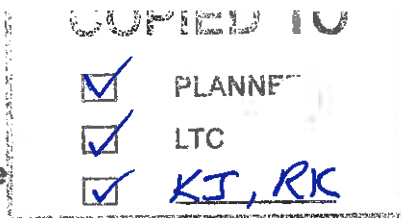


April 15, 2012

Mayne Island Local Trust Committee



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APR 23 2012

ISLANDS TRUST  
VICTORIA BC

**Re: Mayne Island Commercial Land Use Review Task Force**

The purpose of the Mayne Island Commercial Land Use Review Task Force (the Task Force), set out under #2 of the Terms of Reference (T.O.R.) could not be undertaken as presented. Under paragraph 2b) the term "service commercial" is not used in the Official Community Plan (OCP), It is used in the Land Use Bylaw (LUB) for one zone in the commercial section, however that zone does not reflect the apparent intent of the OCP in "dispersing" service based businesses in the Mayne Island Trust area. This contradiction becomes an overriding consideration when it is recognized that the Task Force was established as an Advisory Planning Commission (APC) subject to the provisions of the Mayne Island Advisory Planning Commission Bylaw. The Chair, of the Task Force, was charged with the responsibility to ensure that any options or recommendations were consistent with the objectives of the Official Community Plan. (OCP) {#2 T.O.R.} There was no specific referral and an APC has no authority to seek out information from the public. Furthermore item #3 under Tasks (Appendix A) is in direct conflict with the M.I.APC bylaw and item #15 of the T.O.R.

As Chair of the Task Force I made the decision to treat the Commercial and Industrial sections of the OCP and LUB as a referral and undertook the review using the input from the discussions with the Task Force.

It is unclear why staff presented the Terms of Reference in this way. Most members did not understand the restrictions of an APC and wanted to proceed as an Ad Hoc Committee. This created situations where the Chair became an umpire and the purpose of the Task Force was lost in disagreements over process and purpose. In spite of the errors and the sloppy presentation of the Terms of Reference, the review of the Commercial sections of the OCP and L.U.B. was useful in revealing many serious and misleading items in these bylaws.

At the last meeting of the Task Force, on March 20, 2012, a number of additions and revisions to the final draft report were discussed. The changes were incorporated in the final draft of the report which was circulated to members on April 11, 2012, with a request for responses prior to April 15, 2012.

On April 9, 2012 and April 16, 2012 two separate reports were circulated by three members of the former Task Force. Since the Task Force had no opportunity to review these submissions, no comments are included in the final report.

Respectfully submitted on behalf of the Mayne Island Commercial Land Use Review Task Force;

Rich Tamboline, Chair

**MAYNE ISLAND**  
**COMMERCIAL LAND USE REVIEW TASK FORCE**  
**FINAL REPORT**  
**APRIL 11, 2012**

MEMBERS

MAYNE ISLAND COMMERCIAL LAND USE REVIEW TASK FORCE

Rich Tamboline (Chair)

Barry Wilks

Bill Maund

Glenda Johnson

Shanti McDougall

Brian Steele

Geoff Siverns

David Maude

Lois Yip

Deb Foote

## **MAYNE ISLAND AND COMMERCIAL LAND USE TASK FORCE**

March 31, 2012

### **REVIEW OF COMMERCIAL LAND USES, COMMERCIAL ACTIVITY AND SUPPLY OF FUTURE COMMERCIAL LAND**

The Task Force reviewed the inventory of existing commercial and industrial zoned properties.

All sites are in use with the exception of 506 Whalen Road which is currently being considered for some type of development by the owner.

In addition there is 535 sq. meters of "buildable" commercial space in the comprehensive Development 2 Zone on Naylor Road.

Of the 16 properties, 6 are zoned as site and use specific. There is no shortage of available land for commercial rezoning on Mayne Island.

The very small and limited market on Mayne Island has tended to limit investment in the Retail Commercial sector. It is expected that this will continue to be the case for the foreseeable future. Historically the influx of summer visitors and residents provided an increased level of activity which enabled businesses to accumulate a cushion to carry them over the "lean" months of October to April. With the major increases in ferry fares and the difficulties of getting to the islands at peak times visitors have tended to find other recreational destinations and the resulting loss of income has become an issue for many businesses on the island.

Overall there is land available for commercial use on Mayne Island, either by rezoning, in acceptable areas, or through development of areas such as the comprehensive Development Zone on Naylor Road.

The economic development required for any expansion of the commercial base was not part of the Terms of Reference for the Task Force.

### **COMMERCIAL CORE DELINEATION**

The Task Force recommends the Official Community Plan (OCP) be amended to define the Miners Bay area as the Commercial Core for Mayne Island.

The clustering of commercial activity in the historical business centre of the island is desirable and reduces the amount of travel required by residents and visitors to obtain necessary services and supplies. By formalizing the boundaries for the core area it is expected to encourage business to locate in that area particularly if rezoning can be simplified and expedited.

Reference: OCP 2.4.1.2 Retail businesses shall be clustered at Miners Bay with the exception of Montrose/Fernhill area, the Building Centre and Auto Repair Yard.

The Task Force passed the following motion December 6, 2011:

**It was Moved and Seconded that the Mayne Island Commercial Land Use Task Force recommends the identification of Miners Bay as the commercial core for Mayne Island with the designation of C1 Zoning and a subcommittee be established to identify the geographical boundaries of the commercial core.**

The Subcommittee was formed and reported February 26, 2012. the recommendations and report of the Subcommittee are attached as Schedule 1. The report was received by motion of the Task Force on February 28, 2012.

### **WORDING AND TERMINOLOGY**

Anomalies in the Commercial section of the O.C.P. :

1. Terminology in this section is confusing and misleading.
  - 2.4.1 Retail Commercial, Objectives – To supply services necessary...
  - 2.4.1.2 Policies – Retail businesses will be clustered...
  - 2.4.1.3 Policies – Service based businesses should be dispersed...

Terminology becomes further muddled under the Task Force Terms of Reference where the term "Service Commercial" is introduced. This term is not used in the O.C.P. It designates a C3 zone in the L.U.B. which was written for the Lumber Yard.

These variations are very confusing and could easily lead to misunderstandings.

Further confusion results from the use of the term "commercial centre". 2.4.1 Background refers to "...a secondary commercial centre at the junction of Fernhill and Montrose Road." 2.4.1.2 (dealing with the clustering of retail businesses:".../with the exception of the Montrose – Fernhill area." Then at 2.4.1.5 referring to Strip Development "...Strip development of businesses outside the commercial centres shall not be permitted."

- 2.4.1.6 Development Permits – the term "scale of use – should be defined.

2. Site Specific or Site Restricted - when used to identify a property that has a limited selection of permitted uses within the full list of permitted uses for a zone. Alternate terms: "Site Specific and Use Restricted" or "Site specific and Use Specific" or "Site and Use Specific".

All of these variations are very confusing and could easily lead to misunderstandings.

The language in Section 2.4 must be corrected.

### **QUESTIONABLE ITEMS IN THE LAND USE BYLAW COMMERCIAL ZONES**

The two site specific C3 zoned lots on Fernhill were both primarily automotive repair and service facilities. It would have been more appropriate, and much clearer, to have classified them as C4 site specific and use specific for automotive and mechanical repairs. The shop which fronts on Horton Bay Road did an extensive amount of auto body repairs – identified as a permitted use in C4 but not in C3. The zoning on these parcels should be corrected to C4 site specific and use specific.

Strangely the C4 zone headed Automotive does not have a permitted use for automobile repair, mechanical repairs or even automobile servicing.

This oversight should be corrected.

### **TEMPORARY USE PERMITS**

This option has provided an alternative to full scale rezoning. Concern was expressed about the problem of enforcement of terms specified in the permits. Because the permits allow the change of use for a property they should be treated as a bylaw and be subject to a proper public hearing and notification process.

### **HOME OCCUPATIONS**

The sections in the OCP and LUB relating to this subject were reviewed and the consensus was that this type of activity is very valuable in the context of our small community. The enforcement of regulations was the only concern expressed in the discussion. (See more comments under Bylaw enforcement below)

## LOT COVERAGE C COMMERCIAL PROPERTIES AND PERMITTED MAXIMUM LOT COVERAGE

One member of the Task Force spent a considerable amount of time and effort in analyzing this subject. This is a topic that obviously needs more study and discussion. Consideration should be given to the inclusion of additional factors, not just building footprint. For example: factors that have to be considered in this community would be areas for septic disposal fields (treatment plant or conventional); safe set off distances from water well location to reduce potential contamination; required parking area should be in the formula (should a paved parking area be part of lot coverage?), should lot coverage be adjusted in the case of site specific use for only one portion of a full C1 zone. In developing a formula for lot coverage, intensity of activity expected should be a consideration in determining how much of the commercial lot should be designated for peak parking demand.

Recommendation: Determine the existing floor area of structures in Commercial and Industrial zones and re-review potential build out.

A review of the criteria should be undertaken and procedures adopted to better represent the intent of the terms "Permitted Maximum Lot Coverage and Maximum Floor Area Allowable."

Summary report is attached as Schedule 2.

## BYLAW ENFORCEMENT

During the discussions of the Task Force a subject which kept arising was the lack of enforcement of the regulations set out in the LUB and OCP. While the enforcement procedure is complaint driven and supposedly confidential it would appear to be otherwise. Complaints are not viewed as confidential. In a small community like ours no one wants to be identified as "ratting" on their neighbour. Unless there is assurance that the complaint is confidential most infractions will go unreported.

Another criticism aired during the discussions was: if Bylaw enforcement visits a property for a specific complaint other flagrant violations of the zoning bylaw will not be acted on. Obviously some attention must be given to this very important aspect of local government.

A third concern is the continuation of an unauthorized activity while an application is in process. (e.g. collection of garbage at the gas station for 2 years without an approved TUP) This type of application must be dealt with promptly and rulings provided.

## **COMMERCIAL WASTE TRANSFER**

The Terms of Reference under Purpose Paragraph C – Appropriate locations and regulations of commercial waste transfer.

The Mayne Island Local Trust Committee has no jurisdiction over the regulation of commercial waste transfer.

The Task Force at the December 6, 2011 meeting passed the following motion:

**IT WAS MOVED AND SECONDED THAT THE MAYNE ISLAND COMMERCIAL LAND USE TASK FORCE RECOMMEND THAT IF A SOLID WASTE TRANSFER STATION IS REQUIRED THAT IT BE SITUATED ON AN INDUSTRIAL ZONED SITE.**

## **ADVOCACY**

The Task Force recognizes that Islands Trust has no authority to provide community services such as roads, curbs, walkways, domestic water supply systems or sewage disposal, however land use; development and community sustainability are closely connected to these services. It is recommended that the Mayne Island Local Trust Committee devote as much effort as possible to advocating on behalf of the community for improvements to these amenities.

## **SUMMARY COMMENT**

Overall the majority of the Task Force members are in agreement with the principles set out in the Mayne Island Official Community Plan and believe it conveys the community's aspirations for the future. However, the work of the Task Force has clearly indicated that a thorough review of the O.C.P. and L.U.B. should be undertaken to clarify terminology and provide clearer directives.

Respectfully submitted on behalf of the Mayne Island Commercial Land Use Review Task Force;

Rich Tamboline  
Chair



**REPORT ON  
BOUNDARIES FOR A COMMERCIAL CORE IN THE  
MINERS BAY AREA OF MAYNE ISLAND**

**RECOMMENDATIONS**

1. It is recommended that the area highlighted on the attached map be designated as the Mayne Island Commercial Core.
2. The Retail Commercial uses shown on Appendix 1 should be contained in the core area.
3. It is recommended that future applications for commercial zoning in this commercial core be accepted, subject to the regulations set out in the Mayne Island Land Use Bylaws.
4. It is recommended that a reasonable mix of commercial, residential, tourist accommodation and community service (park) be retained in this core area.
5. It is recommended that the Mayne Island Local Trust Committee advocate for upgrading of sewage disposal systems, domestic water supply, parking and footpath easements and walkway construction.

Additional recommended advocacy policies are in the final report of the Commercial Land Use Task Force.

February 26, 2012

**REPORT ON COMMERCIAL CORE DELINIATION IN THE  
MINERS BAY AREA OF MAYNE ISLAND  
5 TO 10 YEARS PROJECTION**

The Mayne Island Official Community Plan under "Retail Commercial" states – 2.4.1.2 Retail Business shall be clustered at Miners Bay..." With the creation of the Comprehensive Development Two (CD2) Zone at Village Bay and Naylor Roads it is important to define the boundaries of "Miners Bay". The area has long been referred to as the "village" or "down town" but the preferred designation, in the context of the mandate for the Commercial Land Review Task Force, is the "commercial core" for Mayne Island.

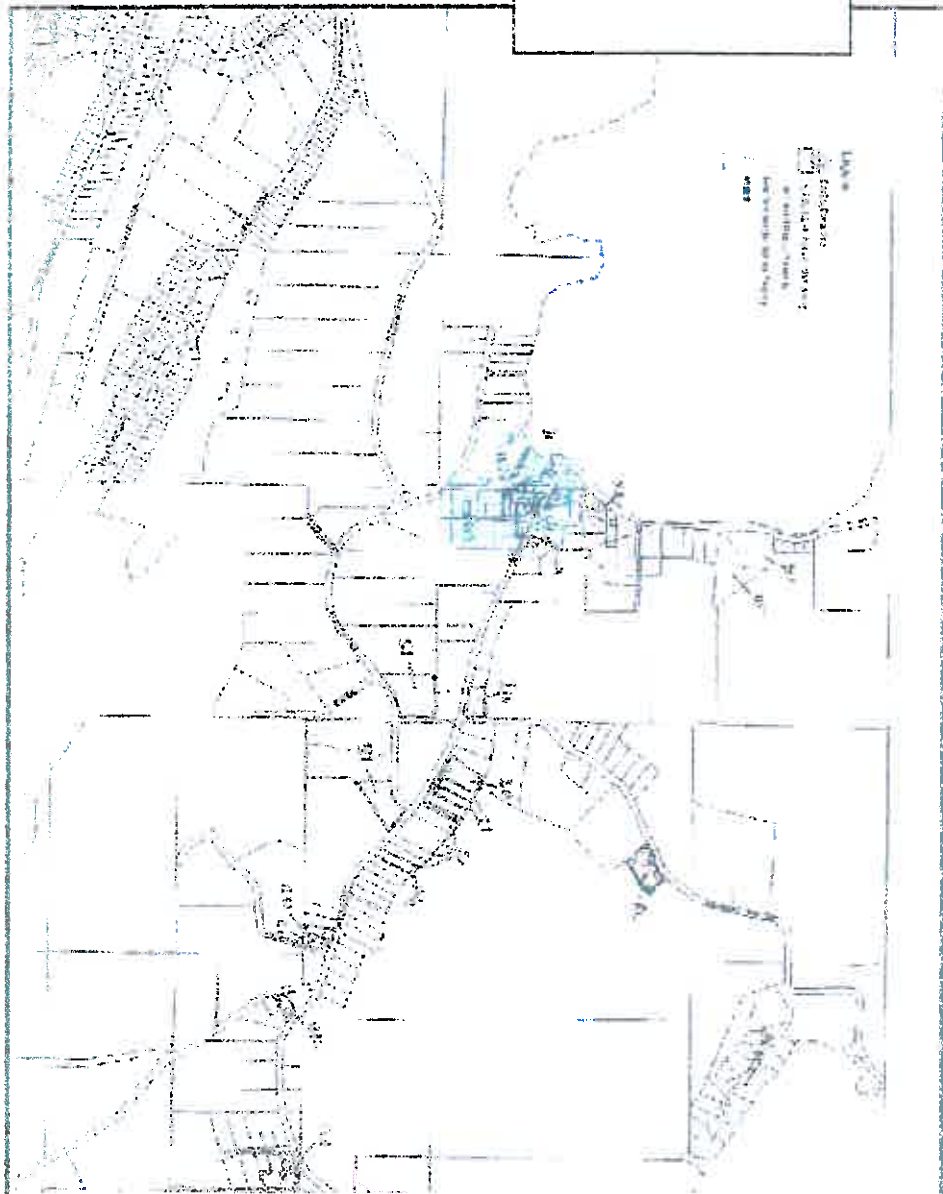
The intention of the subcommittee was to identify a core large enough to ensure a good mix of commercial and residential use,

Considering the fact that there has not been a commercial rezoning in 20 years within the core area it seems likely that the dominant land use will continue to be residential for some years to come.

The philosophy for clustering retail and some commercial services is to try and encourage development in a central location and reduce the amount of vehicle travel by residents requiring the retail goods and services offered by the community outlets.

Appendix 1 (attached) gives an outline of the retail services which should be located in the commercial core area.

February 26, 2012



ESTABLISHMENT OF A SUBCOMMITTEE  
TO EXAMINE AND REPORT ON  
BOUNDARIES FOR A COMMERCIAL CORE IN THE  
MINERS BAY AREA OF MAYNE ISLAND

SUMMARY OF ACTIVITIES

This subcommittee was formed at a regular meeting of the Mayne Island Commercial Land Use Task Force on Dec. 6, 2011.

The members of the subcommittee were appointed at that time by the Chair of the Task Force.

We were tasked with defining and recommending a boundary around the Miners Bay village that would be suitable for the containment of our community's commercial business, with a residential mix which could be single family, low-rise apartments, seniors and various forms of affordable housing.

We met three times as a group and had discussions with the Task Force on two occasions.

We first met on Dec. 20, 2011. We all brought our maps and our own ideas of where we thought the boundaries should go. After much discussion, of things such as parking, water and densities, we decided to take all of the ideas home and do an overlay of them for a new look from a different perspective.

We met again on Dec. 31, 2011 and did a "drive-around" as it was too cold and windy to walk. We visited all boundaries and roads within that were drivable and discussed the geography as well as the current residential properties, future community needs and future land uses. It was decided to take the overlay of all ideas to the next Task Force meeting for suggestions and guidance

After reviewing our maps at the Jan. 3, 2012 Task Force meeting and much discussion we were asked to bring a final drawing to the next meeting.

At our meeting on Jan. 15, 2012 after discussion and concessions all the way around we arrived at a set of boundaries agreed to as suitable and crafted a final map. (highlighted blue)

\* { On Jan. 17, 2012 we presented our final maps to the Task Force and after discussion were asked to complete a final report, to include how we arrived at our decisions, our recommendations and the final map showing the containment area. This report to be presented at the next Task Force meeting.

Submitted by: Miners Bay Commercial Core subcommittee

\* THIS REPORT & MAP WAS PRESENTED TO THE TASK FORCE. THERE WAS NO SECONDER FOR THE MOTION "TO RECEIVE" SO THE REPORT DID NOT BECOME PART OF THE RECORD. SEE PAGE 10 9

ADDENDUM

On Feb. 10, 2012 the Chair and Deputy Chair met to discuss the lack of a report on the map intended for inclusion as part of this Task Force Final Report (5 to 10 years as set out in the Task Force Mandate)

The subcommittee only reported on the map which they indicated was their projection for 30 to 50 years from the present.

This is outside the mandate given to the Task Force. In addition, there were some significant contradictions to the Official Community Plan as well as some inaccurate statements. These items were deleted or corrected in the attached report covering the 5 to 10 years projection.

Recommendations prepared by the Chair

February 15, 2012

APPENDIX 1

**USES RECOMMENDED AS C1 IN THE MAYNE ISLAND COMMERCIAL  
CORE (MINERS BAY)**

Real Estate Office  
Insurance Office  
Dentist Office  
Local Government Office  
Medical Office  
Postal Outlet/Post Office  
General Office Space  
Pharmacy  
Full Service Grocery Store  
Personal Services, such as Hair Dressing Salon, Barber Shop

These core retail usages should be contained within the Miners Bay Commercial Core. The C1 zone additionally is considered to be appropriate for any other commercial use. Other commercial businesses that might be considered outside of Miners Bay would be subject to a "site specific and use specific" zoning.

## Mayne Island Commercial Land Use Review Task Force

### Existing Commercial and Industrial Inventory Evaluation Feb. 22, 2012

Accompanying the referral of the Mayne Island Commercial Land Review to the Task Force was the Staff Report MA/02-2 (Meeting of 19 September 2011). Compiled by planners, it included a spread sheet of the Inventory of Commercial and Industrial Zoned Properties on Mayne, their descriptions, addresses and the criteria that limit additions or expansions as they are presently zoned. One column of this spread sheet is titled "The Maximum Floor Area Allowable". This maximum is known and listed, but the present or existing floor area is not, thus an evaluation of any potential build-out by these criteria is not possible.

The Staff Report also includes "Permitted Maximum Lot Coverage" and "Approximate Current Lot Coverage", which can be considered as an indication of potential build-out of each property. Current Lot Coverage has been determined as the area of roofs to the drip line as measured from aerial photos. Using these two criteria, the potential build-out of structures on these commercial properties can be determined. The range of increase allowable under these criteria is between 1.7 and 11 times the existing "Lot Coverage". The average is 7 times. This number is somewhat skewed by the smaller site specific zoned properties. It should be noted that the Mayne Mall and the Fernhill Centre can become 1.7 times larger and the Trading Post and associated two buildings can become 2.2 times larger using these criteria. No property at present exceeds these criteria.

The assessment does not address the areas required for parking, as stated in the LUB, set backs from property lines, outside storage of materials, equipment, goods and work in progress. These should be allowed for and shown on drawings accompanying the Development Permit that is required for any significant alteration to these existing structures.

### Recommendation

Determine the existing floor area of structures in these zones and re-review potential build-out.