

**NOTES OF THE MAYNE ISLAND
LOCAL TRUST COMMITTEE
COMMUNITY INFORMATION MEETING
HELD ON WEDNESDAY FEBRUARY 26, 2014, AT 1:10 P.M.
AT THE MAYNE ISLAND AGRICULTURAL HALL, MAYNE ISLAND, BC.**

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

There were approximately twenty-four (24) members of the public in attendance.

3. Community Information Meeting

MA-TUP-2013.1 (Mayne Island Resort)

Chair Luckham called the Community Information Meeting to order at 1:10 p.m. and welcomed all the participants. He stated the purpose of the meeting was to provide an outline of the MA-TUP-2013.1 (Mayne Island Resort) application and to allow those present to ask questions regarding the proposed Temporary Use Permit (TUP).

Planner Richardson reviewed the application which is to permit three (3) berths at the existing dock. Current zoning allows for one (1) residential owner berth.

The TUP would allow for use of up to three (3) strata owners. The Local Trust Committee has received a report from the Mayne Island Conservancy regarding eel grass in Bennett Bay and letters both for, and against the TUP.

Chair Luckham explained the process of a TUP application versus a rezoning application and that the TUP could be issued for up to three years. Chair Luckham then called for questions from the public.

Murray Rosengren: (applicant partner) spoke for the proposal. The dock is currently a Private Moorage Facility which allows for one (1) berth for the Upland Residence. It is not felt that an increase in berths would affect traffic volume at the dock. The strata owners use the dock as “friends” of the owner and if the TUP were approved, they would be responsible for upkeep and maintenance.

Dave Hinton: (applicant partner) stated that the Ministry of Lands, Parks, and Housing allowed for three (3) berths, or less, under the strata title. He questioned the need for the LTC approval to increase the number of berths.

Planner Richardson explained that water zoning is a different level of regulations, and that every island/property is different. Common practice is for a dock to be tied to a residence under zoning regulations.

Chair Luckham detailed that the LTC had put into place waterfront usage zoning through the Land Use Bylaw and Official Community Plan details.

Marie Elliott: asked for clarification of the registered owners of lease. When researched she had found the original owners still on record.

It was stated that Murray Rosengren and Dave Hinton are the current registered owners.

Dave Burrowes: raised the issue of safety and maintenance. It is felt that this is an excellent location for a dock in case of emergency and that maintenance would be strengthened by allowing the application.

Vicki Turay: asked if the TUP would change zoning, how would strata owners be selected for privilege of dock use, and would they have “friends” who could also use the dock?

Chair Luckham stated there is no change to zoning with a TUP.

The applicant responded that all owners would have access to the dock and usage would be controlled by the Strata, who currently do not want more than three (3) berths.

Chair Luckham explained the terms of the TUP, which could be approved for up to 3 years and could then be renewed for up to 3 years, after which there would have to be a re-application.

The applicant stated that after three years it is likely that there would be an application to rezone.

Louis Vallee: referred to a legal opinion of 1974 from the lawyers for the LTC stating the dock cannot be used for more persons than the owner. There is also concern as to impact on the beach as the bay has low flushage.

Trustee Dodds explained this is why there is a TUP application.

Gary Caroline: reviewed some of the history of the dock and stated a concern as to increase of traffic within the bay, potential of damage to the bay, and noise. He then pointed out that the current usage has violated the existent berthing allowance and questioned how the TUP would be enforced.

Chair Luckham stated that enforcement would be according to currently Bylaw practice.

Ann Johnston: stated that a TUP generally comes prior to a rezoning application.

Chair Luckham confirmed that often a TUP is utilized to test out an idea and reminded those present that a Community Information Meeting is an opportunity to ask questions of the LTC staff and or the applicant.

The applicant stated there is little use of the dock currently and it is felt that it is better to moor at the dock as opposed to out in the bay.

Marie Elliott: stated there are plans for a dock in Horton Bay and that the Court of Appeal decision was a landmark for the LTC. It is felt that should the TUP be allowed, and then an application to rezone, this would impact on the LTC protection function.

Chair Luckham stated that the LTC is very aware of their responsibilities and the legal precedents. It is not automatic that a TUP would go to a rezoning - or be approved as a rezoning - as it is a different process with significant scrutiny.

Carl Bunnin: queried if the LTC had an inventory of marine structures. He stated that Mayne Island has fewer marine facilities/accesses than other islands and questioned why the application was for only three (3) berths – what if evacuation of the island was necessary?

Planner Richardson replied there is no inventory of marine structures.

Chair Luckham stated that the TUP does not include public use or emergency issues.

Vicki Turay: asked if there was a section within the LUB for marine structures, number of berths, and/or types of vessels that could be moored – some are less intrusive than others.

Planner Richardson confirmed that there are details in the Official Community Plan.

Trustee Dodds referred **Vicki Turay** to the Mayne Island Conservancy report.

Ian Dow: questioned enforcement as it has been observed that boats often raft to each other therefore, three (3) berths could equal more than three (3) boats.

Planner Richardson said that the number of boats could be detailed within the TUP along with conditions of usage. It was further stated that enforcement is difficult as a Bylaw Officer is not on island.

Chair Luckham directed the discussion back to the agenda at 1:45 pm.

RECORDER

DATE