: Development Variance Permit
Applicant: Mike Seymour
Location: 344 Georgina Point

RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve issuance of MA-DVP-2023.7 (Seymour).

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit for the construction of two (2) retaining walls, and the reconstruction of stairs within the setback from the natural boundary of the sea and all other required property line setbacks.

RATIONALE FOR VARIANCE

The works would replace the 'road slope reinstatement' that extends onto the lower portion of the subject property and a temporary "lock block" wall. The works are required to control erosion and stabilize the geotechnical condition of the steeply sloped lower portion of the property and the roadway above. Other rationale provided by the applicant, include enhanced drainage, "optimized land utilization" and to act as a noise and visual barrier for the property from the roadway.

BACKGROUND

The application is the result of a Preliminary Plan Review (PPR) application for the reconstruction of the dwelling and a Bylaw Enforcement action for the construction of a temporary retaining wall (MA-BE-2023.16). The scope of development is as follows:

- The construction of an upper and a lower retaining wall with heights of 3.36 m and 1.98 m respectively¹. The upper wall would partially encroach onto the road allowance as shown in Figure 2 (see below).
- The reconstruction of existing stairs on the upper portion of the property in the same (vertical space) location, however integrated beside and over the proposed retaining wall.

The specific variances are to the **Mayne Island Land Use Bylaw No. 146, 2008** (LUB) and are shown in Figure 2 and listed in the draft MA-DVP-2023.7 (Attachment 6). As the lower portion of the property is waterfront and a maximum of 10.3 metres wide, when the natural boundary of the sea (NBS), front, rear, exterior side and side yard setbacks are applied, no developable area remains for the lower portion. As such the proposed development requires variances from all property line setbacks and the NBS.

It has been confirmed that the plans (including geotechnical reports) for the proposed upper retaining walls have been approved by the Ministry of Transportation and Infrastructure (MoTI). At this time, a permit has not been issued by MoTI pending drawings on Guard Rail specifications and a required covenant related to ownership and maintenance. The retaining walls and stairs require Building Permits from the CRD, which will also require sign-off from their engineering staff.

The property is a “hooked” (divided by a roadway) lot that has a total area of 0.14 ha (0.36 ac) in size located on Active Pass. Both portions are predominately steeply sloping with slopes between 22.5 and 45 degrees. The lower portion has minimal vegetation cover with some mature trees adjacent to, and within the road allowance (Attachment 2.2). The upper portion has been substantively altered with some remaining areas of mature trees and ground cover. The owner also owns Lot 4 to the north.

With the PPR, the previous dwelling was confirmed as having legal non-conforming status as the construction predated the inception of zoning. That allows it to be reconstructed provided there was no increase to the building envelope in any dimension (vertically or horizontally). That also applies to the lower stairs adjacent to the dwelling’s south wall. The CRD Building Inspection issued a Building Permit and has confirmed that there has been no increase in non-conformity with the reconstruction.

A small corner of the dwelling and the patio/pool/seawall attached to the dwelling, and approximately half of the boathouse are located on the Crown foreshore. These have legal non-conforming status with zoning, however, none have a foreshore lease, nor is staff aware of any application to date with Crown Lands. A temporary (‘Lock-Block’) retaining wall and stairs was constructed on the property without permits and would be removed with proposed development (Attachment 2.2/MA-BE-2023.16).

There are legally sited cisterns, septic disposal infrastructure and the property’s well-head on the upper portion of the property (Attachment 2.2). There was a PPR processed for a proposed garage on the upper portion that would require numerous variances. None of those are part of this application and Building Permit has not been issued.

The applicant submitted a letter outlining the rationale for the variances that is Attachment 3.

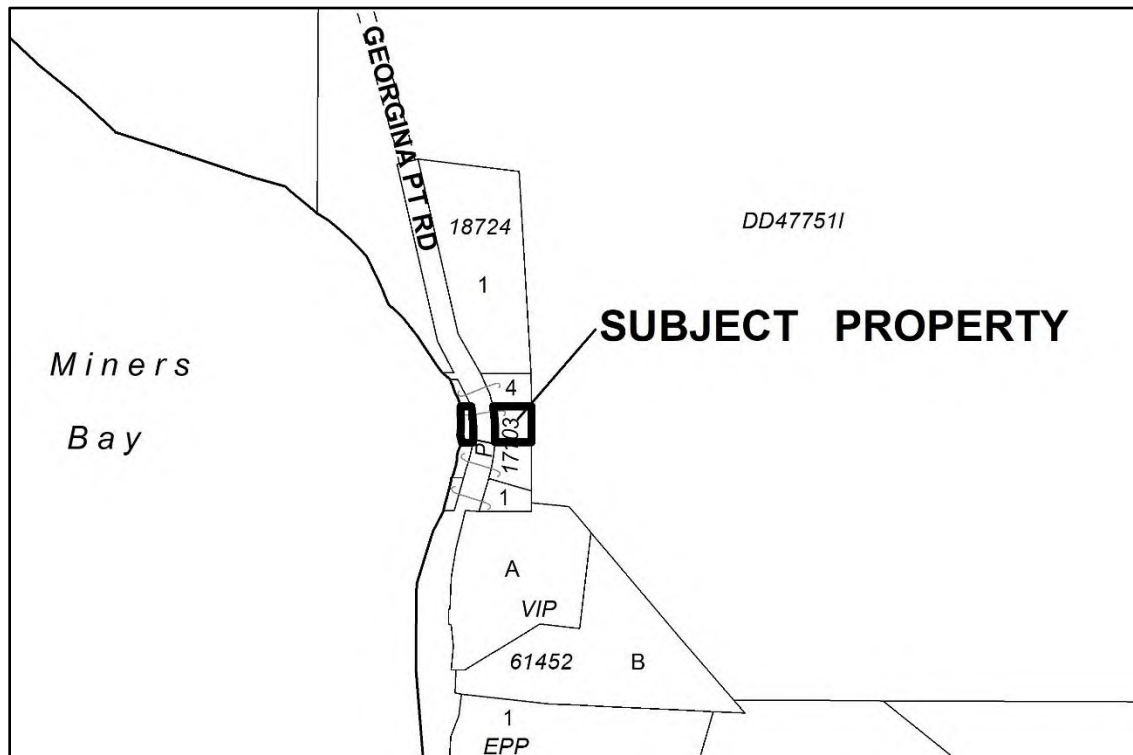
¹ If approved, the siting and height of the structures would be required to be substantively in accordance with the DVP as drafted including attached Schedules. That would allow some flexibility to “field fit” the structures to accommodate land conditions and geotechnical requirements.

If the application is denied, the owners could apply to the Board of Variance.

A copy of the Notice is Attachment 4 and the proposed DVP is Attachment 5.

Staff have visited the property numerous times since the application was made in 2022.

FIGURE 1 - SUBJECT PROPERTY



ANALYSIS

Intent of Regulations being varied

The overall purpose of setback from the natural boundary of the sea are to:

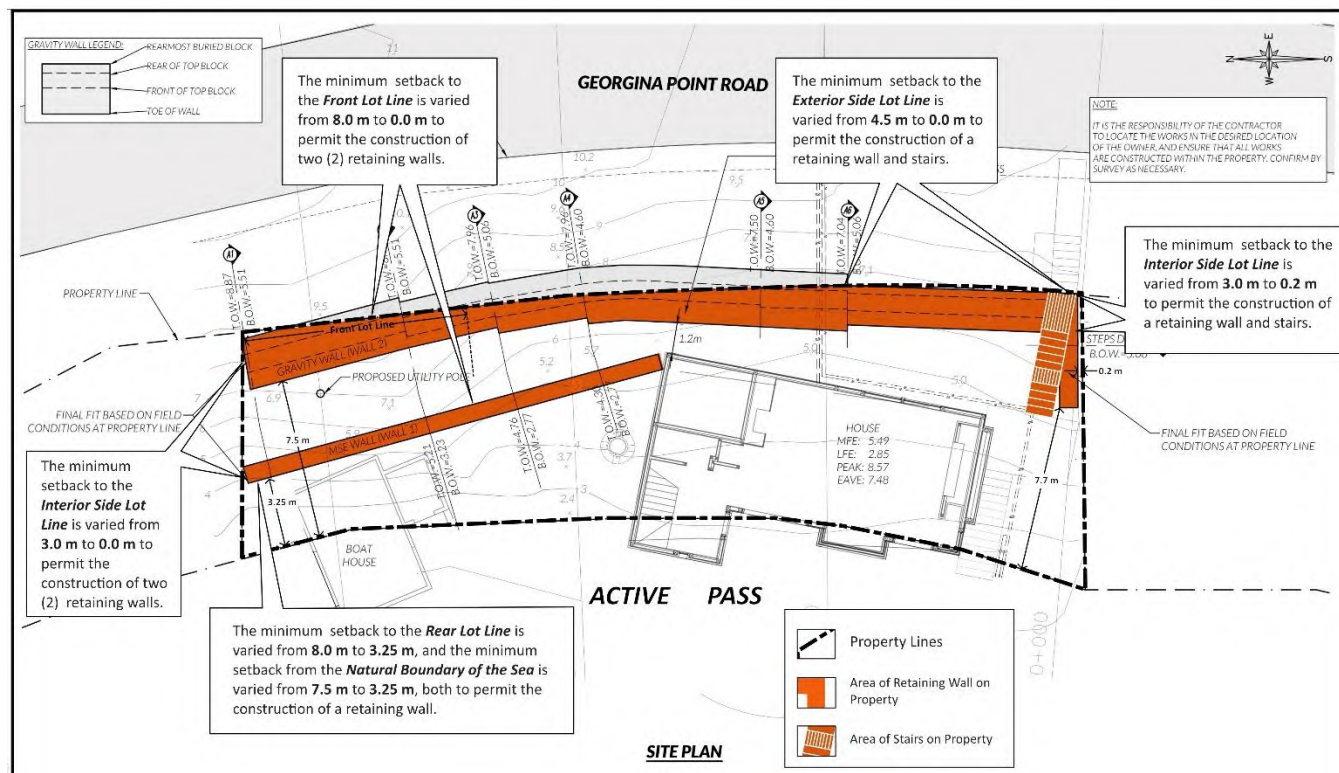
- Protection of the natural environment, and more specifically the sensitive shoreline.
- Align LUB regulations with those for Crown Lands.

The overall purpose of siting regulations are to minimize impacts on adjacent properties and the public realm related to:

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

- Establishing certainty with respect to development by maintaining consistent height and siting regulations.

FIGURE 2 - SITE PLAN



Potential impacts of granting to variance

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

Impact on the Environment and Neighbouring Properties

Given the extent of established (“hard”) development along the foreshore and on the lower portion of the property, and the fact that there is minimal vegetation removal proposed, it is unlikely that the proposed development will significantly impact the foreshore and marine environment. Additionally, the retaining structures will provide improved slope stability partially mitigating further impacts on the marine environment from siltation, erosion and/or slope failure, particularly associated with extreme weather events. That said, construction could result in temporary siltation and runoff particularly during rain events, and should be properly managed. The owner’s has obligations under the *Fisheries Act* and should ensure that best practices are followed, noting that such conditions cannot be incorporated into the DVP.

The visual impacts to neighboring properties and the public roadway are assessed as minimal given the wall’s shoreward-facing orientation, and the property’s aspect. From the water, the walls uniform interlocking concrete block construction will be visible north of the dwelling. Those visual impacts could be softened with landscaping and vegetation and regrowth.

Overall, impacts should be assessed against the need to ensure the geotechnical stability of the road and the property given the unique constraints and physical condition of the property, road location, and established development.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. There is no new development proposed with this application. As reviewed, the DVP application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff will forward the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on *Heritage Act* directly to the applicants.

Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period ended at 4:30 p.m. on September 25, 2024.

At the time of writing, staff have received no submissions in response to notification. Any submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

Rationale for Recommendation

Staff is recommending that the resolution on page 1 be supported for the following reasons:

- The rationale is reasonable
- The visual impacts and potential impacts on the natural environment that would result from the variances do not, on balance, exceed the necessary geotechnical stability of the public roadway.
- The proposed variances do not challenge the intent of the regulation.
- At the time of writing, there has been no response to the notification.

ALTERNATIVES

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

1. Request further information

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

Recommended wording for the resolution is as follows:

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

2. Deny the application

The LTC may deny the application.

That the Mayne Island Local Trust Committee deny application MA-DVP-2023.7 (Seymour).

Submitted By:	Phil Testemale, Planner 2	September 25, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	September 26, 2024

ATTACHMENTS

1. Site Context
2. Plans and Photographs
3. Rationale
4. Notice
5. Draft Development Variance Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 3, Section 12, Mayne Island, Cowichan District, Plan17103
PID	PID: 004-130-189
Civic Address	340 Georgina Point Road
Lot Size	0.14 ha (0.35 ac)

LAND USE

Current Land Use	Settlement Residential
Surrounding Land Use	Settlement Residential

HISTORICAL ACTIVITY

File No.	Purpose
MA-BP-2023.13	Reconstruction of Dwelling
MA-BE-2023.16	Subject application

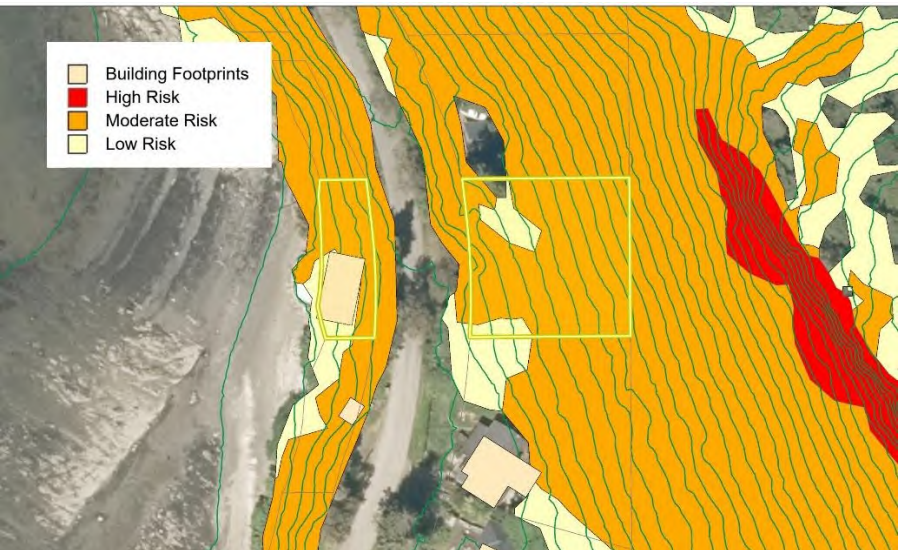
POLICY/REGULATORY

Official Community Plan Designations	The property is designated SR - Settlement Residential in the Mayne Island Official Community Plan No. 144, 2007 There are no Development Permits designated on the subject property
Land Use Bylaw	The property is zoned as Settlement Residential (SR) Zone in the Mayne Island Land Use Bylaw No. 144, 2008. The water area abutting the property is in the Water 2 (W2) Zone.  <i>Ortho/Zoning Map</i>
Other Regulations	N/A

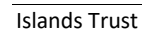
Covenants	None
Bylaw Enforcement	MA-BE-2023.16

SITE INFLUENCES

Islands Trust Conservancy	The application has no considerations for the Islands Trust Conservancy
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	Marine: Critical Southern Resident Orca
Sensitive Ecosystems	None identified on property  <i>Sensitive Ecosystem Mapping</i>

Hazard Areas	None  <i>2 m Contours and Steep Slope Hazard Mapping</i>
Archaeological Sites	Archaeological potential on property (See report under 'First Nations')
Climate Change Adaptation and Mitigation	GHG emission changes are linked to allowable density on the property and will not change with approval of the DVP. Waterfront location and slope aspect make property susceptible to climate change influences.
Shoreline Classification	Low Rock/Boulder
Shoreline Data in TAPIS	 <i>Marine Sensitive Ecosystem Mapping</i>

2.1 SURVEY PLAN



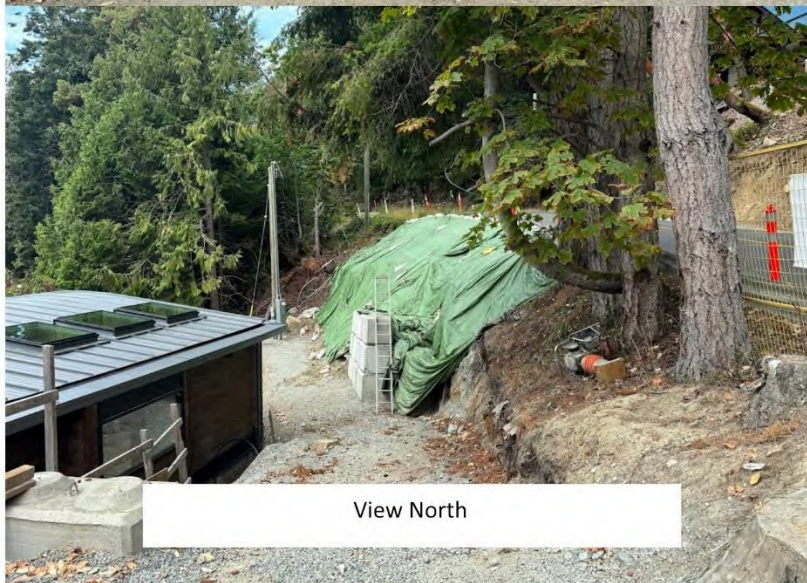
2.2 PHOTOGRAPHS



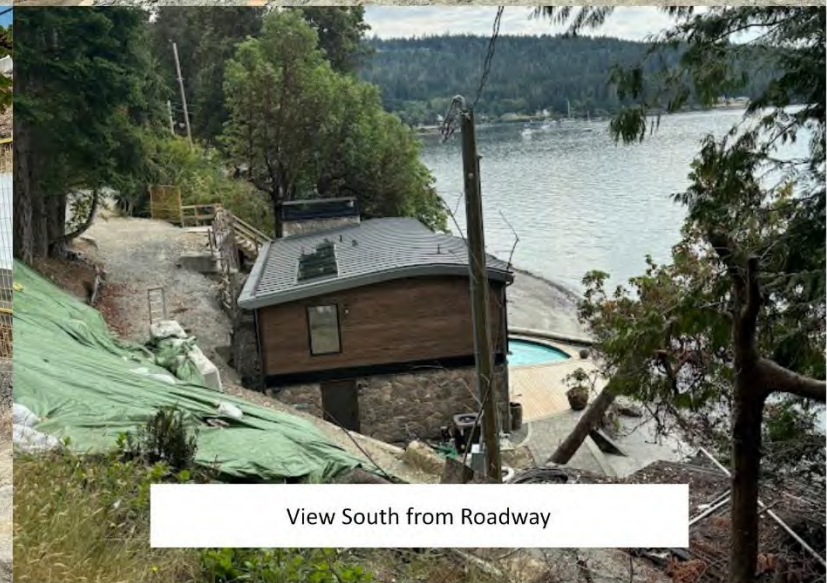
View North - Driveway Entrance (Lower Portion of Property)



View Northwest - Stairs and Dwelling (below)



View North



View South from Roadway

2.2 PHOTOGRAPHS (CONT'D)



Temporary Retaining Wall



Middle of Property (Boathouse below)

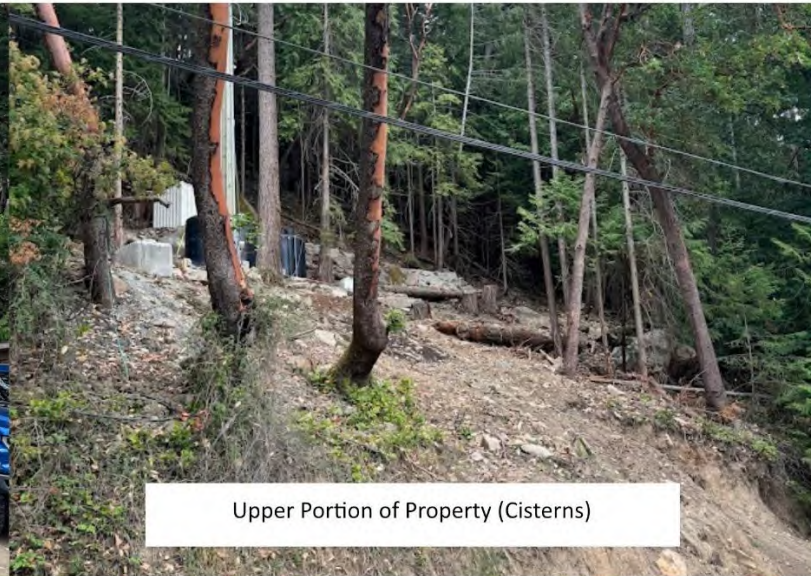


Existing Seawall



Existing Seawall

2.2 PHOTOGRAPHS (CONT'D)



October 12, 2023

Island Trust
South Office (Victoria)
200 – 1627 Fort Street
Victoria, BC V8R 1H8

Re: Permit for Retaining Wall-344 and 340 Georgina Point Rd

Dear Narissa Chadwick,

I am writing to formally request permission for the installation of a retaining wall on the property at 344 and 340 Georgina Point Road, located in the North-Western area of Mayne Island, BC. The 344 Georgina Point Rd property is legally described as Lot 3 Plan VIP17103 Section 12 Land District 16 Portion, and 340 Georgina Point Rd property is legally described as Lot 4, Plan VIP17103, Section 12, Cowichan Land District, Portion Mayne Island. Georgina Point Road divides both properties into two parts. The owner of the both properties is Todd Randall Stephenson.

In a previous conversation, you mentioned that obtaining a permit is necessary for the construction of a retaining wall on the property line. You provided two options for pursuing this permit: either applying for a Development Variance Permit through the Local Trust Committee or submitting an Application to the Board of Variance.

I attempted to reach out to you on October 5th to seek guidance on which specific application should be pursued. Unfortunately, you were unavailable at that time. Our goal is to get this matter on the agenda for the October 30th meeting and have it voted on. So, I spoke with Emily at Island Trust to figure out what to do in your absence.

Emily suggested using a Land Use Application form, and she pointed out that the required documents for both Development Variance and Board of Variance applications are the same. She also mentioned that the Island Trust will review the application, and the application fee will depend on whether we go for a Development Variance or a Board of Variance permit.

The Necessity and Rationality of a Retaining Wall

The picture below shows the temporary fence along the property line and It is essential to install a retaining wall on this property, which is located next to a highway on a slope. The property owner is eager to replace the road slope reinstatement which extends onto their property with a retaining wall as a permanent solution to protect their land. The necessity and rationality of the proposed retaining wall are outlined below.



Erosion Control: The retaining wall acts as a shield against soil erosion, which can be especially problematic on sloping terrain. By holding back the soil and preventing it from washing away during heavy rains or storms, it maintains the integrity of the property and prevents potential landslides. This is not only essential for the property owner but also for the safety of vehicles using the adjacent highway.

Highway Risk Mitigation: Beyond erosion control, a well-designed retaining wall can serve as a protective barrier in case of highway failures. It can act as a buffer, minimizing the potential damage to the property in the event of a highway landslide or other structural issues. This adds an extra layer of security for property owners and occupants.

Enhanced Drainage: The proposed retaining wall can improve drainage by redirecting water away from the property or preventing water accumulation that could damage the property. Proper drainage can help maintain the integrity of the land and any structures on it.

Enhanced Stability: A retaining wall provides structural stability to the property itself. It counteracts the forces exerted by gravity on the slope, ensuring that the land remains intact and secure. Without this support, the property could be susceptible to gradual subsidence, leading to structural damage.

Optimized Land Utilization: Utilizing retaining walls on sloped terrain can effectively transform uneven land into functional spaces. These structures provide level surfaces that are ideal for various purposes, such as gardening, landscaping, outdoor seating, and recreational activities. By employing a retaining wall, property owners can significantly improve the usability and functionality of their land.

Noise and Visual Distraction Reduction: The proposed retaining wall will serve as a barrier to reduce noise from the adjacent highway. Furthermore, it can block or obscure unattractive highway sights, such as traffic congestion or unsightly structures, enhancing the overall comfort of the surrounding environment for residents and workers.

Application with the Ministry of Transportation (MoT)

Initially, we planned to put the retaining wall on the right side of the property line, within the highway right of way (ROW). Unfortunately, the MoT did not approve this application, resulting in its rejection.

An alternative idea has been proposed to avoid the need for using the right-of-way (ROW) and instead install the retaining wall in the property. Currently, we've submitted a permit application to the MoT because this approach requires a setback permit.

Proposed Retaining Wall

In the conceptual design phase, we are proposing the implementation of a gravity block retaining. Gravity block retaining walls are a structurally sound and cost-effective solution for retaining soil, utilizing the sheer weight and interlocking design of the blocks to resist earth pressure and prevent erosion. Furthermore, this retaining wall's potential extends to the upper property (340 Georgina Point Rd), enhancing the overall stability and aesthetic appeal of the site.

The MSR team will be scheduling a meeting with the Geotechnical team to discuss the details of the retaining design. Once the conceptual design is supported by the Island Trust, we will proceed to provide a comprehensive, site-specific design, supported by the expertise of the Geotechnical professionals.

The conceptual design drawing of the retaining wall regarding all components on the property including existing wells, septic tanks, disposal field, water line, sewer line, existing building, and other structures is attached to this letter. As shown in the drawings, the single-family home is located on the west side; however, the water and sewage treatment and disposal field will be situated on the east side.

We kindly request your support in moving forward with either a Development Variance Permit or an application to the Board of Variance. Your prompt response and attention to this matter are greatly appreciated as they are crucial to ensuring the safety and integrity of this property. We firmly believe that the construction of a retaining wall is necessary for property protection and public safety.

It is important to note that the MoT recently issued a permit for crossing water and sewage lines within Georgina Point Road for this property. Our client is willing to carry out both the road crossing and retaining wall construction simultaneously. Given this, we kindly urge your prompt response, as our client intends to start the construction before the rainy season.

We kindly request that this matter be included on the agenda for the meeting scheduled on October 30th, to seek a vote on it. We are fully prepared to provide any supplementary information or necessary documents as required. If further clarification is needed, please do not hesitate to reach out to us. Your cooperation is invaluable in ensuring the success of this project.

Regards,



Nazila Shamloo, MSc., Ept.
Environmental Technologist
nazila@msrsolutions.ca



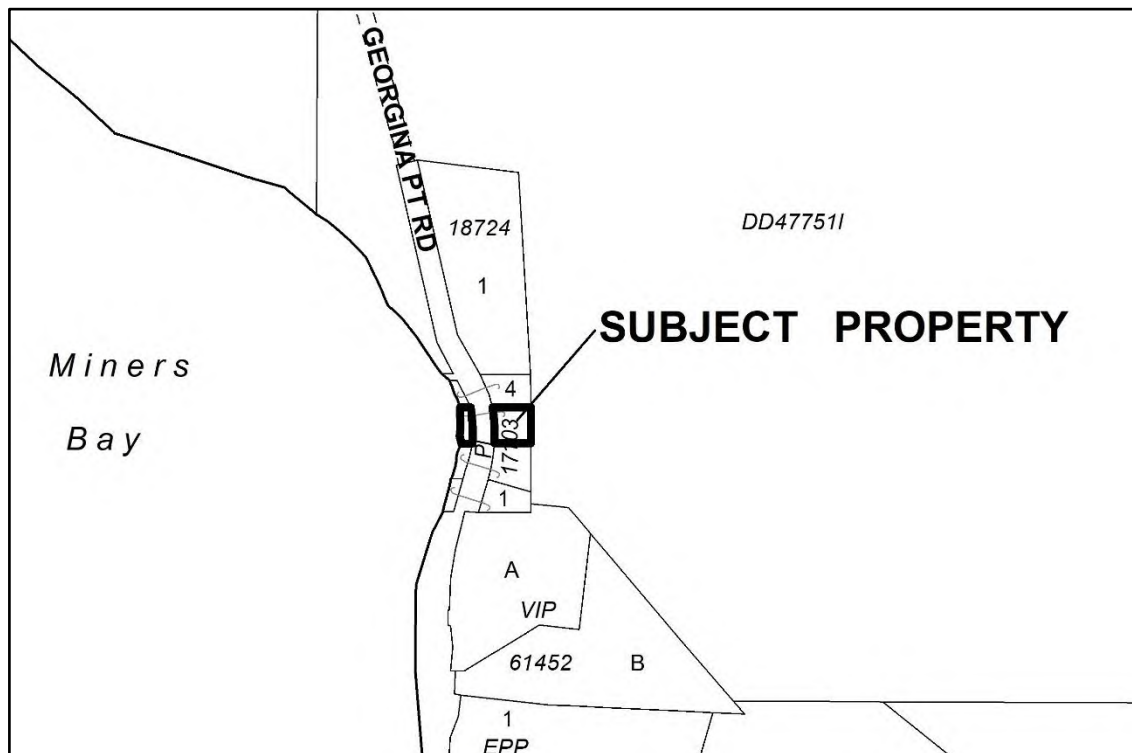
NOTICE
MA-DVP-2023.7
MAYNE ISLAND LOCAL TRUST COMMITTEE

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

- Multiple variances to the property line setbacks and the setback from the Natural Boundary of the Sea for the construction of two (2) retaining walls and reconstruction of exterior stairs.

The property is located at **344 Georgina Point Road** and is legally described as Lot 3, Section 12, Mayne Island, Cowichan District, Plan 17103 (PID: 004-130-189).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **September 13, 2024** and continuing up to and including **September 25, 2024**.

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

Enquiries or comments should be directed to Narissa Chadwick, Island Planner at (250) 405-5189, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 pm, **September 25, 2024**.

The Mayne Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **1:30 p.m., October 7, 2024** at the **Mayne Island Agricultural Hall**, 430 Fernhill Road, on Mayne Island.

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



**MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
MA-DVP-2023.7**

To: Todd Stephenson
c/o Mike Seymour

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

Lot 3, Section 12, Mayne Island, Cowichan District, Plan 17103
(PID: 004-130-189)

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

- a) Subsection 3.3 (4) which states that no building or structure may be constructed, reconstructed, moved, extended or located within 7.5 metres (25 feet) of the natural boundary of the sea is varied to permit two (2) structures (retaining wall and stairs) within 3.25 metres (10.7 feet) from the natural boundary of the sea;
- b) Article 5.1 (8) (a) which states that minimum setback for any building or structure is 8 metres (26 feet) from any front or rear lot line is varied to permit three (3) structures (retaining walls and stairs) within 0.0 metres (0 feet) from the front lot line, and two (2) structures (retaining wall and stairs) within 3.25 m (24.6 feet) from the rear lot line;
- c) Article 5.1 (8) (b) which states that minimum setback for any building or structure is 3 metres (10 feet) from any interior side lot line is varied to permit two (2) structures (retaining walls) within 0.0 metres (0 feet) from the north interior side lot line, and two (2) structures (retaining wall and stairs) within 0.2 m (0.65 feet) from the south interior side lot line; and,
- d) Article 5.1 (8) (c) which states that minimum setback for any building or structure is 4.5 metres (15 feet) from any exterior side lot line is varied to permit two (2) structures (retaining wall and stairs) within 0.0 metres (0 feet) from an exterior side lot line.

The development shall be consistent with Schedules 'A', 'B' and 'C' which are attached to and form part of this permit.

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

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

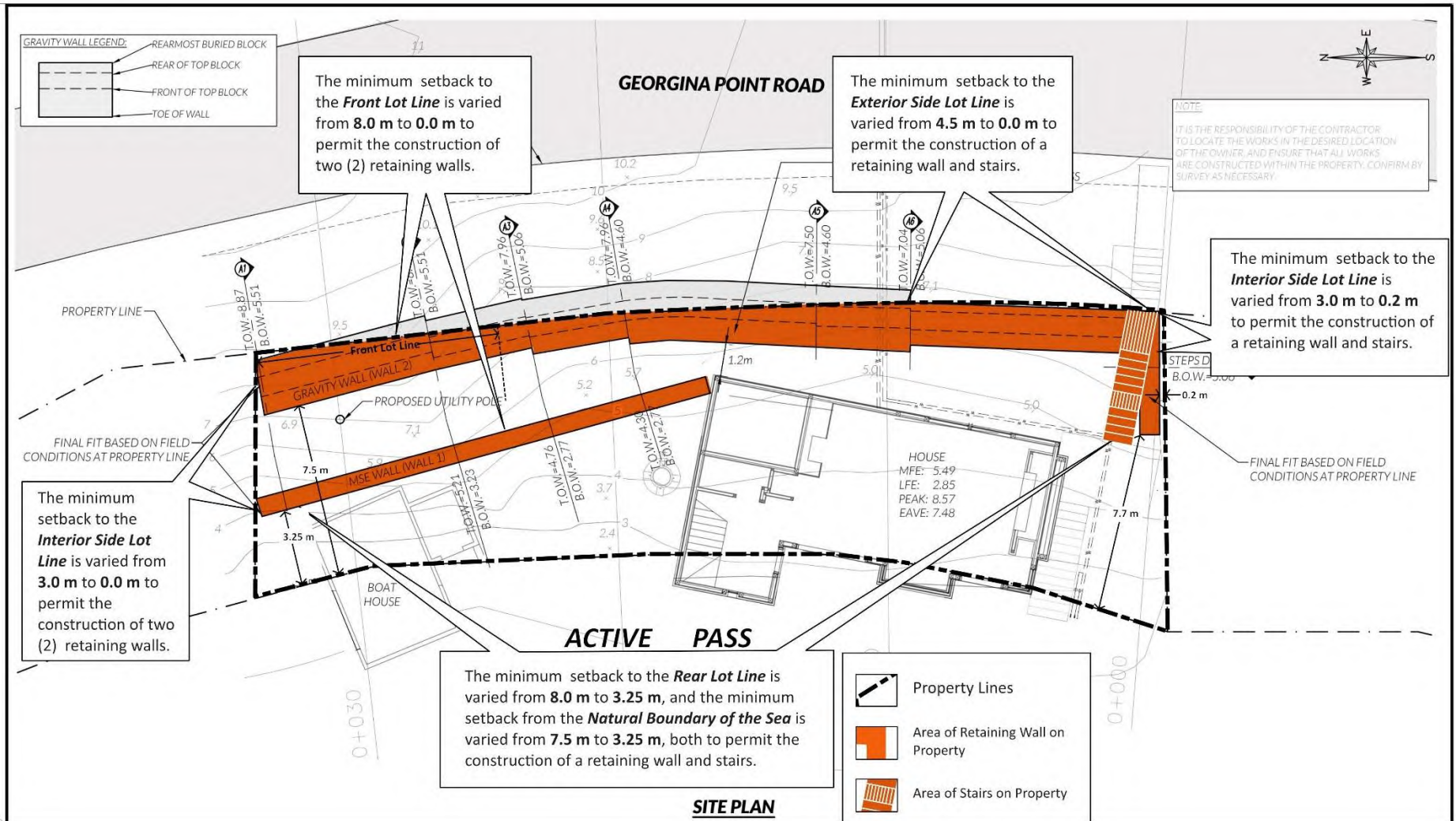
Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF [MONTH], [YEAR (2 YEARS FROM DATE OF ISSUANCE)] THIS PERMIT AUTOMATICALLY LAPSES.

MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2023.7

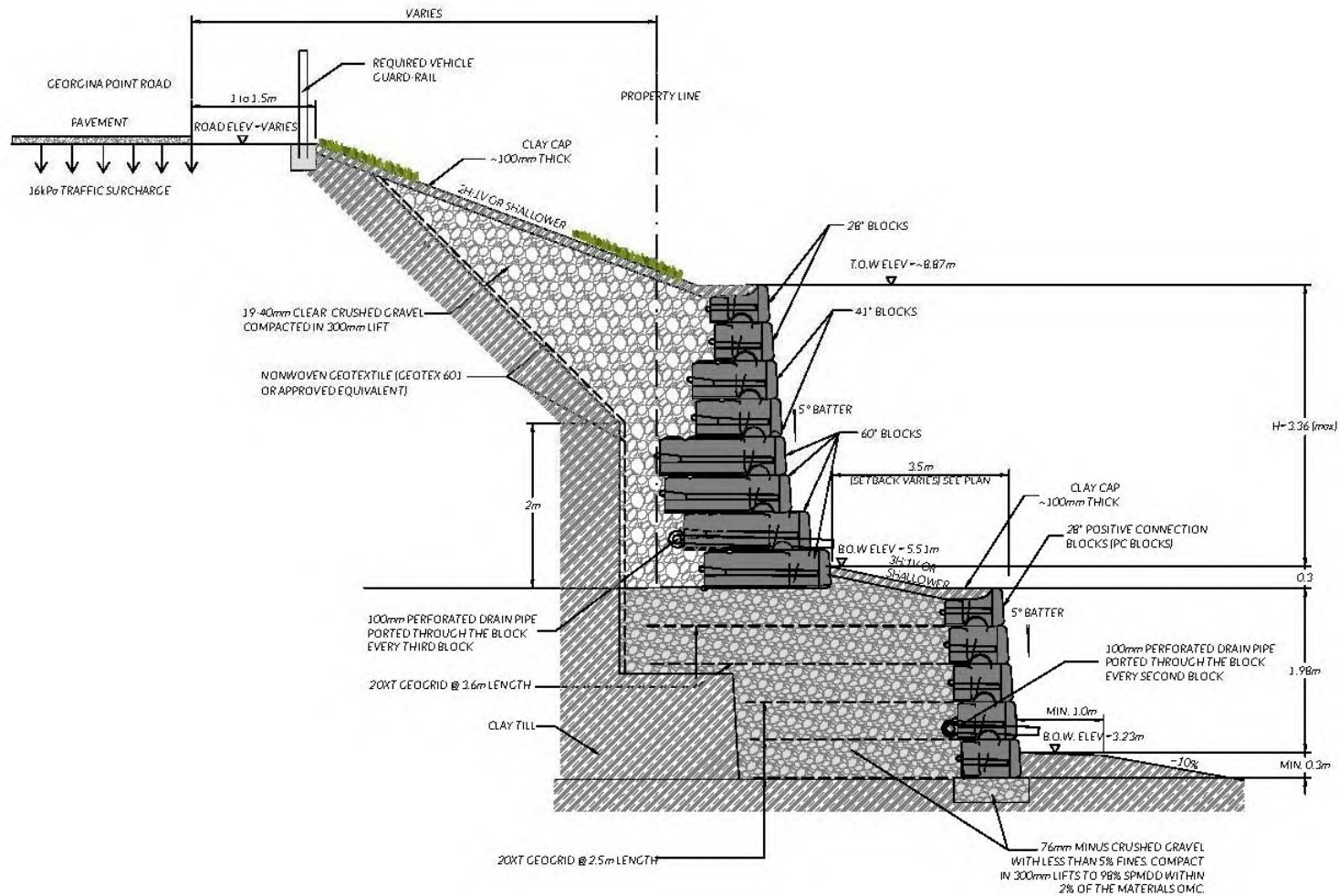
SCHEDULE A



MAYNE ISLAND LOCAL TRUST COMMITTEE

MA-DVP-2023.7

SCHEDULE B

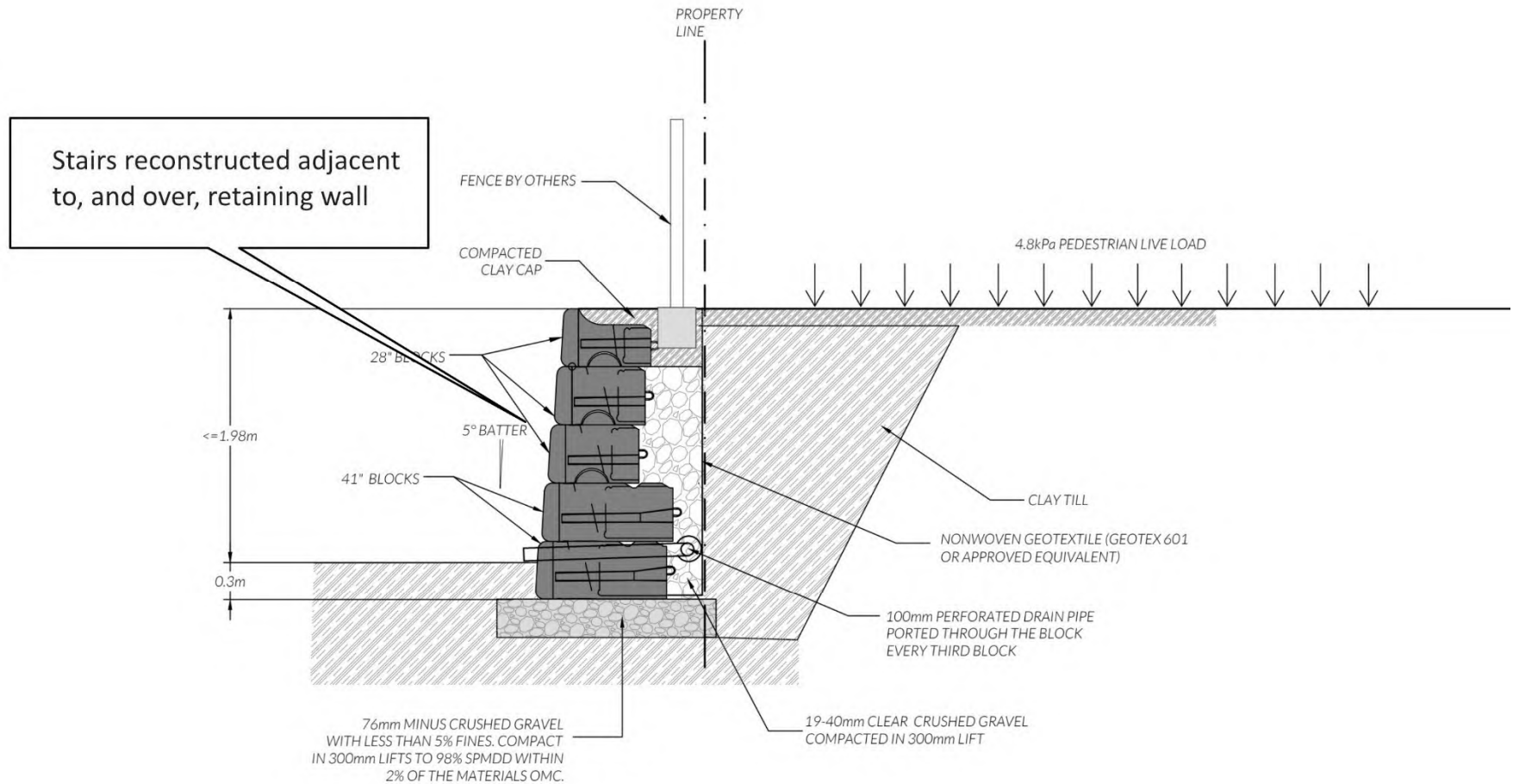


SECTION A1 (MAX. WALL SECTION)

MAYNE ISLAND LOCAL TRUST COMMITTEE

MA-DVP-2023.7

SCHEDULE C



≤1.98m RETURN WALL (MAX.SECTION)

File No.: MA-DVP-2024.3
MA-BE-2024.2

DATE OF MEETING: October 7, 2024
TO: Mayne Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Narissa Chadwick, Island Planner
David Worthington, Bylaw Enforcement Officer
SUBJECT: Development Variance Permit
Applicant: Patti Bacchus
Location: 564 Hewitt Road

RECOMMENDATION

1. That the Mayne Island Local Trust Committee defer consideration of MA-DVP-2024.3 and request that the applicant submit to the Islands Trust a report by a Professional Engineer with experience in geotechnical engineering or a Professional Geoscientist with Green Shores experience.

REPORT SUMMARY

The purpose of the report is to retroactively consider a Development Variance Permit for the placement of a boulder seawall within the setback from the natural boundary of the sea (NBS).

RATIONALE FOR VARIANCE

The completed works are to prevent further shoreline erosion and damage to the natural environment, ecosystem and property, as winter storms and tides intensify (in the applicant's words).

BACKGROUND

The specific variance is to the **Mayne Island Land Use Bylaw No. 146, 2008** (LUB) are shown in Figure 2 and are listed as follows:

- a) Subsection 3.3 (3) which states that no building or structure may be constructed, reconstructed, moved, extended or located within 7.5 metres (25 feet) of the natural boundary of the sea is varied to permit the placement of a structure (boulder seawall) within 0.0 metres (0 feet) upland from the natural boundary of the sea.

The application is the result of a bylaw complaint received in February 2024 and subsequent enforcement action that determined that boulders were placed as a seawall within the required 7.5 m setback from the natural boundary of the sea. In addition, fill was placed behind the seawall (landward). Site investigation determined that the size and height of the seawall constitutes a structure as defined in the LUB. The applicant was provided with the options to either remove the seawall or apply for a variance.

The property is waterfront lot 0.49 ha (1.2 ac) in size located on Piggott Bay. The water frontage is approximately 48 metres in length. It is noted that the original subdivision plan located the natural boundary up to 6 m southeast of the current NBS (Figure 2). Notwithstanding, the current NBS (as surveyed) establishes the property boundary. The lot is largely flat and cleared with a minimal topographic rise to the north corner (Attachment 1). There is a dwelling and garage on the property (Attachment 2 - Photos). The adjacent property to southwest has a similar sized and configured boulder seawall. However, the terrain behind the NBS on the adjacent properties to the northeast steepens with visible exposed bank with no indication of shoreline protection.

Upon application, and in order to determine if the seawall encroached onto the Crown foreshore, staff required the applicant to provide an updated legal survey plan (Attachment 2.1). According to the applicant there were some boulders in place prior to the recent work although the extent cannot be determined.

Further, analysis revealed that there is also a known archaeology site on the property (see 'First Nations' - below).

The applicant was provided with contacts by staff and encouraged to contact a professional with experience in 'Green Shores' principles and applications for shoreline protection (see 'Analysis' - below). To date, the applicant has not submitted any professional reporting.

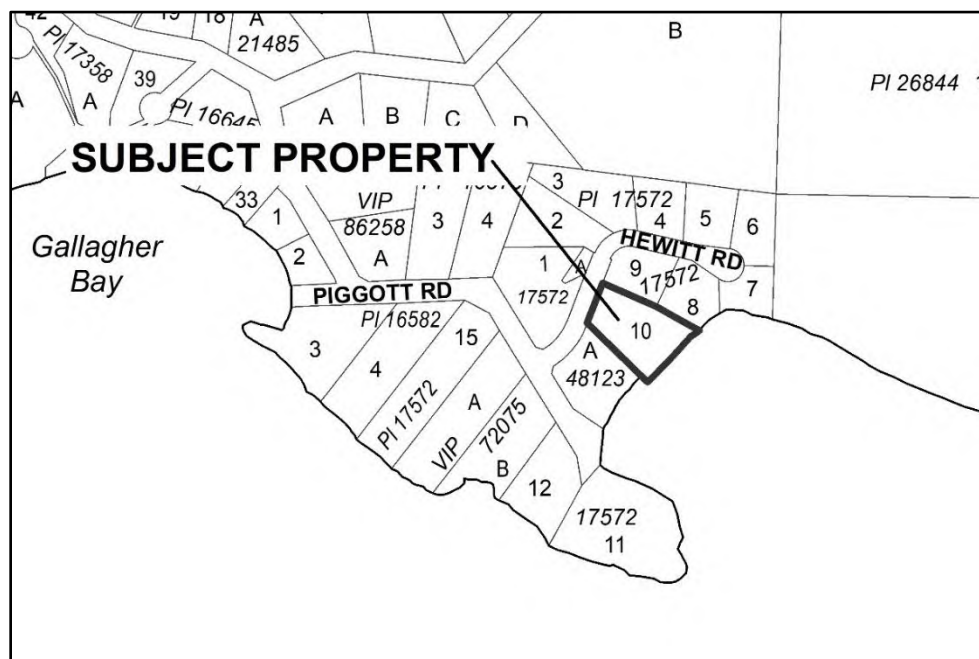
The applicant submitted a letter explaining the rationale for the variances (Attachment 3).

If the application is denied, the owner could apply to the Board of Variance.

A copy of the Notice and proposed permit MA-DVP-2024.3 are Attachments 5 and 6.

Staff visited the property on February 14 and July 17 (Attachment 2 .2).

FIGURE 1 - SUBJECT PROPERTY



ANALYSIS

Intent of Regulations being varied

The overall purpose of setback from the natural boundary of the sea are to:

- Protect the natural environment, and more specifically the sensitive shoreline.
- Align LUB regulations with those for Crown Lands.

The overall purpose of siting regulations are to minimize impacts on adjacent properties and the public realm related to:

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

Potential impacts of granting to variance

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

Impact on the Environment and Neighbouring Properties

The known impacts of ‘hardening’ the foreshore in response to the effects of climate change and shoreline erosion are numerous, including altering natural physical shoreline processes, damage of habitat, pollution and cumulative impacts. Although there is not a development permit area in place, Policy 4.2.1.2 (p. 64) of the Official Community Plan indicates that applications for shoreline protection should be considered on a case by case basis encouraging the implementation of Green Shores, or softer, bioengineered principles. Further, applications should include a professional report including the following criteria:

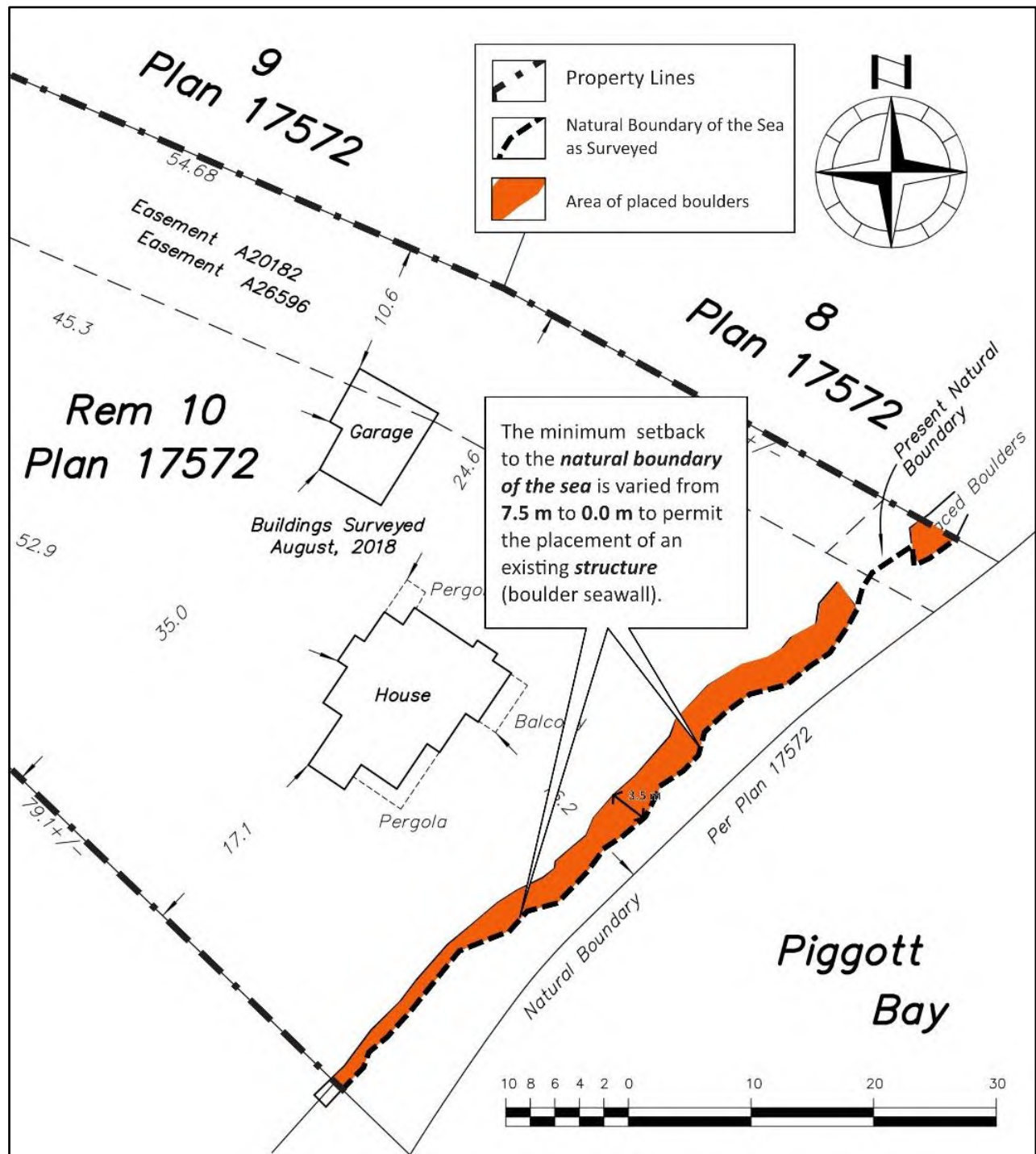
- i. the need for the proposed modification to protect existing structures.
- ii. if any natural hazards, erosion, or interruption of geohydraulic processes may arise from the proposed modification including at sites on other properties or foreshore locations.
- iii. the cumulative effect of shoreline stabilization works along the drift sector where the works are proposed.

Accordingly, as above, the applicant was provided with contacts for professionals with Green Shores certification and experience.

Without professional analysis, in staff’s opinion, it is not possible to accurately assess the potential impacts that the seawall will have on the natural processes, habitat and the stability and potential erosion of the neighboring properties to the northeast. Additionally, professional review can determine if the shoreline work will achieve its intended purpose over the long term.

Further, staff's experience with Green Shores projects on other islands demonstrates that there are potential opportunities for retrofitting with hybrid solutions and renaturalization where structures such as this is permitted to remain in place.

FIGURE 2 - SITE PLAN



Circulation

DVP Notices were circulated to surrounding property owners and residents. The notification period ends at 4:30 p.m. on September 25, 2024.

Prior to notification, the applicant submitted thirteen (13) letters of support from neighbours (Attachment 4).

At the time of writing, staff have received no further submissions in response to notification. Any submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As part of that review, Islands Trust identified that there was a recorded archaeological site on the property that intersects with the area of work. As such, the applicant was advised and instructed to contact the provincial Archaeological Branch. A response from the Branch was received in mid-July that indicated that an Archaeological Impact Assessment (AIA) or permitting was not required for the work that was undertaken. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation.

Rationale for Recommendation

Staff is recommending that the resolution on page 1 be supported for the following reasons:

- The effectiveness of the work and potential impacts on the natural environment and neighbouring properties cannot be accurately assessed without professional reporting.

ALTERNATIVES

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

1. Deny the application

The LTC may approve the application.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee deny application MA-DVP-2024.3 (Bacchus).

2. Approve the application

The LTC may approve the application.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee approve application MA-DVP-2024.3 (Bacchus).

Submitted By:	Phil Testemale., Planner 2	September 24, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	September 25, 2024

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Rationale
4. Correspondence
5. Notice
6. Draft Development Variance Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 10, Section 3, Mayne Island, Cowichan District, Plan17572, Except Part in Plan 48123
PID	PID: 003-948-137
Civic Address	564 Hewitt Road
Lot Size	0.49 ha (1.2 ac)

LAND USE

Current Land Use	Settlement Residential
Surrounding Land Use	Settlement Residential

HISTORICAL ACTIVITY

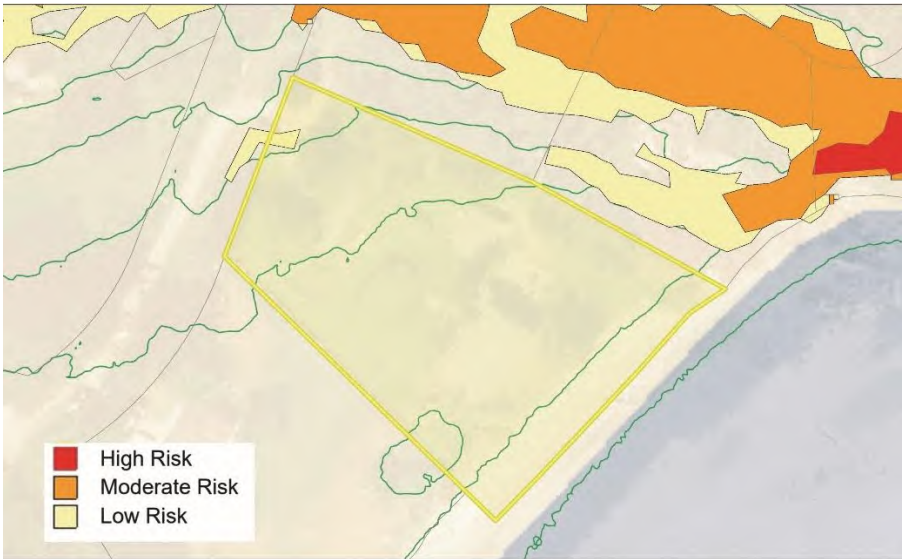
File No.	Purpose
MA-BE-2024.2	Subject application

POLICY/REGULATORY

Official Community Plan Designations	The property is designated SR - Settlement Residential in in the Mayne Island Official Community Plan No. 144, 2007 There are no Development Permit Areas designated on the subject property
Land Use Bylaw	The property is zoned as Settlement Residential (SR) Zone in the Mayne Island Land Use Bylaw No. 144, 2008. The water area abutting the property is in the Water 1 (W1) Zone.  <i>Ortho/Zoning Map</i>

Other Regulations	N/A
Covenants	
Bylaw Enforcement	MA-BE-2024.2/subject application

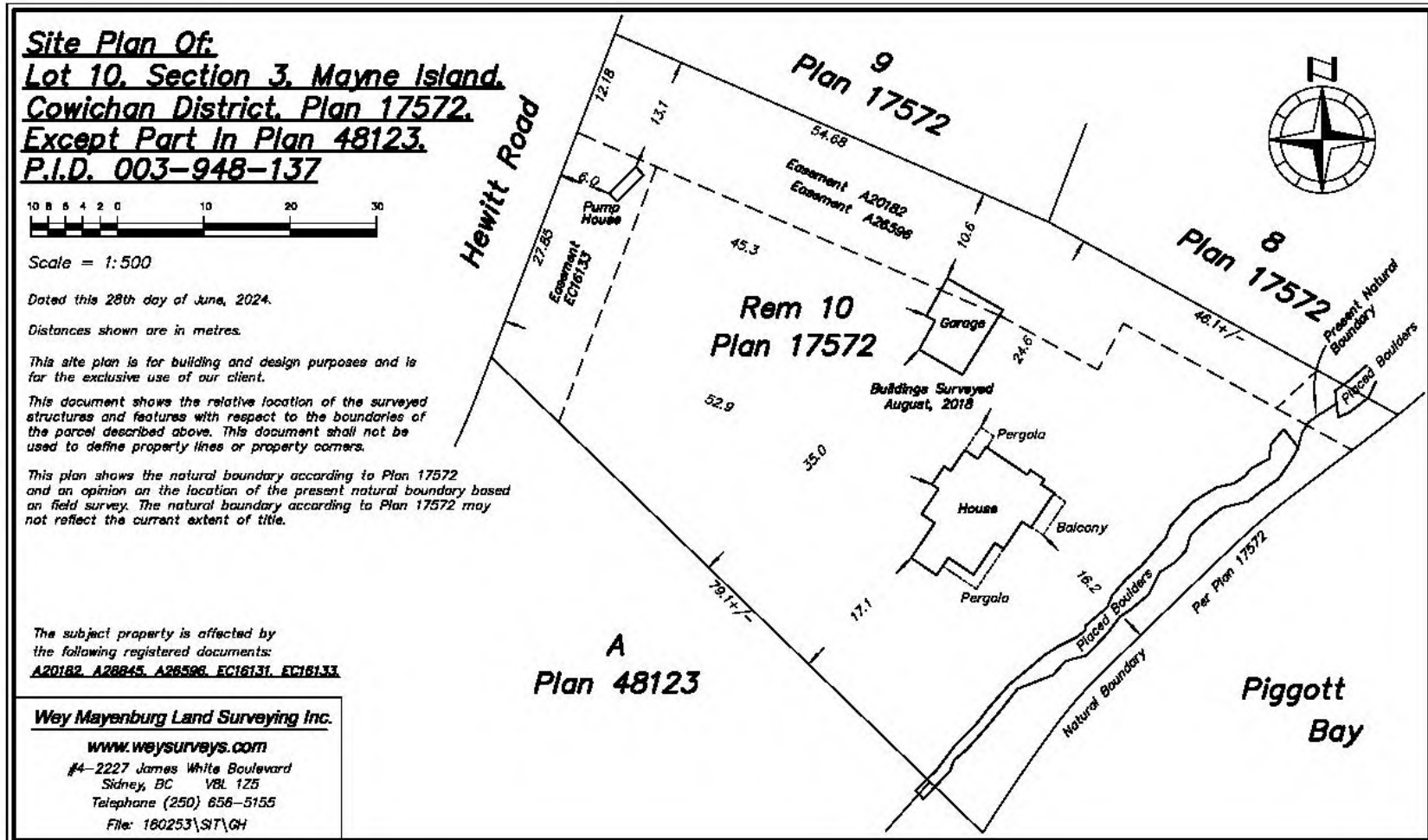
SITE INFLUENCES

Islands Trust Conservancy	The application has no considerations for the Islands Trust Conservancy
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None
Sensitive Ecosystems	None identified on property  <i>Sensitive Ecosystem Mapping</i>
Hazard Areas	None  <i>2 m Contours and Steep Slope Hazard Mapping</i>
Archaeological Sites	Archaeological Site on property (See report under 'First Nations')

Climate Change Adaptation and Mitigation	GHG emission changes are linked to allowable density on the property and will not change with approval of the DVP. Climate Change
Shoreline Classification	Sand/Pebble
Shoreline Data in TAPIS	 <i>Marine Sensitive Ecosystem Mapping</i>

ATTACHMENT 2 – PLANS & PHOTOGRAPHS

2.1 SURVEY PLAN



2.2 PHOTOGRAPHS



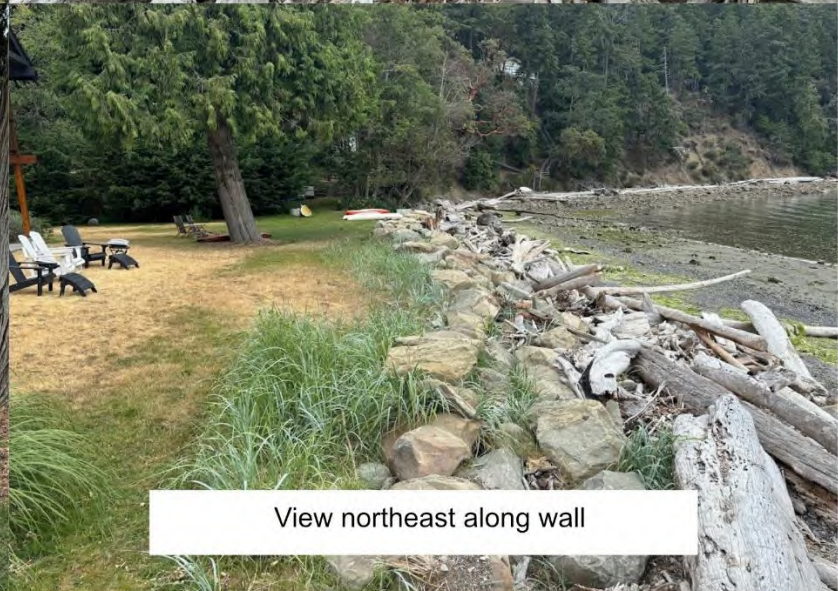
View toward property from west/foreshore



View southwest along wall



View southwest from property



View northeast along wall

2.2 PHOTOGRAPHS (CONT'D)



Placed boulder wall



Placed boulder wall



Placed boulder wall

564 Hewitt Road
Mayne Island, BC
VON 2J2
March 29, 2024

Islands Trust
Victoria Office
200-1627 Fort Street
Victoria, B.C.
V8R1H8

Development Variance Permit Application - 564 Hewitt Road, Mayne Island

This is an application for a variance permit to **repair and reinforce the riprap (boulder) barrier** between my property and Piggott Bay beach. There has been significant erosion over the last several years during winter storms. The repair/reinforcement is to prevent further shoreline erosion and damage to the natural environment, ecosystem and property, as winter storms and tides intensify.

This work has already been completed (I didn't know I needed a permit for rip rap repair/reinforcement) and I have been advised by one of your Bylaw Compliance and Enforcement Officers that there is a permit required for such work. I sincerely apologize for my failure to apply for one before the work was performed.

I have attached a completed land use application form and supporting documents, and a cheque for the development variance permit fee of \$1,938, plus a 20 per cent surcharge (\$387.60 due to the work already being completed), for a total of \$2,325.60.

Thank you for considering this application and my apology for my error in not applying for a permit before the work was carried out.

Sincerely,



Patti Bacchus



Attachment 4

From: MARV NEWLAND^J [REDACTED]
Subject:
Date: May 7, 2024 at 11:24PM
To: Patti Bacchus [REDACTED]

Dear Patti,

Here is my letter in support of your erosion control of the Piggott Bay shoreline.

Marv.

Dear Island Trust,

My home on Mayne Island is at [REDACTED] nearby to the home of Patti Bacchus. I support Patti in her attempt to protect her home and the Piggott Bay shoreline from further erosion. There has been a notable increase in intensity of Winter weather and the Piggott Bay, Plumper Sound wind and wave activity are tearing away beach sand and threatening access to a popular recreational destination for Mayne residents, tourists and local home owners. I believe Patti's reenforcing project is the most logical and timely approach to the erosion situation.

Marv Newland

From: Patti Bacchus [REDACTED]
Subject:
Date: May 7, 2024 at 1:46 PM
To:



From: David Sprague [REDACTED]
Subject: RE: Asking for a favour...
Date: May 7, 2024 at 9:08:43 AM PDT
To: Patti Bacchus [REDACTED]
Cc: Elaine Williamson [REDACTED]

Hi Patti:

As your neighbours at [REDACTED] we are happy to provide this letter of support for the development variance permit application for the shoreline protection works at your property.

Please let us know if there is anything else we can do to this end.

Regards

David Sprague and Elaine Williamson

From: Philip Foster [REDACTED]
Subject: Support
Date: May 7, 2024 at 8:19:06 AM
To: Patti Bacchus [REDACTED]



Hi Patti,

Lee and I are writing to lend support for your application for a development variance permit to stabilize the bank of the beach on your property in order to prevent further erosion from winter storms.

As near neighbours to Piggott Bay we have seen the storm damage caused each winter to the bank.

Please let us know if we can be of any further assistance.

Regards,

Philip Foster & Lee Saxell

Owners

[REDACTED]

Mayne Island

From: M Wright [REDACTED]
Date: May 6, 2024 at 6:26:24 PM PDT
To: [REDACTED]

Dear Patti,

I hope this email finds you well. My name is Meg Wright and I am the owner of [REDACTED] on Mayne Island. I am writing to express my support for your development variance permit application for 564 Hewitt Road, particularly regarding the placement of boulders on the front bank.

I believe that this is crucial for the preservation of the property and the surrounding environment. By placing these boulders, you are taking proactive measures to address erosion issues, which contribute to the overall conservation of the area.

As a neighboring property owner, I fully endorse this application and appreciate the efforts to maintain the natural beauty and integrity of our community.

Thank you for considering my input.

Best,

Meg Wright
[REDACTED]

From: "Katz, Sidney" [REDACTED]

Date: May 6, 2024 at 6:30:51 PM PDT

To: Patti Bacchus [REDACTED]

Hi Patti,

As a close neighbour of yours on Piggott Bay, I am writing to support your application for a development variance permit to reinforce the bank of the beach above the high tide line in the front of your house.

I am fully aware of the damage that the winter storms of the past two years have inflicted and the need for reinforcement of the bank to prevent further damage.

Please keep me posted regarding developments.

Sincerely,

Sid Katz C.M., Ph.D
Owner

[REDACTED]
Mayne Island

From: Kath Kitts [REDACTED]
Subject: Re: Asking for a favour..
Date: May 9, 2024 at 9:17:44 AM PDT
To: Patti Bacchus [REDACTED]

Hi Patti,

Happy to provide support for you on this initiative. Please forward my statement below on behalf of [REDACTED] :) Good luck!

To who it may concern,

I am the homeowner at [REDACTED] on Mayne Island and I am writing to support the development variance permit application for 564 Hewitt Road, regarding the boulders placed on the front bank to prevent further erosion.

Thank you,
Katharine Kitts

Sent from my iPhone

From: Gregory Calder [REDACTED]
Subject: Development Variance Permit
Date: May 6, 2024 at 12:08:23 PM
To: Patti Bacchus [REDACTED]

To Whom It May Concern:

We are the owners of [REDACTED] Mayne Island. We are the [REDACTED] neighbours to Patti Bacchus of 564 Hewitt Road.

We write to provide our support of her application for a development variance permit in regard to the boulders placed along the ocean bank at 564 Hewitt Road.

The boulders are a natural aesthetic barrier to prevent further erosion above the high water mark.

Please feel free to contact us if any further endorsement of her application for a development variance permit is required.

Yours respectfully,
Gregory and Anne-Marie Calder
[REDACTED]

From: Marc Tremblay [REDACTED]
Subject: Letter of support
Date: May 6, 2024 at 9:17 AM
To: Patti Bacchus [REDACTED]

Hello Patti,

It is unfortunate that a portion of your property is being eroded by the winter seas and high tides. I'm afraid that as climate change continues to evolve, we will experience more king tides and storms that will likely continue to erode the banks of your property and others' on Piggott Bay.

By way of this message, I want to express our support for your application to reinforce the banks in front of your property, as you go through to the variance application process.

Best,

Marc and Dana Tremblay
[REDACTED]
Mayne Island

Marc S. Tremblay
[REDACTED]

From: Patti Bacchus [REDACTED]
Subject:
Date: May 6, 2024 at 11:28 AM
To:

From: Kriss Boggild [REDACTED]
Subject: Re: Asking for a favour...
Date: May 6, 2024 at 8:07:33 AM PDT
To: Patti Bacchus [REDACTED]

TO WHOM IT MAY CONCERN
ISLANDS TRUST

I am a Mayne Island owner of a residence at [REDACTED] I am writing to support the development variance permit application at 564 Hewitt Road. The placement of boulders along the waterfront bank to prevent further erosion is an important mitigation measure and benefits all who use the beach. Thank you for your positive consideration.

Best regards, Kriss Boggild

From: Patti Bacchus [REDACTED]
Subject: Fwd: 564 Hewitt Road
Date: May 6, 2024 at 11:27 AM
To:

From: Mike Ledingham [REDACTED]
Date: May 5, 2024 at 8:15:08 PM PDT
To: mom ledingham [REDACTED]
Subject: 564 Hewitt Road

Dear Islands Trust,

Re: Development Variance Permit Application for 564 Hewitt Rd, Mayne Island, BC

I am the owner of [REDACTED] Mayne Island and the [REDACTED] to the northeast. I am writing to support the development Variance Permit Application for 564 Hewitt Road in regards to the erosion control measures undertaken with boulders placed along the property's front bank. Our properties are located on Piggott Bay, which can be subject to severe winter storms. The strong winds and waves, when coupled with high tides, have been eroding the bank, and installation of boulders was a necessary attempt at mitigating any further property loss.

If you have any questions, please do not hesitate to get in touch with me, or my son, who helps manage the property, Michael Ledingham [REDACTED]

Yours Truly,

Arlyne Ledingham

From: Patti Bacchus [REDACTED]
Subject: Fwd: 564 Hewitt Rd.- development variance
Date: May 5, 2024 at 5:45 PM
To:

From: Cory Thorson [REDACTED]
Subject: Re: 564 Hewitt Rd.- development variance
Date: May 5, 2024 at 3:59:20 PM PDT
To: Patti Bacchus [REDACTED] Helen Thorson [REDACTED] Barry Thorson [REDACTED] Nicole
Ninow [REDACTED]

To whom it may concern,

I am an owner living at [REDACTED] I am writing to support the development variance requested by Patti Bacchus, my neighbour, at 564 Hewitt Rd., who is seeking the variance to add boulders to the foreshore to stop erosion of her property due to climate change (King Tides). This is a benefit to the entire community of MAYne Island. I have been actively enjoying Piggott Bay for the last 53 years and over that time I have noticed the tides rising and waves breaking onto the property at 564 Hewitt Rd. More frequently.

Should you need to reach me to discuss contact me at [REDACTED] or [REDACTED]

Cory Thorson
[REDACTED]
MAYne Island, BC

From: Patti Bacchus [REDACTED]
Subject: Fwd: Asking for a favour...
Date: May 5, 2024 at 5:43 PM
To:

Begin forwarded message:

From: Victoria Bushnell [REDACTED]
Subject: Re: Asking for a favour...
Date: May 5, 2024 at 3:55:32 PM PDT
To: Patti Bacchus [REDACTED]
Cc: Marv Newland [REDACTED]

Dear Islands Trust,

I am the co-owner of [REDACTED] Mayne Island, BC [REDACTED]. I am writing to support the development variance permit application for 564 Hewitt Rod, regarding the boulders placed on the front bank to prevent further erosion. I urge you to approve this permit quickly so that Patti Bacchus is not only able to prevent erosion of her property, but to ensure an accessible beach for us to all share.

Thank you very much.

Regards,

Victoria Bushnell
[REDACTED]

From: Patti Bacchus <[REDACTED]>
Sent: Thursday, May 16, 2024 9:09 AM
To: Phil Testemale <ptestemale@islandstrust.bc.ca>
Subject: Letter of support: MA-DVP-2024.3, 564 Hewitt Road, Mayne

Hi Phil - Here is another letter of support from a neighbour.

All the best,

Patti Bacchus

From: Clinton Cuddington <[REDACTED]>
Date: May 16, 2024 at 7:56:20 AM PDT
To: Patti Bacchus <[REDACTED]>

To whom it may concern,

I understand that Patti Bacchus of 564 Hewitt Road, Mayne Island requires a Development Variance permit with the Island Trust for the reinforcement of a shoreline bank along the high tide line. I also understand that this necessary work has already been performed. I have seen this activity and note that it has been done in an appropriate manner. Without hesitation I provide here my full support to Patti the applicant for this initiative.

Regards,

Clinton Cuddington [REDACTED]

Clinton Cuddington

Principal / Architect AIBC RAIC

Architecture / Interiors / Landscapes



Measured Architecture Inc. does not warrant the integrity of the electronic data forwarded herein, nor the effectiveness of associated computer programs or computer access. Copyright remains with the document's author. Virus protection of electronic data remains the responsibility of the recipient. Please inform this office of any corrupted transmissions. Please consider the environment before printing this email.

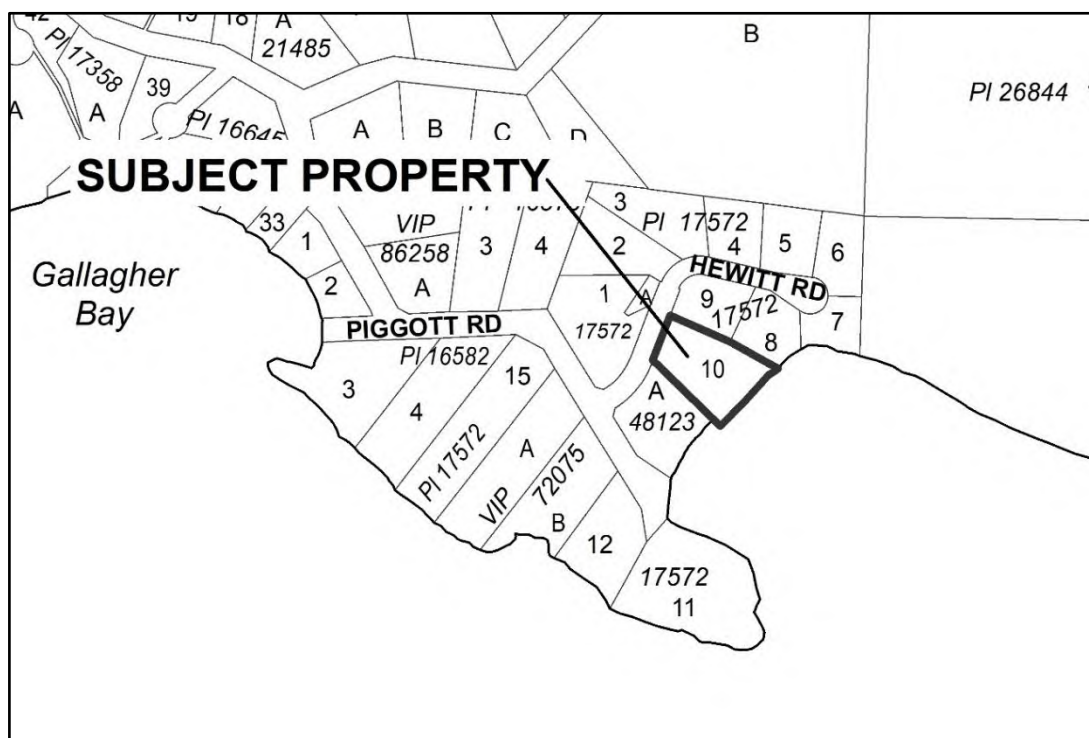
NOTICE
MA-DVP-2024.3
MAYNE ISLAND LOCAL TRUST COMMITTEE

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

- A variance to the setback from the natural boundary of the sea for an existing structure (a placed boulder seawall).

The property is located at **564 Hewitt Road** and is legally described as Lot 10, Section 3, Mayne Island, Cowichan District, Plan 17572, Except Part in Plan 48123 (PID: 003-948-137).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **September 13, 2024** and continuing up to and including **September 25, 2024**.

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

Enquiries or comments should be directed to Phil Testemale, Planner 2 at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 pm, **September 25, 2024**.

The Mayne Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **1:30 p.m., October 7, 2024** at the **Mayne Island Agricultural Hall**, 430 Fernhill Road, on Mayne Island.

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



**MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
MA-DVP-2024.3**

To: Patricia Bacchus

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

Lot 10, Section 3, Mayne Island, Cowichan District, Plan 17572, Except Part in Plan 48123
(PID: 003-948-137)

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

- a) Subsection 3.3 (3) which states that no building or structure may be constructed, reconstructed, moved, extended or located within 7.5 metres (25 feet) of the natural boundary of the sea is varied to permit the placement of a structure (boulder seawall) within 0.0 metres (0 feet) from the natural boundary of the sea.

The development shall be consistent with Schedule 'A' which is attached to and form part of this permit.

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

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

Deputy Secretary, Islands Trust

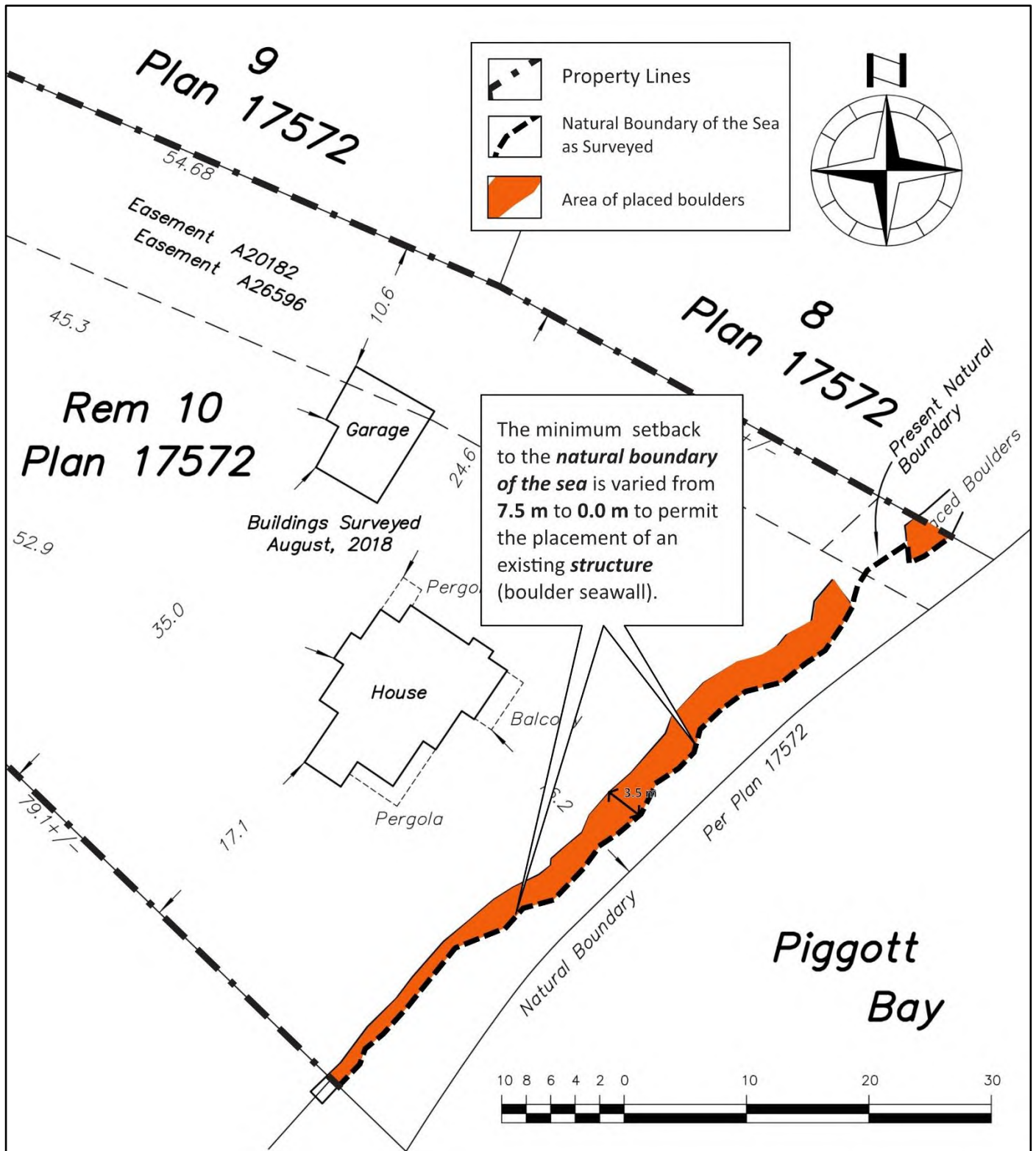
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF [MONTH], [YEAR (2 YEARS FROM DATE OF ISSUANCE)] THIS PERMIT AUTOMATICALLY LAPSES.

MAYNE ISLAND LOCAL TRUST COMMITTEE

MA-DVP-2024.3

SCHEDULE A



Active Projects Report

Mayne Island

1. Major Project - Housing Options Project - Phase 2

Responsible

Dates

Activity:

Continuation of Housing Options Project

- To define scope of project through community consultation, LTC deliberation
- Business case to be developed for submission by September 2023

Narissa Chadwick

Rec'd: 30-Jan-2023

Target: 31-Mar-2025

Future Projects Report

Mayne Island

1. *Foreshore Education and Marine zoning*

Responsible

Date Received

To provide education on foreshore uses and climate change adaptation and review policy and zoning regulations for foreshore and marine uses

24-Jun-2024

2. *Groundwater Implementation*

Responsible

Date Received

To review after housing project implementaton

Islands Trust
LTC EXP SUMMARY REPORT F2025
Invoices posted to Month ending July 2024

645 Mayne	Invoices posted to Month ending July 2024	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
LTC Local				
65200-645	LTC - Local Exp - LTC Meeting Expenses	1,820.00	278.14	1,541.86
65210-645	LTC - Local Exp - APC Meeting Expenses	300.00	0.00	300.00
65220-645	LTC - Local Exp - Communications	1,000.00	386.00	614.00
TOTAL LTC Local Expense		<u>3,120.00</u>	<u>664.14</u>	<u>2,455.86</u>
Projects				
73001-645-4100	Mayne Island Housing	10,000.00	0.00	10,000.00
73001-645-4130	Mayne LUB Minor Amendments	2,000.00	1,241.18	758.82
TOTAL Project Expenses		<u>12,000.00</u>	<u>1,241.18</u>	<u>10,758.82</u>



Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2022-012 (Standing) 5.4 Outhouses that the Mayne Island Local Trust Committee direct Bylaw staff to suspend enforcement on outhouses and that the Bylaw Enforcement Manager be invited to attend a future Local Trust Committee meeting.	Carried	14-Nov-2022
2021-011 (Standing) Advisory Planning Commission - Re-appointments and Expression of Interest Advertisement that the Mayne Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be re-appointed and also advertise for expressions of interest for new commissioners	Carried	25-Jan-2021

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2020-022 (Standing)	Carried	24-Feb-2020

that the Mayne Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area:

Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to:

- a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities;
- b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory;
- c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history;
- d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols;
- e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2018-049 (Standing)	Carried	24-Sep-2018
Cannabis Retail Referrals - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms - o The location of the proposed establishment and the subject site - o The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - o How public comments may be submitted to the local trust committee		

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2017-028 (Standing) 13.3 Short Term Vacation Rentals (STVR) Enforcement Policy - Staff Report That the Mayne Island Local Trust Committee adopts the following resolution in regards to Bylaw Enforcement of Unlawful Short Term Vacation Rentals (USTVR): a) Given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, Unlawful Short Term Vacation Rentals that have one or more of the following characteristics will be subject to proactive enforcement: i) they are advertised on the internet, newspapers or other media; ii) they are not managed by an owner of the USTVR property who lives on Mayne Island; iii) more than one dwelling on the lot is simultaneously made available for USTVR; iv) while the property is used as a USTVR, persons are permitted to stay in tents or trailers; v) there are issues related to health and safety on the property; vi) there is a written complaint by owners or residents of two properties about bona fide serious nuisance issues such as noise or parking congestion related to the USTVR; vii) the owner of the property uses more than one property on Mayne Island as a USTVR. b) Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.	Carried	26-Jun-2017
2017-027 (Standing) 13.2 Bylaw Enforcement Policy, Unlawful Dwelling - Staff Report That the Mayne Island Local Trust Committee directs staff to take enforcement action against unlawful dwellings only if one of the following conditions exists: 1.1. There is a complaint from an immediate neighbor; or, 1.2. There is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement. 2. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.	Carried	26-Jun-2017

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2016-055 (Standing) 12.4 Adopted Policies and Standing Resolutions (attached) that the Mayne Island Local Trust Committee direct staff to create a policy to advertise all statutory public notices in the Mayne Liner.	Carried	27-Jun-2016
2012-000 (Standing) 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.	Carried	01-Feb-2012
2011-044 (Standing) Options for adopting In Camera Minutes 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.	Carried	02-May-2011



HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY JULY 23rd, 2024 BOARD MEETING

NOTE: For more detail on Islands Trust Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. ORGANIZATION UPDATES/TEAM

- Chair Smith spoke to the cancellation of the July 23rd ITC-EC Liaison Meeting stating that since the ITC Board had attended recent Executive Committee meetings, there wasn't a need to meet in July.
- Manager Stewart presented the Islands Trust Conservancy (ITC) Freedom of Information and Protection of Privacy Bylaw No. 4, advising that this bylaw brings the Conservancy in line with the way Freedom of Information and Protection of Privacy is done with other entities of the Islands Trust, and updates the fees.
- Trustee Elliott provided an update to the ITC Board from Executive Committee on ongoing conversations regarding the request to the Province for the review of Islands Trust.
- Trustee Elliott provided an update to the ITC Board from Financial Planning Committee reporting that Trust Council has been asked to decide on budget assumptions, principles, and guidelines to help set the budget. The 2025/26 budget will be discussed at the September Trust Council meeting.
- Chair Smith provided an update to the ITC Board on the ITC presentation delivered at Trust Council.
- Trustee Gauvreau provided an update to the ITC Board from Governance Committee including further detail about the aspects to be included in a request for a Provincial review, that the request will be worked on by a sub-committee using the original Request for Decision (2022) as a starting point, and noting key items likely to be raised.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board endorsed the Coastal Douglas-fir and Associated Ecosystem Conservation Partnership (CDFCP) revised Terms of Reference and Statement of Cooperation. The Chair of the ITC Board was directed to sign the Statement of Cooperation on behalf of ITC. The ITC Board continues to support the participation of staff on the CDFCP steering committee and/or working groups as authorized by the ITC Manager.
- The ITC Board approved the ITC 2025/26 Budget Submission for inclusion in the Islands Trust 2025/26 budget with the following amendment:
 - Increase the Board training and conference line to \$4,600.
- The ITC Board discussed the ITC 2024/25 Work Plan provided by Manager Stewart.
- Manager Stewart presented the ITC 5 Year Plan Engagement Plan Outline to provide additional detail about the engagement process for development of the 2026-2030 ITC Plan.
- The ITC Board requested staff to provide a briefing on potential disposition of ITC land to Indigenous Governing Bodies.



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

5. COMMUNICATIONS AND OUTREACH

- The ITC Board approved the 2024-2026 Islands Trust Conservancy Communications and Engagement Strategy, as amended.
- Manager Stewart provided a verbal update to the Board regarding a Referral for GB-TUP-2024.2 Burren's Acres, Gabriola Island.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Board approved an Opportunity Fund Grant of \$8,000 for the Bowen Island Conservancy.

Learn more about Islands Trust Conservancy: <https://islandstrust.bc.ca/conservancy/>

Subscribe for Islands Trust Conservancy updates: <https://islandstrust.bc.ca/subscribe/>



BRIEFING

To:	All Local Trust Committees Bowen Island Municipality	For the Meeting of:	Next Available Meeting
From:	Trust Area Services	Date Prepared:	August 19, 2024
SUBJECT:	Dark Sky Principles Adoption Advocacy		

PURPOSE: To provide all local trust committees and Bowen Island Municipality with an RFD prepared by North Pender Trustee Morrison regarding Dark Sky Principles, and inviting LTCs and BIM to notify Trustee Morrison of interest in initiating conversations with relevant regional districts about adopting Dark Sky Principles.

BACKGROUND: At its June 2024 regular meeting, Trust Council received a request for decision from Trustee Morrison of North Pender Island regarding Dark Sky Principles. Trust Council passed the following resolution:

TC-2024-062

That Trust Council communicate to all Local Trust Committees to notify Trustee Morrison of interest to collectively engage in conversations around Dark Sky Principles Adoption with relevant Regional Districts.

ATTACHMENT(S):

- 1) Request for Decision: Dark Sky Principles Advocacy (June 18, 2024)

FOLLOW-UP: If LTCs or Bowen Island Municipality wish Islands Trust Council to pursue further discussion about Dark Sky Principles they should pass a resolution notifying Trust Morrison of their interest. An example resolution is as follows:

That [Island Name] Local Trust Committee/Bowen Island Municipality direct staff to notify Trustee Morrison of [Island Name] Local Trust Committee's/Bowen Island Municipality's interest in pursuing further exploration of policy and advocacy options relating to Dark Sky Principles.

Prepared By: Senior Policy Advisor, August 20, 2024

Reviewed By/Date: Director, Trust Area Services, August 21, 2024



REQUEST FOR DECISION

To: Trust Council

For the Meeting of: June 18, 2024

From: Trustee Morrison

Date Prepared: May 24, 2024

SUBJECT: Dark Sky Principles Adoption Advocacy

RECOMMENDATION FOR IMMEDIATE ACTION:

1. That Trust Council communicate to all Local Trust Committees to notify Trustee Morrison of interest to collectively engage in conversations around Dark Sky Principles Adoption with relevant Regional Districts.
2. That Trust Council encourages Trustees to work with their communities to develop and build awareness of the principles of Dark Sky International and encourage voluntary adoption of the principles of Dark Sky International.

RECOMMENDATIONS FOR FUTURE CONSIDERATION:

3. The Trust Council clarify its jurisdiction to control nighttime illumination in all contexts within the Trust Area for Official Community Plan and Bylaw adoption and enforcement across the Trust Area.
4. The Trust Council adopt and promote the principles of Dark Sky International.

CHIEF ADMINISTRATIVE OFFICER COMMENTS:

PURPOSE:

To protect and promote public and ecological health, safety, and welfare, quality of life, and the ability to view the night sky.

BACKGROUND:

“Over lighting” from dusk on into the darkness is a growing problem as it interferes with/pollutes the night sky, poses an annoying and invasive nuisance to neighbours, is harmful to wildlife who depend on darkness, and is a waste of electricity. May come from freighters in the region or from residential, industrial, or other land use related lighting not directed at ground or properly shielded.

Critical considerations with resources:

- Night skies are an important natural resource requiring protection. Action is being taken across a variety of contexts and scales globally, many of which are simple to enact.
 - [Dark Sky International Principles](#)
 - [How can you help preserve the night sky?](#)
 - [Model Lighting Ordinance](#)
 - [Vancouver Bylaw 10.2.2.10 Lighting in Residential Buildings](#)
- Night skies promote healthy humans and wildlife.
 - [Let's Talk Science – Light Pollution](#)
- Within the Trust Area, action has also been taken.
 - Example of regulation: [Bowen Island Municipality Bylaw No. 272, 2010 re protection of night sky](#)

The outstanding question is: How can non-municipal jurisdictions of the Trust Area provide protection for Night Skies?

Some regulation may be considered around:

- External lighting of buildings, gardens and driveways that is left on all night.
- External lighting of any building or grounds when it is not downward cast.
- Indoor lighting in accessory buildings not shaded that is left on during some or all of night.
- Indoor lighting of residences facing neighbouring residences that is not shaded.

Such regulation might involve regulation on:

- the type of lighting that is appropriate (e.g. energy efficient),
- the strength of light (low lighting versus high wattage lighting)
- the direction of lighting so as not to throw light off to neighbours or animals (e.g. downward cast)
- the length of time for certain types of lighting to be used (to depend on purpose with a view to
- limiting unnecessary or excessive accessory uses in particular), and
- means of enforcement of any regulations

In our role as a coordinator of jurisdictional overlapping authorities within the Trust Area, we need to get into conversation with multiple levels of government on this issue to provide clarity and enforcement on this issue as desired within communities and to support the mandate of preserving and protecting the unique amenities and environment of the Trust Area.

IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL:

FINANCIAL:

POLICY:

IMPLEMENTATION/COMMUNICATIONS:

FIRST NATIONS:

OTHER:

Circulated to MLA Adam Olsen and MP Elizabeth May.

RELEVANT POLICY(S):

ATTACHMENT(S):

RESPONSE OPTIONS

Recommendation:

Alternative:

Prepared By: Trustee Morrison in consultation with and at the request of community members.

Reviewed By/Date: