



## **MAYNE ISLAND LOCAL TRUST COMMITTEE**

### **BUSINESS MEETING AGENDA TO COMMENCE AT 1:00 P.M., APRIL 19, 2010 AT THE MAYNE ISLAND AGRICULTURAL HALL 430 FERNHILL ROAD, MAYNE ISLAND, B.C.**

\***Approximate** time is provided for the convenience of the public only and is subject change without notice.

	<b>Page #</b>	<b>*Time Approx</b>
<b>1. CALL TO ORDER</b>		
<b>2. APPROVAL OF AGENDA</b>		1:00 pm
<b>2.1 Questions on Agenda Items</b>		
<b>3. COMMUNITY INFORMATION MEETING - none</b>		1:05 pm
<b>3.1 Proposed Bylaw No. 151 (Greenhouse Gas Emissions Reduction)</b>		
<b>4. PUBLIC HEARING</b>		1:30 pm
<b>4.1 Proposed Bylaw No. 151 (Greenhouse Gas Emissions Reduction)</b>		
<b>5. PREVIOUS MEETINGS</b>		
<b>5.1 Local Trust Committee Minutes for Adoption</b>		2:00 pm
5.1.1 Minutes of March 1, 2010 Business Meeting (attached)	<b>1</b>	
5.1.2 Minutes of March 17, 2010 Special Meeting (attached)	<b>7</b>	
<b>5.2 Public Hearing Records and Community Information Meeting Notes</b>		
5.2.1 Notes of March 1, 2010 Community Information Meeting (attached)	<b>12</b>	
<b>5.3 Section 26 Resolutions-without-meeting - none</b>		
<b>5.4 Advisory Planning Commission - none</b>		
<b>6. BUSINESS ARISING FROM THE MINUTES</b>		2:10 pm
<b>6.1 Follow-up Action Report (attached)</b>	<b>15</b>	

<b>7.</b>	<b>DELEGATIONS</b> - none	
<b>8.</b>	<b>CORRESPONDENCE</b> - none	
<b>9.</b>	<b>APPLICATIONS, PERMITS, BYLAWS AND REFERRALS</b>	2:15 pm
9.1	<b>MA-DVP-2010.2 (Smith)</b> (attached)	<b>17</b>
<b>10.</b>	<b>LOCAL TRUST COMMITTEE PROJECTS</b>	2:30 pm
10.1	<b>Greenhouse Gas Emission Reduction – Draft Bylaw No. 151 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No 1, 2010”</b> – Further consideration (attached)	<b>22</b>
<b>11.</b>	<b>REPORTS</b>	
11.1	<b>Work Program Reports</b> – for information	3:00 pm
11.1.1	Mayne Island Local Trust Committee Work Program - Report dated April, 2010 (attached)	<b>32</b>
11.1.2	Excerpt from the 2008-2011 Trust Council Strategic Plan (attached)	<b>34</b>
11.2	<b>Applications Report</b> – for information	
11.2.1	Mayne Island Applications Report dated April, 2010 (attached)	<b>37</b>
11.3	<b>Bylaw Enforcement Report</b> - none	
11.4	<b>Expense/Budget Reports</b> – for information	
11.4.1	Trustee and Local Expenses (attached)	<b>40</b>
11.4.2	2010-2011 LTC Budget (attached)	<b>41</b>
11.5	<b>Adopted Policies and Standing Resolutions</b> (attached) – for information	<b>42</b>
11.6	<b>Mayne Island LTC Web Page</b> (attached)	<b>45</b>
11.7	<b>Chair’s Report</b>	
11.8	<b>Trustee Report</b>	
<b>12.</b>	<b>NEW BUSINESS</b>	3:20 pm
12.1	<b>Upcoming Meetings</b>	
12.1.1	Next Business Meeting – Monday, May 3, 2010 at 1:00 pm., at the Mayne Island	
<b>13.</b>	<b>TOWN HALL MEETING</b>	3:30 pm
<b>14.</b>	<b>ADJOURNMENT</b>	3:45 pm

**MINUTES OF THE MAYNE ISLAND  
LOCAL TRUST COMMITTEE MEETING  
HELD ON MONDAY, MARCH 1, 2010, AT 1:00 P.M.  
AT THE MAYNE ISLAND AGRICULTURAL HALL, MAYNE ISLAND, BC.**

**PRESENT:** Gary Steeves Chair  
Jeanine Dodds Local Trustee  
Colin Shew Local Trustee  
Robert Kojima Planner  
Kaitlin Kazmierowski Planner  
Lina Beaudet Recording-Secretary

Seven (7) members of the public were in attendance.

**1. CALL TO ORDER**

The Chair called the meeting to order at 1:02 p.m.

**2. APPROVAL OF AGENDA**

Under item 11, add: 11.4.3 Resolutions - Finance

The agenda was adopted as amended by consensus.

2.1 Questions on Agenda Items

There were no questions.

**3. COMMUNITY INFORMATION MEETING**

3.1 Climate Change – Official Community Plan Amendment

See separate Community Information Meeting notes of same date.

**4. PUBLIC HEARING**

None

**5. PREVIOUS MEETINGS**

5.1 Local Trust Committee Minutes for Adoption

5.1.1 Minutes of February 1, 2010 Business Meeting

Resolution MA-LTC-07-10

It was Moved and Seconded that the minutes of the Mayne Island Local Trust Committee business meeting of February 1, 2010, be adopted as circulated.

**CARRIED**

5.2 Public Hearing Records and Community Information Meeting Notes

5.2.1 Notes of January 30, 2010 Community Information Meeting

There were no changes to the Notes of January 30, 2010 Community Information Meeting.

5.3 Section 26 Resolutions-without-meeting

None

5.4 Advisory Planning Commission

None

**6. BUSINESS ARISING FROM THE MINUTES**

6.1 Follow-up Action Report

The follow-up action report dated February 19, 2010, was received for information.

**7. DELEGATIONS**

None

**8. CORRESPONDENCE**

None

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

9.1 MA-DVP-2010 (Johnson)

Resolution MA-LTC-08-10

It was Moved and Seconded that MA-DVP-2010.1 (Johnson) be tabled until further geotechnical information is presented.

**CARRIED**

Trustee Shew expressed his concern over rubber stamping variance requests based on the past, which creates precedent.

The Planner understood Trustee Shew feelings, all the LTCs deal with the same situation, due to practices before the nineties, when the CRD was not requiring surveys.

The Chair suggested that each local trust committee could establish criteria and policies via public consultation, to guide the Trustees and reaffirm their position with the public.

**10. LOCAL TRUST COMMITTEE PROJECTS**

10.1 Greenhouse Gas Emissions Reduction – Draft Bylaw No. 151 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2010”

The Trustees questioned the high targets for small communities like Mayne Island. It is a fact that the islands live with a smaller footprint than large city. The Planner recommended that the targets be consistent with the provincial government.

Resolution MA-LTC-09-10

It was Moved and Seconded that the Draft Bylaw No. 151, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2010” be given First Reading

**CARRIED**

Resolution MA-LTC-10-10

It was Moved and Seconded that the Mayne Island Local Trust Committee directs Staff to schedule a public hearing on proposed Bylaw No. 151.

**CARRIED**

11. Work Program Report

11.1.1 Mayne Island Local Trust Committee Work Program – Report dated February, 2010

The Mayne Island Local Trust Committee (MILTC) work program report dated February 19, 2010, was received for information.

11.1.2 Excerpt from the 2008-2011 Trust Council Strategic Plan

11.2 Applications Reports

11.2.1 Mayne Island Applications Report dated February, 2010

The Mayne Island Applications Report dated February 19, 2010, was reviewed.

11.3 Bylaw Enforcement Report – LTC Inclusion in Trust Council Bylaw Notice System

None

11.4 Expenses/Budget Reports

11.4.1 Trustee and Local Expenses

The Expenses Report dated January 29, 2010, was reviewed.

11.4.2 2010-2011 LTC Budget

The 2010-2011 LTC Budget was reviewed.

11.4.3 Resolutions - Finance

Planner Kazmierowski informed the Trustees of the Finance policies: invoices over \$200.00 require a formal resolution and invoice, under \$200.00 but above \$20.00, submission of an invoice only, and below \$20.00, the invoice can be attached to the Trustee's expense account.

11.5 Adopted Policies and Standing Resolutions

The Adopted Policies and Standing Resolutions Report was reviewed.

11.6 Mayne Island LTC Web Page

The Trustees instructed staff on updates to the web page.

### 11.7 Chair's Report

The next Trust Council meeting will be held March 23<sup>rd</sup> to the 25<sup>th</sup>, on Hornby Island. The major item will be the budget.

### 11.8 Trustees Report

Trustee Shew commented on the need to leave the "car stop" sign in Miners Bay visible, and discourage vehicle to park in from of them.

Trustee Dodds shared the anniversary of her arrival on Mayne Island fifty years ago, at a time when the population was 150.

## 12. NEW BUSINESS

### 12.1 Upcoming Meetings

#### 12.1.1 Next Business Meeting

The next Mayne Island Local Trust Committee business meeting will be held on Monday, April 19, 2010 at 1:00 p.m., at the Mayne Island Agricultural Hall.

There will also be a special meeting at 2:00 p.m., Wednesday March 17, 2010, at the Community Centre, to receive and discuss a report prepared by Swell Environmental Consulting, re: RAR.

### 12.2 Housing Options Meeting

Trustee Dodds reported on a recent meeting with a group of interested residents in the issue of housing. Trustee Dodds would like to have a survey developed to collect information from the public on housing needs. Her focus was on what the Trust can do to help. The group was very enthusiastic, and hopefully they will carry the torch.

## 13. TOWN HALL MEETING

**David Maude** affirmed his position on the RAR issue. There is no scientific or historic data that fish were in the various water courses nor that they could survive. In his opinion, the Local Trust Committee is trying to protect what is not there.

The Planner clarified that the statement "no scientific data" in the consultant's report was not accurate.

**David Maude** added that visual observation is not enough, there is a need to show that we are protecting a real habitat, if it is there or had a real potential to be there.

The Planner corrected, the intent being to comply with the RAR and the requirement in the RAR is to protect habitat.

Trustee Shew pointed out that the Trust did not have options.

The Chair added that in his opinion, it would be a push back to say “let the government do it for us”, but also saying at the same time “this is our community”. If we do nothing, the Ministry of Environment will establish the RAR, and the local trust committee will have no power to help future applicants.

The Planner informed LTC that among the twenty-eight regional districts and the Islands Trust, only two are not compliant, including the Islands Trust. Where the cost to map was exorbitant, Regional Districts used a blanket approach, designating all watersheds DPA.

**David Lindquist** commented on the Trust Council meeting, and suggested that these be videotaped, as a mean to reach out, as these meetings are interesting.

The Chair replied that the Islands Trust now has permission to hold electronic meetings under certain circumstances, and that bylaws were in the works.

**14. ADJOURNMENT**

Resolution MA-LTC-06-10

It was Moved and Seconded that the meeting be adjourned at 3:35 p.m.

**CARRIED**

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**RECORDER**

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**CHAIR**

**MINUTES OF THE MAYNE ISLAND  
LOCAL TRUST COMMITTEE SPECIAL MEETING  
HELD ON WEDNESDAY, MARCH 17, 2010, AT 2:00 P.M.  
AT THE MAYNE ISLAND COMMUNITY CENTRE, MAYNE ISLAND, BC.**

<b><u>PRESENT:</u></b>	Gary Steeves	Chair
	Jeanine Dodds	Local Trustee
	Robert Kojima	Planner
	Kaitlin Kazmierowski	Planner
	Lehna Malmkvist	Consultant
	Lina Beaudet	Recording-Secretary

Sixteen (16) members of the public were in attendance.

**1. CALL TO ORDER**

The Chair called the meeting to order at 2:00 p.m.

**2. APPROVAL OF AGENDA**

Under item 3, add:

- 3.2 Town House Session

Resolution MA-LTC-12-10

It was Moved and Seconded that the agenda be adopted as amended

**CARRIED**

**3. MAYNE ISLAND RIPARARIAN AREA REGULATIONS**

**3.1 Swell Environmental Consulting Report (February 16, 2010)**

Planner Kojima gave a brief review of the informal meeting that took place in the morning with landowners who had a chance to discuss the report "Review of Riparian Areas Regulation for Streams on Mayne Island" with the author Lehna Malmkvist from Swell Environmental Consulting. During that meeting a written submission was presented by Glenda Johnson, landowner from Mayne Island. One item discussed was the possibility for landowners to do further fish analysis to demonstrate the inapplicability of RAR regulations.

Following the Planner presentation, there was an exchange of questions between the Trustees and the Author of the report.

The Chair commented briefly on the process that brought the RAR regulations, and then the author walked through the highlights of her report. She commented that the RAR is in essence about fish habitat.

### 3.2 Town House Session

The Chair opened the town house session.

**Richard Brown** commented that there is an act stating that you cannot dump water, unless it is a natural water course. It is the right of property owners to ask the government to correct illegal dumping on other properties.

**Ian Dow** said the maps produced are very good; they have established where is the water course, therefore a positive step to prevent future damages. It is now necessary to go the next step and establish if these water courses are fish bearing.

Chair Steeves stated that the Local Trust Committee wants to do what is right to protect without being too onerous for the landowners. There is a need to have the difference between fish and habitat established, but the Islands Trust does not have the money to evaluate every watercourse.

**Sandy Forest** commented that she walked her property with the consultant, and had no problems with her comments during that meeting. This morning she learned that the consultant was a private contractor, someone for whom a contract was written. Time and money should be put in something that is relevant. We have been downloaded a monster; we have to have the people we employ to work for us and set the agenda. We want to say to you our employees, the Consultant, the Planners, the Trustees, do effective work, stand up and say "no this does not work". Money has and will be spent creating more expenses and regulations. You must say no for us as this is all wrong.

Chair Steeves stated three points to keep in mind: first, there is no more money available; second the notion has been discussed since 2007, and we only learned a week ago that the ministry could accept actual fish absence; and third, the regulations require that the Mayne Island Local Trust Committee look at this, and to do so we need information.

**David Maude**, said it is now clear in the consultant's report, if there is no fish, RAR does not apply. The MILTC should direct staff to get a no fish exemption.

Trustee Dodds commented that this process would have to be done for the entire trust area, and there is no money for such an enterprise.

**David Maude** commented that Mayne Island residents want the fish exemption. The MILTC should get a quote to reach this goal, then it is for the taxpayers to decide.

Chair Steeves said if the taxpayers are ready to pay for such a study, maybe a cost analysis would reveal that it would be less expensive to cover individual cost when future development happen than addressing the entire area.

Planner Kojima stated that for a public body to get an expression of interest is costly just to follow the process, compare to the private sector, and there is an implication that you are committing to do the study.

**Sandy Forest** stated it is a matter of principle; we are dealing with regulation effectiveness, not only cost effectiveness.

**Richard Brown** commented that the residents of Mayne Island do not get credit for what they do and who they are. We look after this place and find it offensive to be imposed something that is stupid. The provincial government does not recognize what we are.

Chair Steeves said that he personally agreed with the sentiment, but the MILTC will have to make a decision.

**Glenda Johnson** commented that this meeting is about accepting the report produced by the consultant Swell Environmental Consulting, which report follows a previous one. The previous report was used as a base for the new report. Will the misinformation included in the first, consequently in the last report be corrected before it is accepted?

**Barry Wilks** said the report is not a complete report regarding the RAR issue. It has nothing that proves that there is fish.

Trustee Dodds stated that it is correct that this report does not address this issue, this would be a next step.

**Ian Dow** commented that the MILTC, the employees and Lehna all did a good job. It would be costly to do all the trust area, but from the landowners' perspective, it should be done properly. The provincial government should provide financial assistance to complete the work. Can the community come back with a report of its own to the MILTC to remove us from the RA?

Trustee Dodds said that on the issue of provincial financial assistance, this has to be done at the political level; letter should be addressed to our MLA.

Chair Steeves said that for the first time this year, the provincial government will pay nothing to the Islands Trust. They are efficient at downloading but the reverse will not happen unless political power gets involved.

Planner Kojima added that this is provincial legislation that should have been explained by the provincial government staff, not local government planners and private contractors.

**Dean MacKay** asked, how can we deal to prove there is no fish, consequently not a RAR area. If as a group we have a professional assess the water courses, and the conclusion is that there is no fish, it will stop the RAR process. He suggested the following process:

1. He will volunteer to get one quote.
2. A committee should be put together to review the report and raise money for the project
3. We ask the MILTC to approach the provincial government for financial help.

Chair Steeves stated that all the steps outlined represent community involvement. The MILTC must keep an open mind, and remain objective, and consequently should be kept out of the process, even more if you wish to approach the Islands Trust for funding.

**Dean McKay** commented that if the committee approaches the MILTC with a report, we need to know that it will be accepted. If the process takes time, the MILTC needs to wait for us, we will keep you posted.

Chair Steeves responded that it is within the jurisdiction of the MILTC to accept and convey a report.

Planner Kojima suggested that what might be effective is for the committee to report at the MILTC regular meetings. If the MILTC instruct staff to carry on, the process takes enough time for the committee to report back.

The town hall session ended, and the report was received with correction to be considered for the naming of the water courses.

#### **4. NEW BUSINESS**

##### **4.1 Trust Fund Board Sensitive Ecosystem Booklet**

###### **Resolution MA-LTC-13-10**

It was Moved and Seconded that the Mayne Island Local Trust Committee purchased twenty copies of the Trust Fund Board Sensitive Ecosystem Booklet.

**CARRIED**

14. **ADJOURNMENT**

Resolution MA-LTC-14-10

It was Moved and Seconded that the meeting be adjourned at 3:55 p.m.

**CARRIED**

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**RECORDER**

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**CHAIR**

# DRAFT

**NOTES OF THE MAYNE ISLAND  
LOCAL TRUST COMMITTEE  
COMMUNITY INFORMATION MEETING  
REGARDING CLIMATE CHANGE – OFFICIAL COMMUNITY PLAN AMENDMENT  
HELD ON MONDAY, MARCH 1, 2010, AT 1:00 P.M.  
AT THE MAYNE ISLAND AGRICULTURAL HALL, MAYNE ISLAND, BC.**

<b><u>PRESENT:</u></b>	Gary Steeves	Chair
	Jeanine Dodds	Local Trustee
	Colin Shew	Local Trustee
	Robert Kojima	Planner
	Kaitlin Kazmierowski	Planner
	Lina Beaudet	Recording-Secretary

Seven (7) members of the public were in attendance.

The Chair called the information meeting to order at 1:07 p.m. and welcomed all the participants. He stated the purpose of the meeting.

Planner Kojima reviewed draft bylaw 151. He stressed that this bylaw was to meet requirements set by the Provincial Government, and that the deadline to comply was May 31<sup>st</sup>, 2010. The target to be set was at the discretion of each Local Trust Committee, but had to be numerical.

The Chair opened the meeting to the public.

**Barry Wilks** asked where the LTC was standing as far as the base line was concerned.

The Planner replied that 2007 was used as the base. He added that if the target was not attained, there was no consequence as it is the case with all local government OCP policies. The LTC could only work with what they had. Trustee Dodds added that it was difficult to measure progress in our community.

To a comment by Barry Wilks that the scientific data proved that global warming was a farce, Trustee Shew replied that presently the information was discredited and the raw data questionable, but the fact was that the LTC was under orders to implement the process.

**Louis Vallee** expressed his believe that the OCP represented a trend of where a community wanted to go. The amendments proposed are in his opinion reasonable as this is where the community wants to go anyway.

**David Lindquist** stressed that he did not want to go in the direction of the proposed amendments to the OCP. Although the amendments were only affecting the OCP, it laid the ground for land use bylaw amendments, creating a thin edge. When using the expression “climate change” he would like to know if global cooling is also taken in consideration. He believed that the community should not lock itself as the approach is presently changing.

He wished to have the Trustees work under a precautionary principle, and that the program be established under a sunset clause, if in two years, the program proves not necessary, the amendments elapse.

Trustee Dodds asked Mr. Lindquist, beside the background in section 4.7, which amendments were not acceptable?

**David Lindquist** replied that over time the community has incrementally changed the OCP. The present process was imposing changes, forcing amendments. A new card was now introduced and David's fear that this new card introduced in the deck, was a trump card that will be played again. For him, the government was now inserting entries in our personal diary.

**Barry Wilks** brought forward the history of the Islands Trust, how it was built, and how the first community plan came to be. In his opinion, we are now losing it, and maybe the LTC and the community should stand up and refuse to comply with the demands of the provincial government.

**Marie Elliott** pointed that most of the proposed amendments were already in the community plan. She expressed four concerns:

1. Water supply, not to increase density until we have a study of Bennett and Miners Bays.
2. The subdivision of the Bennett property should not take place before a comprehensive study was done.
3. Second story building will block the view
4. Parking should not be reduced.

As a comment to Marie Elliott's concerns, Trustee Dodds reminded that the last LUB saw a decrease in density by 80 cottages.

The Chair reminded the participants that the LTC was dealing with the OCP, not regulatory bylaws.

**Louis Vallee** stated that he would like to see what are the items with which there is disagreement; he did not believe that the proposed amendments were tightening the requirements, rather that they were loosening them.

**Peter Sara** believed that there were no targets to measure against; in his opinion the process was unreasonable.

**David Lindquist** submitted an example of an item to which he objected, Schedule 1, item 1.k, subsection 2.4.1.10 "The LTC may consider amending the parking requirements for commercial uses, to require alternatives to parking spaces, including but not limited to: bicycle racks, electric vehicle plug-ins, or cash-in-lieu for use for trails and paths"

Trustee Dodds replied that in the last review, parking was reduced to facilitate commercial development.

**Louis Vallee** would like to add to subsection 2.4.1.10 “pedestrian friendly area”, which is more liberal; he added that parking was still needed, mainly for summer time.

**Barry Wilks** pointed at the reality of parking problems, forcing shoulder parking. There is a trend for smaller vehicles, but it is a trend. The people should have the right to decide.

The meeting was adjourned at 2:00 pm.

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**RECORDER**

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**DATE**



# Islands Trust

## Follow Up Action Report w/ Target Date

### Mayne Island Oct-22-2008

No.	Activity	Responsibility	Target Date	Status
1	MA-DP-2004.1 – Staff to continue to monitor until landscaping complete and letter of credit released	Miles Drew		On Going

### Dec-07-2009

No.	Activity	Responsibility	Target Date	Status
2	Staff directed to prepare a bylaws contravention and penalty schedule for the Land Use Bylaws under the jurisdiction of the Local Trust Committee to be included in the Islands Trust Council Bylaw Notice Enforcement Bylaw for considerationat the next LTC meeting.	Miles Drew	Feb-01-2010	On Going

### Mar-01-2010

No.	Activity	Responsibility	Target Date	Status
3	Staff directed to adopt the MILTC minutes of February 1st, 2010.	Sharon Lloyd-deRosario	Apr-19-2010	Done
4	Staff directed to adopt notes of January 30, 2010 Community Information Meeting (Green House Gas reduction)	Sharon Lloyd-deRosario	Apr-19-2010	Done
5	Staff to schedule a Public Hearing on Green House Gas Emission Reduction- Bylaw 151 during next MILTC regular business meeting on April 19, 2010	Kathy Jones Robert Kojima	Apr-19-2010	Done
6	Staff directed to write a letter of thanks to Skiffingtons for reducing strain on water supply via their boundary adjustment (MA-SUB-2009.1)	Kaitlin Kazmierowski	Apr-19-2010	On Going
7	Staff directed to prepare a version of OCP showing proposed bylaw 151 amendments	Robert Kojima	Apr-19-2010	Done

**8** Staff to make the following changes to the MILTC webpage:

Add the draft bylaw 151 and staff report under climate change section

**Kathy Jones  
Robert Kojima**

**Apr-19-2010**

**Done**



# STAFF REPORT

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March 23, 2010

**File No.:** MA-DVP-2010.2

**To:** Mayne Island Local Trust Committee

**From:** Kaitlin Kazmierowski  
Planner 1  
Islands Trust

**Cc:** David Marlor, Regional Planning Manager  
Robert Kojima, Island Planner

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**Re: Development Variance Permit for MA-DVP-2010.2**

**Owner:** Anthony D. Smith  
**Applicant:** Same as above  
**Location:** 219 Spinnaker Drive  
**Legal:** Lot 124, Section 6, Mayne Island, Cowichan District, Plan 23981  
PID: 002 942 909

## Final Report

### THE PROPOSAL:

This application seeks to vary the interior side lot setback in the Mayne Island Land Use Bylaw No. 146, 2008. The proposed permit would:

1. Vary Article 5.1(7)(b) which states that the minimum setback for any building or structure is 3 metres (10 feet) from any interior side lot line, to as close as 2.8 metres to permit the siting of an existing garage.

### SITE CONTEXT:

The 0.194 hectare (0.48 acre) property is located in the Crane Point area of Mayne Island, just south of Village Bay. The subject property is zoned Settlement Residential (SR) and is surrounded by properties of similar size and zoning. The property is not waterfront and the front and exterior side lot lines abut Spinnaker Drive to the South.

A dwelling and a detached garage currently exist on site; the latter of which is the subject of this permit application.

Figures 1 and 2 below indicate the location of the property and siting of existing structures, respectively. Figure 3 is the original site plan that the builder was given in order to site the foundation.



Figure 1: Location of subject property

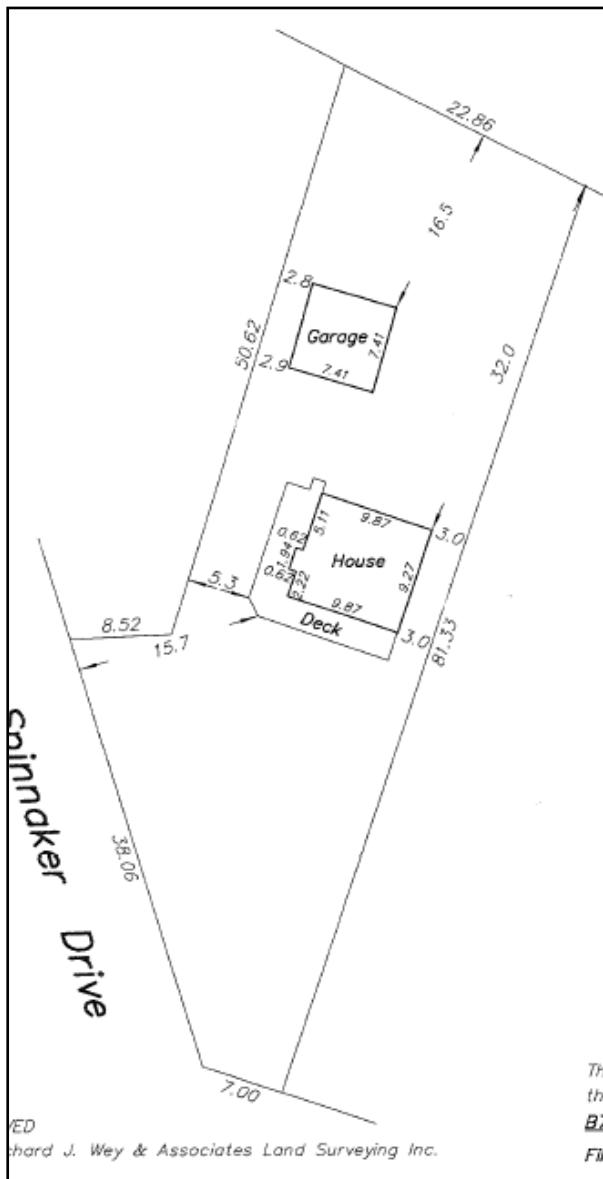


Figure 2: Survey from July 15, 2009

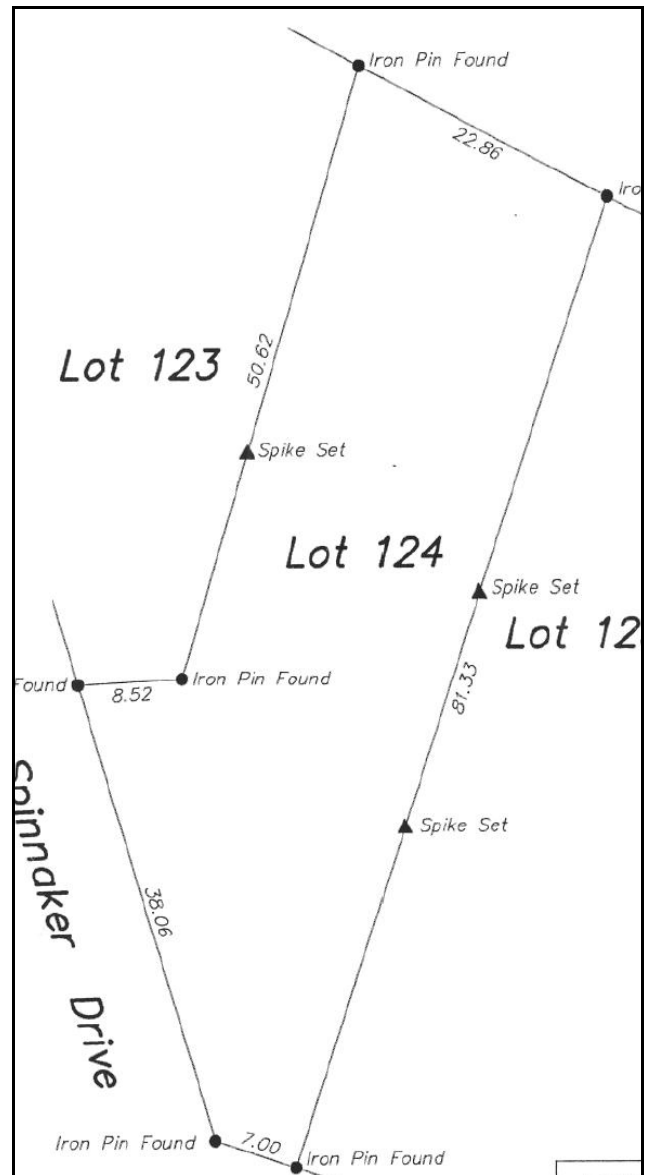


Figure 3: Site plan from April 3, 2008

## CURRENT PLANNING STATUS OF SUBJECT LANDS:

### Official Community Plan

The subject property is designated as SR (Settlement Residential) in the Mayne Island OCP.

The Residential objectives of these designations are:

1. to ensure compatibility of the residential use with adjoining land uses,
2. to protect the health and safety of the residential neighbourhood, and
3. to ensure that ecologically sensitive areas are not disturbed by future development.

The specific policy items that are relevant to this application are:

- 2.1.1.1 The principal use shall be residential with accessory uses consistent with residential character.
- 2.1.1.5 Location, number and size of buildings and structures shall be regulated to protect the quiet enjoyment of property.

#### Land Use Bylaw

The subject property is zoned SR (Settlement Residential) in the Mayne Island Land Use Bylaw No. 146, 2008. Specific bylaws relevant to this application include:

5.1(7)(b) The minimum setback for any building or structure is 3 metres (10 feet) from any interior side lot line.

#### Sensitive Ecosystems and Hazard Areas:

No sensitive ecosystems or hazard areas have been identified on the property.

#### Archaeological Sites:

Based on information from the Provincial Remote Access to Archaeological Data (RAAD), there are no archaeological sites on this property.

Notwithstanding the foregoing, and by copy of this report, the owners are advised that the unearthing of any archaeological resource should be reported the Archaeology Branch.

#### Development Permit Areas

The subject property is not within a Development Permit Area.

#### Covenants:

The restrictive covenant B7212 exists on the title of this property. It is a build out scheme and has no effect on this DVP application

#### Climate Change Mitigation and Adaptation

This application has no direct effects for climate change mitigation and adaptation.

### **RESULTS OF CIRCULATION:**

Notices were circulated to surrounding property owners and residents on April 5, 2010. The notification period will end at 4:30 p.m on April 15, 2010. At the writing of this report, no public submissions have been received. Any additional public submissions will be presented at the Mayne Island Local Trust Committee meeting on April 19, 2010.

### **ISSUES SUMMARY**

*Applicant's stated rationale for the proposed variance.* The applicant stated that before construction of the garage began, the builder was supplied with a site plan (see figure 3 above).

The builder measured the setback himself from existing pins and a spike and determined the location for the foundation. An error was made in placing that foundation.

*The overall intent of the regulation being varied.* The overall purpose of setback requirements is to ensure safe separation between uses, a consistent pattern of development, and the maintenance of green space.

*Potential impacts of granting a 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, it is unlikely to generate expectations for other landowners. Each application is evaluated on its own merits.

**STAFF COMMENTS:**

The applicant expressed that prior to construction, the builder was supplied with the necessary documents and tools to determine the required distance from the setback to the interior lot line. The setback was known and the intent of the applicant was to ensure that the garage remain out of it. Due to human error this intent was not reflected on the property.

Considering that the applicant was well aware of, and sought to respect the setback to the side lot line, and considering that the applicant ensured that the builder had all the necessary tools required to measure this setback prior to pouring the foundation, staff recommends that this DVP application be approved.

**RECOMMENDATIONS:**

**THAT MA-DVP-2010.2 (Smith) BE APPROVED.**

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Respectfully Prepared and Submitted by:



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Kaitlin Kazmierowski  
Planner 1

March 23, 2010

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Date

Concurred in by:

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David Marlor, MCIP

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March 23, 2010

# STAFF REPORT

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April 8, 2010

**File No.:** MA-OCP-2009.1

**To:** Mayne Island Local Trust Committee  
For Meeting of April 19, 2010

**From:** Robert Kojima  
Island Planner  
Local Planning Services

**CC:** Kaitlin Kazmierowski, Planner  
David Marlor, RPM

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**Re: Proposed Bylaw 151 – Post-Public Hearing procedures**

## BACKGROUND

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The Mayne Island Local Trust Committee is considering a bylaw to amend the OCP to include greenhouse gas (GHG) emission reduction targets, policies and actions (Bylaw 151). A public hearing for the proposed bylaw is scheduled for April 19<sup>th</sup>. A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, an LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Second Reading (this may include amendments to alter a bylaw).
2. Consideration of Third Reading.
3. Forwarding of the bylaws to Executive Committee for approval.
4. Forwarding of the bylaws to the Minister's office for approval (OCP amendment bylaws only).
5. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have recently clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

Finally, section 879 of the *Local Government Act* requires that in considering an OCP, or an amendment to an OCP, that the local government "must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected." This consultation must be in addition to the public hearing and specifically should include affected agencies, First Nations and other levels of government. As a practice, this consultation is built into the referral process for all LTC bylaws; in addition, an LTC will typically hold community information meetings or other means of community consultation prior to the formal hearing. In order to confirm that the LTC has addressed this legislative requirement, it is recommended that the LTC adopt a resolution to the effect that it has undertaken consultation that it considers appropriate.

At the last regular meeting, the LTC requested that staff prepare a version of the current OCP with the proposed amendments inserted. A copy of the OCP including the proposed amendments has been distributed to the LTC under separate cover.

## RECOMMENDATIONS

1. THAT the Mayne Island Local Trust Committee give second reading to proposed Bylaw 151.
2. THAT the Mayne Island Local Trust Committee give third reading to proposed Bylaw 151.
3. THAT the Mayne Island Local Trust Committee forward proposed Bylaw 151 to the Secretary of the Islands Trust for Executive Committee approval.
4. THAT the Mayne Island Local Trust Committee forward proposed Bylaw 151 to the Minister of Community and Rural Development for approval.
5. THAT the Mayne Island Local Trust Committee resolves that it has undertaken consultation that it considers appropriate with persons, organizations and authorities it considers will be affected by proposed Bylaw No. 151.

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Prepared and Submitted by:



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Robert Kojima

April 8, 2010

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Date

Concurred in by:

\_\_\_\_\_  
David Marlor, MCIP  
Regional Planning Manager

\_\_\_\_\_  
April 8, 2010  
Date

Attachments:      Proposed Bylaw 151  
                          OCP showing proposed amendments (under separate cover)

# PROPOSED

## MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW No. 151

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### **A BYLAW TO AMEND MAYNE ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 144, 2007**

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WHEREAS the Mayne Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Mayne Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS Section 29 of the *Islands Trust Act* gives the Mayne Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*,

AND WHEREAS the Mayne Island Local Trust Committee wishes to amend the Mayne Island Official Community Plan Bylaw No. 144, 2007;

AND WHEREAS the Mayne Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Mayne Island Local Trust Committee enacts in open meeting assembled as follows:

#### 1. CITATION

This Bylaw may be cited for all purposes as "Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2010."

#### 2. SCHEDULES

- a. Schedule A (Policy Document) of Mayne Island Official Community Plan No. 144, 2007 is amended as indicated on Schedule 1, attached to and forming part of this amending bylaw.

#### 3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.



**MAYNE ISLAND LOCAL TRUST COMMITTEE**

**BYLAW NO. 151**

**SCHEDULE 1**

1. Schedule A (Policy Document) of Mayne Island Official Community Plan No. 144, 2007 is amended by:
  - a. Amending Objective (4) of Section 1.2 (Broad Community Objectives) by inserting the phrase “, storing carbon” between the word “space” and the first instance of the word “and.”
  - b. Amending Subsection 1.2 (Broad Community Objectives) by inserting a new objective (7) as follows:

“7) To support actions and initiatives that result in sustainable development through the implementation of smart growth principles.”
  - c. Amending Subsection 2 (Objectives and Policies for Land Use and Development) by inserting a new objective (5) as follows:

“5) to encourage a land use pattern that results in a more compact, complete and connected community, with new residential development occurring in areas accessible to existing transportation and services.”
  - d. Amending policy 2.1.1.5 (Settlement Residential) by inserting the phrase “and to implement smart growth principles” at the end of the policy.
  - e. Amending Subsection 2.2.1 (Agriculture) by inserting a new Objective 6 as follows:

“6) to support efforts to increase local agricultural self-sufficiency.”
  - f. Amending Subsection 2.2.1 (Agriculture) by inserting a new policy 2.2.1.9 as follows and re-numbering subsequent policies:

“2.2.1.9 Zoning regulations should not inhibit local food production, processing and distribution.”
  - g. Amending Subsection 2.3 (Home Occupation) by inserting a new Objective (3) as follows:

“3) to encourage and support small-scale economic activities that limit or reduce the need for travel by vehicle.”
  - h. Amending Subsection 2.4.1 (Retail Commercial) by inserting a new Objective (6) as follows:

“6) to support the clustering of commercial uses in areas that limit or reduce the need to travel for services.”
  - i. Amending Policy 2.4.1.4 (Retail Commercial) by inserting the phrase “considering zoning to permit” between the words “by” and “small”.

- j. Amending Subsection 2.4.1 (Retail Commercial) by inserting a new policy 2.4.1.9 as follows:
  - “2.4.1.9 In addition to principal commercial uses, in appropriate locations second-storey residential dwelling units may be permitted in order to provide a mix of housing types and to encourage residences closer to services and amenities.”
- k. Amending Subsection 2.4.1 (Retail Commercial) by inserting a new policy 2.4.1.10 as follows:
  - “2.4.1.10 The LTC may consider amending the parking requirements for commercial uses, to require alternatives to parking spaces, including but not limited to: bicycle racks, electric vehicle plug-ins, or cash-in-lieu for use for trails and paths.”
- l. Amending Subsection 2.4.2 (Visitor Accommodation) by inserting a new policy 2.4.2.7 as follows:
  - “2.4.2.7 Employee accommodation may be required in new development where a significant number of additional units are permitted or proposed.”
- m. Amending Subsection 2.5.1 (Industrial Use) by inserting a new policy 2.5.1.7 as follows:
  - “2.5.1.7 In reviewing any application for new industrial uses, or increased density in industrial zones, the LTC should consider potential climate change impacts.”
- n. Amending Policy 2.6.1.5 (Public Use, Services and Utilities) by deleting the wording “maintain” and inserting the phrase “consider expansion of recycling, composting and chipping services, while maintaining” in its place.
- o. Amending Subsection 2.6.1 (Public Use, Services and Utilities) by inserting a new policy 2.6.1.10 as follows:
  - “2.6.1.10 The Mayne Island Local Trust Committee should support and encourage efforts to expand or improve the digital infrastructure on the island in order to reduce the need to travel.”
- p. Amending Advocacy Policy 2.7.4.9 (Outdoor Recreation) by inserting the phrase “as a means of transportation in order to link population and service centres” between the words “trails” and “on”.
- q. Amending Policy 2.7.4.12 (Outdoor Recreation) by deleting the phrase “The Ministry of Transportation” and inserting the phrase: “The LTC should support the development of a bicycle path network, and the Ministry of Transportation and Infrastructure” in its place.
- r. Amending Subsection 2.9 (Temporary Commercial and Industrial Use Permits) by inserting a new policy 2.9.1.8 as follows:
  - “2.9.1.8 Review of applications should include consideration of smart growth principles.”

- s. Amending Subsection 3.1.1 (Transportation – Roads) by inserting the following in the Background section as a new third paragraph:  
  
 “The development and maintenance of the island’s road network is fundamentally connected to the pattern of land use and development and efforts should be made to balance transportation and safety needs with the goal of sustainable development.”
- t. Amending Section 3.1.1 (Transportation – Roads) by inserting a new Objective 5 as follows:  
  
 “5) to encourage alternative forms of transportation.”
- u. Amending Subsection 3.1.1 (Transportation – Roads) by inserting a new advocacy policy 3.1.1.10 as follows:  
  
 “3.1.1.10 In order to limit greenhouse gas emissions, the Ministry of Transportation and Infrastructure is requested to limit expansion of the road network and infrastructure to that necessary to access existing and permitted development.”
- v. Amending Subsection 3.1.1 (Transportation – Roads) by inserting a new advocacy policy 3.1.1.11 as follows:  
  
 “3.1.1.11 The Ministry of Transportation and Infrastructure, and others, are encouraged to support alternative transportation initiatives, including, but not limited to, car stops, neighbourhood zero emission vehicles, car shares, a bicycle path network and walking trails linking population to services.”
- w. Amending policy 3.1.2.6 (Water Transport) by inserting the phrase “and is encouraged to create and maintain facilities and services supporting travel by means other than private automobiles” at the end of the sentence.
- x. Amending Subsection 3.3.2 (Disposal of Solid Waste) by inserting a new advocacy policy 3.3.2.6 as follows:  
  
 “3.3.2.6 The LTC should support efforts to expand recycling and composting and small-scale chipping in appropriate locations.”
- y. Amending Advocacy policy 4.3.1.3 (Environmental Management) by inserting the phrase “, storing of carbon” between the words “retention” and the first instance of the word “and”.
- z. Amending Advocacy policy 4.3.1.7 (Environmental Management) by inserting the phrase “and to increase understanding of the potential impacts of climate change.” at the end of the sentence.
- aa. Amending Section 4 by adding the following as a new Subsection 4.7:

**“4.7 Climate Change Mitigation and Adaptation**

**Background**

Climate change results from the increasing concentration of heat-trapping greenhouse gases in the atmosphere as the result of human activities— primarily the burning of fossil fuels and large-scale deforestation. The rise in atmospheric greenhouse gas concentrations has in turn triggered an increase in the average temperatures of near-surface air and ocean water, with temperatures projected to rise over the next century. Although seemingly slight, these temperature changes could have potentially dramatic and negative impacts on ecological systems around the globe.

The *Local Government Act* now requires that all local governments include in their Official Community Plans targets to reduce greenhouse gas (GHG) emissions and policies and actions to achieve these targets.

The following targets, objectives, policies and actions are the first step to ensuring that the reduction of GHG emissions specifically and the impact of climate change in general become part of the planning process for Mayne Island. This section of the Plan contains objectives and policies relating to the reduction of GHG emissions and the broader topic of climate change adaptation and mitigation.

### Target

This plan supports a target of reducing greenhouse gas emissions by 33% by 2020 from 2007 levels. Emission reductions within the local trust area should be supported by actions resulting from individual and community initiatives, the actions of other levels of government, technological changes, and changes to land use policies and regulations.

### Objectives

The objectives of this section are:

- 1) To establish climate change as a factor in land use decision-making.
- 2) To move to a land use pattern that results in a more compact and complete community.
- 3) To support efforts and policies to help our community adapt to climate change impacts.
- 4) To work with others to support actions to limit emissions.
- 5) To recognize the role that natural areas, particularly forests and wetlands, have in storing carbon.

### Policies and Actions

- 4.7.1 The Local Trust Committee may consider amending zoning to permit secondary dwelling units in appropriate locations.
- 4.7.2 Where there is more than one dwelling permitted on a lot, the Local Trust Committee may consider amending zoning to allow the units to be constructed as attached dwellings.

- 4.7.3 The LTC may consider creation and implementation of development permit areas to effectively manage lot layout in new subdivisions and to implement energy conservation in significant new commercial development.
- 4.7.4 The LTC should review and potentially amend the provisions for existing development permit areas to ensure that objectives and guidelines support energy conservation and alternative transportation options.
- 4.7.5 The LTC should review and potentially amend the amenity zoning policies in section 2.10 of this plan to:
  - i) include criteria ensuring that any additional density limits increases in emissions,
  - ii) to include energy efficient building standards as a potential amenity,
  - iii) to include provision of trails linking population and services as a potential community amenity, and
  - iv) include criteria stating that any additional residential density should only be considered in locations near existing services.
- 4.7.6 The LTC should review and potentially amend the density transfer policies in section 2.11 of this plan to include greenhouse gas emission reduction as a requirement and to allow consideration of transfer of residential density to locations close to existing services and infrastructure.
- 4.7.7 The LTC should consider potential climate change impacts and GHG emissions in reviewing any application for additional density or any increase in intensity of use.
- 4.7.8 The LTC should consider developing or adopting a sustainability checklist for use by applicants for new construction.
- 4.7.9 The LTC should consider amending zoning regulations to permit or facilitate small-scale renewable energy production, such as solar collectors, wind turbines and geothermal heating.

Advocacy Policies

- 4.7.10 The LTC encourages residents in the area to retain natural areas and vegetation as a means of storing carbon.
- 4.7.11 The LTC should support development of a Community Energy Strategy and regional community energy plans.
- 4.7.12 Regional, provincial and federal agencies are encouraged to undertake and support initiatives to reduce greenhouse gas emissions.
- 4.7.13 Developers of public and community buildings are encouraged to incorporate energy conservation design features in all projects.
- 4.7.14 The LTC should support efforts to create shared energy production in neighbourhoods.



**Top Priorities**

**Mayne Island**

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Include targets and policies for the reduction of greenhouse gas (GHG) emissions	consider target, consider additional policies for inclusion in OCP	Sep-14-2009	Robert Kojima	May-31-2010	On Going
2	OCP Follow-up 1. Implement SEM mapping 2. Implement RAR 3. Shoreline Development Review 4. Adopt DAI bylaw	<ol style="list-style-type: none"> <li>1. Replace OCP Schedule F with updated map</li> <li>2. Revise Density transfer policies to include sensitive ecosystems</li> <li>3. Revise Amenity zoning policies to include sensitive ecosystems</li> <li>4. Prepare draft DPA mapping for sensitive ecosystems</li> <li>5. Prepare draft DPA provisions for sensitive ecosystems</li> <li>6. Provide RAR mapping and staff report with implementation options</li> <li>7. Develop project for shoreline development review</li> <li>8. Adapt draft DAI bylaw for Mayne DPA.</li> </ol>	Oct-22-2008	Robert Kojima	Mar-31-2010	On Going
3	Non-regulatory uses of Sensitive Ecosystem Mapping	Staff to work with Mayne Island Conservancy Society (MICS) to develop a sensitive ecosystem stewardship education workshop on Mayne Island.	Feb-01-2010	Kaitlin Kazmierowski	May-31-2010	On Going

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**Projects**

**Mayne Island**

No.	Description	Activity	Received/Initiated	Status
1	Map Raptor nests	Finalize mapping and develop options for protection	Feb-02-2009	On Going
2	Geological Hazard protection	Develop mapping for Mayne, consider options for implementation	Feb-02-2009	On Going
3	Climate Change Adaptation	Consider regulatory changes and implementation of new DPA authority	Mar-02-2009	On Going

# Excerpt from the Islands Trust 2008-2011 Strategic Plan

This excerpt contains only those strategic plan items specific to local trust committees.

## Goal 1: Ecosystem Preservation and Protection...

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS <i>Italics indicate changes since last TC meeting</i>
To identify and protect riparian areas	Implement Riparian Area Regulations throughout the Trust Area	Develop bylaws re RAR requirements, subject to RAR mapping completion	LTCs/BIM*	Funding in place (09/10 budget)	By whether all islands are RAR compliant	Two islands are RAR compliant
To improve the identification and protection of biodiversity, environmentally sensitive areas and significant natural sites, features and landforms	Protect sensitive and significant land through land use planning decisions	<b>2008-2011 term</b> Optimize opportunities to protect land	LTCs/BIM*	No new funding required	By the hectares of land that have been protected	TBD
To reduce greenhouse gas emissions	Amend OCPs to include emission reduction targets, policies and actions (TPAs)	<b>Jan to May 2010</b> Establish targets, policies, and actions in OCPs by legislated deadline (May 31/09)	LTCs/BIM*	Funding in place (09/10 budget) Additional funding may be available through application	By whether all OCPs have been amended to include GHG emission reduction targets, policies and actions by May 31/10	Policies and action included in two OCPs (SSI, DE)
	Foster energy-efficient communities through land use planning decisions	<b>FY 2010/11</b> Consider the inclusion of the information provided by the LPC into appropriate bylaws and processes	LTCs/BIM*	Subject to funding (10/11 budget)	By whether GHG emission reduction is achieved in LTC land use decisions	TBD

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\* Depends upon decisions of the Bowen Island Municipal Council

\*\* Depends upon decisions of the Trust Fund Board

## Goal 2: Stewardship of Island Resources...

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS
To increase the sustainability and quality of freshwater resources	Include new policies and regulations as OCPs and LUBs are amended	<b>FY 2009/10</b> OCP/LUB reviews underway on selected islands  <b>FY 2010/11 &amp; 2011/12</b> OCP/LUB reviews underway on selected islands	LTCs  LTCs	Funding in place (09/10 budget)  Subject to funding (10/11 budget)	By the number of LTCs/IM with new policies and regulations for protection of freshwater resources	Reviews beginning in 09/10  Reviews planned to begin in 10/11
To advance the stewardship of coastal areas and marine shore lands	Develop and implement new land use planning tools for shoreline and marine protection	<b>FY 2009/10</b> Thetis Island LTC – consider the use of integrated shoreline & watershed protection into OCP review process	LTC	Funding in place (09/10 budget)	By whether OCP has been amended to include new forms of protection	OCP review underway

## Goal 3: Sustain Island Character and Healthy Communities...

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS
To support socio-economic diversity of island communities	Support/restore socio-economic diversity through land use planning strategies about affordable/accessibile/appropriate housing  Support local food security	<b>FY 2010/11</b> Consider implementing land use planning decisions to advance affordable housing  Support completion of a second area farm plan (Denman)	LTCs  LTC	Subject to funding (10/11 budget)  No new funding required	By the number of LTCs have implemented land use planning decisions regarding affordable housing.  By whether a second area farm plan is complete	Not started  Started
To minimize the impact of climate change	Integrate climate change adaptation into land use	<b>FY 2009/2010</b> OCP/LUB reviews underway on selected islands  <b>FY 2012/2013</b> Continue implementation of adaptation planning framework	LTC  LTCs/BIM*	Funding in place (09/10 budget)  Subject to funding	By the number of LTCs/IMs with new policies and regulations related to food security	OCP/LUB reviews started  Not started

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS
upon islands and communities	planning and regulatory decisions					
To cultivate community engagement and participation in land use planning	Develop new tools and strategies to encourage community engagement in land use planning processes	<b>FY 2010/2011</b> Consider new tools and strategies to encourage community engagement in land use planning processes	LTCs	TBD	TBD	Not started

## Goal 4: Organizational Effectiveness...

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?*	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS
To provide services on an increasingly effective basis	Develop cost effective bylaw enforcement tools	<b>FY 2009/10 &amp; 2010/2011</b> Consider bylaw amendments to allow Bylaw Dispute Adjudication System	LTCs	No new funding required	By the number of islands where a Bylaw Dispute Adjudication System is in place	Initial discussions started
	Develop model LTC meeting procedure bylaw regarding bylaw electronic meetings	<b>FY 2009/2010</b> LTCs to consider adoption	LTCs	No new funding required	By the number of LTCs that have adopted amendments	Not started

### Abbreviations:

ADMIN – Administrative Services  
 BIM – Bowen Island Municipality  
 DEM – Digital Ecosystem Mapping  
 EC – Executive Committee  
 FN – First Nations  
 FY – Fiscal Year  
 GHG – Green House Gases  
 IM – Island Municipality  
 IT – Islands Trust  
 LPC – Local Planning Committee  
 LPS – Local Planning Services

LTA – Local Trust Area  
 LTC – Local Trust Committee  
 LUB – Land Use Bylaw  
 MCRD – Ministry of Community & Rural Development  
 MGMT – Management Team  
 NA – Not Applicable  
 NAPTEP – Natural Area Protection Tax Exemption Program  
 OCP – Official Community Plan  
 PMFL – Private Managed Forest Land  
 RAR – Riparian Area Regulations  
 RCP – Regional Conservation Plan  
 RD – Regional District

RFD – Request for Decision document  
 RM – Records Management  
 SEM – Sensitive Ecosystem Mapping  
 SSI – Salt Spring Island  
 TAS – Trust Area Services  
 TBD – To Be Determined  
 TC – Trust Council  
 TPB – Trust Fund Board  
 TPA – Targets, Policies and Actions (re GHG emission reduction)  
 TPC – Trust Programs Committee  
 UBC – University of British Columbia  
 UBCM – Union of BC Municipalities

For more information, contact

**Sheila Malcolmson**, Chair,

**Linda Adams**, Chief Administrative Officer, Visit our website at

Islands Trust Council upon decisions of the Bowen Island Municipal Council

email: [simpson@islandstrust.bc.ca](mailto:simpson@islandstrust.bc.ca) or the Telephone: [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

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[www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)



Islands Trust

# Applications w/ Status - Mayne Island Status: Open

## Applications

### Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2009.3	Al & Lynne Trent Planner: Kaitlin Kazmierowski	Nov-05-2009	513 DALTON DR To vary section 3.3(3) of the Lan Use Bylaw

### Planning Status

**Status Date:** Jan-22-2010

Owners have applied for a re-zoning to permit this type of structure on the foreshore. Re-zoning and DVP will take place in concurrence.

**Status Date:** Nov-24-2009

Sent letter to owners and applicant outlining option to vary upland portion of structure, but cannot vary the portion on the foreshore as it is not a permitted use in a W2 zone.

**Status Date:** Nov-09-2009

Sent letter of acknowledgment of receipt of application and fees to applicant; copied application to trustees and forwarded to Planner

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2010.1	George Johnson Planner: Kaitlin Kazmierowski	Jan-15-2010	

### Planning Status

**Status Date:** Mar-03-2010

MILTC tabled decision until further geotech information was presented. Applicant has been notified.

**Status Date:** Feb-19-2010

Buildings were sited according to an assumed rear lot line, which was found to be 12-15 feet closer upon the completion of a professional survey. Even if the assumed rear lot line was correct, the structures in question would have still encroached on the setback. Also, according to CRD building inspection (conversation on Feb 19), the site is most likely hazardous (large rocks, steep slope and running water) and should have a geotech study. LPS staff report recommends

that LTC table their decision until such a report is obtained. Staff report to be presented at March 1 MILTC meeting.

**Status Date:** Jan-21-2010

File received by planner

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2010.2	Anthony Smith	Feb-11-2010	219 SPINNAKER DR variance to the setback to allow for an existing concrete foundation garage.

**Planner:** Kaitlin Kazmierowski

### **Planning Status**

**Status Date:** Mar-24-2010

Permit and notice drafted and forwarded for circulation, staff report prepared and submitted to RPM

**Status Date:** Feb-15-2010

Sent letter of acknowledgement of receipt of fees and application to applicant. Copied to trustees and created a file and forwarded to planner.

### **Rezoning**

File Number	Applicant Name	Date Received	Purpose
MA-RZ-2010.1	Michael Rosen & Associates	Jan-13-2010	513 DALTON DR To amend the LUB, Sec. 3.3(3) to permit the use of structures required for erosion protection within the required 7.6 m. setback area.

**Planner:** Kaitlin Kazmierowski

### **Planning Status**

**Status Date:** Feb-02-2010

Teleconference with M. Rosen at 3pm. Applicant requested that staff do not approach LTC with this application until information from ILMB process has been received as well as any additional information (e.g. geotech) applicant wishes to submit prior to drafting of staff report. Planning staff have agreed to this.

**Status Date:** Jan-26-2010

Letter sent to landowners and applicant

**Status Date:** Jan-22-2010

Letter to be drafted informing applicant that before proceeding with a re-zoning, ILMB must be contacted by applicant and must indicate that they have no objection to this type of structure on the foreshore.

File Number	Applicant Name	Date Received	Purpose
MA-RZ-2010.2	Don & Shanti McDougall	Mar-23-2010	568 FERNHILL RD To amend the LUB, section 5.10(1) C3A by changing to C1 5.8 Settlement Residential.

**Planner:** Kaitlin Kazmierowski

### **Planning Status**

**Status Date:** Mar-23-2010

Sent letter of acknowledgement of receipt of fees and application to applicant, copied file to trustees and forwarded to planner.

**Subdivision**

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2007.1	Cedar Valley electric Ltd Planner: Kaitlin Kazmierowski	Nov-01-2007	408 Campbell Bay Road - 7 lot subdivision

**Planning Status**

**Status Date:** Jul-27-2009

PLA received

**Status Date:** Mar-06-2009

Received email from MoTI stating that they have not yet issued PLA as they are waiting for updated perc. test data from VIHA

**Status Date:** Apr-14-2008

Subdivision Referral Form sent to MOT

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2008.1	Richard Wey & Associates Planner: Kaitlin Kazmierowski	Mar-06-2008	to create an 8 lot subdivision at Glen Echo

**Planning Status**

**Status Date:** Feb-26-2010

Applicant contacted planning staff: working to finalize subdivision, may approach LTC for additional proof of potable water covenant

**Status Date:** Aug-19-2009  
covenant executed

**Status Date:** Jul-22-2009

Applicant will provide letter of undertaking and executed copies of covenant

**Kathy Jones**

**From:** Nancy Roggers  
**Sent:** March-25-10 8:44 AM  
**To:** David Marlor; Robert Kojima; Kathy Jones; Sharon Lloyd-deRosario  
**Cc:** Craig Elder  
**Subject:** Mayne expense report - Mar/10  
**Attachments:** mayne ltc expense.pdf

		<b>Budget</b>	<b>Spent</b>	<b>Balance</b>
<b>Posted to March 22, 2010</b>				
645 Mayne	65000 Trustee Expense	1,100.00	270.20	829.80
645 Mayne	65200 LTC Meetings	2,800.00	1,821.00	979.00
	65210 APC Meetings	660.00	598.47	61.53
	65220 Communications	260.00	781.12	(521.12)
	65230 Special Projects	1,500.00	780.00	720.00
	65240 Miscellaneous	580.00	300.00	280.00
	<b>TOTAL LTC Local Expense</b>	<b>5,800.00</b>	<b>4,280.59</b>	<b>1,519.41</b>
645 Mayne	72300 OCP/LUB Expense	-	-	-

Thanks!

Nancy Roggers  
 Finance Officer

Islands Trust  
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 Victoria, B.C. V8R 1H8  
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## Mayne LTC Local Expense Budget Allocations – 2010/2011

			Budget
65200	LTC Meetings		
		Room Rental 10@ \$30	\$300
		LTC Special Meetings 4 @ \$50	\$200
		Minute-taker 14 @ \$150	\$2100
		Special meeting ads 4@\$50	\$200
		<b>Total LTC Mtgs</b>	<b>\$2800</b>
65210	APC meetings		
		Room Rental 4 @ \$15	\$60
		Minute-taker 4 @ \$150	\$600
		<b>Total APC meetings</b>	<b>\$660</b>
65220	Communications		
		Website 1 @\$60	\$60
		Advertising 4@ \$100	\$400
		<b>Total Communications</b>	<b>\$460</b>
65230	Special Projects		
		MIIWS 1@\$500	\$500
		Other 2 @ \$500	\$1000
		<b>Total Special Projects</b>	<b>\$1500</b>
65240	Miscellaneous		
		<b>Contingency</b>	<b>\$380</b>
	<b>Total LTC Expense</b>		<b>\$5800</b>

# Mayne Island Local Trust Committee

## POLICIES AND STANDING RESOLUTIONS

Updated: November 2, 2009

No	Meeting Date	Resolution No.	Issue	Policy and Description
1.	October 1, 2007	MA-LTC-70-07	Guidelines for Use When Considering Funding for Reports	The MILTC has adopted a policy establishing the set of guidelines the LTC should employ when purchasing a report for LTC and public use.
2.	November 2, 2009	MA-LTC-90-09	STVRs Bylaw Enforcement	<p>1. THAT given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities STVRs that have one or more of the following characteristics will be subject to enforcement:</p> <ol style="list-style-type: none"> <li>1. They are advertised on the internet, newspapers or other media;</li> <li>2. They are not managed by the property owner;</li> <li>3. More than one dwelling on the lot is simultaneously made available for STVR</li> <li>4. While the property is rented persons are permitted to stay in tents or trailers;</li> <li>5. There are issues related to health and safety;</li> <li>6. 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 STVR</li> <li>7. The owner of the property uses more than one property on Mayne Island as a STVR.</li> </ol> <p>2. THAT 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.</p>

Attach to Agenda with the Standing Policies Report  
only when there is a request for financial support

## **GUIDELINES FOR MAYNE ISLAND LTC TO USE WHEN CONSIDERING FUNDING FOR REPORTS**

**Adopted by Resolution MA-LTC-70-07 at the regular meeting of  
October 1, 2007.**

**ISSUE:** What guidelines should an LTC employ when purchasing a report for LTC and public use?

### **BACKGROUND:**

Islands Trust financial policy provides that an LTC cannot sponsor an event, even a community non-profit venture. LTC's can, however, purchase goods and services which are of benefit to the LTC and, by extension, the community it serves. Therefore, LTC's have supported worthwhile conferences, workshops and the like by purchasing a report on conference issues, proceedings, findings and recommendations.

In order that LTC's receive value for their purchases, the Mayne Island LTC has raised the issue outlined above. It has asked that guidelines be considered for use in evaluating future opportunities to purchase reports on a wide variety of subjects related to LTC mandates.

### **CONSIDERATIONS:**

There are a number of factors or considerations an LTC might need to entertain. These considerations are cited below in an order which range from "fundamental" to "consequential".

1. Does the LTC have the budgetary capacity to consider the opportunity to purchase a conference report or proceeding?
2. Is the subject matter germane to the work and/or mandate of the LTC?
3. If the answers to 1 and 2 above are in the affirmative, the LTC may wish to consider requirements for the report they agree to purchase.

## **GUIDELINES**

If the LTC decides to purchase a conference report or proceedings, it may require that reporting guidelines below be met as a condition of purchase.

These guidelines are:

1. The full proceedings of the conference or workshop are preferred.
2. If full proceedings are not produced or available the report to the LTC should include:
  - (a) The agenda of the conference or workshop
  - (b) A list of presenters and the topics they represented
  - (c) A summary of each topic discussed
  - (d) A copy of all papers presented at the conference
  - (e) A list of all recommendations made by the conference (if not cited in the papers or summary of each topic)
  - (f) A summary of any follow-up actions identified by the conference
  - (g) A copy of any contact list or referral resources generated by the conference,.
3. If only a narrative report is produced, the narrative should include or address the information sought in (a) to (g) above.

It is hoped that the guidelines above will ensure that the LTC will receive all relevant information generated by the conference or workshop.



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#### Population:

Approximately 1,112

#### Size:

2,334 hectares (5,767 acres)

#### Location:

19.7 kilometres east of the Swartz Bay ferry terminal on Vancouver Island.

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## Mayne Island Local Trust Committee

### Latest News

In this section you will find current news items that are relevant to your Local Trust Area and your community. [Subscribe](#) to the Mayne Island Latest News updates and receive the latest information on official community plan reviews, staff reports, notifications and other documents published in the latest news section.

#### April 2010

- [Notice of April 19, 2010 Public Hearing](#)

#### March 2010

- [Notice of March 17, 2010 Special Meeting](#)

#### January 2010

- [Climate Change Community Meeting - January 30, 2010](#)

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## Projects, Bylaw Reviews and Reports

In this section you will find current Local Trust Committee projects specifically related to the island area.

### General

- [Mayne 2030 A Panel Discussion and Community Dialogue - Sponsored by Resilient Mayne Initiative](#)
- [Summary of Bald Eagles Nesting Results - December 2009](#)
- [Bylaw Enforcement Policy for Short Term Vacation Rentals in Residential Zones Staff Report - November 2, 2009](#)
- [Rainwater Availability and Household Water Consumption for Mayne Island](#)
- [Staff Memo - Mayne Inn Water Tank](#)

### Climate Change Action

- [Staff Report - September 2009](#)
- [Staff Report - October 2009](#)
- [Staff Report - February 2010](#)
- [Community Engagement Tools](#)
- [Table of Potential Official Community Plan Amendments](#)
- [Climate Wise Islands](#)
- [Notes of comments made at January 30, 2010 Community Meeting](#)
- [Proposed Mayne Island Bylaw No. 151](#)

## Sensitive Ecosystem Mapping

### Staff Reports

- [Staff Report - January 16, 2009](#)
- [Staff Report - January 22, 2009](#)
- [Staff Report - June 2009](#)
- [Staff Report - October 2009](#)

### Maps and Fact Sheets

- Sensitive Ecosystem: [Map](#) | [Project Background](#) | [Methods](#)
- Cliff Ecosystems: [Map](#) | [Fact Sheet](#)
- Freshwater Ecosystems: [Map](#) | [Fact Sheet](#)
- Herbaceous Ecosystems: [Map](#) | [Fact Sheet](#)

## Committee Links

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- [Land Use Application Forms](#)

- Riparian Ecosystems: [Map](#) | [Fact Sheet](#)
- Woodland Ecosystems: [Map](#) | [Fact Sheet](#)
- Wetland Ecosystems: [Map](#) | [Fact Sheet](#)
- Intertidal Ecosystems: [Map](#) | [Fact Sheet](#)

#### Other Important Ecosystems

- [Mature Forest Ecosystem Fact Sheet](#)
- [Young Forest Ecosystem Fact Sheet](#)

#### Links

- [Sensitive Ecosystem Mapping Webpage](#)
- [Sensitive Ecosystem Mapping Standard](#)

#### Advisory Planning Commission Minutes

- [September 9, 2009](#)
- [October 14, 2009](#)
- [November 18, 2009](#)
- [December 9, 2009](#)
- [January 7, 2010](#)

#### Riparian Area Regulations

- [Swell Environmental Consulting Report \(February 16, 2010\) \(Complete Report 12 MB\)](#)
- For convenience this report has been divided into the following parts:
  - [Part 1](#)
  - [Part 2](#)
  - [Part 3](#)
  - [Part 4](#)
- [Notice of March 17, 2010 Special Meeting](#)
- [Staff Report - March 20, 2009](#)
- [Staff Report - May 15, 2009](#)
- [Staff Report - September 17, 2009](#)
- [Provincial Riparian Area Regulations](#)
- [Map of Ministry of Environment Designated Watersheds](#)
- [2007 - Stream Survey Report](#)

#### Land Use Bylaw Review (Completed)

- [Adopted Land Use Bylaw No. 146](#)
  - [Schedule B](#)
- [Consolidated Official Community Plan Amendment Bylaw No.144](#)

#### Staff Reports

- [Staff Report - October 1, 2007 - C2 Zoning](#)
- [Staff Report - November 5, 2007 - Draft C2 Zoning](#)
- [Staff Report - December 3, 2007 - Technical Review](#)
- [Staff Report - February 4, 2008 - Preliminary Report](#)
- [Staff Report - April 7, 2008](#)
- [Staff Report - May 5, 2008](#)
- [Staff Report - October 22, 2008](#)

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