



# ADOPTED

## Mayne Island Local Trust Committee Minutes of Regular Meeting

**Date:** April 25, 2016  
**Location:** Mayne Island Agricultural Hall  
430 Fernhill Road, Mayne Island, BC

**Members Present** George Grams, Chair  
Jeanine Dodds, Local Trustee  
Brian Crumblehulme, Local Trustee

**Staff Present** Gary Richardson, Island Planner  
Pat Todd, Recorder

**Guest** Andrew Appleton, Resource Specialist - Ministry of Forests,  
Lands and Natural Resources Operations

There were approximately thirty-two (32) members of the public present.

### 1. CALL TO ORDER

Chair Grams called the meeting to order at 1:03 pm. and acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. The Chair introduced the LTC members and guest presenter Andrew Appleton.

### 2. APPROVAL OF AGENDA

Additions: 13.1 Campbell Bay Music Festival  
13.2 2015/16 Annual Report

**By general consent** the agenda was adopted as presented.

### 3. TOWN HALL AND QUESTIONS

**R. Dean** asked who present was in favour of Riparian Area Regulations.

Chair Grams responded that this would be addressed in the presentation and that Mayne Island is obligated to produce a bylaw.

**M. Cooper**, on behalf of the Mayne Island Integrated Water Systems Society (MIWSS), displayed signs that have been made promoting the use of rain water for gardens: "Garden Powered by Rain Water". Signs are for sale at \$20.00 each which includes a membership for MIWSS.

Chair Grams commended the initiative and added that there is a CRD grant in place on Salt Spring Island to support rainwater collection.

**4. COMMUNITY INFORMATION MEETING**

none

**5. PUBLIC HEARING**

none

**6. MINUTES**

**6.1 Local Trust Committee Minutes Dated March 21, 2016 (for Adoption)**

**By general consent** the Local Trust Committee meeting minutes of March 21, 2016 were adopted.

**6.2 Section 26 Resolutions-without-meeting Report**

none

**6.3 Advisory Planning Commission Minutes**

none

**7. BUSINESS ARISING FROM THE MINUTES**

**7.1 Follow-up Action List Dated April 2016**

The remaining item is a letter to Gary Holman.  
Staff reported that there had been a problem locating earlier correspondence.

**8. DELEGATIONS**

none

**9. CORRESPONDENCE**

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

none

**10. APPLICATIONS AND REFERRALS**

**10.1 MA-RZ-2015.2 (Rosengren) - Staff Report**

Planner Richardson reviewed the application. All units have been built out and the applicant is requesting the permitted uses to be expanded to allow residences/staff housing in some of the units. This is supported as it provides mixed housing.

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There is a secondary request is to expand commercial space at the resort. Staff also referred to a motion that had been made to put a moratorium on commercial development until the Commercial Task Force Review was completed.

Trustee Dodds stated support for the residential changes however size of proposed retail space must be indicated.

Trustee Crumblehulme agreed with Trustee Dodds and is prepared to proceed to a Public Hearing.

M. Rosengren (applicant) spoke to the retail expansion and indicated the addition would be approximately 200 sq. ft. – current area is 200 sq. ft. This retail space would lead to enhanced customer satisfaction and would be open to the public.

**MA-2016-022**

**It was Moved and Seconded**

that the Mayne Island Local Trust Committee direct staff to prepare draft bylaws that would implement the bylaw amendments requested in application MA-RZ-2015.2 (Mayne Island Resort)

**CARRIED**

Trustee Dodds referred to the moratorium and recalled that it was for development of new commercial space(s).

**10.2 MA-TUP-2016.1 (Leathers) - Staff Report**

Planner Richardson outlined the application for a TUP to operate a bed and breakfast. The B&B is located in an accessory building which is not permitted however the business has been operating for a number of years.

M. Leathers (applicant) gave some historical details regarding the property and the operation of a B&B. To date there have been no problems with septic/water. Shortly after purchasing the property she spoke with the then Planner who suggested use as a B&B. The self-catered B&B has been running for 8 years without any complaints from neighbours.

Trustee Crumblehulme questioned making the structure an extension of the main home.

Applicant responded that this option would be very costly.

Planner Richardson agreed that a B&B is permitted if it is part of the main structure or could be considered under Home Occupation.

Trustee Dodds clarified that as this is not a legal dwelling then occupation would be in contrary to Building Code and would also set a precedent. It was suggested that the application be referred to the APC.

**MA-2016-023**

**It was Moved and Seconded**

that the Mayne Island Local Trust Committee direct staff to refer MA-TUP-2016.1 (Leathers) to the Mayne Island Advisory Commission and the Skana Gate Water District.

**CARRIED**

The applicant informed the LTC that the B&B had reservations through to mid-September.

**10.3 Salt Spring Island Local Trust Committee Bylaw No. 491 Referral (for Response)**

**MA-2016-024**

**It was Moved and Seconded**

that Mayne Island Local Trust Committee interests are unaffected by Salt Spring Island Local Trust Committee Bylaw No. 491.

**CARRIED**

**10.4 Salt Spring Island Local Trust Committee Bylaw No. 492 Referral (for Response)**

**MA-2016-025**

**It was Moved and Seconded**

that Mayne Island Local Trust Committee interests are unaffected by Salt Spring Island Local Trust Committee Bylaw No. 492.

**CARRIED**

**11. LOCAL TRUST COMMITTEE PROJECTS**

**11.1 Riparian Area Regulations (RAR) - Staff Report & Presentation**

Presentation by Andrew Appleton - Ministry of Forest, Land and Natural Resource Operations

Planner Richardson reviewed RAR work to date and restated that Mayne Island has to comply with RAR. Past information indicates 3 streams are included for RAR. He informed the LTC that different islands have different forms of compliance.

Andrew Appleton spoke to his role of working with local governments to achieve compliance with RAR and that he appreciates the number of challenges regarding implementing new bylaws.

The Office of the Ombudsperson has reviewed RAR and a number of recommendations were sent to the Ministry in 2014. These recommendations have been accepted and acted upon by the Ministry.

Islands Trust is responsible to bring in RAR compliant bylaws and there are now only a few areas without RAR bylaws.

The Ministry does not have discretionary power as to application of RAR, and to establish RAR provisions there must be a report by a qualified environment professional (QEP).

Presence/absence of fish is not relevant regarding inclusion within RAR.

Trustee Crumblehulme spoke to Mayne Island's desire to comply and has had streams assessed resulting in 1 stream that could have set backs and 2 streams with no possibility of fish.

A. Appleton replied that even without fish RAR is still enforced. It is possible that along a water course there would be a number of different setbacks.

I. Dow questioned if regulations had been changed as discussions with Ministry personnel have resulted in a number of different conclusions.

The regulations have not been amended. The definition of streams is very broad.

There was discussion as to the interpretations of reports submitted regarding the status of the island streams. This work was done in good faith with Ministry direction and now report and efforts are being negated. Work with the Ministry regarding RAR has been frustrating and contrary from person to person.

A. Appleton acknowledged this unfortunate situation.

Trustee Dodds addressed natural barriers e.g. Peat. A. Appleton responded that the Swell Report conclusions differ from the Cluffe Report and that neither report is all inclusive. Water quality does not exclude implementation of RAR.

Trustee Dodds spoke to RAR and land that is zoned agricultural. RAR is not applicable to agricultural practices and Mayne Island set backs are currently 25'.

The Ministry's response was that setbacks could be lesser or greater than existing and are developed using site by site assessment. The QEP map could be the same standard as used in other Trust areas.

R. Dean questioned bringing in another QEP and stated that a number of ditches exist solely through run off.

The Ministry stated that some jurisdictions have identified total area as being under RAR.

Chair Grams reviewed the process implemented on Salt Spring Island.

D. Maude referred to the Cluffe report findings, which followed Ministry specifications, and commented that RAR is trying to protect something that doesn't exist on the island. i.e. fish.

Chair Grams stated that a QEP assessment, based on Ministry assessment standards, could validate the Cluffe report.

Trustee Crumblehulme asked if the next QEP identified no fish /no fish habitats would this report be validated by Ministry.

Trustee Dodds questioned the expenditures incurred by areas where standards or regulations are not applicable.

A. Appleton informed the LTC that the Ombudsperson report stated that regulations were not strong enough and recommended higher standards.

Chair Grams expressed appreciation for A. Appleton attending the meeting and brought the discussion to a close. Any further comments could be raised during Town Hall.

**MA-2016-026**

**It was Moved and Seconded**

that the Mayne Island Local Trust Committee request staff to report back with a draft Project Charter for the Riparian Area Regulations Implementation project based on the approach outlined in the staff memo dated June 17, 2014.

**CARRIED**

**12. REPORTS**

**12.1 Work Program Reports (attached)**

12.1.1 Top Priorities Report Dated April 2016

Staff commented that RAR should be put onto priorities list.

**MA-2016-027**

**It was Moved and Seconded**

that the Mayne Island Local Trust Committee direct staff to increase the Top Priorities List to four to include Riparian Area Regulations.

**CARRIED**

12.1.2 Projects List Report Dated April 2016

**MA-2016-028**

**It was Moved and Seconded**

that the Mayne Island Local Trust Committee request staff to remove Riparian Area Regulations and Bylaw Enforcement Notification from Projects List.

**CARRIED**

## **12.2 Applications Report Dated April 2016 (attached)**

Trustee Dodds asked Planner Richardson as to the status of Anson Road rezoning application referral to APC.

Staff will follow up on this item.

## **12.3 Trustee and Local Expense Report Dated March 2016 (attached)**

Received for information.

## **12.4 Adopted Policies and Standing Resolutions (attached)**

Received for information.

## **12.5 Local Trust Committee Webpage**

The webpage will be updated according to meeting details.

## **12.6 Chair's Report**

Chair Grams reported on the Trust Council meeting on Hornby. The IT budget for 2016/17 has been passed and there is no net effect on property taxes. The IT, in a two year project, will be hiring an Intergovernmental Advisor to look at environment issues/threats (e.g. anchorages, oil spills, LNG) and to facilitate relationships with First Nations. The next Trust Council is on North Pender.

## **12.7 Trustee Report**

Trustee Crumblehulme reported that the Community Economic Sustainability Commission is drafting a business plan and that there will be a repeat of the free weekend interisland travel. On the May the 29<sup>th</sup> there is a meeting in Sidney of the CRD, Trustees and San Juan County representatives. Cross border seasonal transit is being explored. Affordable housing is becoming more of an issue everywhere and there will be a Trustee Forum to look at this issue to share information and housing options.

Trustee Dodds referred to the Housing Task Force report from a few years ago and stated that the OCP recognises a number of options; such as in travel trailers, secondary suites and that while there is zoning for Seniors Housing there is no funding to develop this type of housing. Housing is expensive throughout BC and this situation tends to run in cycles.

## **12.8 Trust Fund Board Report**

Chair Grams acknowledged Derek Atha and his efforts while a member of the Trust Fund Board of Directors.

### 13. NEW BUSINESS

#### 13.1 Campbell Bay Music Festival

Trustee Dodds provided some history of this music festival which has grown over the years and questioned if there should be a TUP. There is a need for more resources, e.g. port-a-pottys. There are positive and negative impacts on the community.

Staff will contact the sponsors as to plans for this year to mitigate problems from last year's festival.

#### 13.2 Annual Report

##### MA-2016-029

##### It was Moved and Seconded

that the Mayne Island Local Trust Committee approves the attached text for inclusion in the 2015-2016 Annual Report for approval by Trust Council and submission to the Minister of Community, Sport and Cultural Development.

**CARRIED**

### 14. UPCOMING MEETINGS

#### 14.1 Next Regular Meeting Scheduled for May 30, 2016, 1:00 pm, at the Mayne Island Agricultural Hall

### 15. TOWN HALL

**B.Lefler** spoke to the RAR protecting water and potential fish habitats. The decision seems to be the size of setback and questioned if this could be addressed through use of DP.

It was explained that a DP outlines where, when and how development will be completed.

**Ian Dow** reviewed the Supreme Court Decision which stated "reasonable expectation of fish or fish to be restored".

Ministry spoke to whether it is reasonable to expect fish restoration. It is incumbent on the QEP to attest to the situation. Other Trust areas have completed the process and Mayne Island could build on what has been done. It was restated island work to date does not meet standards to establish a bylaw.

Trustee Dodds suggested staff bring forward an information package regarding hiring a QEP and recommendations to on how to move forward with this issue.

A. Appleton assured the LTC that work will continue with staff and Trustees to acquire what is necessary to achieve compliance.

J. Overdorf referred to an irrigation pond on his property and a nearby hanger requiring repairs. He was assured that existing structures can be maintained and as it is an agricultural structure RAR does not apply

P. Buchholz spoke to correspondence sent to LTC, subsequent to the letter of 2014, regarding the designation of W4 as a community wharf. While the Ministry is attempting to formalize access there is currently no legal access to the wharf. It is her interpretation that public access without a right of way conflicts with Common Law. Her request is to change LUB description under W4.

Chair Grams informed P. Buchholz that it had been short notice to reply to her most recent correspondence. Staff will prepare a response.

**16. CLOSED MEETING**

None.

**17. ADJOURNMENT**

**By general consent** the meeting was adjourned at 3:18 pm.

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George Grams, Chair

Certified Correct:

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Pat Todd, Recorder