

Meeting of September 19 , 2011

File No.: MA/02-2

To: Mayne Island Local Trust Committee

From: Kris Nichols, Contract Planner
Kaitlin Kazmierowski, Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: Mayne Island Commercial Inventory

Preliminary Report

PURPOSE:

The purpose of this staff report is to address the Mayne Island Local Trust Committee (LTC) resolution passed at the May 2, 2011 regular business meeting by providing background information on commercial land uses and zoning, and to provide an overview of waste transfer issues. The report will first give an overview of commercial land use (excluding visitor accommodation) on Mayne Island by presenting current regulations, zoning, and providing detailed analysis of what commercial uses currently exist, where they are located and how commercial land is currently being used. The report will then present additional opportunities and planning tools used to foster and regulate commercial uses as well as discuss ways in which these might be further explored or amended. A separate section on waste transfer stations provides examples from the Trust Area as well as an analysis of the current application for a Temporary Use Permit for this use in Miners Bay.

One of the primary questions stemming from this preliminary analysis and report concerns the factors shaping commercial development on Mayne Island. Restrictive zoning and high cost of land are two factors that could be contributing to the prevalent commercial development pattern on Mayne, however, further investigation is needed.

BACKGROUND:

At the regular meeting of the Mayne Island LTC on May 2, 2011 a resolution was passed directing staff to prepare background information on commercial land uses and zoning as well as prepare a draft terms of reference for a Mayne Island Commercial Land Use Review Task Force. This terms of reference was drafted on June 7, 2011. It states that the purpose of the Task Force is as follows:

“.. to provide overall strategic advice to the Local Trust Committee on the need, requirements and preferred locations of commercial activity on Mayne Island. The task force objective is to identify land use requirements and issues related to commercial land use on Mayne Island. In particular, the task force is requested to address the following issues:

- Appropriate locations, density, and regulation of future retail commercial uses
- Appropriate locations, density, and regulation of future service commercial uses
- Appropriate locations and regulation of commercial waste transfer”

Since the drafting of the terms of reference, a nine member Task Force has been appointed. The term of the Task Force is stated to last from August 2011 to March 2012. The Task Force will be instrumental in reviewing this initial background information and setting the direction for future work and consideration.

The following sections will provide background information on the policies and regulations currently in place for commercial land use on Mayne, as well as provide a snapshot of current commercial uses, densities and locations.

Trust Policy Statement

Support for economic development opportunities can be found in the Trust Policy Statement, Part V: Sustainable Communities. The goal of this Part is “to sustain island character and healthy communities” which are defined as “human communities that have achieved a balance between environmental, economic and social systems and which respect the carrying capacity of the supporting environment.”

The Trust Policy Statement also provides direction to local trust committees regarding how growth and development should be addressed in official community plans and regulatory bylaws (land use bylaws) and also deal with other relevant subject areas such as the disposal of waste. Relevant extracts include:

5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

5.2.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.

5.7.1 Trust Council holds that economic opportunities should be compatible with the conservation of resources and protection of community character.

5.7.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

Also within Part V is a section on Disposal of Waste (5.4) which states:

5.4.1 It is Trust Council’s policy that the safe disposal in the Trust Area of waste originating in the Trust Area is acceptable.

5.4.2 It is Trust Council’s policy that:

- *neither hazardous nor industrial waste should be disposed of in the Trust Area,*
- *local recycling operations should be established, and*
- *local programs for chipping of wood waste and disposal of hazardous wastes should be established.*

5.4.3 *It is Trust Council's policy that there should be a reduction in the burning of solid waste in the Trust Area.*

Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

OCP & LUB Policies

Within the Mayne Official Community Plan (OCP) Bylaw No. 144, 2007 there are three designations that outline policies for commercial and industrial use. They are Retail Commercial (C), Industry (I) and Rural (R) (specific for a recycling facility).

There are six (6) relevant commercial zones within the Mayne Island Land Use Bylaw (LUB) No. 146, 2008. These are:

- Settlement Commercial (C1),
- Service Commercial (C3),
- Automotive Commercial (C4),
- Industrial One (I1),
- Rural (R (e)) and
- Comprehensive Development Two (CD2).

Other commercial zones that deal specifically with visitor accommodation have been excluded from this review. The primary purpose of the Commercial Tourist Accommodation (C2) and the Country Guest House Commercial (C5) zone is to provide tourist accommodation and are therefore not considered part of this review; however, they do permit a restaurant, café, or licensed premises as an accessory use.

The Settlement Commercial (C1), Service Commercial (C3) and Industrial 1 (I1) all have site specific zones defined within them. They are specifically identified in the Land Use Bylaw by their legal description and often their addresses as well. These specific locations generally adhere to the parent zone (i.e. C1, C3 or I1), but may either have further restrictions or allowances not found in the parent zone which makes them unique to the specific parcel.

COMMERCIAL AND INDUSTRIAL INVENTORY

Current View

Map 1 identifies all the commercial properties on Mayne Island. Used in conjunction with figures 1, 2 and 3, a picture of current commercial use, density and location begins to take shape. Figure 1 below outlines the number of lots and their possible subdivision potential based on their minimum lot size. This potential is based on the actual size of the lot if it were vacant rather than how the lot is currently being used which may restrict any subdivision due to building configuration or other considerations such as servicing or access. Currently, given the lot dimensions, four additional lots could be created; however, this is unlikely due to their current use.

Figure 1: Zoned and Designated Land for Commercial/Industrial Use:

Land Use Zoning	Total Number of Lots	Minimum Lot Area (Hectares)	Subdivision Potential	Total Hectares	OCP Designation	Total Hectares
Settlement Commercial (C1)	7	0.2	1 additional lot (C1 (a))	2.03	Retail Commercial (C)	4.15
Service Commercial (C3)	4	0.2	1 lot with 3 additional lot potential	1.79	Retail Commercial (C)	
Automotive Commercial (C4)	1	0.2	N/A	0.33	Retail Commercial (C)	
Industrial One (I1)	5	0.4	1 additional lot (I1 (a))	2.45	Industry (I)	2.45
Rural (R(e))	1	1.0	N/A	0.96	Rural (R) [R(e) Zoning]	0.96
Comprehensive Development Two (CD2)	1	0.4	N/A ¹	1.93		
TOTAL	19		~4 lots	9.49²	TOTAL	7.56

¹Note: While the minimum lot size is 0.2 ha and based on lot size alone subdivision would be permitted, however, this site is specifically zoned for its particular use therefore subdivision is not available to this lot.

²Note: Difference between zoning and designation totals being the CD2 which permits retail sales, offices, financial services, travel agencies, medical, dental and personal services and restaurants.

Figure 2 outlines the maximum floor area ratio, and the maximum lot coverage for each commercial zone. These limit the size of building that can be constructed on each lot.

Figure 3 (included as attachment 1) further identifies each individually zoned lot, and based on the maximum floor area ratio permitted calculates the allowable floor area for each lot. Figure 3 also provides further analysis of each lot regarding the permitted maximum lot coverage and an estimate of current lot coverage based upon air photos. These should be considered estimates only, they are scaled from air photos, do not account for buildings with more than one storey, and would include features like overhangs and covered outdoor areas and thus cannot be used to accurately calculate current floor area ratio on each lot. The last column of this figure is intended to provide some detail for each property and any significant recent planning activity that has taken place.

The maps provided in attachment 2 of this report are a visual guide to where commercial and industrial uses are zoned and are taking place on Mayne. The detailed maps in this attachment provide a rough estimation of lot coverage as well as the specific zoning designation for each lot.

Figure 2: Land Use Density and Subdivision Regulations:

Land Use Zoning	Maximum Floor Area Ratio (FAR)¹	Maximum Lot Coverage (%)²
Settlement Commercial (C1)	0.25	35
Service Commercial (C3)	0.25	35
Automotive Commercial (C4)	0.25	35
Industrial One (I1)	0.25	35
Rural (R(e))	-	10
Comprehensive Development Two (CD2)	-	20

¹Floor Area Ratio (FAR) – means the figure obtained by dividing the floor area of all buildings on a lot by the lot area, or in the instance of a split zoned lot, by dividing the floor area of all buildings within a zone by the respective zoned area.

²Lot Coverage – means to total area of those portions of a lot that are covered by buildings or structures divided by the area of the lot, exclusive of the floor area occupied by any cistern used for the collection of rainwater for domestic use or fire protection, and for this purpose the area of a lot that is covered by a roofed building or structure is measured to the drip line of the roof.

It has been identified that all commercially zoned properties have buildings constructed on them (despite the fact that one property is listed as vacant by BC Assessment Authority); however, from the analysis provided in figure 3 it appears that no properties are currently developed to their maximum potential. One such lot, currently undergoing an application process for a temporary use permit (TUP) for a waste transfer use, is not being used as zoned and is requesting to intensify the commercial uses currently permitted on site. In another recent case, a TUP has been issued for a farm market retail operation on the site of a previous machine repair shop, with a rezoning application on hold. Again, these types of applications raise the question of what factors are shaping commercial development on Mayne.

Other Opportunities for Commercial or Industrial Uses

Temporary Use Permit

Sections 920.2 and 921 of the *Local Government Act* establish the ability for a local government to designate through an Official Community Plan or a zoning bylaw where temporary uses may be allowed and may specify general conditions regarding the issue of temporary use permits in those areas.

The Mayne Island Official Community Plan Bylaw No. 144, 2007 Section 2.9 outlines that temporary use permits (TUPs) for commercial or industrial uses may be issued for all areas on the Island except in the Agricultural Land Reserve or the Resource Conservation Designation. The intent being that they are issued for short term uses or to test the compatibility of a proposed land use. The length of a permit can be up to 3 years with the ability to have the permit extended for up to an additional three years. The OCP outlines the permit guidelines that are to be considered in evaluating such a permit. Currently there is one temporary use permit under consideration by the Local Trust Committee (waste transfer station) and another issued for farm retail sales.

Rezoning

Another option to accommodate a need for more commercial land use opportunities is to rezone a current property. Simply put, rezoning is the act of changing the zoning or land use classification of a parcel of land to permit the property to be used for another purpose. Generally, when the existing land use zoning does not allow for a proposed use, the landowner may apply for a change in zoning by amending the Land Use Bylaw to permit a change in land use or density.

Generally, zoning helps to direct orderly growth and change within a community. It controls population density and helps create attractive, healthful residential and commercial areas. It can also ensure that property owners and residents have a degree of confidence that the characteristics of nearby areas will remain stable

Careful consideration of the impact of a proposed rezoning (change of land use) must be had in consultation with the community and, due to the nature of it being a bylaw amendment, is statutorily mandated in the *Local Government Act*. Rezoning is not intended to be a quick way to accommodate a change in use; there are many considerations in terms of possible impacts to a community that have to be considered.

Home Occupations

Another opportunity for commercial activity is permitted through Section 2.3 of the Mayne OCP which outlines the objectives and policies for home occupations. The OCP states that "Home occupations are permitted in most zones and are a significant part of the economic base of the Mayne Island Trust Area. Home occupations are small scale enterprises that are clearly an accessory use of residential property while allowing for economic activities. The character of the property must remain residential in appearance and when business is at such a scale that the impact on the property would be to change the residential character, it becomes defined as a commercial use, requiring appropriate commercial zoning. The use is not mapped separately on the Plan map because it is not the principal use."

Detailed provisions for home occupation are listed in Section 3.6 of the LUB. These permit a range of commercial activities including bed and breakfasts, various services, and the sale of goods or products directly related to the home occupation taking place. Home occupations are limited by floor area restrictions (95 m² for the home occupation, and 5 m² for sales and storage of goods) as well as by the fact that only bed and breakfasts are permitted to serve food and drink. Other restrictions such as maintaining the residential character of the residence, requiring that all activities (except agriculture and horticulture) take place inside the residence, and landscape screening of storage areas are also included in the LUB.

Home occupations can serve as "incubators" for new businesses wishing to test out their product on a small-scale basis before seeking a larger commercial space. Current regulations may provide a disincentive to those wishing to start a home occupation due to the limited floor area for the actual sale of goods as well as restrictions on where activities can take place on the property (i.e. only in the residence itself). Restricting the serving of food and drink may also pose a problem for those wishing to start a business from home. While the current regulations are meant to limit the negative effects that a home occupation could have on surrounding residential properties (parking, noise, traffic), they may be detrimental to new small-scale business. The LTC may wish that staff and the Task Force explore possible amendments to

current home occupation regulations. This could require further research into how current regulations are working for those with home-based businesses, and where barriers are being created. This exploration could also shed light on the factors shaping commercial activity on Mayne Island. A balance should be struck between protecting the character of the neighbourhood, and fostering new businesses that could benefit the entire community.

Development Permit Areas

In order to guide commercial and industrial development on Mayne Island, the OCP designates Development Permit Areas (DPAs). These have been designated by the LTC to give an extra level of attention to specific areas that need special focus during the development process. This type of planning tool guides development rather than prohibits it, and is different from zoning in that it guides development within a zoned land use rather than changing the land use itself.

A development permit must be obtained in order to undertake certain types of development within a designated DPA. Where a property owner proposes a development that meets the DPA guidelines, a development permit must be issued. Mayne Island DPA guidelines are found in Subsection 2.8.1 of the OCP and have been established to guide form and character of commercial and industrial development. The guiding principle for the use of Development Permits is found within Section 919.1 of the *Local Government Act*.

The particular Development Permit Area provisions relevant to commercial and industrial uses specifies the general character of the development and the siting and form of buildings and structures defining the form and character of commercial and industrial developments. This development permit applies to all land that is designated Retail Commercial and Industry in the OCP. The objective of this development permit is to ensure that new or additional commercial or industrial uses are developed in a manner that is consistent with and enhances rural character and avoids impacts on adjacent properties.

These DPA provisions are relatively new, are based upon best practices, and appear to be appropriate for guiding form and character of developments. As expressed earlier, a number of commercial and industrial locations are also zoned site-specifically. Currently, there are six properties with site-specific commercial or industrial zoning on Mayne Island. This represents one-third of all properties with commercial or industrial zoning.

While site-specific zones serve to ensure that a more specific use can be further regulated within the parent zone, these can also pose problems for the natural turn-over of business in terms of becoming too restrictive for the future siting of a commercial use that is different from what is currently permitted within site-specific regulations. This places an added burden on the landowner and may discourage new businesses from establishing on lands that while zoned for commercial use, are restricted either to a specific use or in terms of siting or size regulations.

The current DPA provisions post-date the site-specific zoning provisions and the need for site-specific zoning restrictions may no longer be as pertinent as DP conditions can address many potential impacts. Further, the DPA provisions could be updated and expanded to include guidelines that would permit the relaxation of some of the site-specific siting or size restrictions on commercial uses. The LTC may wish to direct staff and the Task Force to explore amendments to site-specific zoning and DPA provisions to address this issue.

ISSUES ANALYSIS

The sections below will explore various issues that staff have identified through this preliminary inventory, and present alternative options that the LTC may wish to further explore.

Demand for Commercial and Industrial Land

There has been only one commercial rezoning application on Mayne since 2003. It is at the same location (568 Fernhill Rd.) and for the same uses and proponents as the Temporary Use Permit currently in place on site. The proposal seeks to use the interior of an existing 102.2 m² (1100 sq. ft) structure for the retail sale of food items sourced locally and sustainably from the proponents' farm and other sources. This property is currently zoned C3 (a) Service Commercial and for the past several years, it was not used in its zoned capacity as a machine repair shop. This rezoning application seeks to change the zoning on the property from C3 (a) to C1 (Settlement Commercial) to allow for the proposed use. It should be noted that this application does not propose to expand the floor area of the existing building as would be permitted in the C1 zone. This could suggest that demand for additional commercial floor-space appears to be limited.

There does not appear to be a great demand for new commercial zones on the island given the lack of interest in rezoning properties. However, there is evidence of demand to change commercial uses within the same lots. Changing the uses as proposed in the recent rezoning and TUP application discussed above, or intensifying the utilization of an existing commercial lot, as in the current TUP application to permit the addition of a waste transfer site on the same lot as Automotive Commercial (C4) activities, are recent examples of this. In terms of acceptance into a community, better utilization of existing commercial zoned properties is often the preferred direction given that the infrastructure is already in place and in many instances the public is accustomed to a similar use and location of the lot (i.e. traffic, hours of operation, etc.) rather than rezoning of land long zoned for an entirely different use.

Location

From the maps in attachment 2, it is evident that commercial and industrial activities are principally located in two locations: the Miners Bay area and the secondary location of the Fernhill Centre. A corridor of activity extends between these two nodes and east along Fernhill Rd to Whalen Rd. While this centralized location of commercial activities permits residents to make fewer trips by automobile, it also requires more residents to make longer trips, as there are no commercial activities outside of this area. More densely populated neighbourhoods such as Village Bay, Bennett Bay and Georgina Point currently contain no zoning for such activities. This may be the pattern of development that community prefers to pursue, or can support, or smaller commercial nodes in the aforementioned neighbourhoods could be fostered through flexible zoning, discussed below.

Gaps in Current Zoning Regulation

Exploring concepts such as more mixed use zoning in Miners Bay that would permit residential or commercial activities could provide a degree of flexibility in zoning and permit the land uses to better reflect community requirements and evolution. This type of zoning could also be

explored in the more populated neighbourhoods as a way of fostering neighbourhood hubs and walkability.

The LTC may also wish to explore the concept of “in-fill” zoning in Miners Bay, that is the outright zoning, or an OCP policy that supports the entire Miners Bay area as one where commercial and mixed use development is to be concentrated. This type of policy could also have effects on the location of any future affordable or seniors/ special needs housing developments.

All commercial and industrial zones currently permit an accessory dwelling for the owner/ operator or employee of the commercial use. Recently, residential apartments were permitted in the Settlement Commercial (C1) zone. The regulations currently state the following regarding the apartment residential use:

- Must be located in a principal building
- Must not exceed 50% of the total floor area of the building
- Must be located above ground floor of a building
- Must be provided with a separate entrance from the ground level
- Must have a minimum floor area of 50 square metres (538 sq. feet) per unit.

Current maximum Floor Area Ratio (FAR) in this zone is 0.25. This essentially means that a one storey commercial building can cover 25% of the property despite the fact that total lot coverage in the C1 zone is 35%. This difference limits the utility of the lot coverage regulation except in its regulation of structures that are not buildings. In addition, this as well as the regulations for associated apartment residential uses, could also create a dis-incentive for including an apartment residential use in a commercial building, as it must be included as part of the FAR calculation. The LTC may wish that staff and the Task Force review these regulations in terms of their ability to support commercial and mixed uses. Consideration of current setbacks, parking provisions and other siting regulations may be valuable as well.

SOLID WASTE TRANSFER STATIONS

The Capital Regional District (CRD) is responsible for the regional management and disposal of solid waste under the Solid Waste Management Plan (SWMP). The Mayne Island Improvement District's Letters Patent include as an object the provision of garbage collection and disposal. As stated in the Guidelines for Establishing Transfer Stations for Municipal Solid Waste, “Transfer stations are facilities at which municipal solid waste is dropped off by relatively small vehicles, loaded into larger containers or onto larger vehicles, and hauled to an off-site management facility for further processing or final disposal.”

Mayne Island, like any other community, has to deal with its solid waste and thus a service is required to address this need. Solid waste can be seen to be more of an issue for island communities given the mandate of the Islands Trust, the lack of available land for landfill use, the lack of an appropriate location for an incineration facility, and the limited direct access to the regional facility at Hartland Landfill. For the most part solid waste has to be removed from the island and taken to the regional landfill. The Island communities recognize this and have initiated several alternatives to reducing the amount of solid waste through such initiatives as recycling and composting. These initiatives vary depending on the community. Given that the only option for non-recycable solid waste rather than to bury it or burn it is to ship it off island. This can be done through a regular pick up through a private contractor, through the establishment of a waste transfer site, or a combination of the two.

Mayne Island

In the Mayne Island Official Community Plan subsection 3.3.2 Disposal of Solid Waste, outlines the objectives for dealing with solid waste:

- 1) to encourage the on-island handling of reusable, recyclable and compostable materials,
- 2) to protect the environmental quality of the Mayne Island Trust Area, and,
- 3) to extend the life of the Hartland Landfill.

It also outlines several advocacy policies:

- 3.3.2.1 The reuse, recycling and composting of solid wastes is encouraged.
- 3.3.2.2 The Recycling Depot and any other site used for the storage of solid wastes shall be managed in compliance with the regulations of the Capital Regional District and the Ministry of Environment.
- 3.3.2.3 The Ministry of Environment shall be requested to provide safe storage and to regulate and to coordinate dangerous cargo sailings with BC Ferries in the removal of hazardous wastes from the Mayne Island Trust Area.
- 3.3.2.4 Fisheries and Oceans Canada and the Provincial Ministry of Environment shall be requested to prohibit the dumping of any waste materials in the waters of the Mayne Island Trust Area.
- 3.3.2.5 The development of innovative techniques and appropriate training will be supported for the disposal of waste material generated by both existing and future development in the Mayne Island Trust Area will be supported.
- 3.3.2.6 The LTC should support efforts to expand recycling and composting and small-scale chipping in appropriate locations.

To date, there is one site for recycling and no legal solid waste transfer sites located on Mayne Island. There is, however, currently a TUP application for a waste transfer facility to be located at a gas station at 424 Fernhill Road. Currently, there is no zoning for such a use on Mayne Island. The proposal is for waste collection and storage in a compactor truck to be located in a covered and gated enclosure. The stated purpose of the facility is to “provide Mayne Island residents and garbage collection contractors a site to discard and store solid waste materials prior to transfer off island.” The LTC will decide if this is the best location for this use at a future meeting.

Other islands in the Trust Area have specific designations and zones for the establishment of a waste transfer site. These are outlined below.

North Pender

The North Pender Official Community Plan Bylaw No. 171 subsection 3.3.2 Solid Waste Disposal sets out objectives and policies for addressing solid waste. The North Pender Land Use Bylaw No. 103 has a Recycling Facility (RF) Zone that outlines the land use requirements for such a facility (see attachment 3). It defines recycling facility as meaning “facilities for the recovery, storage and shipping of discarded materials.” The zone permits only recycling and not solid waste transfer, but provides a good example of how a zone should be set up

addressing several concerns such as use, location of buildings, storage and screening of the use. To establish such an operation still requires the operator to have a permit with the CRD for the landfill site. Two TUPs have been issued for waste transfer and these set out some good guidelines for the establishment, siting and operation of a transfer station. These could be used as model guidelines for the establishment of Mayne Island transfer stations or in the development of related zoning.

Salt Spring

In order to address solid waste issues on the most populated Island, Salt Spring Island, the CRD has established the "Salt Spring Island Transfer Station Regulation Bylaw No. 2810" [see www.crd.bc.ca/saltspring/bylaws/documents/BL28100000.pdf] as it has done for a number of other jurisdictions within its boundaries. This provides for the establishment of private transfer stations on Salt Spring Island and requires every transfer station operator to be licensed by the CRD. It establishes how a transfer station should be operated under their jurisdiction covering such areas as: issuance of operator license, operating regulations, enforcement, fees and charges, and offences and penalties. The operation of the facility is overseen by the CRD's manager of solid waste. Under that bylaw there are three classifications of transfer stations. Most island type facilities (small scale) accepting material from the general public would be Class 1 Transfer Stations which permit:

1. Receive, sort, compact, and rearrange municipal solid waste or recyclable material on an impermeable surface.
2. Store municipal solid waste in a container or truck that is watertight with a mechanism to cover the waste when not in use.
3. Store fiber material in a covered container, truck or covered structure.

The purpose of licensing every facility on Salt Spring is to meet objectives [see: http://www.crd.bc.ca/bylaws/solidwastehartlandla_/2810supp/2810supp.pdf] established by the Salt Spring Island Transfer Station Regulation Committee. Basically, to ensure a level playing field, standards for environmental protection (e.g. odor, noise, litter, etc.) and that transfer stations meet a standard that the public can expect. For instance, as part of the licence application, applicants must provide:

- the types and estimated quantities of municipal solid waste and recyclable material to be managed at the site, works or facility per year;
- an odour management plan;
- a leachate management plan;
- a vector, litter and dust management plan;
- a noise abatement plan; and
- a site plan and layout of facilities.

The CRD Bylaw addresses the use and the environmental protection required in the operation of a transfer station, but does not address the siting of such facilities. As was done on North Pender and Salt Spring, the location and siting is a local issue and dealt with through zoning. There is, however, value in having such a bylaw as it does create consistency and certain environmental protection measures that may be challenging through a stand-alone land use bylaw approach. However, the *Environmental Management Act* requires a public consultation process for the development, amendment and content of a waste management plan. Based on past experience at the CRD, that process could be lengthy, taking several years. If this option

was to be pursued for Mayne Island, the request should come from the Regional Area Director to consider a solid waste bylaw and request that a stakeholder group be established. Given the time requirement, it may be worthwhile that this initiative be established for all those islands (minus Salt Spring) that have looked at waste transfer sites (i.e. North Pender) in the CRD.

Ministry of Environment Guidelines

The Ministry of Environment has established guidelines to be used in the establishment of transfer station facilities (see: <http://www.env.gov.bc.ca/epd/epdpa/mpp/gfetsfms.html>). This is a comprehensive document providing an overview on waste transfer sites. The guidelines include siting guidelines such as location, land area requirements, zoning, buffering and site servicing. As well, it includes design guidelines and operational guidelines and transfer station methodologies, illustrated by examples in British Columbia and Alberta. In conjunction with work conducted elsewhere in the Islands Trust regarding transfer facilities, these guidelines are very useful along with creating a Mayne Island alternative.

STAFF COMMENTS:

Commercial and Industrial Inventory

In reviewing the existing commercial inventory on Mayne Island, it is apparent that there has been limited demand for additional lands for commercial purposes beyond those already designated for commercial. Staff occasionally receive inquiries regarding the rezoning of land to commercial uses. These tend to stem from land owners either seeking ways to increase the value of their properties, or to provide the opportunity to operate a proposed or existing business on lands they currently own, rather than leasing commercial space. None of these inquiries have proceeded to the application stage. Currently, adding or changing the permitted uses on existing commercially zoned land is either being pursued through TUPs or a rezoning (same parcel and purpose) or is being further utilized to provide an additional service within the same lot (e.g. transfer station).

Solid Waste Transfer Station

As stated the need to provide for solid waste transfer is not new and is in fact a needed service in many rural jurisdictions where access to proper to a solid waste disposal facility is not readily available. Currently any such use is in contravention of the LUB. There is a current application before the LTC for consideration of a TUP to provide a waste transfer facility. As this is only a temporary solution, further consideration should be given as to whether this is an appropriate location for this facility.

There are two key issues involved: one is the land use component and the identification of appropriate permanent locations for existing and/or future solid waste and recycling facilities. The second is consideration of the need and desirability for the CRD to develop a solid waste bylaw to regulate solid waste and recycling service providers through the CRD licensing process.

Consideration of the continuation of a TUP for the provision of a transfer station should include the possibility of:

1. continuing with status quo – temporary use permits.
2. amending the Land Use Bylaw to permit solid waste and recycling facilities as a permitted use, possibly for the site currently seeking a TUP, as well as consider appropriate zones or specific sites where the use would be permitted outright. This should involve community consultation, possibly initiated through the Mayne Island Commercial Land Use Review Task Force.

A long term consideration would be to request the Electoral Area Director to request a Solid Waste Bylaw be explored, ideally for a number of Southern Islands.

NEXT STEPS

The LTC should request staff to forward this report to the Mayne Island Commercial Land Use Review Task Force for their consideration. This would provide an opportunity to initiate community dialogue and provide background and context for the Task Force's discussions. Staff will also coordinate with the Chair of the Task Force to attend at least one meeting to provide support. Once the Task Force's final report is received, the LTC can provide further direction to staff to report on implementation of the Task Force's recommendations. The LTC could also direct staff to research and draft zoning provisions for a transfer station zone. This would facilitate any rezoning if a permanent location is identified. In doing so, staff should consider the examples already established in the Islands Trust along with local guidelines for developing a zone.

RECOMMENDATIONS

THAT the Mayne Island Local Trust Committee refer this report dated September 9, 2011, titled Mayne Island Commercial Inventory, to the Mayne Island Commercial Land Use Review Task Force.

Respectfully submitted by:



Kaitlin Kazmierowski

September 9, 2011

Date

Concurred in by:



Regional Planning Manager

September 9, 2011

Date

- Attachment 1: Mayne Island Commercial Inventory – Zoning and Designations
- Attachment 2: Mayne Island Commercial Inventory- Locational maps of zoning designations, uses and approximate lot coverages.
- Attachment 3: North Pender Island OCP and LUB Excerpts- Recycling Facility

Attachment 1

Figure 3: Mayne Island Commercial Inventory- Zoning and Designations

Zoning	Legal Description & Address	Lot Size (hectares)	Lot Size (Metres²)	Maximum Floor Area Allowable (Metres²)*	Permitted Max. Lot Coverage	Approximate Current Lot Coverage	BCAA Codes	Planning Activity & Staff Comment
<i>Settlement Commercial (C1)</i>	Lot 1, Section 8, Plan 17070 574 Fernhill Rd	0.26	2600	650	910 m ²	545 m ²	202 - Store and Living Quarters	The Fernhill Centre
	Lot 9, Section 12, Plan 715 419 Fernhill Rd.	0.36	3600	900	1,260 m ²	575 m ²	202 - Store and Living Quarters	The Trading Post
	Lot A, Section 12, Plan 46230 478 Village Bay Rd	0.18	1800	450	630 m ²	234 m ²	239 - B&B less than 4 units	The Root Cellar
	Lot 1, Section 12, Plan VIP52666 472 Village Bay Rd.	0.38	3800	950	1,330 m ²	766 m ²	200 - Store & Service Commercial	Mayne Mall- DP filed to change roof building materials from shakes to steel
	Part of Lot 6, Section 12 Plan 715, lying south of a straight boundary joining points of bisection of the easterly and westerly boundaries of said lot. Village Bay Rd.	0.20	2000	500	700 m ²	85 m ²	040 Seasonal Dwelling	
<i>C1 (a)</i>	Lot 36, Section 6, Plan 22057 Dalton Drive	0.4	4000	1000	1,400 m ²	87 m ²	208 Office Building	Real Estate Office
<i>C1 (b)</i>	Lot 3, Section 12, Plan 715 454 Village Bay Rd.	0.22	2200	550	770 m ²	441 m ²	202 Store & living quarters	Restaurant, accessory buildngs
Total		2.03	20300	5075	7,000 m²	2,733 m²		

Zoning	Legal Description & Address	Lot Size (hectares)	Lot Size (Metres²)	Maximum Floor Area Allowable (Metres²)*	Permitted Max. Lot Coverage	Approximate Current Lot Coverage	BCAA Codes	Planning Activity & Staff Comment
<i>Service Commercial (C3)</i>	Lot 9, Section 8, Plan 17773 506 Whalen Rd.	0.24	2400	600	840 m ²	87 m ²	201 Vacant IC &I	
	Lot a (DD EG16476), Section 8, Plan 17773 652 Fernhill Rd.	0.91	9100	2275	3,185 m ²	1,500 m ²	200 Store & Service Commercial	DP applied for, but file closed. Building Centre.
<i>C3 (a)</i>	Lot 2, Section 8, Plan 17070 568 Fernhill Rd.	0.35	3500	875	1,225 m ²	168 m ²	200 Store & Service Commercial	TUP issued to property for retail sales of food
	Lot 10, Section 8, Plan 15263 594 Fernhill Rd	0.29	2900	725	1,015 m ²	407 m ²	000 Single Family Dwelling	Automotive and accessory dwelling
Total		1.79	17900	4475	6,265 m²	2,162 m²		
<i>Automotive Commercial (C4)</i>	Lot 7, Section 12, Plan 715 424 Fernhill Rd	0.33	3300	825	1,155 m ²	497 m ²	200 Store & Service Commercial	TUP currently open for this property to permit a waste transfer station
<i>Industrial One (I1)</i>	Lot 3, Sections 8 and 11, Plan 8200	0.41	4100	1025	1,435 m ²	166 m ²	630 Works Yard	Works Yard- South Island Contracting
	Lot 4, Section 8 and 11, Plan 8200 Fernhill Rd.	0.42	4200	1050	1,470 m ²	259 m ²	630 Works Yard	Works Yard- South Island Contracting
	Lot A, Section 12, Plan 13929 except that in Plan 1825R 400 Fernhill Rd.	0.08	800	200	280 m ²	13 m ²	238 Seasonal Resort	Split zoned portion of C2(c) zoned property there Springwater Inn is located. Currently storage.
<i>I1(a)</i>	Lot F, Section 11, Plan VIP58021, 513 Fernhill Rd.	0.92	9200	2300	3,220 m ²	276 m ²	273 Storage & Warehousing (closed)	

Zoning	Legal Description & Address	Lot Size (hectares)	Lot Size (Metres²)	Maximum Floor Area Allowable (Metres²)*	Permitted Max. Lot Coverage	Approximate Current Lot Coverage	BCAA Codes	Planning Activity & Staff Comment
<i>11(b)</i>	Lot A, Section 12, Plan 43041 Campbell Bay Rd	0.60	6000	1500	2,100 m ²	100 m ²	580 Electrical Power Systems	Rezoned from SR to I in 2004.
Total		2.45	24500	6860	9,660 m²	1,311 m²		
<i>Rural (R(e))</i>	Parcel C (DD 750191), Sections 8 and 11, except those parts included in Plan 6175, 8200, 19033, 20936, 23300 and 29965 378 Campbell Bay Rd.	0.96	9600	N/A	960 m ²	255 m ²	150 Beef	Mayne Island recycling centre
<i>Comprehensive Development Two (CD2)</i>	East 10 chains of the fractional south west ¼, Section 12, except part in Plans 13929, 15136, 21821 and 44664 412 Naylor Rd.	4.0	4000	70 m ² (for retail sales) 465 m ² for combined restaurants, services and clinics	800 m ²	641 m ²		Currently developed with two cabins, commercial building, accessory buildings and structures

¹Note: (FAR = 0.25) Does not account for lot configuration or other elements which may restrict full FAR from being achieved.

Attachment 2

Mayne Island Commercial Inventory

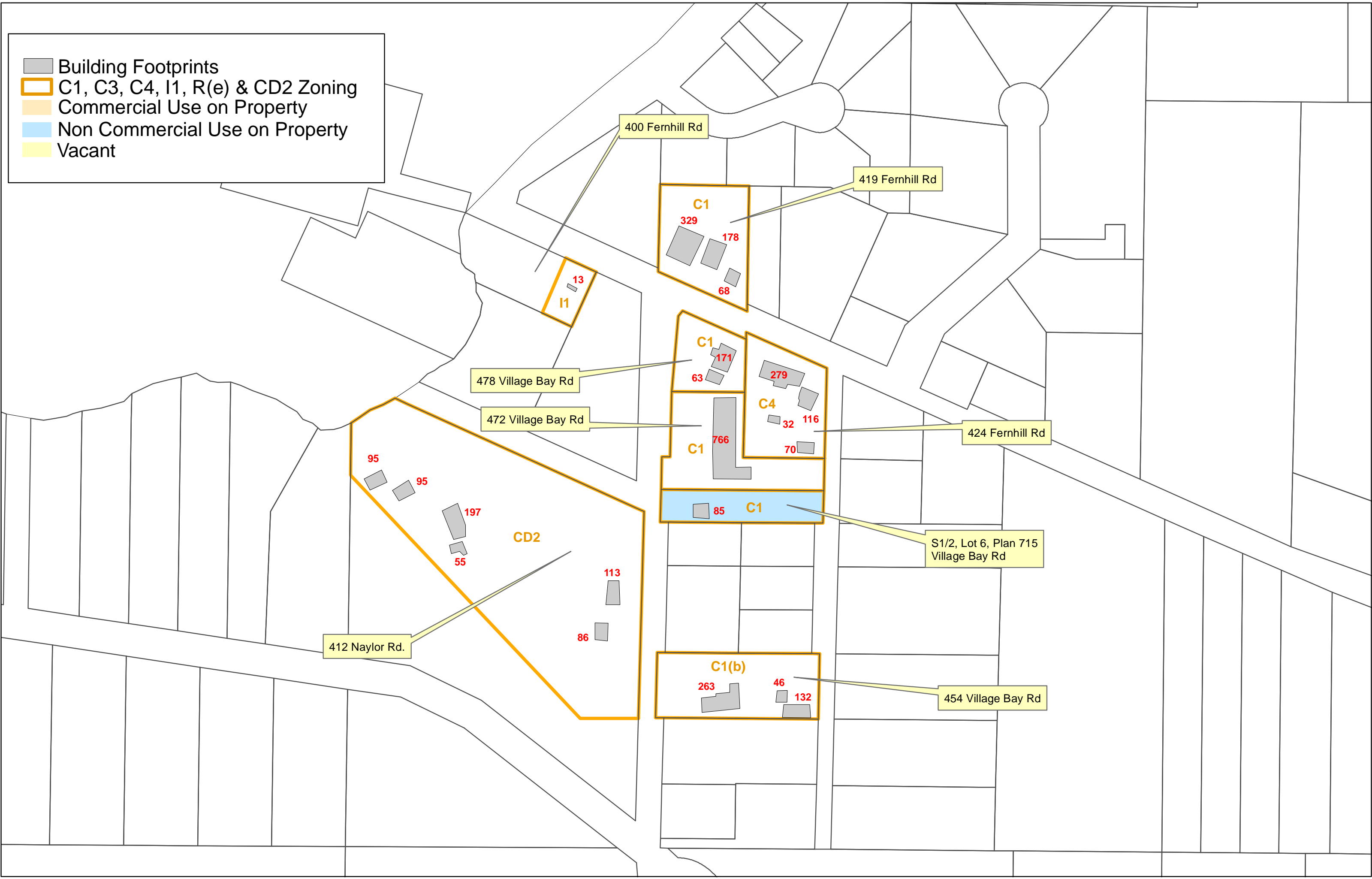
Locational maps of zoning designations, uses and approximate lot coverages

Legend

- BuildingFootprints
- C1, C3, C4, I1, R(e) & CD2 Zoning
- Commercial Use on Property
- Non Commercial Use on Property
- Vacant



- Building Footprints
- C1, C3, C4, I1, R(e) & CD2 Zoning
- Commercial Use on Property
- Non Commercial Use on Property
- Vacant



- Building Footprints
- C1, C3, C4, I1, R(e) & CD2 Zoning
- Commercial Use on Property
- Non Commercial Use on Property
- Vacant

Lot A, Plan 43041
Campbell Bay Rd.

I1(b)

100

513 Fernhill Rd.

Lot 6 & 7, Plan 8200
Fernhill Rd.

I1(a)

276

166

136

I1

76

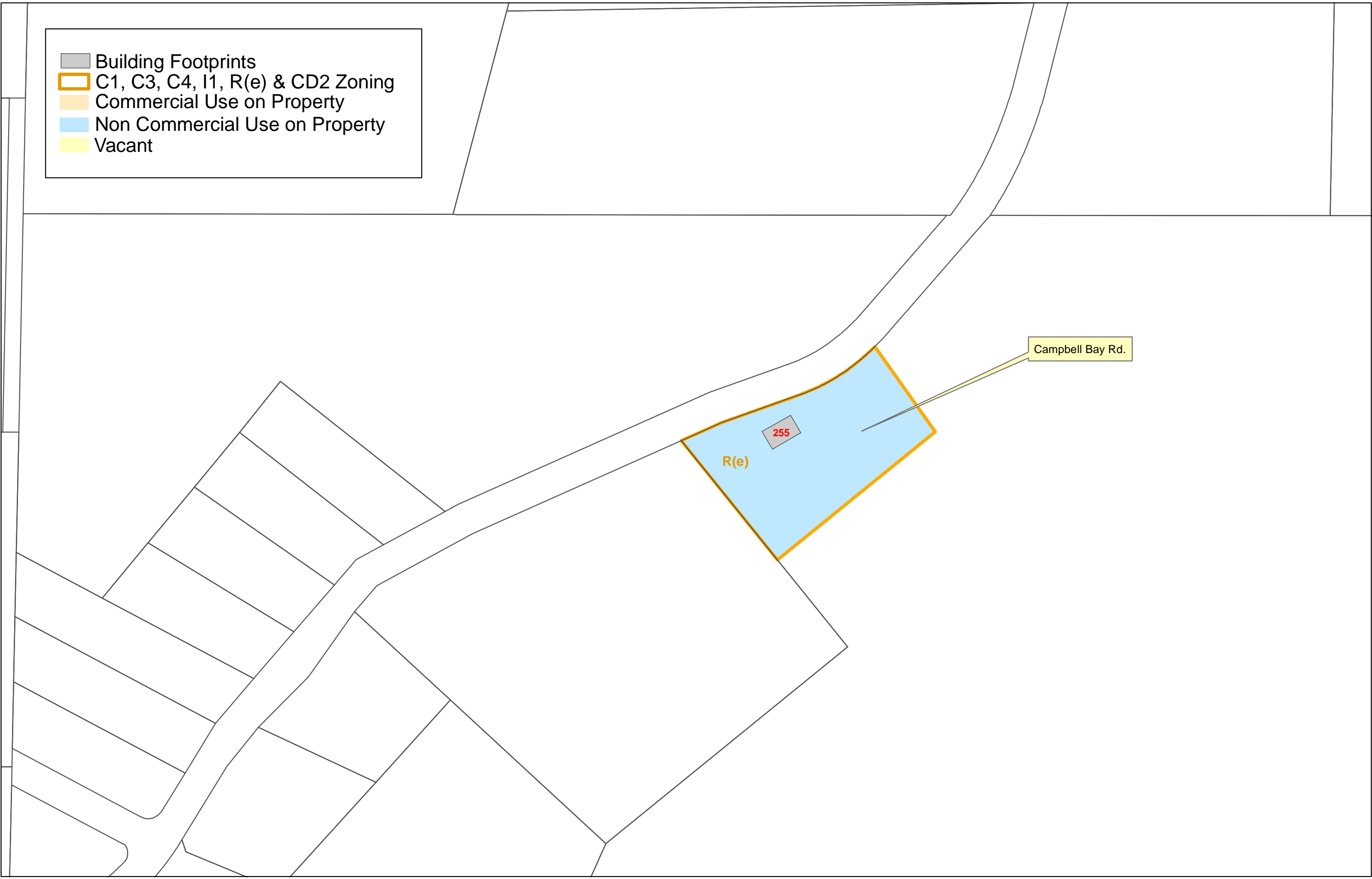
I1

47



Legend:

- Building Footprints
- C1, C3, C4, I1, R(e) & CD2 Zoning
- Commercial Use on Property
- Non Commercial Use on Property
- Vacant



Legend:

- Building Footprints
- C1, C3, C4, I1, R(e) & CD2 Zoning
- Commercial Use on Property
- Non Commercial Use on Property
- Vacant

568 Fernhill Rd

168

335

C1

75

135

C3(a)

574 Fernhill Rd

594 Fernhill Rd

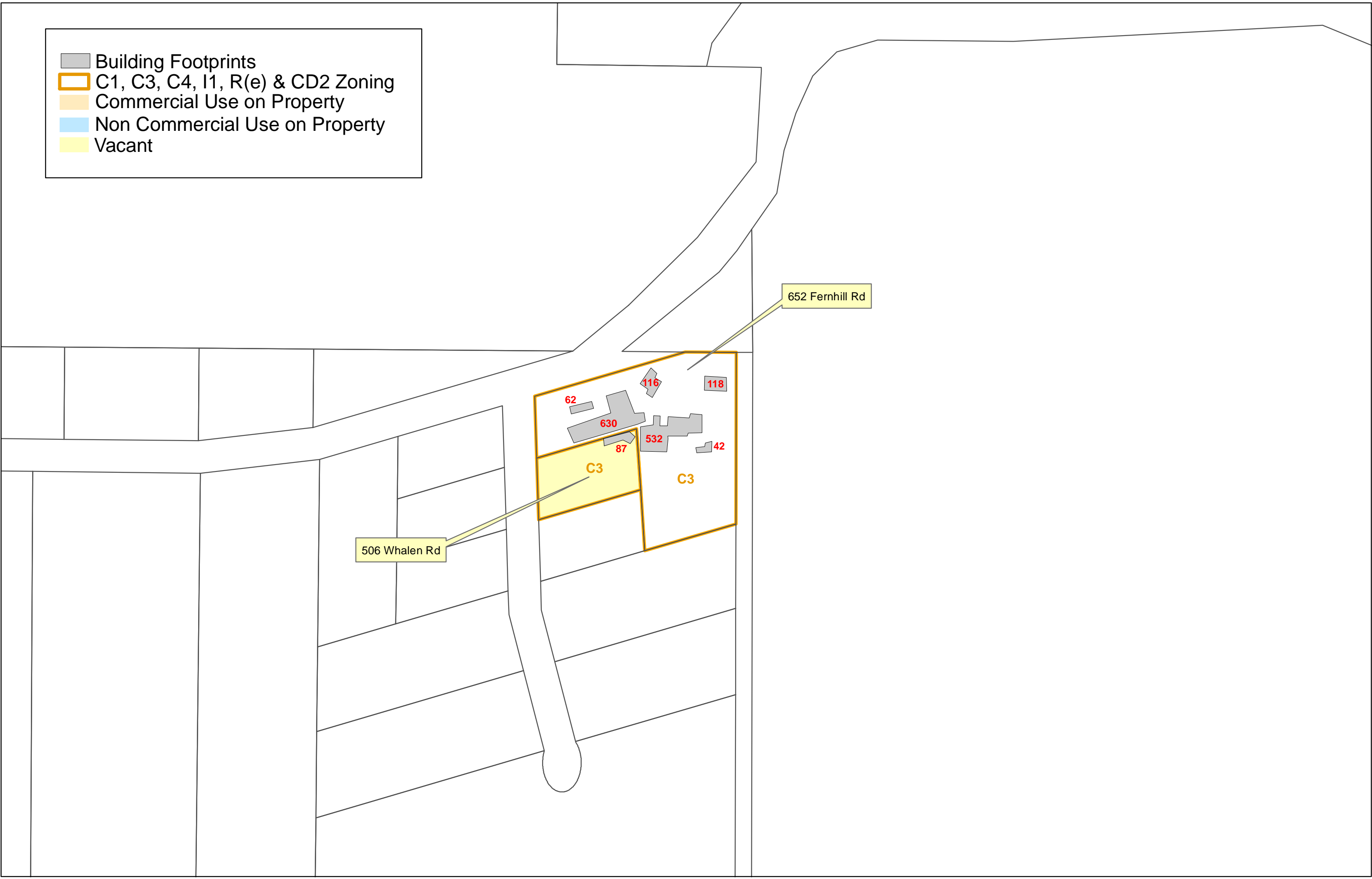
152

255

C3(a)

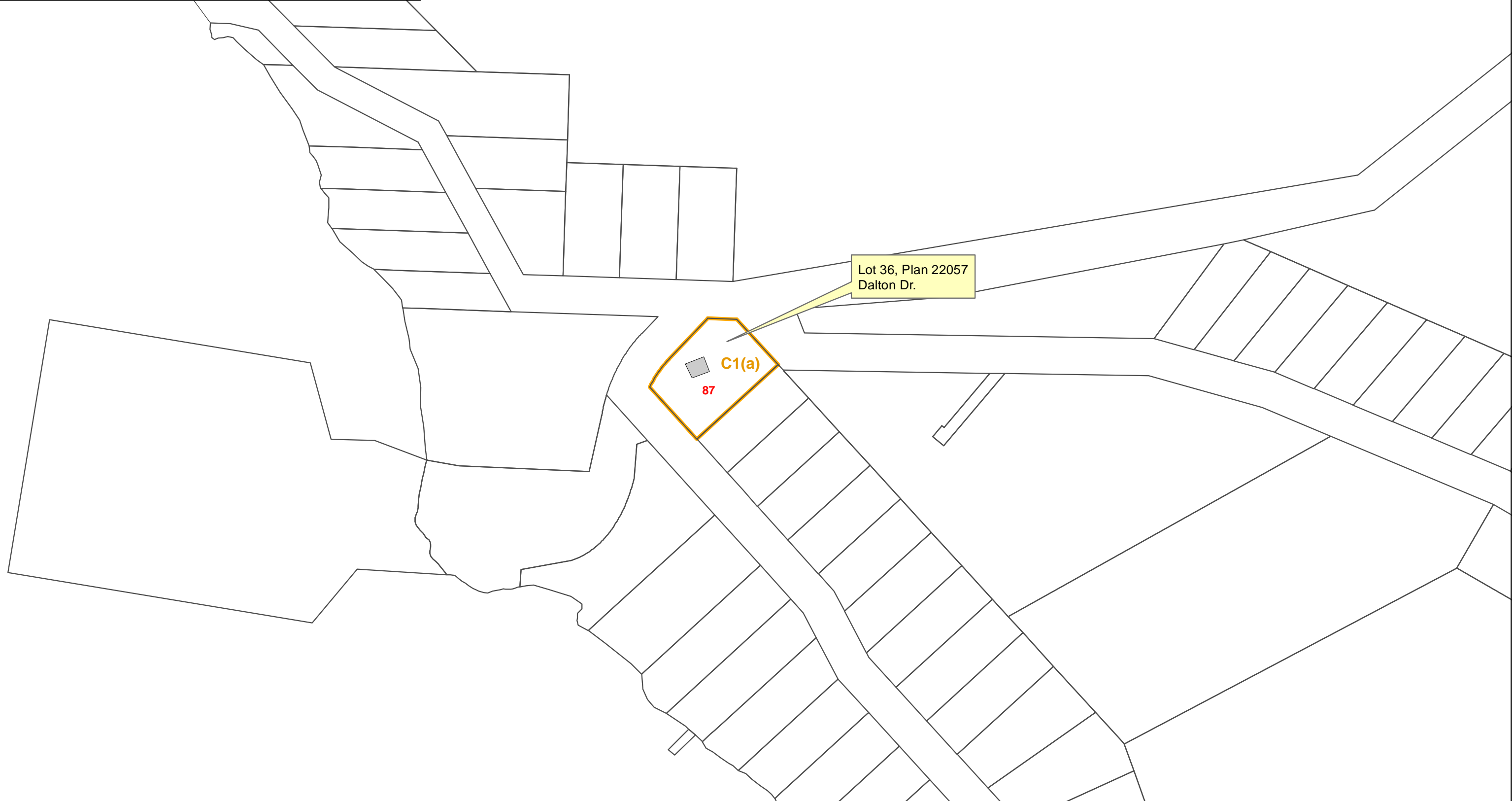
Legend:

- Building Footprints
- C1, C3, C4, I1, R(e) & CD2 Zoning
- Commercial Use on Property
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Legend:

- Building Footprints
- C1, C3, C4, I1, R(e) & CD2 Zoning
- Commercial Use on Property
- Non Commercial Use on Property
- Vacant



Attachment 3

NORTH PENDER OCP AND LUB EXCERPTS – RECYCLING FACILITY

Official Community Plan Subsection 3.3.2 Solid Waste Disposal

Background

Solid waste produced on North Pender Island is disposed of by collection and landfill, incineration, composting and recycling. Private contractors serve the Island and dispose of garbage at the Hartland Landfill on Vancouver Island. Incineration of cleared vegetation is a common practice on North Pender Island. Incineration of household garbage, building materials, and hazardous or toxic substances is prohibited by provincial and regional legislation.

Solid Waste Objectives

- 1) To ensure environmentally safe disposal of solid waste.
- 2) To encourage public education on waste reduction, recycling and safe methods of disposal.

Solid Waste Policies

- 3.3.2.1 Regulations shall permit the continued operation of an island location where waste can be taken for recycling.
- 3.3.2.2 The storage and disposal of hazardous and toxic wastes on North Pender Island shall be prohibited.
- 3.3.2.3 Regulations shall prohibit the use of land on North Pender Island as a landfill.

Advocacy Policies

- 3.3.2.4 Efforts shall be pursued to enhance education about reducing, reusing and recycling and protection of the environment through responsible waste management and consumer practises.
- 3.3.2.5 Chipping, mulching and composting of natural debris is encouraged.
- 3.3.2.6 The Local Trust Committee will support efforts to remove or remediate instances of existing contamination.
- 3.3.2.7 The Local Trust Committee supports the involvement of the Fire Department in operating and maintaining a permit system to regulate burning of appropriate materials.

Land Use Bylaw

Section 8.12 Recycling Facility (RF) Zone

8.12.1 Subdivision Requirements

(1) No lot having an area less than 0.2 hectares may be created by subdivision in the Recycling

8.12.2 Permitted Uses

(1) In addition to the uses permitted in section 3.1 of this Bylaw, the following uses and no others are permitted in the Recycling Facility (RF) Zone:

- (a) community or local non-profit society owned recovery, storage, processing and shipping of discarded materials.

8.12.3 Lot Coverage

(1) Lot coverage may not exceed 80 percent.

8.12.4 Setbacks

(1) No building or structure may be located

- (a) within 7 metres of any front lot line; or
- (b) within 3 metres of any rear lot line, interior or exterior side lot line.

8.12.5 Height

(1) No building or structure may exceed 9.7 metres in height.

8.12.6 Landscape Screening

(1) Every external storage area and works yard must be screened from view by a landscape screen complying with article 3.13.1(1).

(2) Every use must be screened from adjacent residential, commercial and institutional uses. The screening must comply with article 3.13.1(2) and must be provided along all lot lines abutting the other uses.