



STAFF REPORT

March 23, 2011

File No.: MA-TUP-2010.2

To: Mayne Island Local Trust Committee

From: Alison Fox
Planner 2
Local Planning Services

CC: David Marlor, Regional Planning Manager

Re: Temporary Industrial Use Permit Application for 424 Fernhill Road

Owner: Active Pass Auto & Marine Ltd.
Applicant: Geoffrey Siverns and Lina Beaudet
Location: 424 Fernhill Road

THE PROPOSAL:

The applicant is applying for a Temporary Use Permit (TUP) for the purposes of permitting the transfer, storage, and shipping of discarded goods and materials, on the property located at 424 Fernhill Road on Mayne Island. The proposal is for disposal and storage of garbage in a wheeled structure that can then be moved as required for the shipping of garbage. 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.

SITE CONTEXT:

The property at 424 Fernhill Road is the current location of the gas station. The property is 0.34 hectares (0.83 acres) in size, and is zoned C4 – Automotive Commercial. Adjacent properties to the south and west are zoned C1 – Settlement Commercial, the property containing the Agricultural Hall to the east is zoned S1 – Community Service, while the properties to the north across the street are zoned SR – Settlement Residential (see Figure 1).

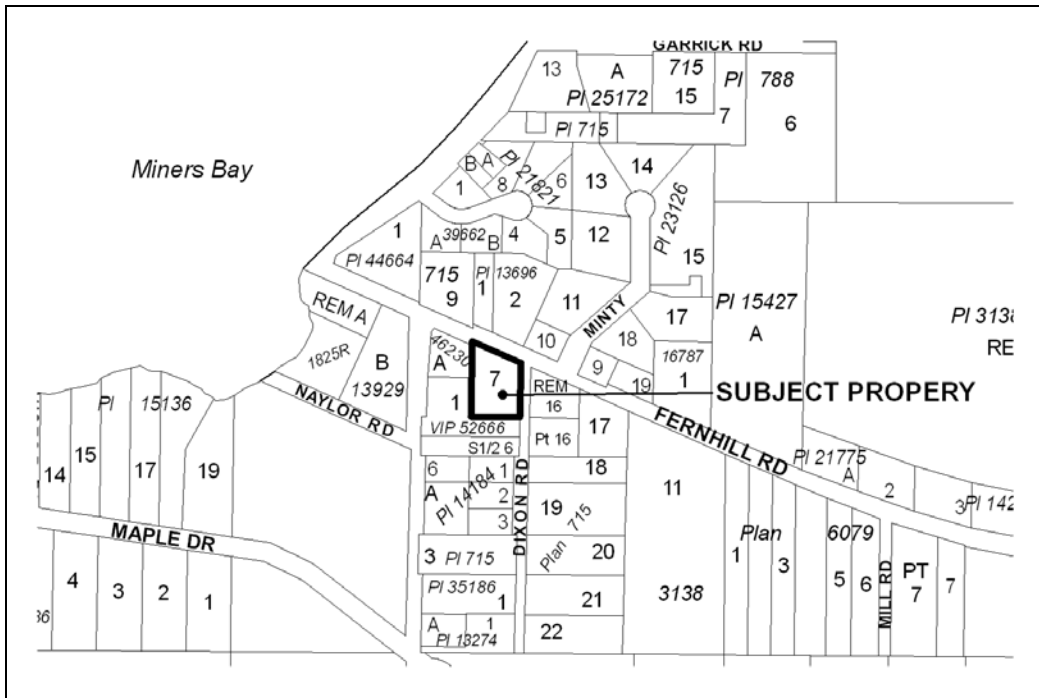


Figure 1: Location Map

The waste collection bin is located in the centre of the property (see Schedule A of the attached draft permit), and is covered by a temporary roofed structure (see Figure 2). There is also a waste collection point, where garbage is dropped off into a hand wagon, located in the north west corner of the property (see Schedule A).



Figure 2: Waste Collection Bin and Covering Structure

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

The section of the Trust Policy Statement relevant to this application is Section 5.4 Disposal of Waste:

Commitments of Trust Council

- 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.

Directive Policy

- 5.4.4 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.

Official Community Plan

The subject property is designated C – General Commercial. Most policies under section 2.4 Commercial pertain only to retail commercial uses and visitor accommodation. However, this application would appear to be in accordance with policy 2.4.1.1 which states that the principal land use shall be small scale commercial business. It is also in accordance with policy 2.4.1.3 which states that service based businesses should be dispersed in the Mayne Island Trust Area.

Other Official Community Plan policies relevant to this application are included in section 2.9 Temporary Commercial and Industrial Use Permits and in policy 3.3.2 Disposal of Solid Waste. Policy 3.3.2 does not contain any direction as to the siting of waste disposal facilities or transfer areas on the island, and only provides direction for other agencies regarding the handling of waste and the encouragement of recycling and composting as follows:

3.3.2 Disposal of Solid Waste

The objectives of this section are:

- 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.

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.

The objectives for issuing Temporary Commercial and Industrial Use permits include testing the compatibility of a proposed land use, which may have not been anticipated, with existing uses. The policies under Section 2.9 Temporary Commercial and Industrial Use Permit are evaluated in Appendix 1 of this staff report.

The subject property is within the Commercial Development Permit Area. A Development Permit was issued in 1996 to guide the form and character of an addition to the main commercial building on the property. However, as the waste disposal facilities (the waste collection bin, the covering structure, and the hand wagon) are temporary in nature and do not require building permits, the proposal is exempt from the requirement to amend the existing Development Permit or to obtain a new Development Permit.

Land Use Bylaw

The subject property is zoned C4 – Automotive Commercial. The proposed use does not cause the expansion of the use of the property beyond the permitted number of accessory buildings, floor area ratio or lot coverage.

A Development Variance Permit (DVP) was issued in 1996 that pertains to the siting of the garage in the south east corner of the property. The current proposal meets setback requirements with regard to the siting of the waste collection bin and the covering structure, and therefore a new DVP application is not required. Although the waste collection point is located within the western interior side lot line setback, there are no structures associated with this use, and therefore a DVP is not required for this use either.

Sensitive Ecosystems and Hazard Areas:

According to Islands Trust Sensitive Ecosystems Mapping (SEM) there are no sensitive ecosystems on this property. The property to the north across Fernhill Rd. contains a mature forest which is classified as an important ecosystem. However, this additional use is unlikely to have any greater effect on this ecosystem than the existing uses.

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 to the Archaeological Branch.

Covenants:

There are no covenants registered on the title of the subject property.

Other:

Capital Regional District – Concern has been expressed by some community members that a license is required from the Capital Regional District (CRD) for this use to occur. In an email dated November 12, 2010, John Craveiro of the CRD explains that the CRD does have the ability to enact bylaws for the management of solid waste, but to date has only enacted one region-wide bylaw for licensing composting facilities, and one bylaw specific to Salt Spring Island for waste transfer stations. There is currently no such bylaw in place for waste transfer stations on Mayne Island.

Vancouver Island Health Authority – A number of community members have also expressed concern about the health aspects of having a waste transfer station in the Miners Bay area, particularly with regard to the attraction of rodents and the potential for water contamination. Staff contacted the Vancouver Island Health Authority (VIHA) with regard to these concerns, and were assured that VIHA was aware of the situation and that their staff had visited the site in 2010 and had not found any issues of concern. Islands Trust staff subsequently referred the draft TUP to VIHA for comment, but at the time of writing of this report, no feedback had been received.

COMMUNITY INFORMATION MEETING(S):

No community information meeting has been held to date. Community information meetings are not required under the *Local Government Act* prior to the issuance of Temporary Use Permits.

RESULTS OF CIRCULATION:

Notices were circulated to surrounding property owners on two separate occasions; changes to the draft permit were necessary and as such required re-circulation. At the time of writing of this report, seven letters of objection had been received from members of the public. Concerns raised included the attraction of rodents and flies, the proximity of commercial food operations and tourist attractions such as the farmers market, the impact of the smell of garbage in the summer, the potential for water contamination, enforcement concerns, and competition with the Mayne Island Improvement District garbage collection service.

The applicant submitted a petition that contains 249 signatures of people in favour of the waste transfer facility.

STAFF COMMENTS:

The use complies with most of the Temporary Commercial and Industrial Use permit guidelines of Section 2.9 of the OCP and the permit has been drafted in accordance with these guidelines (see Appendix 1). The exceptions are policy 2.9.1.2 and articles 2.9.1.6a) and b).

Policy 2.9.1.2 states that permitted uses should be consistent with the policies of the designation and the provisions of 2.9.1. This guideline appears to limit any proposed temporary use to those which have been anticipated by existing designations. This is in direct conflict with

the provisions of 2.9.1 which states the objective of testing the compatibility of land uses which may not have been anticipated with existing uses. In this case, the use is not a perfect fit for any designation in the current OCP, including the Industrial designation. In any case, the guidelines for temporary use permits are not binding in the same manner that the guidelines are for a Development Permit Area. The LTC has the discretion to apply the guidelines which are most applicable to a particular application. The LTC is also not obligated to issue the permit even if it complies with the guidelines.

This application would appear to represent a case of the use not being anticipated by the bylaws, as there is no zone or designation on Mayne Island which would permit a waste transfer operation. Therefore, a temporary use permit is considered to be an appropriate mechanism for testing out the use to determine its compatibility with other uses in this location. Issuing the permit could provide an opportunity to test whether or not the use is suitable in this zone and designation and in this location.

Articles 2.9.1.6 a) and b) of the OCP state:

2.9.1.6 Permit conditions must make reference to measures dealing with the following points:

- a) general activity levels that will not create any disturbance apparent beyond the property's boundaries;
- b) adequate landscape buffering or distance separation to adjacent lots.

The disposal and storage of waste occurs in two areas on the subject property. Customers drop off their garbage into a small hand wagon on the western side of the main commercial building. Employees of the gas station then transfer the garbage from the wagon into the waste collection bin in the centre of the property. The waste disposal bin is covered by a temporary roofed structure to keep water from percolating through the waste products (see Fig. 2). The bin is attached to a tow vehicle when full and the waste is transferred off island.

From the material submitted with the application and through conversations with the applicant, staff was initially under the impression that the public would access the bin directly for the disposal of garbage, and a permit was drafted based on this understanding. A site visit on January 24, 2011 revealed that the steel bin is accessed only by employees of the gas station, and not by the general public. This difference in operations has the potential to create greater impacts on surrounding properties than if the waste was being stored in one location in the centre of the property.

While staff has incorporated conditions into the permit which will likely mitigate some of the disturbance beyond the property boundaries, it is difficult to evaluate the full impact of the use on surrounding properties in winter. Provided the site is kept tidy and waste is removed regularly the main impact from this use is expected to be unpleasant smells from decomposing waste materials. Although no smell was detected during the site visit, the situation could be different in summer, and is difficult to mitigate through permit conditions. The conditions that have been included in the permit in an attempt to mitigate negative impacts on surrounding properties could prove difficult to enforce. This is particularly true in regard to the number of hours that waste may be stored in the hand wagon and the frequency that the waste collection bin must be emptied.

The maintenance of existing vegetation was specified as a condition in the permit in order to provide screening of the use from surrounding properties. Staff has become aware that a number of trees were recently removed from along Dixon Road which may have provided

screening for residents across the street. Although the operator of the waste disposal operation has indicated his intention to replant screening vegetation in this location, if the permit is approved, staff recommends that this replanting be made a condition of the permit.

The Local Trust Committee has numerous options regarding this permit:

1. Issue the permit as drafted for a period of three years
2. Amend the permit by changing the period of validity of the permit or by adding any further conditions desired by the Local Trust Committee (note that depending on the nature of the amendments, this option may require re-notification prior to issuing the permit).
3. Decide to withhold a decision on the permit until the applicant has addressed issues raised by staff, the Local Trust Committee, and/or members of the public.
4. Refer the draft permit to the Advisory Planning Commission.
5. Not issue the permit.

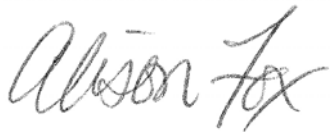
Staff recommends not issuing the permit as the nature of the operations will likely have a negative impact on surrounding properties. Although conditions have been included in the permit to try to reduce the impact on surrounding properties, these conditions may not be adequate to eliminate the impacts, and some may prove difficult to enforce.

If the LTC decides to issue the permit, staff recommends that the permit be amended to clearly specify the regularity of emptying of the waste collection bin and that additional vegetation be planted and maintained to screen the use from surrounding properties. However, even with these amendments, staff concerns over enforceability would remain.

RECOMMENDATIONS:

THAT Temporary Industrial Use Permit MA-TUP-2010.2 (Active Pass Auto & Marine Ltd.) **NOT BE ISSUED.**

Prepared and Submitted by:



Alison Fox

March 23, 2011

Date

Concurred in by:

David Marlor, MCIP
Regional Planning Manager

March 23, 2011

Date

Appendix 1:

Permit Guideline	Complies		Comments
	Yes	No	
2.9.1.1 Permits can be issued for any period up to two years and could be considered for renewal once for any further period up to two years.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft permit is valid for a 3 year period. The reference to 2 years in the OCP is a reiteration of previous legislation. The legislation has now changed to allow the LTC to issue this permit for a period of 3 years as the applicant is requesting.
2.9.1.2 Permitted uses should be consistent with the policies of the designation and the provisions of 2.9.1.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Designation is general commercial. Use is generally in compliance with policies of the designation. However, it appears that the specific use was not anticipated by any designation or zoning on the island.
2.9.1.3 Permitted uses should not preclude or compromise future permitted uses on the affected lot.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Structure is temporary and waste disposal bin and hand wagon are on wheels and can be moved and removed once the permit lapses.
2.9.1.4 Uses should not be allowed if they conflict with any ongoing planning policies or programs.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Use does not conflict with any ongoing planning policies or programs.
2.9.1.5 Sand and gravel removal and processing, and asphalt plants shall be subject to a permit if they exceed 50 truck loads in any given year.	<input type="checkbox"/>	<input type="checkbox"/>	N/A – no sand and gravel removal and processing is proposed.
2.9.1.6 Permit conditions must make reference to measures dealing with the following points:			
a) general activity levels that will not create any disturbance apparent beyond the property's boundaries.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Hours of operation have been restricted to the opening hours of the gas station. Waste collection bin must be located in the centre of the property. Garbage may not be stored in the hand wagon for longer than 2 hours. However, these conditions may not be adequate to completely eliminate any disturbance beyond the property boundaries.
b) adequate landscape buffering or distance separation to adjacent lots.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Storage of garbage in hand wagon could affect adjacent properties. Adjacent properties may be affected by smell in summer months. Additional vegetation screening along Dixon Road should be required.
c) provision of off-street parking spaces consistent with regulatory bylaws.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	n/a – lack of floor area associated with the proposed use negates the requirement for provision of further parking spaces.
d) reclamation measures that will restore the permit area to suitability for its designated primary use.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Condition included in permit to remove structures if use is discontinued or permit lapses.

Permit Guideline	Complies		Comments
	Yes	No	
e) adequate supervision of the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Disposal will only be available during hours in which the gas station is open and an employee is on site.
2.9.1.7 In addition, permit conditions should outline operational plans, including hours and days of operation and staffing to ensure compatibility with the neighbourhood and may include an undertaking for restoration of the site and a security deposit to guarantee performance of the conditions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The permit includes conditions that limit the hours of operation to those of the gas station, and ensures maintenance of a clean site to help ensure compatibility with the neighbourhood. The permit includes a condition that the temporary structure and bin be removed when the use ceases or the permit lapses.
2.9.1.8 Review of applications should include consideration of smart growth principles.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The use is occurring on an existing property which is used for automotive commercial uses and which is located in the main commercial centre of Mayne Island. This results in less land being used elsewhere for this type of use, and also helps to locate a mix of uses within the community (Smart Growth principle 1) and in creating compact communities (principle 2).



Islands Trust

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE

TEMPORARY INDUSTRIAL USE PERMIT

MA-TUP-2010.2

TO: Active Pass Auto & Marine Ltd.

1. This Temporary Industrial Use Permit applies to the land described below:

Lot 7, Section 12, Mayne Island, Cowichan District, Plan 715

As indicated on Schedule 'A' attached to and forming part of this permit.
2. This permit is issued for the purpose of allowing the following industrial uses in the subject area:
 - a) "transfer, storage, and shipping of discarded goods and materials"
3. The uses may be carried on subject to the following conditions:
 - a) The use shall be limited to one steel waste collection bin on wheels, designed and constructed for that purpose, accessed through rear doors and shall be contained within the area shown as "covered garbage storage" on Schedule 'A', and to one hand wagon stored within the area shown as "waste collection point" on Schedule 'A'.
 - b) The waste collection bin shall be located under a covering structure designed to keep rainwater out of the bin.
 - c) The hours of operation for public disposal of discarded goods and materials shall be limited to between the hours of 8:30 am to 6:00 pm daily.
 - d) The storage of all discarded goods and materials permitted by 2(a) above shall be bagged and contained within the waste collection bin described in 3a).
 - e) In spite of section 3(d), bagged discarded goods and materials may be stored for periods not exceeding 2 hours in the hand wagon at the waste collection point.
 - f) The *transfer, storage and shipping of discarded goods and materials* permitted by 2(a) above shall not include any hazardous waste, including household hazardous waste as defined by Capital Regional District Environmental Services, bulk liquids and semi-solid sludges, including septage, black water, and sewage treatment sludge, biomedical waste, dead animals and slaughterhouse and farming wastes.
 - g) The *transfer, storage and shipping of discarded goods and materials* permitted by 2(a) above shall not include any demolition, construction or land clearing waste.
 - h) The processing of discarded goods and materials is prohibited.
 - i) The placement of signage denoting what is and is not accepted at the site and what is accepted at the recycling facility at a separate location, fees, and hours of operation. All other signage associated with the use is not permitted.

PROPOSED

- j) The areas in and around the site, the waste collection bin and the waste collection point are to be maintained clear of litter and kept safe for general public.
 - k) The waste collection bin is to be emptied on a regular basis and the doors kept closed.
 - l) All existing vegetation is to be maintained along the east, south and west lot lines to provide a landscaped buffer to adjacent lots.
 - m) If the use ceases to occur or if this permit is not renewed the covering structure and bin shall be removed within 30 days.
4. This permit is valid for three years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust unless the permit is renewed by resolution of the Mayne Island Local Trust Committee.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Mayne Island Land Use Bylaw No. 146, 2008 " and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Vancouver Island Health Authority and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE
THIS ___th DAY _____, 20__.

Deputy Secretary, Islands Trust

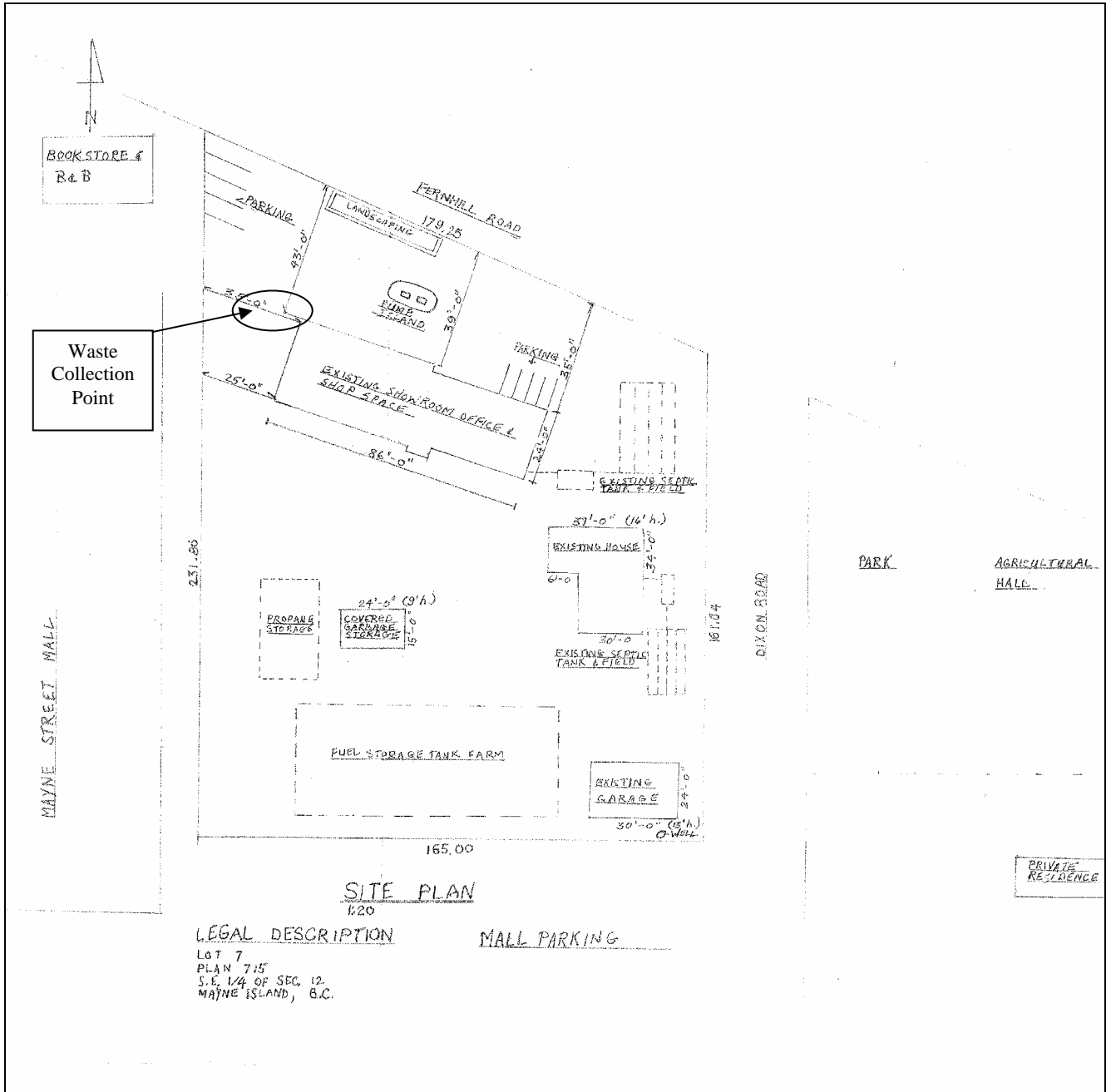
Date of Issuance

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE

MA-TUP-2010.1

SCHEDULE 'A'



Submissions received in response to application

Alison Fox

From: Nicole Ranger on behalf of information
Sent: Monday, March 14, 2011 8:52 AM
To: Alison Fox
Subject: FW: Attention: Alison Fox

From: Emily Patenaude [mailto:ehpatenaude@shaw.ca]
Sent: Sunday, March 13, 2011 5:42 PM
To: information
Subject: Attention: Alison Fox

Good day – my name is Emily Patenaude, and I live at 423 Fernhill Road on Mayne Island. My property is listed as Lot 2 Plan 13696, Section 12, Cowichan Land District PID 04-629-230. The property is currently listed in joint ownership with me and my mother Dorothy Storey, who is now deceased.

My initial response to the proposed additional use (the transfer, storage and shipping of discarded goods and materials) at the gas station across the road from us was a vehement NO!

I have watched the garbage process at the garage for the past year, trying to be objective and fair in my opinions. There have not been any issues from my point of view, as far as odor or vermin are concerned, until last week when our cat brought home a rat – the first rat I have ever seen on the property. (Our family has owned the property for 59 years). I am not saying that the rat was a direct result of the garbage storage, but I can't say it wasn't either.

I am concerned about having garbage storage in an area that is considered the downtown part of Mayne. I am reconciled to fuel trucks arriving early Sunday morning, and the busy traffic patterns that a garage brings to an area – especially a garage with a Post Office. There are many times during the year where the population is focused on this part of the island, Farmers' Markets, Fall Fair, May Day celebrations etc., and I believe it is wrong to have a garbage storage area right in the middle of it. Tourism is a large part of the economy of the island, and while the garbage drop-off is convenient, the storage could surely be placed elsewhere.

After a year of watching, I am still responding with a vehement NO!

Thank you for your attention to this matter.

Emily

Alison Fox

From: lois yip [loisyip@hotmail.com]
Sent: Tuesday, March 08, 2011 3:08 AM
To: Alison Fox
Cc: Jeanine Dodds
Subject: TUP for Mayne Island garbage/garbage collection

Hi Alison

My name is Lois Yip and my brother, Al Higginbottom and I have the property at 432 Dixon Road Mayne Island. Our driveway is directly opposite the rear driveway of the gas station where the garbage is stored.

I am writing to you to express my concern about the collection of garbage and application for a TUP. As you know, the properties in the village of Miners Bay are fairly close together to a point where sometimes it is difficult to even give adequate distance between our septic tanks and water sources. To have a garbage collection in the centre of our village is totally unacceptable. Currently, the open trailer that he collects garbage in backs onto our grocery outlet and bakery. Not to mention that within 10 metres of this trailer is a bed and breakfast with a rear patio for guests to sit and the owner uses quite regularly. I am sending you a couple of pictures of the garbage trailer in question. Geoff, the gas station owner and garbage collector, moved the trailer off island on the day that the garbage issue was to be raised on February 7th. Three weeks later, he moved the overflowing trailer again. I took these pictures on March 6, the day before he removed the trailer. Even in the winter, i can tell you that you could smell the stench coming from the overflowing garbage that had been sitting there for 3 weeks. In the summer, this will be unbearable for both the bed and breakfast owner, Mrs. Drummond, who is downwind and us who are upwind from this garbage dump and all the tourists at the agriculture ground next door.

Also, there would be considerable waste water dripping from the underside of this trailer.

The area directly across from the garbage collection area and next to my house is the agriculture hall and green area that is used extensively starting in May with a weekly farmers market, outdoor concerts and a fall fair. I can safely say that 100% of the tourists that visit Mayne Island on the weekend in the Spring, Summer and Fall, attend at least one of these events. Our island survives on tourism. We have very few permanent jobs here, most of the work comes from tourists visiting our island. To have a garbage dump across from this well visited historical site is insane.

As far as good business practises, Geoff has proven to me that he does not have the community welfare at heart. Firstly, he has been operating and continues to operate this garbage facility without a permit, he did not consult anyone before starting up this business. Second, in the month that this TUP proposal was distributed, Geoff cut down the trees that line the East side of his property along Dixon Road. He did this knowing that it would be mentioned under #3 section j that "all existing vegetation is to be maintained along the east, south and west lot lines to provide a landscaped buffer to adjacent lots." As it stands now, without the trees, and looking from the agriculture grounds across to the garbage area, it truly looks like a mess of cars, trailers, and garbage. Because he took the trees down in January, and if no one says anything, he will be maintaining virtually no vegetation as a screen to this mess. For an island built on tourism, this is unacceptable. Not only should he have been made to keep those trees but also he should have some beautification plan in place to act as a screen.

I am also sending you a picture of the three driveways that converge on a two way street. The driveways are the one Geoff uses for his garbage trailer as well as for cars using his garage and in the summer there is some boat storage. The use of his driveway for cars going to get fixed at the garage, for garbage, for boat storage, and for water bottle drop off by trucks, has made this a very busy place indeed. Especially since he has his gas storage tanks at the back also. I question the safety of this area now that he has put the garbage collection area and his garage access at the back of his house within the last year. His traffic has doubled since last summer.

Adjacent to his driveway and right beside it is the rear driveway to our mall where cars and trucks come and go. Directly across from these two driveways is my driveway. The road that separates us also accomodates cars going to a restaurant at the end of Dixon Road. In the summer, the mall parking lot is full, and a stream of people, kids and grandparents, and dogs are heading toward the agriculture hall

where we hold art shows and entertainment, the farmers market, the museum and a second hand store. With this in mind, how safe is it with the increase in vehicle traffic that this business presents? All you need is one incident.

Not only am I concerned about the safety of the people and the safety of the gas storage facility but also there are health concerns. To have an open trailer sit there for three weeks can only attract rats in droves. The stench will send the tourists away or at the very least look at this incredulously as the only village in bc that has a garbage dump in the middle of its business district. For an island that prides itself on being green and a cool climate island, this is unbelievable. Geoff has undercut our garbage pick up service by charging \$4.50. There is a reason why we charge so much tax on gas in BC, it is so people think twice about how far they will drive. On the surface, it seems so cheap to drop your garbage at Geoffs, you could even drop two bags or possible forget about recycling or composting at that price. This is definately a regressive move for Mayne Island.

I have thought about what are the pros and cons of this garbage drop off and have come to the conclusion that mainly it is the convenience as most people end up in the village at least once a week. On the surface, the cost is appealing also. Perhaps we need to have more community input into our garbage situation, ie a community composting area or one or two days for garbage drop off at a truck that is partnered with our very successful recycling program. From this, I think we need to include all the people in a discussion not just those within 300metres of the facility, this is a community concern. Notification should not be limited to the Driftwood but rather to the Island Tides that we receive in our mail boxes. In my opinion, this situation needs to be revisited by everyone.

Thankyou for taking into consideration my concerns.

Yours truly

Lois

Alison Fox

From: lois yip [loisyip@hotmail.com]
Sent: Tuesday, March 08, 2011 3:30 AM
To: Alison Fox; Jeanine Dodds
Subject: garbage collection TUP on Mayne Island

Hi Allison

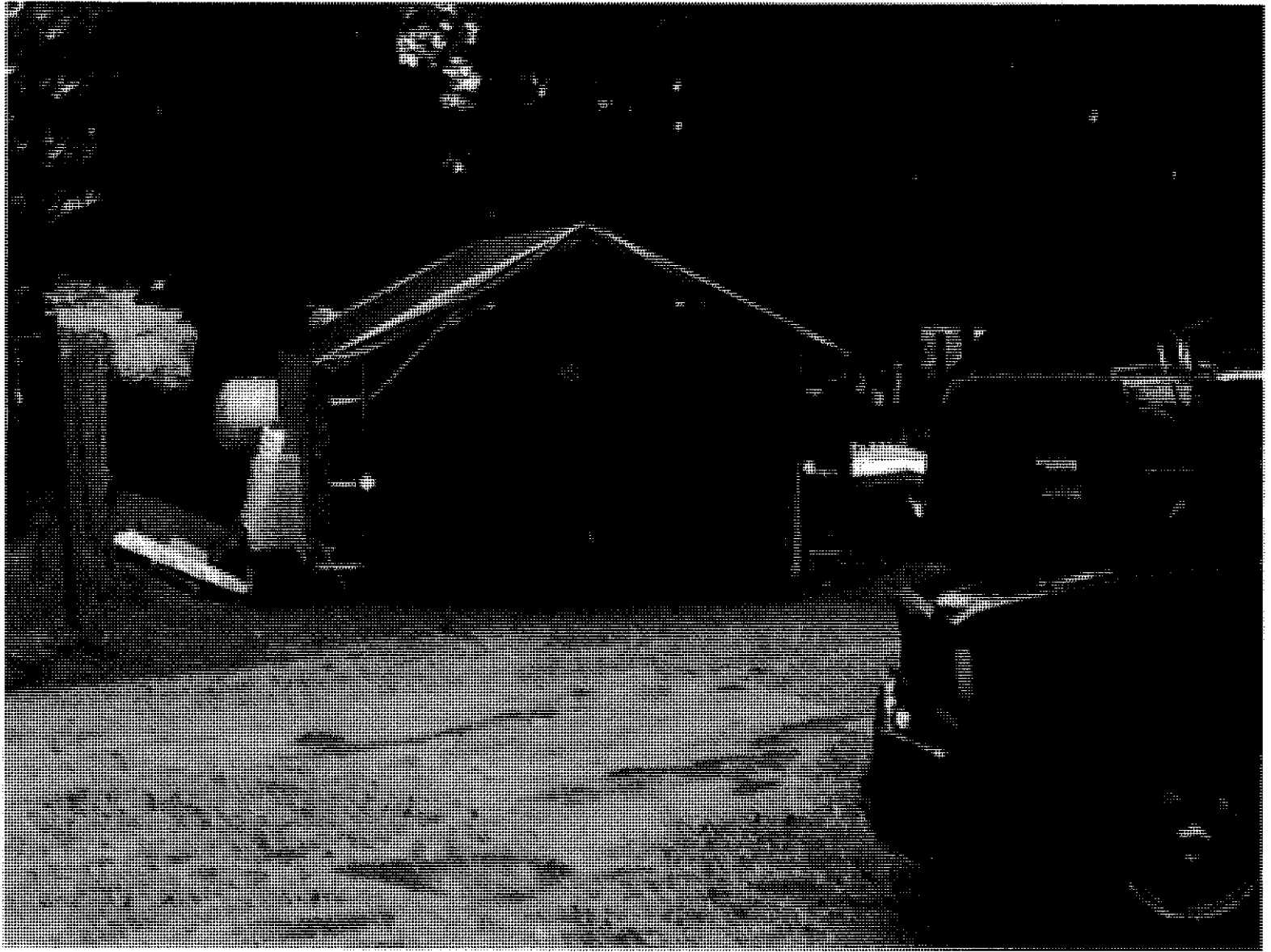
Sorry I have a correction on the dates of the garbage pictures. The pictures were taken on February 28th, 3 weeks after the last disposal of the garbage on Feb 7. On March 1st, the garbage was taken off island.

Regards
Lois













Michael Bardon
702 Fairway Road
RR1, Site 5, Comp. 24
Mayne Island, B.C.
V0N 2J0

February 23rd, 2011

Alison Fox, Planner, Islands Trust
200-1627 Fort Street, Victoria, B.C.

Re. MA-TUP-2010.2

Dear Ms. Fox,

The purpose of this letter is to render my strong objection to the proposed issuance of temporary industrial use permit to Active Pass Auto & Marine allowing the proprietor to establish what is, essentially, a garbage transfer station in the middle of the commercial and residential properties of Miners Bay.

Let me state my interest in this matter at the outset. I am the owner of the house and property located on lot 18, Dixon Road, a hundred yards or so from the gas station.

Allow me to point out, that which is already known, and clearly apparent to any casual observer. There are nine houses, the Tru Value Market, the Island Bakery, Miners Bay Books, the Agricultural Hall, the summer market/fairgrounds, the island library, all lying within a roughly 150-yard radius of the proposed garbage dump.

This dump, besides attracting rats and other vermin, will attract flies and wasps, in abundance. It will also, in the heat of the summer sun, inevitably create a stench which will permeate the entire Miners bay area.

The Tru Value Market, and the bakery – principal sources of food for the island – are both located very considerably less than one hundred yards from the proposed dump site. For some reason, the idea of rats and flies in such close proximity to one of my main sources of groceries has little appeal.

At the February 7th Islands Trust Meeting, the suggestion was made that the proposed garbage dump site was analogous to a “Smithrite” type container located behind any store. That is an absurd comparison. There is all the difference in the world between a small container regularly emptied and removed, and garbage transfer station containing the accumulated garbage, rotting in the summer heat, of several dozens of island households.

It has been pointed out the gas station proprietor has gained a considerable number of signatures on a his petition to seek support for his proposal. Well, I have two questions about that petition. First, how many of those who signed the petition are weekend visitors (and visitors not having property in the Miners Bay area), and how

many are permanent island residents, and second, how many of those signatories would have signed the petition if an additional sentence, (“... and are you in favour of having the necessary garbage transfer station located immediately adjacent to your property?”) had been included?

I conclude by pointing out that a well-functioning garbage disposal service exists on the island already. Mr. Rick Dodds, a businessman with whom, I should point out, I have no personal connection, has provided a good, efficient service for a fair number of years.

I suggest, to you, that the establishment of the proposed garbage transfer station is not in the interest of Mayne Island residents, in general, or of the residents of Miners Bay, in particular. I urge the Mayne Island Local Trust Committee Members to reject this application, out of hand, and to ensure that any garbage presently on Active Pass Auto & Marine property, which has been collected and stored after payment of a fee, be removed and not replaced.

Yours truly,

A handwritten signature in cursive script that reads "Michael Borden". The signature is written in black ink and is positioned below the "Yours truly," text.

cc. Trustee Jeanine Dodds
cc. Trustee Colin Shew
cc. Trustee Gary Steeves

Alison Fox

From: Nicole Ranger on behalf of information
Sent: Monday, January 31, 2011 9:00 AM
To: Alison Fox
Subject: FW: MA-TUP-2010.2 Mayne Island

From: Dereck F. Atha [mailto:Dereck@Gulfport-Realty.com]
Sent: Saturday, January 29, 2011 9:30 AM
To: information
Subject: MA-TUP-2010.2 Mayne Island

Attention: Alison Fox, Planner

Our comments and concerns with regard to this application for a TUP for a garbage collection site at Active Pass Auto & Marine Ltd are as follows:

1. From the current Mayne Island OCP Bylaw:

3.3.2 Disposal of Solid Waste

The Capital Regional District is responsible for the management and disposal of solid waste and has delegated to the Mayne Island Improvement District responsibility for the removal of garbage from the Island.

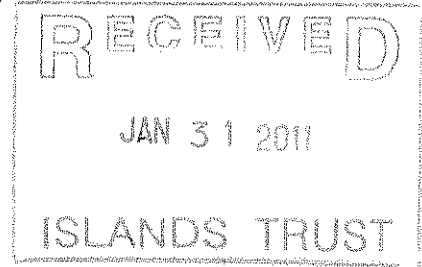
2. In our opinion, a waste collection bin must be a solid steel sealed unit with a lockable lid, not garbage that is stored in a trailer on wheels as is the current practice.
3. The schedule of removing the stored garbage from Mayne Island is not specified.
4. The TUP does not indicate under whose authority it is to monitor the garbage site (such as the Vancouver Island Health Authority) to ensure that there are no health risks.
5. The current location of the garbage collection trailer has in the past produced an unpleasant odour and has been noticeable to me and to my office staff who work at the Village Bay Mall which is directly adjacent to the garbage collection site. Our office has two side exterior doors that open onto to the back of this site. In the summer months, it is of particular concern. The objective of any industrial use is to protect the environment and minimize the impact on neighbours (OCP Industrial Use 2.5).
6. The garbage collection trailer is currently housed under an open fabric tent for vehicles. In our opinion, this is not secure and introduces the possibility of attracting rodents and raccoons to this unprotected and unsealed container.
7. Over a period of time, the Mayne Island residents risk losing their current MIID contracted garbage collection service, and thus leaving Mayne Island with 100% of its garbage stored at the proposed TUP site, the centre of the Miners Bay tourist and shopping area. We suggest that is precisely why the management and disposal of

solid waste falls within the jurisdiction of the Mayne Island Improvement District.

As the TUP is proposed, we feel that we can not support this application at this time.

Dereck & Susan Atha
425 Minty Drive
Mayne Island

MAYNE ISLAND INTEGRATED WATER SYSTEMS SOCIETY
S9, C28, 567 Club Cres, Mayne Island, BC, V0N 2J0



January 28, 2011

RE: Temporary Use Permit for garbage storage/transfer station : MA-TUP-2010.2

Dear Trustees,

It is with great concern that we read of this proposal to store garbage in central Miners Bay, the core of Mayne Island.

Our concerns address the matter garbage drainage and seepage into the groundwater around the storage site and the affect on wells and aquifers. We are aware that this 'dumpsite' would be what is correctly known as a 'transfer station' if it were to be approved. However, transfer can only take place on days when Hartland is open, leading to garbage being held, in the case of summer holidays, 4 days before being taken off island, coinciding with high temperatures. Refuse rotting at increased rates due to heat, leading to increased seepage will be the result. To add to the potential problem, Hartland is now seeking public input to operate only the last 3 days each week.

We are all aware of the age of the village and therefore the number of years invested in well drilling and digging wells in this historic and densely populated area of our island. It is also located in what could be called a "bowl", with uphill drainage flowing towards the waterfront.

Many of the current wells in Miners Bay area are known to produce water of questionable quality, and are easily stressed. To add to this, there has not been a comprehensive, in depth study to assess the quality and quantity of the water that is available to the residents of the area now, and the potential of the aquifers to continue to produce over the long term.

We cannot say that this garbage station is NOT in the area of wells. As wells are abandoned their exact positioning over the years is long forgotten, so they will never all be located and will continue to lie at or just below the surface. Due to the 'unorganized' nature of Miners Bay, there are no historical records to indicate the location of drilled wells. For the present time, there are residential acceptable producing wells that will be affected over a longer period of time by garbage seepage/drainage into aquifers.

Should the comments arise re seepage washing of pavement off into the ditched areas, this is only moving the problem down the hill. This also brings up the question of pavement sheeting during rains, accomplishing the same cleansing but in an uncontrolled manner, washing into the ditches and downstream.

The contents of dumped garbage cannot be controlled with any reliability. As more garbage goes to this site due to the fact that the weekly garbage collection, now provided by an fully proper enclosed truck is no longer a viable business, the problem and garbage volume will increase at the applicant site in the heart of the island's business sector.

It is our belief that this is definitely not a suitable site, and, in fact, has possibilities of threatening the Miners Bay water supply for residents and businesses. Neither is there the proper transfer station approvals or licenses, health approvals, community approvals or aquifer studies to offer any guarantees, not have the community's wishes been consulted on this core pattern change.

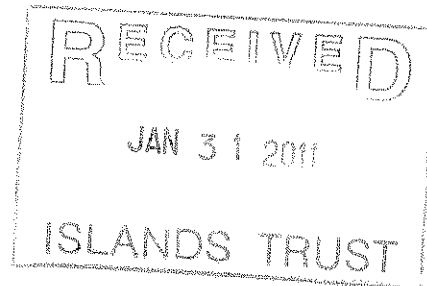
Wherever this particular business locates, there must be extensive groundwater studies first to insure that aquifers and community wells, both active and abandoned, are not endangered, leading to serious health issues for the residents of our island community and the area they live in.

We recommend that this TUP be denied.

Regards,

Mary E. Cooper, Chair, MIWSS

381 Maple Drive,
Mayne Island, B.C. V0N 2J0
January 29, 2010



Mayne Island Trust Committee
Islands Trust
Victoria, B. C.

Dear Trustees:

**Re: Temporary Use Permit for garbage storage, Miners Bay
MA-TUP 2010.2**

I am writing to express my concerns about this permit for garbage storage and transfer. The location, in the heart of the Miners Bay settlement, is unsatisfactory for the following reasons:

1. Devaluation of property. The residents of Dixon Road have seen an increase in traffic since collection began last summer. They are concerned about rodents, pollution and extra noise affecting quality of life and resale of their property.
2. Public Health safety. Leachate is a major concern in a small lot subdivision where some wells are already contaminated. Rats, mice, seagulls and crows are attracted to even small amounts of poorly contained garbage and the odour in the summertime may be impossible to manage.
3. Community integrity. An existing garbage collection business which has operated for several decades or more will be affected financially by this new proposal.
4. The zoning for the gas station may not be adequate to allow for another business. e.g., the percentage of lot coverage for commercial purposes may be exceeded.

I recommend that this TUP be denied.

Marie Elliott

Alison Fox

From: Nicole Ranger on behalf of information
Sent: Thursday, January 27, 2011 2:43 PM
To: Alison Fox
Subject: FW: MA-TUP-2010.2 - ATTENTION: Alison Fox, Planner

-----Original Message-----

From: judy waddell [mailto:judystgwaddell@shaw.ca]
Sent: Thursday, January 27, 2011 12:47 PM
To: information
Subject: MA-TUP-2010.2 - ATTENTION: Alison Fox, Planner

Dear Ms. Fox;

We have at our house a "rat monitor". Since last summer that cat's intake (literally) of rats has been roughly one every 2 days. (He has just brought another to the back door) That was around the time that garbage started being collected at the garage just down the road from us. If rat poison is considered to keep the obviously growing rat population down, then our resident cats are in grave danger.

It appears that our property at 443 Fernhill is just outside the "circle" and so I had to hunt around for a copy of the Temporary Application for collection of all Island garbage at the Subject Property. To say we are dismayed and uncomfortable with this Application is putting it mildly. The site is right in the middle of the village, and very close to the Island's two grocery stores, a bakery, not to mention the Farmer's Market that takes place in the field right across the road in the summer. Also, in those grounds in August, is the Mayne Island Agricultural Fair when hundreds of visitors to this island arrive.

I can't stress strongly enough that this is a Bad Idea...the area is too heavily populated. And the danger to wells and ground water from potential contamination is huge. I cannot think why this has even got this far. I realize that our method of garbage collection might leave something to be desired, but this is not the issue here. My husband and I are totally against this use of the Subject Site. The reading of the proposal is very frightening and too general. For instance #3 (i) states: "The waste collection bin is to be emptied on a regular basis and the doors kept closed". What constitutes a "Regular Basis"? And by whom are the doors to be closed? And what is included in 2 (a) "...discarded goods and materials"? We have a wonderful, extremely well-run Re-cycling depot which I assume takes care of those "discarded goods and materials."

I do hope that the Islands Trust and VIHA will take a very very close look at this and deny the permit, temporary or otherwise.

Thank you,
Judy Waddell
443 Fernhill Rd
Mayne Island.

Date: July 01 - Sept 30/2010

TO WHOM IT MAY CONCERN:

SUPPORT

By signing this petition, we wish to express our support for the opportunity to have a drop-off garbage system on the island.

NAME

TELEPHONE NUMBER

Diamond, Sandra

250 539 3317

Lane, Peter

250 888 7862

Diane Smith

778-995-8385

DAVID BEROMARK

250 539 5561

Tom Hemmy

250 539-5561

Margaret Pearl

250 539 2116

Jeward

604-788 0041

Jeward

250-539-0539

David Myler

250-539-3567

Hubert

250 539 5142

Karen

604-763-4593

Edse

604-734-0859

~~_____~~

539-2124

GREGORY CARROLL

539 2035

MARILYN RANKIN

539 2916



Date:

TO WHOM IT MAY CONCERN:

Support

By signing this petition, we wish to express our support for the opportunity to have a drop-off garbage system on the island.

NAME	TELEPHONE NUMBER
J. Grocker	3559
J.H.A.	9998
B. Lucas	5249
N. Schaefer	2044
C. Björnsfelt	3790
J. Thersy	3033
S. Godets	2211
J. Hanway	5436
R. York	604-882-8003
J. Warner	539-3420
Ann Wittenman	539-5011
Ante Suvob	722-4565
J. Wolfe	539 5301
Henry Till	539 5321
J. Suvob	539-3394
Shelley	(425) 516-8175

Date:

TO WHOM IT MAY CONCERN:

By signing this petition, we wish to express our ^{SUPPORT} for the opportunity to have a drop-off garbage system on the island.

NAME

TELEPHONE NUMBER

Christie Meers

250-539-5838

Dean Locke

250 539 3455

C. Brown

250-539-5360

J. WEIR

250-218-8738

J. Dequette

250-282-0014

N. Ceolho

539-3315

Bill Wabs Walter

539-3194

C. Alexander

539-3400

Clare Mapui

21-36

Fran England

539-5100

Cynthia Rand

778 996 6475

Barry Wilson

609-240-3627

Peter Kubielski

250-539-5741

M. Caplan

778 386 6535

M. L.

539-5832

J. Kuyork

539-3256

Date:

TO WHOM IT MAY CONCERN:

By signing this petition, we wish to express our ^{SUPPORT} for the opportunity to have a drop-off garbage system on the island.

NAME

TELEPHONE NUMBER

A Wood

250 539-5259

M. Buchholz

604-538-1193

D. Johnson-Hill

250 539-3760

~~Peter Kennedy~~ (PETER KENNEDY)

250 ~~539~~ 661 1207

D. Wilson

250 539 5054

L. Mak

250-539-3100

Z. York

604-882-8003

W. Mung

250-539-9877

Mac Rainville

604-992-8545

V. K. Kean

604-793-7598

L. K. Kean

604-824-9609

S. L. M. M. M.

250 539-9994

J. A. H. H.

604-241-1690

J. A. H. H.

250 539-3092

A. J. Pearson

250 539-5393

~~J. A. H. H.~~

250 539 2117

Date:

TO WHOM IT MAY CONCERN:

By signing this petition, we wish to express our ^{SUPPORT} _^ ₊ for the opportunity to have a drop-off garbage system on the island.

NAME	TELEPHONE NUMBER
Kathleen Higgs	604-802-9014
Paddy Spedale	604.228.9424
D. Pennington	250-539-9913
C.H. MacLeod	539 5048.
J McGuinness	604-466-6037
Bonnie Gordon	604-737-8203
B. Ral	250-5395914
MARI JENSEN	250-539-3092
Shabeer Ebrahim	250-539.5889
Gary Perrin	250.539.2949
Steve Nkoma	250-526-2433
Mitchell Booth	604-763-2735
SEAN BURNS	604-603-9869
Dee Slade	604-562-2359
John Sinal	604 669.1301
John Rempel	250-539-3418

Date:

TO WHOM IT MAY CONCERN:

By signing this petition, we wish to express our ^{SUPPORT} for the opportunity to have a drop-off garbage system on the island.

3

NAME



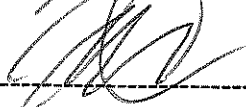
TELEPHONE NUMBER

Robert Jack	250 539-2195
Jarvis Warren	250 539-9992
Andrew Lee	252 718-687-6570
Proppy	604 736 5775
DISON	604 739 1161
Ch	604 986 3238
Chen White	604-846-7345
Tara Nord	604-768-1333
Jacob Jacobson	604-791-1985
Brandon Shaukar	604-615-8570
Kara Williams	604-209-1659
Angelina Smith	604-209-1659
SID MISTER	250-539-2000
Wade Luthersand	250-539-5516
Karen Reithofer	250-222-6395
G. SWANS	250 537 5552

Date:

TO WHOM IT MAY CONCERN:

By signing this petition, we wish to express our ^{SUPPORT} for the opportunity to have a drop-off garbage system on the island.

NAME	TELEPHONE NUMBER
N. McLonnell	250 893-6676
G. O'Bray	250-539-9889
P. Wilkins	250-889-2927
N. McCall	250 539 5939
	250 539 5693
C. Francis	250 222 0054
W. Pineau	250 539 2241
E. J. Louch	539-5762
Aiane Penetather	539 999 36
A. Davison	539 - 3271
P. Malheur	539 - 0742
Diane Williams	539-2619
D. Colussi	539-3677
Lori Staehling	2334
	2942
	532-5224

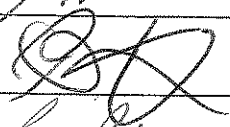
Date:

TO WHOM IT MAY CONCERN:

By signing this petition, we wish to express our ^{SUPPORT} for the opportunity to have a drop-off garbage system on the island.

NAME

TELEPHONE NUMBER

Frances England	250-539-5100
Douglas McCulloch	250-539-3056
Greg Peters	604-308-7196
Gord Ashwell	250 539-9880
KIM DARWIN	250 539-5650
I CHURCH	
M. Leathers	250-539-5526
O. Swenson	3417
A. J. Mander	539-2942
	539-2942
A. Ripley	539-2358
Patric Culik	604 763-1620
Jennife Inouye	604 817-8317
Glenn Payan	718-231-3483
STUART McNEES	250-539-2538

Date:

TO WHOM IT MAY CONCERN:

By signing this petition, we wish to express our ^{SUPPORT} for the opportunity to have a drop-off garbage system on the island.

NAME	TELEPHONE NUMBER
<i>[Signature]</i>	250 539-9913
<i>Blair [Signature]</i>	250 539-9758
<i>[Signature]</i>	250 539 2223
Geoff Potter	250-539-5634-
<i>[Signature]</i>	250- 539 526-2433
J. P. Phillips	250-539-2130
P. Robertson	3184
Edward Gale	5950
BRAD BARTLEY	778-928-2278
<i>[Signature]</i>	(250) 539-3288
<i>[Signature]</i>	604-970-2100
Mary Allan	539-3034
<i>[Signature]</i>	539-5062
Allen Evans	539-5790

3

Re: MA-TUP, 2010. 2

RECEIVED
MAR 14 2011
Date: APR 15/2011
ISLANDS TRAIL

TO WHOM IT MAY CONCERN:

By signing this petition, we wish to express our ^{Support} for the opportunity to have a drop-off garbage system on the island.

NAME TELEPHONE NUMBER

D. Phillips 539-2130

P. Mauch 539-3022

Angela Tisdall 778.997.3935

Wendy May 250-539 9877

M. Hill 539 5418

Ms. [Signature] 539-5048

[Signature] 535-5261

Jo Mitchell 539-2549

CHARLES ANDRÉ 539-2524

Polly Fomrow 539-2835

[Signature] 604-808-3772

[Signature] 604-876-0034

[Signature] 604-733-6523

[Signature] 604 671 3082

[Signature] 250-539-5817

[Signature] 250-665-7900

Date:

TO WHOM IT MAY CONCERN:

support → T

By signing this petition, we wish to express our support for the opportunity to have a drop-off garbage system on the island.

NAME

TELEPHONE NUMBER

EVAN FERRELLAN	2347
Julie Flatt	2607
BERT PATRISON	539 5785
Cherrie Dixon	949-291-7617
Brian Donaldson	403-862-2721
Karen O'Bray	604-266-2349
Dorothy Retun	604-308-2089
JON COLLIER	250-539 2270
BERT PALMER	3649
Jim Deverill	539-5382
ANDREW SMITH	0771
WAYNE THOMAS	539 9911
WARREN RAMLO	886-6002
Eleanor Biggs	539 5756
Karenella Janssen	2265

Date:

TO WHOM IT MAY CONCERN:

By signing this petition, we wish to express our ^{Support} for the opportunity to have a drop-off garbage system on the island.

NAME	TELEPHONE NUMBER
<i>Lance Shook</i>	604-5129734
<i>[Signature]</i>	250-526-2433
<i>[Signature]</i>	539-3263
<i>Wessman</i>	539 3195
<i>Jeff Francis</i>	539-3203
<i>R. Diamond</i>	539-2090
<i>H. Carolini</i>	539-2053
<i>[Signature]</i>	539-3056
<i>[Signature]</i>	539-3394
<i>Anta de Boer</i>	539-5378
<i>Kwan</i>	539-2399
<i>Log. Couch</i>	539-5762
<i>M. Mansman</i>	539-3277
<i>R. Jaco R. Jaco</i>	539-3062
<i>P. Harpila</i>	539-3128
<i>Henry</i>	539-3409

Date:

TO WHOM IT MAY CONCERN:

By signing this petition, we wish to express our ^{Support} for the opportunity to have a drop-off garbage system on the island.

NAME	TELEPHONE NUMBER
<i>A. Ruggles</i>	<i>-3567</i>
<i>Tim Dyck</i>	<i>2590</i>
<i>DIANA KING Smith</i>	<i>2238</i>
<i>A. Smith</i>	<i>4312</i>
<i>P. Sae</i>	<i>5034</i>
<i>Karen Maffesi Knapen</i>	<i>3620</i>
<i>T. Simmonds Rowse</i>	<i>2763</i>
<i>M. N. [unclear]</i>	<i>0123</i>
<i>R. DEKON</i>	<i>2205</i>
<i>D. WATTS</i>	<i>3553</i>
<i>[unclear] [unclear]</i>	<i>5229</i>
<i>Peter Fife</i>	<i>250-537-0974</i>
<i>K. Jensen</i>	<i>539-5946</i>
<i>P. DuHamel</i>	<i>3078</i>
<i>Cheryl Davis</i>	<i>604-803-5140</i>
<i>William Duncan</i>	<i>250 539 7191</i>

Date:

TO WHOM IT MAY CONCERN:

By signing this petition, we wish to express our ^{Support} for the opportunity to have a drop-off garbage system on the island.

NAME	TELEPHONE NUMBER
Jessie Baxter	2225
James Wilson	250 526-2433
Edward A. Hile	250-539-5950
A. McCamley	2790.
J. Wilson	2302
Barry Watson	604-240-3627
Bob Woodward	604.940.1850
B. Webster	884-2472
Don Long	539-3776
Bob	604-828-5784
Steve	604 264-8616
Joanne Herb	
Chris Rowland	
Paul Robinson	403-803-4586
Sam Hook	(250) 539-3766
Clair J. Deakin	250-539-5889

Date:

TO WHOM IT MAY CONCERN:

By signing this petition, we wish to express our ^{Support} for the opportunity to have a drop-off garbage system on the island.

NAME	TELEPHONE NUMBER
KAREN ZEHNER	250 222 6395
MICHAEL STEVENSON	250 539-3600
IAN MORRIS	604 323-2667
Mary Cuthbertson	250-539-3027
Do Stewart	250-539-5365
Danielle Abbott	(250)-539-3301
Patrick Abbott	(250) 539-3301
Penny Munro	(250) 539-5669
Rob McKeay	(604) 897 5201
V.J. COATES	250-539-2348
Robert Benn	(604) 839 5743
Pzt Zuest	(250) 539-3365
CHUCK ERICKSON	604 3599-9289
Carolann Alexander	(250) 539-3420