



# STAFF REPORT

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March 18, 2014

File No.: MA-6500-20-2013

**To:** Mayne Island Local Trust Committee  
For the meeting of March 26, 2014

**From:** Kim Farris, Planner 1

**CC:** Robert Kojima, Regional Planning Manager  
Gary Richardson, Island Planner

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**Re: Official Community Plan and Land Use Bylaw Amendments**

## Preliminary Report

### THE PROPOSAL:

The Mayne Island Local Trust Committee (LTC) has identified a technical review of the Official Community Plan (OCP) Bylaw No. 144, 2007 and the Mayne Island Land Use Bylaw (LUB) Bylaw No. 146, 2008 as a top priority on the work program. The purpose of this report is to provide an overview of recommended amendments to the OCP and LUB where it would provide clarity, updated information, or remove ambiguity in the bylaw. Staff recognizes there are a number of additional topics that are identified for the OCP and LUB review which will remain outstanding and require a more comprehensive review in the future. The proposed list of amendments addresses those issues that staff considers to be relatively straight forward and it is intended to provide clarity in the use and interpretation of the bylaw.

At the regular Mayne Island LTC meeting on February 26, 2014 the LTC directed staff to prepare a list of technical amendments to the Mayne Island Local Trust Committee Official Community Plan and Land Use Bylaw. The Mayne Island LTC also endorsed the project charter (attached).

### Recommended Amendments:

A list of identified sections in the LUB is outlined in Table 1 and a list of identified policies in the OCP is outlined in Table 2 below. The tables also include notes the reason for inclusion on the list, and possible amendments. Following the table there is additional information pertaining to some of the more complex amendments proposed where further discussion, direction, and/or decision is required by the LTC.

The LTC should decide which of the proposed amendments it wants to proceed with and identify, if any, additional amendments that should be included. Bolded text in column C indicates the added or amended text.

**Table 1: Land Use Bylaw Amendments**

<b>Item #</b>	<b>A: LUB Section</b>	<b>B: Current Regulation</b>	<b>C: Proposed Amendment</b>	<b>D: Comment</b>
1	Definitions – Section 1.1	"Agriculture use" means the use of land for the growing, rearing, harvesting, or production of plants, crops, livestock and other farm animals.	"Agriculture <del>use</del> " means the use of land for the growing, rearing, harvesting, or production of plants, crops, livestock and other farm animals.	Typo error.
2	Definitions – Section 1.1	"Lot" means any parcel, block or other area in which land is held or into which it is subdivided whether under the <i>Land Title Act</i> or the Bare Land Strata Regulations.	"Lot" means any parcel, block or other area in which land is held or into which it is subdivided whether under the <i>Land Title Act</i> or the <del>Bare Land Strata Regulations</del> <b>Strata Property Act</b> .	Change name of Act.
3	Definitions – Section 1.1		<b>"Horticulture" means the use of land for the rearing of plants.</b>	See comments below – Definitions.
4	Definitions – Section 1.1		<b>"Mobile home" means a dwelling designed, constructed or manufactured to be moved from one place to another by being towed or carried and meets a minimum CSA-Z240 standard.</b>	See comments below – Definitions.
5	Definitions – Section 1.1		<b>"Moorage" means the tying or securing of a vessel to a fixed structure or mooring buoy.</b>	See comments below – Definitions.
6	Administration – Section 2.3	The Islands Trust Bylaw Investigation Officer or any other person designated by the Local Trust Committee to administer this Bylaw is authorized to enter, at any reasonable time and after having given prior notification to the occupier, upon any property that is subject to regulation under this Bylaw, for the purpose of determining whether the regulations are being observed.	<b>The Islands Trust Bylaw Enforcement Officer or any other person designated by the Islands Trust to administer this Bylaw is authorized to enter, at any reasonable time, upon any property that is subject to regulation under this Bylaw, for the purpose of inspecting and determining whether the regulations, prohibitions and requirements are being met.</b>	Section updated by Manager of Bylaw Enforcement.

7	Administration – Subsection 2.5(1)	Any person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty, pursuant to the <i>Offence Act</i> , not exceeding \$2,000 and the costs of prosecution. Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.	Any person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty, pursuant to the <i>Offence Act</i> , <del>not exceeding \$2,000</del> and the costs of prosecution. Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.	The \$2000 fine will be removed as it is not consistent with the <i>Offence Act</i> .
8	Administration – Section 2.9 Repeal and Replacement		<p><b>2.9 Repeal and Replacement</b></p> <p><b>(1) Where this bylaw refers to other acts or regulations which have been repealed, amended, revised or consolidated, the reference in this bylaw must be construed as being a reference to the substituted enactment relating to the same subject matter. If there are no provisions in the substituted enactments relating to the same subject matter, the former act or regulations are construed as remaining in effect.</b></p> <p><b>(2) Where this bylaw refers to other government departments, ministries or agencies which have had a change in title or name, the reference in this bylaw must be construed as being a reference to the substituted title(s) or name(s) of the government departments, ministries or agencies relating to the same subject matter.</b></p>	This section is added to be consistent with other LTC's LUBs.
9	General Regulations –	In all zones except the R and AG zones, the keeping on a lot having an	In all zones except the R and <b>A</b> zones, the keeping on a lot having an area of	Incorrect reference to

	Subsection 3.2(1)	area of less than 2000m <sup>2</sup> (0.5 acres) of cattle, sheep, goats, pigs, donkeys, llamas, ostriches, emus and more than one horse;	less than 2000m <sup>2</sup> (0.5 acres) of cattle, sheep, goats, pigs, donkeys, llamas, ostriches, emus and more than one horse;	zone.
10	General Regulations – 3.3(5)	No building or structure may be constructed, reconstructed, moved, extended or located within 7.5 metres (25 feet) of the natural boundary of a watercourse except:  (a) fence; or  (b) utility shed.	No building or structure may be constructed, reconstructed, moved, extended or located within 7.5 metres (25 feet) of the natural boundary of a watercourse and <b>no building or structure used for Agriculture may be constructed, reconstructed, moved, extended or located within 15 metres (49.2 feet) of the natural boundary of a watercourse</b> except:  (a) fence; or  (b) utility shed.”	See comments below - Setbacks from watercourses – Agriculture Buildings and Structures.
11	General Regulations - 3.9(1)(a)	The connection of the recreational vehicle to sewage disposal facilities consistent with the provisions of the Health Act;	The connection of the recreational vehicle to sewage disposal facilities consistent with the provisions of the <b>Public Health Act</b> ;	Incorrect Act.
12	Rural - Site Specific Zone R(d) – Site Specific Regulations Column 3	(1) Despite 5.5(4) above, one cottage is permitted in respect of each permitted dwelling unit in these locations.	(1) Despite <b>5.5(3)</b> above, one cottage is permitted in respect of each permitted dwelling unit in these locations.	Incorrect reference to regulation
13	Settlement Commercial (C1) Zone - Subsection 5.8(5)	The apartment residential use permitted by 5.8(1)(j) shall:	The apartment residential use permitted by <b>5.8(1)(k)</b> shall:	Incorrect reference to regulation
14	Settlement Commercial - Site Specific Zone C1(c) – Site Specific Regulations	(1) Despite 5.8(1), the only uses permitted in this location are those permitted in 5.8(1)(b), l and m.	(1) Despite 5.8(1), the only uses permitted in this location are those permitted in <b>5.8(1)(b), (l), and (m)</b> .	Missing parentheses

15	Industrial 1 Zone			See comments below - Waste Transfer Facility Use
16	Industrial - Site Specific Zone I1(a) – Site Specific Regulations	(1) Despite 5.13(1) the only permitted uses at this locations are those permitted by 5.13(1)(a), (b), (d) and (e) and ready-mix concrete plant, and the sale of soil, gravel, dry cement and ready-mix concrete.	(1) Despite 5.13(1) the only permitted uses at this <b>location</b> are those permitted by 5.13(1)(a), (b), (d) and (e) and ready-mix concrete plant, and the sale of soil, gravel, dry cement and ready-mix concrete.	Spelling Error.
17	Industrial - Site Specific Zone I1(b) – Site Specific Regulations	(1) Despite 5(13(1) the only permitted uses in this location are the maintenance, repair and storage of vehicles, equipment and materials used for the provision, maintenance or repair of utilities and accessory uses, buildings and structures.	(1) Despite <b>5.13(1)</b> the only permitted uses in this location are the maintenance, repair and storage of vehicles, equipment and materials used for the provision, maintenance or repair of utilities and accessory uses, buildings and structures.	Incorrect reference to regulation
18	Community Service (S1) Zone – Siting and Size		<b>(5) The maximum height for any accessory building or structure is 5 metres (16.5 feet).</b>	Added maximum height regulation for accessory buildings.
19	Community Service (S1) Zone – Subdivision Lot Area Requirements	(5) The minimum lot area is 0.4 hectares (1 acre).	<b>(6)</b> The minimum lot area is 0.4 hectares (1 acre).	Adding regulation (5) shifted numbering of subsequent regulations in the S1 Zone.
20	Community Service (S1) Zone – Site Specific Regulations	(6) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:	<b>(7)</b> The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:	Adding regulation (5) shifted numbering of subsequent regulations in the S1 Zone.

21	Local Community Service (S2) Zone – Siting and Size		<b>(5) The maximum height for any accessory building or structure is 5 metres (16.5 feet).</b>	Added maximum height regulation for accessory buildings.
22	Local Community Service (S2) Zone – Subdivision Lot Area Requirements	(5) The minimum lot area is 10 hectares (24 acres).	<b>(6) The minimum lot area is 10 hectares (24 acres).</b>	Adding regulation (5) shifted numbering of subsequent regulations in the S2 Zone.
23	Local Community Service (S2) Zone – Site Specific Regulations	(6) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:	<b>(7) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:</b>	Adding regulation (5) shifted numbering of subsequent regulations in the S2 Zone.
24	Transportation Service (S3) Zone		<b>(5) The maximum height for any accessory building or structure is 5 metres (16.5 feet).</b>	Added maximum height regulation for accessory buildings.
25	Transportation Service (S3) Zone – Subdivision Lot Area Requirements	(5) The minimum lot area is 10 hectares (24 acres).	<b>(6) The minimum lot area is 10 hectares (24 acres).</b>	Adding regulation (5) shifted numbering of subsequent regulations in the S3 Zone.
26	Community and Regional Park (P) Zone – Siting and Size Subsection 5.17(4)	(4) The maximum height for any principal building or structure is 9 metres (29.5 feet).	(4) The maximum height for any <del>principal</del> building or structure is 9 metres (29.5 feet).	There are no principal buildings or structures, only accessory buildings and structures in this zone.
27	Resource Conservation (RC) Zone	The purpose of the Resource Zone is to provide for and regulate lands reserved and protected for conservation purposes.	The purpose of the Resource <b>Conservation</b> Zone is to provide for and regulate lands reserved and protected for conservation purposes.	Incorrect zone.
28	Water Protection (W1)	The purpose of the Water protection Zone is to regulate uses of and impacts	The purpose of the Water <b>Protection</b> Zone is to regulate uses of and impacts	Capitalize “protection”.

	Zone	on the marine environment and foreshore.	on the marine environment and foreshore.	
29	Water Protection (W1) Zone – Permitted Uses – Article 5.20(1)(a)	(a) Marine navigational aides;	(a) Marine navigational <b>aids</b> ;	Spelling error correction.
30	Water Moorage (W2) Zone – Permitted Uses – Article 5.21(1)(a)	(a) Marine navigational aides;	(a) Marine navigational <b>aids</b> ;	Spelling error correction.
31	Water Commercial (W3) Zone – Permitted Uses – Article 5.22(1)(a)	(a) Marine navigational aides;	(a) Marine navigational <b>aids</b> ;	Spelling error correction.
32	Water Commercial (W3) Zone – Siting and Size – Subsection 5.22(3)	(3) The maximum height of any building or structure constructed on a dock is 4 metres (13 feet), as measured from surface of the dock	(3) The maximum height of any building or structure constructed on a dock is 4 metres (13 feet), as measured from surface of the dock.	Added punctuation (period) at end of sentence.
33	Community Wharf (W4) Zone – Permitted Uses – Article 5.23(1)(a)	(a) Marine navigational aides;	(a) Marine navigational <b>aids</b> ;	Spelling error correction.
34	Parking Regulations – Subsection 7.1(2) Location	(2) Despite 7.1(2), off-street parking spaces may be located on a lot within 100 metres (328 feet) of the use, building, or structure being served, provided that access to the parking spaces is secured by means of registered easement and a s. 219 covenant in favour of the Local Trust Committee.	(2) Despite <b>7.1(1)</b> , off-street parking spaces may be located on a lot within 100 metres (328 feet) of the use, building, or structure being served, provided that access to the parking spaces is secured by means of registered easement and a s. 219 covenant in favour of the Local Trust Committee.	Incorrect regulation reference.
35	Parking Regulations – Subsection 7.3(2) Calculation	(2) Where a particular use is not listed in Table 2, the number required for the most similar listed use applies.	(2) Where a particular use is not listed in <b>Table 7.1</b> , the number required for the most similar listed use applies.	Incorrect reference to Table.

36	Rural Residential One zone  5.2 (4) Maximum Number of Accessory Buildings	The maximum number of accessory buildings, other than cottages, utility sheds, or woodsheds, is:  (a) two on lots having an area of 0.2 hectares (0.5 acres) and less;  (b) three on lots having an area greater than 0.2 hectares (0.5 acres) and less than 0.4 hectares (1 acre);  (c) four on lots having an area of 0.4 hectares (1 acre) or more.	To amend the number of accessory buildings permitted to 4 accessory buildings per dwelling.	Four accessory buildings per dwelling is consistent with other zones in the LUB and consistent with a covenant on the subject property.
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**Table 2: Official Community Plan Amendments**

<b>Item #</b>	<b>A: OCP Section/Policy</b>	<b>B: Current Policy</b>	<b>C: Proposed Amendment</b>	<b>D: Comment</b>
1	1.1.3 – Population Projections	Section too large – please refer to OCP.		See comments below - Definitions
2	Settlement Residential - Policy 2.1.1.6	Affordable housing is encouraged through joined or multiple housing units which may be considered by site specific rezoning of a parcel subject to compliance with Section 2.8 (Amenity Zoning Guidelines) of this Plan.	Affordable housing is encouraged through joined or multiple housing units which may be considered by site specific rezoning of a parcel subject to compliance with <b>Section 2.10</b> (Amenity Zoning Guidelines) of this Plan.	Incorrect reference to section.
3	Rural – Policy 2.1.4.4	Affordable housing is encouraged through joined or multiple housing units which may be considered by site specific rezoning of a parcel subject to compliance with Section 2.8 (Amenity Zoning Guidelines) of this Plan.	Affordable housing is encouraged through joined or multiple housing units which may be considered by site specific rezoning of a parcel subject to compliance with <b>Section 2.10</b> (Amenity Zoning Guidelines) of this Plan.	Incorrect reference to section.
4	Rural – Policy 2.1.4.6	Despite the average parcel size provision applicable to this designation, increased density may be permitted on a parcel subject to compliance with the Amenity Zoning Guidelines (Section 2.8) and the Density Transfer Provisions (Section 2.9) of this Plan.	Despite the average parcel size provision applicable to this designation, increased density may be permitted on a parcel subject to compliance with the Amenity Zoning Guidelines ( <b>Section 2.10</b> ) and the Density Transfer Provisions ( <b>Section 2.11</b> ) of this Plan.	Incorrect reference to sections.
5	Rural – Policy 2.1.4.9	....This may be accomplished in conjunction with the policies in Sections 2.8 (Amenity Zoning Guidelines) and 2.9 (Density Transfer Provisions).	....This may be accomplished in conjunction with the policies in <b>Sections 2.10</b> (Amenity Zoning Guidelines) and <b>2.11</b> (Density Transfer Provisions).	Incorrect reference to sections.
6	Rural – Policy 2.1.4.11	Site specific rezoning to permit small-scale campgrounds as an accessory use may be considered, subject to policy 2.3.2.2, upon application.	Site specific rezoning to permit small-scale campgrounds as an accessory use may be considered, subject to policy <b>2.4.2.3</b> , upon application.	Incorrect reference to policy.
7	Agriculture – Policy	Site specific rezoning to permit small-	Site specific rezoning to permit small-	Incorrect reference to

	2.2.1.8	scale campgrounds as an accessory agri-tourist use may be considered upon application, subject to policy 2.3.2.2 and the approval of the Land Reserve Commission.	scale campgrounds as an accessory agri-tourist use may be considered upon application, subject to policy <b>2.4.2.3</b> and the approval of the Land Reserve Commission.	policy.
8	Home Occupation – Policy 2.3.1.3	Bed and Breakfast accommodation shall be permitted as a home occupation use, the zoning bylaw shall specify other conditions, including a limit on the number of guest accommodation rooms	Bed and Breakfast accommodation shall be permitted as a home occupation use, the zoning bylaw shall specify other conditions, including a limit on the number of guest accommodation rooms.	Added punctuation (period) at end of sentence.
9	Commercial – Policy 2.4.1.8	The density of use on a parcel or within a building in this designation may be increased subject to compliance with Section 2.8 (Amenity Zoning Guidelines) of this Plan.	The density of use on a parcel or within a building in this designation may be increased subject to compliance with <b>Section 2.10</b> (Amenity Zoning Guidelines) of this Plan.	Incorrect reference to section.
10	Visitor Accommodation – Policy 2.4.2.6	The density of use on a parcel or within a building in this designation may be increased subject to compliance with Section 2.8 (Amenity Zoning Guidelines) of this Plan.	The density of use on a parcel or within a building in this designation may be increased subject to compliance with <b>Section 2.10</b> (Amenity Zoning Guidelines) of this Plan.	Incorrect reference to section.
11	Outdoor Recreation – Policy 2.7.4.10	The Ministry of Transportation shall be requested to maintain and mark public accesses and ensure they are not used for camping or overnight parking or obstructed in other ways.	The <b>Ministry of Transportation and Infrastructure</b> shall be requested to maintain and mark public accesses and ensure they are not used for camping or overnight parking or obstructed in other ways.	Incorrect Ministry name.
12	2.9 – Temporary Commercial and Industrial Use Permits	Section too large – please refer to OCP.		See comments below - Temporary Commercial and Industrial Use Permits.
13	Section 3.1 - Transportation	The Ministry of Transportation is responsible for the development and	The <b>Ministry of Transportation and Infrastructure</b> is responsible for the development and maintenance of the	Incorrect Ministry name.

		maintenance of the island road system.	island road system.	
14	Transportation Policies 3.1.1.2, 3.1.1.3, 3.1.1.4, 3.1.1.5, 3.1.1.6, and 3.1.1.9.	Ministry of Transportation	<b>Ministry of Transportation and Infrastructure</b>	Incorrect Ministry name.
15	Water Transport – Policy 3.1.2.9	The Ministry of Transportation shall be requested to identify and maintain all public accesses to water including boat ramps.	The <b>Ministry of Transportation and Infrastructure</b> shall be requested to identify and maintain all public accesses to water including boat ramps.	Incorrect Ministry name.
16	Water Supply – Policy 3.2.1.8	The Vancouver Island Health Authority shall be requested to ensure any flow of effluent be controlled so it does not contaminate surface or groundwater.	The <del>Vancouver</del> <b>Authority</b> Island Health shall be requested to ensure any flow of effluent be controlled so it does not contaminate surface or groundwater.	Incorrect agency name.
17	Water Systems – Policies 3.2.2.3 and 3.2.2.5	Vancouver Island Health Authority	<del>Vancouver</del> <b>Authority</b> Island Health <b>Authority</b>	Incorrect agency name.
18	Waste Disposal – Policies 3.3.1.2, 3.3.1.3, and 3.3.1.5	Vancouver Island Health Authority	<del>Vancouver</del> <b>Authority</b> Island Health <b>Authority</b>	Incorrect agency name.
19	4.1.1 Heritage Resources	According to the Ministry of Tourism, Sport and the Arts there are approximately 30 recorded archaeological heritage sites located in the Mayne Island Trust Area.	According to the <del>Ministry of Tourism, Sport and the Arts</del> <b>Ministry of Forests, Lands and Natural Resource Operations</b> there are approximately 30 recorded archaeological heritage sites located in the Mayne Island Trust Area.	Incorrect Ministry name.
20	Heritage Resources – Policy 4.1.1.4	Any development applications involving areas on which archaeological sites may be located shall be referred to the Archaeology Branch of the Ministry of Tourism, Sport and the Arts and to interested First Nations for comment.	Any development applications involving areas on which archaeological sites may be located shall be referred to the Archaeology Branch of the <del>Ministry of Tourism, Sport and the Arts</del> <b>Ministry of Forests, Lands and Natural</b>	Incorrect Ministry name.

		Development should not be permitted in areas with known archaeological sites without first undergoing an archaeological impact assessment.	<b>Resource Operations</b> and to interested First Nations for comment. Development should not be permitted in areas with known archaeological sites without first undergoing an archaeological impact assessment.	
21	Coastal Waters and Foreshore – Policy 4.2.1.4	4.2.1.4 All use of coastal waters and foreshore areas shall be regulated by zoning to ensure adequate separation between potentially conflicting uses.  4.2.1.4 Public recreational use of the foreshore shall be given priority over other foreshore uses.	4.2.1.4 All use of coastal waters and foreshore areas shall be regulated by zoning to ensure adequate separation between potentially conflicting uses.  <b>4.2.1.5</b> Public recreational use of the foreshore shall be given priority over other foreshore uses.	Policy number error.
22	Public Access to the Foreshore – Policy 4.2.2.2, 4.2.2.3, 4.2.2.5, and 4.2.2.6	Ministry of Transportation	<b>Ministry of Transportation and Infrastructure</b>	Incorrect Ministry name.
23	Environmental Management – Policy 4.3.1.1	Environmental standards shall be established in support of the policies and jurisdictions of the Capital Regional District, Ministry of Environment, Ministry of Transportation and Ministry of Forests.	Environmental standards shall be established in support of the policies and jurisdictions of the Capital Regional District, Ministry of Environment, <del>Ministry of Transportation and Ministry of Forests</del> <b>Ministry of Transportation and Infrastructure, and the Ministry of Forests, Lands and Natural Resource Operations.</b>	Incorrect Ministry names.
24	Environmentally Sensitive Areas – Policy 4.3.2.1.1	Policy 4.3.2.1.1	<b>Policy 4.3.2.1</b>	Policy number error.
25	Resource Conservation – Policy 4.4.3	Land provided as a community amenity in exchange for an increase in density under Section 2.8 (Amenity Zoning Guidelines) may be re-designated and rezoned as Resource Conservation.	Land provided as a community amenity in exchange for an increase in density under <b>Section 2.10</b> (Amenity Zoning Guidelines) may be re-designated and rezoned as Resource Conservation.	Incorrect reference to section.

26	Resource Conservation – Policy 4.4.4	As provided for in Subsection 2.9.1, as a condition of density transfer lands in an Upland designation maybe re-designated and rezoned as Resource Conservation.	As provided for in <b>Subsection 2.11.1</b> , as a condition of density transfer lands in an Upland designation maybe re-designated and rezoned as Resource Conservation.	Incorrect reference to subsection.
27	Mineral and Petroleum Resources – Policy 4.5.1.1	The Ministry of Energy, Mines and Petroleum Resources shall be requested to maintain the moratorium on oil and gas exploration in the Mayne Island Trust Area.	The <del>Ministry of Energy, Mines and Petroleum Resources</del> <b>Ministry of Energy and Mines</b> shall be requested to maintain the moratorium on oil and gas exploration in the Mayne Island Trust Area.	Incorrect Ministry name.
28	Tourism – Policy 4.6.1.2 and 4.6.1.3	Ministry of Tourism	Ministry of Jobs, Tourism and Skills Training	Incorrect Ministry name.

## **Amendments for Further Comment and/or Decision:**

### **Table 1: Land Use Bylaw Amendments**

#### *Item # 3 to 5 – Definitions*

Definitions have been added to the LUB to clarify the term or use. Definitions should only be used in a LUB where a term appears in the bylaw, if there is more than one ordinary meaning, or if the term is an esoteric one with no generally known ordinary meaning. An expression should be defined only where it is not being used in its dictionary meaning or is being used in one of several dictionary meanings, where it is used as an abbreviation of a longer expression, where defining it would avoid repetition of words or where the definition is intended to limit or extend the provision of the bylaw.

The Mayne Island Advisory Planning Commission (APC) provided a list of suggested terms to be defined in the LUB of which a few have been included as Item # 3 to 5 in Table 1. The definitions were derived from other southern LTC's LUBs to provide a level of consistency between LTCs.

The Mayne Island LTC does have the option to request staff to draft additional definitions to be included in the draft LUB amendment.

#### *Item # 10 - Setbacks from watercourses – Agriculture Buildings and Structures:*

In 2011, the Ministry of Agriculture adopted guidelines setbacks for agricultural buildings from watercourses and local government are encourage to amend their land use bylaw to include the setbacks. As most farming activities are exempt from the *Riparian Area Regulations*, the recommended setback will address the importance of establishing guidelines to protection the streamside for agricultural use. The recommended setback for agricultural buildings and structures is 15.0 metres from a watercourse. This regulation would apply to new buildings only and all existing agricultural buildings and structures would be exempt (if they meet Section 911 of the *Local Government Act* for non-conforming structures).

Subsection 3.3(5) in the General Regulations of the LUB states that no building or structure may be constructed, reconstructed, moved, extended or located within 7.5 metres (25 feet) of the natural boundary of a watercourse except a fence or utility shed. Staff recommend amending this subsection to also state that no buildings or structures used for agriculture use may be located 15.0 metres from the natural boundary of a watercourse.

#### *Item # 15 - Waste Transfer Facility Use:*

The LUB does not currently permit a waste transfer facility use in any zone. This leaves two options for those wishing to operate a waste transfer facility on a property on Mayne Island: apply to rezone the land to permit the specific use or to apply for a Temporary Use Permit.

A TUP was granted in 2012 to permit the storage, processing, handling of household rubbish, building waste, household garbage, scrap metal and scrap vehicles in preparation for transport off island on an Industrial zoned property. The TUP is valid for three years, after which it may be renewed only once.

The LTC has the following options:

1. Include a waste transfer facility use as a permitted use in one or more industrial zones in the LUB; or
2. Not include a waste transfer facility use as a permitted use in the LUB.

If the LTC wishes to proceed with permitting a waste transfer facility use in the LUB, staff will provide wording to permit the use in the draft LUB amendment and include relevant conditions.

## **Table 2: Official Community Plan Amendments**

### *Item # 1 – Population Projections:*

Since the 2007 draft of the OCP, census data from 2006 and 2011 has been released. Staff will include an updated population section in a draft bylaw.

### *Item # 12 - Temporary Commercial and Industrial Use Permits:*

Since the OCP was adopted, changes to the *Local Government Act* have resulted in Temporary Use Permits (TUPs) being issuable for up to 3 years (instead of 2 years) and TUPs are not restricted to just commercial or industrial uses; a TUP can be used for all uses. The technical review of the OCP provides an opportunity to bring the TUP guidelines into conformity with current legislation by changing the TUP issuance to 3 years and removing wording that TUPs can only be used to permit just commercial and industrial uses. Providing additional guidelines to the TUP section is not within the project's scope.

Staff have not included the technical amendments in the above amendment Table 2. If the LTC wishes to proceed with amending the TUP guidelines to conform with current legislation, the amendments will be reflected in a subsequent staff report.

## **LUB & OCP - Commercial Land Use Review**

Staff reviewed the Mayne Island Commercial Land Use Review completed in 2012. The outcomes of the review included complex policy recommendations (e.g. Miners Bay Commercial Area) and did not include minor technical updates to the LUB and OCP.

## **STAFF COMMENTS:**

The proposed amendments are intended to provide clarity and/or correct minor errors in the text that may otherwise be confusing for those using the Land Use Bylaw and the Official Community Plan. Some of the amendments require further discussion by the LTC to determine the best course of action. These items can be found under the heading 'Amendments for Further Comment and/or Decision'.

Staff have separated the straight-forward technical amendments for the LUB and OCP from the more complex amendments that require further discussion. Staff are recommending that the LTC direct staff to prepare the applicable bylaws for the straight-forward technical amendments as indicated in Recommendation 1 and 2. Staff also recommends that the LTC reviews the more complex amendments (Item # 3-5, 10 and 15 in Table 1 and Item # 1 and 12 in Table 2) and identify the direction that they would like staff to proceed as stated in Recommendation 3.

Staff will report back to the LTC with the draft bylaws for review and comment. Following that, the draft bylaws will be referred to the appropriate agencies for comments, including but not limited to: the Agricultural Land Commission, First Nations, Capital Regional District Building Inspection, Ministry of Transportation and Infrastructure, and if the LTC chooses, the Advisory Planning Commission.

**RECOMMENDATIONS:**

1. THAT the Mayne Island Local Trust Committee direct staff to prepare draft LUB amendment bylaws based on Item # 1, 2, 6-9, 11-14, and 16-36 in Table 1 found in the staff report of March 18, 2014.
2. THAT the Mayne Island Local Trust Committee direct staff to prepare draft OCP amendment bylaws based on Item # 2-11, and 13-28 in Table 2 found in the staff report of March 18, 2014.
3. THAT the Mayne Island Local Trust Committee provide direction to staff on how to proceed with Item # 3-5, 10 and 15 in Table 1 and Item # 1 and 12 in Table 2 in the staff report of March 18, 2014

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Prepared and Submitted by:

*Kim Farris*

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Planner 1

March 18, 2014

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Date

Concurred in by:

*Kris Nichols*

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A/Regional Planning Manager

March 18, 2014

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Date

Attachment:  
1 – Project Charter





## Project Charter

### Project Name: Mayne Island Local Trust Committee – OCP & LUB Update

Creation Date: February 11, 2014

Last Updated:

Version: 1

#### Purpose

The purpose of the project is to provide technical amendments to the Mayne Island Official Community Plan (OCP) and the Mayne Island Land Use Bylaw (LUB).

#### Background

A technical review of the Mayne Island OCP and LUB has been on the Projects and Top Priorities list of the LTC's work program for several months (since July 2013). The project was recommended by the APC to address identified errors or points of confusion in both bylaws based upon public feedback and emerging topics. The project aims to amend the OCP and LUB for technical corrections, such as erroneous cross-references, typographical errors, or outdated regulatory references. Staff will provide an overview of the recommended amendments presented within an amending OCP and LUB bylaw for consideration by the LTC. Communication will be in a form of a Community Information Meeting and a Public Hearing.

#### Project Objectives

- To provide draft technical amendments to the Mayne Island Official Community Plan
- To provide draft technical amendments to the Mayne Island Land Use Bylaw

#### Project Scope

In Scope	Out of Scope
<ul style="list-style-type: none"> <li>▪ Review of technical amendments to the OCP and LUB</li> <li>▪ Prepare draft bylaws to amend OCP and LUB</li> <li>▪ Draft bylaw referrals to agencies</li> <li>▪ Communications on webpage</li> <li>▪ Community information meeting</li> <li>▪ Public hearing</li> </ul>	<ul style="list-style-type: none"> <li>▪ Additional or extra-ordinary community consultation</li> <li>▪ Non-technical amendments to the OCP and LUB</li> <li>▪ In-depth policy review</li> <li>▪ Amendments to unrelated bylaws</li> </ul>

#### Project Deliverables

- On-going website postings
- Options and recommendations on technical review for the OCP and LUB
- Draft amending bylaws for the OCP and LUB
- Legislative process to amend OCP and LUB

#### Stakeholders

Stakeholder	Represented by	Interests, expectations, concerns
<i>All property/business owners, residents, and visitors</i>	<i>Individuals, businesses, community groups and associations</i>	<ul style="list-style-type: none"> <li>• To have the opportunity to provide comment on OCP and LUB technical amendments.</li> </ul>
<i>Other regulatory bodies</i>	<i>CRD building inspection, MoT, Islands Trust Bylaw enforcement, Adjacent LTCs</i>	<ul style="list-style-type: none"> <li>• To be consulted on potential impact of bylaw amendments on jurisdiction or responsibilities</li> </ul>

**First Nations:** As with all LTC projects, First Nations with asserted aboriginal rights in the subject area will be contacted early to inform them of the project and ask them to identify any aboriginal rights that may be impacted by the proposed change.

## Project Team Resources

Name	Role	Responsibility
<i>Mayne Island Local Trust Committee</i>	<i>Project Sponsor</i>	Provides support and direction through maintaining the project as a work program priority and giving direction and approvals as needed
<i>Robert Kojima Regional Planning Manager</i>	<i>Project Champion</i>	Provides adequate project resources; gives staff support, direction and oversight; and ensures project aligns with overall goals, objectives and timelines
<i>Gary Richardson, Island Planner</i>	<i>Project Manager</i>	Day-to-day management of the project, and undertake or direct all project work
<i>Kim Farris Planner 1</i>	<i>Planner</i>	Project support – research, report writing, and bylaw drafting
<i>Barb Dashwood</i>	<i>GIS/Mapping Support</i>	Provides mapping as required
<i>Lori Foster/Sharon Lloyd-deRosario</i>	<i>Admin support</i>	Provides general administrative support, including advertising, booking meetings, preparing notices, preparing agendas, updating website, distributing bylaw referrals, assembling public hearing materials, reviewing meeting notes, consolidating bylaws, etc.

## Project Budget

Item	Details	Fiscal Yr 2013/14	Fiscal Yr 2014/15
Meetings	One community information meeting and advertising		\$800
Public Hearing	Public hearing		\$1300
Contingency	(may be used for additional hours for 0.6 FTE Planner 1 in FY 2013/14)	\$1000	\$900
<b>Totals</b>		<b>\$1000</b>	<b>\$3000</b>

## Project Timeline

Deliverable / Milestone	Target Completion Date
Staff report with draft project charter / LTC endorsement of charter	February 2014
Staff report, with draft amendments, options and recommendations / LTC direction to prepare draft amending bylaw	March 2014
LTC direction to refer bylaws and schedule community information meeting	April 2014
Community information meeting	April/May 2014
Staff report summarizing community, agency, APC and FN responses, and providing options for amending draft OCP/LUB bylaws / LTC direction to make any revisions to bylaw, option to consider First Reading	May 2014
LTC consideration of First Reading of OCP/LUB amendment bylaws	June 2014
Public hearing, further readings of bylaws, referral to EC and Minister	July 2014
EC and Ministerial approval	September 2014
Final adoption	October 2014

**Endorsements**

	<b>Name</b>	<b>Endorsement Date</b>
Project Sponsor	Mayne Island Local Trust Committee	
Project Champion	Robert Kojima	
Project Manager	Gary Richardson	