

# ADOPTED



## Mayne Island Local Trust Committee Minutes of a Regular Business Meeting

**Date of Meeting:** Wednesday, May 21, 2014, 1:00 p.m.  
Mayne Island Agricultural Hall  
430 Fernhill Road, Mayne Island

**Members Present:** Peter Luckham Chair  
Jeanine Dodds Local Trustee  
Brian Crumblehulme Local Trustee

**Staff Present:** Gary Richardson Island Planner  
Pat Todd Recording Secretary

**Media and Others Present:** Approximately thirteen (13) members of the public.

### 1. CALL TO ORDER

Chair Luckham called the meeting to order at 1:30 pm, recognizing the Local Trust Committee meeting was being held in the Coast Salish Territories and introduced himself, the Local Trustees and Islands Trust Staff.

Chair Luckham introduced guest Margaret Henigman, Ecosystems Biologist, from the Ministry of Forests, Lands, and Natural Resource Operations.

### 2. APPROVAL OF AGENDA

#### 2.1 Additions/Deletions

The following addition to the agenda was presented for consideration:  
9.2 Two letters received regarding Oceanwood rezoning application

**By general consent**, the agenda was approved as amended.

#### 2.2 Questions from the public on Agenda items

None

**3. COMMUNITY INFORMATION MEETING**

None

**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 April 23, 2014

**By general consent**, the Mayne Island Local Trust Committee Business Meeting Minutes of April 23, 2014, were adopted.

**5.2 Public Hearing Records and Community Information Meeting Notes**

5.2.1 Mayne Island Local Trust Committee Community Information Notes of April 23, 2014

Staff will review the number of units requested and amend as appropriate.

**By general consent**, the Mayne Island Local Trust Committee Community Information Meeting Notes of April 23, 2014, were received for information.

**5.3 Section 26 Resolutions-without-meeting**

None

**5.4 Advisory Planning Commission Minutes**

5.4.1 Mayne APC Draft Minutes of April 14, 2014

Received for information

**6. BUSINESS ARISING FROM THE MINUTES**

**6.1 Follow-up Action Report May 2014**

Planner Richardson stated that everything has been completed except for Item 2 (OCP and LUB technical amendments) or is scheduled for discussion at today's meeting. Staff confirmed that the recommendations from the APC are being included/considered for item 2.

## **7. DELEGATIONS**

### **7.1 Riparian Area Regulations (RAR)**

Chair Luckham reviewed that Margaret Henigman had been invited to provide information as to how the LTC could move forward and address the RAR.

Staff spoke to the history of actions to date and a map was posted to detail potential RAR streams.

Ms. Henigman reviewed the background of the regulations which were adopted in 2004 with the expectation that districts would have adopted RAR bylaws by 2006. The regulations are to address the changes to the land and the resultant changes to fish populations. The significant impact on streams, through development, has led to the loss of fish populations. The regulations are to protect waterways where there are fish or where there is the potential for fish. The RAR is directed at residential, commercial, and industrial land use only. It was stated that Islands Trust is one of the last areas to enact RAR bylaws.

Chair Luckham requested questions from the LTC.

Trustee Dodds asked for clarification as to construction and land use.

Ministry staff stated that if there is a commercial or industrial enterprise, then RAR applies. There is a 30 metre riparian assessment area measured from the top of the bank (upland) and if there is residential, commercial or industrial construction within the 30 m a Development Permit is required. A stream side protection area is identified between 10 m and 30 m. There must be minimum intrusion between the set back and 30 m.

Trustee Dodds questioned the definition of ditches vs. streams.

Ms. Henigman stated there are a few definitions e.g. constructed channels which are kept dug out; redirected waterways, etc. The regulations address bringing back the potential of streams through enhancements. It is possible to determine if historically the "ditch" was a stream at one time. For a ditch, if there are head waters and the water flow is connected to natural waters then RAR applies.

Trustee Crumblehulme spoke to the distinction between restore and enhancement and that farmland is exempt. He questioned what happens for the waterway that flows from agricultural area to a residential area.

Ministry staff emphasized that the regulations speak to land use not zoning and that on farmland it is important to follow best practices to protect water courses. Setbacks are vital to water courses to prevent flooding as an example. There are efforts being taken with the Ministry of Transportation to address ditches e.g. avoid cleaning at certain times of the year.

Trustee Dodds stated that historically there have never been fish on the island and there is no expectation that fish will ever be here due to acidity of waters.

Ms. Henigman restated that fish presence is only one portion of RAR and that regulations apply based on the potential for fish to be there. The report completed by the Ministry did not speak to the acidity problem and states there is the potential for fish on the island.

Chair Luckham commented that the objective is to minimize impact of development and enhance the water area.

Chair Luckham opened the discussion to the public.

**Dave Maude** stated there had been an email, a few years ago, citing very clearly that as there were no fish on the island then no need to apply RAR. He further said that historically there is no record of fish on the island and that there are reports stating there is no potential for fish due to lack of water, acidity of water, etc. He added that a lot of money had been expended to demonstrate no fish present.

Ministry staff restated that if conditions were changed in the streams there was no reason to presume that fish could not be supported.

Trustee Crumblehulme read the email dated March 31, 2010, from Marlene McCaskey.

**Ian Dow** stated that the Coalition had followed the directions within the email, hired a biologist to complete a study and spoke with Marlene McCaskey. There is opposition to regulations being imposed where regulations are not required. He further stated that Horton Bay waters are toxic to fish due to acidity, for 7 to 8 months per year there are no waterways/streams on the island and there are no lakes. The Coalition feels they have followed instructions from the Ministry and now that personnel have changed the directions have changed.

Ms. Henigman stated that the study did not utilize the specific processes identified within the regulations and the report is not being endorsed by the Ministry.

**Ian Dow** reported that the second study had been completed in a different season and that the Ministry accepted the reports earlier but is now disclaiming their validity.

Ministry staff restated that the reports failed to follow the proper procedures detailed within the RAR to prove absence of fish.

**Peter Kennedy** questioned the process for an area to be deemed excluded.

Ms. Henigman spoke to the process, which is cumbersome and expensive. It was further stated that protection steps vary according to the area and identified needs.

Trustee Dodds questioned Islands Trust staff regarding the use of a Development Permit.

Staff stated that the permit could be utilized to determine protection area by a qualified professional.

Ministry staff further stated that the Stream Side Protection Area could be adjusted as to the siting of the building and setbacks e.g. wider in one area and narrower in another.

Planner Richardson asked if a Simple Assessment could be used to implement RAR on Mayne Island.

Ministry staff reported that yes a Simple Assessment method could be used and that a Simple Assessment has been used a number of times and if the landowner disagrees or can't comply they can then apply for a variance. The Simple Assessment is a viable option for the island as there are only three streams. There is a matrix within the regulations to apply the Simple Assessment method.

Trustee Dodds stated that the areas under discussion are already developed.

Ms. Henigman reminded those present that questions could be directed to her office and expressed appreciation for the invitation to attend today's meeting and for the information received.

Note: There was a break from 2:45 p.m. to 3:00 p.m.

**8. CORRESPONDENCE**

None

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

**9.1 MA-TUP-2013.1 (Mayne Island Resort) Staff Report**

Planner Richardson reviewed the staff report. The first draft for the Temporary Use Permit had been reviewed at the April 23, 2014; LTC meeting and the suggested amendments have been incorporated into the second draft which is included in the agenda package.

Trustee Crumblehulme questioned 3c) regarding the spacing of the deck boards.

Chair Luckham confirmed with the applicant that the deck board spacing is 2.5 cm or 1 inch and requested staff to reword 3c) to state “minimum spacing to be...”

**MA-2014-032**

**It was Moved and seconded** that MA-TUP-2013.1(Mayne Island Resort) proceed to Local Trust Committee meeting on June 25, 2014 for consideration as amended.

**CARRIED**

**9.2 MA-RZ-2012.1 (Oceanwood) Staff Report**

Planner Richardson circulated the letters from Chris Roehrig, Jacquie Burrows, and Carsten Petersen.

Staff has spoken with a representative of the Village Bay Improvement District as to water concerns. There are 282 properties on the system.

Staff has confirmed that the definition of Senior in the LUB is 55 years of age.

A geohydrological study could be requested now, or later, and Staff has drafted a Development Permit stating that a water study would be done at a later date. This report would be required to identify what would be needed to minimize the water usage impact.

Compliance with on the amenity zoning provisions of the OCP would have to be addressed as the current application does not comply.

Staff is requesting direction from the LTC on a number of items:

- Greenhouse gas emissions – does not meet IT objectives: increased parking needs will impact on forest – could stipulate electrical charging stations
- Geohydrology report – now or later: if later could cause problems for developer depending on findings
- Comprehensive Development Zone suggested – Yes
- DPA – character of development - Yes
- Ground Water Protection Area – Yes
- Number of units: type of use; phasing: could draft bylaws and put numbers in later

Trustee Dodds stated that the APC recommended 100% residential usage at some point in time.

Planner Richardson pointed out that more than 10 additional units impacts on Amenity Zoning.

Trustee Dodds stated that Seniors Housing and staff housing could be identified as an amenity.

Planner Richardson stated that staff housing is not within the definition of Amenity Zoning.

Chair Luckham spoke to the significant increase in density of the application and it is critical to balance the increase with the Land Use Bylaw (LUB), Official Community Plan (OCP), and Local Trust Committee objectives.

Trustee Dodds questioned changing some of the current accommodation rooms into staff housing and that the overall density increase is huge. It was suggested that density be decreased.

Trustee Crumblehulme stated that much of the discussion is speculative and that there is a concrete proposal before the LTC with an extensive staff report.

The applicant stated that the original density was based on the proposal for Senior's Housing and the numbers reflected what was necessary to make the project financially viable. There is more interest in Senior's Housing rather than Vacation Accommodation however the community study indicated little need for Seniors Housing at this time. It is felt that a Development Permit for water (Schedule C) page 15 of the Staff report would work well for what is being proposed.

Chair Luckham reviewed the steps taken to date and voiced concern that the Local Trust Committee is “designing” the proposal. He stated it is critical to decrease the density to limit the impact of the development.

Trustee Dodds suggested having 10 senior’s units and to have a dual designation Tourist – Residential use on 10 units.

Trustee Crumblehulme spoke in favour of this flexible format to maximize the benefit of the development.

Chair Luckham reminded the group that zoning is forever unless there is a future request to change.

There was some discussion regarding moorage concerns and increased marine traffic.

**MA-2014-033**

**It was Moved and Seconded that** Mayne Island Local Trust Committee direct staff to draft Land Use Bylaws amendments and Official Community Plan amendments to include the Development Permit Area guidelines regarding MA-RZ-2012.1 (Oceanwood).

**CARRIED**

**10. LOCAL TRUST COMMITTEE PROJECTS**

None

**11. REPORTS**

**11.1 Work Program Reports**

Work Program Report dated May 2014

Planner Richardson spoke to the progress of the items and suggested that 3. Fallow Deer could be replaced with RAR and then when 1. Secondary Suites is finalized, Fallow Deer eradication could be put back on the list.

**MA-2014-034**

**It was Moved and Seconded that** Mayne Island Local Trust Committee direct staff to move Fallow Deer to Projects List and insert Riparian Area Regulation on the Top Priority List.

**CARRIED (2/1)**

Trustee Dodds requested her negative vote be noted.

## **11.2 Applications Report**

Applications Report dated May 2014

Received for information

## **11.3 Expense/Budget Reports**

LTC expense report dated March 201 received for information.

## **11.4 Bylaw Enforcement**

None

## **11.5 Adopted Policies and Standing Resolutions**

Received for information

## **11.6 Mayne Island LTC Web Page**

Staff will update the page according to happenings at today's meeting.  
[www.islandstrust.bc.ca/islands/local-trust-areas/mayne](http://www.islandstrust.bc.ca/islands/local-trust-areas/mayne)

## **11.7 Chair's Report**

Chair Luckham stated that the IT Council meeting in June will be held on Saturna Island.

## **11.8 Trustee Report**

Trustee Crumblehulme reported The Economic Development report is available on line and cites Seniors Housing and Seniors Vacations as areas to focus on. There is going to be a presentation by First Nations People recreating reef net fishing. Meetings are ahead for Experience the Gulf Islands with the Province and Broadband with Network BC and a representative from the Premier's Office. MI Conservancy is working with Galiano Conservancy planning a festival to celebrate Active Pass for mid-April 2015. The Harbours Commission has received the island's request for increased local control of docks and the increase in revenue could be applied to the bus service which BC Transit will subsidize for 53%. Pathways Initiative application has gone forward for funding.

Chair Luckham mentioned there will be a presentation on June 6, hosted by the MI Conservancy regarding Wasting Star Syndrome.

## 12. OTHER BUSINESS

### 12.1 Upcoming Meetings

The next meeting of the Mayne Island Local Trust Committee will be held Wednesday June 25, 2014, at 1:00 pm., at the Mayne Island Agricultural Hall.

## 13. TOWN HALL MEETING

**Dave Maude:** Requested the email be included on the agenda as it is a foundational document and that there is still hope island will be excluded from RAR.

It was explained that the email is referenced in the minutes and is contained on file at the IT office.

**Carsten Petersen:** Spoke to the rezoning application for the Oceanwood property – can the development be contained.

It was stated that there are details in the proposal and that lot coverage is managed through the LUB i.e. 10% and that there will be further opportunities to review, question and discuss the proposal at the Community Information Meeting and the Public Hearing.

## 14. ADJOURNMENT

Chair Luckham declared the meeting adjourned at 4:31 p.m.

X

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**Peter Luckham, Chair**

**CERTIFIED CORRECT:**

X

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**Pat Todd, Recording Secretary**