

# PROPOSED

## MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW No. 161

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**A BYLAW TO AMEND MAYNE ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 144, 2007**  
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WHEREAS the Mayne Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Mayne Island Local Trust Area, pursuant to the Islands Trust Act;

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

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

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

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

### 1. CITATION

This Bylaw may be cited for all purposes as "Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2014."

### 2. SCHEDULES

- a. Schedule A (Policy Document) of Mayne Island Official Community Plan No. 144, 2007 is amended as shown on Schedule 1, attached to and forming part of this amending bylaw.
- b. Schedule B (Land Use Designations) of Mayne Island Official Community Plan No. 144, 2007 is amended in accordance with the maps attached to and forming part of this bylaw as Schedule 2, attached to and forming part of this amending bylaw.

### 3. SEVERABILITY

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

READ A FIRST TIME this 30<sup>th</sup> day of July 2014

PUBLIC HEARING HELD this day of

READ A SECOND TIME this day of

READ A THIRD TIME this day of

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this  
day of

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL  
DEVELOPMENT this day of

ADOPTED this day of

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**DEPUTY SECRETARY**

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**CHAIR**

## MAYNE ISLAND LOCAL TRUST COMMITTEE

### BYLAW NO. 161

#### SCHEDULE 1

Schedule A (Policy Document) of Mayne Island Official Community Plan No. 144, 2007 is amended by:

1. Policy 1.1.3 is amended by deleting the second and third paragraph and inserting the following in their place:

“The island has an area of approximately 2,300 hectares (5,750 acres). The permanent population on Mayne Island according to the 2011 census was 1,070 resulting in a population density of one person per 2.15 hectares (5.3 acres).

The rate of population growth in each of the inter-censal periods between 1986-91 and 1991-96 was around 18% followed by a slight reduction in the population between 1996-2001. From 2001-2006 the rate of population increased by 27% and between 2006-2011 decreased by 4%. Based on past patterns of population growth, and on projections prepared for larger areas, the projected growth rate will average approximately 1% per year up to 2031. This would translate into a permanent population of about 1150 in 2031.”

2. Policy 2.1.1.6 is amended by deleting “Section 2.8” and inserting “Section 2.10” such that it reads: ‘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 2.10 (Amenity Zoning Guidelines) of this Plan.’
3. Policy 2.1.4.2 is amended by deleting “then” and inserting “than” such that it reads: ‘One dwelling unit shall be permitted per parcel provided that on parcels greater than 4 hectares (9.8 acres) residential density will be one dwelling unit for each additional 4 hectares (9.8 acres) of parcel area.
4. Policy 2.1.4.4 is amended by deleting “Section 2.8” and inserting “Section 2.10” such that it reads: ‘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 2.10 (Amenity Zoning Guidelines) of this Plan.’
5. Policy 2.1.4.6 is amended by deleting “(Section 2.8)” and “(Section 2.9)” and inserting “(Section 2.10)” and “(Section 2.11)” such that it reads: ‘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 2.10) and the Density Transfer Provisions (Section 2.11) of this Plan.’
6. Policy 2.1.4.9 is amended by deleting “(Section 2.8)” and “(Section 2.9)” and inserting “(Section 2.10)” and “(Section 2.11)” such that it reads: ‘Despite the parcel size provisions of Policy 2.1.4.5, in a case where through density transfer within a parcel, it may be demonstrated that through utilizing the concept of “Open Space Subdivision Design” (as detailed in Schedule G), a property may be developed in a manner which permits the more efficient use of the land, the protection of resource lands and/or the conservation of features with significant environmental and aesthetic appeal, the minimum parcel size may be reduced to 0.4 hectares through

rezoning. This may be accomplished in conjunction with the policies in Sections 2.10 (Amenity Zoning Guidelines) and 2.11 (Density Transfer Provisions).'

7. Policy 2.1.4.11 is amended by deleting "2.3.2.2" and inserting "2.4.2.3" such that it reads: 'Site specific rezoning to permit small-scale campgrounds as an accessory use may be considered, subject to policy 2.4.2.3, upon application.'
8. Policy 2.2.1 is amended by deleting "non farm" and inserting "non-farm" such that it reads: 'In addition to satisfying local bylaw regulations, any subdivision or non-farm use other than one dwelling, proposed in the ALR is subject to the regulations of the *Agricultural Land Commission Act*.'
9. Policy 2.2.1.8 is amended by deleting "2.3.2.2" and inserting "2.4.2.3" and by deleting "Reserve" and inserting "Agricultural" before 'Land' such that it reads: 'Site specific rezoning to permit small-scale campgrounds as an accessory agri-tourist use may be considered upon application, subject to policy 2.4.2.3 and the approval of the Agricultural Land Commission.'
10. Policy 2.3.1.3 is amended by adding "." at the end of the sentence such that it reads: '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.'
11. Policy 2.4.1.8 is amended by deleting "Section 2.8" and inserting "Section 2.10" such that it reads: 'The density of use on a parcel or within a building in this designation may be increased subject to compliance with Section 2.10 (Amenity Zoning Guidelines) of this Plan.'
12. Policy 2.4.2.6 is amended by deleting "Section 2.8" and inserting "Section 2.10" such that it reads: 'The density of use on a parcel or within a building in this designation may be increased subject to compliance with Section 2.10 (Amenity Zoning Guidelines) of this Plan.'
13. Policy 2.7.4.10 is amended by inserting "and Infrastructure" after 'Ministry of Transportation' such that it reads: 'The Ministry of Transportation and Infrastructure 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.'
14. Section 2.9 is amended by deleting "commercial and industrial" and "commercial or industrial" such that it reads:

## **'2.9 TEMPORARY USE PERMITS**

The Mayne Island Local Trust Committee may issue Temporary Use Permits for all areas covered by this Plan except areas in the ALR or Resource Conservation designation.

### Objectives for Issuing Temporary Use Permits

2.9.1 Permits for temporary uses may be issued:  
for short term uses; or as a test of the compatibility of the proposed land use, which may not have been anticipated, with existing uses.'

15. Policy 2.9.1.1 is amended by deleting “two” and inserting “three” such that it reads: ‘Permits can be issued for any period up to three years and could be considered for renewal once for any further period up to three years.’
16. Policy 3.1.1 is amended by deleting “and Highways” and inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure is responsible for the development and maintenance of the island road system. In recognition of the special nature of the islands, a Letter of Understanding between the Island Trust and the Ministry of Transportation and Infrastructure was signed in November 1992.’
17. Policy 3.1.1.2 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to maintain the major road pattern as shown on Schedule D, the land status map.’
18. Policy 3.1.1.3 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to provide, wherever possible, designated cycle lanes and pedestrian paths along roadways.’
19. Policy 3.1.1.4 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to retain low speed limits on all roads and lower the speed limit to 30 kph in the Miners Bay core area.’
20. Policy 3.1.1.5 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to ensure the road system follows natural contours of the land wherever possible.’
21. Policy 3.1.1.6 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to retain unused road dedications as greenbelts.’
22. Policy 3.1.1.9 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to ensure signage along the roads is minimal and in keeping with a rural atmosphere.’
23. Policy 3.1.2.9 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to identify and maintain all public accesses to water including boat ramps.’
24. Policy 3.2.1.8 is amended by deleting “The Vancouver” before ‘Island Health’ and “Authority” after ‘Island Health’ such that it reads: ‘Island Health shall be requested to ensure any flow of effluent be controlled so it does not contaminate surface or groundwater.’
25. Policy 3.2.2.3 is amended by deleting “Vancouver” before ‘Island Health’ and “Authority” after ‘Island Health’ such that it reads: ‘The development of community water systems and the use of shared wells shall be encouraged; however, this requires Island Health approval and a permit to operate.’

26. Policy 3.2.2.5 is amended by deleting “The Vancouver” before ‘Island Health’ and “Authority” after ‘Island Health’ such that it reads: ‘Island Health and provincial government shall be requested to monitor water quality of community water systems.’
27. Policy 3.3.1.2 is amended by deleting “Vancouver” before ‘Island Health’ and “Authority” after ‘Island Health’ such that it reads: ‘Effective, non polluting alternative sewage treatment methods shall be encouraged such as low-flush and composting toilets and the use of grey water for toilets; however pursuant to Island Health regulations, there will be no reduction in the sizing of a septic system for low flush toilets, composting toilets or grey water.’
28. Policy 3.3.1.3 is amended by deleting “The Vancouver” before ‘Island Health’ and “Authority” after ‘Island Health’ such that it reads: ‘Island Health shall be requested to consider the cumulative effects of individual disposal systems in an area.’
29. Policy 3.3.1.5 is amended by deleting “the Vancouver” before ‘Island Health’ and “Authority” after ‘Island Health’ such that it reads: ‘The Ministry of Environment and Island Health shall be requested not to permit any ocean dumping of untreated sewage.’
30. Policy 4.1.1 (Background) is amended by deleting “Ministry of Tourism, Sport and the Arts” and inserting “Ministry of Forests, Lands and Natural Resource Operations” such that it reads: ‘According to the Ministry of Forests, Lands and Natural Resource Operations there are approximately 30 recorded archaeological heritage sites located in the Mayne Island Trust Area.’
31. Policy 4.1.1.4 is amended by deleting “Ministry of Tourism, Sport and the Arts” and inserting “Ministry of Forests, Lands and Natural Resource Operations” such that it reads: ‘Any development applications involving areas on which archaeological sites may be located shall be referred to the Archaeology Branch of the Ministry of Forests, Lands and Natural Resource Operations 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.’
32. The second instance of Policy 4.2.1.4 is amended by deleting “4.2.1.4” and inserting “4.2.1.5” such that it reads:

‘4.2.1.5 Public recreational use of the foreshore shall be given priority over other foreshore uses.’
33. Policy 4.2.2.2 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to maintain launching facilities at Village Bay, David Cove, Horton Bay, Bennett Bay and Aitken Point (Potato Point).’
34. Policy 4.2.2.3 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to ensure that public accesses are not blocked by private docks.’
35. Policy 4.2.2.5 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to ensure that dedicated public accesses are retained and additional accesses obtained wherever possible.’

36. Policy 4.2.2.6 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ such that it reads: ‘The Ministry of Transportation and Infrastructure shall be requested to identify and clear any dedicated public access to the foreshore established as a result of subdivision for pedestrian use.’
37. Policy 4.3.1.1 is amended by inserting “and Infrastructure” after ‘Ministry of Transportation’ and by inserting “, Lands and Natural Resource Operations” after ‘Ministry of Forests’ such that it reads: ‘Environmental standards shall be established in support of the policies and jurisdictions of the Capital Regional District, Ministry of Environment, Ministry of Transportation and Infrastructure and Ministry of Forests, Lands and Natural Resource Operations.’
38. Policy 4.3.2.1.1 is amended by deleting “.1” after ‘4.3.2.1’ such that it reads:  
‘4.3.2.1 No land in an environmentally sensitive area may be rezoned for recreational facilities or other commercial uses unless it can be clearly demonstrated there would not be any degradation of the area's natural attributes.’
39. Policy 4.4.3 is amended by deleting “Section 2.8” and inserting “Section 2.10” such that it reads: ‘Land provided as a community amenity in exchange for an increase in density under Section 2.10 (Amenity Zoning Guidelines) may be re-designated and rezoned as Resource Conservation.’
40. Policy 4.4.4 is amended by deleting “Subsection 2.9.1” and inserting “Subsection 2.11.1” such that it reads: ‘As provided for in Subsection 2.11.1, as a condition of density transfer lands in an Upland designation maybe re-designated and rezoned as Resource Conservation.’
41. Policy 4.5.1.1 is amended by deleting “Ministry of Energy, Mines and Petroleum Resources” and inserting “Ministry of Energy and Mines” such that it reads: ‘The Ministry of Energy and Mines shall be requested to maintain the moratorium on oil and gas exploration in the Mayne Island Trust Area.’
42. Policy 4.6.1.2 is amended by deleting “Ministry of Tourism” and by inserting “Ministry of Jobs, Tourism and Skills Training” such that it reads: ‘The Ministry of Jobs, Tourism and Skills Training shall be requested to ensure the rural ambience is maintained by integrating community values into tourism planning for the Mayne Island Trust Area.’
43. Policy 4.6.1.3 is amended by deleting “Ministry of Tourism” and by inserting “Ministry of Jobs, Tourism and Skills Training” such that it reads: ‘The Ministry of Jobs, Tourism and Skills Training shall be requested to ensure that the appropriate authorities provide sanitary services, including fresh water, toilets and garbage cans for the visiting public.’

MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 161

SCHEDULE 2

Schedule B (Land Use Designations) of Mayne Island Official Community Plan No. 144, 2007 is amended for the lands as depicted in the map below.

